State Safety Programme Falkland Islands

Falkland Islands Civil Aviation Department

Issue V3.0

September 2023

Amendment Record

Issue	Date	Notes
1.00	April 2017	
1.1	June 2017	Slight change to 3.3.1
1.2	July 2017	Signatures added
2.0	January 2020	SSP Gap Analysis removed and ASSI amendments incorporated.
DV3.0	September 2023	Explains FICAD & ASSI roles but focuses on how FICAD achieves theirs.

Foreword

Annex 19 to the Chicago Convention (first edition, applicable 14 November 2013, second edition applicable 7 November 2019) sets the standards for a State Safety Programme (SSP), placing the responsibility on all contracting States to implement such a programme. For the purposes of the Convention, the Overseas Territories (OTs) are an integral part of the United Kingdom (UK). The UK has established legislation dealing with civil aviation in the OTs.

Within the UK OTs the Governor is the appointed representative of the UK and has specific responsibilities for fulfilling the obligations of the UK as defined in the Convention on International Civil Aviation. In this regard the Air Navigation (Overseas Territory) Order 2013 has been made and sets out the provisions to enable the UK to comply with the Convention on International Civil Aviation (the Convention) and in particular the Annexes to that Convention in the OTs.

The Governor discharges her responsibilities by designating either the Director of Civil Aviation (DCA) or Air Safety Support International (ASSI) to oversee compliance with the ICAO Annexes with the exception of Annex 9, *Facilitation, -* and Annex 13, *Aircraft Accident and Incident Investigation,* which are undertaken by the Department for Transport and the Air Accident Investigations Branch respectively. Where designated by the Governor, ASSI and the Falkland Islands Civil Aviation Department (FICAD) aim to improve the effectiveness of regulation and oversight programmes to ensure compliance with the Standards and Recommended Practices (SARPs) of Annex 19 and other relevant ICAO Annexes.

Although part of the overall UK SSP, the UK OTs are not part of Europe and the regulations of European Aviation Safety Agency (EASA) are not applicable. Therefore, it is more practicable for each Territory to devise an SSP to address the safety needs of their civil aviation industry. This document describes the State[1] Safety Programme for the Falkland Islands for the implementation of Annex 19 SARPs within the UK's State Safety Programme.

This document describes the Falkland Islands SSP framework. The Falkland Islands is the only OT with a split of Governor's designations which means FICAD shares responsibility for SSP implementation with ASSI. The document also provides high-level description of how FICAD achieves compliance with the SSP. For similar detail about ASSI visit www.airsafety.aero

Bruce Wilks

Director of Civil Aviation

FICAD

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[1] The Falkland Islands is not an ICAO Contracting State itself; the term "State" in this paper reflects that FICAD and ASSI are exercising state functions in the Falkland Islands on behalf of the United Kingdom.

Contents

Overview

0.1 ICAO describes a State Safety Programme (SSP) as "*an integrated set of regulations and activities aimed at improving safety*". The SSP exists to ensure the State achieves an Acceptable Level of Safety Performance (ALoSP). The level of the ALoSP and the means by which it is expressed remains at the discretion of the State.

0.2 Rather than expressing it quantitively (0 fatalities, 98% attendance at SMS review meetings, no regulatory findings left unclosed for more than three months, etc.), the Falkland Islands defines ALoSP as the implementation and maintenance of the SSP as well as safety performance indicators and targets showing that safety is effectively managed and built on the foundation of implementation of existing safety-related SARPs.

0.2 The requirement for an SSP recognises that States as well as service providers have safety responsibilities and provides a framework within which service providers are required to establish safety management systems (SMS).

0.3 ICAO standards for an SSP are contained in Annex 19.

0.4 This SSP has been developed using the material within ICAO Document 9859 i.e. the SSP framework and guidance material, including the SSP gap analysis. Where possible, the headings proposed by ICAO in its framework SSP document have been adopted in this document.

0.5 Chapter 1 and the early sections of chapter 2 describe the State high level overview looking at the underpinning legal structures. Whereas, the latter sections of chapter 2, and the following chapters 3, 4 and 5 focus more on the aviation regulatory work of FICAD.

0.6 FICAD is committed to improving the SSP. This document will be periodically updated as this evolves. The ICAO SSP gap analysis can be viewed at (https://portal.icao.int/space/Pages/SSP-Gap-Analysis.aspx select OTHER/NONE - OTHER - UK OVERSEAS TERRITORIES FALKLAND ISLANDS (by Wilks Bruce).

0.7 FICAD welcomes any questions, contributions or comments at: civilaviation@sec.gov.fk

0.8 For further information on FICAD please visit FICAD website at: www.fig.gov.fk/aviation

0.9 For any further information on ASSI please visit the ASSI website at: www.airsafety.aero

Glossary

AAIB	UK DfT Air Accidents Investigation Branch
ALoSP	Acceptable Level of Safety Performance
AN(OT)O	Air Navigation (Overseas Territories) Order
AOC	Air Operator Certificate
ASSI	Air Safety Support International Limited
ATC	Air Traffic Control
ATCO	Air Traffic Control Officer
CAA	UK Civil Aviation Authority
CD	UK Crown Dependency
CEO	Chief Executive Officer
CHIRP	UK Confidential Human Factors Incident Reporting Programme
CTR	Controlled Traffic Region (control zone)
DCA	Director of Civil Aviation
DfT	UK Department for Transport
EASA	European Aviation Safety Agency
ECAC	European Civil Aviation Conference
ECCAIRS	European Coordination Centre for Accident and Incident Reporting System
FCDO	Foreign Commonwealth Development Office
FICAD	Falkland Islands Civil Aviation Department
FIG	Falkland Islands Government
ICAO	International Civil Aviation Organisation
iSTARS	Integrated Safety Trend Analysis Reporting System (ICAO)
IiC	Inspector in Charge
MoD	The (UK) Ministry of Defence
MOR	Mandatory Occurrence Report
MoA	Memoranda of Agreement
MoU	Memoranda of Understanding
OTs[2]	UK Overseas Territories
OTAA	Overseas Territories Aviation Authorities
OTAC	Overseas Territories Aviation Circular
OTAR	Overseas Territories Aviation Requirement
OTSPC	Overseas Territories Safety Performance Council
QMS	Quality Management System
SAFA	Safety Assessment of Foreign Aircraft
SAR	Search and Rescue
SARPs	ICAO Standards, Recommended Practices and Procedures
SMS	Safety Management System
SPI	Safety Performance Indicator
SSP	State's Safety Programme
USOAP	ICAO Universal Safety Oversight Audit Programme

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[2] References to OTs within this document are specifically to only the OTs of Bermuda, Cayman, Falklands, and Turks and Caicos.

