



**MINISTRY OF CIVIL AVIATION AND COMMUNICATION
MALDIVES**

**NOTICE OF PROPOSED RULE MAKING
NPRM NO: 2009-7**

21 July 2009

MCAR 65 – Air Traffic Controller Licensing

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1. Purpose of this NPRM

This NPRM invites consultation on the context of this NPRM – proposed regulatory standards relating to Licensing of Air Traffic Controllers,

2. Background to the Proposal

MCAR 65 - Air Traffic Controller Licensing, will prescribe the regulatory standards for the grant of ATC licenses, ratings and endorsements, and the privileges, limitations and conditions on such qualifications.

These standards will ensure that, wherever practicable, ATC licenses will be granted in conformity with the Standards and Recommended Practices (SARPs) established by the International Civil Aviation Organization (ICAO) in Annex 1 (Personnel Licensing) to the Convention on International Civil Aviation and within the meaning of Annex 11 to the Chicago Convention.

The MCAR-65 becomes effective on 01 January 2010

3. Key Stakeholders

The following are identified by the CAD as key stakeholders in the proposed amendments to regulations contained in this NPRM:

- MACL

4. Submissions on the NPRM

4.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule making is taken.

4.2 How to make a submission

Comments on this proposal may be forwarded (*preferably by e-mail*), using the NPRM Submission Form given in Appendix 1. The NPRM Submission Form is also available on the CAD website www.aviainfo.gov.mv.

Submissions may be sent by the following methods:

by mail: Civil Aviation Department
7th Floor, P.A Complex
Hilaalee Magu, Male' 20307
Republic of Maldives

fax: + 960 3323039

e-mail: safety@aviainfo.gov.mv

4.3 Final date for submissions

Comments must be received before 11 August 2009.

4.4 Availability of the NPRM

Any person may obtain a copy of this NPRM from:

CAD website: www.aviainfo.gov.mv/regulations/nprm.php

or from:

Civil Aviation Department
7th Floor, P.A Complex
Hilaalee Magu, Male' 20307
Republic of Maldives

4.5 Further Information

For further information contact the Regulation Project Coordinator:

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5 Proposed Rule Amendments

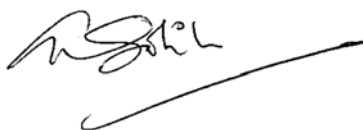
The text of the amendment is arranged to show deleted text and new text as shown below:

~~Text to be deleted is shown with a line through it.~~

New text to be inserted is highlighted with grey shading

5.1 Changes to Civil Aviation Regulations

No changes to CAR.



Aminath Solih
DIRECTOR GENERAL

NPRM No:	Title:
Date of your Submission:	Comment Close-Off Date (as specified in NPRM):

Please return this response sheet to the Ministry of Civil Aviation and Communication by comment close-off date, by e-mail to safety@aviainfo.gov.mv, by post addressed to this Ministry, 7th floor P.A Complex, Hilaalee Magu, Male', or by fax to + 960 3323039

Please indicate your acceptance or otherwise of the proposal by ticking the appropriate box below. Any additional constructive comments, suggested amendments or alternative action will be welcome and may be provided on this response sheet or by separate correspondence.

- The proposal is **acceptable without change.**
- The proposal is **acceptable but would be improved if the following changes were made:**

- The proposal is **not acceptable but would be acceptable if the following changes were made:** (Please provide explanatory comment and use additional pages if required)

- The proposal is **not acceptable under any circumstance:** (Explanatory comment must be provided using additional pages if required)

Individual's Details (complete if your submission is on behalf of yourself)		Organisation's Details (if your submission is on behalf of the organization you represent)	
Your Name:		Organisation:	
Address:		Address:	
Phone:	Fax:	Phone:	Fax:
E-mail:		E-mail:	
Mobile:		Your Name and Position:	
Signature:		Signature:	



CIVIL AVIATION DEPARTMENT
Republic of Maldives

MALDIVIAN
CIVIL AVIATION REGULATIONS

DRAFT

MCAR-65
Air Traffic Controller Licensing

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EFFECTIVITY

The MCAR-65 becomes effective on 01 January 2010.

Subpart 65.A General

65.005 Applicability of this Part

- (1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in the Maldives.
- (2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Maldivian National Defence Force.

65.010 Definitions for this Part

In this Part:

Currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘CAAP-65 Manual of Standards (MOS) for ATC Licensing’ issued by.

Recency requirement means the requirement referred to in regulation 65.025.

Note Air traffic control function means a function described in a paragraph of subregulation 65.075 (2) — see the Dictionary.

