

PABLIK SUPPLEMENTARY

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Bill No. 10 *Civil Aviation Authority (Amendment) Bill* **2017**

ACC NO:
CALL NO:

**THE CIVIL AVIATION AUTHORITY (AMENDMENT)
BILL, 2017.**

MEMORANDUM

1. The object of this Bill is to amend the Civil Aviation Authority Act, Cap. 354 to provide for the designation of the Civil Aviation Authority as the Uganda Civil Aviation Authority, to designate the managing director as the director general, to empower the director general to take specific actions, to provide for the establishment of an independent accident and incident investigation unit and for other related matters.
2. Uganda is a signatory to the Convention on the International Civil Aviation, the Chicago Convention. The Chicago Convention refers to the Treaty which was formulated during the International Civil Aviation meeting held in Chicago in 1944 that led to the establishment of the International Civil Aviation Organisation (ICAO), an agency of the United Nations.
3. As a signatory to the Chicago Convention, Uganda enacted the Civil Aviation Authority Act, Cap.354, in February, 1994, to provide for the establishment of the Civil Aviation Authority.
4. The International Civil Aviation Organisation is entrusted with the responsibility of developing standards for regulating international civil aviation. The International Civil Aviation Organisation conducts audits in all Member States to establish the State's status and compliance with the standards and recommended practices that are set by the International Civil

Aviation Organisation. The audit covers: legislation, operating regulations, the aviation systems and oversight functions, personnel qualifications and training, guidance material and tools, licensing and surveillance and resolution of safety concerns.

5. Following the audit by the International Civil Aviation Organisation that was conducted in Uganda in June, 2014, Uganda was found at 61.64% compliant with the Standards and Recommended Practices set by the International Civil Aviation Organisation. Uganda's low compliance rating was mainly attributed to the shortcomings in the Civil Aviation Authority Act, Cap. 354.
6. In order to improve Uganda's ranking for the purpose of compliance, remedial actions are required to be taken in order to improve the country's compliance level to at least 75%. The amendments contained in this Bill are intended to harmonise the Act with the Chicago Convention and its Annexes in order to comply with the international standards and practices. The amendments are also intended to enhance safety and security of the civil aviation operations in Uganda.

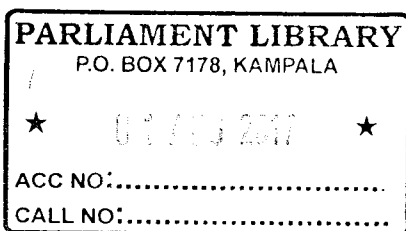
PROVISIONS OF THE BILL

7. The Bill comprises 23 clauses.
8. Clause 1 seeks to extend the scope of application of the Act to all aerodromes and service providers within aerodromes.
9. Clause 2 seeks to effect several amendments to section 2 of the Act, dealing with interpretation. Section 2 of the Act is amended by inserting new definitions for the following words - "accident", "acts of unlawful interference", "cargo", "convention", "director general", "investigator", "regulated agent", "Remotely Piloted Aircraft System", "safety" and "security".

10. Clause 3 seeks to effect amendment to section 3 of the Act, by providing for substitution of sub section (1). The amendment seeks to change the name of the authority from Civil Aviation Authority Uganda to the Uganda Civil Aviation Authority.
11. Clause 4 seeks to amend section 4 of the Act, by substituting the words 'managing director' with the words 'director general' wherever they appear.
12. Clause 5 deals with amendments to section 6 of the Act, by providing for a repeal of sub clause (2) (h) and inserting new functions of the Authority that include:-
 - “(r) the certification of aircraft;
 - (s) the issuance of certificate of airworthiness;
 - (t) the certification of Air Navigation Service Provider; and
 - (u) submitting quarterly performance reports to the Minister.”
13. Clause 6 deals with amendments to section 7 of the Act. The amendments relate to providing more powers to the authority.
14. Clause 7 seeks to make amendments to section 8 of the Act by substituting the words 'managing director' with the words 'director general' wherever they appear.
15. Clause 8 seeks to effect amendments to section 11 of the Act by repealing and replacing section 11. The purpose of the amendment is to provide for the functions of the board to focus on economic matters, leaving management to address technical and administrative aspects of the authority.
16. Clause 9 deals with amendments of section 14 of the Act, by substituting the words 'managing director' with the words 'director general' wherever they appear.

