

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 50, Volume CXV, dated 12th June, 2022

Printed by UPPC, Entebbe, by Order of the Government.

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

2022 No. 91.

**THE CIVIL AVIATION (SAFETY MANAGEMENT)
REGULATIONS, 2022**

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STATUTORY INSTRUMENTS

2022 No. 91.

The Civil Aviation (Safety Management) Regulations, 2022

(Under section 34 (2) of the Civil Aviation Authority Act, Cap. 354)

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

1. Title

These Regulations may be cited as the Civil Aviation (Safety Management) Regulations, 2022.

2. Application

(1) These Regulations apply to safety management functions related to or in direct support of the safe operation of an aircraft.

(2) Except where otherwise specified, these Regulations shall not apply to occupational safety, environmental protection and customer service or product quality.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Acceptable Level of Safety Performance (ALoSP)” means the minimum level of safety performance of civil aviation in Uganda, as defined in its State Safety Programme, or of a service provider, as defined in its Safety Management System (SMS), expressed in terms of safety performance targets and safety performance indicators;

“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 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, 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 where the injury is from natural causes, self-inflicted or inflicted by another person, or when the injury is to a stowaway hiding outside an area normally available to the passengers and crew;

- (b) an aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; or
 - (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, 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 damage 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;

“Accident and Incident Investigation Unit” means the Aircraft Accident and Incident Investigation Unit established under section 38 of the Act;

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

“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;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“authority” means the Uganda Civil Aviation Authority established under section 3 of the Act;

“exchange” means giving and receiving information in return;

“hazard” means a condition or an object with the potential to cause or contribute to an aircraft incident or accident;

“helicopter or rotorcraft” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power- driven rotors on substantially vertical axes;

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

“industry codes of practice” means guidance material developed by an industry body for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organisations (ICAO) Standards and recommended practices, other aviation safety requirements and the best practices;

“large aeroplane” means an aeroplane with a maximum take-off weight of more than 5700 kg;

“mitigation” means measures to address the potential hazard or to reduce the risk probability or severity;

“occurrence” means an incident or an accident;

“operational personnel” means personnel including flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, personnel of aircraft design and manufacturing organisations, cabin crews, flight dispatchers, apron personnel and ground handling personnel, involved in aviation activities who are in a position to report safety information;

“predictive” means capturing the system performance as it happens in real time normal operations so as to identify potential future problems;

“proactive” means actively identifying safety risks through the analysis of the organisation’s activities;

“reactive” means responding to events that have already happened such as incidents and accidents;

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

“safety data” means a defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety, collected from proactive or reactive safety-related activities, including but not limited to—

- (a) accident or incident investigations;
- (b) safety reporting;
- (c) continuing airworthiness reporting;
- (d) operational performance monitoring;
- (e) inspections, audits and surveys; or
- (f) safety studies and reviews;

“safety information” means safety data processed, organised or analysed in a given context so as to make it useful for safety management purposes;

“Safety Management System (SMS)” means a systematic approach to managing safety, including the necessary organisational structures, accountability, responsibility, policies and procedure;

“safety oversight” means a function performed by a State to ensure that individuals and organisations performing an aviation activity comply with safety-related national laws and regulations;

“safety performance” means a State or a service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;

“safety performance indicator” means a data-based parameter used for monitoring and assessing safety performance;

“safety performance target” means the State or service provider’s planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives;

“safety risk” means the predicted probability and severity of the consequences or outcomes of a hazard;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalisation for more than forty eight hours, commencing within 7 days from the date the injury occurred;
- (b) results in a fracture except a simple fracture of the fingers, toes or nose;
- (c) involves lacerations which cause haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves verified exposure to infectious substances or injurious radiation; or
- (f) involves second or third degree burns or any burns affecting more than five percent of the body surface.

“sharing” means giving information;

“State of design” means the State having jurisdiction over the organisation responsible for the type design;

“State of manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

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

“State Safety Policy (SSP)” means an integrated set of regulations and activities aimed at improving safety;

“surveillance” means the State activities through which the State proactively verifies through inspections and audits that a holder of an aviation licence, certificate, authorisation or approval continues to meet the established requirements and functions at the level of competency and safety required by the State;

PART II—STATE SAFETY MANAGEMENT RESPONSIBILITIES

4. State safety programme

(1) The authority shall develop a State safety programme that is commensurate with the size and complexity of the civil aviation system in Uganda.

