

The ICAO Universal Safety Oversight Audit Programme (USOAP) for Uganda commenced on 6th September 2023 and will end on 18th September 2023. The USOAP is intended to monitor Uganda's compliance with ICAO safety related SARPs or safety oversight obligations under the Convention.

The ICAO Auditors have so far audited Critical Elements 1 and 2, relating to the Primary Aviation Legislation and the Regulations made under the Primary Aviation Legislation, respectively. The Auditors have identified gaps in the primary aviation legislation, the Civil Aviation Authority Act (the Act), which, if not addressed immediately, affect several audit areas and may expose Uganda to adverse audit findings that could have far reaching implications for the country, including a finding of a Significant Safety Concern. A finding of a Significant Safety Concern is, in effect, a notice to the world that it is not safe to travel to Uganda or to travel by an airplane registered in Uganda.

The gaps identified include ---

- (a) lack of a provision in the Act allowing the director general to delegate certain functions to an inspector, including the carrying out of surveillance activities such as periodic and random inspections, audits and testing;
- (b) lack of a provision in the Act allowing civil aviation inspectors to have unrestricted and unlimited access to aircraft and aviation facilities, as applicable, during the performance of their functions and duties;
- (c) lack of a provision in the Act allowing an inspector to have unrestricted and unlimited access to any manuals, certificates, approvals, authorizations and permits, procedures, technical guidance materials, personnel files and personnel licences of regulated agents or premises of holders of aviation services licences;
- (d) there is no provision in the Act dealing with the standard of not apportioning blame in the event of an accident or incident.

The objective of an investigation of an accident or incident is to determine the safety factors and, where possible, the probable cause and the prevention of accidents and incidents, and not to apportion blame or liability.

3. Remedies

It has therefore become necessary to expeditiously amend the Civil Aviation Authority Act to address the identified gaps in order to avert the adverse audit findings that could have far reaching implications for the country.

The Bill proposes to empower the director general to delegate his or her powers to inspectors to have unrestricted access to aircraft, aerodromes and aviation facilities; including cargo and records of aviation organisations under the Uganda Civil Aviation Authority.

The Bill also proposes to enable the Uganda Civil Aviation Authority to recognise agreements of third party States who are signatories to Article 83 Bis of the Chicago Convention relating to transfer of functions and duties.

Further, the Bill proposes to prescribe additional offences and stringent penalties for certain offences.

4. Provisions of the Bill

Clause 1 seeks to amend section 2 of the Act to define “acts of unlawful interference”.

Clause 2 seeks to amend section 6 of the Act to provide for additional functions of the Uganda Civil Aviation Authority to include safety oversight of air navigation services and the safety oversight of aerodromes.

Clause 3 seeks to amend section 15A of the Act to provide for additional powers of the director general.

Clause 4 seeks to amend section 15C to allow the director general to delegate his or her powers to an employee of the authority, as appropriate.

Clause 5 seeks to amend section 38A to provide for the objective of every investigation of an accident or serious incident, as being, to determine the safety factors and, where possible, the probable cause and the prevention of accidents or serious incidents and not for the purposes of apportioning blame or liability for the accident or serious incident.

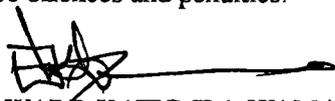
Clause 6 seeks to amend section 38B by substituting for the word “incident” wherever it occurs, the words “serious incident” to comply with the ICAO standard.

Clause 7 seeks to amend section 38C by substituting for the word “incident” wherever it occurs, the words “serious incident” to comply with the ICAO standard. Further the section is amended to allow an investigator to have timely uninterrupted access and control over an aircraft accident or serious incident site, including any wreckage thereon, investigation materials, evidence and documents, including air traffic service recordings and recorders.

Clause 8 seeks to amend section 39A to allow an inspector to have unrestricted and unlimited access to any part of an aircraft, aerodrome land or area outside the aerodrome used by any business that operates at an aerodrome, etc and any records and information that may be required during the conduct of an inspection.

Clause 9 seeks to amend section 40 to empower the authority to recognise an agreement of a third-party State that is a signatory to Article 83 Bis of the Chicago Convention, in respect of an aircraft operating in Ugandan airspace.

Clause 10 seeks to insert section 64C in the principal Act to require a Ugandan registered aircraft or a civil aircraft registered or operated in Uganda to comply with interception orders when flying in foreign airspace. Further, the clause seeks to insert section 64D to prescribe offences and penalties.


HON. EDWARD KATUMBA-WAMALA, GEN.
Minister of Works and Transport

**THE CIVIL AVIATION AUTHORITY (AMENDMENT)
BILL, 2023**

ARRANGEMENT OF CLAUSES

1. Amendment of section 2 of the Civil Aviation Authority Act
2. Amendment of section 6 of principal Act
3. Amendment of section 15A of principal Act
4. Amendment of section 15B of principal Act
5. Amendment of section 38A of principal Act
6. Amendment of section 38B of principal Act
7. Amendment of section 38C of principal Act
8. Amendment of section 39A of principal Act
9. Amendment of section 40 of principal Act
10. Insertion of sections 64C and 64D in principal Act

A Bill for an Act

ENTITLED

**THE CIVIL AVIATION AUTHORITY
(AMENDMENT) BILL, 2023**

An Act to amend the Civil Aviation Authority Act, Cap. 354 to bring it into conformity with the Convention on International Civil Aviation (the Chicago Convention); to provide for the delegation of powers to inspectors to have unrestricted access to aircraft, aerodromes and aviation facilities; including cargo and records of aviation organisations under the Uganda Civil Aviation Authority; to enable the Uganda Civil Aviation Authority to recognise agreements of third party States who are signatories to Article 83 Bis of the Chicago Convention; and to prescribe additional offences.

