

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. 92

THE CIVIL AVIATION (SECURITY) REGULATIONS, 2022

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

1. Title
2. Application of Regulations
3. Objective of Regulations
4. Protection of sensitive aviation security information
5. International cooperation
6. Interpretation

**PART II—NATIONAL ORGANISATION AND APPROPRIATE
AUTHORITY**

7. Functions of authority in relation to aviation security
8. Power to access and inspect airport, aircraft and operator's premises
9. Power of authority to issue orders, circulars, directives, rules and instructions
10. Authorised persons

PART III — SECURITY PROGRAMMES AND COMMITTEES

11. National Civil Aviation Security Programme

Regulation

12. National Civil Aviation Security Committee
13. National Civil Aviation Security Quality Control Programme and Operator Internal Quality Control Programme
14. Independence in implementation of National Aviation Security Quality Control Programme
15. Airport Security Programme
16. Air Navigation Service Providers Security Programme
17. Aircraft Operator Security Programme
18. Regulated Agent Security Programme and Ground Handling Service Providers Cargo and mail Security Programme
19. Catering Operator Security Programme
20. Application for approval of Security Programme
21. Approval of Security Programme
22. Changed conditions affecting security
23. Power of authority to direct amendment of Security Programme

Training Programmes

24. National Civil Aviation Security Training Programme
25. Operator Aviation Security Training Programme

PART IV—PREVENTIVE SECURITY MEASURES AND AIRPORT SECURITY COMMITTEE

Airport Security Committee

26. Airport Security Committee
27. Airport security controls
28. Security restricted areas and airport security permits
29. Airport fencing or boundary
30. Carriage of firearms, ammunitions, incendiary devices or explosives in airport premises
31. Control of access by tenants
32. Obligation of airport operator in case of threat against facility or airport

Regulation

33. Persons authorised to screen to inform airport operator of threat against airport
34. Airport operator to take measures in event of threat
35. Discovery of weapons, ammunition, incendiary devices or explosives at airport
36. Airport operator to submit plans before renovation and expansion works

Records

37. Operators to keep records

Aircraft Security

38. Responsibilities of aircraft operator
39. Special protection for aircraft
40. Control of prohibited items or restricted articles
41. Control of access to flight crew compartment
42. Control of special categories of passengers
43. Authorised carriage of weapons on board aircraft

Regulated Agents

44. Conditions for acceptance of cargo and mail for air transportation
45. Conditions for acceptance of hold baggage, cargo and mail, COMAT and COMAIL for air transportation
46. Security measures to be taken by aircraft operator

Catering Operators

47. Aviation security responsibilities of catering operator
48. Conditions for acceptance of catering stores and supplies for air transportation

Regulation

Critical Information and Communication Systems

49. Protection of critical information technology and communication systems.

PART V—MANAGEMENT OF RESPONSE TO ACTS
OF UNLAWFUL INTERFERENCE

50. Prevention of acts of unlawful interference
51. Response by authority to acts of unlawful interference
52. Exchange of information and mandatory reporting
53. Notification to International Civil Aviation Organisation

PART VI—FACILITATION

54. Entering or departing aircraft
55. Travel document coordination
56. Inspection of travel documents
57. Entry and departure procedures and responsibilities
58. Advance passenger information
59. Identification and entry of crew and other aircraft operator personnel
60. Entry and departure of cargo
61. Inadmissible persons
62. Deportees
63. National Air Transport Facilitation Programme
64. Composition of National Air Transport Facilitation Committee
65. Functions of National Air Transport Facilitation Committee

PART VII—OFFENCES AND PENALTIES

66. Offences committed at airports
67. Offences committed on board aircraft
68. Offences jeopardising good order and discipline on board aircraft

Regulation

69. Other offences committed on board aircraft
70. Possession of prohibited items or restricted articles
71. Entering Security Restricted Areas
72. Offences relating to airport security permits
73. Failure to establish and maintain security programmes
74. Obstructing authorised persons
75. Offences by body corporate
76. Failure to comply with circulars, notices, directives, orders and Regulations
77. Jurisdiction

PART VIII—ENFORCEMENT OF REGULATIONS

78. Unidentified baggage
79. Power to stop passengers travelling
80. Powers and responsibilities of Pilot-In-Command
81. Powers of Aviation Security Officers
82. Power to exempt
83. Power to enforce compliance

PART IX—INFRINGEMENT NOTICES

84. Purpose and effect of infringement notices
85. Penalty payable under infringement notice
86. Authorised person to issue infringement notice
87. Issue of infringement notice
88. Service of infringement notice
89. Time for payment of penalty
90. Extension of time to pay penalty
91. Effect of payment of penalty
92. Withdrawal of infringement notice
93. Notice of withdrawal of infringement notice
94. Refund of penalty

Regulation

PART X – REVOCATION AND SAVINGS

95. Revocation of S.I No. 24 of 2017 and savings

SCHEDULE

STATUTORY INSTRUMENTS

2022 No. 92

The Civil Aviation (Security) Regulations, 2022.

*(Under sections 34(2), 50 and 61 of the Civil Aviation Authority Act,
Cap 354)*

IN EXERCISE of the powers conferred upon the Minister by sections 34(2), 50 and 61 of the Civil Aviation Authority Act, and on the recommendation of the Uganda Civil Aviation Authority, these Regulations are made this 11th day of July, 2022.

PART I—PRELIMINARY

1. Title

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

2. Application of Regulations

- (1) These Regulations apply to —
 - (a) all aerodromes;
 - (b) general aviation;
 - (c) civil aviation operations;
 - (d) persons at civil airports;
 - (e) persons working in the aviation industry;
 - (f) persons who occupy land or buildings forming part of an airport; and
 - (g) persons on land adjoining or adjacent to or within the vicinity of airports or air navigation installations which do not form part of an airport.

(2) Notwithstanding the generality of subregulation (1), these Regulations apply to –

- (a) operators and owners of civil airports;
- (b) operators and owners of aircraft registered in Uganda or aircraft registered in another state and operating in Uganda;
- (c) managers of air navigation installations;
- (d) persons permitted to have access to security restricted areas at an airport;
- (e) persons who offer cargo and mail for transport by air; and
- (f) any person whose conduct amounts to an act of unlawful interference or endangers aviation safety.

(3) Nothing in these Regulations applies to or affects—

- (a) a state aircraft; or
- (b) military or police aircraft in Uganda.

(4) These Regulations shall be reviewed and updated to take into consideration International Civil Aviation Organisation (ICAO) Annex 17 provisions and their amendments, or to address any new and emerging threat to civil aviation or other relevant reasons.

(5) There has been established a policy and procedures to identify and notify International Civil Aviation Organisation of differences between ICAO Annex 17 Standards and the national aviation security policies and requirements.

3. Objective of Regulations

(1) The objective of these Regulations is —

- (a) to safeguard and enhance aviation security against acts of violence or unlawful interference by providing for the protection of—

- (i) aircraft used for civil aviation and of persons and property on board such aircraft;
 - (ii) airports, persons and property at airports; and
 - (iii) air navigation installations and facilities located at the airport and off-airports; and
- (b) to regulate the conduct of persons at airports and persons on board aircraft for the purposes of aviation security.

4. Protection of sensitive aviation security information

Uganda shall ensure appropriate protection of sensitive aviation security information and any other security information.

5. International cooperation

(1) A State that requests for additional security measures for a specific flight(s) shall ensure appropriate consultation and shall give consideration to alternative measures of Uganda that are equivalent to additional security measures requested for.

(2) Uganda shall ensure that requests from other contracting States for additional security measures in respect of a specific flight by operators of such other States are met, as far as may be practicable.

6. Interpretation

In these Regulations, unless the context requires otherwise—

“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 but not limited to—

- (a) unlawful seizure of an aircraft in flight or on the ground;

- (b) destroying an aircraft in service or causing damage to the aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (c) hostage taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;
- (g) unauthorised possession at an airport, or unauthorised introduction on board an aircraft, of a weapon or hazardous device or material;
- (h) destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (i) violence against a person on board an aircraft in flight; if that act is likely to endanger the safety of that aircraft;
- (j) communicating information which is known to be false, thereby endangering the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility;
- (k) unlawfully and intentionally using any device, substance or weapon—

- (i) to perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;
- (ii) to destroy or seriously damage the facilities of an airport serving civil aviation or an aircraft not in service located at the airport or disrupting the services of the airport, if that act endangers or is likely to endanger safety at that airport;

“aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“airport” means a defined area of land or water, including any buildings, installations and equipment, intended to be used either wholly or in part for arrival, departure and surface movement of aircraft and includes an aerodrome;

“airport operator” includes an individual, organisation or enterprise, however designated, for the time being responsible for the administration and operation of an airport;

“airport security permit” means a permit issued under regulation 28(3);

“airside” means the movement area of an airport, adjacent terrain and buildings or their portions, access to which is controlled;

“authorised economic operator” means a party involved in the international movement of goods of whatever function that has been approved by or on behalf of a national customs administration as complying with World Customs Organisation or equivalent supply chain security standards and manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors and freight forwarders;

“authorised person” means a person designated by the authority as an authorised person to implement and enforce these Regulations;

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

“aviation security” means safeguarding civil aviation against acts of unlawful interference through a combination of measures and human and material resources;

“aviation security officer” means a person employed by an operator or other authorised entity or agency to carry out security controls;

“background check” means a check of a person’s identity and previous experience, including criminal history and any other security related information relevant for assessing the person’s suitability, in accordance with national legislation;

