



Technical Circular

CT 60-010 – APPEAL PROCEDURES FOR CAA DECISIONS ON PERSONNEL LICENCING

Effectivity Date: 30.06.2018

SECTION 1 GENERAL

1.1 OBJECTIVE

This Technical Circular (TC) is issued to provide applicants and/or license holders a procedures for appealing to decisions made by the Licensing Authority regarding personnel licensing procedures and actions taken.

1.2 APPLICABILITY

This TC applies to all personnel holding or applying for licence, certificate or authorisations under MOZCAR Parts 61, 63, 64, 65, 66 and 67

1.3 REFERENCES

- (1) MOZCAR Parts 61, 63, 64, 65, 66 and 67;
- (2) Annex 1 to the Chicago Convention

1.4 CHANGES

This is an original issuance of this TC.

1.5 BACKGROUND

1.5.1 In keeping with the fair and firm concept, this Technical Circular provides one way to demonstrate to the industry that the IACM has developed a procedure for appeal purposes to ensure a fair opportunity is available to every person who is aggrieved by decisions made on his/her application for licensing purposes or actions taken against him/her on offences related to the personnel licence he/she holds.

1.5.2 Any person aggrieved by any decision made on behalf of the Authority within the limitation of this Circular may apply within 10 days after receipt of the decision in writing on the matter concern.

1.5.3 This Circular provides appeal procedures in three major areas, examination process for licensing (written, oral and practical); Denial of License, Rating, Certificate or Authorization; and suspension, revocation of License, Rating, Certificate or Authorization.

1.5.4 In any case both the appellant and the people considering the appeal shall take into

account, the regulatory requirements, technical standards, guidance prescribed/issued by the Chairman and CEO of IACM within his legal power and the aviation safety requirements in submitting the appeal and taking a decision on the appeal respectively.

1.6 SCOPE

The scope of this Technical Circular is to provide procedures in appealing for licensing decisions covered in this Circular.

1.7 Appeal process in examination (written, oral and practical) for all license and or qualifications issuance

- a. A candidate may only appeal against the conduct of the examinations and not against the technical content, therefore it is important that the guidelines contained within the specific examination or test procedure are adhered to. Notwithstanding, if the candidate has issues on the technical content of the exam, he/she may bring to the attention of the Authority for internal review.
- b. The appeal should be presented in writing to the Licensing Authority with details to enable determination of specific examination or test, time it was done, the appropriate officers, examiners and others involved and whether the examination was properly conducted or not.
- c. Upon receipt of the appeal, the IACM, within seven working days, will inform the appellant, of the receipt and provide necessary details of the how it will be handled and that the appellant will be invited if necessary to present additional evidence.
- d. The IACM, through the Technical Administrator (ADT), will appoint one or more person expert in the area of complaint, to review and investigate the matter. In the process, the person shall invite the appellant to provide necessary information. They shall also take testimony from those involved in the examination/test including the examiner.
- e. Fourteen working days after the appointment of the expert(s), a report must be submitted to the ADT who shall review and take a decision in consultation with the responsible Director and Manager. The appellant shall be informed of the decision in writing within seven working days upon ADT receiving the Report.
- f. If the appellant case is confirmed, the applicant will be given a chance to take another examination without payment. However, if the case is not confirmed the appellant shall pay the cost incurred in investigation of the case and be required to pay for the retake of the examinations/tests.

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- g. The decision by the ADT will be final except that the appellant may request a review by the IACM CEO who after internal consultation shall make a final ruling in favour or against the appellant.

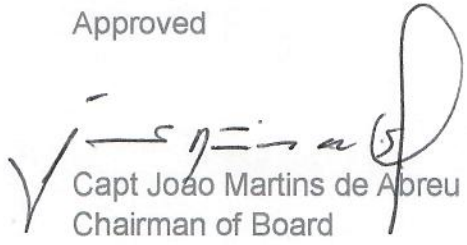
1.8 Appealing Procedure for Denial of License, Rating, Certificate or Authorization

- a. Denial of License, Rating, Certificate or Authorization shall be done upon proof of non-fulfilment of the stipulated requirements for the issuance renewal of a particular license, rating, certificate, authorization by the applicant. The denial is completed by the applicant being officially served with a letter of denial.
- b. Once an applicant receives such letter of denial he/she may, if he/she is aggrieved with the decision, submit a request for reconsideration of the matter by the Directorate of the Flight Safety Standards. The Director of Flight Safety Standards in consultation with his management (heads of the Departments) and a legal expert (acting as a secretary) will consider and make a decision within fifteen working days upon receipt of the request. The Directorate may uphold the denial or if *only justifiable* retract the denial. They can also put conditions to be met before issuance of licence, rating, certificate or authorisation.
- c. The Directorate shall bring the matter to the Board with recommendations for their endorsement or guidance. The decision of the Board is the one to be communicated to the applicant within seven working days after being presented to it. The Board may decide to call the aggrieved person before making a decision.
- d. If the applicant is aggrieved with the decision of the IACM, the applicant has the right to appeal against the decision to the Minister responsible for aviation. In submitting his appeal, the applicant shall give the necessary details of the case and provide a copy to the Chairman of the IACM. The Chairman of IACM once he receives the copy of the appeal shall prepare and submit to the Minister details of the case which includes the process and reason for the decision taken.
- e. The Minister shall consider the matter and make a decision. The Minister may decide to form a team of aviation and legal experts to review the matter before making a decision. His decision shall be final and communicated to the appellant in writing.
- f. The cost involved in the request for re-consideration and appeal shall be borne by the appellant.

1.9 Appealing procedure for suspension, cancellation of License, Rating, Certificate or Authorization

- a. The suspension, cancellation of a Licence, Rating, Certificate or Authorization shall be in line with the requirements stated in the specific provisions in the applicable MOZCAR's/CATS or in conformance with the provisions of Decree nr.42/2014 of 15th August, on Aeronautical contraventions.
- b. Once a licence, Rating, Certificate or Authorization holder receives a notification of suspension, revocation thereof, and if he/she is aggrieved with the decision, may submit a request for reconsideration of the matter by the Directorate of the Flight Safety Standards. The Director of Flight Safety Standards in consultation with his management (heads of the Departments) and a legal expert (acting as a secretary) will consider and make a decision within fifteen working days upon receipt of the request. The Directorate may uphold the suspension or revocation or if *only justifiable* retract the decision. The Directorate may also put conditions to be met before revocation of suspension or cancelation of licence, rating, certificate or authorisation.
- c. The Directorate shall bring the matter to the Board with recommendations for their endorsement or guidance. The decision of the Board is the one to be communicated to the applicant within seven working days after being presented to it. The Board may decide to call the aggrieved person before making a decision.
- d. If the Person concerned is aggrieved with the decision of the IACM, the he has the right to appeal against the decision to the Minister responsible for aviation. In submitting his appeal, the applicant shall give the necessary details of the case and provide a copy to the Chairman of the IACM. The Chairman of IACM once he receives the copy of the appeal shall prepare and submit to the Minister details of the case which includes the process and reason for the decision taken.
- e. The Minister shall consider the matter and make a decision. The Minister may decide to form a team of aviation and legal experts to review the matter before making a decision. His decision shall be final and communicated to the appellant in writing.
- f. If the Decision on suspension or cancelation of a licence, rating, certificate or authorization has been taken pursuant provisions of decree nr. 42/2014 of 15th August, on Aeronautical contraventions, the appeal shall be made in terms of article 49 of the same.
- g. The cost involved in the request for re-consideration and appeal shall be borne by the appellant.

Approved


Capt Joao Martins de Abreu
Chairman of Board