Chapter 1 UK OT State aviation regulatory system

1.1 Introduction

1.1.1 This chapter and document sets out the legislative structure which applies to the UK Overseas Territories (OT).

1.2. The UK Overseas Territories

1.2.1 When the UK ratified the Convention on International Civil Aviation (signed at Chicago on 7th December 1944), it did so on behalf of the various colonies, protectorates and dependencies that existed at the time. Today, the UK's adherence to the Chicago Convention covers the United Kingdom of Great Britain and Northern Ireland (UK 'Main'), the UK's Overseas Territories (OT) and the Crown Dependencies (CD).
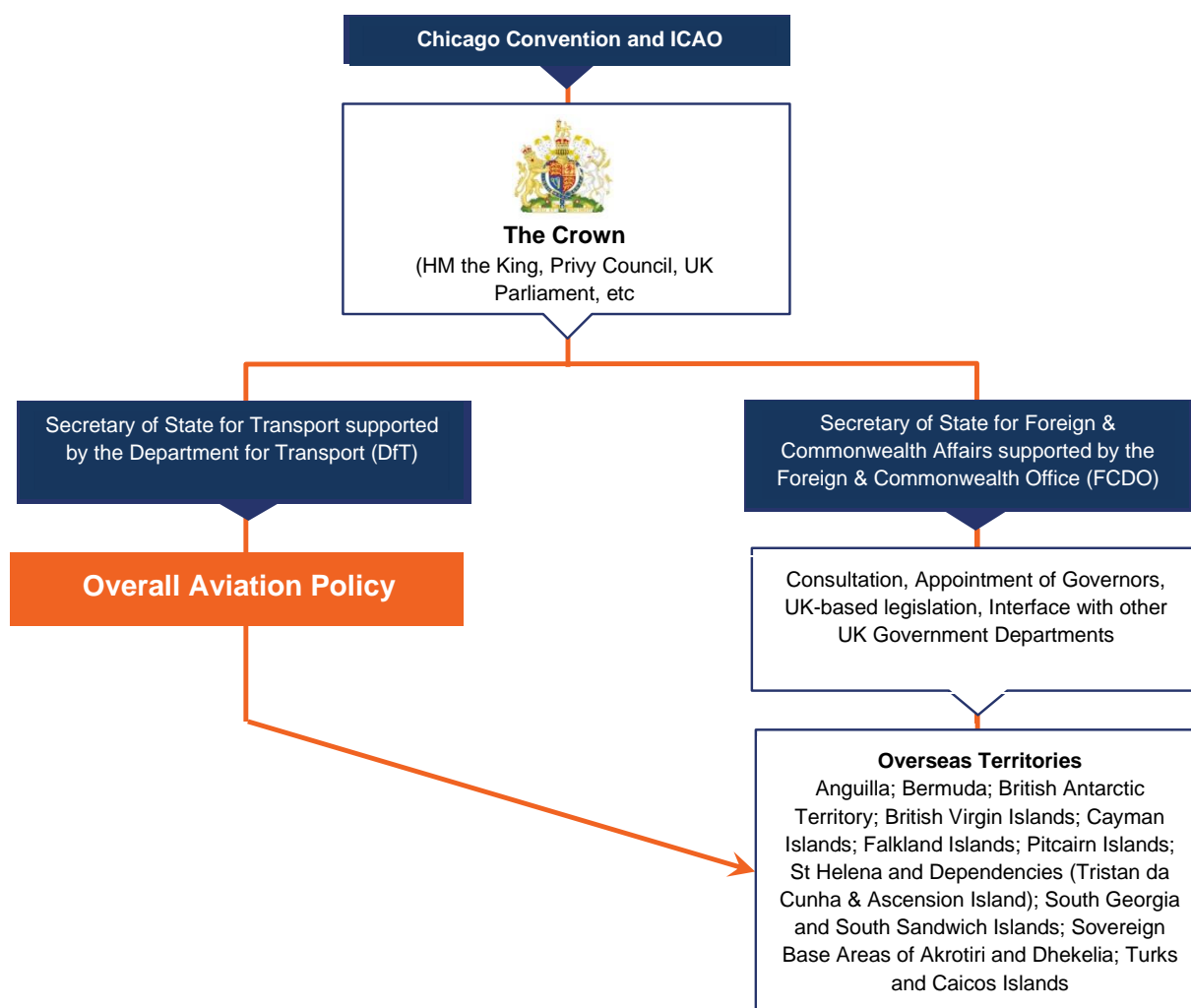
Figure 1- The UK as a Contracting State to ICAO (Simplified constitutional relationship between ICAO, UK and its OTs, note that not all have aviation activity)

1.2.2 The Privy Council, that meets approximately monthly, consists of all the members of the British Cabinet, former Cabinet ministers, and other distinguished persons appointed by the Sovereign including past and present leaders of the British opposition parties. Its functions include advising the King on Orders in Council, granting Royal Charters and, through its Judicial Committee, acting as the final court of appeal from courts in the OT. The British Cabinet remains formally a committee of the Privy Council.

1.2.3   Orders in Council are approved by the King at meetings of a small number of Privy Counsellors. Orders in Council establishing legal requirements are Statutory Instruments and are normally subject to UK Parliamentary scrutiny. The Order in Council is an important method of giving force of law to the more significant executive orders. Orders in Council are also used to extend civil aviation legislation to the OTs. The Office of Public Sector Information provides access to legislation of the UK; this is available online.

1.2.4   The UK DfT is the primary governmental body responsible for civil aviation in the UK and for upholding the UK's compliance with the Chicago Convention. As such, the DfT establishes overall aviation policy in cooperation with the FCDO for the UK OTs. The UK CAA has no regulatory responsibility for safety oversight of aviation in the UK OTs.

1.2.6   Parts of the 1949 and elements of the 1971 and 1982 Civil Aviation Acts have been extended to the OTs by Orders in Council. The 1949 Act provides for a State to make an Air Navigation Order (ANO) to implement the Annexes to the Chicago Convention and to regulate air navigation generally. The Air Navigation (Overseas Territories) Order (AN(OT)O) gives the Governor of each of the OT powers and responsibilities in respect of aviation safety oversight.

