



Part 13

CAA Consolidation

Enforcement Procedures

DESCRIPTION

Part 13 prescribes rules governing-

- exemption procedures;
- enforcement procedures;
- appealing procedures.

Draft

This document is the current consolidated version of Part 13 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Road and Transport. Copies of the official rule and amendments as signed by Minister may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.mcaa.gov.mn

Bulletin

ICAO 29th Assembly Resolution A29-3 of year 1992 urges States to promote global harmonization of national rules.

In order to implement this Resolution, Mongolian Civil Aviation Regulation has been developed based on “Memorandum for Technical Cooperation” between CAA of Mongolia and New Zealand, signed on 6th of May, 1999.

Amendment history**Effective Date**

Original issue	12 September 2002
Amendment 1	16 April 2010
Amendment 2	05 October 2010
Amendment 3 (Re-issue) 2021

Note: This Part 13 re-issue has been released in Mongolian and English languages, based on Model civil aviation regulations Version 2.10 of November 2020.

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Enforcement Procedures

Subpart A - General

13.1. Purpose

The main objective of this Part is to establish the necessary enforcement procedures to promote compliance with safety standards of CAR which was developed to comply minimum standard level of ICAO SARP.

This Part prescribes rules governing-

- (1) enforcement procedures;
- (2) exemption procedures.

13.3. Definitions and abbreviations

Definitions and abbreviations relating to this Part are contained in CAR interpretation summary.

13.5. Statutory background

(a) Civil aviation operators must follow all requirements of the Act, CAR, and related procedure at all times.

(b) The Decision also encourages Air Operators to do their utmost in preventing any deterioration in established safety procedures, recognizing the clear intent of the Decision that the highest degree of safety in air transport operation is expected to be maintained at all times.

(c) The Director must maintain an effective enforcement policy in respect of every violation of the Act, CAR and related procedure by any person involved in civil aviation activities.

13.7. Transfer of aviation documents (19.11)

(a) Any aviation document issued by the Director for aviation activities is not transferable.

(b) An aviation document that has been transferred shall confer no privileges on the person to whom it is transferred.

Subpart B - Enforcement

13.101. Enforcement objectives and policy

In order to identify a potential violation at the earliest possible stage and to prevent a recurrence of the violation, Director must establish regulatory standards and requirements of Enforcement.

(a) To ensure their effective implementation Director must provide for the education and guidance needed by the operators and the public. The importance of this step and the related (personal) organizational skills needed cannot be over-emphasized. In the absence of thorough understanding, compliance with the Act and CAR cannot be achieved.

(b) Director has a statutory obligation to ensure compliance with CAR. This obligation is especially critical as it applies to the holder of CAA certificates, licenses or authorizations. All individuals must clearly understand the crucial role they play in achieving compliance.

(c) While compliance can be compelled where necessary, civil aviation safety depends primarily on voluntary adherence to regulatory requirements.

(d) The enforcement procedure described in this part are equally applicable to all activities regulated by CAA. When violations occur, whether they involve the operation of an Air Operator, the performance of aircraft maintenance, or the operation of aircraft, CAA personnel responsible for enforcing CAR shall investigate and report to the Director to address such matters for appropriate enforcement action consistent with this Part.

(e) Air Operator has a statutory mandate to perform their services with the highest possible degree of safety. Achievement of that goal requires a concerted effort by CAA and the air operators.

(f) Special efforts should be undertaken to keep air operators apprised of the methods of the Director's inspections are carried out and of any recurring incidence of non-compliance discovered in those inspections. Air operators are encouraged, in turn, to utilize such information to evaluate their own systems, programs and operations.

(g) Enforcement sanctions should be applied as consistently as possible, but this should not imply blind adherence to a fixed penalty for every violation. While Director directives providing guidance on sanctions must be observed, each case requires an individual determination of appropriate enforcement action.

13.103. Enforcement action principles

- (a) The Director must follow the policies and principles of fairness in determining the severity of the enforcement sanctions.
- (b) A vital part of this effort is to achieve uniformity and consistency of enforcement action throughout the system. Similar violations under similar circumstances should result in the same type of enforcement action and sanction.
- (c) In setting sanctions, the Director must use the following basic principles-
- (1) The initial enforcement action must reflect the Director's best assessment of a fair sanction for the alleged violations, and this initial administrative sanction consists of a Warning Notice and Letter of Correction.
 - (2) The next important enforcement action is a civil penalty, which must be consistent with national enforcement principles and policies and it must be financially sensitive to the offender.
 - (3) The following violations are considered as most serious violations that warrant most serious sanctions for suspension or revocation of the licence or certificate of the offender:
 - (i) Falsification of records, logs, or documents;
 - (ii) Negligent, careless or reckless manner by licenced/authorized personnel;
 - (iii) Denial/obstruction of access to premises, facilities, records, aircraft and aircraft equipment to the Director's authorized personnel;
 - (4) Most critical sanction under this Part is seizure of aircraft operation which can be used exclusively to prevent potential accident or serious incident.
- (d) Voluntary reporting of violations is a factor to be considered in assessing an appropriate sanction.
- (e) Computation of proposed penalties is not done according to a strict mathematical formula, instead it involves judgment of where the case lies along a spectrum of seriousness. Many factors are considered, and the violation history of the respondent must be reviewed and compared with the current situation.
- (f) Air operators must be held to the highest standard of safety and perform their services with the highest possible degree of safety.
- (g) Air operators must have the financial wherewithal to operate according to the established safety standards of CAR. Financial circumstances should not be accepted as an excuse or as mitigation for violating any requirement of Act and CARs.
- (h) So called paper violations are very serious, since many of the surveillance systems on which both Director and an Air Operator rely on order for monitoring compliance with safety standards of CAR, are based primarily upon complete and accurate record-keeping and reporting.

13.105. Administrative action (Model CAR 1.3.2)

(a) If it is determined that a violation or an alleged violation of the Act, or a safety order or CAR issued under it, is appropriate for administrative action, the Director may take administrative action by one of the following:

- (1) A “Warning Notice” that shall recite available facts and information about the incident or condition and indicate that it may have been a violation; or
- (2) A “Letter of Correction” which confirms the Director’s decision in the matter and states the necessary corrective action the alleged violator has taken or agreed to take.

