

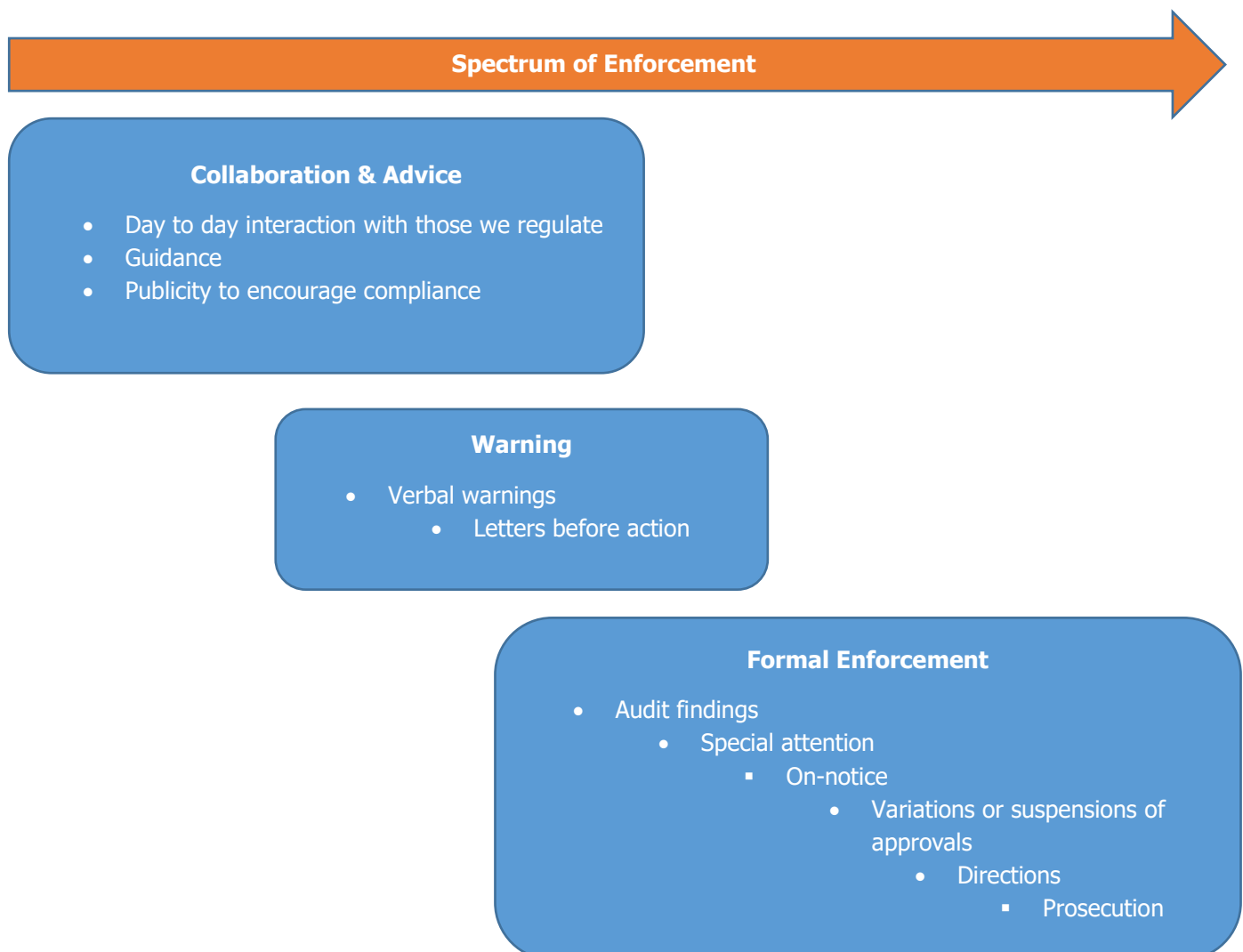
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Regulatory Enforcement

Background

As the Isle of Man’s aviation safety regulator, our sole purpose is to protect the interests of the public. We also have a responsibility to those we regulate to be clear about when, why and how we will enforce compliance with rules and regulations.

Enforcement is any activity that is carried out in order to seek to remedy a breach, or suspected or potential breach, of rules applicable to civil aviation. Enforcement activity forms an important part of our regulatory toolkit, alongside our other activities such as continuing safety regulatory oversight. We will continue to work with those we regulate to encourage and support compliance, but we will become much more visible and proactive in dealing with those who do not, or choose not, to comply with the rules. Consequently the spectrum of enforcement is broad and encompasses many tools and processes including those shown below:



Policy

Our policy is to undertake our enforcement responsibilities through the application of the following principles:

- **We will use a proportionate and risk based approach.**
 - This means that our actions (e.g. requests for corrective actions within specific timelines, administrative penalties or other) will be proportionate to evidence of actual, suspected or potential breaches and the risk posed to public safety. In cases where there is clear evidence of public safety being put at risk we will act rapidly. In cases where there is an identified concern but evidence is limited or the risk appears to be low, we will take a measured approach which may include enhanced monitoring.
- **We will take independent, evidence based decisions.**
 - We will listen to our stakeholders to inform our enforcement decisions, but will always ensure that our decisions are robust, independent and objective. We will also ensure that our enforcement actions will be suitably documented and based on our statutory responsibilities.
- **We will publicise our enforcement action where publication is in the public interest.**
 - Publicising our enforcement actions primarily serves to provide a transparent mechanism by which we can inform the public about the actions we have taken and to provide a wider deterrent for noncompliance. In normal circumstances such publication would protect the privacy of the person or organisation concerned.
- **We will collaborate with other regulatory authorities where noncompliance crosses regulatory responsibilities.**
 - Aviation is a global activity and it is essential for regulatory authorities to collaborate to address non compliances by individuals or organisations operating in locations other than the State of the regulator.

Formal Enforcement

Audit findings will be made where non compliances are identified. Other than for airworthiness surveys¹, these will be categorised as follows:

- Level 1 - major safety finding. 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 any suspension is lifted and before the activity giving rise to the finding is recommenced.

¹ Findings related to airworthiness surveys will not be categorised as they require to be resolved to our acceptance to support the issuance of a Certificate of Airworthiness.

- Level 2 – minor safety finding. 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.

Where a regulated organisation or person needs to demonstrate that it can achieve and/or maintain a satisfactory standard of compliance we may identify it as requiring 'Special Attention' and therefore be subject to increased regulatory oversight. This may apply where we have safety concerns or when there are large complex developments or significant operational changes planned or underway. The 'special attention' notification may be lifted if the person or organisation's actions address our concerns. However, if the situation continues to deteriorate, it is likely that further non-compliance findings will be made, which may result in the organisation/person being placed 'on notice'.

We may notify a regulated organisation or person that they are 'on notice' when we have reason to believe that their safety compliance and/or performance is deteriorating and that, unless this trend is corrected, it will result in the organisation/person falling below the level of safety required for an approval to remain valid. Examples could be where an organisation has been subject to repeated findings, has failed to address findings in the agreed timescale or does not have an effective Safety Management System. The organisation or person 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 compliance and/or performance as the organisation/person continues to be monitored. The 'on notice' notification may be lifted if the organisation or person'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 or person.

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. 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.

We will consider investigation with a view to prosecution whenever there is an alleged breach of the law, 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 [Prosecution Code](#) issued by Her Majesty's Attorney General for the Isle of Man.

Deviations

None.