CHAPTER 39

GROUNDING OF OPERATOR'S AIRCRAFT

0.0 LIST OF EFFECTIVE PAGES

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1.0 OBJECTIVE.

This chapter provides guidance for grounding an aircraft used in air transportation, under the provisions of the Nigeria Civil Aviation Regulations as amended.

Reference: ICAO Document 8335 - AN/879, Chapter 8, Section 8.3.

CHECKLIST: CL: O-AWS039

GENERAL

A. An inspector will seldom have to impose the grounding provisions of the above Nigeria Civil Aviation Regulations. The knowledge that the inspector has this authority and is not reluctant to use it is usually sufficient to cause an operator to take the necessary corrective actions.

B. An inspector must be able to substantiate a grounding action with factual justification of an unsafe condition. The grounding notice must not be issued unless it is clear to the inspector that, if operated in this condition, the aircraft would be subject to the probable danger of an accident and likely to cause injury/damage to persons or property.

3.0 INSPECTOR RESPONSIBILITY

An inspector who becomes aware of an unsafe condition in an aircraft that is being operated or about to be operated and fails to act under the provisions of Nigeria Civil Aviation Regulations as amended, is in dereliction of duty. This duty is placed specifically upon the inspector. If the inspector, after due consideration, still has any doubts regarding whether or not to ground the aircraft, the grounding notice should be issued.

PREREQUISITES AND COORDINATION REQUIREMENTS

A. Prerequisites

- Knowledge of the Nigeria Civil Aviation Regulations, as amended.

B. *Co-ordination.* This task will require co-ordination between the Aviation Safety Inspector (ASI), the DAWS, and the Director General (DG), NCAA.

REFERENCES AND FORMS

A. Reference.

- Civil Aviation Act 2006 Part XIII, 53
- The Nigeria Civil Aviation Regulations – Part 1.3.3.4

B. Form.

- Aircraft Grounding Checklist: CL:O-AWS39

PROCEDURES

A. *Determine Extent of Problem.* In order to issue a grounding notice, the inspector must come to the following conclusions:

- The aircraft is not in a condition for safe operation.
- The operator intends to put the aircraft into revenue service in that unsafe condition.
- This unsafe condition constitutes a hazard to persons and/or property.

B. *Consult With the DAWS/DG, if Time Permits.* This coordination must not interfere with any immediate action necessary to ground an unsafe aircraft that is expected to operate.

(1) Before notifying an operator that an aircraft is being grounded, the inspector may if circumstances permit, consult by phone with the DAWS/DG.

(2) If the inspector performing the task is not the ASI assigned to the operator, the inspector should consult with the assigned inspector, time permitting.

C. Notify Appropriate Responsible Personnel that the Aircraft is grounded.

(1) Immediately after discovering the unsafe condition, verbally notify the pilot in command or other operator responsible personnel who have the authority to keep the aircraft on the ground, of the following:

(a) The aircraft cannot be operated for a specified, period or until the unsafe condition is corrected.

(b) The reasons for the grounding action.

(c) Those necessary precautions must be taken to ensure that the aircraft is not operated.

(d) The authority of the Nigeria Civil Aviation Regulations, as amended.

(2) In the event that the representative of the operator responsible insists upon written notification of the grounding as a prerequisite to taking the aircraft out of service, provide a letter containing as much information as possible.

D. *Debrief DAWS/DG.* Provide details of the grounding to the DAWS/DG in accordance with established procedures.

E. *Ensure That Written Notification is Received by the Appropriate Operator Responsible Personnel.* Obtain a receipt for the written notification. The word "received," date, and signature of an operator representative on a copy of the notification is sufficient.

F. *Determine if Violation Action is Necessary.* If the unsafe condition was as a result of a failure to comply with the Nigeria Civil Aviation Regulations initiate enforcement action in accordance with established office procedures.

TASK OUTCOMES

A. *Confirm Verbal Grounding in Writing.* As soon as possible, confirm the verbal grounding in writing. Include the following information:

(1) Time and date when verbal grounding notification was given.

(2) Person(s) to whom verbal grounding notification was given.

(3) A statement of unsafe condition(s) that caused the temporary grounding action.

(4) A statement that the Nigeria Civil Aviation Regulations, as amended, was used as authority for the grounding action.

(5) A statement that specified grounding period began when the inspector first verbally notified the operator.

a. File copies with the Office of DAWS/DG.

(1) Provide the details of the grounding and a copy of the grounding confirmation to the operator's assigned inspector, when applicable.

C. *Document Task.* File all supporting paperwork in the operator's file in the office of DAWS.

FUTURE ACTIVITIES

A. Inspector

(1) Closely follow the action taken by the operator to correct the unsafe condition. If the condition is corrected and the aircraft is made safe for the operation before the specified period elapse, notify the operator in writing that the aircraft may now be operated.

(2) If the unsafe condition is not corrected, and there is good reason to expect the operator will operate the aircraft after the specified time elapse, inform the DAWS/DG of this situation. Request that a formal order be issued by the legal counsel suspending or revoking the Certificate of Airworthiness. This action should be initiated in time to allow such an order to be issued effective immediately upon termination of specified grounding period.

B. Director, Airworthiness Standards (DAWS).

(1) The DAWS, after receiving the details of the grounding, will notify the DG as promptly as possible. The DG will be given all pertinent details, including a copy of the written confirmation of grounding given the operator by the inspector.

(2) If there is a possibility that the operator will contest the grounding action, the Minister should be informed promptly for the facts, conditions, and circumstances involved.

AIRCRAFT GROUNDING

THIS IS TO INFORM YOU THAT AIRCRAFT MAKE _____, MODEL _____,

and SERIAL #_____; -_____ IS FOUND TO BE UNSAFE FOR OPERATION

DUE TO THE FOLLOWING CONDITION:

_____

_____

AS A RESULT OF THIS UNSAFE CONDITION AND DUE TO THE FACT THAT____

_____AIRLINES INTENDS TO OPERATE 5 N _____ IN

REVENUE SERVICE; THE NCAA HEREBY EXERCISES THE GROUNDING AUTHORITY

OF THE **NIGERIA CIVIL AVIATION REGULATIONS** AS AMENDED.

VERBAL NOTIFICATION OF THE GROUNDING OF 5 N _____HAS BEEN GIVEN

TO (NAME) _____ ON (DATE) _____ AT

(TIME)_____

UNDER THE PROVISIONS OF THE **NIGERIA CIVIL AVIATION REGULATIONS** AS AMENDED, AIRCRAFT, 5N_____

IS GROUNDED FOR A PERIOD OF_____ DAYS AND CANNOT NOT BE USED IN AIR

TRANSPORTATION UNLESS FOUND BY THE NCAA TO BE IN A SAFE CONDITION FOR

SAFE OPERATION. THE GROUNDING STARTED AT THE TIME OF VERBAL

NOTIFICATION BEING GIVEN:

NCAA AVIATION SAFETY INSPECTOR _____

DIRECTOR GENERAL, NCAA _____

RECEIVED BY (NAME) _____

OPERATOR's NAME _____

DATE _____