



## CHAPTER 31

### RESOLUTION OF SAFETY ISSUES

#### 1.0 Resolution of Safety Issues

##### 1.1 General

This section specifies the methodology by which the NCAA will address the safety issues identified during the continuous surveillance of an AOC holder.

The process outlined in this section is the primary method that will be used by the NCAA in the resolution of safety issues after the issuance of the AOC or the authority for specific operations. This does not preclude parallel enforcement or certificate action against the AOC holder or its personnel by the NCAA depending on mitigating circumstances that caused the safety issue to exist.

This Chapter shall be used in conjunction with the NCAA Compliance and Enforcement Handbook.

##### 1.1.4 REFERENCE: **FORM : O-OPS003, Form: O-OPS 004 and Form: O-OPS019**

##### 1.2 Categorization of the Safety Issues

The level of the safety issue will indicate the priority of action required by the AOC holder as stated below. Use Form: O-OPS003, Form O-OPS 004 and Form O-OPS019 to document Findings / deficiencies and for follow-up actions:

###### 1.2.1 Level 1 Finding

Means any significant non-compliance with Nig. CARs, which would lower the operational standards and probably hazard an Aircraft. It includes non-compliance and limitations or aircraft components that the AOC/AMO/CAMO/ATO may have on their operations specifications. To prevent aircraft from flying use Form O-OPS004.

###### **Action for Level 1 Finding**

In the case of initial application for approval, no approval shall be issued until all level 1 findings are corrected.

In the case of a re-issue or surveillance, the AOC/AMO/CAMO/ATO approval should be provisionally suspended in whole or in part depending upon the extent of the level 1 finding until corrective action has been taken. A follow up visit to the AOC/AMO/CAMO/ATO may be necessary to verify corrective action depending on the level 1 finding.

###### 1.2.2 Level 2 Finding

Means any significant non-compliance with Nig. CARs which would lower the operational standards and possibly hazard an Aircraft. It includes non-compliance and limitations or aircraft components that the AOC/AMO/CAMO/ATO may have on their operations specifications.



### **Action for Level 2 Finding**

In the case of initial application for approval, a provisional approval valid for maximum 3-month period may be given to allow time for the level 2 findings to be corrected.

In the case of a re-issue or surveillance, the AOC/AMO/CAMO/ATO should be given maximum of 3-months extension to their approval to complete the corrective action and written notice to that effect should be given to the AOC/AMO/CAMO/ATO. Failure to comply with the 3-month time scale will cause the approval to expire. A follow up visit to the AOC/AMO/CAMO/ATO may be necessary depending on the nature of the level 2 finding.

### **1.2.3 Level 3 Finding**

An observation intended to give background information. A level 3 finding must not include any information suggesting non-compliance with Nig. CARs.

#### **Action for Level 3 Finding**

Inform the AOC holder.

The AOC holder should consider this issue and advise the NCAA in writing of its thoughts and intentions with respect to corrective action within 30 days.

### **1.2.4 Safety issues will also be categorized by the basis for making the finding:**

The inspector's basis for making the finding will be categorized for further trend analysis into the following groupings:

A = Non-Compliance with the Civil Aviation Act.

B = Non-Compliance with Nigeria Civil Aviation Regulations

C = Non-adherence with NCAA Directives

D = Non-adherence with relevant safety practice

E = Reexamination necessary - less than minimum certification standards

### **1.3 Identification of a Safety Issue during Surveillance**

When the inspector believes that he has found one or more safety issues during an inspection, he will debrief the available AOC holder personnel of his finding(s) and the level and type that may be assigned.

After return to the NCAA offices, the inspector will complete the Activity Report and complete a Safety Issues Resolution Report or Summary of Findings / Deficiencies Form for each safety issue found during the activity. If any Level 1 safety issues are initiated, the inspector will his General Manager responsible and the Director and the DGCA.

