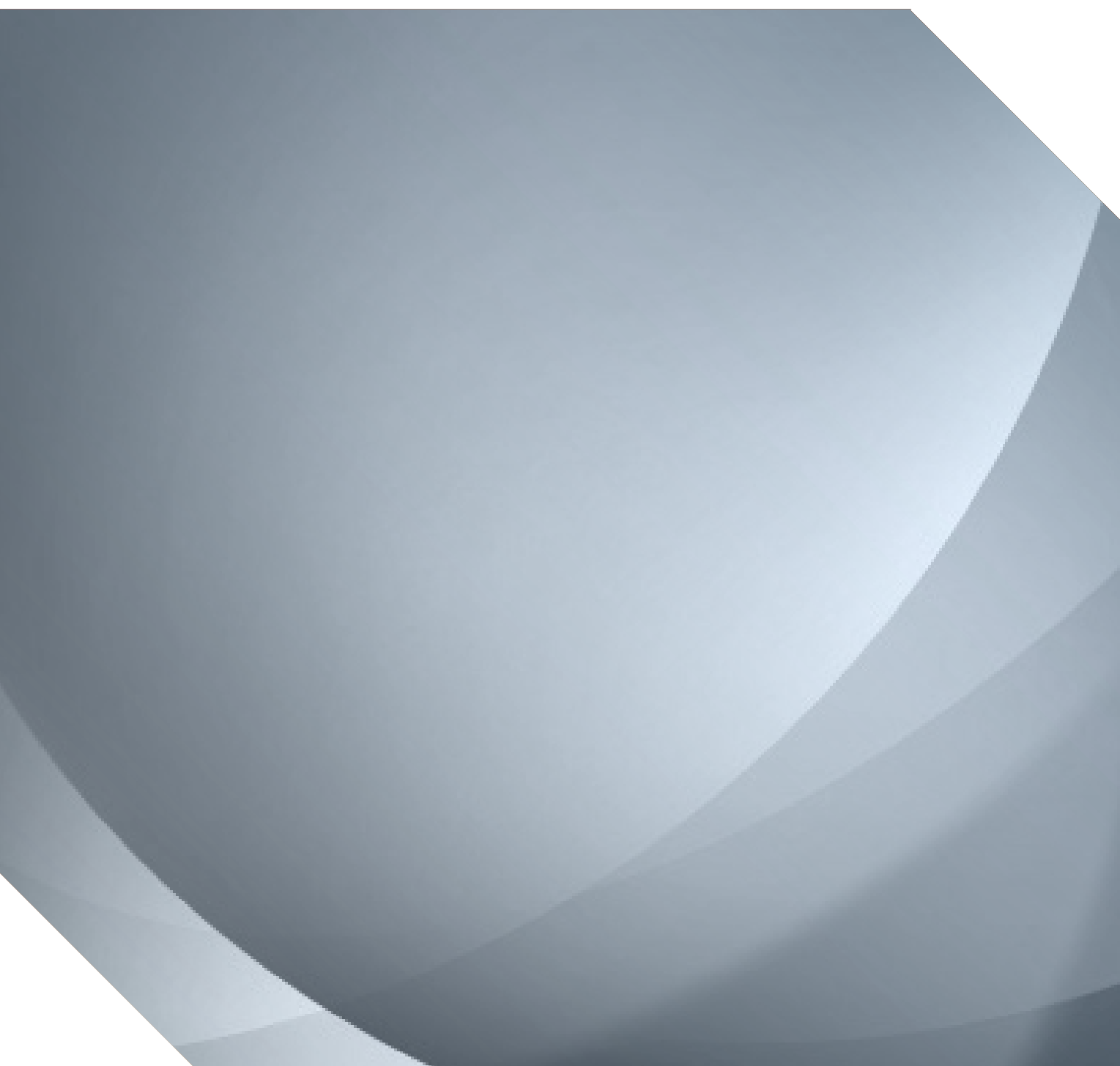


Safety and Airspace Regulation Enforcement Guidance

CAP 1074



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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.

