
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. 71.

**THE CIVIL AVIATION (TRANSPORTATION OF DANGEROUS
GOODS BY AIR) REGULATIONS, 2001.**

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STATUTORY INSTRUMENTS .

2001 No. 71.

The Civil Aviation (Transportation of Dangerous Goods by Air) Regulations, 2001.

*(Under section 35 of the Civil Aviation Authority Statute, 1994,
Statute No. 4 of 1994).*

IN EXERCISE of the powers conferred on the Minister by section 35 of the Civil Aviation Authority Statute, 1994 and on the recommendation of the Civil Aviation Authority, these Regulations are made this 24th day of May, 2001.

1. These Regulations may be cited as the Civil Aviation (Transportation of Dangerous Goods by Air) Regulations, 2001. Citation.

2. (1) In these Regulations, unless the context otherwise requires— Inter-pretation.

“Authority” means, the Civil Aviation Authority;

“consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address for delivery to one consignee at one destination address and in respect of which there is not more than one air waybill;

“dangerous goods” means any article or substance which is capable of posing significant risk to health, safety or property when carried by air and which is classified in Part 2 of the Technical Instructions;

“dangerous goods transport document” means a document not being an air waybill, which is required by regulation 5 of these regulations to accompany a consignment of dangerous goods;

“ICAO” means the International Civil Aviation Organisation;

“package” means the package and the articles and substances contained in it including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

“packing” means the art and operation by which articles and substances are wrapped up, enclosed in containers or otherwise secured, and “packed” shall be construed accordingly;

“Technical Instructions” means the current ICAO edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of ICAO;

“unit load device” means any type of freight container including any container designed for loading on an aircraft;

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Civil Aviation (Air Navigation) Regulations, 2001.

(3) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as defined in the Technical Instructions, shall, for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

Carriage of
dangerous
goods.

3. (1) An aircraft shall not carry or have loaded in it or suspended under it any dangerous goods unless the goods are carried, loaded or suspended—

(a) with the written permission of the Authority and in accordance with any conditions to which that permission may be subject; and

(b) in accordance with the Technical Instructions and any conditions specified on them.

(2) A person shall not—

(a) take or cause to be taken on board;

(b) suspend or cause to be suspended beneath; or

(c) deliver or cause to be delivered for loading on or suspension beneath,

an aircraft any dangerous goods, which he or she knows or ought to know or suspect to be goods capable of posing significant risk to health, safety or property when carried by air, unless the provisions of these Regulations are complied with.

(3) These regulations shall not apply to dangerous goods of a type specified in Chapters 1.1.2 (a), 1.1.2 (b) 2.3 of Part 1 and Chapter 1.2 of Part 9 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of Chapters 1.1.2 (a) , 1.1.2 (b) and Chapter 1.2 of Part 9 2.3 of Part 1 of the Technical Instructions—

(a) for the purpose of ensuring the proper navigation or safety of the aircraft; or

(b) solely for the personal use of or for sale to the passengers or crew members of the aircraft.

(4) Except for regulation 3 (1)(a), 7 (1) (but only to the extent that it refers to the provisions of Chapter 2.1 of Part 5 of the Technical Instructions) 7 (2) and 8 (3) of these Regulations, these Regulations shall not apply to dangerous goods of the classification specified in Chapter 2.5 of Part 1 of the Technical Instructions if—

- (a) the dangerous goods do not exceed the appropriate quantity limitations specified in it; and
- (b) any other conditions specified in it are complied with.

Document-
ation.

4. (1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document; except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which, a dangerous goods transport document is not required.

(2) The dangerous goods transport document shall be completed in duplicate by the shipper and shall—

- (a) describe the dangerous goods in accordance with and contain such information as is required by Chapter 4.1 of Part 4 of the Technical Instructions; and
- (b) contain a signed declaration that the Technical Instructions have been complied with and that the dangerous goods are—
 - (i) fully and accurately described;
 - (ii) correctly classified, packed, marked and labelled; and
 - (iii) in proper condition for carriage.

(3) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document which has been furnished to him or her in accordance with this regulation.