(b) If the agreed corrective action is not fully completed, formal certificate action may be taken in accordance with 13.109.

(c) An administrative action under this section does not constitute a formal adjudication of the legal matter.

13.107. Civil penalties (Model CAR 1.3.3.1)

(a) Under this Part, the Director must impose the civil penalties set in Table 1 to the following group of persons for violation of the requirements of Act, CAR, and related procedures:

- (1) unruly passenger, individuals, general aviation owners, operators, airmen, and air carrier personnel
- (2) AMO and ATO
- (3) air carriers, air navigation, aerodrome and aviation security organisations

(b) Civil penalties may be assessed instead of or in addition to any licence or certificate action described in Table 2.

13.109. Licence and certificate actions (Model CAR 1.3.3.3)

- (a) Suspension or revocation of a licence or certificate for violation of the Act or Safety order or CARs, is subject to suspension or revocation of the licence or certificate, in accordance with the provisions of the Act.
- (b) Any licence or certificate issued under CARs ceases to be effective, if it is surrendered, suspended, or revoked must return that licence or certificate to the Director.
- (c) Re-inspection or re-examination of a licence or certificate for lack of qualification-
- (1) Under the Act, the Director may re-inspect or re-examine any civil aircraft or aeronautical product, air operator, ATO, AMO, or any airman holding a licence or certificate issued under the CAR.
 - (2) If, as a result of that re-inspection or re-examination, or any other investigation made by the CAA, the Director determines that a lack of qualification exists, and that safety in air transport and the public interest requires it, the Director may issue an order to amend, modify, suspend, or revoke the licence or certificate in whole or in part.
- (d) Unless safety in air transport requires immediate action, prior to a final determination under Subpart D, the Director shall provide the person with an opportunity to be heard as to why such certificate or licence should not be modified, suspended, or revoked, in accordance with this Part.
- (e) Unless otherwise authorised by the Director, a person whose licence or certificate has been revoked or suspended shall not apply for any licence or certificate-
- (1) for 1 year after the date of revocation;
 - (2) during the period of suspension.

13.111. Seizure of aircraft (Model CAR 1.3.3.4)

As provided by the Act and this Part, an aircraft that is involved in a violation for which a civil penalty has been imposed or may be imposed on its owner or operator may be subject to seizure by the Director in accordance with enforcement procedures.

Note: *The seizure of aircraft is typically done only in instances where the violation is particularly egregious, e.g., use of the aircraft in a continuing violation.*

13.113. Enforcement actions for criminal penalties (Model CAR 1.3.3.2)

(a) The Crime Law, Violation Law and this Part establishes criminal penalties for any person who knowingly and willfully violates specified provisions of the Act and safety order or any CAR that causes or might cause personal injury and property damage.

(Model CAR 1.3.3.2(a))

(b) If the Director becomes aware of an alleged violation of any criminal provision of the Crime Law or any other Law, the Director shall immediately report it to the appropriate agency in a manner prescribed. *(Model CAR 1.3.3.2(b))*

(c) Any criminal act committed on board an aircraft of Mongolia, if it committed in Mongolia would be a violation of the Crime Laws.

(d) Following actions are considered as criminal penalties: *(Model Law § 702)*

- (1) knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorised to be issued under the Act and CAR, or knowingly uses or attempts to use any such fraudulent licence or certificate, and knowingly and willfully displays or causes to be displayed.
- (2) Interference with air navigation-
 - (i) With intent to interfere with air navigation, exhibits any light, signal, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to the CAR, or for a true light or signal in connection with an aerodrome or other air navigation facility, or, after due warning by the Director, continues to maintain any such misleading light or signal; or
 - (ii) Knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.
- (3) Reporting and record keeping violations of operator, or employee thereof, who shall, knowingly and willfully, fails or refuses to make a report to the Director as required by this Act and CAR; or fails or refuses to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Director; or mutilates or alter any such report, account, record, or memorandum; or files a false report, account, record, or memorandum.
- (4) Refusal to testify or produce records by person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in that person's power to do so, in obedience to a subpoena or lawful requirement of the Director.
- (5) commits or attempts to commit aircraft piracy.
- (6) Interference with crewmembers-
 - (i) interferes with the performance by such crew member of his or her duties or lessens the ability.
 - (ii) assaults, intimidates, or threatens any flight crew member or flight attendant, including any steward or stewardess of such aircraft.
- (7) Conceal dangerous or deadly weapon aboard which would be accessible to such person in flight.

- (8) Place or attempt to place any bomb or similar explosive or incendiary device in any aircraft.
- (9) Interference with aircraft operations willfully and with reckless disregard for safety of human life interferes or attempts to interfere with the safe operation of any aircraft.
- (10) False information, willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsections (5) through (10) of this Section.
- (11) Removal of parts of aircraft involved in accidents knowingly and without authority removes, conceals, or withholds any part of a civil aircraft involved in an accident, or any property which was aboard such aircraft at the time of the accident.
- (12) willfully, with knowledge of the provisions of the Act and CAR, delivers or causes to be delivered dangerous goods to an Air Operator for air transport operation, or if that person recklessly causes the transportation in air transport operation, of shipment, cargo, baggage, or other property in violation of the provisions of ICAO Annex 18 and the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air.

Table 1. Range of civil penalties (Model CAR Table 1)

Table 1 describes civil penalties as minimum, moderate, or maximum for a single violation in accordance with this Part, expressed in minimum wage.

Party Committing Violation	Amount of Civil Penalty (minimum wage rate)		(Model CAR fine \$)
Air Carriers, Aerodrome and Aviation security organisations	Maximum: 50 - 100	\$7,700 - \$15,700	\$18,750 - \$25,000
	Moderate: 25 - 50	\$3,700 - \$7,700	\$10,000 - \$18,749
	Minimum: 15 - 25	\$2,200 - \$3,700	\$2,000 - \$9,999
Air Carrier Personnel	Maximum: 6 - 12	\$940 - \$1,880	\$850 - \$1,100
	Moderate: 3 - 6	\$470 - \$940	\$650 - \$849
	Minimum: 1 - 3	\$142 - \$470	\$500 - \$649
General Aviation Owners, Operators, Airmen	Maximum: 4 - 10		\$850 - \$1,100
	Moderate: 2 - 4	\$620 - \$280	\$650 - \$849
	Minimum: 1 - 2		\$500 - \$649
AMO and ATO	Maximum: 20 - 50		\$16,250 - \$25,000
	Moderate: 10 - 20		\$8,750 - \$16,249
	Minimum: 5 - 10		\$1,850 - \$8,749
Unruly passenger, individuals	Maximum: 10 - 20		\$5,000 - \$27,500
	Moderate: 5 - 10		\$1,100 - \$8,000
	Minimum: 3 - 5		\$500 - \$5,000

Note: The amounts of Civil penalty for private person and legal entities in Table 1 are taken from Model CAR version 2.9 / Nov.2019 of Enforcement procedure.