Suspension or variation of certificate, licence, or approval

Where a non compliance gives rise to an unacceptable loss of safety, we will take action to suspend, or vary the certificate, licence or approval. This can arise from a Level 1 finding but may also be requested voluntarily by the organisation or individual concerned. Variation means that, although the overall approval remains current, some specific function(s) within the approval may be suspended until such time as the issue is resolved. Suspension or variation is a temporary measure and will be appropriate where the organisation or individual is thought likely to return to compliance within the foreseeable future.

Revocation of certificate, licence, or approval

Where a non compliance results in an unacceptable loss of safety and we do not consider that the organisation or individual will return to compliance, we will revoke the licence, approval or certificate.

Provisional Suspension when CAA proposes a variation, suspension or revocation

It is likely to be the case that we will not wish the holder of the licence, certificate, approval etc to exercise its privileges during the period between making the proposal to vary/suspend/revoke and the proposal coming into effect . Accordingly, it will very often be the case that in addition to proposing to (substantively) vary, suspend or revoke a licence, a provisional suspension or variation will be imposed. Such a provisional variation or suspension has immediate effect. Where an application is made for a review of the proposal to vary, suspend or revoke under Regulation 6 of the CAA Regulations, the provisional suspension will remain in place until that review is completed. If the review finds in favour of the licence holder, the licence privileges will be reinstated to the extent specified by the review board. If the review finds against the licence holder, or the period allowed for requesting a review expires, a substantive variation, suspension or revocations, as applicable will be applied.

Further information about Regulation 6 Reviews can be found in the Appeals section below.

Prosecution

We will consider investigation with a view to prosecution whenever there is an alleged breach of the law (including of the applicable EU regulations), particularly when there has been a serious breach of the regulation or deliberate criminal action is suspected. A decision as to whether or not to prosecute will be taken

when we are satisfied that a decision to prosecute would comply with the Code for Crown Prosecutors.

Expectations

This section sets out what those who are subject to the regulations can expect from us when we are carrying out our enforcement work and what we expect from individuals and organisations whose activities are within the scope of the regulations.

The CAA will

- deal with those who are subject to the regulations in a professional and courteous way;
- use a proportionate and risk-based approach – there will be a proportionate approach to the breach where there is no immediate risk to safety, but where there is evidence of immediate risk of harm to the consumer or public, we will intervene rapidly by taking appropriate action;
- take independent, objective, evidence-based decisions - we will consider all pertinent information available to us to inform our enforcement decisions and will ensure that our decisions are robust, objective, transparent, suitably documented and based on our statutory responsibilities;
- consider how best to bring organisations and individuals back into compliance;
- publicise our enforcement action, where publication is in the interests of the consumer or the public;
- protect commercial and private data that is provided to us in line with legal disclosure constraints.

CAA expects organisations and individuals to:

- be aware of their legal obligations and observe them. This applies to all parties in civil aviation, and includes individuals as well as organisations;
- be proactive in being aware of planned changes to regulation, planning for their implementation, and remaining compliant with them at all times. When the law changes, both organisations and individuals almost always have a reasonable notice period before the new obligations come into force, and we expect that they will use this notice period to determine how to comply.
- seek clarification from us where the regulations and/or legislation appear to be unclear, or the organisation or individual disagrees with our understanding of the law, or has difficulties in ensuring compliance.

Communication

Our aim is always to be transparent and open as to why we are taking any enforcement action. During all stages of the process, we will communicate with the affected parties to ensure that they are aware of the reasons why we are taking action and the regulation or rule they are alleged to be in breach of. We will, in turn, listen to any representations from the affected parties but our ability to engage with them may be subject to constraints if a prosecution is being considered or pursued so that potential legal proceedings and the rights of individuals or organisations are not compromised. However, engaging with organisations or individuals to resolve safety issues will always take precedence over avoiding the risk of compromising legal proceedings.

In return, we expect that the organisation or individual will advise of the actions they are proposing to take in order to restore safety, compliance with the applicable regulations and/or prevent any further breaches of the legislation. We also expect that they engage in all communications with us in a timely manner taking into account the seriousness of the breach.