17. Clause 10 deals with the amendment of section 15 of the Act, by expanding the duties of the director general to include issuing interim regulatory directives and making technical safety decisions.
18. Clause 11 seeks to insert new sections 15A and 15B to provide for the powers of the director general and delegation of the powers of the director general.
19. Clause 12 seeks to effect amendments to section 16 of the Act, by substituting the words 'deputy managing director' with the words 'deputy director general' wherever they appear.
20. Clause 13 deals with amendments of section 17 of the Act, by substituting the words 'managing director' with the words 'director general'.
21. Clause 14 seeks to effect amendments to section 28 of the Act, by giving the Authority powers to produce a five year strategic plan and an annual business plan.
22. Clause 15 seeks to substitute section 38 by establishing an Accident and Incident Unit in the Ministry responsible for civil aviation.
23. Clause 16 seeks to insert new sections 38A, 38B and 38C. The section relate to functions and powers of the chief investigator, deputy chief investigator and investigators and the functions of the Accident and Incident Investigation Unit.
24. Clause 17 seeks to effect amendments to section 39 of the Act to allow inspectors to have unhindered access to aerodromes, land or areas outside the aerodromes.

25. Clause 18 seeks to insert section 39A, 39B and 39C. The section empower inspectors to inspect aerodromes, premises and aircraft, the authority to search an aircraft of a Contracting State on landing or departure and protecting employees from personal liability.
26. Clause 19 seeks to amend section 40 of the Act. Section 40 of the Act, deals with international obligations. The purpose of the amendment is to enable Uganda comply with its obligations under the Chicago Convention.
27. Clause 20 seeks to insert section 50A that deals with security audits, inspections and tests.
28. Clause 21 deals with amendments to section 61 of the Act. The amendments relate to expanding the areas in which the Minister makes regulations for the better performance of the functions of the Authority.
29. Clause 22 deals with the amendment of section 63 of the Act, where the Authority in consultation with the Minister may exempt any person or aircraft, facility, aerodrome from the application of any regulations under the Act, if the exemption is in public interest.
30. Clause 23 inserts new section 64A and 64B. The sections deal with the protection of safety information and how Uganda will assist aircraft in distress in the Ugandan territory.



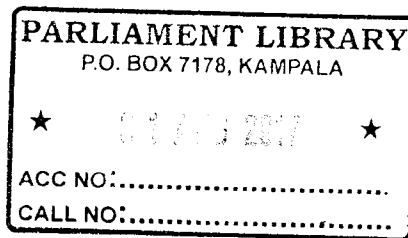
ENG. MONICA AZUBA NTEGE.
Minister of Works and Transport.

THE CIVIL AVIATION AUTHORITY (AMENDMENT) BILL, 2017.

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of section 1 of the Civil Aviation Authority Act, Cap. 354.
2. Amendment of section 2 of the principal Act.
3. Amendment of section 3 of the principal Act.
4. Amendment of section 4 of principal Act.
5. Amendment of section 6 of the principal Act.
6. Amendment of section 7 of the principal Act.
7. Amendment of section 8 of the principal Act.
8. Replacement of section 11 of the principal Act.
9. Amendment of section 14 of the principal Act.
10. Amendment of section 15 of the principal Act.
11. Insertion of new sections 15A and 15B.
12. Amendment of section 16 of the principal Act.
13. Amendment of section 17 of the principal Act.
14. Amendment of section 28 of the principal Act.
15. Replacement of section 38 of the principal Act.
16. Insertion of sections 38A, 38B and 38C.
17. Replacement of section 39 of the principal Act.
18. Insertion of new sections 39A, 39B and 39C.
19. Amendment of section 40 of principal Act.
20. Insertion of new section 50A.
21. Amendment of section 61 of the principal Act.
22. Amendment of section 63 of the principal Act.
23. Insertion of new sections 64A and 64B.