1.2.7   The AN(OT)O 2013 requires the Governor to designate the majority of her powers to a person; in practice this is either a local DCA who is usually an employee of the OT's Government, or ASSI. The Governor is required to consult ASSI before making (or revoking) any such designation. ASSI conducts routine assessment visits to the OT where a person has been designated by the Governor other than ASSI itself.

1.2.8   In the Civil Aviation Authority (Overseas Territories) Directions 2003, the Secretary of State directed the CAA to establish ASSI as a subsidiary company to oversee aviation safety regulation in the OTs and to ensure compliance with the requirements of the Convention. The current Directions are the Civil Aviation Authority (Overseas Territories) Directions 2014 (as amended by the Civil Aviation Authority (Overseas Territories) (Variation) Directions 2015, a consolidated copy of which is available on the ASSI website. These Directions extended ASSI's responsibilities to include aviation security oversight and regulation but exclude Annex 9 from ASSI's responsibilities. ASSI has been charged with developing and maintaining the AN(OT)O and producing OTARs to support it.

1.2.9   The AN(OT)O also requires the Governor to publish the detailed requirements which applicants for certificates and licences will have to meet. Such requirements are primarily the OTARs developed by ASSI in conjunction with the OT DCAs.

1.2.10 ASSI and FICAD are responsible for providing assistance, training and advice to the aviation service providers in the Falkland Islands. ASSI performs the role of policy-maker, adviser/mentor, assessor of the efficacy of regulatory oversight where it is not the regulator and, depending on the situation in the Territory, regulator. In the Falkland Islands there is a split of designations shared by ASSI and FICAD (See Appendix E).

Chapter 2   UK OT State safety policy and objectives

State safety legislative framework
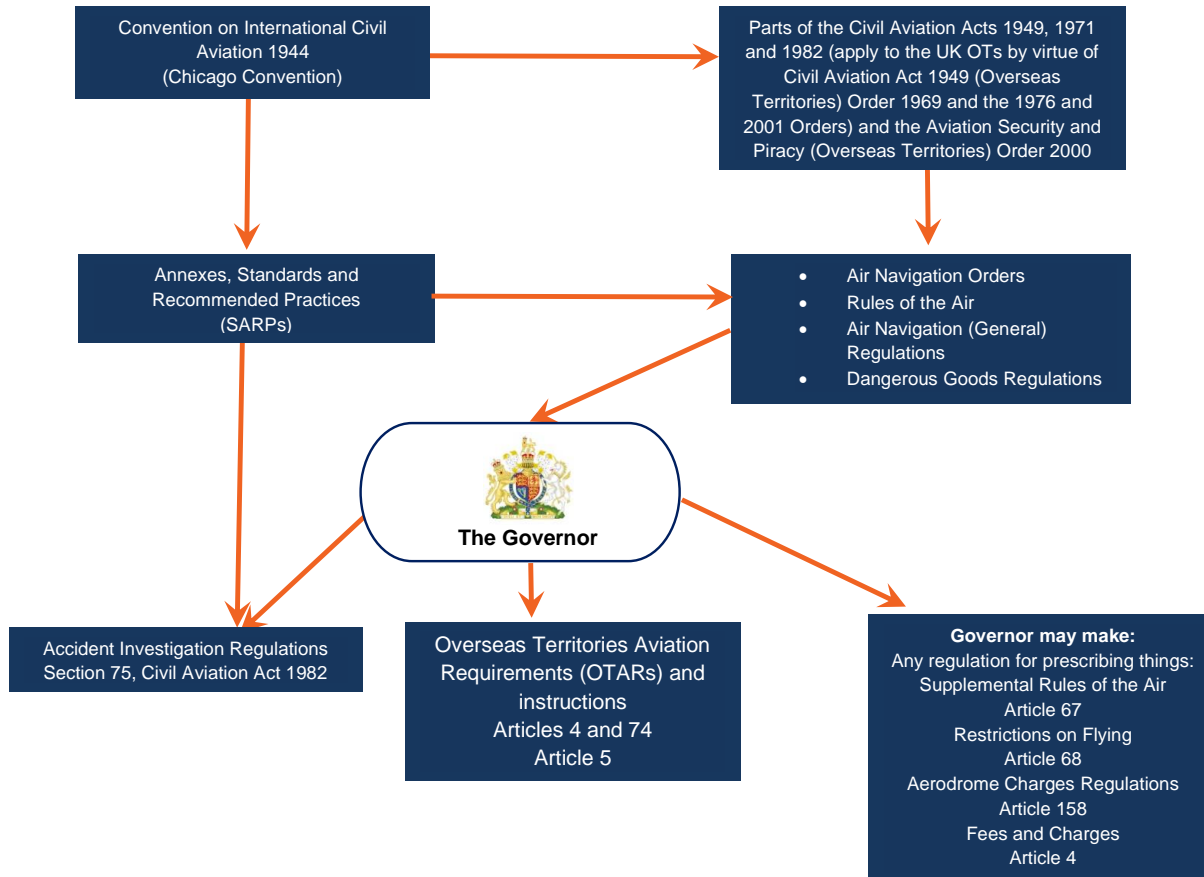
Figure 2 - UK Overseas Territories regulatory framework, note article refers to the provisions of the AN(OT)O 2013.

2.1   Primary legislation - Civil Aviation Act 1949 (Overseas Territories) Order 1969

2.1.1   The Civil Aviation Act 1949, extended to the Overseas Territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 provides the authority to apply the provisions of the Convention by Order in Council and implement other statutory instruments in the area of civil aviation in the Falkland Islands.

2.1.2   The Act is supplemented by section 62 of the Civil Aviation Act 1971 to the OTs:

- (by the Civil Aviation Act 1971 1982 (Overseas Territories) Order 1976 - section 62 increased the penalties for breaches of an Air Navigation (Overseas Territories) Order) and) this is not in MBs by the extension of sections 61, 75 and 76(4) of the Civil Aviation Act 1982 to the Overseas Territories (by the Civil Aviation Act 1982 (Overseas Territories) Order and No.2 Order 2001.
- Section 61 increased the penalties for breach of an AN(OT)O.
- Section 75 enables the Governors to make air accident and investigation regulations.
- Section 76(4) amends section 40(2) of the 1949 Civil Aviation Act, so that where an aircraft is chartered or demised for more than 14 days, the lessee rather than the owner (lessor) is liable for any damage or injury caused to any property or person on the ground by the chartered or demised aircraft).