Process

During any regulatory oversight activity, we will be looking for the organisation or individual to demonstrate compliance with the applicable regulation. When a breach is noted, the decision will be made as to how far the non-compliance potentially lowers the safety standard and presents a hazard to flight safety. Any audit findings will be discussed with stakeholders at the time of the audit. We will seek to achieve a common understanding of the issues and the root cause of the non-compliance. We will determine the corrective actions needed to address both the non-compliance in the short term and to eliminate the root cause. We will also determine the time for completion of the corrective actions. This will be followed up in writing in the form of an audit/inspection report. The organisation or individual will be expected to respond to the findings in writing within the given timescales and we will then confirm in writing that the finding has been closed. The corrective action may be verified at subsequent audits and inspections.

An example of this process is given below:

- Routine oversight audit:
 - Information is collated during audit, findings raised and brought to the attention of the organisation or individual;
 - Organisation will be invited to agree the findings and recommendations;

- Organisation will be required to develop corrective action plan to address the root cause.
- Escalation of enforcement action required
 - Aggregation of Level 2 findings, previous findings not being closed down, repeat findings for the same offence;
 - Lack of progress in returning to compliance;
 - Further findings or safety concerns;
- Enforcement action moves from Level 2 Findings to possible On Notice or Level 1 Finding status.

The On Notice process involves formal notifications to the organisation or individual, as appropriate, detailing the concerns and adverse trends that have caused the action to be taken. Where this process is used, we require the submission of an acceptable action plan to reverse the adverse trend within a given timescale. Once we have received the action plan, we will respond and either agree the plan or require amendments. When we have accepted the plan, we will require the agreed actions to be completed within the agreed timescales. Successful completion of the plan may result in the On Notice being lifted. We will communicate formally in writing at all stages.

Where non-compliance or suspected non-compliance is detected other than during an oversight activity, the organisation or individual concerned will be contacted formally and will be advised if further investigations are required. Additionally, there may be occasions where CAA staff from one section, while undertaking their normal duties, notice an issue with an aircraft, organisation or individual which is in contravention to a regulation overseen by another CAA department. In these cases we will pass on the relevant information to the appropriate section to ensure that co-ordinated decisions and enforcement actions, if required, can be taken.

Publication of Actions

Where we believe it to be appropriate and to the benefit of the consumer and industry, we will publish our enforcement actions. This is to provide a transparent means of informing the consumer and public about the actions and to provide a wider deterrent for non-compliance. We may publish information concerning organisations that have had their particular approval suspended or revoked other than at the request of the holder where we deem that there would be a benefit to their customers and potential customers. In such cases, once the issues have been resolved and the organisation or individual has returned to compliance, this

too will be published. We will, where possible, seek to identify any unintended consequences which may arise from publication and take these into consideration including, for example, the impact of publication on the 'just culture' approach for safety regulation. The main CAA Regulatory Enforcement Policy provides more explanation of our position on this subject.

Appeals / Challenge

There may be occasions when our decisions could be challenged. These challenges will typically be in the event of non-compliance with regulations which we consider should lead to one of the following: suspension, variation, or revocation of an approval, certificate or licence.

If the organisation or individual subject to the decision does not agree with our position, they may challenge the decision by requesting a "Review of Adverse Decisions or Proposals" under Regulation 6 of the Civil Aviation Authority Regulations 1991 (except for aeromedical assessments of an applicant's medical fitness). This request must be made within a prescribed period of time and follow a publicly available process which can be found from the appeals section on the CAA website (<http://www.caa.co.uk/appeals>).

It should be noted that it is not possible to challenge the wording of the applicable legislation via such an appeal.

Scenarios

In order to illustrate this guidance, scenarios for the different sectors covered by the guidance are shown below:

Aerodromes

1. During the audit of an aerodrome, it was noted that there had been deterioration in runway surface condition to the point where the runway was unsafe to use (a non compliance with CAP 168, ANO Article 228)

Enforcement action:

Provisional suspension of the aerodrome licence, the aerodrome placed on Special Attention.

Corrective action:

Expected within (3 months) and must address the issue so as to prevent reoccurrence.

2. During routine audit it was discovered that the aerodrome's Rescue Fire Fighting Service (RFFS) complement were unavailable during Licensed operational hours.

