

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2022 No. 81.

THE CIVIL AVIATION (COMMERCIAL AIR TRANSPORT BY
FOREIGN AIR OPERATORS WITHIN UGANDA) REGULATIONS, 2022

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STATUTORY INSTRUMENTS

2022 No. 81.

The Civil Aviation (Commercial Air Transport by Foreign Air Operators within Uganda) Regulations, 2022

(Under sections 34(2) and 61 of the Civil Aviation Authority Act, Cap. 354)

IN EXERCISE of the powers conferred upon the Minister by sections 34(2) and 61 of the Civil Aviation Authority Act, and on the recommendation of the Uganda Civil Aviation Authority, these Regulations are made this 27th day of June, 2022.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Civil Aviation (Commercial Air Transport by Foreign Air Operators within Uganda) Regulations, 2022.

2. Application

These Regulations apply to the operation of a foreign air operator civil aircraft within Uganda for the purpose of commercial air transport operations by the foreign air operator, whose air operator certificate is issued and controlled by a civil aviation authority other than the authority.

3. Interpretation

In these Regulations, unless the context otherwise requires —

“Act” means the Civil Aviation Authority Act, Cap 354;

“acts of unlawful interference” means an act or attempted act to jeopardise the safety of civil aviation and air transport, including—

- (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;

“aerodrome” means any definite and limited ground or water area (including any building, installation and equipment) used or intended to be used, either wholly or in part, for the arrival or departure or surface movement of aircraft;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“AFM” means the Aircraft Flight Manual;

“aircraft” means a machine that derives support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“Approved Maintenance Organisation (AMO)” means an organisation approved to perform specific aircraft maintenance activities by the authority;

“Air Operator Certificate (AOC)” means a certificate authorising an operator to carry out specified commercial air transport operations;

“article” means any item, including an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product or part;

“authorised person” means a person authorised by the authority either generally or in relation to a particular case or class of cases and includes references to the holder of any office designated by the authority;

- “authority” means the Civil Aviation Authority, established under section 3 of the Act;
- “cabotage” means the right to operate air transport between two places in Uganda;
- “certificate of release to service” means a document that contains a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the authority;
- “commercial air transport operation” means an aircraft operation that involves the transportation of passengers, cargo or mail for remuneration or hire;
- “crew member” means a person assigned by the operator to duty on an aircraft during a flight duty period;
- “currency point” has the value assigned to it in Schedule 1 to these Regulations;
- “dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions;
- “flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;
- “flight plan” means specified information provided to air traffic services units, relative to an intended flight or a portion of a flight of an aircraft;
- “flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“foreign air operator” means an operator, not being a Ugandan air operator, who undertakes, whether directly or indirectly or by lease or any other arrangement engages in commercial air transport operations in and out of Uganda, whether on a scheduled or charter basis;

“foreign authority” means the civil aviation authority that issues and oversees the Air Operator Certificate (AOC) of the foreign air operator;

“ICAO” means the International Civil Aviation Organisation;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the authority;

“Instrument Meteorological Conditions (IMC)” means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling as defined in the Civil Aviation (Rules of the Air) Regulations, 2020 less than the minima specified for visual meteorological conditions;

“maintenance” means the performance of tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair;

“Minimum Equipment List (MEL)” means a list which provides for the operation of aircraft, subject to specified conditions, with equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

“night” means the hours between the end of evening civil twilight

and the beginning of morning civil twilight or the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot be clearly seen at a distance of 4,572 metres;

“NOTAM” means Notice to Airmen;

“operational flight plan” means the plan of the operator for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“operations specifications” means a document containing authorisations, conditions, limitations and other provisions with which an air operator must comply;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“Pilot-In-Command (PIC)” means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“Pre-flight Information Bulletin (PIB)” means a presentation of current NOTAM information of operational significance, prepared prior to flight;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“repair” means the restoration of an aircraft, engine, propeller or associated part to an airworthy condition in accordance with the appropriate airworthiness requirements after it has been damaged or subjected to wear;

“RFM” means Rotorcraft Flight Manual;