“behaviour detection” within an aviation security environment, means the application of techniques involving the recognition of behavioral characteristics, including but not limited to physiological or gestural signs indicative of anomalous behavior, to identify persons who may pose a threat to civil aviation;

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

“catering stores” means all items, other than catering supplies, associated with passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows, blankets and amenity kits;

“catering supplies” means all food, beverages, dry stores and associated equipment used in air transport;

“certification” means a formal evaluation and confirmation by or on behalf of the authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the authority;

“civil aviation” includes—

(a) commercial air transport operations; and

(b) general aviation operations;

“COMAIL” means commercial air transport operator company mail, shipped within its network of stations;

“COMAT” means commercial air transport operator company materials, shipped within a network of stations;

“commercial air transport operations” means aircraft operations involving the transport of passengers, cargo or mail for remuneration or hire;

“competent authority” means the ministry responsible for immigration;

“corporate aviation” means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft;

“currency point” has the value assigned to it in the Schedule to these Regulations;

“disruptive passenger” means a passenger who fails to comply with the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or aircraft crew members and thereby disturbs the good order and discipline at an airport or on board an aircraft;

“facilitation” means the efficient management of the necessary control process, with the objective of expediting the clearance of persons or goods and preventing unnecessary operational delays;

“aircraft operator documents” means airway bills and consignment notes, passenger tickets and boarding passes, bank and agent settlement plan documents, excess baggage tickets, miscellaneous charges orders, damage and irregularity reports, baggage and cargo labels, time tables, weight and balance documents for use by aircraft operators;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“Ground Handling Service Provider” means a provider of services to airport users at the airport that include baggage handling, freight and mail handling, the physical handling of freight and mail, whether incoming, outgoing or being transferred between the air terminal and the aircraft, fuel and oil handling and ramp handling;

“high-risk cargo or mail” means cargo or mail which is deemed to pose a threat to civil aviation as a result of specific intelligence or shows anomalies or signs of tampering which give rise to suspicion;

“Human factors principles” mean principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“In-flight security officer” means a person authorised by the government of the State of the operator and the government of the State of registration to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference but excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards;

“known consignor” means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft;

“known stores” means catering supplies and stores delivered to an aircraft operator and that have been subjected to appropriate security controls;

“landside” means the area of an airport and buildings to which both travelling passengers and the non-traveling public have unrestricted access;

“mail” means dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union;

“Minister” means the Minister responsible for civil aviation;

“operator” includes an airport operator, an aircraft operator, a regulated agent and a catering operator;

“prohibited items or restricted articles” means articles which, in the specific context of aviation security are defined as articles, devices, or substances which may be used to commit an act of unlawful interference against civil aviation or which may endanger the safety of the aircraft and its occupants or installations or the public;

“regulated agent” means an agent, freight forwarder or other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority for cargo or mail;

“sabotage” means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities;

“screening” means the application of technical or other means intended to identify or detect weapons, explosives or other

dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the National Civil Aviation Security Programme;

“security control” is a means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security culture” means a set of security-related norms, values, attitudes and assumptions that are inherent in the daily operation of an organisation and are reflected by the actions and behaviours of all entities and personnel within the organisation;

“security inspection” means announced or unannounced examination of the effectiveness of the implementation of specific security measures;

“security restricted area” means airside areas of an airport which are identified as priority risk areas where, in addition to access control, other security controls are applied;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“single window” means a facility that allows parties involved in trade and transport to lodge standardised information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements and where information is electronic then individual data elements should only be submitted once;

“supply chain assets” means cargo and mail, facilities, equipment, information and personnel;

“technical instructions” means the ICAO Technical Instructions for Safe Transportation of Dangerous Goods by Air, Doc.9284;

“transfer cargo and mail” means cargo and mail departing on an aircraft other than that on which it arrived;

“travel document” means a passport or other official document of identity issued by a State or organisation, which may be used by the rightful holder for international travel;

“unidentified baggage” means baggage at an airport, with or without a baggage tag which is not picked by or identified with a passenger;

“unknown stores” means supplies and stores that have not been subjected to appropriate security controls;

“unpredictability” means the implementation of security controls in order to increase their deterrent effect and their efficiency, by applying them at irregular frequencies, different locations or with varying means, in accordance with a defined framework.

PART II—NATIONAL ORGANISATION AND APPROPRIATE AUTHORITY

7. Functions of authority in relation to aviation security

(1) The functions of the authority in relation to aviation security are to—

- (a) regulate aviation security in Uganda;
- (b) establish, implement and maintain the National Civil Aviation Security Programme, the National Civil Aviation

Security Quality Control Programme, the National Civil Aviation Security Training Programme, including Civil Aviation Security Certification System;

- (c) regulate the security operations of airports, aircraft, air traffic service providers, regulated agents and ground handling service providers, catering operators, general aviation operators, cargo and mail operators, aircraft cleaning operators and other operators as the case may be, for the purpose of—
 - (i) protecting passengers, crew members, ground personnel, the general public, aircraft, airport and other aviation facilities;
 - (ii) preventing unlawful interference against civil aviation; and
 - (iii) ensuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur; and
 - (d) define and allocate tasks and coordinate activities under the National Civil Aviation Security Programme between ministries, departments, agencies, airports, aircraft operators and air traffic services providers and other organisations responsible for the various aspects of aviation security.
- (2) The authority shall, in respect of an operator—
- (a) ensure that periodic vulnerability assessments are conducted at airports engaged in international and domestic operations, ensuring coordination among relevant departments, agencies, including appropriate law enforcement and intelligence authorities, and other entities and such vulnerability assessments shall be used to inform risk assessments and security improvements;

- (b) establish and implement procedures to share, as appropriate, with relevant airport operators, aircraft operators, air traffic service providers or other entities concerned, in a practical and timely manner, relevant information to assist them to conduct effective security risk assessments relating to their operations for the purpose of protecting civil aviation against possible threat, including but not limited to, person borne improvised explosive device, improvised explosive devices in cargo and mail, insider threat and Man Portable Air Defence Systems;
- (c) conduct security inspections and audits of security measures;
- (d) conduct security tests of security controls to assess their effectiveness;
- (e) review and approve or accept security programs in accordance with these Regulations and the National Civil Aviation Security requirements to verify the effective implementation of the provisions provided in the operator's security program and the national legislation;
- (f) conduct on - site inspections at the premises of an operator or at a station operated by the operator in the case of an aircraft operator, to validate the provisions stated in the operator security program prior to approval or acceptance of the security program.
- (g) conduct security investigations and enforce resolutions of any security concerns;
- (h) avail to the airport, aircraft, catering operators and air traffic service providers operating in the territory of Uganda, a written version of the appropriate parts of the National Civil Aviation Security Programme and relevant information or guidelines enabling them to meet the requirements of the National Civil Aviation Security Programme;

- (i) require operators not to accept cargo or mail for carriage on an aircraft engaged in commercial air operations unless the application of screening or other security controls is confirmed and accounted for by a regulated agent, known consignor, or an entity that is approved by the authority;
- (j) require an operator to subject to screening cargo and mail which cannot be confirmed and accounted for by a regulated agent, a known consignor or an entity that is approved by the authority;
- (k) require aircraft operators to subject transfer cargo and mail to appropriate security controls prior to their being loaded onto an aircraft departing from the territory of Uganda;
- (l) require catering operators to subject catering, stores and supplies intended for carriage on commercial flights to appropriate security controls, which may include a supply chain security process or screening, and protect them until loaded onto the aircraft;
- (l) require an operator, responsible for implementation of security measures and procedures to consider the use of advanced security equipment, when investing in new equipment to achieve civil aviation security objectives;
- (m) require an airport operator to establish and maintain contingency plans and—
 - (i) conduct partial and full scale exercises to test the effectiveness of the plans on a regular basis as prescribed in regulation 27 (2) (l) and (m);
 - (ii) conduct an evaluation following an exercise to test the plans to identify deficiencies and remedy weaknesses in response mechanisms; and
- (n) require that supporting resources and facilities required by the aviation security services are made available at each

airport serving civil aviation to safeguard civil aviation against acts of unlawful interference.

- (3) The authority shall—
 - (a) share threat information that applies to the aviation security interests in accordance with the laws of Uganda; and
 - (b) subject to paragraph (a), consider and share threat information of aviation interests with other States as deemed necessary for the purpose of protecting civil aviation against acts of unlawful interference.
- (4) The authority shall—
 - (a) conduct certification of aviation security screeners and instructors;
 - (b) keep under constant review, the level and nature of threat to civil aviation within Ugandan territory and air space above Uganda and shall establish and implement policies and procedures to adjust relevant elements of the National Civil Aviation Security Programme accordingly, based upon a regular security risk assessment carried out or conducted by the relevant national authorities;
 - (c) share threat information that applies to aviation security interests of other States in accordance with the laws of Uganda as the authority deems necessary for the purpose of protecting civil aviation against acts of unlawful interference;
 - (d) where necessary, engage in collaborative arrangements with other States in order to increase the sustainability of the aviation security system by avoiding unnecessary duplication of security controls and the arrangements shall be based on verification of equivalence of the security outcome ensured by the application of effective security controls at the points of origin;

- (e) establish and implement appropriate mechanisms to confirm that transfer cargo and mail entering into Uganda from other States has been subjected to appropriate security controls;
 - (f) ensure appropriate protection of sensitive aviation security information; and
 - (g) ensure that a clause related to aviation security is included in each Bilateral Air Services Agreement on air transport, taking into account the model clause developed by International Civil Aviation Organisation.
- (5) The authority, in respect of other States—
- (a) shall co-operate in the development and exchange of information on National Civil Aviation Security Programmes in accordance with the laws of Uganda;
 - (b) may, subject to paragraph (a), consider requests by other States to share or exchange information on the development of security programmes including National Civil Aviation Security Programme, National Civil Aviation Training Programme and National Civil Aviation Quality Control Programme, as well as provision of a written version of the National Civil Aviation Security Programme as appropriate;
 - (c) shall establish and implement suitable protection and handling procedures for aviation security information shared or aviation security information that affects the security interests of other States, in order to ensure that inappropriate use or disclosure of such information is avoided; and
 - (d) may share, as appropriate and consistent with the sovereignty of Uganda, the results of an audit carried out by International Civil Aviation Organisation and the corrective actions taken.