2.1.3   Certain parts of the Aviation Security Act 1982 (Parts 1 (offences against the security of aircraft etcetera) and 2 (protection of aircraft, aerodromes and air navigation installations against acts of violence) and Schedule 1 of the Act (provisions relating to compensation)), along with sections 1 and 50 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes and offences by bodies corporate), were extended to the Overseas Territories by the Aviation Security and Piracy (Overseas Territories) Order 2000.

2.1.4 Part 2, section 8 of the Civil Aviation Act 1949 (Overseas Territories) Order 1969, as amended by the Civil Aviation Act 1982 (Overseas Territories) Order 2001, makes provision for the creation and maintenance of the Air Navigation (Overseas Territories) Order to implement the Annexes of the Chicago Convention. Certain provisions of the 1971 and 1982 Civil Aviation Acts have also been extended to the Overseas Territories (see below).

2.2   Subsidiary legislation – Air Navigation (Overseas Territories) Order 2013

2.2.1 The AN(OT)O is secondary legislation to provide a sound legal framework for enabling the adoption of OTARs as a common cohesive package of requirements. The AN(OT)O enables, or gives power to, the requirements contained in the OTARs.

2.2.2 The AN(OT)O gives the Governor a wide variety of discretionary powers which are exercised by the designated regulator. An entity affected by certain decisions made by the Governor's regulator may seek a review by the Governor; Article 13 AN(OT)O.

2.3   Operating regulation/ requirements – Overseas Territories Aviation Requirements (OTARs)

2.3.1 OTARs are a means of compliance with SARPs (consistent with the legislation in force).

2.3.2 ASSI is required, under the directions from the Secretary of State, to produce the means of compliance to enable the Governors to be satisfied that applicants for, or holders of, licences, certificates and approvals meet their legal obligations. Governors are required under Article 5 of the AN(OT)O to publish these requirements. The OTARs do not constitute 'regulations' in legal terms. They do, however, conform to the wider ICAO definition of regulations used in ICAO Doc 9734 Safety Oversight Manual in relation to Critical Element 2 and were recognised as such by ICAO during the 2009 USOAP audit of the UK.

2.3.3 The OTARs set out, for the benefit of those regulated:

- the requirements for obtaining and holding a licence, certificate, authority or approval;
- the way in which the rights and privileges of licences, certificates, authorities or approvals are exercised;
- the way obligations which come with the privileges are to be discharged; and
- general instructions regarding the operation and equipment of aircraft.

2.4   Industry guidance material – Overseas Territories Aviation Circulars (OTACs)

2.4.1 There is also a need to promulgate additional information which is not appropriate for inclusion in the OTARs themselves. Such information and guidance is included in Overseas Territories Aviation Circulars (OTACs).

2.4.2 These include the following information:

- practical, detailed guidance on meeting the requirements;
- information of a temporary nature;
- administrative material;
- information published in advance of a formal amendment to OTARs;
- the means of ensuring that aspects of the State civil aviation system comply with ICAO SARPs where this is a State responsibility, e.g. SAR.

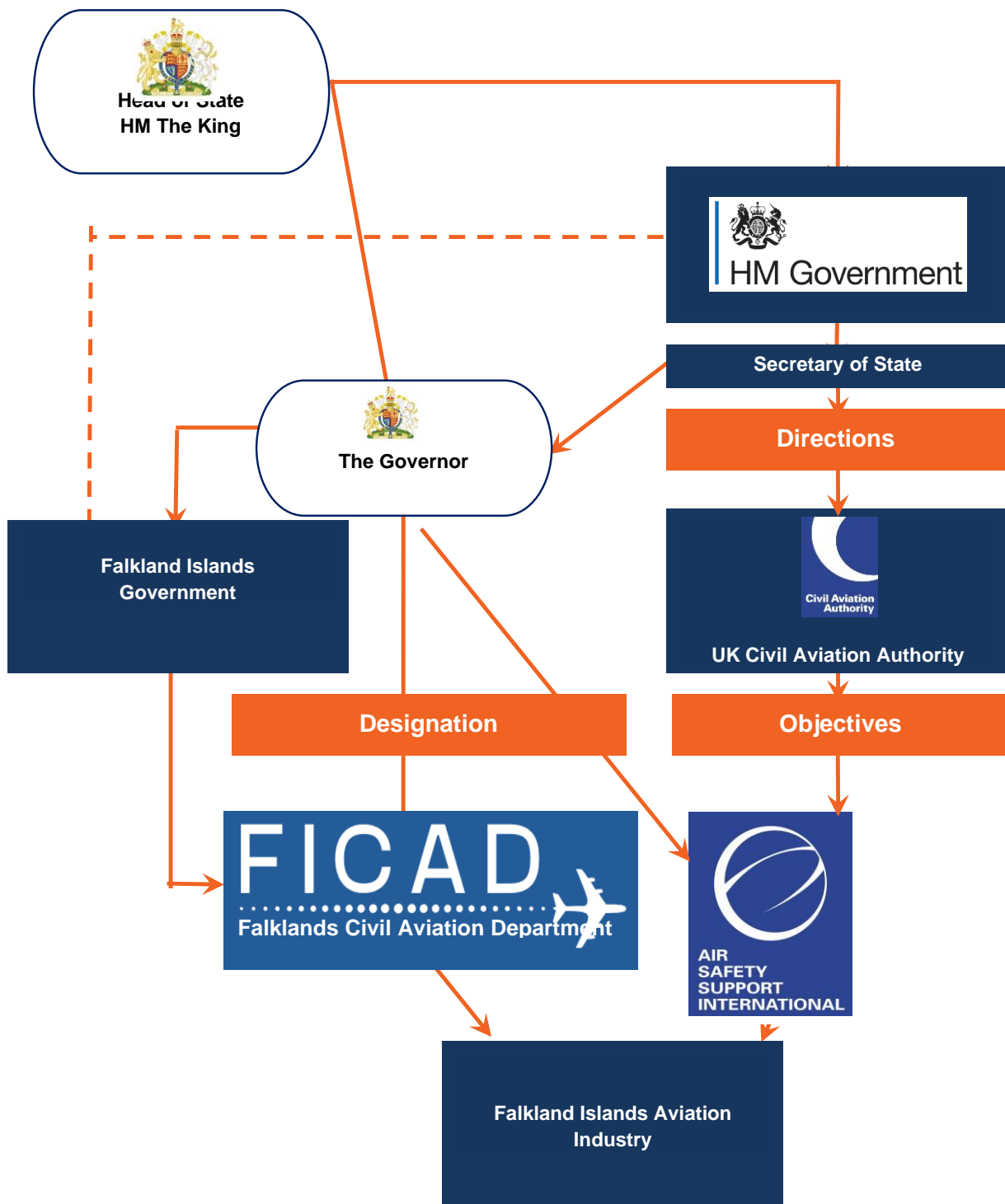**UK OT civil aviation framework and accountabilities**

