



# **CAR-12**

## **Civil Aviation Regulation**

### **Enforcement**

**Effective: 31<sup>st</sup> October 2023**

**Approved by: HE Eng. Nayef Ali Hamed Al Abri  
President, CAA**

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### Corrigendum of Amendments

<b>Rev.</b>	<b>Date</b>	<b>Description</b>
01	31 <sup>st</sup> October 2019	This is a new CAR issued against the Civil Aviation Law decreed in 2018
02	30 <sup>th</sup> September 2021	This revision has incorporated the change of name from the Public Authority for Civil Aviation (PACA) to Civil Aviation Authority (CAA) and incorporates references to the new Civil Aviation Law 76/2019. The inclusion of Appendices A & B now lists the forms to be used when a non-compliance is detected and action is required.
03	31 <sup>st</sup> October 2023	This revision eliminates the Merit Points System.

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## **Glossary of Terms or Abbreviations**

The following terms or acronyms may be used in any manual or document published by the CAA. Reproduction in part or whole is allowed without prior approval. The Document Control Office reserves the rights to include such a listing in any CAA manual or document prior to publishing.

AIN	Aviation Infringement Notice
AMC	Acceptable Means of Compliance
CAA	Civil Aviation Authority
CAR	Civil Aviation Regulation
GM	Guidance Material
IATA	International Air Transport Association
ICAO	International Civil Aviation Organisation
Minister	Minister of Transport
MOR	Mandatory Occurrence Report
OTSB	Oman Transport Safety Bureau
PL	Policy Lead
VRS	Voluntary Reporting Scheme

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## FOREWORD

- (a) In accordance with the provisions of the Civil Aviation Law of the Sultanate of Oman, the Civil Aviation Authority of Oman (hereafter referred to as CAA) has established the enforcement requirements to ensure compliance and provide deterrence to violate of regulatory requirements or procedures.
- (b) It aims to promote aviation safety through compliance with aviation regulations in Oman. The key focus of the CAA enforcement will be to address safety by consistent and appropriate enforcement action.
- (c) CAR-12 prescribes the requirements for:
  - (1) The enforcement of regulatory non-compliance stipulated within the Omani CARs; and
  - (2) The applicable punitive actions that can and will be enforced by the Authority against recognised actions of non-compliance.
  - (3) Actions which constitute non-compliance with regulations (contraventions), but are not subject to enforcement action because the permission holder submits a voluntary safety report.
- (d) Amendments to the text in CAR-12 in revised editions are issued as a complete amendment of pages contained within.
- (e) The editing practices used in this document are as follows:
  - (1) 'Shall' is used to indicate a mandatory requirement and may appear in CARs.
  - (2) 'Should' is used to indicate a recommendation
  - (3) 'May' is used to indicate discretion by the Authority, or the industry as appropriate.
  - (4) 'Will' indicates a mandatory requirement and is used to advise of action incumbent on the Authority.

***\*\*Note: The use of the male gender implies the female gender and vice versa.***

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## SUBPART A - GENERAL

### CAR 12.001 Applicability

CAR-12 prescribes the requirements for:

- (a) The application of enforcement for all service providers and personnel operating in the Civil aviation field;
- (b) The procedures to be followed in the event that the regulator finds a contravention to the provisions of one or more of the CARs.