A Bill for an Act

ENTITLED

**THE CIVIL AVIATION AUTHORITY (AMENDMENT)
ACT, 2017.**

An Act to amend the Civil Aviation Authority Act, Cap 354 to redesignate Civil Aviation Authority as the Uganda Civil Aviation Authority; to redesignate the managing director as the director general; to empower the director general to take specific actions; to provide for the establishment of an independent accident and incident investigation unit and for related matters.

Be it enacted by Parliament as follows—

1. Amendment of section 1 the Civil Aviation Authority Act, Cap. 354.

The Civil Aviation Authority Act, Cap.354, in this Act referred to as the “principal Act” is amended by substituting for section 1 (1) the following—

“(1) This Act shall extend to—

- (a) all aircraft operating in Uganda airspace, whether the aircraft is of foreign or Uganda registry;

- (b) Uganda aircraft operating outside Uganda territory; and
- (c) all aerodromes and service providers within aerodromes”.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended—

- (a) by substituting for the definition of “accident” the following—

“ “accident” means an occurrence associated with the operation of an aircraft which in the case of a manned aircraft takes place between the time a person boards the aircraft with the intention of flight, until such time as the person disembarks, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shutdown, in which—

- (a) a person is fatally or seriously injured as a result of—
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast.

except when the injuries are from natural causes, self-inflicted or inflicted by other persons or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

- (b) the aircraft sustains damage or structural failure which—

- (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, where the damage is limited to a single engine, including its cowlings or accessories, to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear, doors, windscreens, the aircraft skin such as small dents or puncture holes, or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

- (c) the aircraft is missing or is completely inaccessible.”;
- (b) by inserting immediately after the definition of “accident” the following—

“acts of unlawful interference” means an act or attempted act to jeopardise the safety of civil aviation and air transport, including but not limited to—

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) destroying an aircraft in service or causing damage to the aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (c) hostage taking on board an aircraft or at an airport;
- (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) unauthorised possession at an airport, or unauthorised introduction on board an aircraft, of a weapon or hazardous device or material;
- (h) destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (i) violence against a person on board an aircraft in flight; if that act is likely to endanger the safety of that aircraft;
- (j) communicating information which is known to be false, thereby endangering 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;
- (k) unlawfully and intentionally using any device, substance or weapon—
 - (i) to perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;

- (ii) to destroy or seriously damage the facilities of an airport serving civil aviation or an aircraft not in service located at the airport or disrupting the services of the airport, if that act endangers or is likely to endanger safety at that airport”;
- (c) by substituting for the definition of “air navigation service” the following—
 - “ “air navigation services” means services provided to air traffic during all phases of operations to ensure their safe and efficient movement and includes—
 - (a) communication services, whether ground to air or ground to ground, provided for the safety of aircraft;
 - (b) navigation and surveillance services among which are radios, radars and visual aids to navigation;
 - (c) air traffic services provided for the safety of aircraft and for the regularity of flight;
 - (d) aeronautical information services;
 - (e) meteorological services; and
 - (f) search and rescue services.”;
- (d) by substituting for the definition of “authority” the following—
 - “ “authority” means the Uganda Civil Aviation Authority”;
- (e) by substituting for the definition of “cargo” the following—

“ “cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;”;

- (f) by inserting after the definition of “cargo” the following definition—

“ “certification” means the process of determining and providing an official document attesting that a person, aircraft, aerodrome or organization meets the regulatory requirements under the Act;”;

- (g) by inserting after the definition of “Chicago Convention” the following—

“ “convention” means any international convention or protocol and any annex thereto relating to civil aviation to which Uganda is a signatory or has acceded, or to which Uganda is in any way party to, whether made, concluded, signed or acceded to before or after the commencement of this Act, and includes the Chicago Convention;”;

- (h) by inserting immediately after the definition of “crew” the following—

“ “director general” means the director general of the authority appointed under section 14 of the Act;”;

- (i) by inserting immediately after the definition of “flight” the following—

“ “flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing an accident or incident investigation;”;

- (j) by inserting immediately after the definition of “goods” the following—

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or may affect the safety of operation;

“inspector” means a person appointed under section 39 to ensure compliance with this Act and regulations;

“investigation” means a process conducted for the purpose of accident prevention which includes gathering and analyzing of information, drawing of conclusions including determination of causes or contributing factors and where appropriate, the making of safety recommendations;