“standard” means an object, artifact, tool, test equipment, system or experiment that stores, embodies or otherwise provides a physical quantity, which serves as the basis for measurement of the quantity and it includes a document describing the operations and process that must be performed in order for a particular end to be achieved;

“State of design” means the contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft or which approved the design of an aeronautical product or appliance;

“State of the operator” means the State in which the principal place of business of the operator is located or, if there is no such place of business, the permanent residence of the operator;

“State of registry” means the State in whose register the aeroplane is entered;

“Technical Guidance Materials (TGM)” means any guidance published by the authority that assists in illustration of meanings of a requirement or specification and is used

to support the interpretation of regulations, advisory circulars, forms of aviation industry and orders, checklists and manuals for authority inspectors;

“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc.9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO;

“technical logbook” means a document carried on an aircraft that contains information to meet ICAO requirements; a technical logbook contains two independent sections, a journey record section and an aircraft maintenance record section;

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment and personnel necessary to accomplish a specific training objective; it may include a core curriculum and a specialty curriculum;

“Visual Meteorological Conditions (VMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling equal to or better than specified minima.

PART II—GENERAL REQUIREMENTS

4. Compliance with requirements

A foreign air operator shall not engage in commercial air transport operations in Uganda contrary to these Regulations and the requirements—

- (a) in the standards contained in the Annexes to the Convention on International Civil Aviation, adopted by the State of registry and State of the operator where the operation is to be conducted; and
- (b) any other requirements that the authority may specify in the Aeronautical Information Publications.

5. Authority to inspect

(1) A foreign air operator shall permit a person authorised by the authority to access without prior notice, his or her aircraft operated for commercial air transport within Uganda for the purposes of—

- (a) inspecting the documents and manuals required by these Regulations;
- (b) conducting an inspection of the aircraft; and
- (c) taking appropriate action where necessary to preserve the safety.

(2) Where the authority identifies non-compliance or suspected non-compliance by a foreign air operator of the laws, regulations or procedures applicable within Uganda or identifies a serious safety issue with the foreign air operator, the authority shall immediately notify the foreign air operator and, where the issue warrants it, the State of air operator.

(3) Subject to subregulation (2), where the State of air operator and the State of registry are different, the notification shall be made to the State of registry.

(4) In the case of a notification to the States as specified in subregulation (3), where the issue and its resolution warrant it, the State in which the operation is conducted shall engage in consultations with the State of the operator and the State of registry, as applicable, concerning the safety standards maintained by the foreign air operator.

(5) Inspections shall be conducted in accordance with the requirements of these Regulations and the applicable checklist on safety assessment of Foreign Air Aircraft.

(6) The findings from the inspection shall be resolved in accordance with the levels of seriousness and related actions, as specified in the applicable Technical Guidance Materials for Safety Assessment of Foreign Air Aircraft.

Approval of Foreign Air Operators in Uganda

6. Application for approval

(1) A foreign air operator from the territory of another State shall not operate an aircraft in Uganda unless it is authorised by the authority and holds associated operations specifications containing the special limitations and specific approvals issued to it by the foreign authority.

(2) A foreign air operator who intends to operate in Uganda shall submit an application to the authority in a form and manner specified in the applicable Technical Guidance Materials.

(3) An application for approval to operate in Uganda shall be accompanied by—

- (a) a certified copy of a valid foreign air operator certificate and associated operations specifications issued to the foreign air operator by the foreign authority;
- (b) a copy of the approval page for the MEL for each aircraft type intended to be operated by the foreign air operator in Uganda;
- (c) a copy of the current certificate of registration and certificate of airworthiness issued for each aircraft type proposed to be operated by the foreign air operator in Uganda;
- (d) a copy of a valid insurance certificate;
- (e) a copy of the operational procedures and practices of the foreign air operator;
- (f) a copy of a document that identifies the maintenance checks that are required to be performed on the aircraft of the foreign air operator while they are operating in Uganda;

- (g) a copy of the maintenance contract between the foreign air operator and the AMO, where the maintenance under paragraph (f) is performed by an AMO approved by the foreign authority;
- (h) a copy of the air service agreement, that contains a “safety clause” specified in Schedule 2 to these Regulations that allows the foreign air operator to operate in Uganda;
- (i) in the case of wet-leased aircraft, a copy of the approval of the foreign authority of the State of the operator, with identification of the foreign air operator that exercises operational control of the aircraft;
- (j) copy of the proposed foreign air operator security programme; and
- (k) any other document the authority considers necessary to ensure that the intended operations will be conducted safely.