Enforcement action:

Provisional suspension of aerodrome licence, aerodrome placed on Special Attention.

Corrective action:

Aerodrome to provide CAA with a review and update of their RFFS Operational procedures, follow up inspection scheduled.

3. During routine audit, a section of the taxiway was found to be unlit exceeding the requirements of CAP 168.

Enforcement action:

Level 2 finding, i.e. no immediate risk to safety.

Corrective action:

Aerodrome to inform CAA of reason for defect and offer a solution for corrective action. Solution and timeframe agreed with aerodrome operator.

Airspace

1. During the audit of an organisation, the training documents of the certifying staff are not completed.

Enforcement action:

Level 2 finding i.e. no immediate risk to safety.

Corrective action:

Expected within 3 months and must address the issue so as to prevent reoccurrence.

2. During the audit of an organisation, design activity was knowingly being undertaken for a product for which the organisation was not approved.

Enforcement action

Level 1 finding with possible suspension or part suspension of approval and possible prosecution i.e. a potential or significant risk to flight safety.

Corrective action:

Cessation of work. The application for a 'change' to the organisations approval to include this particular product.

3. During the audit of an Instrument Flight Procedure organisation, it was found that design activity was knowingly being undertaken for a product for which the organisation was not approved.

Enforcement action:

Level 1 finding with possible suspension or part suspension of approval and possible prosecution i.e. a potential or significant risk to flight safety.

Corrective action:

Cessation of work. The application for a 'change' to the organisation's approval to include this particular product.

4. During a routine compliance monitoring audit of an aerodrome, it is discovered that the aerodrome operator is transmitting on a VHF communications frequency for which the operator does not have an appropriate radio licence or ANO approval.

Enforcement action:

Level 2 finding: in the first instance, we will contact the aerodrome operator to notify them of the finding and to ascertain why that frequency is being used without the appropriate approval or radio licence. The operator will be instructed to apply to the CAA for an appropriate frequency assignment.

Corrective action:

The aerodrome operator must apply for a frequency assignment using CAA form SRG 1417, and pay the appropriate fee. Unless the frequency can be formally assigned following coordination, and is appropriate to the task, it may be withdrawn.

Airworthiness organisations

1. During the audit of an EASA Part-145 organisation, the training documents of the certifying staff are found to be incomplete.

Enforcement action:

Level 2 finding i.e. no immediate risk to safety.

Corrective action:

Expected within 3 months and must address the issue so as to prevent re-occurrence.

2. During the audit of an EASA Part-145 organisation, the system for the calibration of equipment is found to have previously broken down on a particular product line, so that most “calibrated” equipment was suspect from that time.

Enforcement action:

Level 1 finding with possible suspension or part suspension of the approval i.e. there is a possibility that flight safety or safety of the product has been compromised.

Corrective action:

Immediate calibration of all equipment and possible recall of all product that was subject to maintenance during the period when the equipment was out of calibration.

3. During the audit of an EASA Part-145 organisation, maintenance was knowingly being undertaken on a product for which the organisation was not approved.

Enforcement action

Level 1 finding with possible suspension or part suspension of approval, and possible prosecution i.e. there is a concern that flight safety or the safety of a product has been compromised.

Corrective action:

Cessation of work. The application for a 'change' to the organisation's approval to include this particular product may need to be made, to bring them in line with the work being carried out. Otherwise, the organisation should no longer perform this type of maintenance.

4. An aircraft is reported as flying without a valid Airworthiness Review Certificate (ARC).

Enforcement action:

Ground the aircraft and consider possible prosecution action.

Corrective action:

Renew the ARC or cease flying the aircraft.

Air Traffic Services

1. During the audit of an Air Navigation Service Provider the Training Manuals were found to be out of date and not the latest edition as described in the Management system.

Enforcement action:

Level 2 finding i.e. no immediate risk to safety.

Corrective action:

Expected within 3 months and must address the issue so as to prevent reoccurrence.

2. During a routine competency check the ATCO's medical was found to be out of date.

Enforcement action:

Provisional suspension, suspension or revocation of the ATCO Licence.

Corrective action:

Expected within 1 month and must address the issue so as to prevent reoccurrence.