5. Before consigning any package containing dangerous goods for carriage by air, the shipper shall ensure that—

Shipper's
responsi-
bilities

- (a) the goods are not of a category whose carriage by air is prohibited by Chapters 2.1 and 2.2 of Part 1 of the Technical Instructions;
- (b) the goods are classified and packed in accordance with Parts 2.3 and 8 of the Technical Instructions and the packaging used is in accordance with such of the provisions of Part 7 of the Technical Instructions as apply to the goods;
- (c) the package is marked and labelled in accordance with such provisions of Chapter 11 of Parts 2 and 3 of the Technical Instructions as relate to marking and labelling and in accordance with Chapters 2 and 3 of Part 4 of the Technical Instructions;
- (d) the package is in a fit condition for carriage by air;
- (e) the dangerous goods transport document required by regulation 4 of these Regulations has been completed and that the declaration in it has been signed by him or her or on his or her behalf.

6. (1) The operator of an aircraft in or under which any package or unit load device containing dangerous goods is to be carried shall ensure by means of an inspection that—

Operator's
responsi-
bilities.

- (a) the package is marked and labelled in accordance with these Regulations and the provisions of Chapter 2 and 3 of Part 4 of the Technical Instructions before accepting the package;
- (b) the package is not leaking or damaged so that the contents may escape—

- (i) before accepting the package;
 - (i) before loading or causing the package to be loaded on board the aircraft; or
 - (iii) upon unloading the package from the aircraft or from beneath the aircraft.
- (c) that the unit load device is free from any evidence of leaking from or damage to any dangerous goods contained in it before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.
- (2) For the purpose of each of the inspections required by paragraph (a) of subregulation (1) and paragraph (b) (i) of subregulation (1) of this regulation an acceptance check list shall be used and the results of that inspection shall be recorded on it in accordance with the form of the check list.
- (3) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that document.
- (4) The operator of an aircraft shall preserve for not less than six months any acceptance check list used in accordance with this regulation.
- (5) The operator shall not load or cause or be loaded on an aircraft or suspend or cause to be suspended beneath an aircraft any package or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods in it may escape or be damaged.
- (6) The operator shall, unload or cause to be unloaded any package containing dangerous goods which appear to be leaking or damaged on board or beneath an aircraft and shall ensure that other cargo or baggage loaded on or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(7) The operator shall after unloading, inspect for signs of damage or contamination any part of the aircraft; or any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which—

(a) a unit load device containing dangerous goods was stowed, or

(b) any damage or leaking packages containing dangerous goods was loaded, and the operator shall remove or repair the contamination or damage.

(8) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he or she knows or suspects radioactive materials to have leaked in or contaminated the aircraft or any sling or other apparatus attached to the aircraft unless the radiation level resulting from the fixed contamination to any accessible surface and the non-fixed contamination are less than the values specified in Chapter 3.2 Part 5 of the Technical Instructions.

7. (1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions of Chapter 2 of Part 5 of the Technical Instructions which apply to that category of dangerous goods.

Method of loading by operator.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 5 of the Technical Instructions.

8. (1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins provide the commander of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy of it for not less than six months.

Provision of information and training programmes by operators and shippers.

(2) The operator of an aircraft in which passengers are to be carried or his or her agent shall notify the passengers of the categories of dangerous goods which may not be taken on board an aircraft either as checked baggage or accompanying a passenger by

displaying notice, sufficient in number and prominence for that purpose, at each of the places at an airport where the operator or his or her agent issues tickets, checks in baggage or maintains areas to assemble passengers to board the aircraft.

(3) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent of his or her, shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for that purpose shall establish and undertake training programmes, as required by Chapter 1 of Part 6 of the Technical Instructions, which shall be submitted to the Authority for approval on such occasions as the Authority may require.

Production
of
documents
and records.

9. The operator of an aircraft shall, within a reasonable time after being requested to do so by an authorised person; cause to be produced to that person the following documents as may have been requested by that person—

- (a) the written permission referred to in subregulation (1) of regulation 3 of these Regulations;
- (b) the dangerous goods transport document in respect of any dangerous goods referred to in regulation 4 of these Regulations;
- (c) the acceptance of checklist in respect of any checklist of any dangerous goods, referred to in paragraph (2) of regulation 6 of these Regulations;
- (d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in subregulation (1) of regulation 8 of these Regulations.

Dropping
articles for
agricultural,
horticultural
or forestry
purposes.

10. Subject to subregulation (1)(a) of regulation 3 nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture or forestry.

JOHN NASASIRA,
Minister of Works, Housing and Communications.