### CAR 12.005 Terminology & Definitions

- (a) **Authorisation Holder:** means a person or entity authorised by the Authority to engage in a licensed aviation activity in accordance with the Civil Aviation Law and Civil Aviation Regulations.
- (b) **Authority:** means the Civil Aviation Authority of the Sultanate of Oman which is enacted by Royal Decree and authorised under the Civil Aviation Law to administer the requirements of the Chicago Convention of 1944 on behalf of the Sultanate of Oman.
- (c) **Contravention:** means the incident has resulted from actions outside the boundaries of compliance regulations promulgated the by Sultanate of Oman.
- (d) **Detection:** means the discovery of a possible contravention. It may result from activities such as inspections, surveillance programmes, ATS monitoring of aircraft movements, regulatory audits, accident investigations, complaints from the public or police reports.
- (e) **Director General:** means the Director General of Civil Aviation Regulation.
- (f) **Director of the Legal Department:** means the person designated by the Board of the Civil Aviation Authority to oversee legal affairs on behalf of the Authority.
- (g) **Enforcement Action:** Administrative action includes verbal and formal written warning, but not limited to suspension, amendment or cancellation of a licence, certificate, permit, or privilege or any other document issued by the Authority. The Authority may also ground or detain aircraft and deny take-off clearance to a departing aircraft.
- (h) The Authority may also revoke any approval to a Post holder or refuse to accept management positions.
- (i) **Executive Director:** means the person for the time being holding, occupying or performing the duties of the position of Executive Director of the Oman Transport Safety Board referred to in CAR-13, Aircraft Accident and Incident Investigation.
- (j) **Inspectorate:** means a Department within the Authority located within the Directorate General for Civil Aviation Regulation, which carries out oversight activities pursuant to the Civil Aviation Law and Civil Aviation Regulations as required pursuant to the Chicago Convention of 1944.
- (k) **Mandatory Occurrence Reporting scheme or MORs** means established under sub-regulation CAR-13.400 for the reporting of mandatory occurrences that may or will affect the safe operation of aircraft or equipment.
- (l) **Voluntary Reporting Scheme or VRS** means the voluntary reporting scheme established under sub-regulation CAR-13.400 for reporting safety incidents.



## SUBPART B – ENFORCEMENT PROGRAM

### CAR 12.100 Enforcement Scheme

The enforcement scheme will be applied by the Authority when it has been recognised or identified by the Authority that one or more of the provisions contained within the Civil Aviation Regulations has been contravened by either an authorisation holder or a non-authorisation holder (i.e. a member of the public).

### CAR 12.105 Enforcement Actions

The Authority may pursue one or more enforcement actions upon recognising or identifying a contravention. This following is a list of enforcement actions in degree of severity which the Authority may pursue in the event of a contravention:

- (a) **Verbal warning.** The Director of Legal Department or a designated inspector acting on his behalf may verbally caution an individual or a designated person within an entity regarding a contravention. Such verbal warnings must accurately state the contravention, provide a legal basis for the contravention, and inform the cautioned party regarding which further enforcement actions are available to the Authority in the event of further non-compliance.
- (b) **Formal written warning.** The Director of Legal Department or a designated inspector acting on his behalf may issue a written notice to an individual or a designated person within an entity stating that the Authority believes that a contravention has occurred. Such written warnings must accurately state the contravention, provide a legal basis for the contravention, and inform the cautioned party regarding which further enforcement actions are available to the Authority in the event of further non-compliance.
- (c) **Monetary fine.** Any fine shall be levied via the serving of an Aviation Infringement Notice (AIN) up to the maximum amount stated in the enforcement provision in each regulation in accordance with CAR-12.115. Non-payment of fines may be pursued through the appropriate court, with the cost of court action to be borne by the party receiving the AIN.
- (d) **Variation or Limitation of authorisation.** The Authority may determine that the contravention warrants the restriction of the person or entity from engaging in certain types of activity previously granted in the authorisation. If the Authority chooses to issue a variation, the notice to the person or entity must specify if the variation is temporary or not, and if so, the expiry of the variation. In addition, the notice must specify the factual basis for why the variation is appropriate.
- (e) **Suspension of authorisation.** The Authority may determine that the contravention warrants the suspension of the authorisation provisional or permanently. If the Authority chooses to issue a suspension, the notice to the person or entity must specify the period of time for which the suspension will be effective as well as the factual basis for why the suspension is appropriate.
- (f) **Revocation of authorisation or banning of operation.** The Authority may determine that the contravention warrants the revocation of the authorisation or in cases where no authorisation has been issued, the banning of the operation. If the Authority chooses to issue a revocation, the notice to the person or entity must specify the factual basis for why the variation is appropriate.