Table 2. Recommended Sanctions

Table 2 describe these sanction guidance table to provide a recommended approach to assessment of sanctions for penalties and certificate actions for Act and CARs.

I. Air operators and aerodrome operators violation

I. Air operators and aerodrome operators violation	Civil penalty per violation	Licence and Certificate Action
1. Maintenance manual		
(a) Failure to maintain current manual	Moderate	Up to 7 day suspension
(b) Failure to provide adequate instructions and procedures in manual	Moderate to maximum	-
(c) Failure to distribute manual to appropriate personnel	Minimum to moderate	-
(d) Release of aircraft without required equipment	Moderate to maximum	Up to 7 day suspension
2. Failure to comply with AD	Moderate to maximum	-
3. Operations specifications		
(a) Failure to comply with inspection and overhaul time limitations	Moderate	Up to 7 day suspension
(b) Operations contrary to operations specifications - technical noncompliance	Minimum	-
(c) Operations contrary to operations specifications - likely potential or actual adverse effect on safe operations	Moderate to maximum	-
4. Failure to provide adequately for proper servicing, maintenance, repair, and inspection of facilities and equipment	Maximum	Indefinite suspension until proper servicing maintenance, repair, and inspection of facilities and equipment is provided to revocation.
5. Failure to provide or maintain a maintenance and inspection organisation	Maximum	Indefinite suspension until appropriate maintenance and inspection organisation is provided to revocation.

I. Air operators and aerodrome operators violation	Civil penalty per violation	Licence and Certificate Action
6. Training program		
(a) Failure to have or maintain an effective training program	Maximum	Indefinite suspension until compliance is demonstrated to revocation
(b) Failure to maintain training program	Moderate to maximum	-
(c) Failure to train personnel adequately	Moderate to maximum	-
7. Maintenance or Aircraft Paperwork		
(a) Incomplete or unsigned release to service	Minimum to Maximum	-
(b) Failure to revise aircraft data after maintenance	Moderate to maximum	-
8. Performance of maintenance		
(a) By unauthorised person	Maximum	-
(b) Failure to perform or improper maintenance	Moderate to maximum	-
9. Failure to revise aircraft data after repair		
	Moderate to maximum	-
10. Records and reports		
(a) Failure to make accurate mechanical interruption summary reports	Moderate to maximum	-
(b) Failure to make available reports of major modifications or repairs	Moderate to maximum	Indefinite suspension to revocation
(c) Failure to make accurate mechanical reliability reports	Moderate to maximum	-
(d) Failure to keep maintenance records	Maximum	7 day suspension and thereafter until aircraft is in airworthy conditions
(e) Failure to make required entry in aircraft log	Moderate to maximum	-

I. Air operators and aerodrome operators violation	Civil penalty per violation	Licence and Certificate Action
(f) Failure to make available pilot records	Moderate to maximum	Indefinite suspension to revocation
(g) Failure to make available load manifests	Moderate to maximum	Indefinite suspension to revocation
(h) Failure to monitor and record en-route radio communications	Moderate to maximum	-
(i) Deliberate violation - intentional false or fraudulent entry; reproduction, or alteration in record or report	-	Revocation
(j) Deliberate violation - other	-	180 day suspension to revocation
11. Operation of an unairworthy aircraft		
(a) Technical non-conformity to type certificate, but no likely effect (potential or actual) on safe operation	Minimum	-
(b) Non-conformity that may have, or has, an adverse effect on safety of operation	Moderate to maximum	-
(c) Release of aircraft without required equipment	Moderate to maximum	Up to 7 day suspension
12. Provisions specific to passenger-carrying		
(a) Boarding or serving alcoholic beverages to a person who appears to be intoxicated	Maximum	-
(b) Failure to brief passengers	Moderate to maximum	-
(c) Failure to ensure seat and belt for each passenger	Maximum	-
(d) Operation without operable public address system	Maximum	-
(e) Failure to store baggage properly	Moderate	-

I. Air operators and aerodrome operators violation	Civil penalty per violation	Licence and Certificate Action
13. Failure to make available a seat on the flight deck for Authority inspectors conducting an en-route inspection	Maximum	-
14. Provisions specific to flight crew		
(a) Using an unqualified crewmember	Maximum	-
(b) Using a crewmember with an expired medical certificate	Minimum to moderate	-
(c) Flight and duty time violations	Moderate	-
15. Violation of flight dispatch and release to service	Moderate to maximum	-
16. Other provisions		
(a) Improper release of an aircraft to service	Maximum	-
(b) Illegal carriage of controlled substance with knowledge of carrier, i.e., knowledge of management personnel	-	Revocation
(c) Use of unqualified personnel other than flight crewmember	Maximum	-
17. Security violations		
(a) Failure to properly screen baggage or each passenger	Maximum	-
(b) Unauthorised access to aerodrome operations area	Maximum	-
(c) Failure to comply with air carrier security program, including failure to detect weapons, incendiary devices, and other dangerous devices	Maximum	-
(d) Management personnel coerce, condone, or encourage falsification of records/reports	-	Revocation

I. Air operators and aerodrome operators violation	Civil penalty per violation	Licence and Certificate Action
(e) Deliberate failure to maintain employee records	Maximum	-
(f) Failure to challenge by test	Moderate	-
(g) Failure to test screeners or test equipment	Moderate	-
(h) Failure to properly train	Moderate	-
(i) Unintentional failure to maintain screener test records	Minimum to moderate	-
(j) Improper use of equipment	Minimum	-
(k) Failure to display identification	Minimum to moderate	-
(l) Failure to manage/control identification system	Maximum	-
(m) Failure to conduct background check	Minimum to moderate	-
(n) Failure to detect test objects	Maximum	-
(o) Failure to comply with current security program	Maximum	-
(p) Failure of the aviation security officer to respond in a timely manner	Maximum	-