65.015 Meaning of *successful completion of training*

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

- (a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and
- (b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.

65.020 Effect of ATS provider’s failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider’s certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

- (1) The holder of an ATC licence satisfies the ***recency requirement*** in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome

- or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.
- (2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.
 - (3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:
 - (a) he or she:
 - (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
 - (ii) has undergone any retraining required by the relevant ATS provider's operations manual; and
 - (b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.

65.030 How to satisfy currency requirement

- (1) The holder of an ATC licence satisfies the *currency requirement* in relation to an endorsement at a particular time if:
 - (a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and
 - (b) within the previous 12 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.
- (2) The holder of an ATC licence satisfies the *currency requirement* in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject matter specific to the rating.
- (3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

Subpart 65.B Authority to act in air traffic control

65.035 Authority to carry out air traffic control function

- (1) A person may carry out an air traffic control function in the Maldives if, at the time the person carries out the function:
 - (a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating.
- (2) A person to whom subregulation (3) applies may carry out an air traffic control function in Maldives under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
 - (a) a person who CAD has authorised in writing to carry out the relevant function;
 - (b) a person who:
 - (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds an ATC licence; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held an ATC licence that has been cancelled) who:

- (i) has completed an approved course of training in the theory of air traffic control; and
- (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

- (1) If a person to whom subregulation 65.035 (3) applies (the *trainee*) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035 (1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.
- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's ATC licence should be suspended or cancelled.

65.045 Offences — carrying out ATC function without authority

- (1) A person who is not authorised to do so by subregulation 65.035 (1) or (2) must not carry out an air traffic control function in Maldives.
- (2) A person to whom subregulation 65.035 (3) applies must not carry out an air traffic control function in Maldives if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035 (1).

Subpart 65.C Licensing

Division 65.C.1 Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

- (1) A person is eligible to be granted an ATC licence if he or she:
 - (a) has turned 21; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed CAD's air law examination
 - (d) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function at least to Level 4 of ICAO Language Proficiency Rating Scale.

65.075 Air traffic controller ratings

- (1) The air traffic controller ratings for Maldives are the following:
 - (a) aerodrome control rating;
 - (b) approach control rating;
 - (c) approach control surveillance rating;
 - (d) area control rating;
 - (e) area control surveillance rating.

Note The air traffic controller ratings are specified in section 4.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention. Not all the ratings specified there are in use in the Maldives.

- (2) The function of an ATC licence holder who holds a particular rating is as follows:
 - (a) if the rating is an *aerodrome control rating* — to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;

- (b) if the rating is an *approach control rating* — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
- (c) if the rating is an *approach control surveillance rating* — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;
- (d) if the rating is an *area control rating* — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
- (e) if the rating is an *area control surveillance rating* — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.

65.080 Grant of rating on ATC licence

- (1) CAD may grant a rating to a person who:
 - (a) is eligible to be granted an ATC licence; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.
- (2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.
- (3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085 Grant of endorsement on ATC licences

- (1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.
- (2) CAD may grant an endorsement to a person who:
 - (a) is eligible to be granted an ATC licence with a rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.
- (3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.
- (4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.090 ATS provider's obligation to provide currency and recency training and assessment

- (1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:
 - (a) continuing assessment of its employees' competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and
 - (b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.
- (2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 Ancillary qualifications

- (1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions include the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.

- (3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2) (a), (b) or (c).
- (4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 Conduct of practical training

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.105 Conduct of examinations

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.110 Duration of ATC licence

- (1) An ATC licence is valid for 2 years or until the licence is cancelled.
- (2) However, an ATC licence is not in force:
 - (a) during any period of suspension; or
 - (b) during any period during which its holder does not also hold a Class 3 medical certificate.

Note Suspension of a licence also suspends each rating or endorsement on it — see subregulation 65.115 (4). However, suspension of a licence, rating or endorsement does not automatically suspend an ATC qualification held by the same person — see subregulation 65.120 (3).

65.115 Periods of validity of ratings and endorsements

- (1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.
- (2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
 - (a) for the period (no longer than 12 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time — until the licence is cancelled; or
 - (c) if the rating with which the endorsement is connected is cancelled before that time — until the rating is cancelled; or
 - (d) until the licence holder ceases to be employed by that ATS provider.
- (3) For paragraph (2) (c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note For the function of the holder of each kind of rating, see subregulation 65.075 (2).

- (4) A rating or endorsement is not in force:
 - (a) during any period of suspension; or
 - (b) during any period of suspension of the relevant licence.

