

POLICY STATEMENT 5 | REGULATORY STAFF EXERCISING THE PRIVILEGES OF THEIR LICENCES

UNCONTROLLED DOCUMENT WHEN PRINTED

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Rationale:

Some regulatory staff have current licences for regulated activities. This enables them to maintain their skills, knowledge and understanding of the activity and enhances their credibility with those they regulate. In some cases holding a current licence in the area they regulate is a prerequisite to employment.

There is a potential for conflicts of interest:

- in an individual exercising the privileges of a licence as an operator for an organisation whilst being responsible for regulating that technical area.
- in an individual acting as service provider in a technical area for an organisation whilst being responsible for regulating that technical area. See also Policy Statement 4.

Therefore, a regulator may not normally act as an operator for an organisation which he regulates. Some examples may assist: a Flight Operations Inspector may undertake line flying with an aircraft operator provided that individual does not also regulate the flight operations area of that operator. A DCA may not provide an ATC service at an aerodrome for which that individual is also the ATS regulator.

However, it is recognised that strict application of this principle creates a problem in those territories in which there is only one such regulator or one such organisation. Therefore, by way of exception a regulator may act as an operator for an organisation that he regulates provided that he does so whilst on DCA duty and provided that he receives no remuneration or other allowances or compensation in respect of such activity.

Policy Statement:

- A Regulator may not exercise the privileges of a licence as an Operator for an organisation for which that individual is also the Regulator in that technical area except that a Regulator may exercise such privileges provided that he is on DCA duty and whilst undertaking such activity receives no remuneration, allowances or other compensation from the organisation concerned.

A Service Provider, for the purposes of this Policy Statement, is considered to be a person who carries out a systematic function involving management of arrangements, agreements or contracts in the provision of an aviation activity employing licensed personnel. See also Policy Statement 4.

A Regulator, for the purposes of this Policy Statement, is considered to be a person who is employed by an organisation designated by a governor of an UK Overseas Territory (OT) to carry out oversight of specific functions or areas of the aviation industry in that OT.

An Operator, for the purposes of this Policy Statement, is considered to be a person who carries out a licensed activity such as acting as pilot or air traffic controller – whether for remuneration or not.