Figure 3 - UK Overseas Territories flow of authority

The UK Department for Transport responsibilities

2.5.1   The Department for Transport (DfT) is responsible for setting overall policy for the standards of safety and security in transport in the UK, including civil aviation. It is the ultimate authority responsible for the coordination of ICAO-related matters It is also responsible for the management of international affairs in the civil aviation context, which are reserved to the UK under the OTs' Constitutions. The Secretary of State has issued Directions for the UK CAA to establish ASSI and which set out ASSI's responsibilities. The Secretary of State's Directions require the UK CAA to set objectives for ASSI which the Secretary of State approves.

The UK OT's Governor's responsibilities

2.5.2   The Governor is the King's representative and acts on behalf of the UK Government in relation to the general governance of the Falkland Islands, within the scope of the Constitution, and in relation to international affairs which are reserved to the UK. Governors are accountable to FCDO.

2.5.3   The Governor must ensure the adequacy of civil aviation safety regulation in the Falkland Islands, appointing a Regulator to carry out most of the Governor's duties under the AN(OT)O.

The UK Civil Aviation Authority responsibilities

2.5.4   The UK CAA appoints the Board of ASSI, a wholly owned UK CAA subsidiary, along with enacting the Directions to establish ASSI and setting objectives for ASSI subject to the Secretary of State's approval. The UK CAA is required to audit ASSI annually.

Air Safety Support International responsibilities

2.5.5   ASSI is responsible for the drafting of the AN(OT)O, OTARs and OTACs in order to implement the SARPs. ASSI is also responsible for undertaking regular assessments of FICAD on the standards of civil aviation safety regulation and the adequacy of the resources employed, to advise to the Secretary of State and the Governor on whether the Falkland Islands complies with the UK's obligations under the Chicago Convention and whether any remedial measures may be necessary. This includes advice and recommendations to the Governor on the designation of FICAD.

2.5.6   ASSI is the designated regulator responsible for Annex 17 within all the UK OTs and certain functions under the AN(OT)O (other than those reserved to the Governor[3]) in the Falkland Islands. The table in Appendix E shows the split of designations shared by ASSI and FICAD.

The Falkland Islands Civil Aviation Department

2.5.7   FICAD is the designated regulator responsible for certain functions under the AN(OT)O other than those reserved to the Governor and those designated to ASSI. The table in Appendix E shows the split of designations shared by ASSI and FICAD.

2.6   Framework/ regulations review

2.6.1   Regulations are regularly reviewed by ASSI. In addition to periodic review

Such reviews may be triggered through:

- monitoring of ICAO State Letters
- safety issue feedback from the OTAAs via the Overseas Territories Safety Performance Council
- DCA conference call feedback
- ASSI/ OTAA Inspector webinars
- ASSI/ OTAA training events
- direct feedback from ASSI staff

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[3] These are specifically publishing of requirements, hearing of appeals and issuing of supplementary rules.

- direct feedback from OTAA staff
- direct feedback from service providers.

2.7   State safety programme documentation and records

2.7.1   Most of the SSP implementation plan has been completed and the processes created have now provided data for continuous improvement of our safety promotion and areas of focus to achieve the UK safety objectives.

2.7.2   This SSP document therefore contains most of the high level SSP documentation and this current issue, along with previous issues, provides a record of the SSP activity.

2.7.3   FICAD's management system facilitates the SSP for its Governor's designations, including risk management, reporting, auditing, document control, meeting minutes and records. Likewise, ASSI manages its contribution to the SSP itself.

2.8   State Safety responsibilities and accountabilities

State safety programme development

2.8.1   The OTSPC, which comprises UK OT Directors of Civil Aviation, ASSI and UK OT representatives, conducted an ICAO Document 9859 Safety Management Manual SSP Gap Analysis in November 2013 and reviews it on a regular basis. This gap analysis, for each OTAA, has formed the basis of a number of UK OT SSP implementation plans. Noting the size and resource of each OTAA, the initial focus of the work was to address the missing elements identified by the gap analysis. As these elements were completed the focus moved from implementation to continuous improvement. A record of each UK OT's current SSP gap analysis is held within the ICAO iSTARS system.

2.9   State safety programme responsibilities and resources

2.9.1   Although the primary responsibility for the UK SSP rests with the DfT, FICAD and Air Safety Support International (as designated by the Governor), perform the safety-related functions and therefore coordinate the SSP documentation for the Falkland Islands. The DCA of FICAD and the CEO of ASSI are accountable for the SSP and the resource allocations to sustain it. This document only describes how FICAD achieves this within the areas it is designated for.

2.10   State safety programme coordination committee

2.10.1   The ASSI CEO regularly attends the UK Aviation Safety Strategy Board to ensure any pertinent coordination with the overall UK State activities.

2.10.2   The OTSPC co-chaired by the ASSI CEO and a UK OT DCA meets twice a year where it regularly reviews the SSP progress and activities of the UK OTs. The OTSPC's vision *is to improve safety performance in the OTs and set the benchmark for others.*

2.10.3   ASSI liaises with UK OT Governors and UK OTs agencies where required to progress SSP implantation and activities.

2.10.4   FICAD reviews progress with development of and compliance with the SSP relevant to its designated responsibilities prior to each meeting of OTSPC.

2.11   State safety policy

2.11.1   ASSI's safety policy is in www.airsafety.aero and FICAD's is contained in Appendix A.

2.12 State acceptable level of safety

2.12.1 The Falkland Islands defines its ALoSP as the implementation and maintenance of the SSP as well as safety performance indicators and targets showing that safety is effectively managed and built on the foundation of implementation of existing safety-related ARPs.