“investigator” means a person appointed under section 38 who is charged, on the basis of his or her qualifications, with the responsibility to participate in the conduct and control of investigations;”;

(k) by inserting immediately after the definition of “publication” the following—

“Regulated Agent” means an agent, freight, forwarder, any other entity approved by the appropriate authority who conducts business with an air operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail;

“Remotely Piloted Aircraft System” means an unmanned aircraft which is piloted from a remote pilot station, excluding model aircraft and toy aircraft;

“safety” means the state in which risks associated with aviation activities, related to or in direct support of the operation of aircraft are reduced and controlled to an acceptable level;

“security” means safeguarding civil aviation against acts of unlawful interference which is achieved by a combination of measures and human and materials resources;

“serious incident” means an incident involving circumstances indicating that there was a high probability of an accident associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time a person boards the aircraft with the intention of flight until such time as the person has disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down;”;

(l) by substituting for the definition of “state aircraft” the following—

“ “state aircraft” means aircraft used in the military, customs, police services of Uganda or of any other State or any other civil registered aircraft at the time of performing a state function while fully converted to offer services to heads of States, military service, customs, police or to any other State;”

(m) by inserting immediately after the definition of “state aircraft” the following—

“ “state safety programme” means an integrated set of regulations and activities promulgated and performed by the State aimed at improving safety and efficiency of aviation in Uganda;

“Uganda aircraft” means an aircraft registered in Uganda.”

3. Amendment of section 3 of the principal Act.

Section 3 of the principal Act is amended in subsection (1) by substituting for the words “Civil Aviation Authority” the words “Uganda Civil Aviation Authority.”

4. Amendment of section 4 of principal Act.

Section 4 of the principal Act is amended by substituting for the words “managing director” the words “director general” wherever they appear.

5. Amendment of section 6 of the principal Act.

Section 6 of the principal Act is amended—

- (a) in subsection (1) by inserting immediately after paragraph (b) the following—

“(c) on the validation of Foreign Air Operators operations in and out of Uganda; and

(d) on the regulation, supervision and monitoring of the activities of the National and Foreign Carriers operating in Uganda, in addition to keeping their register.”

- (b) in subsection (2) by repealing paragraph (h);

- (c) by substituting for paragraph (m) the following—

“(m) the certification of air operators;”;

- (d) by substituting for paragraph (o) the following—

“(o) the licensing and certification of aerodromes and Regulated Agents;”;

- (e) by repealing the word “and” at the end of paragraph (q);

- (f) by inserting immediately after paragraph (q) the following—

- “(qa) the certification of aircraft;
- (qb) the issuance of a certificate of airworthiness;
- (qc) the certification of Air Navigation Service Provider;
- (qd) the establishment, implementation and maintenance of a quality management System in accordance with the requirements of ISO 9001;
- (qe) the establishment, co-ordination and maintenance of State Safety Programmes;
- (qf) submission of quarterly performance reports to the Minister;”

6. Amendment of section 7 of the principal Act.

Section 7 of the principal Act is amended in subsection (2) by inserting immediately after paragraph (d) the following—

- “(e) to issue interim regulatory directives and technical safety decisions, aviation security decrees, orders, circulars or directives to require the implementation of immediate safety and security measures;
- (f) to obtain evidence and issue subpoenas and affirmative statements action of compliance;
- (g) to authorize the operation of aviation training schools;
- (h) to validate certificates and licences;
- (i) carry out safety and security audits and inspections; and
- (j) to grant, amend, modify, suspend and revoke certificates.”

7. Amendment of section 8 of the principal Act.

Section 8 of the principal Act is amended—

- (a) by inserting immediately after subsection (1) the following—

“(1A) The director general shall be an ex-officio member of the board and shall attend all meetings of the board, but with no right to vote at any meeting of the board.”

- (b) by substituting for the words “managing director” the words “director general” wherever they appear.

8. Replacement of section 11 of the principal Act.

For section 11 of the principal Act, there is substituted the following—

“11. Functions of the board.

(1) The board is responsible for the general direction and supervision of the authority.