- (6) The authority shall ensure that—
- (a) all aviation security training programmes for personnel with responsibilities under the national civil aviation security programme include an assessment of competencies to be acquired and maintained for initial and recurrent training;
 - (b) the provisions indicated under regulation 13(4)(d) regarding background checks are implemented;
 - (c) the provisions indicated under regulation 13(4)(e) regarding verifying implementation of security measures outsourced to external service providers are implemented;
 - (d) the use of randomness and unpredictability in the implementation of security measures, as appropriate is considered;
 - (e) the use of appropriate screening methods are capable of detecting the presence of explosives and explosive devices carried by a person other than a passenger on himself or herself or in his or her items carried and where these methods are not applied continuously, they are used in an unpredictable manner;
 - (f) appropriate screening methods that are capable of detecting the presence of explosives and explosive devices in hold baggage are used;
 - (g) a functional and effective airport security committee is established at each airport that serves civil aviation to assist the coordinating authority in its role of coordinating the implementation of security controls, measures and procedures as specified in the Airport Security Programme;
 - (h) an aircraft operator establishes, implements and maintains measures for reconciliation of originating passenger hold baggage and authorisation for carriage of hold baggage prior to the departure of the aircraft; and

- (i) security controls and procedures are re-evaluated following an act of unlawful interference, and in a timely fashion take action necessary to remedy weaknesses so as to prevent recurrence.

(7) The authority shall require entities that are involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme to promote, develop and implement an internal security culture policy.

(8) The security culture elements in subregulation (7) shall include—

- (a) reporting, incident response systems and measures of their effectiveness;
- (b) initial and recurrent security awareness training;
- (c) promotion of the security culture by leadership;
- (d) security awareness practical campaigns;
- (e) vigilance and understanding the threat; and
- (f) information security.

(9) The authority shall require and ensure that an airport operator, an aircraft operator or a regulated agent establishes and maintains initial and recurrent dangerous goods training programmes and complies with the International Civil Aviation Organisation Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284 and any amendments which may be specified during a period of applicability of an edition.

8. Power to access and inspect airport, aircraft and operator's premises

The authority shall have free and unobstructed access at all times to an airport, an aircraft operating from or within Uganda, an aircraft registered in Uganda while operating in other States, wherever they

may be, and the premises of an operator within Uganda, for the purpose of inspecting security operations or to carry out security inspections, vulnerability assessments, security audits, testing functions and investigation of incidents and non-conformances.

9. Power of authority to issue orders, circulars, directives, rules and instructions

The authority may make and issue other relevant orders, circulars, directives, rules and instructions or any other specific operating requirements that contain details to ensure the consistent application of aviation security measures.

10. Authorised persons

(1) The authority shall designate in writing qualified persons, by name or by title for the purpose of implementing and enforcing these Regulations.

(2) The designation under subregulation (1) shall specify the functions and limits of the operation.

PART III—SECURITY PROGRAMMES AND COMMITTEES

11. National Civil Aviation Security Programme

(1) There is established the National Civil Aviation Security Programme approved by the authority.

(2) The authority shall ensure that the National Civil Aviation Security Programme is implemented and maintained to safeguard civil aviation against acts of unlawful interference through practices and procedures which take into account the safety, regularity and efficiency of flights.

(3) The authority shall make available to aerodromes and aircraft operators operating in Uganda and to other operators, air traffic service providers and entities concerned with civil aviation, a written version of the appropriate part of the National Civil Aviation

Security Programme and relevant information or guidelines that enable them to meet the requirements of the National Civil Aviation Security Programme.

(4) Without limiting the generality of subregulation(1), the National Civil Aviation Security Programme shall include the following matters—

- (a) the allocation of responsibilities for implementation of the programme;
- (b) the co-ordination, facilitation and communications under the programme;
- (c) the protection of airports, aircraft and air navigation facilities;
- (d) the co-ordination of landside security measures between relevant departments, agencies, other organisations of the State, and other entities, and the identification and allocation of appropriate responsibilities to those entities in the National Civil Aviation Security Programme;
- (e) the screening and other security controls for persons other than passengers, together with items carried prior to entry into airport Security Restricted Areas serving civil aviation operations;
- (f) the security control of persons and items being placed on board aircraft;
- (g) security equipment;
- (h) aviation security personnel selection criteria, training and certification;
- (i) the management of response to acts of unlawful interference;
- (j) the evaluation of effectiveness of the Programme;
- (k) the adjustment of the Programme and contingency plans;

- (l) the financing of security;
- (m) the protection and handling procedures for security information shared by other States; and
- (n) processes for the reporting of information concerning incidents of acts of unlawful interference, taking into account the measures for protection of sensitive aviation security information.

(5) The National Civil Aviation Security Programme shall be reviewed and updated when the need arises and after an act of unlawful interference, a security exercise or at least once every two years.

(6) The reviewed Programme shall be approved by the Director General of the authority prior to implementation.

12. National Civil Aviation Security Committee

(1) There is established the National Civil Aviation Security Committee.

(2) The functions of the National Civil Aviation Security Committee are to —

- (a) advise on aviation security measures necessary to meet threats to aviation;
- (b) keep the implementation of aviation security measures under constant review and make recommendations for changes to these measures in response to new threat information, developments in aviation security technology and techniques and other factors;
- (c) advise and ensure the coordination of aviation security measures among ministries, departments, agencies, airports and aircraft operators, air traffic service providers and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme, subject to the form and extent of threats;

- (d) propose new aviation security policies, regulations or amendments;
- (e) promote security considerations in the design of new airports or the expansion of existing facilities;
- (f) review recommendations made by airport security committees and other relevant committees;
- (g) consider ways to cooperate with international organisations and other States so as to achieve common minimum aviation security standards that enhance the security of civil aviation as a whole;
- (h) recommend and review the effectiveness of security measures and procedures; and
- (i) coordinate security activities of the Air Navigation Service Providers.

(3) The members of the National Civil Aviation Security Committee shall be appointed by the Minister and shall consist of persons from ministries, departments, agencies, airports and aircraft operators and other related entities specified in subregulation (4).

(4) Without limiting the generality of subregulation(2), the Minister shall, in appointing members of the National Civil Aviation Security Committee, ensure that the committee comprises at least one member from each of the following ministries, departments, agencies—

- (a) the authority;
- (b) the Chairperson of the National Air Transport Facilitation Committee or his or her representative;
- (c) the airport operator;
- (d) the Ministry responsible for security;
- (e) the Ministry responsible for Internal Affairs;

- (f) the Ministry responsible for civil aviation;
- (g) State intelligence organisations;
- (h) the Uganda Police Force;
- (i) the Uganda Peoples Defence Forces;
- (j) the department responsible for immigration;
- (k) the chairperson of associations of domestic or local and international scheduled airlines;
- (l) the national regulatory agency responsible for communications;
- (m) the department responsible for customs;
- (n) the Ministry responsible for foreign affairs;
- (o) the Ministry responsible for health;
- (p) Air traffic service providers; and
- (q) chairperson airline operators' committee.

(5) A member of the National Civil Aviation Security Committee shall hold office on terms and conditions specified in his or her instrument of appointment.

(6) A member of the National Civil Aviation Security Committee and any other person invited to attend a meeting of the National Civil Aviation Security Committee shall be paid such sitting and other allowances as the authority may determine.

(7) The Director General of the authority shall be the Chairperson of the Committee, and shall ensure that the committee is functional and effective.

(8) The National Civil Aviation Security Committee may invite any person to attend and take part in the proceedings of the

Committee and that person may participate in any discussion at the meeting, but shall not have a right to vote at that meeting.

(9) The National Civil Aviation Security Committee shall meet for the discharge of its functions as often as is necessary, at a time and place specified by the Chairperson and in any case, not less than twice a year.

(10) Subject to these Regulations, the National Civil Aviation Security Committee shall regulate the procedure for its meetings.

13. National Civil Aviation Security Quality Control Programme and Operator Internal Quality Control Programme

(1) There is established a National Civil Aviation Security Quality Control Programme approved by the authority.

(2) The National Civil Aviation Security Quality Control Programme shall be implemented and maintained to determine and monitor compliance with and validate the effectiveness of the National Civil Aviation Security Programme through audits, inspections and tests.

(3) The National Quality Control Programme shall apply to all relevant aviation security entities and stakeholders to include but not limited to national and foreign aircraft operators and handling companies, cargo handlers, regulated agents and known consignors, and catering companies involved in the performance of security controls in Uganda and provide for quality control measures including screening and access control.