2.13 State safety programme improvement/ review

2.13.1 The OTSPC regularly reviews the progress of each OTAA's SSP implementation progress and activities. As the implementation plans progress, a revised SSP gap analysis is conducted at regular intervals. A record of each UK OTAA's current SSP gap analysis is held within the iSTARS system.

2.14 State accident and incident investigation

2.14.1 In each OT the Governor has made accident investigation regulations under Section 75 of the Civil Aviation Act 1982, as extended to the OT by an Order in Council, which empowers the Governor to appoint investigators to investigate accidents and serious incidents.

2.14.2 The [Falkland Islands] Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2019 appoints the Chief Inspector AAIB as the Chief Inspector of Air Accidents for the Falkland Islands and empowers the Chief Inspector to appoint individual inspectors from within AAIB for the purposes of undertaking any investigation in accordance with regulations.

2.14.3 Under the Letter of Appointment arrangements, once the Governor has notified AAIB of an accident or serious incident, an Inspector in Charge (IiC) will be appointed by the Chief Inspector of AAIB. The IiC will be a member of AAIB, irrespective of whether the AAIB attends the scene of the accident or whether the investigation is conducted remotely, from the UK.

2.14.4 AAIB will- at the time of an accident- appoint an individual or individuals in the Falklands, whose role is to assist the AAIB conduct its investigation. The individual will be chosen on a case by case basis from a list of personnel that AAIB have provided with training during previous visits to the islands.

2.15 State enforcement policy

2.15.1 Following the OTSPC gap analysis it was agreed by DCAs and ASSI that the ASSI policy be adopted. The policy is based on ICAO 9859 Safety Management Manual. A copy of the policy is contained in Appendix B and the enforcement guide graphic is contained in appendix F.

2.15.2 The enforcement procedure recognises that enforcement covers a range of activities from usual everyday oversight, to powers that enable the prevention of flight, suspension, variation or revocation of a licence or certificate, offer of a right of review and finally prosecution in line with the AN(OT)O. The policy and procedure allow a consistent approach that takes into account the performance of the service provider's Safety Management System, voluntary reporting, and each case's circumstance. It is based on the overall aim of achieving compliance and safe operation.

2.15.3 If required, a case that escalates to prosecution is handed over to the Falkland Islands criminal prosecution service. It is of note that in any such case it is important to ensure that any safety issue is addressed without waiting for the prosecution to finish, as the prosecution process will not achieve this. Care must be taken so as not to prejudice any prosecution case, but adequately address the safety issue.

Chapter 3   UK OT safety risk management

3.1   Safety requirements for the service provider's SMS

3.1.1   The service providers in the Falkland Islands are not complex operations. Annex 19 notes that a Safety Management System should be commensurate with the size of the service provider and the complexity of its aviation products or services.

3.1.2   Regulatory oversight visits will review these elements. Hazard logs, safety meetings and reporting are the initial focus elements.

3.1.3   ASSI has developed a standard SMS requirement text based on Annex 19 that is revised in the relevant OTARs as they are reviewed and updated. This text is currently published within the Safety Management Systems OTAC (April 2016). This text has explicitly listed safety reporting and investigation processes to highlight the important part these play in hazard identification. The following OTARs require an SMS to be established appropriate to the size and complexity of the operation:

- OTAR 61   Pilot licences and ratings (Training organisation)
- OTAR 65   Air Traffic Services Personnel Licensing
- OTAR 66   Aircraft maintenance personnel licensing
- OTAR 119   Air operator certification
- OTAR 125   Complex GA (including corporate operations)
- OTAR 139   Certification of aerodromes
- OTAR 140   Rescue and fire fighting requirements
- OTAR 145   Aircraft maintenance organisation approval
- OTAR 171   Aeronautical telecommunication service
- OTAR 172   Air traffic service organisation approval
- OTAR 173   Flight Checking Organisation Approval
- OTAR 176   Instrument flight procedure approval

3.1.4   ASSI has an ongoing objective to update regulations with related guidance.

3.2   Agreement of product or service provider's safety performance

3.2.1   Of the industry overseen by FICAD and ASSI in the Falkland Islands, there is only one SMS that spans all regulatory designations.

3.2.2   As part of their routine regulatory audit programme, FICAD inspectors review industry's progress with their SMS, and safety performance indicators.

3.3   Periodic assessment of the product or service provider's SMS

3.3.1   FICAD continues to focus on its direct oversight services providers' QMS practices as an initial SMS priority with the belief that full technical compliance supported by a sound QMS is the foundation stone on which to build an effective SMS.

Chapter 4   UK OT State safety assurance

4.1   Safety oversight

Certification approval and licensing system

4.1.1   There are a number of processes employed to issue certificates, approvals, permissions and licences. These are either issued by ASSI or FICAD. These processes may include inspections and examinations. A number include time-based re-certification and re-licensing criteria.

4.1.2   The following regulations cover certification approval and licensing:

- OTAR 21   Certification of Aircraft
- OTAR 36   Aircraft Environmental Standards
- OTAR 39   Continued Airworthiness Requirements
- OTAR 61   Pilot Licences and Ratings
- OTAR 63   Flight Engineer Licences and Ratings
- OTAR 65   Air Traffic Service Personnel Licences
- OTAR 66   Aircraft Maintenance Personnel Licensing
- OTAR 67   Medical Standards and Recognition of Medical Examiners
- OTAR 92   Carriage of Dangerous Goods
- OTAR 119   Air Operator Certification
- OTAR 121   Commercial Air Transport Ops – Large Aeroplanes
- OTAR 135   Commercial Air Transport Ops – Helicopters & Small Aeroplanes
- OTAR 139   Certification of Aerodromes
- OTAR 145   Aircraft Maintenance Organisation Approval
- OTAR 171   Aeronautical Telecommunication Services
- OTAR 172   Air Traffic Service Organisation Requirements
- OTAR 173   Flight Checking Organisation Approval
- OTAR 174   Meteorological Services
- OTAR 175   Aeronautical Information Services
- OTAR 176   Instrument Flight Procedures Approval
- OTAR 178- 179   Aviation Security (linked to aerodrome certificate or AOC)

4.1.3   The respective OTACs provide industry with further guidance.

4.2   Safety oversight of product and service providers

4.2.1   Regulatory oversight is conducted through inspections and audits, together with provision of advice and guidance, to ensure that industry meets the appropriate standards. Staff members are specialists in the functional area which they regulate and regulatory competencies are defined for each role within FICAD. FICAD use ASSI's regulatory competencies as guidance to determine its own staff competences.