(2) For the purposes of subsection (1), the board shall—

- (a) review strategic and business plans, budgets, reports and audited financial statements of the authority;
- (b) oversee the operations of the authority;
- (c) control, supervise and administer the assets of the authority;
- (d) approve organizational structures of the authority;
- (e) establish and approve rules of procedure for appointment, termination, discipline and terms and conditions of staff of the authority;
- (f) monitor and supervise the implementation of the Act;

- (g) advise the Minister on all matters in relation to the Act and developments in the aviation sector; and
- (h) perform any other function incidental to the functions prescribed in paragraphs (a) to (g).

(3) The board in the performance of its functions is responsible to the Minister.

(4) The board shall perform its functions in accordance with sound financial principles.”

9. Amendment of section 14 of the principal Act.

Section 14 of the principal Act is amended by substituting for the words “managing director” the words “director general” wherever they appear.

10. Amendment of section 15 of the principal Act.

Section 15 of the principal Act is amended—

- (a) by substituting for the words “managing director” the words “director general” wherever they appear.
- (b) by inserting immediately after paragraph (f) the following—

“(g) managing the day to day activities of the authority;

(h) the exercise of all powers and the discharge of the functions of the authority in accordance with the provisions of the law;

(i) the control of human resource and activities of the authority;

(j) establishing, implementing, co-ordinating, maintaining and supervising the quality management system for the purpose of aviation safety as the accountable executive of the State Safety Programme and Quality Management System;

- (k) issuing interim regulatory directives and technical safety directives, aviation security decrees, orders, circulars or directives to require the implementation of immediate safety and security measures.”

11. Insertion of new sections 15A and 15B.

The principal Act is amended by inserting immediately after section 15, the following—

“15A. Powers of the director general.

The director general—

- (a) shall inspect, board, detain or recall an aircraft if in flight and search the aircraft if—
 - (i) serious safety and security concerns are identified;
 - (ii) he or she has reasonable grounds to believe that the aircraft is being used in contravention of the Act; or
 - (iii) the aircraft contains any matter that may be used as evidence in respect of an offence under the Act.
- (b) shall exercise such powers as are necessary for the performance of the functions of the Authority to enable the objectives, implementation and application of the regulations made under this Act; and
- (c) may prohibit any person from exercising the privileges of any aviation licence, certificate or other document for a just cause.

15B. Delegation of powers of the director general.

(1) The director general may delegate to the deputy director general or the most immediate senior employee of the authority, either generally or otherwise as provided by the instrument of delegation, any of his or her powers exercised by him or her other than the power of delegation.

(2) Subject to subsection (1), the director general shall not delegate any of the following functions—

- (a) the making of any rule or declaration;
- (b) the fixing of the method of calculating and reviewing of rates and charges;
- (c) the making of a decision to hold an inquiry;
- (d) the adoption of a report on the results of an inquiry; and
- (e) such other matters as the Minister may determine by notice in the Gazette.

(3) A delegation made under this section may be revoked by the director general.”

12. Amendment of section 16 of the principal Act.

Section 16 of the principal Act is amended by substituting for the words “managing director” the words “director general” wherever they appear.

13. Amendment of section 17 of the principal Act.

Section 17 of the principal Act is amended by substituting for the words “managing director” the words “director general” wherever they appear.

14. Amendment of section 28 of the principal Act.

Section 28 of the principal Act is amended—

- (a) by substituting for the words “business plans” in the headnote the words “Strategic and business plans”;
- (b) by substituting for subsection (1) the following—

“(1) The authority shall produce a five year strategic plan and an annual business plan to be prepared by the director general.”;
- (c) by substituting for the words “business plan” the words “strategic and business plans” wherever they appear;
- (d) by substituting for the words “managing director” the words “director general” wherever they appear.

15. Replacement of section 38 of the principal Act.

For section 38 of the principal Act, there is substituted the following—

“38. Establishment of Accident and Incident Investigation Unit

(1) There is established an Accident and Incident Investigation Unit within the Ministry responsible for civil aviation.

(2) The Accident and Incident Investigation Unit shall comprise of—

- (a) the chief investigator;
- (b) the deputy chief investigator; and
- (c) investigators.

(3) The Minister shall appoint a chief investigator, deputy chief investigator of accidents and investigators to investigate and review all accidents.

(4) The chief investigator shall report directly to the Minister.