- (g) **Referral to Public Prosecution of Sultanate of Oman.** If the Authority determines that there is a likelihood that a criminal offence has been committed, the Authority may refer the case to the Public Prosecution Office. If the Authority chooses to refer the case, then the normal criminal procedures for courts in the Sultanate of Oman shall apply.

*Note: Actions (d) to (f) only apply to authorisation holders whilst actions (a) to (g) apply to both authorisation holders and non-authorisation holders (i.e. a member of the public).*

#### **CAR 12.110 Designated Person for Enforcement Actions**

- (a) In accordance with Articles (7) and (8) of the Civil Aviation Law (2019) the Authority shall nominate designated inspectors, for each area of civil aviation safety oversight with the required powers enabling them to initiate enforcement actions for contraventions reported or detected during their oversight activities.
- (b) The designated person with accountability for pursuing and recording enforcement actions shall be the Director of Legal Department or a designated inspector acting on his behalf.
- (c) The Director of Legal Department shall ensure that an accurate register of all contraventions is maintained by the Authority. Such register shall include contraventions where enforcement action is pursued as well as contraventions where enforcement action is not pursued.

#### **CAR 12.115 Enforcement Provisions within Civil Aviation Regulations**

- (a) Each Civil Aviation Regulation shall include an enforcement provision section. This section shall specify the enforcement actions (as specified in CAR 12.105 above) which the Authority may pursue for each particular requirement specified within that CAR.
- (b) If the section provides for a monetary fine, the range of the amount available to be pursued by the Authority will be specified.

#### **CAR 12.120 Enforcement Procedures**

- (a) When a CAA Inspector is apprised of, or observes a contravention, they will complete a Detection Notice form and forward it without delay to the appropriate Supervisor for decision. Even when the matter does not normally require further action, as in an oral counselling, the Detection Notice provides the CAA with an indication of a contravention and of Inspector activity. The information will also be used to compile statistics and will provide an indication of alleged offences or transgressions.
- (b) Upon recognising or identifying that one or more of the provisions contained within the Civil Aviation Regulations has been contravened, an inspector shall coordinate with the Director of Legal Department to determine if an enforcement action should be pursued, and if so, which enforcement action should be pursued.
- (c) The Director of Legal Department may delegate a member of the inspectorate to pursue enforcement actions without his direct involvement, however, the Director of Legal Department must ensure that all contraventions are recorded in the register established pursuant to CAR 12.110 (b) above.

- (d) In determining which enforcement action to pursue, the Director of Legal Department and/or the member of the inspectorate delegated by him pursuant to section (b) above shall apply the following criteria:
- (1) Prior contraventions of the same nature as the contravention at issue shall constitute an aggravating factor requiring more severe enforcement action;
  - (2) Wilful, deliberate or highly reckless conduct should constitute an aggravating factor requiring more severe enforcement action;
  - (3) Prior contraventions of a different nature may constitute an aggravating factor requiring more severe action;
  - (4) A contravention which poses a direct and demonstrable threat to safety shall constitute an aggravating factor requiring more severe action;
  - (5) A contravention which results in death or bodily harm shall constitute an aggravating factor requiring more severe enforcement action;
  - (6) A contravention which was made in order to avoid a direct and demonstrable threat to safety may constitute a mitigating factor permitting less severe enforcement action;
  - (7) In accordance with the provisions of Subpart C, contraventions included in qualified reports submitted pursuant to the Voluntary Reporting Scheme shall not be subject to enforcement action against the reporting party.

