
STATUTORY INSTRUMENTS
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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 .

2001 No. 68.

**THE CIVIL AVIATION (AIR SERVICES APPEALS TRIBUNAL)
REGULATIONS, 2001.**

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STATUTORY INSTRUMENTS.

2001 No. 68.

The Civil Aviation (Air Services Appeals Tribunal) Regulations, 2001.

*(Under section 44 of the Civil Aviation Authority Statute, 1994,
No. 3 of 1994).*

IN EXERCISE of the powers conferred on the Minister by section 44 of the Civil Aviation Authority Statute, 1994, and on the recommendation of the Board of Directors of the Civil Aviation Authority, these Regulations are made this 24th day of May, 2001.

Statute No.
3 of 1994.

1. These Regulations may be cited as the Civil Aviation (Air Services Appeals Tribunal) Regulations, 2001.

Short title.

2. In these Regulations, unless the context otherwise requires—

Inter-
pretation.

“Chairperson” means Chairperson of the Tribunal;

“licence” means, except in paragraph 3 of the Schedule B to the Civil Aviation (Licensing of Air Services) Regulations, 2001 any licence granted under those Regulations;

“licensing authority” means licensing authority established under the Civil Aviation Authority (Licensing of Air Services) Regulations, 2001;

“member” means a member of the Tribunal;

“Minister” means the Minister for the time being responsible for civil aviation;

“Statute” means the Civil Aviation Authority Statute, 1994.

“Tribunal” means the Appeals Tribunal established by section 44 of the Statute;

Establish-
ment of
Tribunal.

3. (1) The Tribunal established under subsection (1) of section 44 of the Statute shall consist of the Chairperson and two other members appointed in accordance with these Regulations.

(2) The Chairperson and the Member of the Tribunal shall be appointed by the Minister.

(3) The Chairperson shall hold office for a term of three years and shall be eligible for re-appointment.

(4) Subject to this regulation, a member of the Tribunal shall hold office for a term of three years, and is eligible for re-appointment.

(5) Subject to this regulation, the Chairperson and a member of the Tribunal holds office on such terms and conditions as are prescribed, by the Minister.

Functions of
the
Tribunal.

4. The Tribunal shall determine any appeal from decisions of the licensing authority made under the Civil Aviation (Licensing of Air Services) Regulations, 2001.

Qualification
of Chairman
and
members.

5. (1) A person may only be appointed as a Chairperson or member of a Tribunal if the person is—

(a) a citizen of Uganda;

(b) lawfully admitted into Uganda for permanent residence and is actually residing in Uganda;

(c) of high moral character and proven integrity;

(d) not more than such seventy years of age;

(e) a person without substantial interest in airline industry in Uganda.

(2) A person is not qualified to be appointed Chairperson unless he or she is qualified to be appointed a Judge of the High Court.

(3) The Minister may also make short-term appointments to fill the temporary vacancies.

6. (1) The Minister may terminate the appointment of the Chairperson or member—

Termination
of
appointment
by the
Minister.

- (a) for misbehaviour or misconduct;
- (b) for physical or mental incapacity;
- (c) if the person is declared bankrupt;
- (d) if in the opinion of the Minister, the person becomes involved in a conflict of interest;
- (e) if the person has been convicted of a criminal offence.

(2) The Chairperson or member of the tribunal may resign his or her office by giving not less than one month's notice to Minister.

7. (1) Subject to this regulation, the Chairperson is responsible for ensuring the orderly and expeditious discharge of the business of the Tribunal.

Arrangement
of business.

(2) Without limiting the operation of subregulation (1) the Chairperson shall give directions as to—

- (a) the arrangement of the business of the Tribunal;
- (b) the places at which the Tribunal may sit;
- (c) the procedure of the Tribunal generally; and
- (d) the procedure of the Tribunal at a particular place.

(3) The Tribunal shall meet for the discharge of its functions as often as is necessary.

Appeals to
Tribunal.

8. Any person who is aggrieved by a decision of the licensing authority in respect of any licence or application under Civil Aviation Authority in respect of any licence or application under Civil Aviation Authority (Licensing of Air Services) Regulations, 2001 may apply to the Tribunal for a review of the decision.

Application
for review
of decision
of licensing
authority.

9. (1) An application to a Tribunal for review of the decision of licensing authority shall—

- (a) be in writing in the prescribed form;
- (b) include a statement of the reason for application; and
- (c) be lodged with the Tribunal within thirty days after the person making the application has been served with notice of the decision.

(2) An applicant to the Tribunal shall serve a copy of the application on the decision maker within five days after lodging the application with the Tribunal.

(3) An application to a Tribunal for review of a decision is not taken to have been made unless a non-refundable fee of US dollars or its equivalent in Uganda Shillings in respect of the application has been paid.

Sitting of
the
Tribunal.

10. (1) Subject to article 28 of the Constitution, hearings before the Tribunal shall be open to the public unless the Tribunal, on the request of either party directs that the hearing should be closed to the public.

(2) Any sitting of the Tribunal may be adjourned from time and place to place.

(3) The Tribunal may prohibit the publication of any part of its report or description of the parties to the appeal or particulars of any licence.

(4) Subject to these Regulations, the Tribunal may determine its procedure.

11. (1) For the purpose of proceedings before the Tribunal may—

Powers of
the
Tribunal.

- (a) take evidence on oath;
- (b) proceed in the absence of a party who has had reasonable notice of the proceeding; and
- (c) adjourn the hearing of the proceeding from time to time and from place to place.

(2) For the purpose of the hearing of a proceeding before a Tribunal, the Tribunal shall have powers of the Chief Magistrate's court to summon a person to appear before it—

- (a) to give evidence; or
- (b) to produce books, documents, or things in the possession, custody, or control of the person named in the summons that are mentioned in the summons.

12. (1) A party to an application or person who has been heard in connection with that application, shall have the right to be heard by the Tribunal in considering an appeal.

Hearing of
Appeal.

(2) In any case where a party did not exercise his or her right to be heard in respect of the application he or she shall not have right to be heard by the Tribunal unless he or she has served on it, and on all other parties to such application at least ten days notice of his or her wish to be heard and has obtained the Tribunal's consent to his or her being so heard.

(3) Any party to an appeal may produce to the Tribunal evidence in addition to that received by the licensing authority if that a party has served the parties to the appeal within 10 days notice of his or her intention to do so, setting out the substance of the new evidence and any such party and any such new evidence shall be subject to examination before the Tribunal by any other party to the appeal.

(4) The Tribunal shall not admit any evidence unless it is shown to its satisfaction that that evidence was not available or would not have been obtained by reasonable diligence at the time of the original application made under the Civil Aviation (Licensing of Air Services) Regulations, 2001.

(5) The Tribunal may, if it thinks fit, require the licensing authority to amplify or explain the reasons for the decision to appeal and the amplification or explanation shall be in writing and shall be served on all parties to the appeal.

(6) The Tribunal may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with the matters before it, whether or not it could be otherwise admissible in a court of law.

Opportunity to make submission concerning evidence.

13. The Tribunal shall ensure that every party to a proceeding before the Tribunal is given a reasonable opportunity to present his or her case and in particular, to inspect any documents to which the Tribunal proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

Determination of appeals.

14. (1) Upon the completion of the hearing of an appeal, the Tribunal shall send to the licensing authority a report containing a summary of the proceedings conducted by it and its decision.

(2) On receipt of the Tribunal's decision, the licensing authority shall dispose the application accordingly.

JOHN NASASIRA,
Minister of Works, Housing and Communications.