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Enquiries regarding the content of this publication should be addressed to:
regulatory.enforcement@caa.co.uk

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Purpose

The CAA's Regulatory Enforcement Policy (which can be found at www.caa.co.uk/enforcement) sets out our overall approach to enforcement. This document provides guidance on our approach to enforcing safety and airspace regulation legislation and standards.

Scope

This guidance applies to a wide variety of safety and airspace regulation activities. These are listed below with further detail about the scope of the guidance in those areas:

Aerodromes: UK licensed Aerodromes, including those likely to be covered by EASA regulations, and those contracted services provided on behalf of the Aerodrome licence holder.

Airspace: those sectors in aviation concerned with airspace management, the provision of Meteorological Services, Aeronautical Information Management and Instrument Flight Procedure Design. In addition, the guidance applies to spectrum & surveillance management in respect of frequency assignment, compliance with emission codes and Designated Operational Coverage, Secondary Surveillance Radar (SSR) code allocation and use, National Identification Friend or Foe (IFF) / SSR approvals and mandatory carriage of equipment.

Airworthiness organisations: those organisations covered by EASA regulations such as Part 145 and Part M, and also by British Civil Airworthiness Requirements (BCARs). This will predominantly affect UK based organisations but the impact may be felt by non UK based airlines or individuals when we undertake ramp surveys and Safety Assessment of Foreign Aircraft (SAFA) inspections.

Air Traffic Services: UK Certificated and Designated Air Navigation Service Providers (ANSPs) and those European Member States' ANSPs which have been approved and designated to provide Air Traffic Services within the UK. In addition, the guidance applies to those units providing Flight Information Services (FIS), Air Ground Services and Civil Air Traffic Controllers providing Air Traffic services at MOD contracts, Communication Navigation and Surveillance providers (CNS), individual ATC, FIS and Air Ground licence holders, and those organisations/units or individuals who are found to be providing an Air Traffic Service without the appropriate licence or approval.

Commercial and General Aviation Operations: holders of certificates, approvals, permissions and other documents granted by the CAA under both the Air Navigation Order and European law that relate to the regulation of

flight operations. Approvals include all approvals, certificates, licences, ratings, permissions and other legal documents granted by the CAA. These cover commercial air transport operations with aeroplanes, helicopters and balloons, aerial work and non-commercial operations (general aviation); and the carriage of dangerous goods and munitions of war.

Personnel Licensing (including Medical): holders of licences, certificates, approvals, permissions and other documents granted by the CAA under both the Air Navigation Order and European law that relate to personnel licensing and flying training.

UK Registered Aircraft, Owners and Charterers: holders of Certificates of Registration and other Exemptions, whether based in the UK or not, granted by the CAA under the Air Navigation Order in relation to the obligations conferred upon the registered owner. Owners also have obligations under EU law in connection with mandatory minimum levels of insurance cover.

We may take enforcement action on the basis of concerns raised via a number of sources of information which include, but are not limited to, the results of audits and inspections, safety concerns received through reporting schemes, Whistleblowing, and information from other regulatory or enforcement authorities, passengers or the public.

Definition of Enforcement and Types of CAA Enforcement

Regulatory Enforcement may be defined as any activity that is carried out in order to seek effectively to remedy a breach, or suspected or potential breach, of rules applicable to civil aviation.

There are a range of actions available to enable the CAA to secure safety and compliance with the regulations. Our choice of approach will be guided by the seriousness of the issue, the flexibility permitted within the regulation and the organisation or individual's intent and past behaviour. Where appropriate, we will seek to elicit compliance and good conduct by those subject to the regulations by informal means. We may take more significant action subsequently if a non-compliance, safety risk or breach of regulations is not addressed or becomes more serious or extensive. However, it should not be assumed that first reaction to information received will always be informal. If we believe that there is a significant risk to safety or that there may have been a serious breach of regulations, it should be expected that we will intervene without delay to take action intended to safeguard safety standards. This action may therefore take the form of provisionally suspending the relevant approval, licence or certificate and/or the initiation of investigations pursuant to prosecution.

Approvals, certificates and licences relating to one area of CAA's remit, for example flight operations, will often be linked to approvals in other domains, for example airworthiness or personnel licensing. Enforcement actions against one approval may well affect the continued validity of other approvals.

The following is a list of actions that may be taken, ranging from informal discussions to legal action. This list is not necessarily in order of escalation, and it should be noted that more than one action may be taken concurrently:

Informal discussion

This will typically involve the CAA assigned inspector or surveyor discussing potential or suspected issues with the organisation or individual to facilitate a return to compliance.

Observations

We may provide advice and guidance to industry on how non compliance might be avoided. We expect industry to take this advice seriously and act on it appropriately. Observations will usually be raised as the result of an audit or inspection when best practice is not being followed, or when it is anticipated that the auditee, although currently in compliance, is unlikely to remain so unless appropriate action is taken.

Findings – level 2

This action may be taken where we identify a non-compliance with a regulation but determine that the nature of that non-compliance is such that there is no immediate risk to safety. We will require the organisation or individual to develop an action plan acceptable to us that will restore compliance within an agreed timescale.

Findings – level 1

Where we determine that the level of compliance and/or safety performance of an organisation or individual has fallen to the extent that there is a potential or significant risk to flight safety, a Level 1 finding will be made. We will take action in accordance with the relevant regulation, which may result in provisional or substantive suspension or variation of the approval, or a proposal to revoke the approval. We may also consider the need for possible prosecution. Corrective action will be required before the suspension is lifted and before the activity giving rise to the finding is recommenced.

Formal meetings to advise of breaches

We will invite the organisation or individual to a formal meeting at CAA offices to discuss the non-compliance(s) that have taken place and the steps that should be taken to return to compliance.

On Notice

We may notify an organisation that it is 'on notice' when we have reason to believe that the organisation's safety performance is deteriorating and that, unless this trend is corrected, it will result in the organisation falling below the level of safety required for the approval to remain valid. Examples could be where an organisation has been subject to repeated level 2 findings, has failed to address audit findings in the agreed timescale or does not have an effective Safety Management System. The organisation will be subject to increased monitoring and will need to provide us with an acceptable corrective action plan. We will expect to detect an improvement in safety performance as the organisation continues to be monitored. The 'on notice' notification may be lifted if the organisation's actions address our concerns. However, if the situation continues to deteriorate, it is likely that non-compliance findings will be made, which may result in our taking action to vary, suspend or revoke the approval of the organisation. We also use 'on notice' notifications with individuals, for example Authorised Medical Examiners.

Special Attention

Where an aerodrome or Air Navigation Service Provider (ANSP) is subject to large complex developments or significant operational changes which raise concerns, or it needs to achieve and/or maintain a satisfactory standard of compliance, we may identify that aerodrome or ANSP as requiring 'Special Attention' and therefore subject it to increased regulatory oversight.

Warning letters

These may be sent to organisations or individuals that have been in breach of requirements where we believe that clearly and formally setting out the non-compliance and corrective action required will result in a return to compliance.

Advisory letters

These may be sent to an individual or organisation. Where a concern has been raised which we do not consider warrants further formal action, we may nonetheless wish to draw the individual or organisation's attention to the nature of the concern in the expectation that it will avoid such conduct in future.