(2) The authority shall implement and maintain the State safety programme established under subregulation (1).

5. State system and functions

(1) The authority shall identify and document—

(a) objectives;

(b) requirements;

(b) obligations;

(c) functions; and

(d) activities,

in the implementation and maintenance of the State safety programme.

(2) The State safety programme shall reflect commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

(3) The State safety programme shall be published on the authority's official website and shall be periodically reviewed.

6. State safety oversight system

The authority shall implement a State safety oversight system in accordance with the critical elements set out in Schedule 1 to these Regulations.

7. Enforcement Policy

(1) The authority shall develop an enforcement policy.

(2) The enforcement policy shall specify conditions and circumstances under which a service provider with a safety management system shall deal with events involving safety issues.

8. Compliance with Schedule 1 to these Regulations

The authority and the Aircraft Accident and Incident Investigation Unit shall in the performance of their functions comply with Schedule 1 to these Regulations.

9. Qualifications of technical personnel

(1) Technical personnel shall have the qualifications set out in Schedule 1 to these Regulations.

(2) For purposes of these Regulations technical personnel means a person performing safety-related functions for or on behalf of the authority.

10. Technical guidance, tools and provision of safety-critical information

The authority shall—

(a) develop technical guidance and tools; and

(b) provide safety critical information, to technical personnel and aviation industry as set out in Schedule 1 to these Regulations.

State Safety Risk Management

11. Licensing, certification, authorisation and approval obligations

The authority shall develop licensing, certification, authorisation and approval processes as set out in Schedule 1 to these Regulations.

12. Safety Management System (SMS) obligations

(1) The following service providers shall implement a Safety Management System (SMS)—

- (a) an approved training organisation which is exposed to safety risks related to aircraft operations during the provision of its services and is certified in accordance with the Civil Aviation (Approved Training Organisations) Regulations, 2022;
- (b) an operator of an aeroplane, helicopter or rotorcraft authorised to conduct international commercial air transport in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations, 2022;
- (c) an approved maintenance organisation providing services to an operator of an aeroplane, helicopter or rotorcraft engaged in international commercial air transport, in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations, 2022;
- (d) an organisation responsible for the type design or manufacture of aircraft, engines or propellers in accordance with the requirements for airworthiness of aircraft;

- (e) an air traffic service provider certified in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2022; and
- (f) an operator of a certified aerodrome in accordance with the Civil Aviation (Aerodromes) Regulations, 2022.

(2) A service provider or an operator shall establish safety performance indicators and targets acceptable to the authority.

(3) An international general aviation operator of large or turbojet aeroplanes registered in Uganda shall implement a Safety Management System (SMS) based on a criteria prescribed by the authority.

(4) The criteria prescribed by the authority under subregulation (3) shall address the Safety Management System (SMS) framework and elements set out in Schedule 2 to these Regulations.

13. Accident and incident investigation

The authority shall investigate incidents and accidents in accordance with the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2022.

14. Hazard identification and safety risk assessment

(1) An operator or a service provider shall use a process acceptable to the authority to identify hazards from collected safety data.

(2) Subject to subregulation (1) information regarding safety data collection, analysis, sharing and exchange of safety information shall be as provided in Part IV of these Regulations.

(3) The authority shall develop and maintain a process to ensure the assessment of safety risks associated with identified hazards as part of the State safety programme.

15. Management of safety risks

(1) The authority shall establish a process for the resolution of safety issues as set out in Schedule 1 to these Regulations.

(2) The authority shall establish and maintain a mechanism to manage safety risks.

(3) The process established under subregulation (2) shall include the acceptance, mitigation, avoidance or transfer of the risks and the careful assessment of their underlying factors.

State Safety Assurance

16. Surveillance obligations

(1) The authority shall conduct surveillance of an operator or service provider as set out in Schedule 1 to these Regulations.

(2) The authority shall take into consideration the safety performance as well as the size and complexity of its aviation products or services while conducting surveillance of an operator or service provider.

(3) The authority shall inspect, audit and survey an area of greater safety concern or need as specified in the applicable technical guidance material.