### **CAR 12.125 Right of Appeal and Appeals Procedure**

- (a) Subject to the exception in paragraph (f) any person or entity may appeal an enforcement action which has been taken against them under CAR-15, Subpart B.
- (b) In order to appeal an enforcement action, the person or entity must submit a Notice of Appeal to the Appropriate Court, which must be received within thirty (30) days of the date of the enforcement action.
- (c) If the enforcement action taken by the Authority is a verbal or written warning, the appeal shall be limited to determining whether or not a contravention occurred.
- (d) If the enforcement action taken by the Authority is a fine, then the appeal shall determine whether or not a contravention occurred, and if so, whether the action taken by the Authority is appropriate.
- (e) If the enforcement action taken by the Authority is a restriction or variation of authorisation, suspension of authorisation, or revocation of authorisation, then the appeal shall determine whether or not a contravention occurred, and if so, whether the action taken by the Authority is appropriate.

If the enforcement action is a referral for public prosecution, the criminal prosecution shall serve to determine whether criminal penalties are appropriate.

- (f) If an enforcement action results in a criminal conviction, the accused may not file an appeal in accordance with subsection (e) unless the criminal conviction is vacated.
- (g) If the Appropriate Court finds that no contravention occurred, then the register of contraventions established pursuant to CAR-12.110 (c) must be updated accordingly.



## SUBPART C – VOLUNTARY REPORTS EXEMPT FROM ENFORCEMENT ACTION

### CAR 12.200 Establishment and purposes of scheme

- (a) There is established a scheme pursuant to regulation CAR-13.400 paragraph (c) (known as the **Voluntary Reporting Scheme**) for the voluntary reporting of contraventions and other safety incidents.
- (b) The scheme is to be administered by the Executive Director of the Oman Transport Safety Bureau.
- (c) The purposes of the scheme are:
  - (1) to enable holders of civil aviation authorisations to voluntarily report reportable contraventions without enforcement action being taken against them; and
  - (2) to strengthen the foundation of aviation human factors safety research; and
  - (3) to identify deficiencies and problems in the Oman aviation safety system; and
  - (4) to provide data for planning and improvements to the Oman aviation safety system.

### CAR 12.205 Qualified reports pursuant to Voluntary Reporting Scheme

- (a) An authorised permission holder shall not be subject to enforcement action for contravention of regulations if such permission holder makes a voluntary safety report of such contravention in accordance with the scheme established pursuant to sub-regulation CAR 13.400 para (c) and referenced in section CAR 12.200 above unless the provisions of section (b) below apply to the contravention.
- (b) Reports of the following types of contraventions shall not constitute qualified reports pursuant to section (a) above:
  - i. a contravention that is deliberate;
  - ii. a contravention that is fraudulent;
  - iii. a contravention that causes or contributes to an accident or to a serious incident (whether before or after the contravention is reported); and
  - iv. a contravention of a regulation prescribed under sub-regulation CAR 13.400 para (b) (Mandatory Occurrence Reporting system – MORs).
- (c) The Executive Director will determine in accordance with the procedures outlines for the Voluntary Reporting Scheme whether a report constitutes a qualified report in accordance with section (a) above.
- (d) Notwithstanding the provisions of this section, the Authority reserves the right to take non-punitive action in the interest of safety based upon information submitted in a qualified report. Such action shall not constitute enforcement action.

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## SUBPART D – ENFORCEMENT PROCEDURES

### CAR 12.300 Enforcement scheme

The enforcement scheme will be applied by the Authority when it has been recognised or identified liability offences applicable to an issued civil aviation authorisation which have been knowingly or by deliberate actions contravened the compliance standards required of the authorisation issued.

This scheme will be administered using the following procedure:

- (a) A fine system applicable to the stated penalty prescribed in the civil aviation law against non-compliance.

### CAR 12.305 Effect of subsequent suspension or cancellation in certain situations

If:

- (a) A civil aviation authorisation is cancelled (the *earlier cancellation*); and
- (b) If there had been no earlier cancellation, a subsequent suspension or cancellation under Article (62) (a) & (b) of the Civil Aviation Law 76/2019 would have had effect in relation to the authorisation; and
- (c) The earlier cancellation is later set aside by the Appropriate Court; the subsequent suspension or cancellation has effect, in relation to the civil aviation authorisation, on the day immediately following the day when the Appropriate Court set aside the earlier cancellation.