(4) The National Civil Aviation Security Quality Control Programme shall require that—

- (a) all persons who implement security controls are verifiably trained and possess all competencies required to carry out their duties;

- (b) persons who carry out screening operations are certified according to the requirements of the National Civil Aviation Security Programme to ensure that performance standards are consistently and reliably achieved;
- (c) background checks are completed in respect of persons who implement security controls, persons other than passengers granted unescorted access to security restricted areas of the airport and persons with access to sensitive aviation security information prior to their taking up these duties or accessing such areas or information;
- (d) background checks in paragraph (c) shall at a minimum include criminal record checks, disqualification criteria and record keeping;
- (e) recurrent or renewal background checks are applied to a person at intervals defined by the authority;
- (f) persons found unsuitable by any background check are immediately denied the ability to implement security controls, unescorted access to security restricted areas and access to sensitive aviation security information;
- (g) each entity responsible for the implementation of relevant elements of the National Civil Aviation Security Programme periodically verifies that the implementation of security measures outsourced to external service providers is in compliance with the entity's security programme;
- (h) acts of unlawful interference are investigated; and
- (i) the review and re-evaluation of security measure and procedures immediately following an act of unlawful interference.

(5) The authority shall in the implementation of the National Civil Aviation Security Quality Control Programme, ensure that —

- (a) the personnel who carry out security audits, tests and inspections are trained to appropriate standards for those tasks in accordance with the National Civil Aviation Security Programme;
- (b) the personnel who carry out security audits, tests and inspections are afforded the necessary authority to obtain information to carry out those tasks and to enforce corrective actions;
- (c) security audits, tests and inspections are conducted on a regular basis, to verify compliance with the National Civil Aviation Security Programme and to provide for the rapid and effective rectification of any deficiencies;
- (d) the priorities and frequency of these quality control oversight activities shall be determined on the basis of risk assessments carried out by the relevant authorities;
- (e) audits, inspections and tests are carried out for purposes of determining and monitoring compliance with and validating the effectiveness of the National Civil Aviation Security Programme;
- (f) it supplements the National Civil Aviation Security Quality Control Programme by establishing a confidential reporting system for analysing security information provided by sources including passengers, crew and ground personnel; and
- (g) it establishes a process to record and analyse the results of the National Civil Aviation Security Quality Control Programme to contribute to the effective development and implementation of the National Civil Aviation Security Programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions are implemented and sustained.

(6) The National Civil Aviation Security Quality Control Programme shall—

- (a) provide for structures, responsibilities, processes and procedures that promote and establish an environment and culture of continuing improvement and enhancement of aviation security; and the means for ensuring that persons tasked with carrying out security duties do so effectively;
- (b) be used by the oversight and inspectorate department as a guide during the implementation of oversight functions;
- (c) ensure operators who perform aviation security measures develop, implement and maintain internal quality control measures that include quality control activities consistent with their operations, and shall provide the appropriate authority with related findings and details of any corrective action plans that have been implemented and sustained;
- (d) ensure operators do not accept cargo or mail for carriage on an aircraft engaged in commercial air operations unless the application of screening or other security controls is confirmed and accounted for by a regulated agent, known consignor, or an entity that is approved by the authority;
- (e) ensure operators subject to screening cargo and mail which cannot be confirmed and accounted for by a regulated agent, a known consignor or an entity that is approved by the authority;
- (f) ensure aircraft operators subject transfer cargo and mail to appropriate security controls prior to their being loaded onto an aircraft departing from the territory of Uganda;
- (g) ensure catering operators subject catering, stores and supplies intended for carriage on commercial flights to appropriate security controls, which may include a supply

chain security process or screening and shall protect them until loaded onto the aircraft;

- (h) ensure the airport operators establish and maintain contingency plans, and;
 - (i) conduct partial and full scale exercises to test the effectiveness of the plans on a regular basis as prescribed in regulations 27 (2) (l) and (m).
 - (ii) conduct an evaluation following an exercise to test the plans to identify deficiencies and remedy weaknesses in response mechanisms
- (i) ensure that supporting resources and facilities required by the aviation security services are made available at each airport serving civil aviation to safeguard civil aviation against acts of unlawful interference.

(7) The National Civil Aviation Security Quality Control Programme shall be reviewed and updated not less than once every two years or as and when the need arises.

(8) The operator internal quality control measures developed under subregulation(4) (c) to verify the implementation of existing security measures in accordance with the national requirements shall be submitted to the authority for approval prior to implementation.

14. Independence in implementation of the National Aviation Security Quality Control Programme

The National Civil Aviation Security Quality Control Programme shall include an element of independence of persons who conduct oversight activities from those who apply measures implemented under the National Civil Aviation Security Programme.

15. Airport Security Programme

(1) A person shall not operate an airport which serves civil aviation without an Airport Security Programme approved by the authority.

(2) An operator of an airport which serves civil aviation in Uganda shall establish, implement and maintain an Airport Security programme that meets the requirements of the National Civil Aviation Security Programme.

- (3) An application for an Airport Security Programme shall—
- (a) detail the specific security measures and procedures including threat assessment to be implemented at the airport;
 - (b) provide for internal quality control activities;
 - (c) provide for the appointment of a person who shall coordinate the implementation of the National Civil Aviation Security Programme;
 - (d) provide for the establishment of an Airport Security Committee in conformity with the requirements stipulated in the National Civil Aviation Security Programme;
 - (e) require the integration of the needs of aviation security into the design and construction of new facilities and alterations to existing facilities at the airport serving civil aviation, particularly for those areas which, on completion, are likely to be vital to the continuity of operations;
 - (f) provide for threat assessors at the airport;
 - (g) provide for security control measures and procedures for—
 - (i) originating, transit and transfer passengers and their baggage;
 - (ii) cargo and mail, including originating, transit, transfer and high risk cargo;
 - (iii) aircraft arriving into or departing from aerodromes in Uganda; and
 - (iv) persons, other than passengers, together with items carried, prior to entry into airport security restricted

areas which serves civil aviation operations, are subject to screening and security controls;

- (h) contain a contingency plan that provides for matters that include —
 - (i) measures and procedures in case an aircraft is hijacked and for hostage-taking at the airport and on board aircraft;
 - (ii) measures and procedures in case of sabotage, including bomb threats to aircraft and to the airport;
 - (iii) measures and procedures, in case of terrorist attacks on aircraft and the airport, including attacks using Chemical, Biological, Radiological and Nuclear Weapons and other Weapons;
 - (iv) procedures when a suspect device or item is found or is believed to be on board an aircraft;
 - (v) evacuation and search of airport facilities and aircraft on the ground;
 - (vi) special security measures to be enacted during periods of increased threat or for critical flights and routes; and
 - (vii) measures and procedures, in accordance with risk assessment carried out by relevant national or local authorities to mitigate possible terrorist attacks on aircraft and the airport using Man- Portable Air Defence Systems and other weapons representing a similar threat to aircraft at or near an airport;
- (i) contain information on security equipment and its deployment, where applicable and make reference to calibration and testing procedures, which may be further detailed in the standard operating procedures;
- (j) provide for adequate protection of security personnel and equipment from inclement or adverse weather at vehicle access gates; and

- (k) contain any other matter prescribed by the authority.
- (4) The Airport Security Programme shall be—
 - (a) reviewed and updated as and when the need arises and not less than once in every two years; and
 - (b) submitted to the authority for approval prior to implementation.

16. Air Navigation Service Providers Security programme

An Air Navigation Service Provider shall —

- (a) establish, implement and maintain a security programme or security manual that contains details of the security provisions that meet the requirements of the National Civil Aviation Security Programme;
- (b) provide for the training of staff in response to acts of unlawful interference in accordance with the National Civil Aviation Security Programme and the ICAO Doc 9985-Air Traffic Management Security Manual;
- (c) submit the security programme to the authority for approval; and
- (d) review the security programme once every two years and submit the revised programme to the authority for approval prior to implementation.

17. Aircraft Operator Security Programme

(1) A person shall not operate an aircraft that serves civil aviation from or within Uganda without a written Aircraft Operator Security Programme approved by the authority.

(2) A foreign commercial aircraft operator, that provides service to and from Uganda, whose aircraft operator security programme has been approved by the Appropriate authority of their State of registry shall submit their aircraft operator security programmes to the

authority for review prior to acceptance and shall establish, implement and maintain written supplementary station procedures that meet the requirements of the National Civil Aviation Security Programme of Uganda.

(3) A commercial aircraft operator who provides service in or from Uganda shall establish, implement and maintain a written Aircraft Operator Security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(4) An Aircraft Operator Security Programme shall specify the security measures, procedures and practices to be followed by the operator to ensure the safety and protection of passengers, crew, ground personnel, the general public, aircraft and airport facilities from acts of unlawful interference.