(4) Information for the prioritisation of inspections, audits and surveys under subregulation (3) shall include—

- (a) organisational risk profiles;
- (b) outcomes of hazard identification and risk assessment; and
- (c) surveillance outcomes.

(5) The authority shall periodically review the safety performance of an operator or service provider as specified in the applicable technical guidance material.

17. State safety performance

(1) The authority shall establish an Acceptable Level of Safety Performance (ALoSP) to be achieved through the State safety programme.

(2) The authority shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues specified in the applicable technical guidance material.

(3) The authority shall evaluate the effectiveness of the State safety programme in order to maintain or continuously improve the overall level of safety performance.

State Safety Promotion

18. Internal communication and dissemination of safety information

The authority shall ensure that the State safety programme promotes—

- (a) safety awareness;
- (b) sharing and exchange of safety information among state aviation organisations; and
- (c) development of a positive safety culture.

19. External communication and dissemination of safety information

(1) The authority shall ensure that the State safety programme promotes—

- (a) safety awareness;
- (b) sharing and exchange of safety information with the aviation community; and
- (c) development of a positive safety culture.

(2) Subject to subregulation (1) promoting safety awareness shall include identification of accessible safety training for the aviation community.

PART III—SAFETY MANAGEMENT SYSTEM

20. Safety Management System (SMS)

An operator or a service provider may extend one SMS across multiple activities within the same organisation depending on its size and complexity.

21. SMS acceptability

(1) An operator or a service provider shall establish an SMS acceptable to the authority—

- (a) in accordance with the framework elements prescribed in Schedule 2 to these Regulations; and
- (b) commensurate with the size of the operator or service provider and the complexity of its aviation products or services.

(2) An operator or a service provider shall develop a plan to facilitate SMS implementation.

(3) An SMS of a training organisation approved under the Civil Aviation (Approved Training Organisation) Regulations, 2022 that is exposed to safety risks related to an aircraft operation during the provision of its services shall be acceptable to the authority.

(4) The SMS of a certified operator of an aeroplane, helicopter or rotorcraft authorised to conduct international commercial air transport, in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations, 2022, shall be acceptable to the authority.

(5) The SMS of an approved maintenance organisation providing services to an operator of an aeroplane, helicopter or

rotorcraft engaged in international commercial air transport, under the Civil Aviation (Air Operator Certification and Administration) Regulations, 2022 shall be acceptable to the authority.

(6) The SMS of an organisation responsible for the type design of an aircraft, an engine or a propeller, in accordance with requirements for airworthiness of aircraft, shall be acceptable to the State of design.

(7) The SMS of an organisation responsible for the manufacture of an aircraft, an engine or a propeller, in accordance with requirements for airworthiness of an aircraft, shall be acceptable to the State of manufacture.

(8) The SMS of an Air Traffic Service (ATS) provider, in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2022, shall be acceptable to the authority.

(9) The SMS of an operator of an aerodrome, certified under the Civil Aviation (Aerodromes) Regulations, 2022, shall be acceptable to the authority.

22. SMS for international general aviation aeroplanes

The SMS of an international general aviation operator, conducting an operation of a large or a turbojet aeroplane in accordance with the Civil Aviation (Operation of Aircraft) (General Aviation) (Aeroplanes) Regulations, 2022 shall be commensurate with the size and complexity of the operation and meet the criteria established by the authority.

PART IV—SAFETY DATA, SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE

23. Safety Data Collection and Processing Systems (SDCPS)

(1) The authority shall establish Safety Data Collection and Processing Systems (SDCPS) under the State safety programme.

(2) The SDCPS established by the authority under the State safety programme shall capture, store, aggregate and enable the analysis of safety data and safety information.

(3) For purposes of this regulation, SDCPS refers to processing and reporting systems, safety databases, schemes for exchange of information, and recorded information.

(4) SDCPS may include inputs from a State, an industry and public sources, and may be based on reactive and proactive methods of safety data and safety information collection.

24. Mandatory safety reporting system

The authority shall establish a mandatory reporting system which shall include the reporting of incidents by operators and service providers.

25. Voluntary safety reporting system

The authority shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.

26. Access to SDCPS

(1) The State authorities responsible for the implementation of the SSP shall have access to the SDCPS.