(4) An applicant under these Regulations shall submit the application at least ninety days before the date of commencement of the intended operation.

7. Conditions for issuance of a Foreign Air Operator Certificate

(1) The authority shall issue a Foreign Air Operator Certificate to a Foreign Air Operator to conduct commercial air operations in Uganda where the authority is satisfied and has confidence in—

- (a) the validity of the certificates and licences associated with the operator;
- (b) the personnel and aircraft of the operator;
- (c) the operational capabilities of the operator; and
- (d) the level of certification and oversight applied to the activities of the Foreign Air Operator by the foreign authority.

(2) Where the authority deems it necessary, the authority shall conduct a physical verification.

8. Issuance of Foreign Air Operator Certificate

The Foreign Air Operator Certificate, issued by the authority shall be effective for a period of three years unless—

- (a) the authority amends, suspends, revokes or otherwise terminates the certificate;
- (b) the Foreign Air Operator Certificate holder surrenders it to the authority; or
- (c) the Foreign Air Operator Certificate holder suspends operations for more than sixty days.

9. Contents of Foreign Air Operator Certificate

(1) A Foreign Air Operator Certificate issued under these Regulations shall contain—

- (a) the full name of the Foreign Air Operator.
- (b) the principal business address and contact details for operational management of the Foreign Air Operator;
- (c) the business address and contact details of the Foreign Air Operator in its State of registration;
- (d) the date of issuance and expiry of the AOC of the Foreign Air Operator;
- (e) a statement that the certificate authorises the Foreign Air Operator to operate in the territory of Uganda;
- (f) a statement that the certificate is issued to the Foreign Air Operator on the basis of the Operator holding a valid AOC and changes to the AOC made by the foreign civil aviation authority that issued and oversees the AOC of the Foreign Air Operator shall be submitted by the Foreign Air Operator in writing to the authority within thirty days of such change;

- (g) a statement that the certificate shall cease to have effect upon expiry, suspension, revocation, cancellation, or equivalent action in respect of the AOC of the Foreign Air Operator's; and
- (h) any additional authorisations, conditions or limitations considered necessary by the authority.

(2) Any operation specifications issued to a Foreign Air Operator by the foreign civil aviation authority shall be supplementary to these Regulations.

10. Continued validity of Foreign Air Operator Certificate

(1) A Foreign Air Operator shall, when conducting operations in and to Uganda, ensure that at all times, complies with the requirements of—

- (a) its operations specifications;
- (b) its approved aircraft operator security programme; and
- (c) the security requirements for aircraft operators operating in Uganda.

11. Basing foreign registered aircraft in Uganda

A foreign air operator shall not base a foreign registered aircraft in Uganda for an extended period of thirty days or more while conducting operations within the air space of Uganda unless he or she has made written notification to the authority with the following information—

- (a) the aircraft registration marks;
- (b) the aircraft make, model and series;
- (c) the aircraft serial number;
- (d) the aerodrome where the aircraft is based;
- (e) the name of the foreign air operator, address and telephone contact; and
- (f) a copy of a valid aircraft insurance document.

12. Cabotage

(1) A foreign air operator shall not conduct commercial air transport operations involving cabotage between aerodromes in Uganda.

(2) A foreign air operator shall not conduct commercial air transport operations from an aerodrome in a foreign country to and from an aerodrome in Uganda unless, the operations are authorised by the authority and in accordance with the fifth freedom specified in the International Air Transit Agreement or as provided in the applicable bilateral agreements.