(5) An investigator shall be a person trained in investigating aircraft accidents.”

16. Insertion of sections 38A, 38B and 38C.

The principal Act is amended by inserting immediately after section 38, the following—

“38A. Functions of the Accident and Incident Investigation Unit.

The functions of the Accident and Incident Investigation Unit are—

- (a) to maintain a system for voluntary reporting of aviation accidents and serious incidents and incidents;
- (b) to organize, participate and control an investigation in relation to the safety of an aircraft;
- (c) to keep records of investigations and maintain an information database for aviation events;
- (d) to prepare and disseminate an annual analysis and a newsletter of aviation events;
- (e) to analyze actions of individuals and legal entities in the field of aviation and the functioning of the objects and facilities related to a specific event for purposes of ensuring safety during investigations;
- (f) to collect and analyze data on aviation safety;
- (g) to gather, record and analyze relevant information of any accident or incident;

- (h) to issue safety recommendations where appropriate;
- (i) to determine the causes or contributing factors of accidents where possible; and
- (j) to compile final accident reports.

38B. Functions of chief investigator, deputy chief investigator and investigators.

The chief investigator, deputy chief investigator and investigators shall—

- (a) investigate and review all the aircraft accidents and incidents in Uganda;
- (b) develop a data base for all aircraft accidents and incidents; and
- (c) discharge the functions of the Accident and Incident Investigation Unit.

38C. Powers of the chief investigator and investigators.

(1) The powers of the chief investigator and investigators shall include—

- (a) the right of entry at all accident sites, to investigate and inspect aircraft accidents;
- (b) the right to retrieve flight recorders and other materials or information pertinent to the accident, including aircraft parts or material on ground hit by aircraft; and
- (c) the right to examine any other records or documents related to the occurrence, such as flight log books, maintenance records and personnel records.

(2) The Chief Investigator and the Investigators shall not disclose cockpit records and other investigation records for purposes other than accident or incident investigations.

(3) A person who obstructs an investigation under this Part commits an offence and is, liable, on conviction to a fine not exceeding one thousand currency points or to imprisonment not exceeding five years or both.”

17. Amendment of section 39 of the principal Act.

Section 39 of the principal Act is amended—

- (a) by substituting the words “Assessment and inspectors” in the headnote the words “Assessment and inspections.”
- (b) by substituting for subsection (3) the following—

“(3) An inspector shall have unhindered access to any part of the aerodrome, land, area outside the aerodrome or security restricted area, premises of the Regulated Agent or premises of the holder of an aviation service licence or aircraft wherever it may be and the related facilities and installations and to any records, information and explanation that may be required in the course of their duty.”

18. Insertion of new sections 39A, 39B and 39C.

“39A. Inspection of aerodromes, premises and aircraft.

(1) An inspector shall inspect any aerodrome used for civil aviation operations or any land outside the aerodrome used by businesses that operate at the aerodrome or that is in the security restricted area used for civil aviation operations, Air Navigation Services premises and facilities, the premises of any Regulated Agent or premises of the holder of an aviation services’ licence, a certificate, authorization or other approval document issued by the authority or any aircraft on Uganda territory regardless of its state of registry or a Uganda registered aircraft wherever it may be for reasons of safety and security.

(2) An inspector shall have unhindered access to any part of the aerodrome, land or area outside the aerodrome used by businesses that operate at the aerodrome or that is in the security restricted area, Air Navigation Services premises and facilities, premises of any Regulated Agent or premises of the holder of an aviation services license or aircraft wherever it may be and the related facilities and installations and to any records, information and explanation that may be required in the course of inspection.

(3) An inspector shall, where he or she finds that the Regulated Agent or holder of an aviation services license, an aerodrome, air navigation service provider or an aircraft contravenes the Act, issue an infringement notice to the licensee, certificate or authorization holder stating the particulars of the violation, the period within which to comply and the attendant fine and penalty in the event of failure to remedy the stated violation.

(4) A licensee, certificate or authorization holder, Regulated Agent or any person that may be aggrieved by any of the matters raised by the infringement notice issued by the inspector may appeal to the director general within forty eight hours.