### CAR 12.310 Penalties incurred in the event of non-compliance

- (a) Penalties can be applied against a civil aviation authorisation;
  - (1) A fine is levied via the serving of an Aviation Infringement Notice (AIN) for which non-compliance has been proven.
- (b) In the event of non-payment of the fine, the action can be taken to court;
- (c) Where the holder has not been served with an AIN but an investigation by the Authority has disclosed a *prime facie* case against the holder, the matter has been referred to the Oman Courts and the holder is convicted or found guilty by that court.

**CAR 12.320 Reinstatement of authorisations**

A holder who have been served with an Authorisation Suspension Notice or an Authorisation Cancellation Notice may apply to the Authority to have their authorisation re-instated. In such cases, an authorisation may be re-instated if and only if the Authority is satisfied, based on proof presented by the holder, that the reason for suspension or cancellation has been completely resolved with suitable corrective action accepted by the authority.

When a decision to re-instate has been taken, the Authority may impose such conditions on the authorisation granted, as they consider appropriate in the circumstances. Conditions to be considered would include:

- (a) A limitation on the type of flying to be permitted;
- (b) A limitation on the hours to be flown;
- (c) A limitation on the period during which flying can be conducted;
- (d) Implementations of additional system checks; or
- (e) A change in the accountable personnel responsible for the oversight of the authorisation granted.

Before imposing any conditions, the Authority's delegate will discuss the conditions with their legal services.


**CAR 12.325 Penalties**

The Authority may impose on any person who violates the provisions of the Aviation Law or the regulations or decisions issued an administrative penalty not exceeding the maximum amount prescribed by the civil aviation law, that shall be doubled in case of recurrence.

In determining whether to impose fines and the amount of those fines, the authority shall be guided by the principles of effectiveness, proportionality and dissuasiveness.

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## APPENDIX A: CAA – AVIATION INFRINGEMENT NOTICE (AIN)

	<b>CIVIL AVIATION AUTHORITY</b>		Form	CAR-12-01
	DIRECTORATE GENERAL OF CIVIL AVIATION REGULATION		Revision	01
			Date	02/06/21
<b>AVIATION INFRINGEMENT NOTICE (AIN)</b>				
<b>I. LEVEL OF INFRINGEMENT</b>				
<input type="checkbox"/> <b>FIRST INFRINGEMENT</b> <input type="checkbox"/> <b>SECOND INFRINGEMENT</b> <input type="checkbox"/> <b>CANCELLATION</b>				
<b>II. COMPANY DATA</b>				
1. COMPANY NAME :				
2. REGISTERED ADDRESS :				
3. ACCOUNTABLE MANAGER :				
4. TELEPHONE NUMBER :				
5. EMAIL :				
<b>III. DETAILS OF AVIATION INFRINGEMENT</b>				
1. CAR REFERENCE :				
2. DATE OF REPORTED INFRINGEMENT :				
3. DATE PERMISSION HOLDER ADVISED OF INFRINGEMENT AND RECTIFICATION DATE : INITIAL DATE: ___/___/___ RECTIFICATION DATE: ___/___/___				
4. PREVIOUS WARNING DATES (if Applicable) : FIRST WARNING: ___/___/___ SECOND WARNING: ___/___/___				
5. HAS PERMISSION HOLDER ACTED IN ACCORDANCE WITH NOTICE TO MITIGATE : <input type="checkbox"/> YES <input type="checkbox"/> NO				
6. HAS CANCELLATION OF PERMISSION BEEN DISCUSSED WITH PERMISSION HOLDER? : <input type="checkbox"/> YES <input type="checkbox"/> NO				
<b>IV. DESCRIPTION OF NON COMPLIANCE WITH CIVIL AVIATION REGULATIONS</b>				
DETECTION DATE:	<b>PROPOSED PENALTY</b>	<b>DETAILS OF NON COMPLIANCE AND RECTIFICATION ACTION REQUIRED</b>		
NAMES OF INPSECTORS:	<input type="checkbox"/> <b>FORMAL WARNING; OR</b> <input type="checkbox"/> <b>AIN ADMINISTRATIVE PENALTY/FINE OF _____ OMR</b>			