13. Air traffic rules and procedures

(1) A PIC of a foreign air operator registered aircraft shall comply with the rules of the air specified in the Civil Aviation (Rules of the Air) Regulations, 2020 and the Civil Aviation (Air Traffic Services) Regulations, 2022.

(2) A foreign air operator shall establish procedures to ensure that a PIC complies with the requirements of subregulation (1), and shall check the ability of each PIC to operate the foreign aircraft safely according to the applicable rules and procedures.

14. Operations specifications

A foreign air operator shall conduct its operation in accordance with its operation specifications or equivalent document issued by the State of the operator that is acceptable to the authority.

Foreign Air Operator Manuals, Documents and Records

15. Aircraft technical log

A foreign air operator shall use an aircraft technical log system that contains the following information for each aircraft—

- (a) information about each flight necessary to ensure continued flight safety;
- (b) the current aircraft certificate of release to service or an equivalent document;

- (c) the current maintenance statement; and
- (d) all outstanding deferred defects that affect the operation of the aircraft.

16. Aircraft journey logbook for foreign air operator

(1) A foreign air operator shall maintain a journey logbook that contains information on each flight, which includes—

- (a) the aircraft nationality and registration marks;
- (b) the date of the flight;
- (c) the names of each crew member;
- (d) the duty assignments of crew members;
- (e) the place of departure;
- (f) the place of arrival;
- (g) the time of departure;
- (h) the time of arrival;
- (i) the duration of the flight;
- (j) the purpose of the flight;
- (k) the incident and observations, if any; and
- (l) the signature of the PIC.

(2) The authority may waive the requirement of subregulation (1) where the relevant information is available in the aircraft technical log referred to in regulation 15.

(3) A foreign air operator shall ensure that all entries in the journey logbook are made concurrently and are permanent in nature.

17. Manuals, documents and licences to be carried

(1) A foreign air operator shall ensure that the following manuals, documents, and licences are carried on every flight into Uganda—

- (a) a certified copy of the AOC and associated operations specifications, which shall be in the English language;

- (b) the current parts of the operations manual that are relevant to the duties of the crew;
- (c) the parts of the operations manual that are required for the conduct of a flight, and are easily accessible to the crew on board the aircraft on each flight such as the MEL and information and instructions relating to the interception of aircraft;
- (d) the current AFM or RFM approved by the State of registry or the aircraft operating manual approved by the State of the operator; the AFM or RFM shall be updated by implementing changes made mandatory by the State of registry received from the State of design;
- (e) the current certificate of registration and the certificate of airworthiness in force with respect to that aircraft;
- (f) the appropriate licences of the members of the flight crew and cabin crew, where a cabin crew licence is required by the foreign authority;
- (g) a noise certificate, where applicable, which will be issued in accordance with ICAO Annex 16, Volume I;
- (h) appropriate approvals or licences of crew members for aircraft radio operation;
- (i) the aircraft journey or technical logbook;
- (j) in the case of a passenger carrying aircraft, a list of the names of the passengers and places of embarkation and destination;
- (k) loadsheet;
- (l) valid insurance certificate;
- (m) certificate of release to service or equivalent document; and
- (n) pre-flight information bulletin.

(2) The authority may specify other documents and information to be carried on board in addition to those referred to in subregulation (1).

18. Certificate of airworthiness and certificate of registration

A foreign air operator may operate an aircraft within Uganda—

- (a) where the aircraft has a valid certificate of airworthiness and certificate of registration issued or validated by the State of registry and displays the nationality and registration markings of that State; and
- (b) in accordance with the limitations on the maximum certificated mass prescribed for that aircraft and that operation by the State of design.

19. Additional information and forms to be carried

(1) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed in regulation 17, the following information and forms, relevant to the type and area of operation, are carried on each flight—

- (a) the operational flight plan;
- (b) the aircraft technical log, that contains the information required by regulation 15;
- (c) the appropriate NOTAM or aeronautical information service briefing documentation;
- (d) the appropriate meteorological information;
- (e) the passenger and cargo manifests, as appropriate for the intended flight;
- (f) the mass and balance documentation for the aircraft, certifying that the load carried is properly distributed and safely secured;
- (g) the notification of special loads, including any dangerous goods (NOTOC); and
- (h) the current maps and charts for the area of operation.

