

## PROCEDURES FOR APPEALING THE CAA DECISIONS ON LICENSING

### 1.0 PURPOSE

This Advisory Circular is issued to provide guidance on procedures for appealing against the TCAA decision. The appeal process is in keeping with the fair and firm concept and a clear demonstration of the willingness of the Authority to provide fair opportunities to aggrieved persons in this regard.

### 2.0 REFERENCES

- a) The Civil Aviation Act;
- b) The Civil Aviation (Aerial Work) Regulations;
- c) The Civil Aviation (Aerodromes) Regulations;
- d) The Civil Aviation (Aircraft Registration and Marking) Regulations;
- e) The Civil Aviation (Air Operator Certification and Administration) Regulations;
- f) The Civil Aviation (Airworthiness) Regulations;
- g) The Civil Aviation (Approved Maintenance Organisation) Regulations;
- h) The Civil Aviation (Approved Training Organisation) Regulations;
- i) The Civil Aviation (Commercial Air Transport Operations by Foreign Air Operator in and out of the United Republic of Tanzania) Regulations;
- j) The Civil Aviation (Instruments and Equipment) Regulations;
- k) The Civil Aviation (Operations of Aircraft) Regulations;
- l) The Civil Aviation (Parachute Operations) Regulations;
- m) The Civil Aviation (Personnel Licensing) Regulations;
- n) The Civil Aviation (Rules of the Air) Regulations;

### 3.0 GUIDANCE AND PROCEDURES

#### 3.1 Review committee

All appeals shall be handled by the Review Committee.

#### 3.2 Case presentation and appeal

Any person aggrieved by any decision made on behalf of the Authority by a Committee of the Authority or one or more members or employees of the Authority, may, within twenty one days after receipt of the record of the decision apply to the Authority for it to review the decision in question.

Every complaint to the Authority shall be made in writing in a complaint form as described by the Authority and the form can be accessible through Authority's website. The complaint form shall be filled in triplicate and submitted to the Review Committee. On receipt of the appeal, the Review Committee will make necessary endorsements and provide one copy to the appellant.

Subject to this section, the Review Committee shall determine its own procedure and shall not be bound by the rules of evidence.

### 3.3 Functions of the panel

Members will be responsible for handling all applications for review of any substantive decision made on behalf of the Authority under delegated powers by a Division of the Authority or one or more Members or employees of the Authority.

### 3.4 Delegated powers

Delegated powers which are subject to review by the COMMITTEE are attached herewith as **Appendix 1**.

### 3.5 Role of the TCAA Inspector

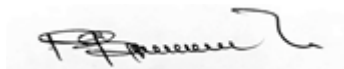
Any TCAA inspector may be called on to give testimony at the Review Committee as expert witness. Expert witnesses, give opinion evidence based on their education and experience and attempt to assist the Review Panel member to understand the evidence or to make a finding of fact based on the expert opinion.

## 4.0 RESULTS

Completion of this task results in the suspension, revocation or re-instatement of a licence, certificate, rating or authorization

## 5.0 FUTURE ACTIVITIES

A person may return for re-instatement of a licence, certificate, rating or authorization.

A handwritten signature in black ink, appearing to read 'F. P. ...', is positioned above a horizontal line.

**Director Safety Regulation**

### Appendix 1

## DELEGATED POWERS WHICH ARE SUBJECT TO REVIEW BY THE INTERNAL REVIEW COMMITTEE

A. Written (specific) delegated powers under the Civil Aviation Regulations

1. Issuing licences under the Civil Aviation Regulations
2. Issuing certificates under the Civil Aviation Regulations
3. Extending the privileges of licences under the Civil Aviation Regulations
4. Extending the privileges of certificates under the Civil Aviation Regulations
5. Renewing personnel licences under the Civil Aviation Regulations
6. Renewing personnel certificates under the Civil Aviation Regulations

B. Written (general) delegated powers under the Civil Aviation Regulations

Powers as authorised person under the Civil Aviation Regulations

C. Unwritten delegated powers under the Civil Aviation Regulations

Decision to grant or refuse the application for exemption from any of the provisions of the Civil Aviation Regulations:

*The Civil Aviation Regulations*

- (a) The Civil Aviation (Commercial Air Transport Operations by Foreign Air Operator in and out of the United Republic of Tanzania) Regulations
- (b) The Civil Aviation (Airworthiness) Regulations
- (c) The Civil Aviation (Approved Training Organisation) Regulations
- (d) The Civil Aviation (Aerial Work) Regulations
- (e) The Civil Aviation (Aircraft Registration and Marking) Regulations
- (f) The Civil Aviation (Air Operator Certification and Administration) Regulations
- (g) The Civil Aviation (Personnel Licensing) Regulations
- (h) The Civil Aviation (Instruments and Equipment) Regulations
- (i) The Civil Aviation (Approved Maintenance Organisation) Regulations
- (j) The Civil Aviation (Rules of the Air) Regulations
- (k) The Civil Aviation (Parachute Operations) Regulations
- (l) The Civil Aviation (Operation of Aircraft) Regulations



# Advisory Circular

TCAA-AC-GEN007A

February 2020

D. Unwritten delegated powers under the Tanzania Civil Aviation (Licensing of Air Services) Regulations

1. Grant or revoke a licence to remain in force for a period not exceeding seven days
2. Amend, revoke or suspend an air service licence, not being an international air carrier licence
3. Add, amend or revoke any term or condition of an air service licence
4. Detain aircraft
5. Recall aircraft

E. Unwritten delegated powers under the Tanzania Civil Aviation (Economic) Regulations,

1. Decision whether airfare is excessively high
2. Decision to stop further fare decreases in a market

F. Unwritten delegated powers under the Civil Aviation (Ground Handling Services) Regulations,

1. Regulate rates and charges
2. Revocation or suspension of a ground handling licence
3. Regulate ground handling charges

G. Unwritten delegated powers under the Tanzania Civil Aviation Authority (Contribution and Administration of the Training Fund) Regulations,

Approve candidates applying for sponsorship under the Training Fund

H. Unwritten delegated powers under the Civil Aviation (Procedures for Complaints Handling) Rules,

Decisions of the Committee of the Authority