65.120 Periods of validity of ATC qualifications

- (1) Unless sooner cancelled, an ATC qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time — until the licence, rating or endorsement is cancelled; or

- (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1) (b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E Administrative functions

Division 65.E.1 Grant of licences

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence.

qualification means an ATC qualification.

65.180 How to apply

- (1) A person must apply for the grant of a licence in the way set out in this regulation.
- (2) The application must be in writing.
- (3) The application must give details of the applicant's training, qualifications and experience, so far as relevant.
- (4) The application must be accompanied by:
 - (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
 - (b) evidence that the applicant holds a Class 3 medical certificate; and
 - (c) evidence of the kind mentioned in subregulation 65.070 (3) .

65.185 Who to apply to

The application must be made to CAD on the application form CAD / ATC-01 available on the CAD website: www.aviainfo.gov.mv.

65.190 Application for licence cancelled previously

If a person who applies for a licence has previously held a licence, and the previously held licence was cancelled for a reason mentioned in paragraph 65.265 (1) (a), (b) or (c), the person must include with the application any available evidence tending to show that the person could now properly exercise the powers or carry out the functions that would be conferred by the licence applied for.

65.195 Other things CAD can ask individual applicant to do — test or interview

- (1) CAD may ask an applicant, in writing, to:
 - (a) undertake a test or tests of competence; or
 - (b) come to a specified CAD office at a specified reasonable time to be interviewed.
- (2) If CAD asks an applicant to undertake a test, or come for interview, under subregulation (1), CAD need not begin to consider, or may stop considering, the application until the applicant undertakes the tests or participates in the interview.

65.200 Other things CAD can ask applicant to do — provide more information

- (1) If CAD reasonably needs more information or another document to allow it to consider an application, CAD may ask the applicant in writing to give it information, or a copy of a document, specified in the request.
- (2) In particular, CAD may ask an applicant to provide a written statement by any ATS provider that has employed the applicant as to the applicant's service history.
- (3) If CAD asks for more information, or a copy of a document, under subregulation (1) or (2), CAD need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

65.205 Statutory declarations to verify applications

- (1) CAD may ask an applicant, in writing, to verify, by statutory declaration, any statement in an application.
- (2) If CAD asks an applicant to verify a statement under subregulation (1), CAD need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.210 *{intentionally left blank}*

65.215 Matters that CAD may or must take into account

- (1) In making a decision on an application, CAD may take into account:
 - (a) anything in the application or in any other document submitted by the applicant; and
 - (b) anything in its records about the applicant; and

- (c) the contents of any statutory declaration made by the applicant under regulation 65.205.
- (2) However, before taking into account anything in its records about an applicant, CAD must:
 - (a) tell the applicant in writing that it intends to do so, and the substance of what CAD intends to take into account; and
 - (b) invite the applicant in writing to make a written submission about the matter within a specified reasonable time.
- (3) If the applicant makes a written submission within the specified time, CAD must take the submission into account.
- (4) When deciding whether to grant a new licence to an applicant who previously held a licence that was cancelled, CAD must take into account:
 - (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation; and
 - (c) any evidence of the kind mentioned in regulation 65.190 that the person submits.

65.220 Statutory declarations to verify statements in submissions

- (1) CAD may ask an applicant to verify any statement in a submission under subregulation 65.215 (3) by statutory declaration.
- (2) CAD must, in making a decision on the application concerned, take such a submission into account.
- (3) If CAD asks an applicant to verify a statement under subregulation (1), CAD need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.225 When CAD must grant a licence

- (1) Subject to paragraph 30A (4) (b) of the Act, if a person has applied for the grant of a licence in accordance with this Subpart, CAD must grant the licence if:
 - (a) the person is eligible for the grant of the licence; and
 - (b) all other requirements for the grant of the licence by or under these Regulations by or in relation to the person are satisfied; and

- (c) no other provision of these Regulations forbids CAD to grant the licence, or makes the person ineligible for the grant of the licence; and
 - (d) granting the licence would not be likely to have an adverse effect on the safety of air navigation.
- (2) In subregulation (1), a reference to satisfying the requirements for the grant of a licence includes:
- (a) having any qualifications required by or under these Regulations for the grant of the licence; and
 - (b) having any experience required by or under these Regulations for that grant; and
 - (c) having successfully completed any training required by or under these Regulations for that grant; and
 - (d) having attained the standard of medical fitness standard required for that grant, and having been granted an appropriate medical certificate.
- (3) CAD may grant the licence subject to:
- (a) any conditions specified in these Regulations as applicable to a licence; and
 - (b) any other condition necessary in the interests of the safety of air navigation.