4.2.3   Ramp checks of foreign aircraft are by ASSI. This provides data to identify any trends and issues.

4.2.3   Most regulatory shortcomings are dealt with by the low end of the enforcement procedure that includes audit processes, but not exclusively through audit. To facilitate advice and guidance, an audit may include observations where something has the potential to develop into a non-compliance or issue. A level 2 non-conformity requires satisfactory correction within 90 days. A level 1 non-conformity requires urgent attention and satisfactory corrective action within 7 days.

4.2.4   The enforcement process provides a structured escalation that includes the following:

- prevention of flight
- formal meetings
- warning letters
- increased oversight

- 'on notice' status
- suspension or revocation of any approvals or certificates

In extreme circumstances, prosecution may be appropriate. See the enforcement guide graphic appendix F.

4.3 Internal SSP review/ quality assurance

4.3.1 The SSP is reviewed annually at OTSPC.

4.3.2 FICAD's QMS assists delivery of the SSP. ASSI controls its own SSP delivery.

4.4 External SSP review/ audit

4.4.1 FICAD are subject to a biennial ASSI assessment to assure that FICAD is adequately fulfilling its role. This assessment has the scope to examine any area of FICAD operation.

4.5 Safety data collection, analysis and exchange

Occurrence reporting system

4.5.1 AN(OT)O article 174 establishes the requirement for mandatory occurrence reporting (MOR) and OTAR 13 and its OTAC provides further detail. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute liability or blame.

4.5.2 Aviation activity in the Falkland Islands is tiny so occurrence reports are few. FICAD receives the reports but ASSI reviews more than 95% of them due to the industry sectors that raise them.

4.5.3 The enforcement policy provides assurance that it is ASSI's and FICAD's intention to nurture and sustain effective safety reporting, allowing industry to report safety deficiencies and hazards without the fear of punitive action in the cases of unintentional errors and mistakes. FICAD encourages voluntary reporting of incidents through the occurrence reporting process.

4.6 Voluntary/ confidential reporting system

UK Confidential Human-Factors Incident Reporting Programme (CHIRP)

4.6.1 CHIRP is open to industry in the Falkland Islands and provides a further route for voluntary reporting. The aim of CHIRP is to contribute to the enhancement of aviation safety, by providing a totally independent, confidential reporting system for all employed in or associated with aviation.

4.7 Safety data-driven targeting of oversight areas of greater concern or need

4.7.1 FICAD has a very small industry to oversee so the term 'data-driven targeting,' whilst it happens, does not need to be supported by any sort of data analysis system such as Centrik. With just one airport to oversee and the dangerous goods operations of a few very small operators, the necessary data is all captured in our routine audit reports. Areas that don't perform well get targeted again more frequently. Areas that do do well are also subject to annual periodic audit.

4.7.2 For how ASSI manage their areas of oversight, see www.airsafety.aero

Chapter 5   UK OT State safety promotion

5.1   Internal training, communication and dissemination of safety information

Internal SSP, SMS and safety training

5.1.1   FICAD staff undertake training and hold qualifications commensurate with the technical disciplines they are responsible for. FICAD technical staff have had SMS training and the DCA has undertaken the UK CAA phase one evaluation course.

5.2   Internal communication and dissemination of safety information

5.2.1   FICAD hold informal and formal meetings to discuss all aspects of regulatory work based on designations. Pre-audit meetings/ discussion are held to help us better understand and plan for expectations. Post audit meetings/ discussions are also held to agree post audit actions.

5.2.2   In 2015 FICAD commenced a programme of in-house training that is hoped to achieve two things: 1) supplement/ complement external training; and 2) provide more focus specifically on FICAD and the Falklands, expanding on FICAD's own policies, procedures and management systems. The first in-house training was aviation safety auditing and that will be followed in 2017 with QMS and SSP training. This training was also offered to industry. In 2019 FICAD provided Internal and External audit training to its staff and industry. In 2021 FICAD provided GRF training to industry and aerodrome certification training in 2023.

5.3   External training, communication and dissemination of safety information

External SMS and SSP training/ education facilitation

ASSI facilitates regular targeted training events and webinars for both UK OTAA staff and UK OT service providers. Many components of this training are SMS and SSP related. UK OTAAs provide some input to both the content and provision of this training. Again, the SSP implementation plan exploits such promotional activities. Where relevant, ASSI participates in regional training and conference events. Training sessions are also conducted with OTAA DCA staff at the OTSPC meeting. ASSI and FICAD continues to focus on Service Provider's QMS and SMS development.

5.4   External communication and dissemination of safety information

5.4.1   UK OT service providers have access to the UK CAA MOR summaries. A quarterly ASSI Safety Bulletin is published with information on SSP/ SMS and safety related topics. The ASSI website also provides information on safety related matters, SMS and the SSP. ASSI operates an e-mail alert system to which both OTAAs and service providers can sign up to be advised of the availability of new or updated material.

5.4.2   FICAD maintains solid links with the MoD aviation units in the Falkland Islands. The DCA sits on the MoD's Safety Steering Group that meets biannually and co-chairs with the MoD the Falklands Air Users Group which also meets thrice per year. Aviation safety information is exchanged on a regular basis and any operations being conducted by either side with potential safety implications are always discussed and agreement found before proceeding.

Appendix A

Falkland Islands Civil Aviation Department (FICAD) Safety Policy

FICAD, in collaboration with ASSI, promotes the safety of aviation in the Falkland Islands and, where designated by H. E. the Governor of the Territory, FICAD regulates aviation safety.

Policy
The Civil Aviation Department will implement regulatory strategies and processes aimed at ensuring the parts of civil aviation it regulates achieve the highest practicable level of safety.

To this end, in cooperation with ASSI, FICAD will work towards:

1) fostering safety reporting and promoting just culture;

2) encouraging safety information collection and exchange amongst all relevant industry organisations and service providers, including the MoD, with the intent that such information is to be used for safety management improvement purposes only;

3) collaborating and consulting with relevant aviation stakeholders to address safety and regulatory matters to enhance aviation safety;

4) allocating sufficient financial and human resources for safety management oversight;

5) equipping FICAD staff with the skills and expertise to discharge their safety oversight responsibilities.