(2) State authorities responsible for the implementation of the SSP include the—

- (a) authority; and
- (b) Accident and Incident Investigation Unit.

(3) The safety database shall use standardised taxonomy to facilitate safety information sharing and exchange.

(4) For purposes of this regulation, safety database may refer to a single or multiple databases.

27. Safety data and safety information analysis

(1) The authority shall establish and maintain a process to analyse the safety data and safety information from the SDCPS.

(2) The safety data and safety information analysis performed by the authority shall identify systemic and cross-cutting hazards that might not otherwise be identified by the safety data analysis processes of individual service providers or operators.

28. Safety data and safety information protection

(1) The authority shall protect safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources as set out in Schedule 3 to these Regulations.

(2) The authority shall protect safety data captured by, and safety information derived from, the mandatory safety reporting system and related sources.

29. Access to safety data or safety information

(1) A person shall not make available or use safety data or safety information collected, stored or analysed in accordance with these Regulations for purposes other than maintaining or improving safety, unless authorised by a competent authority, as set out in Schedule 3 to these Regulations.

(2) Notwithstanding subregulation (1), the authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

(3) The authority shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the SDCPS.

(4) The authority shall facilitate and promote safety reporting by reviewing the applicable requirements and policies.

30. Safety information sharing and exchange

(1) Where the authority, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to another State, the authority shall forward safety information to the other State as soon as possible.

(2) Prior to sharing the information under subregulation (1), the authority shall agree with the other State on the level of protection and conditions on the which safety information shall be shared as set out in Schedule 3 to these Regulations.

(3) The authority shall promote the establishment of safety information sharing and exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety information, unless national laws provide otherwise.

PART V—MISCELLANEOUS

31. Administrative sanctions

A person who fails to comply with the provisions of these Regulations, is liable to an administrative sanction as may be prescribed under the Compliance and Enforcement Manual.

32. Revocation of S.I. No. 17 of 2020, saving and transitional

(1) The Civil Aviation (Safety Management) Regulations, 2020, are revoked.

(2) A licence, certificate or authorisation granted under the regulations revoked in subregulation (1) shall remain in force until its expiry, revocation or replacement as if granted under these Regulations.

(3) Notwithstanding the continuance of any licence, certificate, authorisation, permit, exemption or any other approval

granted under subregulation (2), a person who at the commencement of the 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 time as the Minister may by, notice in the Gazette prescribe, comply with the requirements of these Regulations.

(4) Notwithstanding regulation 31, a person granted licence, certificate, rating, authorisation, endorsement, approval or exemption 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.

SCHEDULE 1

Reg. 6,8,9,10,11,15,16

STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)

1. Primary aviation legislation (CE-1)

(1) The Act is a comprehensive and effective aviation law, commensurate with the size and complexity of Uganda's aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

(2) The Act provides for personnel performing safety oversight functions, access to the aircraft, operations, facilities, personnel and associated records, as applicable to individuals and organisations performing an aviation activity.

2. Specific operating regulations (CE-2)

Uganda has promulgated the civil aviation regulations to address, at a minimum, national requirements emanating from the Act, for standardised operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation (ICAO).

3. State system and functions (CE-3)

(1) Uganda has established the authority, an independent Accident and Incident Investigation Unit and other relevant agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.

(2) The authority and agencies in subparagraph (1) shall state their safety functions and objectives to fulfil their safety management responsibility. This includes the participation of the State aviation organisations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities and relationships of such organisations.

(3) The authority and agencies in subparagraph (1) shall take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.

(4) The authority and agencies in subparagraph (1) shall ensure that the personnel performing safety oversight functions are provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.

(5) The authority and agencies in subparagraph (1) shall use a methodology to determine their staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in Uganda.

4. Qualified technical personnel (CE-4)

(1) The authority and agencies in paragraph 3 shall establish minimum qualification requirements for the technical personnel performing safety-related functions and shall provide for appropriate initial and recurrent training of the technical personnel, to maintain and enhance their competence at the desired level.

(2) The authority and agencies in paragraph 3 shall implement systems for the maintenance of training records for technical personnel.

5. Technical guidance, tools and provision of safety-critical information (CE-5)

(1) The authority and agencies in paragraph 3 shall provide appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform the safety oversight functions, effectively and in accordance with established procedures in a standardised manner.