### **1.4 Safety Issue Resolution**

As an NCAA inspector identifies safety issues, these will be discussed with the AOC holder verbally at the time of finding. After further NCAA consideration, the safety issues will be provided to the AOC holder in writing with the aid of Form O-OPS003 and Form O-OPS019.



The AOC holder is expected to consider the inspector's debriefing and take practical corrective action. Upon receipt of the NCAA safety issue notification, the AOC holder is expected to comply with the corrective timeline applicable to level assigned by the NCAA to the safety issue. The AOC holder will advise the NCAA in writing of the action taken.

The NCAA shall then schedule a follow-up review to determine that the correction action taken satisfactorily addresses the safety issue found by the assigned inspector/s. The assigned inspector/s, when satisfied with the corrective action, will indicate in the NCAA records the date and a description of the resolution of the safety issue.

#### **1.4.1 Appeal of Safety Issue Assignment**

The AOC holder may appeal the NCAA's official notification of safety issue to the DG NCAA. This appeal must include the AOC holder's rationale for not promptly correcting the safety issue. Such action will have the effect of putting the required corrective action on hold until the DG NCAA issues his decision in writing.

### **1.5 Emergency Action Necessary to Resolve Safety Issue**

There may come a time when an NCAA inspector will find a safety issue or irregularity that will require immediate action to resolve a potentially unsafe situation. It is important that the inspector understands the necessity to handle this in a measured "identification of facts" approach.

#### **1.5.1 Inform the Appropriate Officials**

If the inspector identifies a "safety of flight" issue. This is defined as an issue that could result in an accident or incident on the next flight or flights of the aircraft:

That issue will immediately be brought to the attention of the appropriate AOC officials on the spot. Those persons include the pilot-in-command, station manager and operational control person on duty. (Remember to make a note of the date, time, and names.)

#### **1.5.2 Prevent Flying**

After consideration of these persons input, advise them of your determination. If your determination is that the flight should not be operated due to "safety of flight" issues and the AOC holder's personnel still intend to operate the flight, it will be necessary to issue the "Prevent Flying" Form: Ops004.

Present the document to the AOC's holder's personnel and get their signature for receipt. If they refuse to sign, print their name in the signature line and have a witness sign and date that entry.

#### **1.5.3 Subsequent Actions**

Place a phone call to the DGCA or the Director of Operations, Licensing and Training Standards as soon as practical to advise him of the unfolding situation. (It will be the responsibility of the DG or the Director to coordinate with the AOC holder's management.)

The inspector is to stay at the location until the situation is resolved or you have been advised by the DG or the Director that the situation is now resolved with the AOC holder's management. (Continue to take notes of the times, contacts, and events until a resolution occurs.)



## 2.0 Investigation of Violations

### 1. Role of NCAA Investigative Personnel.

#### a) Enforcement Investigations.

- I. NCAA investigative personnel's role in an investigation is to gather all material, relevant evidence that either proves or disproves the potential violation that precipitated the investigation. The various types of evidence are discussed in this chapter. After NCAA investigative personnel gather all the evidence, they analyze it using the guidance in this Handbook decide whether the evidence proves a violation. If the evidence is inadequate to establish a violation, NCAA investigative personnel recommend that the investigation be closed no action. If the evidence is sufficient to support a violation, NCAA investigative personnel recommend, administrative action, legal enforcement action including civil and criminal penalty and certificate actions or other action, as appropriate, in accordance with the Civil Aviation Act and Part 1.3.2, 1.3.3, 1.3.3.3 and 1.3.3.4 of the Regulations.
- II. Enforcement investigative report recommending legal enforcement actions are reviewed by appropriate NCAA Director, Legal Counsel and DG before final decision is made. The NCAA Legal Counsel will then initiate legal enforcement action and if initiated, the appropriate violation to allege and proposed sanction.