(5) An application for Aircraft Operator Security Programme shall include —

- (a) the objectives of the programme and the measures that will be taken to ensure its implementation;
- (b) the organisation of the operator's security functions and responsibilities, including the designation of the operator in charge of aviation security;
- (c) specific security measures that comprise —
 - (i) pre-flight security checks or searches of originating aircraft to be conducted based on a security risk assessment carried out by the relevant national authorities;
 - (ii) procedures for screening of passengers' cabin baggage and hold baggage, where this function is not carried out by the airport operator;
 - (iii) procedures to ensure that no weapons, explosives or other dangerous devices are left on board by disembarking passengers at transit stops;

- (iv) reconciliation of originating hold baggage with boarding passengers, including transit and transfer passengers and authorisation of carriage of hold baggage prior to departure of the aircraft;
- (v) measures and procedures to ensure safety on board an aircraft where passengers to be carried are obliged to travel as subjects of judicial and administrative proceedings, including but not limited to—
 - (aa) an evaluation or risk assessment of potentially disruptive passengers to be conducted by the relevant authorities;
 - (bb) security measures to be applied before, during and on termination of the flight; and
 - (cc) the right of the aircraft operator or Pilot-In-Command to deny carriage based on the aircraft operator's policy concerning the number of such persons that may be transported on a given flight or when reasonable concerns exist in regard to the safety and security of the flight in question;
- (vi) procedures for the carriage of weapons in the cabin compartment and the aircraft hold;
- (vii) in-flight procedures when a suspected item is found or is believed to be on board an aircraft;
- (viii) movement of persons and vehicles parked next to aircraft;
- (ix) protection of hold baggage, cargo, mail and aircraft catering supplies and stores;
- (x) response procedures for crew members and other staff to occurrences and threats;

- (xi) protection of flight documents and other aircraft operator documents for ground services which may be used to commit an act or acts of unlawful interference and for such documents to be kept under the control of supervisory staff at all times;
 - (xii) procedures for screening, securing and control of known stores and unknown stores;
 - (xiii) procedures for application of security controls for COMAIL and COMAT; and
 - (xiv) procedures for passenger questioning,
- (d) measures and procedures to ensure the effectiveness of the programme including adequate training of staff and the periodic testing and evaluation of the security programme;
 - (e) measures and procedures to prevent unauthorised persons and vehicles from accessing aircraft and other restricted airline facilities;
 - (f) measures and procedures that passengers are in possession of valid documents prescribed by the State of transit and destination for control purposes;
 - (g) measures and procedures to protect the integrity of hold baggage from the time of check-in and screening up to the time it is loaded on the aircraft;
 - (h) procedures to ensure that an aircraft subject to a security check or search is protected from unauthorised interference, from the time the aircraft check or search commences until the aircraft departs; and
 - (i) any other matter prescribed by the authority.
- (6) An entity that conducts general aviation operations, including corporate aviation operations using aircraft with a maximum

take-off mass greater than 5,700 kg and those conducting aerial work operations shall develop, implement and maintain a written operator security programme that meets the requirements of the National Civil Aviation Security Programme which shall contain operations features specific to the type and size of operations conducted.

(7) An Aircraft Operator shall review and update the Aircraft Operator Security Programme as and when need arises after an act of unlawful interference and at least once in every two years.

18. Regulated Agent Security Programme and Ground Handling Service Providers Cargo and mail Security Programme

(1) A person shall not operate an enterprise or an organisation whose purpose is the handling of cargo and mail intended for carriage by air within or from Uganda, including implementing screening or other security controls of cargo and mail without a written Regulated Agent Security Programme approved by the authority and an approved certificate or licence issued by the authority.

(2) Ground handling service providers handling cargo shall not handle cargo without a cargo security programme approved by the authority.

(3) A Regulated Agent Security Programme and Ground Handling Service Providers Cargo Security Programme shall contain—

- (a) provisions that meet the cargo and mail requirements of the National Civil Aviation Security Programme and these Regulations;
- (b) provisions to respond to orders, circulars and directives issued by the authority under regulation 9;
- (c) details of how the regulated agent plans to meet and maintain the requirements set out in the Regulated Agent Security Programme; and
- (d) procedures for —

- (i) ensuring that where screening of cargo and mail is conducted, screening is carried out using an appropriate method, taking into account the nature of the consignment;
- (ii) ensuring that cargo and mail have been confirmed and accounted for;
- (iii) ensuring the security of buildings and premises where cargo and mail is handled; including access control and transport facilities;
- (iv) recruitment and training of staff involved in the implementation of security controls for cargo and mail;
- (v) incident reporting; and
- (vi) any other matter prescribed by the authority.

(4) The Regulated Agent Security Programme or Ground Handling Service Providers Cargo Security Programme shall take into consideration the secure supply chain security process, where applicable which comprises management of applicable cargo and mail policies, procedures, and technology as stipulated by the authority to protect supply chain assets from acts of unlawful interference, theft, damage or terrorism, and to prevent the introduction of contraband, human and unauthorised chemical, biological, radiological and nuclear weapons.

(5) The Regulated Agent or Ground Handling Service Providers handling cargo and mail or aircraft operator shall keep a register of its account consignor including identity, address and the particulars of an agent authorised to carry out deliveries of cargo or mail on its behalf.

(6) The Regulated Agent or Ground Handling Service Providers shall review and update the Regulated Agent Security Programme or Ground Handling Service Providers Cargo Security Programme.

(7) The review and update in subregulation (6) may arise after an act of unlawful interference and at least once every two years.

19. Catering Operator Security Programme

(1) A person shall not operate an enterprise or an organisation whose purpose is the direct provision to commercial air transport of catering supplies and stores within or from Uganda, without a Catering Operator Security Programme approved by the authority and a certificate issued by the authority.

(2) An application for a Catering Operator Security Programme shall contain—

- (a) provisions that meet the requirements of the National Civil Aviation Security Programme and these Regulations;
- (b) details of how the catering operator intends to comply with and maintain the requirements set out in the National Civil Aviation Security Programme;
- (c) procedures for —
 - (i) ensuring that catering, stores and supplies intended for carriage on commercial flights are subjected to appropriate security controls, which may include a supply chain security process or screening and thereafter protected until loaded onto the aircraft;
 - (ii) ensuring the security of buildings, premises where catering supplies and stores are prepared and the vehicles that transport the supplies;
 - (iii) recruitment, pre-employment background checks and training of staff involved in the implementation of security controls; and
 - (iv) reporting of incidents; and
- (d) any other matter prescribed by the authority.

(3) The Catering Operator shall review and update the Catering Operator Security Programme as and when need arises after an act of unlawful interference and at least once every two years.

20. Application for approval of Security Programme

(1) The applicant shall, where a security programme is required to be approved by the authority under regulations 13, 15, 16, 17 and 18 of these Regulations—

- (a) submit the programme to the authority, ensuring that the programme meets the requirements of the National Aviation Security Programme, these Regulations and any other relevant law; and
- (b) pay the fee prescribed by the authority.

(2) A security programme submitted to the authority for approval under subregulation(1) shall be in triplicate and shall be signed by the applicant or by a person authorised by the applicant on his or her behalf.

21. Approval of Security Programme

(1) Where the authority is satisfied that a security programme submitted under regulation 20, meets the requirements of these Regulations, the National Civil Aviation Security Programme and any other relevant law, the authority shall, within thirty days after receipt of the programme, approve the security programme.

(2) Where the authority determines that a security programme submitted under regulation 20 does not meet the requirements of the National Civil Aviation Security Programme or relevant law, the authority shall, within thirty days after receipt of the programme, direct the applicant to modify and re-submit the security programme to the authority within thirty days.

(3) Where the authority is satisfied that a security programme re- submitted under subregulation(2) meets the requirements of these Regulations, the National Civil Aviation Security Programme and any

other relevant law, the authority shall, within fifteen days after receipt of the programme, approve the security programme.

22. Changed conditions affecting security

(1) Where a security programme has been approved under regulation 21, the operator, where applicable, shall comply with the procedure prescribed by subregulation (2), whenever the operator determines that—

- (a) any description of the area, control measure or procedure set out in the security programme is no longer accurate or has been changed;
- (b) any description of the operations set out in the security programme is no longer accurate; or
- (c) that the procedures included and the facilities and equipment described in the security programme are no longer adequate.

(2) Whenever a situation described in subregulation (1) occurs, the operator, where applicable shall—

- (a) immediately notify the authority of the conditions that have changed and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment of the security programme; and
- (b) within thirty days after notifying the authority in accordance with paragraph (a), submit for approval, in accordance with the procedure prescribed by regulation 20, an amendment to the security programme to bring it into compliance with these Regulations.

(3) The authority shall, where an amendment to a security programme is submitted to it under subregulation (2) (b), approve the amendment in accordance with the procedure prescribed under regulation 21.

23. Power of authority to direct amendment of Security Programme

(1) The authority may direct the respective operator to amend the security programme and submit the programme to the authority for approval where the authority determines that the security programme of the operator requires amendment.

(2) The authority shall, where an amended security programme is submitted to it under subregulation (1), approve the security programme in accordance with the procedure prescribed under regulation 20.

Training Programmes

24. National Civil Aviation Security Training Programme

(1) There is established a National Civil Aviation Security Training Programme for personnel involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme.

(2) The National Civil Aviation Security Training Policy or Programme shall be designed to ensure the effectiveness of the national civil aviation security programme.

(3) The authority shall ensure the conduct of initial and recurrent security awareness training for all personnel involved with or responsible for the implementation of various aspects of the national civil aviation security programme and those authorised to have unescorted access to airside areas.

(4) The authority shall co-ordinate the implementation of the National Aviation Security Training Programme developed under sub regulation (1).

(5) The authority shall notify the entities concerned of the training requirements identified in the National Aviation Security Training Programme for their implementation.

(6) A person shall not operate a training centre whose purpose is to provide civil aviation security training in accordance with these Regulations and the National Civil Aviation Security Training Programme without an Approved Training Organisation Certificate issued by the authority.

