

CIVIL AVIATION DIRECTORATE
 Transport Malta, Vjal L-Avjazzjoni, Luqa LQA 9023 Malta. Tel:+356 2555 5665 Fax:+356 2123 9278 info.tm@transport.gov.mt www.transport.gov.mt
Introduction

1. Under Air Navigation Order Article 92, any person who has failed any test or Assessment of Competence which must be passed before being granted or exercising the privileges of a personnel licence or authorisation, may request that TM CAD reviews the conduct of the test to determine whether it was properly conducted.
2. Such a review is undertaken by the Director General for Civil Aviation.

How do I request a review?

1. A review must be requested within 14 days after being notified of the failure.
2. The notification of failure will normally provide details on whom to contact to request a review.

What happens next?

Applicant requests review	The applicant may within 14 days of a decision or proposal request a review.
The applicant is notified of the timetable for the review	A Review Panel Lawyer is appointed to manage the review and will write to the applicant with details of the review including the timetable for submissions.
Applicant sends to TM CAD representations	Applicant sets out the grounds on which they consider the test or exam was not properly conducted. These must be sent within 21 days of notification of failure request a review.
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 the TM CAD Technical Review Board Brief
Bundle of documents circulated	The Review Panel Lawyer circulates a bundle of documents for the hearing comprising the applicant's representations, TM CAD Technical Review Board Brief and the applicant's response (if any)
Date of hearing fixed	A date for the hearing will be fixed by the Panel appointed to conduct the Review. This date may only be changed in exceptional circumstances.
Review hearing	Review conducted by DGCA and TM CAD Technical Review Board and the decisions normally available within 10 days of the review.

PEL Notice No. 57 – Version 1

Guidance on requesting a review of the conduct of a test, exam or certificate with reference to FCL.055, FCL.1030 and CC.CCA.110



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1. If any new information or arguments are introduced, either by the applicant or TM CAD Technical Review Board employees, which were not contained within the documents, the hearing may be adjourned to allow time for all parties to consider the new issues.
2. A transcript of the hearing will be supplied to applicant.
3. If the applicant decides not to attend or be represented at the hearing, the review will be undertaken by the DGCA together with the TM CAD Technical Review Board nominated by the DGCA, based on the documents.

The decision

1. The Panel must decide whether the test or Assessment of Competence was properly conducted. The Panel is not in a position to decide whether the applicant should have passed or failed. If the Panel decides that the test or Assessment of Competence was not properly conducted, the only consequence can be that the applicant is entitled to a free retest. The Panel may order the failure to be expunged from the applicant's record.
2. The applicant will be informed, in writing, of the decision and the reasons for it, normally within 7 to 10 days of the hearing.

Grievance on Appeal Decision

An appeal from the decision of the Director General for Civil Aviation can be put forwarded 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

Personnel Licensing

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