BE IT ENACTED by Parliament as follows—

1. Amendment of section 2 of the Civil Aviation Authority Act
The Civil Aviation Act, in this Act referred to as the principal Act, is amended in section 2 by substituting for the definition of “acts of unlawful interference” the following—

“acts of unlawful interference” means acts or attempted acts aimed at jeopardising the safety of civil aviation, including—

- (a) unlawful seizure of aircraft;
- (b) destruction of an aircraft in service;
- (c) hostage-taking on board aircraft or at aerodromes;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport, of a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury or serious damage to property or the environment;
- (g) communication of false information such as to jeopardise the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;”

2. Amendment of section 6 of principal Act

Section 6 of the principal Act is amended by inserting immediately after paragraph (qf) the following—

“(qg) safety oversight of air navigation services;

(qh) safety oversight of aerodromes.”

3. Amendment of section 15A of principal Act

The principal Act is amended in section 15 by inserting immediately after paragraph (c), the following—

- “(d) shall conduct comprehensive aviation industry surveillance, including assessment of safety and security related decisions, at all levels, in order to determine their impact on aviation safety and security;
- (e) shall conduct regular reviews of the civil aviation safety and security systems to-----
 - (i) monitor the safety performance of the aviation industry;
 - (ii) identify safety and security related trends and risk factors; and
 - (iii) promote the development and improvement of the safety and security systems.”

4. Amendment of section 15B of principal Act

The principal Act is amended in section 15B by substituting for the words “deputy director general or the most immediate senior employee of the authority” the words, “an employee of the authority, as appropriate;”

5. Amendment of section 38A of principal Act

The principal Act is amended in section 38A-----

- (a) by renumbering the existing section as subsection (1); and
- (b) by inserting immediately after subsection (1), the following ----

“(2) For the avoidance of doubt, the objective of every investigation of an accident or serious incident, shall be to determine the safety factors and, where possible, the probable cause and the prevention of accidents or serious incidents, but shall not be for the purposes of apportioning blame or liability for the accident or serious incident.

- (c) make copies of, or take extracts from the evidence given, as he or she considers necessary for the purposes of the investigation.

(2c) In the execution of his or her duties, the chief investigator, deputy chief investigator or an investigator shall not be subject to any instruction from the authority or any interested party.”

8. Amendment of section 39A of principal Act

The principal Act is amended in section 39A—

- (a) by substituting for subsection (2), the following—

“(2) An Inspector shall have unrestricted and unlimited access to—

- (a) any part of an aircraft, aerodrome land or area outside the aerodrome used by any business that operates at an aerodrome or that is in a security restricted area, air navigation services facilities, hangars, maintenance organisations, workshop areas, ramp, fuel storage facilities, air operator offices, cargo handling areas, areas of aviation training organisations, facilities of regulated agents or premises of aviation services licensees wherever they may be, and any related facilities and installations; and
- (b) any records and information that may be required during the conduct of an inspection.”

- (b) by inserting immediately after subsection (2), the following—

“(2a) An inspector shall have unrestricted and unlimited access to all documents including manuals, certificates, approvals, authorisations and permits, procedures, technical guidance materials, personnel files, personnel licences of regulated agents or premises of aviation services licensees wherever they may be, and to any related facilities and installations and any records and information that may be required during an inspection.”

9. Amendment of section 40 of principal Act

The principal Act is amended in section 40 by inserting immediately after subsection (9), the following—

“(10) The authority shall recognise an agreement of a third-party State that is a signatory to Article 83 Bis of the Chicago Convention, in respect of an aircraft operating in Ugandan airspace.”

10. Insertion of sections 64C and 64D in principal Act

The principal Act is amended by inserting immediately after section 64B, the following—

“64C. Compliance with interception orders

(1) Ugandan registered aircraft shall comply with interception orders when flying in foreign airspace.

(2) A civil aircraft registered or operated in Uganda shall, when engaging in international air transport, comply with interception orders from other States.

64D. Offences and penalties

(1) Any person who unlawfully seizes an aircraft or engages in the unlawful seizure of an aircraft commits an offence and is liable, on conviction, to imprisonment for life.

(2) Any person who commits an act of violence against a person on board an aircraft in flight, and which is likely to endanger the safety of the aircraft commits an offence and is liable, on conviction, to imprisonment for life.

(3) Any person who commits an act of violence using any device, substance or weapon against a person at an airport serving international civil aviation, which causes or is likely to cause serious injury or death or which endangers or is likely to endanger safety at that airport, commits an offence and is liable, on conviction, to imprisonment for life.

(4) Any person who places or causes to be placed on an aircraft in service, by any means, a device or substance which is likely to destroy that aircraft, or to cause damage to the aircraft, or a person who engages in an act of placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to the aircraft and which renders the aircraft incapable of flight or which is likely to endanger its safety in flight, commits an offence and is liable, on conviction, to imprisonment for life.

(5) A person who engages in the destruction or damage of an air navigation facility or interferes or engages in interference with its operations or which is likely to endanger the safety of aircraft in flight; commits an offence and is liable, on conviction, to imprisonment for life.

(6) A person who engages in the destruction of, or serious damage to the facilities of an airport serving international civil aviation or aircraft not in service located at the airport, or disruption of the services of the airport, if such an act endangers or is likely to endanger safety at that airport, commits an offence and is liable, on conviction, to imprisonment for life.

Bill No. 26 *Civil Aviation Authority (Amendment) Bill* **2023**

(7) A person who communicates or engages in the communication of information which a person knows to be false, thereby endangering the safety of an aircraft in flight, commits an offence and is liable, on conviction, to imprisonment for life.”