(7) The authority shall ensure the development and implementation of training programmes and a certification system that ensures that aviation security screeners possess the necessary competencies and that instructors are qualified in the applicable subject matters in accordance with the national civil aviation security programme.

(8) The authority shall develop, implement and maintain a national aviation security certification systems programme for the entities concerned in subregulation (5).

(9) An aviation security screener and instructor, upon completion of initial or basic aviation security training and on-the-job-training, shall be certified.

(10) A person shall not carry out aviation security screening operations or duties unless he or she has been certified as a screener by the authority according to the requirements of the National Civil Aviation Security Programme to ensure that performance standards are consistently and reliably achieved.

(11) An aviation security screener and an instructor shall be re-certified, every three years in accordance with the National Civil Aviation Security Certification Systems Programme.

25. Operator Aviation Security Training Programme

(1) An operator shall implement the Aviation Security Training Programme to ensure the effective implementation of their respective security operations and the training programme shall conform to the requirements of the National Aviation Security Training Programme and these Regulations.

(2) A training programme referred to in subregulation (1) shall include—

- (a) training of appropriate employees, taking into account human factors principles and human performance; and
- (b) training to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft to enable them to contribute to the prevention of acts of sabotage, unlawful seizure of aircraft or other forms of unlawful interference and to minimise the consequences of such events should they occur.

(3) A training programme referred to in subregulation (1) shall be submitted to the authority for approval in accordance with the procedure prescribed under regulations 20 and 21.

(4) An aircraft operator shall establish and maintain an Approved Security Training Programme that ensures crew members act in the most appropriate manner to minimise the consequences of acts of unlawful interference.

(5) The programme under subregulation (4) shall include training on—

- (a) the verification of the seriousness of any occurrence;
- (b) crew communication and coordination;
- (c) appropriate self-defence responses;
- (d) use of non-lethal protective devices assigned to crew members, whose use is authorised by the State of the Operator;
- (e) the understanding of behaviour of terrorists to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions; and

- (g) flight crew compartment procedures to protect the aircraft.

PART IV— PREVENTIVE SECURITY MEASURES

Airport Security

26. Airport Security Committee

(1) There is established at every airport serving civil aviation an Airport Security Committee.

- (2) The functions of the Airport Security Committee are —
 - (a) to coordinate the implementation and maintenance of security controls and procedures as specified in the Airport Security programme referred to in regulation 15;
 - (b) to oversee the implementation of the decisions or directives of the National Civil Aviation Security Committee;
 - (c) to oversee and monitor the implementation of the Airport Security Programme, including any special measures including standard operating procedures introduced by the airport administration, operators and airport tenants;
 - (d) to draw up, maintain and review from time to time, a list of vulnerable points and essential equipment and facilities;
 - (e) to ensure that—
 - (i) basic minimum - security measures and procedures are satisfactory to meet threats and are under constant review, providing for normal situations and periods of heightened tension and emergency situations;
 - (ii) recommendations that improve security measures and procedures are implemented;
 - (iii) security measures are incorporated in airport expansion or modification programmes; and
 - (f) to co-ordinate security education, awareness and training of airport and other staff and the general public.

(3) The Airport Security Committee shall refer any matter relating to aviation security, which it cannot resolve at the airport level to the National Civil Aviation Security Committee.

(4) The person in charge of the airport shall be the Chairperson of the Airport Security Committee.

(5) The person in charge of the airport shall appoint other members of the Airport Security Committee, nominated by the respective agencies, in accordance with subregulation (6).

(6) The Airport Security Committee shall, where available, consist of members from all agencies engaged in the operation of the airport which contribute to the establishment and implementation of security measures including —

- (a) persons in charge of airport administration;
- (b) persons in charge of aviation security at the airport;
- (c) the authority;
- (d) military;
- (e) police;
- (f) immigration;
- (g) local authorities of the area in which the airport or aerodrome is situated;
- (h) explosive detection expert;
- (i) intelligence agencies;
- (j) ministry of health;
- (k) postal services;
- (l) fuel companies;
- (m) handling agents;
- (n) in-flight caterers;
- (o) a representative of the airlines;

- (p) a representative of the airport tenants;
- (q) air navigation services providers;
- (r) fire and rescue services;
- (s) customs; and
- (t) Uganda Wildlife Authority.

(7) The Airport Security Committee may invite any person to attend and take part in the proceedings of the Committee and that person may participate in any discussion at the meeting but shall not have a right to vote at that meeting.

(8) The Chairperson shall convene a meeting of the Airport Security Committee every quarter for the discharge of its business as and when it may be deemed necessary to ensure that the security programme is up-to-date and effective, and that its provisions are being properly applied.

(9) The minutes of the Airport Security Committee shall be taken and a copy of the minutes shall be submitted to the authority.

27. Airport security controls

(1) An airport operator shall maintain and carry out security measures and procedures including identification and resolution of suspicious activity that may pose a threat to civil aviation at the airport for the purpose of protecting passengers, crew members, aircraft, airports and aviation facilities and preventing acts of unlawful interference and ensuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur.

(2) An operator of an airport that serves civil aviation shall be responsible for the security of facilities and employment of security equipment, where appropriate, to achieve civil aviation security objectives and shall—

- (a) institute and maintain measures including the use of random and unpredictable security measures to prevent weapons, explosives or any other dangerous device which

may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorised, from being introduced, by any means, on board an aircraft engaged in civil aviation;

- (b) ensure that—
 - (i) access to airside areas at the airport is controlled in order to prevent unauthorised entry;
 - (ii) measures are established to subject to screening persons other than passengers prior to being granted access to airport security restricted areas, together with items carried;
 - (iii) security restricted areas are identified and established at the airport and access controlled, in accordance with regulation 28;
 - (iv) architectural and infrastructure related requirements necessary for the optimum implementation of security measures under the National Civil Aviation Security Programme are integrated into the design and construction of new facilities and alterations to existing facilities at airports;
 - (v) persons engaged to implement security controls are subject to background checks, selection procedures and are adequately trained;
 - (vi) originating passengers, crew and their cabin baggage; are screened before accessing restricted areas and before boarding an aircraft engaged in commercial air transport operations;
 - (vii) originating hold baggage and crew hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations;
 - (viii) all hold baggage to be carried on an aircraft engaged in commercial air transport is protected from

unauthorised interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until the departure of the aircraft on which it is to be carried and that where the integrity of hold baggage is jeopardised, the hold baggage is re-screened before being placed on board an aircraft;

- (ix) commercial air transport operators do not transport the baggage of persons who are not on board the aircraft, unless that baggage is identified as unaccompanied and subjected to appropriate screening;
- (x) transfer hold baggage is screened before being loaded into an aircraft engaged in commercial air transport, unless the appropriate authority has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorised interference from the originating airport to the departing aircraft at the transfer airport;
- (xi) transfer and transit passengers and their cabin baggage are subjected to adequate screening and other security controls to prevent unauthorised articles from being taken on board aircraft engaged in civil aviation, unless the appropriate authority has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such passengers and their cabin baggage have been screened to an appropriate level at the point of the originating airport and subsequently protected from unauthorised interference from the point of screening to the departing aircraft at the transfer airport;

- (xii) that passengers who have been screened and their baggage are protected from unauthorised interference, from the point of screening, until they board their aircraft, and there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points have been passed and that where mixing or contact does take place, the passengers concerned and their cabin baggage are re-screened before boarding an aircraft;
- (xiii) persons carrying out security controls are certified in accordance with the requirements of the National Civil Aviation Security Programme;
- (xiv) procedures are established to deal with unidentified baggage and suspicious objects in accordance with a security risk assessment carried out by the relevant national authorities;
- (xv) persons other than passengers, together with their items, being granted access to security restricted areas are screened or subjected to other security controls, including but not limited to proportional screening, randomness and unpredictability in accordance with a risk assessment carried out by relevant national authorities;
- (xvi) vehicles being granted access to security restricted areas, together with items contained in the vehicles, are screened or subjected to other appropriate security controls in accordance with a risk assessment carried out by the relevant national authorities;
- (xvii) measures are established to ensure that merchandise and supplies introduced into security restricted areas are subjected to appropriate security controls,

including screening or a supply chain security process, where applicable for instance, where the airport supplies are customs bonded goods, the airport operator shall establish procedures to be followed prior to taking the goods into the security restricted area;

- (xviii) landside areas are identified, security measures are established and implemented in landside areas to mitigate possible threats of acts of unlawful interference in accordance with a risk assessment carried out by the relevant authorities;
 - (xix) where practicable, in order to improve efficiency, modern screening or examination techniques shall be used to facilitate the physical examination of goods to be imported or exported;
 - (xx) vehicles being granted access to airport airside and security restricted areas, together with items contained within them are subjected to screening or other appropriate security controls in accordance with a risk assessment carried out by the relevant national authorities; and
 - (xxi) measures are established at the airport for transfer or transit operations to protect transfer or transit passengers and their cabin baggage from unauthorised interference, and to protect the integrity of the security of the airport;
- (c) promote the use of randomness and unpredictability in the implementation of security measures as appropriate, that could contribute to the deterrent effect of security measures;

- (d) ensure that the appropriate screening methods used are capable of detecting the presence of explosives and explosive devices carried by persons other than passengers on their persons or in their items carried and where these methods are not applied continuously, they are used in an unpredictable manner;
- (e) ensure that the appropriate screening methods used are capable of detecting the presence of explosives and explosive devices in hold baggage;
- (f) the appropriate standards for screening are as defined in the national civil aviation security programme;
- (g) establish and implement—
 - (i) storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of;
 - (ii) bomb disposal areas where detected explosives may be disposed of; and
 - (iii) identification systems in respect of persons and vehicles in order to prevent unauthorised access to airside and security restricted areas where—
 - (aa) access shall be granted only to those with an operational need or other legitimate reason to be in airside and security restricted area (s);
 - (bb) identity and authorisation is verified at designated checkpoints before access is allowed to airside and security restricted areas;
 - (iv) a vehicle permit system where all vehicle permits are affixed to and permanently displayed on the front of the vehicle while in designated areas—
 - (aa) design specifications for vehicle permits; and
 - (bb) periodic renewal of vehicle permits;

- (h) institute and implement adequate security controls;
- (i) provide adequate supervision over the movement of persons and vehicles to and from the aircraft in order to prevent unauthorised access to aircraft;
- (j) make arrangements to render safe, investigate and dispose of, where necessary, suspected sabotage devices or other potential hazards at the airport;
- (k) employ and deploy suitably trained personnel to assist in dealing with suspected or actual cases of unlawful interference with civil aviation;
- (l) conduct a full scale security exercise to test the effectiveness of the contingency plans at least once every two years; and
- (m) conduct a table top contingency security exercise at least once a year.