II. Air carriers personnel violation

II. Air carriers personnel violation	Civil penalty per violation	Licence and Certificate Action
1. Maintenance, including inspections		
(a) Performing maintenance without a licence, rating or authorisation	Maximum	-
(b) Performing maintenance that exceeds limitations	-	30 to 45 day suspension
(c) Failure to perform maintenance properly	-	30 to 120 day suspension
2. Inspection personnel		
(a) Failure to make required inspection	-	30 to 60 day suspension
(b) Making improper inspection	-	30 to 120 day suspension
(c) Improperly releasing an aircraft to service	-	30 to 60 day suspension
(d) Releasing aircraft for service without required equipment	-	30 to 60 day suspension
3. Records and reports		
(a) Failure to make entries in aircraft log	-	15 to 60 day suspension
(b) Failure to make entries in worksheets	-	15 to 30 day suspension
(c) Failure to make entries in other maintenance record	-	15 to 30 day suspension
(d) Failure to sign off on work or inspection performed	-	15 to 30 day suspension
(e) Failure to complete or sign an approval for return to service	-	15 to 30 day suspension
(f) Intentional falsification of records or reports	-	Revocation
4. Pre-flight		
(a) Failure to use pre-flight flight deck checklist	-	30 to 60 day suspension

II. Air carriers personnel violation	Civil penalty per violation	Licence and Certificate Action
(b) Failure to check aircraft logs, flight manifests, weather, etc.	-	30 to 90 day suspension
(c) Failure to make the required inspection	-	30 to 60 day suspension
(d) Failure to inspect, or improper inspection of, aircraft	-	15 to 30 day suspension
(e) Failure to ensure seat and belt are available for each passenger	-	30 to 60 day suspension
5. Taxiing		
(a) Failure to adhere to taxi clearance or instruction	-	30 to 60 day suspension
(b) Collision while taxiing	-	30 to 180 day suspension
(c) Jet blast	-	30 to 120 day suspension
(d) Taxiing with passenger standing	-	30 to 60 day suspension
(e) Taxiing off runway, taxiway or apron	-	30 to 90 day suspension
6. Take-off		
(a) Take-off against clearance or instruction	-	60 to 120 day suspension
(b) Take-off below weather minima	-	60 to 120 day suspension
(c) Take-off in overloaded aircraft (in excess of MCTOW)	-	60 to 120 day suspension
7. En-route		
(a) Deviation from clearance or instruction	-	30 to 90 day suspension
(b) Operating VFR within clouds	-	90 day suspension to revocation
(c) Operation of unairworthy aircraft	-	30 to 180 day suspension
(d) Unauthorised departure from flight deck	-	15 to 30 day suspension

II. Air carriers personnel violation	Civil penalty per violation	Licence and Certificate Action
(e) Operating within restricted area, or military operating area, or broadcast mandatory zone and Class A, C and D controlled airspace without required ATC clearance	-	30 to 90 day suspension
(f) Operating without required equipment	-	15 to 120 day suspension
(g) Fuel mismanagement/exhaustion	-	30 to 150 day suspension
(h) Operating contrary to NOTAM	-	30 to 90 day suspension
(i) Unauthorised manipulation of controls	-	30 to 90 day suspension
8. Approach to landing		
(a) Deviation from clearance or instruction in Aerodrome terminal area	-	30 to 90 day suspension
(b) Approach below weather minima	-	60 to 120 day suspension
(c) Exceeding speed limitation in aerodrome traffic areas	-	30 to 60 day suspension
9. Landing		
(a) Landing at wrong aerodrome	-	90 to 180 day suspension
(b) Deviation from instrument approach procedure	-	30 to 90 day suspension
(c) Overweight landing (except abnormal situation)	-	30 to 90 day suspension
(d) Hard landing	-	15 to 60 day suspension
(e) Short or long landing	-	30 to 180 day suspension
(f) Wheels up landing	-	15 to 90 day suspension
(g) Failure to comply with preferential runway system	-	15 day suspension
(h) Deviating from clearance or instruction	-	30 to 90 day suspension
10. Unauthorised admission to flight deck	-	30 to 90 day suspension

II. Air carriers personnel violation	Civil penalty per violation	Licence and Certificate Action
11. Failure to close and lock flight deck door	Maximum	to 30 day suspension
12. Acting, or attempting to act, as flight crewmember while under the influence of liquor or other psychoactive substances, or alcoholic beverage consumption within 12 hours	-	Emergency revocation
13. Denial of authorised entry to flight deck by authorised CAA inspector	-	30 to 60 day suspension
14. Failure to comply Flight and duty time limitations	-	15 to 90 day suspension
15. Operation without required licence, certificate or rating		
(a) With no Medical certificate	-	30 to 90 day suspension
(b) Lack of type rating	-	180 day suspension to revocation
(c) Missed proficiency evaluation or line check	-	30 to 90 day suspension
(d) Lack of current experience, initial or recurrent training	-	30 to 90 day suspension
(e) Failure to have current medical certificate or licence or authorization in possession	Minimum to moderate	-
(f) Operation with known disqualifying physical disability	-	Revocation
(g) Operation without valid medical certificate when not medically qualified or application for medical certificate deferred	-	Revocation
16. Failure to keep manual current	Minimum	30 to 90 day suspension

III. Owners, Airmen, AMO and ATO violation (except air transport operator)

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
1. Owners and operators other than required crewmembers		
(a) Failure to comply with AD	Moderate to maximum	-
(b) Failure to perform or improper performance of maintenance, including required maintenance	Moderate to maximum	-
(c) Failure to make proper entries in aircraft logs	Minimum to moderate	-
(d) Operation of aircraft beyond annual, 100-hour, or progressive inspection	Minimum to moderate	-
(e) Operation of unairworthy aircraft	Moderate to maximum	-
(f) Intentional falsification of any entry, reproduction, or alternation in any record or report	Maximum	Revocation
2. AMO		
(a) Failure to provide adequately for proper servicing, maintenance repairs, and inspection	Moderate to maximum	Indefinite suspension until compliance to revocation
(b) Failure to provide adequate personnel who can perform, supervise, and inspect work for which the maintenance organisation is rated	Maximum	7 day suspension and thereafter until adequate personnel are provided Indefinite suspension until compliance to revocation
(c) Failure to have enough qualified personnel to keep up with the volume of work	Maximum	Up to 7 day suspension and thereafter until certificate holder has enough qualified personnel