Specifically, where FICAD is designated by the Governor to regulate, FICAD will work towards:

6) identifying safety trends within the aviation industry and adopting a risk-based approach to address areas of greater safety concern or need;

7) the development of safety performance indicators as well as service providers' safety performance indicators to continuously monitor and measure the safety performance of our aviation system;

8) promoting good safety practices and positive safety culture within the service providers based on sound safety management principles.

Director of Civil Aviation, Falkland Islands Government

Appendix B

Policy 47 Enforcement 06/07/2015

Basic legislative enforcement provisions have in some cases been concerned with imposing penalties for violations within the service provider or by the regulator. In an SSP-SMS environment, it is intended that enforcement policies and procedures, of both the individual service provider and regulator, take account of the actual conditions and circumstances surrounding a violation or act of non-conformance. The intent is to ensure that a distinction is made between an unintentional error or mistake and a deliberate or gross violation.

Service providers are expected to have an acceptable process in place to manage their own routine safety and quality non-conformances. Regulatory intervention can be expected under certain conditions and circumstances in which the designated regulator will actively investigate a particular violation or non-conformance.

This enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner designed to support the implementation of SMS. The policy and related procedures allow service providers to deal with, and resolve, certain events internally to the satisfaction of the regulator, within the context of a service provider's SMS. 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 organisational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence. Intentional contraventions of legislation and related Overseas Territories Aviation Requirements (OTARs) will be investigated and may be subject to conventional enforcement action where appropriate, with due consideration to distinguishing between unintentional errors or non-compliances and premeditated violations. For the purposes of this policy, service providers are holders of certificates, approvals, permissions, authorisations or similar documents issued under the Order.

Policy Statements:

1. Information derived from safety data collection and processing systems established under an SMS relating to reports classified as confidential, voluntary or equivalent shall not normally be used as the basis for enforcement action.

2. When a service provider, operating under an SMS, unintentionally contravenes the requirements, the regulator will engage in dialogue with the organisation. The objective 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 dependent on the risks to safety to implement them.

3. If the regulator considers the corrective measures proposed satisfactory, likely to prevent recurrence and foster future compliance, there will be no further enforcement action by the regulator. Where either the corrective measures or the systems in place are considered inappropriate, the regulator will continue to interact with the service provider to find a satisfactory resolution that would negate the need for enforcement action. However, in cases where the service provider refuses or is unable to engage with the regulator, to address the event and to provide effective corrective measures, the regulator will consider taking enforcement action as deemed appropriate.

4. Breaches of requirements may occur for many different reasons, ranging from a genuine misunderstanding of the regulations to disregard for aviation safety. Enforcement decisions must be proportional to the identified breaches and the underlying safety risks, based on the following principles:
   a) action will be taken against those who deliberately or consistently operate outside the requirements; the regulator will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
   b) the regulator will give consideration to distinguish unintentional errors / non-compliances from premeditated violations.

5. Enforcement actions may include:
   a) counselling;
   b) remedial training;
   c) variation, suspension or revocation of a certificate, approval or authorisation; or
   d) prosecution as provided for in the applicable legislation.

6. Enforcement decisions must not be influenced by:
   a) personal conflict;
   b) personal gain;
   c) considerations such as gender, sexual orientation, race, religion, political views or affiliation; or
   d) personal, political or financial power of those involved.

7. Enforcement decisions must:
   a) be fair and follow due process;
   b) be transparent to those involved; take into account the circumstances of the case and the attitude and actions of the service provider or individual when considering action;
   d) be consistent actions or decisions for like or similar circumstances; and
   e) be subject to appropriate internal review.

Appendix C

FICAD State Safety Programme Aim and Objectives Aim: *In support of our Safety Aim: To further develop and implement an appropriate regulatory framework with processes to ensure that aviation activities within the Falkland Islands are able to achieve the highest practicable level of safety performance.*

Objective 1: Update regulations with related guidance and associated training for both ASSI and service provider staff to **improve Safety Management**.
- Safety policy review, update and promotion
- Enforcement policy review, update and promotion
- Revise State Safety Programme documentation
- Safety and Quality Management training of FICAD staff and service providers where designated

Objective 2: Improve reporting through revising reporting processes, promotion of both a Just Culture and a positive safety culture.
- Reporting review and promotion
- Safety Management and human factors training of FICAD staff and service providers

Objective 3: Update and create processes to collect, share, analyse and monitor information that influences aviation safety to **work towards developing a performance/ risk-based approach**.
- Safety Performance review and promotion work streams
- Safety Management training of FICAD staff and service providers where designated

Objective 4: Further **develop collaborative working relationships with the aviation industry, UK Overseas Territories Aviation Authorities and other States National Aviation Authorities** to enhance aviation safety of the UK Overseas Territories.
- Participation in the Overseas Territories Safety Performance Council (OTSPC)
- Safety Performance review
- Participation in relevant safety working groups
- Sharing training with OTAAs, the UK military and service providers

Appendix D: Designated Authorities for ICAO Annexes in the Falkland Islands

DfT
Department for Transport

Annex 9
Facilitation

H.E. The Governor

Falkland Islands – Office of Director of Civil Aviation Designations and Areas of Responsibility

Annex 13
AAIB
Aircraft Accident Investigation

ASSI
Air Safety Support International
Designations

Falkland Islands Director of Civil Aviation
& the Falkland Islands Civil Aviation Department
Designations

ICAO Annex 6
Flight Operations

ICAO Annex 1
Personnel Licencing

ICAO Annex 12
Search and Rescue

ICAO Annex 8
Airworthiness

ICAO Annex 2
Rules of the Air

OTAR Part 13
Occurrence Reporting

ICAO Annex 10
Telecoms

ICAO Annex 3
Meteorology

ICAO Annex 15
AIS

Instrument Approach Procedures

ICAO Annex 4
Charts

ICAO Annex 14
Aerodromes

ICAO Annex 16
Environment

ICAO Annex 7
OTAR Part 47
Registration

ICAO Annex 18
Dangerous Goods

ICAO Annex 17
Security

ICAO Annex 11
Air Traffic Services