28. Security restricted areas and airport security permits

(1) The airport operator shall identify areas where, based on a security risk assessment carried out by the relevant national authorities, operations vital to the continued safe operation of civil aviation in Uganda are carried out and designated as security restricted areas.

- (2) An area designated as a security restricted area shall be—
 - (a) marked and protected through physical or personnel protective measures or through a combination of physical and personnel protective measures to prevent unauthorised access to it;
 - (b) separated from public or non security restricted areas by an appropriate physical barrier; and
 - (c) inspected at regular and random intervals.

(3) Authorised access to security restricted areas at airports and designated off-airport facilities serving civil aviation operations shall be controlled through the issuance of airport security permits.

(4) A person issued with an airport security permit under this regulation shall, while on duty, at all times properly display the security permit.

(5) Designated authorities responsible for controlling access to security restricted areas shall specify the recognised places of entry through the security restricted area barrier and ensure that the area has adequate physical protection, of the same quality as the barrier itself, or enough to prevent unauthorised access.

(6) All areas at an airport to which access is restricted shall bear signage indicating the type of restriction and penalty for non-compliance.

(7) An airport operator shall keep, at the airport, a current scale map of the airport identifying security restricted areas, security barriers and security restricted area access points.

(8) An airport operator shall carry out background checks on persons other than passengers granted unescorted access to Security Restricted Areas of the airport prior to granting access to Security Restricted Areas following the criteria prescribed in regulation 13(4) (d).

29. Airport fencing or boundary

An airport operator shall provide for—

- (a) a fence or other conspicuous suitable physical barrier on an aerodrome to deter the inadvertent or premeditated access of an unauthorised person into a non-public area of the aerodrome or means of indicating the airport boundary with posted signs bearing a warning to prevent incursions and trespassing;

- (b) measures for the continuous protection and monitoring of the integrity of the perimeter fence to detect tampering and to prevent incursions and trespassing;
- (c) a perimeter fence, kept clear of obstructions, with an exclusion zone of a distance of not less than 5 metres from both the landside and airside in order to remove cover for any intruders which may include, but are not limited to, lamp posts, signposts, equipment, vehicles, anthills and trees, that may assist an intruder to climb over the fence;
- (d) a well drained obstacle free perimeter road alongside the fence suitable for vehicles to permit the passage of motorised patrol;
- (e) an appropriate perimeter fencing of at least the same technical specifications as the aerodrome land perimeter for key airport installations and other vulnerable points, including but not limited to a fuel farm and air navigation facilities, located within the aerodrome;
- (f) access gates constructed to the same security standard as perimeter fences and access controls to be put in place;
- (g) continuously locked gates that shall be surveilled and guarded;
- (h) emergency or crash gates to be installed in the perimeter fence of an airport to allow the quick access or egress of emergency service vehicles to on-airport or off-airport aircraft accidents;
- (i) fencing of a minimum height of 2.44 m or 8 feet, augmented by inclined barbed wire or razor-taped wire, to deter scaling;
- (j) a fence to be buried into the ground or affixed to a concrete base to prevent a person from pulling it up at the bottom and crawling or burrowing under it; and

- (k) safety and operational considerations with regard to special fencing materials or construction methods, including the use of non-metallic and frangible fencing material at certain locations on the perimeter, particularly the take-off and landing runway thresholds, to prevent the, disruption of the operation of navigation aids.

30. Carriage of firearms, ammunitions, incendiary devices or explosives in airport premises

Except for law enforcement officers on duty, a person shall not carry or possess in the airport premises; firearms, ammunition or explosives unless authorised in writing by the Uganda Police Force, which shall report any authorisation to the authority.

31. Control of access by tenants

(1) An airport operator shall ensure that tenants whose premises or facilities form part of the landside or airside boundary through which access can be gained to the airside, are responsible for the control of access through their premises and shall conduct their business in compliance with the Airport Security Programme.

- (2) In subregulation (1), “tenants” means —
 - (a) individuals or businesses granted a licence or other permit by the airport operator to conduct business operations at the airport, including concessionaires, cargo handlers, caterers, tour operators, taxi and bus operators, porters, aircraft maintenance organisations and fuel companies; and
 - (b) Government authorities and agencies at the airport including customs, immigration, health, agriculture and meteorology.

32. Obligation of airport operator in case of threat against facility or airport

Where an airport operator is aware or made aware of a threat against a facility or any part of the airport under the control of a person carrying on any activity at the airport, the airport operator shall immediately—

- (a) notify the authority and other entities concerned about the nature of the threat in accordance with regulation 52; and
- (b) determine whether the threat affects the security of the airport and coordinate the implementation of appropriate measures to counter the threat.

33. Persons authorised to screen to inform airport operator of threat against airport

Where a person authorised to conduct any screening activity at an airport is aware of or made aware of a threat against the airport, that person shall—

- (a) immediately notify the airport operator of the nature of the threat; and
- (b) assist the airport operator in determining whether the threat affects the security of the airport.

34. Airport operator to take measures in event of threat

(1) Where an airport operator determines that there is a threat that affects the security of the airport, the airport operator shall immediately take all measures necessary to ensure the safety of the airport and persons at the airport including informing the relevant authorities of the nature of the threat.

(2) An airport operator shall immediately inform the authority of the receipt of a credible bomb threat against an airport and its facilities or an aircraft based on a threat assessment carried out by the relevant authorities and a coherent response in accordance with the classification of the threat.

35. Discovery of weapons, ammunition, incendiary devices or explosives at airport

An airport operator shall immediately report to the Uganda Police Force and notify the authority when there is—

- (a) a discovery, at the airport, of a weapon other than a firearm allowed under regulation 30;

- (b) a discovery, at an airport, of ammunition other than ammunition allowed under regulation 30;
- (c) a discovery, at the airport, of an explosive or an incendiary device, other than an explosive or incendiary device allowed under regulation 30;
- (d) an explosion at the airport, unless the explosion is known to be the result of an excavation, a demolition, construction or the use of fireworks displays authorised by the Uganda Police Force; or
- (e) a discovery at an airport, of unauthorised chemical, biological, radiological and nuclear weapons capable of being used for causing injury to or incapacitating persons or destroying property.

36. Airport operator to submit plans before renovation and expansion works

(1) Notwithstanding regulation 27(2)(b)(iv), an airport operator shall, before the implementation of any renovation, remodeling or expansion works at the airport or the construction of new or additional airport facilities, submit to the authority for its approval, the plans for the renovation and expansion works.

(2) The authority shall, in approving the plans submitted to it under subregulation (1), assess the plans to ensure that security considerations are properly addressed and that the needs of aviation security are integrated in the configuration of the works.

Records

37. Operators to keep records

(1) An operator shall keep or maintain records of routine security operational activities or duties, including routine maintenance and testing of security equipment.

(2) The records in subregulation(1) shall be made available for review to the appropriate authority upon request.

(3) An operator shall keep a record of every security incident occurring in the course of their operations.

(4) A record required to be kept under subregulation(3), shall—

- (a) be kept for a minimum of ninety days;
- (b) be submitted to the authority within thirty days after the occurrence of the incident; and
- (c) where relevant, include —
 - (i) the number and type of weapons, improvised explosive devices and incendiary devices discovered during any passenger screening process and the method of detection of each weapon or device;
 - (ii) the number of acts and attempted acts of unlawful interference;
 - (iii) the number of bomb threats received, real and simulated bombs found and actual bombings or explosions at the airport or aircraft in flight within the Ugandan territory and aviation facilities which have connection to the airport; and
 - (iv) the number of detentions and arrests and the immediate disposition of each person detained or arrested.

Aircraft Security

38. Responsibilities of aircraft operator

(1) An aircraft operator who provides service from Uganda and an aircraft operator registered in Uganda and operating in a foreign State shall not—

- (a) transport the baggage of a passenger who is not on board the aircraft unless that baggage is subjected to appropriate security controls, including screening, after determining that the person is not on board; or
- (b) accept consignments of cargo, courier and express parcels or mail, in-flight catering and stores, company mail and materials for carriage on passenger flights, unless the security of the consignments is accounted for by a regulated agent, or the consignments are subjected to security controls to meet the appropriate security requirements.