(2) The authority may authorise the information specified in subregulation (1) to be presented in a form other than on printed paper, provided the information is accessible for inspection.

20. Production of documents, manuals and records

(1) A foreign air operator shall—

- (a) give an authorised person access to any documents, manuals and records that are related to flight operations and maintenance; and
- (b) provide the documents, manuals and records, when requested to do so by the authority, within a reasonable period of time.

(2) The PIC shall within a reasonable time of being requested to do so by an authorised person, produce to the authorised person the documentation, manual and records required to be carried on board.

21. Preservation, production and use of flight recorder recordings

(1) Where an accident or incident occurs in Uganda involving an aircraft of a foreign air operator, or where the aircraft accident investigation unit directs, the foreign air operator of an aircraft on which a flight recorder is carried shall preserve the original recorded flight data for a period of not less than 60 days unless the authority directs otherwise.

(2) The recorded flight data referred to in subregulation (1) shall be produced where it is required by the aircraft accident investigation unit.

PART III—OPERATIONS AND PERFORMANCE

22. Computation of passenger and baggage mass

(1) A foreign air operator shall compute the mass of passengers and checked baggage using the—

- (a) actual weighed mass of each person and the actual weighed mass of baggage; or

- (b) the standard mass values specified by the foreign civil aviation authority.

(2) The authority may require a foreign registered air operator conducting operations in Uganda to produce evidence validating any standard mass values used.

23. Single-engine aeroplanes at night or in IMC

(1) A foreign air operator shall not operate a single-engine, non-turbine aeroplane—

(a) at night; or

(b) in IMC,

except under special Visual Flight Rules.

(2) A foreign air operator shall not operate a single-engine turbine aeroplane at night and in IMC within Uganda unless—

(a) the turbine engine is reliable;

(b) the maintenance procedures of the operator, operating practices, flight dispatch procedures, and crew training programmes are approved by the State of the operator;

(c) the aeroplane is appropriately equipped for flight at night and in IMC;

(d) the aeroplane was issued with a certificate of airworthiness before 01st January, 2005 and has an engine trend monitoring system; and

(e) the aeroplane was issued with a certificate of airworthiness on or after 01st January, 2005 and has an automatic trend monitoring system.

24. Single-Pilot operations under Instrument Flight Rules or at night

A foreign air operator shall not operate an aeroplane under Instrument Flight Rules or at night with a single pilot unless it is approved by

the foreign civil aviation authority and unless the aeroplane meets the following conditions—

- (a) the AFM does not require a flight crew of more than one pilot;
- (b) the aeroplane is propeller driven;
- (c) the maximum approved passenger seating configuration is not more than nine;
- (d) the maximum certificated take-off mass does not exceed 5,700 kg;
- (e) the aeroplane is equipped with—
 - (i) a serviceable autopilot that has at least altitude hold and heading select modes;
 - (ii) a headset with a boom microphone or equivalent; and
 - (iii) a means of displaying charts that enables them to be readable in all ambient light conditions; and
- (f) the PIC has satisfied the requirements of experience, training, checking and recency prescribed by the State of the operator.

25. Flight rules within Uganda

(1) A foreign air operator shall comply with the flight rules and limitations contained in the Civil Aviation (Rules of the Air) Regulations, 2020.

(2) A foreign air operator shall ensure that its flight crew has available and is familiar with the flight rules contained in the Civil Aviation (Rules of the Air) Regulations, 2020.

26. Approach and landing conditions

Prior to initiating an approach to land, the PIC of an aircraft operated by a foreign air operator shall determine that, according to the information available—

- (a) the weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
- (b) in the case of a missed approach, the aircraft is able to meet the performance requirements contained in the operations manual.

27. Flight crew member qualifications

A foreign air operator shall ensure that flight crew members have the appropriate licences and ratings for conducting operations in Uganda.