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(d) Failure to maintain records of supervisory and inspection personnel	Moderate to maximum	-
(e) Failure to maintain performance records and reports	Moderate to maximum	-
(f) Failure to ensure correct calibration of all inspection and test equipment is accomplished at prescribed intervals	Minimum to Maximum	-
(g) Failure to set forth adequate description of work performed	Minimum to Maximum	-
(h) Failure of maintenance personnel to make log entries, records, or reports	Moderate to maximum	-
(i) Failure to complete or sign an approval for return to service	Minimum to moderate	-
(j) Inspection of work performed and approval for release to service by other than a qualified personnel	Maximum	Up to 30 day suspension
(k) Failure to have an adequate inspection system that produces satisfactory quality control	Moderate	Up to 30 day suspension and thereafter until an adequate inspection system is attained.
(l) Maintaining or modifying an aeronautical product for which it is rated, without using required technical data, equipment, or facilities	Maximum	Up to 30 day suspension
(m) Failure to perform or properly perform maintenance, repairs, modifications, or required inspections	Moderate to maximum	Up to 30 day suspension
(n) Maintaining or modifying an airframe, powerplant, propeller, instrument, radio, or accessory for which it is not rated.	Maximum	Suspension or revocation

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(o) Failure to report defects or unairworthy conditions to the Authority in a timely manner.	Moderate to maximum	-
(p) Failure to satisfy housing and facility requirements	Moderate	Suspension until housing and facility requirements are satisfied
(q) Change of location, housing, or facilities without advance written approval	Moderate	Suspension until approval is given
(r) Operating as a certificated maintenance organisation without an AMO certificate	Maximum	-
(s) Failure to permit Authority to inspect	Maximum	Indefinite suspension until Authority is permitted to inspect.
3. General aviation maintenance personnel		
(a) Failure to revise aircraft data after major repairs or modifications	-	30 to 60 day suspension
(b) Failure to perform or improper performance of maintenance	-	30 to 120 day suspension
(c) Failure of maintenance personnel to properly accomplish inspection	-	30 to 60 day suspension
(d) Failure of maintenance personnel to record inspection	-	15 to 30 day suspension
(e) Failure of inspection authorisation holder to properly accomplish inspection	-	60 suspension to revocation
(f) Failure of inspection authorisation holder to record inspection	-	15 to 30 day suspension
(g) Maintenance performed by person without a certificate	Moderate to maximum	-
(h) Maintenance performed by person who exceeded certificate limitations	-	15 to 60 day suspension
(i) Improper approval for release to service	-	30 to 120 day suspension

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(j) Failure to make maintenance record entries	-	30 to 60 day suspension
(k) Failure to set forth adequate description of work performed	-	15 to 30 day suspension
(l) Falsification of maintenance records	-	Revocation
4. Student operations		
(a) Carrying passengers	-	Revocation
(b) Solo flight without endorsement	-	45 to 90 day suspension
(c) Operation on international flight	-	60 to 90 day suspension
(d) Use of aircraft in business	-	30 to 120 day suspension
(e) Operation for hire or reward	-	Revocation
5. Instructors for licences, ratings, authorisations and endorsement		
(a) False endorsement of a student licence, rating, authorisation, or record	-	Revocation
(b) Exceeding flight time limitations or other training time limitations	-	30 to 90 day suspension
(c) Instruction in aircraft, and/or course for which he/she is not rated	-	60 to 180 day suspension
6. Operational violations		
(a) Operation without valid airworthiness or registration certificate	30 to 90 day suspension	-
(b) Failure to close flight plan or file arrival notice	Administrative action to Minimum	-
(c) Operation without valid pilot licence (no licence issued)	Maximum	-
(d) Operation while pilot licence is suspended	-	Emergency revocation

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(e) Operation without pilot licence or medical certificate in personal possession	Minimum	-
(f) Operation without valid medical certificate or no medical certificate issued	-	Revocation
(g) Operation for hire or reward without CPL	-	90 day suspension to revocation
(h) Operation without type or class rating	-	60 to 120 day suspension
(i) Failure to comply with special conditions of medical certificate	-	90 day suspension to revocation
(j) Operation with known physical deficiency	-	90 day suspension to revocation
(k) Failure to obtain preflight information	-	30 to 90 day suspension
(l) Deviation from ATC clearance or instruction	-	30 to 90 day suspension
(m) Taxiing, take-off, or landing without a clearance where ATC tower is in open	-	30 to 90 day suspension
(n) Failure to maintain radio communications in aerodrome traffic area	-	30 to 60 day suspension
(o) Failure to comply with aerodrome traffic pattern	-	30 to 60 day suspension
(p) Operation in terminal control area without or contrary to a clearance	-	60 to 90 day suspension
(q) Failure to maintain altitude in aerodrome traffic area	-	30 to 60 day suspension
(r) Exceeding speed limitations in traffic area	-	30 to 60 day suspension
(s) Operation of unairworthy aircraft	-	30 to 180 day suspension
(t) Failure to comply with AD	-	30 to 180 day suspension

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(u) Operation without required instruments and/or equipment	-	30 to 90 day suspension
(v) Exceeding operating limitations	-	30 to 90 day suspension
(w) Operating within restricted area, or military operating area, or broadcast mandatory zone and Class A, C and D controlled airspace without required ATC clearance	-	30 to 90 day suspension
(x) Failure to adhere to right of way rules	-	30 to 90 day suspension
(y) Failure to comply with VFR cruising altitudes	-	30 to 90 day suspension
(z) Failure to maintain required minimum height over structures, persons, or vehicles over:		
(i) Congested area	-	60 to 180 day suspension
(ii) Sparsely populated area	-	30 to 120 day suspension
(aa) Failure to maintain radio watch while under IFR	-	30 to 60 day suspension
(bb) Failure to report designated reporting points under IFR	-	30 to 60 day suspension
(cc) Failure to display anti-collision lights	-	30 to 60 day suspension
(dd) Failure to maintain proper altimeter settings	-	30 to 60 day suspension
(ee) Weather operations:		
(i) Failure to comply with visibility minima in controlled airspace	-	60 to 180 day suspension
(ii) Failure to comply with visibility minima outside controlled airspace	-	30 to 120 day suspension
(iii) Failure to comply with distance from clouds requirements in controlled airspace	-	60 to 180 day suspension
(iv) Failure to comply with distance from clouds requirements outside of controlled airspace	-	30 to 120 day suspension

