

**CIVIL AVIATION DIRECTORATE**

Transport Malta, Malta Transport Centre, Pantar Road, Lija LJA 2021 Malta. Tel: +356 2555 5000 [cadpel.tm@transport.gov.mt](mailto:cadpel.tm@transport.gov.mt) [www.transport.gov.mt](http://www.transport.gov.mt)

## **1.0 Introduction**

This document serves as guidance to persons or organisations on the process to follow for an appeal or the right for a review of a theoretical knowledge examination.

## **2.0 Review**

### **2.1 Review of a theoretical knowledge examination result**

An applicant may request a review of a theoretical knowledge examination whereby TM-CAD will provide information on the learning objective areas that the applicant did not answer correctly. **The fee for a review of paper is €100 per paper.**

#### **2.1.1 How do I request a review of a theoretical knowledge examination?**

A review must be requested within 14 days of the receipt of the examination result. The request for review of theoretical knowledge examination is to reach the Head of Personnel Licencing through the Chief Theoretical Knowledge Instructor of the Training Organisation. Detailed information about the question/s being requested for a review is to be provided in writing to the TM-CAD.

#### **2.1.2 Conditions for the review of a theoretical knowledge examination result**

- A review can only be done if the applicant has failed the examination and received a result not lower than 60%.
- The applicant shall ask the Approved Training Organisation for a review and in turn the Organisation shall make the request to TM-CAD. **NB: if the candidate is undergoing a conversion of a licence, then the request can be done by the individual.**
- The review will be conducted by a person nominated by TM-CAD Personnel Licensing unit and this person will communicate with the nominated person CTKI of the ATO **or the individual if they are undergoing a conversion of a licence.**

## **2.2 Review of a test conducted by an external TM-CAD approved assessor or examiner**

TM-CAD may conduct unannounced inspections to review tests or examinations at random in accordance with ARA.GEN.300.

### **2.2.1 Conditions for the review of a test result**

In the event that the result of TM-CAD differs from that of the external TM-CAD approved assessors or examiners, the ruling of TM-CAD will be final and not subject to appeal.

In such case, it will be incumbent on the approved assessor or examiner to re-issue the certificate of the test to the candidate and TM-CAD will notify the candidate's competent authority of the final result for appropriate annotation in the licence (if applicable).

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### **3.0 Appeal**

#### **3.1 Appeal of a theoretical knowledge question**

An appeal of a question must be requested within 14 days of the receipt of the examination result. The request is to reach the Head of Personnel Licencing through the Chief Theoretical Knowledge Instructor of the Training Organisation.

The Head of Personnel Licencing can appoint a TM-CAD Inspector to review a particular question. If the question results to be unworkable, the Head of Personnel Licencing can approve its crediting in favour of the student concerned.

#### **3.2 Appeal of an examination, check or assessment result; or a refusal, suspension or revocation of a licence, certificate, approval, rating or attestation**

An appeal, under Air Navigation Order Article 92 and the relevant EASA regulations, may be applied for in the following circumstances:

1. Any person who has failed any check, test or assessment which must be passed before being granted a licence or exercising the privileges of a personnel licence, certificate, rating or attestation, may request that TM-CAD reviews the conduct of the test to determine whether it was properly conducted.
2. Suspension or revocation of a licence, certificate, rating or attestation
3. If an application for an organisation certificate is refused
4. If an application for an FSTD qualification is refused
5. When a decision has been taken to suspend, or limit, an FSTD qualification certificate
6. Revocation of an FSTD certificate

In the above-mentioned cases, such appeals are undertaken by the Director General for Civil Aviation.

### **4.0 Grievance on Appeal Decision**

An appeal from the decision of the Director General for Civil Aviation can be put forward to the Minister, provided that the basis of the decision that a person is not fit to hold a licence, was not based on the deficiency in the appellant's knowledge, experience, competence, skill, physical or mental illness.

Air Navigation Order Article 92

#### **4.1 How do I request an appeal from a Decision?**

- A request for an appeal from a decision taken by the Personnel Licencing Unit in its capacity representing the Direction General for Civil Aviation, is to be made in writing. This request must reach the office of the Director General for Civil Aviation within 14 days after receiving the written notification of the outcome of application made in any of the circumstances mentioned in section 3.0 above.
- The notification issued by TM-CAD will normally provide details on whom the applicant is to contact to request an appeal.

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**4.2 What happens next?**

The following timeframe of events will be followed:

Applicant requests appeal	The applicant may request an appeal from a decision or proposal not later than 14 days from date of notification. (Ref: 4.2 above).
The applicant is notified of the timetable for the appeal process	A Review Panel Lawyer is appointed to manage the request of appeal and will write to the applicant with details of the process to follow including the timetable for submissions to Minister.
Applicant sends to TM-CAD representations	Applicant sets out the grounds on which it is being considered the test, exam, application or certificate was not properly executed. These must be sent within 21 days from notification of failure, suspension or revocation.
Brief prepared by TM-CAD Technical Review Board	TM-CAD Technical Review Board will produce a brief responding to the applicant's case.
The applicant may submit a response to the TM-CAD Technical Review Board Brief	The applicant may respond to TM-CAD Technical Review Board's Brief.
Bundle of documents circulated	The Review Panel Lawyer circulates the bundle of documents before onward submission to the Minister's office. Documents will consist of the applicant's representations, TM-CAD Technical Review Board Brief and the applicant's response (if any). Circulation of documents will include, the Director General for Civil Aviation, the Head of Personnel Licencing and any other technical senior official that may be nominated by the Directorate General to advice on the case.
Date of hearing	Following submission of dossier of documentation to the office of the Minister, a date of hearing will be set by same office.

1. If any new information or arguments, which were not contained within the documents presented, are introduced, either by the applicant or TM-CAD Technical Review Board members, a request to the Minister's office may be submitted for the hearing to be adjourned to allow time for all parties to consider the new issues.
2. If the applicant decides not to attend or be represented at the hearing, the appeal will be undertaken by the DGCA together with TM-CAD Technical Review Board, based on the documentation made available for the case.

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**4.3 The decision**

- The Minister will decide whether the decision was properly conducted. In the case of checks, tests, assessments (including medical assessments) and theoretical knowledge examination, the decision will not be based on whether the applicant should have passed or failed but if the process was well conducted.
- If the Minister is satisfied with the evidence submitted, that the decision should be reversed, the Minister may reverse the decision of the Director General.
- The final report issued by TM-CAD will relay the decision reached by the Minister following the appeal process conducted and is to be considered final for all intents and purposes and within the remit of the law.

**Personnel Licensing**