28. Age limitations

(1) A foreign air operator shall ensure that the PIC engaged in single-pilot operations into Uganda is less than sixty years of age.

(2) A foreign air operator engaged in operations in Uganda that requires more than one pilot as flight crew, shall ensure that where one pilot is between sixty and sixty five years, the other pilot is less than sixty years.

29. Language proficiency

A foreign air operator shall ensure that flight crew operating aircraft in Uganda meet the language proficiency requirement of the ICAO Operational Level (Level 4), contained in ICAO Annex 1, for the English language and that the proficiency is endorsed on the licence.

30. Aircraft security

A foreign air operator shall—

- (a) ensure that all appropriate personnel are familiar with and comply with the relevant requirements of the national security programmes of the State of the operator and the national security programmes of Uganda;
- (b) establish and use a security programme approved by the appropriate authority of the State of the operator accepted by the authority;

- (c) establish, maintain and conduct approved training programmes that enable the personnel of the operator to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and minimise the consequences of such events should they occur;
- (d) following an act of unlawful interference on board an aircraft, ensure that the PIC or, in his or her absence, the operator, shall submit without delay a report of such an act to the authority of the State of the operator;
- (e) ensure that all aircrafts carry a checklist of the procedures to be followed for that type of aircraft in searching for concealed weapons, explosives or other dangerous devices; and
- (f) ensure that where installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

31. Unauthorised carriage

A foreign air operator shall take measures to ensure that no person conceals himself or herself or cargo on board an aircraft.

PART IV—DANGEROUS GOODS

32. Offering dangerous goods for transport by air

(1) A foreign air operator shall not authorise transportation of dangerous goods in and out of Uganda unless the foreign air operator has been authorised by the foreign civil aviation authority and the authority.

(2) The foreign air operator shall classify, document, certify, describe, package, mark, label, and put in a fit condition for transportation, dangerous goods required by the dangerous goods programme of the operator approved by the foreign civil aviation authority.

(3) Where the foreign air operator has been granted authority to carry dangerous goods and has an approved dangerous goods programme authorised by the foreign civil aviation authority, the operator shall file a copy of the dangerous goods programme with the authority.

33. Carriage of weapons and munitions of war

A foreign air operator who conducts commercial air transport operation in Uganda shall—

- (a) not transport weapons of war and munitions of war by air unless an approval has been granted by all States concerned;
- (b) ensure that weapons of war and munitions of war are—
 - (i) stowed in the aircraft in a place that is inaccessible to passengers during the flight; and
 - (ii) in the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this paragraph; and
- (c) ensure that the PIC is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

34. Carriage of sporting weapons and ammunition

(1) A foreign air operator conducting commercial air transport operations in Uganda shall take all measures necessary to ensure that any sporting weapons to be carried by air are reported to the authority.

(2) A foreign air operator who accepts the carriage of sporting weapons shall ensure that they are—

- (a) stowed in a place on the aircraft that is inaccessible to passengers during flight, unless the authority has determined that compliance is impracticable and has approved other procedures; and
- (b) unloaded in the case of firearms and other weapons that contain ammunition.

(3) Where approved by the authority, a foreign air operator may allow a passenger to carry ammunition for sporting weapons in his or her checked baggage.

PART V—GENERAL

35. Possession of licence

A flight crew member of a foreign registered aircraft shall hold a valid licence, certificate or authorisation, including an appropriate and current medical certificate, issued by the State of registry and shall have the licence, certificate or authorisation in his or her physical possession or at the work site when exercising the privileges of that licence, certificate or authorisation.

36. Drug and alcohol testing and reporting

(1) A crew member of a foreign air operator shall not perform or attempt to perform, a crew member function while under the influence of drugs or alcohol.

(2) A crew member of a foreign air operator may be tested for drug or alcohol usage.

(3) A crew member of a foreign air operator who tests positive for drug or alcohol usage or who refuses to submit to a test, shall be prohibited from boarding a flight to perform any crew member function.

(4) The authority shall report a positive test result or the refusal to submit to a test by a crew member of a foreign air operator to the State of the operator.

