



# Advisory Circular

**KENYA CIVIL AVIATION AUTHORITY**

**CAA-AC-PEL007D**

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## **THE SUSPENSION AND REVOCATION OF LICENCE, CERTIFICATE, RATING AND AUTHORIZATION**

### **1.0 PURPOSE**

This Advisory Circular is issued to provide guidance, information and procedures for the suspension and revocation of a licence, Certificate, Rating or Authorisation under the civil aviation (Personnel Licensing) Regulations.

### **2.0 REFERENCES**

Regulation 197 of the Civil Aviation (Personnel Licensing) Regulations;

### **3.0 GUIDANCE AND PROCEDURES**

#### **3.1 General Information**

3.1.1 The holder of any license or certificate issued under the Civil Aviation (Personnel Licensing) Regulations who violates any provision of the civil aviation regulations or order issued there under, is subject to suspension or revocation of the license, certificate, rating or authorisation, in accordance with Regulation 197 of the Civil Aviation (Personnel Licensing) Regulations.

3.1.2 Any license, certificate, rating or authorisation issued under these regulations ceases to be effective, if it is surrendered, suspended, or revoked.

3.1.3 A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

3.1.4 Unless safety in air transport requires immediate action, prior to a final determination to suspend or revoke, the Authority shall provide the person with an opportunity to be heard as to why the licence, certificate, rating or authorisation should not be suspended or revoked.

## **3.2 Reasons and Determination for Suspension**

3.2.1 The reason for suspension is indicated in Regulation 197 of the Civil Aviation (Personnel Licensing) Regulations and it could be to allow for investigation upon suspected violation of regulations, public interest safety concerns.

3.2.2 Notwithstanding the generality in 3.2.1, the reasons for suspension are but not limited to the following –

- a) Any suspicion of fraudulent or intentionally false statement;
- b) Any suspicion of fraudulent or intentionally false entry in any logbook, record, or report that the regulations require, or non-compliance with any requirement of these regulations;
- c) Any reproduction for fraudulent purpose;
- d) Any alteration;
- e) Lack of competence;
- f) Lack of qualification;
- g) During an investigation of an aircraft accident or an incident;
- h) In case of proven misconduct, recklessness or carelessness;
- i) If the holder has acted in contradiction to his or her privileges and/or Pending the investigation of a suspected violation of the regulations or the aviation law under which the regulations are effected;
- j) If the holder is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances.

3.2.3 The Authority reviews the results of the investigation and considers whether the licence or certificate, in whole or in part, should be suspended or revoked, taking into account safety in civil aviation or commercial air transport and the public interest.

## **3.3 Re-Instatement Requirements**

3.3.1 If the Authority discovers facts indicating either a lack of competency or lack of qualification, the Authority may require an applicant for or the holder of any licence, rating, authorisation or certificate to retake all or part of the knowledge or skill tests or additional training required for any licence, rating, authorisation or certificate.

3.3.2 Discovery of these facts can occur during inspection or investigation and in such a case, the Authority shall decide whether the applicant or holder should –

- a) retake all or part of a knowledge test;
- b) retake all or part of a practical test;
- c) have additional training for the practical test or knowledge test.

3.3.3 The process for the demonstration of knowledge and the practical is as for the initial issue of the licence, certificate, rating or authorisation affected.

## **3.4 Notification and Hearing Process for Suspension**

3.4.1 A person being considered for a sanction will be notified of the reasons for suspension in writing and be given an opportunity to answer charges and to be heard, except in cases of emergency.

3.4.2 The notification from the Authority should be delivered in a form and manner to ensure verification of its receipt.

3.4.3 When the person involved is informed (in writing) about the suspension being considered, the following should be provided:

- a) The reason for suspension;
- b) The opportunity to answer any charges and to be heard before suspension; and
- c) The time period for answering the charges and to be heard.

3.4.4 If the person subject to suspension does not use the opportunity to answer the charges and/or to be heard, the Authority shall send the notification for revocation to the person involved.

3.4.5 The notification to suspend (in writing) shall contain the terms of the suspension of the licence, rating, authorisation or certificate, which will include:

- a) Appeal conditions for suspension;
- b) A statement that the person shall be obligated to cease exercising their privileges;
- c) A statement that the person shall be obligated to surrender the suspended licence, certificate, or authorisation within 14 days from the date of suspension;
- d) Period for suspension and
- e) Re-application requirement when the period of suspension is ended.

### **3.5 Suspension Period and Termination of the Suspension**

3.5.1 Unless otherwise authorised by the Authority, a person whose licence has been suspended may not apply for any other licence, certificate, rating, or authorisation during the period of suspension.