(2) The authority and agencies in paragraph 3 shall provide technical guidance to the aviation industry on the implementation of the relevant regulation.

6. Licensing, certification, authorisation or approval obligations (CE-6)

The authority shall implement documented processes and procedures to ensure that individuals and organisations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorisation or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

The authority implements documented surveillance processes, by defining and planning inspections, audits and monitoring activities on a continuous basis, to proactively ensure that a holder of an aviation licence, a certificate, an authorisation or an approval continues to meet the established requirements. This includes the surveillance of personnel designated by the authority to perform safety oversight functions on its behalf.

8. Resolution of safety issues (CE-8)

(1) The authority shall use a documented process to take appropriate actions, including enforcement measures, to resolve identified safety issues.

(2) The authority shall ensure that the identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by individuals and organisations performing an aviation activity in resolving such issues.

SCHEDULE 2

FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

reg. 12(4), 21 (1) (a)

This Schedule specifies the framework for the implementation and maintenance of a Safety Management System (SMS). The framework comprises of four components and twelve elements as the minimum requirements for Safety Management System (SMS) implementation.

1. Safety policy and objectives

The safety policy and objectives component shall comprise of the following elements—

- (a) management commitment;
- (b) safety accountability and responsibilities;
- (c) appointment of key safety personnel;
- (d) coordination of emergency response planning; and
- (e) safety management system documentation.

2. Safety risk management

The safety risk management component shall comprise of the following elements—

- (a) hazard identification; and
- (b) safety risk assessment and mitigation.

3. Safety assurance

The safety assurance component shall comprise of the following elements—

- (a) safety performance monitoring and measurement;
- (b) management of change; and
- (c) continuous improvement of the SMS.

4. Safety promotion

The safety promotion component shall comprise of the following elements—

- (a) training and education; and
- (b) safety communication.

SAFETY POLICY AND OBJECTIVES

5. Management commitment

(1) A service provider shall define its safety policy in accordance with international and national requirements, the safety policy and objectives shall—

- (a) reflect organisational commitment regarding safety, including the promotion of a positive safety culture;
- (b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy and objectives;
- (c) include safety reporting procedures;
- (d) clearly indicate which type of behavior is unacceptable related to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply;
- (e) be signed by the accountable executive of the organisation;
- (f) be communicated, with visible endorsement, throughout the organisation; and
- (g) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.

(2) Taking due account of its safety policy and objectives, the service provider shall define safety objectives which shall—

- (a) form the basis for safety performance monitoring and measurement as required by paragraph 12 (1);
- (b) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;

- (c) be communicated throughout the organisation; and
- (d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

6. Safety accountability and responsibilities

A service provider shall—

- (a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organisation for the implementation and maintenance of an effective SMS;
- (b) clearly define lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;
- (c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organisation;
- (d) document and communicate safety accountability, responsibilities and authorities throughout the organisation; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

7. Appointment of key safety personnel

A service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS. Depending on the size of the service provider and the complexity of its aviation products or services, the responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons, fulfilling the role of safety manager, as their sole function or combined with other duties, provided these do not result in any conflicts of interest.

8. Coordination of emergency response planning

A service provider required to establish and maintain an emergency response plan for incidents and accidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of the organisation it must interface with during the provision of its products and services.

9. Safety Management System (SMS) documentation

- (1) A service provider shall develop and maintain a SMS manual that describes its—
 - (a) safety policy and objectives;
 - (b) the SMS requirements;
 - (c) the SMS processes and procedures; and
 - (d) accountability, responsibilities and authorities for the SMS processes and procedures.
- (2) A service provider shall develop and maintain SMS operational records as part of its SMS documentation. Depending on the size of the service provider and the complexity of its aviation products or services, the Safety Management System manual and Safety Management System operational records may be in the form of stand-alone documents or may be integrated with other organisational documents or documentation maintained by the service provider.

SAFETY RISK MANAGEMENT

10. Hazard Identification

- (1) A service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.
- (2) Hazard identification shall be based on a combination of reactive and proactive methods.

11. Safety risk assessment and mitigation

A service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards. The process may include predictive methods of safety data analysis.

