



NIGERIAN CIVIL AVIATION AUTHORITY

P.M.B. 21029, 21038, IKEJA-LAGOS.

OFFICE OF THE DIRECTOR-GENERAL

NIGERIA'S STATE SAFETY PROGRAMME (SSP) ENFORCEMENT POLICY

This Enforcement Policy is promulgated under the statutory authority of Section 27 of the Civil Aviation Act, 2006 and Part 1.3.3 of the Nigeria Civil Aviation Regulations (Nig. CARs).

1. PURPOSE

- 1.1 The Nigerian Civil Aviation Authority (NCAA) Enforcement Policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner.
- 1.2 The implementation of Safety Management Systems (SMS) requires the NCAA to have an equitable and discretionary enforcement approach in order to support the SSP-SMS framework.
- 1.3 The NCAA enforcement policies and procedures will allow Service Providers to deal with, and resolve, certain events involving safety deviations, internally, within the context of the Service Provider's SMS, and to the satisfaction of the Authority. Intentional contraventions of the Civil Aviation Act, 2006 and the Nig. CARs will be investigated and may be subject to conventional enforcement action where appropriate. There will be clear provisions in the enforcement framework for due consideration in order to distinguish between premeditated violations and unintentional errors or deviations.

This Enforcement Policy and associated enforcement procedures shall apply to the following service providers required by the Nig. CARs Part 20 Section 2.1.3. to implement a Safety Management System (SMS):

- (a) Approved Training Organizations (ATO) certified in accordance with the Part 3 of the Nig. CARs that are exposed to safety risks related to aircraft operations during the provision of their services;
- (b) Operators of aeroplanes or helicopters authorized to conduct commercial air transport, in accordance with the Part 9 of the Nig. CARs;



- (c) Approved Maintenance Organizations (AMO) providing services to operators of aeroplanes or helicopters engaged in commercial air transport, in accordance with Part 6 of the Nig. CARs;
- (d) Organizations responsible for the type design or manufacture of aircraft, in accordance with Part 5 of the Nig. CARs;
- (e) Air Traffic Services (ATS) providers in accordance with Part 14 of the Nig. CARs; and
- (f) Operators of certified aerodromes in accordance with Part 12 of the Nig. CARs.

Also, this Enforcement Policy and associated enforcement procedures shall apply to international general aviation operators of large or turbojet aeroplanes in accordance with Part 8 of the Nig. CARs.

2. POLICY

- 2.1 All Service Providers as defined in 1.3 above, shall develop, establish, maintain and adhere to an SMS that is continuously improved and commensurate with the size, nature and complexity of the operations authorized to be conducted under its approval/certificate.
- 2.2 To maintain this enforcement policy that supports the implementation of SMS, NCAA safety inspectors will maintain an open communication channel with Service Providers.
- 2.3 No information derived from safety data collection and processing systems that is established under an SMS relating to reports classified as confidential, voluntary or equivalent category shall be used as the basis for enforcement action.
- 2.4 When a Service Provider operating under an SMS unintentionally contravenes the Civil Aviation Act, 2006 or the Nig. CARs, specific review procedures will be used. These procedures will allow the NCAA safety inspector responsible for the oversight of the Service Provider the opportunity to engage in dialogue with the SMS-approved organization. The objective of this dialogue is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the service provider a reasonable time to implement them. This approach aims to nurture and sustain effective safety reporting, whereby Service Providers' employees can report safety deficiencies and hazards without fear of punitive action. A Service Provider



can therefore, without apportioning blame and without fear of enforcement action, analyse the event and the organizational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence.

- 2.5 The NCAA through the safety inspector responsible for the oversight of the Service Provider will evaluate the corrective measures proposed by the Service Provider and/or the systems currently in place to address the event underlying the contravention. If the corrective measures proposed (including any appropriate internal disciplinary actions) are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should then be concluded with no further punitive enforcement action by the Authority. In cases where either the corrective measures or the systems in place are considered inappropriate, the NCAA will continue to interact with the Service Provider to find a satisfactory resolution that would prevent enforcement action. However, in cases where the Service Provider refuses to address the event and provide effective corrective measures, the NCAA will consider taking enforcement action or other administrative action deemed appropriate.
- 2.6 Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. The NCAA has a range of enforcement procedures in order to effectively address safety obligations under the Civil Aviation Act, 2006 in light of different circumstances. These procedures may result in a variety of actions such as:
- a) Administrative action;
 - b) Remedial training;
 - c) Civil Penalty; or
 - d) Variation, suspension or cancellation of authorizations.
- 2.7 Enforcement decisions will not be influenced by:
- a) Personal conflict;
 - b) Personal gain;
 - c) Considerations such as gender, race, religion, political views or affiliation; or
 - d) Personal, political or financial power of those involved.

3. PROPORTIONALITY OF RESPONSES

Enforcement decisions will be proportional to the identified breaches and the safety risks they underlie, based on three principles:



- a) The NCAA will take action against those who consistently and deliberately operate outside the Nigeria Civil Aviation Regulations;
- b) The NCAA will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
- c) The NCAA will give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.

4. NATURAL JUSTICE AND ACCOUNTABILITY

Enforcement decisions will:


- a) Be fair and follow due process;
- b) Be transparent to those involved;
- c) Take into account the circumstances of the case and the attitude/actions of the Service Provider or individual when considering action;
- d) Be consistent with actions/decisions for like/similar circumstances; and
- e) Be subject to appropriate internal and external review.

5. EXCEPTIONS

5.1 This policy is not applicable if;

- i. There is evidence of a deliberate effort to conceal non-compliance;
- ii. The Service Provider fails to maintain an acceptable SMS or its agreed safety performance; and
- iii. The Service Provider is deemed by the Authority as a recurrent violator.

5.2 In the above circumstances, the Authority may deal with such non-compliance or violations according to established enforcement procedures as deemed appropriate.


Capt. Muhtar Usman
Director General/Accountable Executive