#### b) Letter of Investigation and Response

A Letter of Investigation (LOI) serves the dual purposes of notifying an apparent violator that he or she is under investigation for a possible violation 18 and providing an opportunity for the apparent violator to respond to fact. Learning the other side of the story early in the investigation is to everyone's advantage. Inviting input also helps to demonstrate the NCAA is conducting the investigation fairly and impartially. NCAA investigative personnel do not issue an LOI unless evidence shows that a violation may exist. If NCAA investigative personnel issue an LOI, they put a copy of it in the EIR. See sample letter of investigation in the Appendix A – 1 of the NCAA Compliance and Enforcement Handbook.

#### c) Sending the LOI to the Apparent Violator.

NCAA investigative personnel shall send the LOI by regular mail, registered mail or courier to establish a record of notice to the party under investigation. If the party is a certificate holder, NCAA investigative personnel send the document to the current address of record. If the regular or registered mail is returned as undeliverable (because it is addressed incorrectly or the party has moved and left no forwarding address), then NCAA investigative personnel correct the address or obtain a new address and resend the LOI to the correct address by regular mail or registered mail. d. Distribution of LOI. NCAA investigative personnel send the original letter of investigation to the apparent violator and copies of the LOI to relevant Directorates.



### 3.0 Suspension and Revocation

#### a) Suspension of AOC and Various Authorisations

There are a number of situations that could result in the suspension of an AOC and Authorisations. The primary reason is a pattern of safety issues, which illustrates that the AOC holder is not ensuring that its operations are continuously conducted in accordance with the certification standards.

To undertake the suspension of an AOC, the DG NCAA will forward an Order of Suspension to the Legal Department for processing. This Order will outline the NCAA's basis for suspension. Once signed, it will be presented to the AOC holder. Under normal circumstances, there will be a period of due process. However the DG NCAA may delegate this process to the Director of Operations and Training or the Director of Airworthiness Standards.

#### b) Emergency Suspension of AOC and Various Authorisations

There are times when it is necessary to public safety that an AOC holder be required to terminate operations immediately pending further review of the situation. This type of suspension could be oriented toward specific aircraft or personnel, such as an aircraft that is not in compliance with Airworthiness Directives or a pilot that is under the influence of drugs. It could also be directed at the entire scope of the AOC holder's operations, such as in situations where the NCAA has basis to question the airworthiness of significant portion of the fleet or the proficiency checks of the pilots.

If the DG NCAA believes that there is an immediate potential for adverse effect on public safety, he may include in the Suspension Order the direction that the suspension takes effect upon receipt. In such a situation, the AOC holder is compelled to cease commercial air transport operations until the situation is resolved.

#### c) Revocation of AOC

The evidence may be such that, after a period of suspension and review, the NCAA may find that the evidence and mitigating circumstances will require revocation of the AOC in the interest of public safety. In this situation, the DG NCAA will prepare a Revocation Order.

#### d) Re-Examination Necessary

Re-examination may be necessary in situations where the inspector determines that:

- An airman no longer meets the minimum knowledge or competency required for the issuance of the certificate privileges in use.
- An aircraft no longer meets the minimum airworthiness standards required for the issuance of the certificate privileges in use.

#### e) Issue Letter of Request

A letter will be issued to the airman or aircraft operator outlining the re-examination request and the basis for it. This letter will specifically request, in the case of the airman



competency, that the airman not exercise the privileges in question until after a successful re-examination. In the case of aircraft airworthiness standards, the letter will request that the aircraft not be operated under the privileges in question until a satisfactory re- examination has been conducted.

**f) Conduct Re-examination**

The re-examination may be conducted by the NCAA staff or by a qualified person designated to act on behalf of the NCAA. The location where the re-examination will take place will be at the option of the NCAA.

**g) Forward Unsuccessful Documentation to NCAA Legal Department**

Should the re-examination be unsatisfactory, and the airman or aircraft still do not meet the standards for issuance of the certificate privileges, the Authority will forward their recommendations to the Legal Department for action.

Should the airman or aircraft not be presented for re-examination after the period specified in the letter of request, the Authority will forward a request for suspension or revocation to the Legal Department for action.