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(ff) Failure to comply with IFR landing minima	-	45 to 180 day suspension
(gg) Failure to comply with instrument approach procedures	-	45 to 180 day suspension
(hh) Careless or reckless operations:		
(i) Fuel mismanagement/exhaustion	-	30 to 150 day suspension
(ii) Wheels up landing	-	30 to 60 day suspension
(iii) Short or long landing	-	30 to 90 day suspension
(iv) Landing on or taking off from closed runway	-	30 to 60 day suspension
(v) Landing on or taking off from aprons or other improper areas	-	30 to 120 day suspension
(vi) Taxiing collision	-	30 to 90 day suspension
(vii) Leaving aircraft unattended with motor running	-	30 to 90 day suspension
(viii) Propping aircraft without a qualified person at controls	-	30 to 90 day suspension
(ix) Unauthorised dropping of object from aircraft	-	30 to 60 day suspension
(x) Unauthorised aircraft towing	-	30 to 60 day suspension
(xi) Acrobatic flight on airway, over congested area, below minimum height, etc.	-	90 to 180 day suspension
(xii) Taking off with insufficient fuel	-	30 to 150 day suspension
(xiii) Operating so as to cause a collision hazard	-	60 to 180 day suspension
(xiv) Taxiing aircraft off runway, taxiway, or apron	-	30 to 90 day suspension

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(ii) Passenger operations		
(i) Operation without approved seat or berth and approved safety belt for each person on board the aircraft required to have them during take-off, en-route flight, and landing.	-	30 to 60 day suspension
(ii) Carrying passengers who are under the influence of drugs or alcoholic beverage	-	60 to 120 day suspension
(iii) Performing acrobatics when all passengers are not equipped with approved parachutes	-	60 to 90 day suspension
(iv) Use of unapproved parachute	-	30 to 60 day suspension
(v) Permitting unauthorised parachute jumping	-	30 to 90 day suspension
(vi) Carrying passenger(s) without required recent flight experience	-	30 to 120 day suspension
7. Identification plate violations		
(a) Improper removal, changing or placing of identification information on a product		
(i) Inadvertent	Minimum	-
(ii) Intentional misrepresenting identity of product	Maximum	Revocation
(b) Improper removal or installation of identification plate		
(i) Inadvertent	Minimum	-
(ii) Intentional misrepresenting identity of product	Maximum	Revocation
8. ATO		
(a) Knowingly permitting school aircraft to be used for unlawful carriage of controlled substances or other illegal activities	-	Revocation
(b) Refusal to permit inspection of facilities, equipment, personnel, records, or certificate by the Authority	Maximum	Indefinite suspension until Authority is permitted to inspect, up to revocation.

III. Owners, Airmen, AMO and ATO violation	Civil penalty per violation	Licence and Certificate Action
(c) False advertising	Maximum	-
(d) Improper crediting to or graduation of student		
(i) Inadvertent	Moderate to maximum	-
(ii) Intentional	-	Revocation
(e) Refusal to permit CAA test, check or examination of student	Maximum	Indefinite suspension until Authority is permitted to test, check or examine, up to revocation.
(f) Unqualified or unauthorised instruction	Moderate to maximum	-
(g) Failure to establish or maintain training record	Moderate to maximum	-
(h) Failure to carry checklist or operator's handbook	Minimum	-

IV. Security and safety violations by individuals

IV. Security and safety violations by individuals	Civil penalty per violation	Licence and Certificate Action
1. Checked baggage		
(a) Failure to declare unloaded firearm	Minimum	-
(b) Loaded firearm	Moderate to maximum	-
(c) Incendiary/explosive	Up to Maximum and/or criminal referral	-
2. Non-passengers: No intent to board		
(a) Possession of firearm (unloaded, unloaded with ammunition accessible, or loaded) or other dangerous or deadly weapon (including stun guns):		
(i) At screening point with no aggravating circumstances	Minimum	-
(ii) At screening point with aggravating circumstances	Moderate to maximum	-
(iii) In sterile area with no aggravating circumstances	Minimum to moderate	-
(iv) In sterile area with aggravating circumstances	Moderate to maximum	-
(b) Possession of incendiary/explosive at screening point or in sterile area with no intent to board a flight.	Moderate to maximum and/or criminal referral	-
(c) Artful concealment of firearm (loaded or unloaded), other dangerous or deadly weapon (including stun guns), or incendiary/explosive at screening point or in sterile area.	Maximum and/or criminal referral	-

IV. Security and safety violations by individuals	Civil penalty per violation	Licence and Certificate Action
3. Passengers: Intent to board		
(a) Possession of dangerous or deadly weapon (including stun guns, mace, etc., but excluding firearms and incendiary/explosives) that would be accessible in flight during air transport operation:		
(i) At screening point with no aggravating circumstances	Minimum	-
(ii) At screening point with aggravating circumstances	Moderate to maximum	-
(iii) In sterile area or aboard aircraft with no aggravating circumstances	Minimum to moderate	-
(iv) In sterile area or aboard aircraft with aggravating circumstances	Moderate to maximum	-
(b) Possession of firearm that would be accessible in flight during air transport operation with firearm unloaded, without accessible ammunition:		
(i) At screening point with no aggravating circumstances	Minimum to moderate	-
(ii) At screening point with aggravating circumstances	Maximum	-
(iii) In sterile area or aboard aircraft with no aggravating circumstances	Moderate	-
(iv) In sterile area or aboard aircraft with aggravating circumstances	Maximum	-
(c) Possession of firearm that would be accessible in flight during air transport operation with firearm loaded, or with accessible ammunition:		
(i) At screening point with no aggravating circumstances	Moderate to maximum	-
(ii) At screening point with aggravating circumstances	Maximum	-
(iii) In sterile area or aboard aircraft with no aggravating circumstances	Moderate to maximum	-
(iv) In sterile area or aboard aircraft with aggravating circumstances	Maximum	-