3. An Air Traffic Services organisation was found to be providing Air Traffic Services without being Certificated or Designated under EU regulation 1035/2011.

Enforcement action:

Breach of the Single European Sky Legislation. Up to an unlimited fine and/or 2 years' imprisonment for individual providers.

Corrective action:

Expected immediately, organisation to stop providing services until Certificated and Designated in accordance with the required legislation.

Commercial and General Aviation Operations

1. During the audit of an Air Operator Certificate holder, it is found that the returned flight documentation has not been correctly completed in a number of cases.

Enforcement action:

Level 2 finding, i.e. no immediate risk to safety.

Corrective action:

Expected within 90 days.

2. During the audit of an Air Operator Certificate holder, it is found that the system for monitoring the training records of crews has failed, and that pilots' statutory recurrent training and tests have not been revalidated.

Enforcement action:

Level 1 finding, i.e. a potential or significant risk to flight safety, with possible suspension or part suspension of the approval.

Corrective action:

Crews affected unable to fly until recurrent training and tests have been revalidated. Short-term corrective action required to ensure that no other crews are rostered when out of check. Longer term corrective action required to re-establish a robust monitoring system.

3. During the audit of an Air Operator Certificate holder, it is found that records have been deliberately falsified.

Enforcement action:

Level 1 finding with possible suspension or part suspension of the approval. Consider possible prosecution action.

Corrective action:

Activities dependent upon the falsified records ceased until the falsely recorded events have been retaken, repeated or reconfirmed. The individual(s) falsifying records are no longer involved in the process.

4. A report is received that an undeclared consignment of a small quantity of a low hazard flammable liquid has been submitted for carriage by a shipper

Enforcement action:

Warning letter sent to shipper.

Corrective action:

Acknowledgement of warning from shipper.

5. During the audit of a flying display, the holder of a Display Authorisation is observed to be flying in breach of the conditions of the Authorisation.

Enforcement action:

Level 1 finding with possible suspension or part suspension of the Authorisation. Depending upon the seriousness of the breach, consider possible prosecution action.

Corrective action:

Written commitment by the holder that he will in future comply strictly with the conditions of the Authorisation.

Personnel Licensing

1. Action in respect of Flight Crew Licences (Pilots and Flight Engineers)

We will generally consider the taking of action in respect of Flight Crew Licences against the following criteria:

Competence – Any pilot whose flying ability is called into question is subject to consideration for enforcement action.

Qualification – Any licence holder who acts outside of the privileges for which they are qualified is subject to consideration for enforcement action.

Fitness – Fitness in this context means fitness of character. We will consider all relevant matters, including whether the holder has demonstrated a propensity to disobey the law or to act dishonestly or without integrity. Information that may call into question a licence holder's fitness includes, but is not limited to:

- drug related offences/activities

- alcohol and other psychoactive substances
- falsification of, or failure to keep, records
- propensity not to comply with rules and regulations (this may include failure to disclose licensing issues and / or failure to disclose medical conditions)
- any other action that would impact on flight safety or the safety of persons on the ground
- criminal convictions.

Enforcement action:

This will depend on severity and could therefore range from an informal discussion to licence suspension and / or prosecution.

Corrective action:

Possible retraining and re-testing.

2. Action in respect of Licensed Aircraft Maintenance Engineers.

Aircraft Maintenance Engineer Licences issued by the CAA under the Air Navigation Order

We will generally consider the taking of action in respect of licences issued in accordance with the Air Navigation Order against the following criteria:

Competence – Any engineer whose ability to perform the tasks for which they are licensed is called into question is subject to consideration for enforcement action.

Qualification – Any licence holder who acts outside of the privileges for which they are qualified is subject to consideration for enforcement action.

Fitness – Fitness in this context means fitness of character. We will consider all relevant matters, including whether the holder has demonstrated a propensity to disobey the law or to act dishonestly or without integrity. In this respect the criteria set out under the scenario above will be applied.

Enforcement action:

This will depend on severity and could therefore range from an informal discussion to licence suspension and / or prosecution.

Corrective action:

Retraining and re-testing where appropriate.

