



SIERRA LEONE CIVIL AVIATION AUTHORITY

ADVISORY CIRCULAR

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Procedure for Appealing Against the Decisions of the Authority

Director General
Sierra Leone Civil Aviation Authority

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1. GENERAL

The Sierra Leone Civil Aviation Authority's Advisory Circulars contains information about standards, practices and procedures that the Authority has found to be an Acceptable Means of Compliance (AMC) with the associated Regulations.

An AMC is not intended to be the only means of compliance with a Regulation, and consideration will be given to other methods of compliance that may be presented to the Authority

Information considered directive in nature is described in this AC in terms such as "shall" and "must", indicating the actions are mandatory. Guidance information is described in terms such as "should" and "may" indicating the actions are desirable or permissive, but not mandatory

1.1 Purpose

This Order addresses uniform guidance and procedures for appealing against any decision given by the Authority.

1.2 Applicability

Any person aggrieved by any decision made on behalf of the Authority under delegated power by a Committee of the Authority; or one or more members or employees of the Authority, may, within seven (7) days after receipt of the record of the decision apply to the Authority for it to review the decision in question.

1.3 Description of Changes

References to the regulations

1.4 References

SLCAR Part 22
SLCAR Part 1A and 1B

1.5 Cancelled Documents

Not Applicable

2. GROUNDS FOR APPLICATION

An application for review shall be made if the aggrieved person thinks:

- a. The decision made was not based on evidence produced
- b. There was an error in law;
- c. The procedures and other statutory requirements applicable to the Authority were not complied with and the non-compliance materially affected the determination
- d. The Authority did not have power to make the determination. An application for review shall address the likely impacts that the decision may have on any licensing objectives like public safety, air safety, prevention of crime/violation of the regulations etc.
- e. Any sanctions or enforcement action made by the Authority

3. THE APPLICATION PROCESS

3.1 Application Preparation

The responsibility for preparing and submitting documents for review shall rest with the

aggrieved person. However, he may seek assistance from his employer/operator, lawyer, or any other person when preparing such submission.

In order to maintain their neutrality and independence, the staff of Civil Aviation Authority is not allowed to assist him in preparing review documents. However, the SLCAA inspector can provide advice on regulatory matters including the content required.

3.2 Application Content

- (a) An application for appeal shall be in writing and signed by the aggrieved person and shall contain the following;
 - (i) Names, mailing address and telephone number;
 - (ii) Specify in plain language the Authority licensing decision that he/she is appealing;
 - (iii) Set out the grounds for application – state the provisions of the SLCARs that he/she considers not complied with;
 - (iv) Provide evidence to support the case;
 - (v) Attach a copy of the decision he/she is appealing where applicable or the licensing document relevant to the application.
 - (vi) State the action he would like the Review Panel to take.

3.3 Submission an application for Review

- (a) The aggrieved person shall submit his/her application to the Authority by mailing, or by hand delivery to the office of the Director General. An application shall be considered submitted when it is physically received in the DG's office, the email is received, or if mailed, on the date it is post marked.
- (b) Subject matter experts from relevant section of the Authority shall form part of the application hearing.
- (c) The section which has issued the document in dispute shall always form part to the application hearing. Interested parties are therefore advised and are free to contact the Licensing Authority to establish whether another party or applicant has lodged a similar application to the authority.

4. WHEN DOES AN APPLICATION HAVE TO BE SUBMITTED?

- (a) Applications shall be lodged with the Authority within seven (7) days after receipt of the record of the decision.
- (b) The seven (7) days period starts on the day that the aggrieved person is notified of the Licensing decision/action. If the applicant is notified of the decision/action in writing, the 7day period starts on the day the he receives the notification in writing, even if he/she received oral advice prior to that.
- (c) The Authority will not accept applications that are lodged after the 7 day statutory limit.

5. WHAT HAPPENS AFTER THE APPLICATION HAS BEEN SUBMITTED?

On receiving an application, the Director General at its discretion shall take either of the following options:

- (a) Dismiss the application
- (b) Consider the case for hearing and constitute a review panel
- (c) Substitute the decision being appealed against for any other decision the licensing authority could have made

6. HEARING OF THE APPLICATION

- (a) Once the Review Panel has been constituted, it will set and notify a date for a Hearing. A "Notice of Hearing" will be communicated to both the aggrieved person and the other party involved. The Notice will specify the time, date and place of the Hearing, together with a summary of the issues to be covered.
- (b) If either party to the application is unable to attend the Hearing on the date notified, they may request that the Hearing be rescheduled. This can be done by submitting a written request to reschedule the Hearing to the Review Panel. This should be done at least 3 days prior to the Hearing date.
- (c) The request must outline the reason for the request i.e. what is preventing attendance at the Hearing on the originally scheduled date.
- (d) The Review Panel will consider the request to reschedule, consult with the other party as appropriate, and notify a new Hearing date if it agrees to reschedule.

7. REQUESTING FOR APPLICATION RESCHEDULING

The Review Panel will only consider rescheduling a Hearing when there are valid reasons to do so and even then will only do so in extraordinary circumstances. Valid reasons would include an unavoidable conflict with another significant event, or a family or medical emergency.

7.1 Process

- (a) For a free and fair hearing, a reasonable degree of formality is required during the application hearing process, the Review Panel aims at making Hearings as relaxed and informal as possible.
- (b) The exact process and procedure for a particular Hearing is likely to vary from Hearing to Hearing depending on the nature and circumstances of the application itself. However, in general terms a Hearing is likely to operate as follows: -
 - (i) The Chairman will begin by outlining the procedures that the Review Panel will follow.
 - (ii) The aggrieved person and, or their representative will be invited to make a brief statement before the Review Panel puts any questions to them. The statement should briefly explain why you think the decision you are appealing is unfair; there is no need to go through the written material in detail as Review Panel Members will have read the papers prior to the Hearing.
 - (iii) Questions will then be put to the aggrieved person by the Review Panel.
 - (iv) The Authority will be invited to outline his/her position.
 - (v) Questions will then be put to the Authority by the Review Panel.
 - (vi) Both parties will be allowed to call and question witnesses.
 - (vii) The aggrieved person and Authority will then be given a chance to make

a final statement to the Review Panel.

(viii) The Hearing will conclude and all the parties will be asked to leave.

7.2 Decision

7.2.1 Following the Hearing, the Review Panel/board will consider facts of the Application as presented in submissions and at the Hearing. It will then reach a decision in a form of recommendation which will be notified to the Authority and aggrieved person in writing.

7.2.2 The Review Panel Committee may recommend to the Authority to either;

(a) dismiss the application or;

(b) set aside the original decision and make a different decision or;

(c) vary the decision.

7.2.3 The recommendation of the panel upon approval by the DG will be conveyed to the applicant in writing within fourteen (14) working days.

7.2.4 Where the appellant does not agree with the decision of the Authority he / she may appeal against the decision to a court.