65.230 When decision must be made

- (1) If CAD does not make a decision about an application within 21 days after receiving it, CAD is taken to have refused the application.
- (2) However, if CAD makes a request under regulation 65.195 or 65.200, the time between when CAD makes the request, and when the applicant undertakes the test, or comes in for interview, or gives CAD the information or copy requested, does not count towards the 21 days.
- (3) Also, if CAD asks an applicant to make a statutory declaration under regulation 65.205 or 65.220, the time between when CAD asks the applicant to do so and when the applicant gives CAD the statutory declaration does not count towards the 21 days.
- (4) Also, if CAD invites an applicant to comment under subregulation 65.215 (2), the time between when CAD gives the invitation and when the applicant comments does not count towards the 21 days.

65.235 Notice of decision

After making a decision on an application for a licence, CAD must tell the applicant in writing, as soon as practicable:

- (a) the decision; and
- (b) if the decision was to refuse the application, or to grant the licence subject to a condition not sought by the applicant, the reasons for the decision.

65.240 When licence comes into effect

A licence comes into effect:

- (a) on a day stated in the notice under regulation 65.235; or
- (b) if no day is so stated, on the date of the notice.

65.245 Licence document

- (1) CAD must issue to a licence holder a licence document that complies with Chapter 5 of Annex 1 to the Chicago Convention.
- (2) CAD may issue a replacement document if anything set out on such a document is no longer correct.
- (3) If CAD issues a document to a licence holder and the licence is cancelled, the person who held the licence must return the relevant licence document to CAD immediately.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing.

- (4) An offence against subregulation (3) is an offence.
- (5) It is a defence to a charge of contravening subregulation (3) that the defendant returned the licence document to CAD as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (5).

Division 65.E.2 Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

- (1) If:
 - (a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and
 - (b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;

CAD may, at a reasonable time and on reasonable notice, direct the holder to undertake:

- (c) an appropriate examination or performance assessment; or
 - (d) a medical assessment by a designated aviation medical examiner.
- (2) In paragraph (1) (d):

medical includes psychological and psychiatric.

Division 65.E.3 Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

- (1) If under regulation 65.250 CAD directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CAD may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.
- (2) The provisional suspension has effect from the time the notice is served on the holder.
- (3) As soon as practicable after the examination or assessment, CAD must either:
 - (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
 - (b) revoke the provisional suspension and tell the holder in writing that it has done so.

- (4) CAD may revoke the provisional suspension at any time by notice in writing.
- (5) If CAD gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CAD decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.
- (6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CAD), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CAD may provisionally suspend the holder's licence, or a rating, endorsement or qualification, by notice in writing to the holder.

- (2) CAD may revoke the provisional suspension at any time by notice in writing.
- (3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:
 - (a) if CAD gives to the holder a show cause notice — CAD decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or
 - (b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of these Regulations; or

- (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CAD may give to the holder a notice in accordance with this regulation (a *show cause notice*).

- (2) Also, CAD may give to the holder of a licence a show cause notice if:
 - (a) under regulation 65.250, CAD has directed the holder to undertake an examination or a performance assessment or medical assessment; and
 - (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CAD).
- (3) The notice must be in writing.
- (4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.
- (5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CAD's powers in respect of licence etc

CAD may cancel or suspend a licence, rating, endorsement or qualification if the holder:

- (a) has contravened a provision of these Regulations; or
- (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

- (1) This regulation sets out how CAD decides whether to cancel a person's licence, rating, endorsement or qualification, or suspend it.
- (2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:

- (a) where CAD is satisfied that the contravention or failure is not likely to recur, CAD may do either or both of the following:
 - (i) suspend the person's licence, rating, endorsement or qualification for an appropriate period;
 - (ii) direct the person to receive appropriate counselling or training; and
- (b) where CAD is not satisfied as mentioned in paragraph (a), CAD may:
 - (i) if the contravention or failure is sufficiently serious, or has occurred before — cancel the licence, rating, endorsement or qualification; or
 - (ii) take either or both of the courses mentioned in paragraph (a).
- (3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CAD may suspend the licence, rating, endorsement or qualification:
 - (a) until the happening of a specified event; or
 - (b) until the holder successfully completes specified training; or
 - (c) for a specified period within which the holder is likely to become able to meet the requirement.
- (4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CAD must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

- (1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CAD must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.
- (2) CAD must tell the holder in writing of its decision.
- (3) If CAD has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice,

CAD is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.

- (4) If the licence, rating, endorsement or qualification is provisionally suspended, and CAD decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CAD makes, or is taken to have made, that decision.

For the Civil Aviation Department

Aminath Solih

DIRECTOR GENERAL