IV. Security and safety violations by individuals	Civil penalty per violation	Licence and Certificate Action
(d) Artful concealment of dangerous or deadly weapon (including stun guns, but excluding firearms and incendiary/explosives) at screen point, in sterile area, or aboard aircraft.	Maximum and/or criminal referral	-
(e) Possession of incendiary/explosive at screening point, in sterile area, or aboard aircraft that would be accessible in flight during air transport operation.	Maximum and/or criminal referral	-
(f) Artful concealment of firearm or incendiary/explosive at screening point, in sterile area, or aboard aircraft.	Maximum and/or criminal referral	-
4. Other acts		
(a) Entering sterile area after failing to submit to screening with no aggravating circumstance	Minimum	-
(b) Entering sterile area after failing to submit to screening with aggravating circumstance	Moderate to maximum	-
(c) Imparting or conveying false information concerning an attempt to do an act that would be a crime prohibited by Crime Law.	Maximum	-
(d) Threatening overt act or other intent to use or dangerously display firearm, incendiary/explosive, or other dangerous or deadly weapon (including stun guns)	Maximum and/or criminal referral	-
(e) Violation of the Crime Law	Criminal referral	-

IV. Security and safety violations by individuals	Civil penalty per violation	Licence and Certificate Action
5. Unruly passengers		
An unruly passenger is someone who, by action or stated intent, jeopardizes or might jeopardize the safety of the aircraft, persons or property therein or the accepted level of good order and discipline on board.		
(a) Interference with crewmember	Maximum	-
(b) Physical assault or threat to physically assault a flight or cabin crewmember	Maximum and/or criminal referral	-
(c) Physical assault or threat to physically assault an individual other than a crewmember	Maximum and/or criminal referral	-
(d) Acting in a manner that poses imminent threat to safety of aircraft or other individuals on aircraft	Maximum and/or criminal referral	-
(e) Smoking while "No Smoking" sign is lighted	Maximum	-
(f) Smoking in aircraft lavatory	Maximum	-
(g) Tampering with smoke detector	Maximum	-
(h) Failure to fasten seat belt while seat belt sign is lighted	Minimum to moderate	-
(i) Failure to occupy an approved seat with a safety belt properly secured during movement on the surface, take-off, or landing	Minimum to moderate	-
(j) Operating a portable electronic device transmitting electro-magnetic energy	Maximum	-
(k) Drinking alcoholic beverages not served by operator	Maximum	-
6. Special Emphasis Enforcement - Individuals Aiming Laser Beam at Aircraft		
(a) Single, first-time, inadvertent or non-deliberate violation by individual	Moderate;	-

IV. Security and safety violations by individuals	Civil penalty per violation	Licence and Certificate Action
(b) Deliberate violation by an individual not holding an airman certificate	Maximum	-
(c) Deliberate violation by an airman certificate holder	Maximum	Revocation
7. Falsification		
(a) Intentionally false or fraudulent entry on, reproduction of, or alteration of an application or a licence or a certificate or a rating or an approval	Maximum	Revocation of authorised certificates
8. Miscellaneous		
(a) Carriage of illegal substances on aircraft	-	Revocation
(b) Conducting operation without required operating certificate	-	60 to 120 day suspension
(c) Misuse of an aerodrome-approved identification medium	Minimum to moderate	-
(d) Making an incorrect statement on an application for a personnel licence or medical certificate	-	Indefinite suspension (pending correction of application and determination of qualification) or revocation of personnel licence or medical certificate
(e) Refusal to produce personnel licence and medical certificate	-	30 day suspension, and until produced to revocation

V. Aircraft registration violations

V. Aircraft registration violations	Civil penalty per violation	Licence and Certificate Action
(a) Operation of an unregistered aircraft	-	30 - 90 day suspension of pilot licence
(b) Operation of an aircraft without an effective and valid certificate of aircraft registration on board	Minimum to Maximum only if operator is different from pilot	30-90 day suspension of pilot certificate
(c) Failure to return an ineffective or invalid certificate of aircraft registration	Minimum	Revocation of certificate of aircraft registration
(d) Use of registered aircraft to carry out or facilitate unlawful activities	-	Mandatory revocation of certificate of aircraft registration and of all other Certificates of Aircraft Registration issued to its owner, and revocation of all personnel licences and the medical certificate

VI. Individuals and entities violations

Violation	Recommended Sanction per Violation	Licence and Certificate Action
(a) Failure to surrender suspended or revoked licence, authorisation or other approval, or medical certificate	Individual: Minimum per day, Entity: Moderate per day.	-

Subpart C - Exemptions

13.201. General (*Model CAR 1.4.2*)

- (a) Any interested person may apply to the Director for an exemption from CARs by submitting to the Director the completed form CAA 24011/02 with a payment of the applicable fee.
- (b) Only the Director may issue exemptions, and no person may take or cause to be taken any action not in compliance with these CARs unless the Director has issued an applicable exemption to that person.
- (c) Exemptions will be granted by the Director only in extraordinary circumstances.

13.203. Application for exemption (*Model CAR 1.4.3*)

- (a) Applications for an exemptions shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.
- (b) The application shall contain the applicant's:
 - (1) name;
 - (2) street address and mailing address, if different;
 - (3) telephone number;
 - (4) fax number if available; and
 - (5) email address if available.
- (c) In addition to paragraph (b) of this subsection, the application shall contain:
 - (1) a citation of the specific requirement from which the applicant seeks relief;
 - (2) description of the type of operations to be conducted under the proposed exemption;
 - (3) the proposed duration of the exemption;
 - (4) an explanation of how the exemption would be in the public interest, that is, how it would benefit the public as a whole.
 - (5) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the CAR in question
 - (6) a review and discussion of any known safety concerns with the regulation, including information about any relevant accidents or incidents of which the applicant is aware; and
 - (7) if the applicant seeks to operate under the proposed exemption outside of Mongolian airspace, an indication of whether the exemption would contravene any provision of the ICAO SARPs.

- (d) If the applicant is not a citizen or legal resident of Mongolia, the application shall specify a Mongolia agent for service.
- (e) If the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Director may deny an application if the Director finds that the applicant has not justified the failure to apply in a timely fashion.