(5) The director general shall upon receipt of the appeal—

(a) confirm, set aside or vary the order or decision in question; or

(b) make such order as he or she may consider just and expedient.

(6) A person aggrieved by the order of the director general under subsection (5), may within fourteen days after the decision, appeal to the Appeals Tribunal.

39B. Foreign Aircraft Safety Assessment Program.

The authority may, without unreasonable delay, search an aircraft of a Contracting State on landing or departure and shall inspect the certificates and other documents related to the aircraft.

39C. Protection from personal liability.

A member of the Board, an employee of the Authority or a person acting on the directions of the Board is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of his or her functions under this Act.”

19. Amendment of section 40 of principal Act.

Section 40 of the principal Act is amended by inserting immediately after subsection (4) the following—

“(5) The authority shall ensure that differences to International Civil Aviation Organisation and recommended practices are notified to International Civil Aviation Organisation through online Electronic filing of Differences (EFOD) and that the differences and recommended practices are published in the Aeronautical Information Publication.

(6) The authority may transfer all or part of its safety oversight duties and responsibilities as envisaged by Article 83 bis of the Chicago Convention when Uganda enters into an agreement as the State of Registry or State of the Operator with another Contracting State.

(7) The authority shall recognize certificates and licenses issued or renewed by a State with which Uganda has entered into an agreement under Article 83 bis of the Chicago Convention as State of the Operator or the State of Registry.

(8) The authority shall recognize airworthiness codes issued by the state of aircraft design.

(9) The authority shall recognize aircraft type certificates issued by the state of aircraft design or state of aircraft Manufacturer.”

20. Insertion of section 50A.

The principal Act is amended by inserting immediately after section 50 the following—

“50A. Security audits and certifications.

(1) The authority shall carry out security audits, inspections and tests in respect of operations of aircraft, aerodromes, Regulated Agents, catering services and air navigation service providers for purposes of establishing compliance with the regulation requirements.

(2) The authority shall certify aviation security personnel involved in aviation security audits, inspections and tests.”

21. Amendment of section 61 of the principal Act.

Section 61 of the principal Act is amended—

- (a) in subsection (2) (d), by inserting immediately after the word “rescue” the word “services”;
- (b) in subsection (2), by inserting immediately after paragraph (r) the following—
 - “(s) the conditions of an aerodrome of or for which, the aircraft entering or leaving Uganda may fly and the conditions under which the aircraft may fly from one part of the country to the other;
 - (t) the prohibition or regulation of emission or causing smoke, soot, ash, grit, dust and any other substance which obscures or may obscure visibility in the vicinity of any aerodrome;

- (u) the classification and use of airspace and the control and use of air routes and provision of search and rescue facilities;
- (v) the design, construction, repair, overhaul, maintenance, operation and the use of aircraft, maintenance and repair of facilities and related equipment;
- (w) the conditions for commercial air transport operations, the use of aircraft for aerial work, and general aviation and prohibition of carriage by air of goods;
- (x) the interference with the use of facilities used in connection with air navigation and prohibiting or regulating the display of signs and lights likely to endanger aircraft;
- (y) the safety management system;
- (z) remotely piloted aircraft systems.”

22. Amendment of section 63 of the principal Act.

Section 63 of the principal Act is amended by substituting for subsection (1) the following—

“(1) Notwithstanding section 41, the authority may, in consultation with the Minister, on terms and conditions that may be necessary, exempt any person, aircraft, aerodrome facility or service from the application of any regulations made under this Act, if the exemption is in the public interest and is not likely to affect aviation safety.”

23. Insertion of new sections 64A and 64B.

The principal Act is amended by inserting immediately after section 63, the following—

“64A. Protection of safety information.

(1) The authority shall not put aviation safety information obtained, gathered voluntarily or information submitted to the authority, to any inappropriate use.

(2) The authority shall not be precluded from sharing aviation safety information with other civil aviation authorities in the Contracting States, subject to appropriate safe guards.

64B. Aircraft in distress.

(1) Uganda shall provide such measures of assistance to aircraft in distress in the Uganda territory, as it may find practicable and shall permit subject to control by the Ugandan authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

(2) Uganda shall, while undertaking a search for a missing aircraft collaborate in coordinated measures which may be recommended from time to time under this Act.”