Aircraft Maintenance Engineer Licences issued by the CAA under European regulations

In accordance with European regulations the CAA, as the Competent Authority for the UK, complies with Part-66, in which it is stated that:

The competent authority shall suspend, limit or revoke the aircraft maintenance licence where it has identified a safety issue or if it has clear evidence that the person has carried out or been involved in one or more of the following activities:

- 1. obtaining the aircraft maintenance licence and/or the certification privileges by falsification of documentary evidence;*
- 2. failing to carry out requested maintenance combined with failure to report such fact to the organisation or person who requested the maintenance;*
- 3. failing to carry out required maintenance resulting from own inspection combined with failure to report such fact to the organisation or person for whom the maintenance was intended to be carried out;*
- 4. negligent maintenance;*
- 5. falsification of the maintenance record;*
- 6. issuing a certificate of release to service knowing that the maintenance specified on the certificate of release to service has not been carried out or without verifying that such maintenance has been carried out;*
- 7. carrying out maintenance or issuing a certificate of release to service when adversely affected by alcohol or drugs;*
- 8. issuing certificate of release to service while not in compliance with Annex I (Part-M), Annex II (Part-145) or Annex III (Part-66).*

Enforcement action:

Revocation, suspension or limitation of the aircraft maintenance licence.

Corrective action:

Retraining and re-testing where appropriate

3. Action in respect of Cabin Crew Attestations.

Although Cabin Crew Attestations are issued by UK AOC holders and UK cabin crew training organisations under European regulations the CAA, as the Competent Authority for the UK, complies with Part ARA (Annex VI of the Aircrew Regulation), in which it is stated that:

The competent authority shall take measures in accordance with ARA.GEN.355 including the suspension or revocation of a cabin crew attestation, at least in the following cases:

- a) non-compliance with Part-CC or with the applicable requirements of Part-ORO and Part-CAT, where a safety issue has been identified;*
- b) Obtaining or maintaining the validity of the cabin crew attestation by falsification of submitted documentary evidence;*
- c) Exercising the privileges of the cabin crew attestation when adversely affected by alcohol or drugs; and*
- d) Evidence of malpractice or fraudulent use of the cabin crew attestation.*

Non-compliance with respect to (a) above, where a safety issue has been identified, is considered to include:

- CC.GEN.020 Minimum age
- CC.GEN.025 (b)(2) Privileges and conditions
- CC.CCA.105 (b) Validity of the cabin crew attestation
- CAT.GEN.MPA.100 Crew responsibilities

Enforcement action:

Suspension or revocation of cabin crew attestations

Corrective action:

Retraining and re-testing where appropriate

UK Registered Aircraft Owners and Charterers

1. During a change of registered ownership transaction where an applicant fails to apply to register an aircraft within 28 days of becoming the owner or the current registered owner fails to notify the CAA of a change of ownership immediately.

Enforcement action:

Follow up with the applicant or registered owner reminding them of their legal obligations. De-register aircraft if no further application or notification is received, which will also result in the suspension and revocation of the Certificate of Airworthiness (CofA) or Permit to Fly (PtF).

Corrective action:

The application or notification is subsequently made prior to de-registration and no further action is required. Or an application is made after de-registration to restore the aircraft to the Register and reinstate the CofA/PtF.

2. When evidence is received by the CAA, such as a cancelled insurance policy, and it is determined that an aircraft is flying without the required levels of insurance cover or no cover at all.

Enforcement action:

Issue a grounding order and take a decision on possible prosecution.

Corrective action:

The owner increases insurance cover to the required levels and supplies evidence.

3. Following a routine audit (legal demand) to determine whether insurance cover is in place, no response is received.

Enforcement action:

Follow up with the registered owner via letter and telephone call. If no response is received, the aircraft is de-registered which also results in the suspension and revocation of the CofA/PtF.

Corrective action:

The owner supplies evidence of insurance. If the aircraft has already been de-registered an application must be made to restore the aircraft to the Register.

4. An aircraft flying unregistered.

Enforcement action:

Take a decision on possible prosecution of the pilot in command and/or aircraft owner (also in connection with other related offences).

Corrective action:

Apply to register the aircraft and gain airworthiness certification.