13.205. Review, publication, and issue or denial of the exemption

- (a) If Director considers it appropriate, the Director may exempt any person, aircraft, aeronautical product, aerodrome, or aviation related service from any specified requirement in any rule.
- (b) Initial Review by the Director: *(Model CAR 1.4.4.1)*
- (1) The Director will review the application for accuracy and compliance with the requirements of **13.205**.
 - (2) If the application appears on its face to satisfy the requirements of **13.205** and the Director determines that a review of its merits is justified, the Director will publish a detailed summary of the application for comment and will specify the date by which comments must be received by the Director for consideration.
 - (3) If the filing requirements of **13.205** have not been met, the Director will notify the applicant and take no further action until the applicant complies with the requirements of that subsection.
- (c) After initial review, if the filing requirements have been satisfied, the Director shall conduct an evaluation of the request to include: *(Model CAR 1.4.4.2)*
- (1) A determination of whether an exemption would be in the public interest;
 - (2) A determination of whether the applicant's proposal would provide a level of safety equivalent to that established by the CAR;
 - *If it appears to the Director that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Director may deny the exemption on that basis.*
 - (3) A determination, if the applicant seeks to operate under the exemption outside of Mongolian airspace, of whether a grant of the exemption would contravene the provisions of the applicable ICAO SARPs.
 - (4) An evaluation of comments received from affected parties concerning the proposed exemption.
 - (5) A recommendation, based on the preceding elements, of whether the request may be granted or denied, and of any conditions or limitations that shall be part of the exemption.

13.207. Granting an exemption

- (a) Before granting an exemption, the Director must ensure that the following circumstances of each case are completed:
- (1) the requirement has been substantially complied with and that further compliance is unnecessary; or
 - (2) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; or
 - (3) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or
 - (4) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case,-
- and that the risk to safety will not be significantly increased by the granting of the exemption.

- (b) Before notification of determination, the Director must ensure following: *(Model CAR 1.4.4.3)*

- (1) to notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request for exemption;
- (2) to specify the duration of the exemption and any conditions or limitations to the exemption;
- (3) If the request is for emergency relief, to publish the application or the Director's decision as soon as possible after processing the application;
- (4) If the exemption affects a significant population of the aviation community of Mongolia, to publish the Director's decision in AIP.

13.209. Extension of the exemption to other interested parties: *(Model CAR 1.4.4.4)*

- (a) Under following conditions, the Director may issue extension of the exemption to other interested parties:
- (1) If the Director determines that an exemption may be granted, other persons or organisations may apply to the Director to be included in the relief granted.
 - (2) Such applications shall be in accordance with the requirements of **13.203**.
 - (3) If the Director determines that the request merits extension of the exemption to the applicant, it shall notify the applicant by letter, specifying the duration of the exemption, and listing any additional conditions that may pertain to the applicant that are not addressed in the underlying exemption.

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Subpart D - Appealing procedure

13.301. General (*Model law 610(d), (e)*)

Any person whose certificate is affected by such an order of the Director under this CAR may appeal the Director's order to District court and the Director shall be made a party to such proceedings.

The filing of an appeal with the District court shall stay the effectiveness of the Director's order unless the Director advises the appropriate court that an emergency exists and safety in civil aviation requires the immediate effectiveness of the order, in which event the court may order that the Director's order shall remain effective pending judicial review.

13.303. Appeal to district court (*NZ Act 66*)

(a) Following person may appeal to a District Court against a specified decision made under this Part by the Director:

- (1) the person in respect of whom the decision was made is dissatisfied with this decision; or
- (2) a person is the owner, operator, or person for the time being in charge of the aircraft or aeronautical product that is the subject of the decision.

(b) The court may confirm, reverse, or modify the decision appealed against.

(c) Every decision of the Director appealed against under this subpart continues in force pending the determination of the appeal, and no person is excused from complying with any of the provisions of this Part on the ground that any appeal is pending.

(d) Even though an appeal under this subpart may have been determined in favour of the appellant, the Director may, subject to the like right of appeal, refuse to grant, revoke, suspend, disqualify, or otherwise deal with, in accordance with the provisions of this subpart, any aviation document, any person to which or to whom the appeal related, or any aviation document or approval granted or stored in compliance with the decision of the District Court on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.

(e) In this subpart, **a specified decision** is a decision-

- (1) concerning the grant, issue, revocation, or suspension of an aviation document:
- (2) to impose conditions on an aviation document:
- (3) to exercise powers of emergency rule:
- (4) to decline to register an aircraft:
- (5) concerning the issue of a medical certificate:
- (6) to impose or amend conditions, restrictions, or endorsements on a medical certificate:
- (7) to suspend a medical certificate:
- (8) to revoke a medical certificate:

(9) concerning the implementation of the results of a report by the convener:

13.305. Further appeal to court of appeal (NZ Act 70)

- (a) Every party who is dissatisfied with the decision of the district court, may appeal to the Court of Appeal on that question of law.
- (b) The decision of the Court of Appeal on an appeal under this subpart, or on any application for leave to appeal to the court, shall be final.
- (c) Subject to this section, the procedure in respect of any appeal under this subpart shall be in accordance with the rules of court.

13.307. Evidence and proof (NZ Act 71)

(a) In any proceedings for an offence against this Part, the following provisions shall apply:

- (1) a copy of any aviation document which is certified correct by the Director or any other employee of the CAA authorised in that behalf by the Director shall be sufficient, in the absence of proof to the contrary, to prove that document:
- (2) evidence of the contents of the Mongolia Register of Aircraft maintained may be given by a certificate signed by the Director or any other employee of the CAA authorised in that behalf by the Director; and every such certificate shall be sufficient evidence of the matters stated in it, until the contrary is proved:
- (3) the production of a certificate signed by the Director or any other employee of the CAA authorised in that behalf by the Director to the effect that on a specified date a person or organisation was or was not the holder of any aviation document or any specified type of aviation document shall be sufficient evidence of the matter certified, until the contrary is proved:
- (4) any International air services licence grant may be proved by the production of a copy of that licence certified to be correct by the Secretary.

(b) In the absence of proof to the contrary, the production in any proceedings of a copy of following shall be sufficient evidence of the rule and of the fact that it has been made in accordance with the provisions of that Part:

- (1) any ordinary rule purporting to have been made by the Minister; or
- (2) any emergency rule purporting to have been made by the Director.

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