3.5.2 If the Authority requires the knowledge and/or skill test to be taken, before re-instatement the person involved shall be notified of the requirement in writing

3.5.3 The Authority will cancel a suspension after the holder –

- a) has passed the required knowledge and/or skill tests;
- b) has gained the required experience;
- c) has fulfilled the conditions issued by the Authority;
- d) or licence, certificate, rating or authorisation has been revoked.

3.5.4 A licence, certificate, rating or authorisation that had been suspended may be returned to the holder in the following cases:

- a) When the period of suspension has ended and revocation has not taken place;
- b) When all relevant requirements have been met.

3.5.5 Once the suspension has been cancelled, other than by revocation, the Authority shall return the licence, certificate or authorisation to the owner.

### **3.6 Reasons for Revocation**

3.6.1 If, after re-inspection, re-examination or any other investigation, the safety in civil aviation and the public interest concerns are confirmed, the Authority may revoke a licence, certificate, rating or authorisation.

3.6.2 Notwithstanding the generality of 3.6.1 the following, but not limited to these regulatory reasons may result in revocation of a licence, certificate, rating or authorisation –

- a) Any fraudulent or intentionally false statement;
- b) Any fraudulent or intentionally false entry in any logbook, record, or report that these regulations require, or non- requirement of these regulations;
- c) Any reproduction of document for fraudulent purpose;
- d) Any alteration of a document for fraudulent purposes;
- e) If the holder has lost the skills for exercising the privileges mentioned in the document, or fails to meet the appropriate medical standards as shown by the results of a medical examination or test;
- f) If the holder has made a statement contrary to the truth in obtaining or maintaining that licence, rating, authorisation or certificate, or has provided incorrect data at a medical examination and/or test required for the issue, maintenance or renewal of the licence, rating, authorisation and certificate;
- g) in case of proven misconduct, recklessness or carelessness;
- h) If the holder is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances.

3.6.3 The holder of the licence, certificate, rating or authorisation will be notified in writing by the Authority of the revocation with the reasons thereof.

### **3.7 Review and Determination for Revocation**

3.7.1 Revocation will take place, if after re-examination, re-inspection or other investigation, the Authority determines revocation is warranted.

3.7.2 The Authority reviews the results of the investigation and considers whether the licence or certificate, in whole or in part, should be revoked, taking into account safety in civil aviation or commercial air transport and the public interest.

3.7.3 Revocation of a licence is a severe sanction, and should be considered carefully.

### **3.8 Notification and Hearing Process for Revocation**

3.8.1 A person subject to revocation will be notified, in writing, regarding the sanction of revocation and given the opportunity to appeal.

3.8.2 The person subject to revocation will be notified in writing by the Authority concerning:

- a) The Authority's determination of Revocation;
- b) The reason for revocation;
- c) The opportunity to answer any charges and to be heard before revocation;

d) The time period for answering the charges.

3.8.3 If the person involved does not use the opportunity to answer the charges and/or to be heard, the Authority will send a notice of revocation.

3.8.4 The notification to revoke (in writing) shall contain the terms of the revocation of the licence, rating, authorisation or certificate, which will include:

- a) Reasons for revocation;
- b) A statement that the person shall be obligated to surrender the licences, certificate or authorisation within 14 days from the date of revocation;
- c) Appeal possibility;
- d) Re-application possibilities after 1 year or at timeframe specified by the Authority.

3.8.5 In cases of emergency, the person involved is given immediate notification regarding the revocation. The notification will inform the licence holder to cease exercising the privileges and surrender the licence, rating, authorisation or certificate without having the possibility to be heard before the revocation.

### **3.9 Surrendering the Revoked Licence to the Authority**

3.9.1 A person who has had a licence, certificate, rating or authorisation revoked shall be obliged to hand over to the Authority all the licences or certificates in his or her possession applicable to the revocation within 14 days from the date of revocation.

3.9.2 The notification from the Authority should be delivered in a form and manner to ensure verification of its receipt.

3.9.3 A person who has been denied the privilege to manipulate the controls of an aircraft by judgement of a court, shall be equally obliged to hand over to the Authority all licences and certificates in his or her possession within 14 days from the date of the judgement.

3.9.4 The requirements for appealing a revocation are the same as for a suspension.

3.9.5 Unless otherwise authorized by the Authority, a person whose licence has been revoked may not apply for any other licence, certificate, rating, or authorisation for 1 year after the date of revocation.

### **3.10 Issue of a New Licence After the Revocation Period**

The Application and evaluation process for the new licence must be completed to consider the applicant's eligibility for the licence, certificate, or authorisation. The applicant may be required to be tested or re-examined in the relevant areas and meet the currency requirements necessary for the licence sought.



**Kenya Civil Aviation Authority**