**V. STATEMENT**

I HEREBY ADVISE THE ABOVE STATED COMPANY THAT AN AVIATION INFRINGEMENT NOTICE (AIN) HAS BEEN ISSUED BY THE CIVIL AVIATION AUTHORITY AND SUCH BREACH SHALL:

BE RECTIFIED BY THIS DATE (If applicable): \_\_/\_\_/\_\_\_\_; AND/OR

SETTLE ADMINISTRATIVE FINE: AND/OR

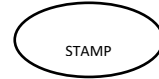
RETURN THE COPY OF PERMISSION AUTHORISATION TO THE CAA BY THIS DATE: \_\_/\_\_/\_\_\_\_

SIGNATURE: .....


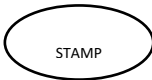
(NAME): .....

(POSITION): .....

DATE: \_\_/\_\_/\_\_\_\_



## APPENDIX B: CAA – DETECTION NOTICE (DN)

	<b>CIVIL AVIATION AUTHORITY</b> DIRECTORATE GENERAL OF CIVIL AVIATION REGULATION	Form	CAR-12-02
		Revision	01
		Date	02/06/21
<b>DETECTION NOTICE (DN)</b>			
<b>VI. COMPANY DATA</b>			
6. COMPANY NAME	:		
7. REGISTERED ADDRESS	:		
8. ACCOUNTABLE MANAGER	:		
9. TELEPHONE NUMBER	:		
10. EMAIL	:		
<b>VII. DETAILS OF AVIATION INFRINGEMENT</b>			
7. CAR REFERENCE	:		
8. DATE OF ALLEGED INFRINGEMENT	:		
9. DATE OF DETECTION	:		
10. DATE PERMISSION HOLDER ADVISED OF INFRINGEMENT AND RECTIFICATION DATE	:	INITIAL DATE: ___/___/___	RECTIFICATION DATE: ___/___/___
<b>VIII. DESCRIPTION OF NON COMPLIANCE WITH CIVIL AVIATION REGULATIONS</b>			
COUNSELLING DATE:	DETAILS OF NON COMPLIANCE AND COUNSELLING ACTION COMPLETED BY INSPECTOR		
NAMES OF INPSECTOR(S):			
<b>IX. DETAILS OF ADDITIONAL ACTIONS TAKEN BY INSPECTOR</b>			
<b>X. RECOMMENDATION FOR FURTHER ACTION</b>			
<input type="checkbox"/> NO FURTHER ACTION <input type="checkbox"/> FORMAL WARNING <input type="checkbox"/> WITHDRAWAL NOTICE <input type="checkbox"/> REVOCATION NOTICE <input type="checkbox"/> AIN PENALTY			
<b>XI. SIGNATURE</b>			
THE ABOVE COMPANY HAS BEEN COUNSELED FOLLOWING THE DETECTION OF A SAFETY OR REGULATORY NON-COMPLIANCE ISSUE AND FURTHER ACTION MAY BE REQUIRED.			
SIGNATURE: .....			
(NAME): .....			
(POSITION): .....	DATE: ___/___/___		
<b>FOR DGCAR USE ONLY:</b>			
<input type="checkbox"/> FURTHER COUNSELLING <input type="checkbox"/> FORMAL WARNING <input type="checkbox"/> AIN PENALTY <input type="checkbox"/> ISSUE LEGAL ACTION (SUSPENSION OR REVOCATION)			
HAS PERMISSION HOLDER ACTED IN ACCORDANCE WITH THE NOTICE TO MITIGATE? <input type="checkbox"/> YES <input type="checkbox"/> NO			



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