37. Inspection of licences and certificates

A person who holds a licence, certificate or authorisation required by these Regulations shall present the licence, certificate or authorisation for inspection upon request from the authority or an authorised person.

38. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended or to which he or she is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend or assign any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or herself or any other person the issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which a record is required to be preserved under these Regulations, a person shall not mutilate, alter, render illegible or destroy any records or any entry made in the record, required by or under these Regulations to be maintained or knowingly make or procure or assist in the making of, any false entry in any such record or willfully omit to make a material entry in such record.

(3) A record required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not issue any certificate, document or exemption under these Regulations unless he or she is authorised to do so by the authority.

(5) An authorised person shall not issue any certificate of the kind referred to in subregulation (4) unless that person is satisfied that all statements in the certificate are correct and that the applicant is qualified to hold that certificate.

39. Reports of violation

(1) A person who is aware of a violation of the Act or any regulation or order issued under the Act shall report it to the authority.

(2) The authority shall determine the nature and type of additional investigation or enforcement action to be taken.

40. Enforcement of directives

A person who fails to comply with any directive given to him or her by the authority or by any authorised person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

41. Aeronautical user fees

(1) The authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any document including the issue of a copy or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by or for the purpose of these Regulations or any orders, notices or proclamations made thereunder.

(2) Upon an application being made for any document in accordance with subregulation (1), the applicant shall be required, when the application is submitted, to pay the fee prescribed under the

Aeronautical Information Publication or Aeronautical Information Circular issued by the authority from time to time.

(3) Where after payment has been made and the application is withdrawn by the applicant or otherwise ceases to have effect or is rejected, the authority shall not refund the payment made.

42. Application for exemptions

(1) A person or foreign air operator may apply to the authority for an exemption from any provision of these Regulations.

(2) A request for an exemption shall be made in accordance with the requirements of these Regulations and an application for an exemption shall be submitted and considered in a manner prescribed in the applicable Technical Guidance Materials.

43. Exemptions

(1) The authority may upon consideration of the circumstances of the application for an exemption, issue an exemption providing relief from specified provisions of these Regulations, provided that -

- (a) the authority finds that the circumstances presented warrant the exemption; and
- (b) a level of safety is maintained equal to that provided by the Regulations from which the exemption is sought.

(2) The exemption referred to in subregulation (1), may be terminated or amended at any time by the authority.

PART VI—OFFENCES AND PENALTIES

44. Contravention of Regulations

A foreign air operator who contravenes any provision of these Regulations may have his or her approval, authorisation, exemption or other document revoked or suspended.

45. Offences and penalties

(1) Where any provision of these Regulations, order, notice or proclamation is contravened in relation to an aircraft, the foreign air operator of that aircraft and the PIC, where the foreign air operator or the PIC is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless he or she proves that the contravention occurred without his or her consent or connivance and that all due diligence was exercised to prevent the contravention.

(2) A person who contravenes any provision specified as an “A” provision in Schedule 3 to these Regulations commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points for each offence or to imprisonment for a term not exceeding two years or both.

(3) A person who contravenes any provision specified as a “B” provision in Schedule 3 to these Regulations commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points for each offence or to imprisonment for a term not exceeding four years or both.

(4) A person who contravenes any provision of these Regulations not being a provision referred to in Schedule 3 to these Regulations, commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points and in the case of a second or subsequent conviction for a similar offence, to a fine not exceeding two hundred currency points.

PART VII—REVOCATION, SAVINGS AND TRANSITIONAL

46. Revocation of S.I No. 56 of 2006, savings and transitional

(1) The Civil Aviation (Commercial Air Transport by Foreign Operators within Uganda) Regulations, 2006 are revoked.

(2) A certificate, authorisation, approval or exemption granted under the regulations revoked by subregulation (1) and which is in force immediately before the commencement of these Regulations, shall have effect and shall continue in force as if granted under these Regulations, until it expires or is cancelled by the authority.