SAFETY ASSURANCE

12. Safety performance monitoring and measurement

- (1) A service provider shall develop and maintain the means to verify the safety performance of the organisation and to validate the effectiveness of safety risk controls.

(2) A service provider's safety performance shall be verified with reference to the safety performance indicators and safety performance targets of the SMS in support of the organisation's safety objectives.

13. Management of change

A service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

14. Continuous improvement of the SMS

A service provider shall monitor and assess its SMS processes to maintain or continuously improve the overall effectiveness of the SMS.

SAFETY PROMOTION

15. Training and education

(1) A service provider shall develop and maintain a safety training programme that ensures that technical personnel are trained and competent to perform their SMS duties.

(2) The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

16. Safety communication

A service provider shall develop and maintain a formal means for safety communication that—

- (a) ensures that technical personnel are aware of the Safety Management System (SMS) to a degree commensurate with their positions;
- (b) conveys safety-critical information;
- (c) explains why particular actions are taken to improve safety; and
- (d) explains why safety procedures are introduced or changed.

SCHEDULE 3

PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

Reg. 28 (1), 29 (1), 30 (2)

1. General principles

(1) Uganda, through national laws, regulations and policies protecting safety data, safety information and related sources, ensures that—

- (a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
- (b) safety data, safety information and related sources are protected in accordance with this schedule;
- (c) the conditions under which safety data, safety information and related sources qualify for protection are specified; and
- (d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.

(2) When an investigation under the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2022 has been instituted, the incident and accident investigation records listed under the protection of accident and incident investigation records in the Regulations shall be subject to the protection accorded therein instead of the protection accorded by these Regulations.

2. Principles of protection

(1) The authority ensures that safety data or safety information is not used for—

- (a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organisations;
- (b) disclosure to the public; or
- (c) any purposes other than maintaining or improving safety, unless a principle of exception applies.

(2) The authority shall accord protection to safety data, safety information and related sources by ensuring that—

- (a) the protection is specified based on the nature of safety data and safety information;
- (b) a formal procedure to provide protection to safety data, safety information and related sources is established;
- (c) safety data and safety information will not be used in a way different from the purposes for which it was collected, unless a principle of exception applies; and
- (d) to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings shall be carried out only under authoritative safeguards.

3. Principles of exception

Exceptions to the protection of safety data, safety information and related sources shall only be granted where the competent authority—

- (a) determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws, to be conducted constituting gross negligence, willful misconduct or criminal activity;
- (b) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact that the release is likely to have on the future collection and availability of safety data and safety information; or
- (c) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact, the release is likely to have on the future collection and availability of safety data and safety information.

4. Public disclosure

(1) Where right-to-know laws are applicable, the authority shall within the context of requests made for public disclosure, create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.

(2) Where disclosure is made in accordance with paragraph 3, the authority shall ensure that—

- (a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; or
- (b) public disclosure of the safety data or safety information is made in a reduced, summarised or aggregate form.

5. Responsibility of the custodian of safety data and safety information

The authority shall ensure that each SDCPS has a designated custodian to apply the protection to safety data and safety information in accordance with applicable provisions of this Schedule. The custodian may be an individual or organisation.

6. Protection of recorded data

(1) Uganda through its national laws and regulations, shall provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.

(2) Uganda through its national laws and regulations, shall treat ambient workplace recordings required by national laws and regulations as privileged protected data, subject to the principles of protection and exception as provided for in this Schedule.

Note 1.— Ambient workplace recordings required by national laws, for example, cockpit voice recorders (CVRs) or recordings of background communication and the aural environment at air traffic controller work stations, may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to.

Note 2.— Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2022. Provisions on the protection of flight recorder recordings during normal operations are contained in applicable operation of aircraft regulations.

Cross References

Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2022, S.I. No. 66 of 2022

Civil Aviation (Air Operator Certification and Administration) Regulations, 2022, S.I. No. 73 of 2022

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

Civil Aviation (Approved Training Organisations) Regulations, 2022, S.I. No. 79 of 2022

The Civil Aviation (Operation of Aircraft) (General Aviation) (Aeroplanes) Regulations, 2022, S.I. No. 86 of 2022

Civil Aviation (Aerodromes) Regulations, 2022, S.I. No. 94 of 2022

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