(3) Notwithstanding the continuance of a certificate, authorisation, exemption or approval granted under subregulation (2), a person who, at the commencement of these Regulations is carrying out any act, duty or operation affected by these Regulations shall, within six months from the commencement of these Regulations, or within such longer period as the Minister may, by notice in the Gazette prescribe, comply with the requirements of these Regulations.

(4) Notwithstanding regulation 44, a person granted certificate, authorisation, exemption or other approval, continued under subregulation (2) who does not comply with the requirements of these Regulations within the time prescribed under subregulation (3), shall have the certificate, authorisation, exemption or approval cancelled by the authority.

SCHEDULES

SCHEDULE 1

Regulations 3

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulations 6(3) (h)

SAMPLE SAFETY CLAUSE

This is an example of a safety clause that shall be inserted into an air service agreement that allow operators to provide service to another State and vice versa.

- (1) Each Party may request consultations at any time concerning the safety standards maintained by the other Party in areas relating to aeronautical facilities, flight crew, aircraft and the operation of aircraft. Such consultations shall take place within thirty days of that request.
- (2) If, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in the areas referred to in paragraph 1 that meet the Standards established at that time pursuant to the Convention on International Civil Aviation (Doc 7300), hereinafter referred to as: the Convention, the other Party shall be informed of such findings and of the steps considered necessary to conform with the ICAO Standards. The other Party shall then take appropriate corrective action within an agreed time period.
- (3) Pursuant to Article 16 of the Convention, it is further agreed that any aircraft operated by, or on behalf of an airline of one Party, on service to or from the territory of another Party, may, while within the territory of the other Party be the subject of a search by the authorised representatives of the other Party, provided this does not cause unreasonable delay in the operation of the aircraft. Notwithstanding the obligations mentioned in Article 33 of the Convention, the purpose of this search is to verify the validity of the relevant aircraft documentation, the licensing of its crew, and that the aircraft equipment and the condition of the aircraft conform to the Standards established at that time pursuant to the Convention.
- (4) When urgent action is essential to ensure the safety of an airline operation, each Party reserves the right to immediately suspend or vary the operating authorisation of an airline or airlines of the other Party.

- (5) Any action by one Party in accordance with paragraph 4 above shall be discontinued once the basis for the taking of that action ceases to exist. (6) With reference to paragraph 2 above, if it is determined that one Party remains in non-compliance with ICAO Standards when the agreed time period has lapsed, the Secretary General of ICAO should be advised thereof. The latter should also be advised of the subsequent satisfactory resolution of the situation.

SCHEDULE 3

Regulation 45

OFFENCES AND PENALTIES

REG. NO.	TITLE	PART
4	Compliance with requirements	A
5	Authority to inspect	A
6	Application for approval	A
7	Basing a foreign registered aircraft in Uganda	A
8	Cabotage	A
9	Air traffic rules and procedures	A
10	Operations specifications	A
11	Aircraft technical log	A
12	Foreign air operator aircraft journey logbook	A
13	Manuals, documents, and licences to be carried	B
14	Certificate of airworthiness and certificate of registration	A
15	Additional information and forms to be carried	A
16	Production of documents, manuals, and records	A
17	Preservation, production, and use of flight recorder recordings	A
18	Computation of passenger and baggage mass	B
19	Single-engine aeroplanes at night or in Instrument Meteorological Conditions	A
20	Single-Pilot operations under Instrument Flight Rules or at night	A
21	Flight Rules within Uganda	A
22	Approach and landing conditions	A
23	Flight crew member qualifications	A
24	Age limitations	B
25	Language proficiency	A
26	Aircraft security	B

27	Unauthorised carriage	B
28	Offering dangerous goods for transport by air	A
29	Carriage of weapons and munitions of war	B
30	Carriage of sporting weapons and ammunition	A
31	Possession of licence	A
32	Drug and alcohol testing and reporting	B
33	Inspection of licences and certificates	
34	Use and retention of certificates and records	B
36	Enforcement of directives	B

Cross references

Civil Aviation (Air Traffic Services) Regulations, 2022, S.I. No. 74 of 2022

Civil Aviation (Rules of the Air) Regulations, 2020, S.I. No.15 of 2020

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