(2) An aircraft operator who provides services in or from Uganda and an aircraft operator registered in Uganda and operating in a foreign State shall—

- (a) carry out and maintain, at an airport, on an aircraft and at any aviation facility under the control of the operator, security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation, and any other measures prescribed in the National Civil Aviation Security Programme and the Airport Security Programme;
- (b) ensure that—
 - (i) all its appropriate personnel are familiar with, and comply with the requirements of the Aircraft Operator Security Programme;
 - (ii) necessary precautions are taken at the point of embarkation to ensure that passengers are in possession of valid documents prescribed by the state of transit and destination for control purposes; and
 - (iii) all its aircraft carry a checklist of the procedures to be complied with for that type of aircraft in

searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aircraft may be the object of an act of unlawful interference;

- (c) be responsible for the security of their aircraft, including supervision of the movement of persons and vehicles to and from the aircraft in security restricted areas in order to prevent unauthorised access to aircraft;
- (d) ensure that persons engaged to implement security controls are subject to background checks, selection procedures and are adequately trained; and
- (e) institute measures to identify and remove any suspicious, restricted, prohibited, dangerous or hazardous items—
 - (i) before departure of an aircraft engaged in commercial flights;
 - (ii) after passengers have disembarked from an aircraft engaged in commercial flights; and
 - (iii) left behind by passengers disembarking from transit flights.

(3) The checklist in subregulation(2) (b) (iii) shall be supported by guidance on the appropriate course of action to be taken where a bomb or suspicious object is found in addition to the information on the least- risk bomb location specific to the aircraft.

(4) Commercial air transport operators shall only transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier and that all such baggage is recorded as meeting the criteria and is authorised for carriage on that flight.

39. Special protection for aircraft

(1) Notwithstanding regulation 38 (2) (c), an aircraft operator may request for special protection of their aircraft from an airport operator at a fee to be determined by the airport operator, where the aircraft operator perceives a threat against their aircraft.

(2) Where special protection is offered to an aircraft operator under subregulation (1), the protection shall be on terms and conditions determined by the airport operator.

(3) Operators of aircraft of a maximum certificated take-off mass in excess of 45,500 kg or with a passenger seating capacity greater than sixty and for which the application for certification was submitted on or after 1st March, 2000, shall make provisions during the design of the aircraft of a Least-Risk Bomb Location to minimise the effects of a bomb on the aircraft and its occupants.

40. Control of prohibited items or restricted articles

(1) A person shall not, subject to regulation 28, possess or have with him or her a prohibited item or restricted articles other than “tools of trade” authorised by the airport operator while—

- (a) in the airside or security restricted areas;
- (b) on board an aircraft; or
- (c) in an air navigation installation.

(2) The prohibited items referred to in subregulation (1) include—

- (a) firearms or firearms replicas, whether or not they can be discharged;
- (b) chemical, biological, radiological agents or nuclear weapons adapted or capable of being used for causing injury to or incapacitating persons or damaging or destroying property;
- (c) ammunition and explosives;

- (d) articles manufactured or adapted to have the appearance of explosives, whether in the form of a bomb, grenade or otherwise;
- (e) articles made or adapted for causing injury to or incapacitating persons or damaging or destroying property; and
- (f) any other dangerous article or substance or other item as may be prescribed by the authority.

41. Control of access to flight crew compartment

(1) An aircraft operator engaged in commercial air transport shall protect the flight crew compartment from unauthorised access during flight by implementing the following measures—

- (a) where a passenger-carrying aircraft of a maximum certificated take-off mass in excess of 45,500 kilograms or with a passenger seating capacity greater than sixty ensure that the aircraft is equipped with an approved flight crew compartment door designed to resist penetration by small fire arms and grenade shrapnel, to resist forcible intrusions by unauthorised persons and the door shall be capable of being locked and unlocked from either pilot's station;
- (b) where an aircraft is equipped with a flight crew compartment door, ensure that the door is capable of being locked and have means by which cabin crew can discreetly notify the flight crew in the event of suspicious activity are provided or security breaches in the cabin;
- (c) where an aircraft is not equipped with a flight crew compartment door, ensure the implementation of measures as appropriate to prevent unauthorised persons from entering the flight crew compartment during flight; or

- (d) where an aircraft is equipped with a flight crew compartment door in accordance with paragraph (b)—
 - (i) the door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and
 - (ii) shall enable monitoring from either pilot's station of the entire door area outside the flight crew compartment to identify persons requesting entry and to detecting for the purpose of suspicious behavior or potential threat.

42. Control of special categories of passengers

(1) Where passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, law enforcement officers shall inform the aircraft operator and the Pilot In Command in order that appropriate security controls can be applied.

(2) The aircraft operator shall inform the Pilot In Command of the number of armed or unarmed escort persons, the individuals whom they are escorting and their seat locations in the aircraft.

43. Authorised carriage of weapons on board aircraft

(1) The carriage of weapons on board an aircraft by law enforcement officers and other authorised persons, acting in the performance of their duties, shall be in accordance with the laws of Uganda.

- (2) Subject to subregulation(1), the authority may—
 - (a) approve, in writing, the carriage of weapons on board an aircraft by law enforcement officers and other authorised persons acting in the performance of their duties; or

(b) consider requests by a State to allow the travel of armed personnel, including in-flight security officers on board an aircraft of the requesting State, except that the authority shall not allow the travel of armed personnel under this regulation unless there is an agreement between both States relating to such travel.

(3) Notwithstanding subregulation (2), an aircraft operator may permit or refuse the carriage of weapons on board an aircraft in accordance with conditions issued by the authority.

(4) Where an aircraft operator accepts the carriage of weapons removed from passengers, the aircraft shall have provision for stowing the weapons so that they are inaccessible to passengers during flight time and, in the case of a firearm, to ensure that it is not loaded by an authorised and duly qualified personnel.

(5) Where Uganda deploys in-flight security officers—

(a) the officers shall be government personnel who are especially selected and trained, taking into account the safety and security aspects on board an aircraft; and

(b) the officers shall be deployed according to the threat assessment carried out by the relevant authority.

(6) The deployment under subregulation (5) shall be done in co-ordination with the concerned States and shall be kept strictly confidential.

Regulated Agents

44. Conditions for acceptance of cargo and mail for air transportation

(1) A regulated agent and Ground Handling Service Provider handling cargo and mail shall, before accepting cargo and mail for transport in an aircraft—

- (a) establish and register the name and address of the consignor;
- (b) establish the credentials of the person who delivers the cargo and mail as an agent of the consignor;
- (c) ensure, on the basis of appropriate security controls or security screening, that such cargo and mail does not contain any prohibited items;
- (d) ensure the safeguard of such cargo and mail from unauthorised interference after acceptance;
- (e) ensure that the cargo and mail are received by staff who are properly recruited and trained;
- (f) designate a person to implement and supervise the screening of the cargo and mail;
- (g) ensure that the following categories of cargo and mail are not carried by air unless they have been subjected to screening—
 - (i) unaccompanied baggage;
 - (ii) cargo and mail from unknown consignors; or
 - (iii) cargo and mail for which the contents do not coincide with the description delivered; and
- (h) ensure that each shipment of cargo and mail is accompanied by documentation providing the statement of the security status of the shipment.

(2) A regulated agent who offers cargo and mail to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator and the authority, on demand, shipping documents, records of cargo and mail accepted and offered for air transport, employee training records and airway bills.

(3) A regulated agent shall make available to the authority, a report of any incident where a shipping document did not provide an accurate record of the cargo and mail being offered for air transport.

(4) All cargo and mail intended for carriage on civil aviation flights shall be subjected to appropriate security controls by aircraft operators and regulated agents before being placed on board an aircraft.

45. Conditions for acceptance of hold baggage, cargo and mail, COMAT and COMAIL for air transportation

For the purposes of protecting passengers, crew members, aircraft and airports and preventing acts of unlawful interference with civil aviation, every aircraft operator shall establish measures to ensure that—

- (a) only screened hold baggage is loaded into an aircraft engaged in civil aviation;
- (b) all hold baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried and that if there are grounds to suspect that the integrity of the hold baggage may be jeopardised, the hold baggage is re-screened before being placed on board an aircraft;
- (c) persons engaged to implement security controls are subject to background checks, selection procedures and are adequately trained;
- (d) appropriate security controls, including screening where practicable, are applied to cargo and mail, prior to their being loaded onto an aircraft;
- (e) COMAT and COMAIL are subjected to appropriate security controls prior to placement on board an aircraft engaged in passenger commercial flights;

- (f) all cargo and mail to be carried on a commercial aircraft is protected from unauthorised interference from the point of screening or other security controls are applied until departure of the aircraft on which it is to be carried and if there are grounds to suspect that the integrity of cargo and mail may be jeopardised, the cargo and mail is re-screened before being placed on board an aircraft;
- (g) an airport operator, an aircraft operator or a regulated agent shall establish and maintain initial and recurrent dangerous goods training programmes and comply with the International Civil Aviation Organisation Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284 and any amendments which may be specified during a period of applicability of an edition; and
- (h) enhanced security measures apply to high-risk cargo and mail to appropriately mitigate the threats associated with it.

46. Security measures to be taken by aircraft operator

(1) An aircraft operator is responsible for ensuring that appropriate security controls have been carried out, and in so doing, the aircraft operator shall —

- (a) not accept cargo or mail for carriage on an aircraft engaged in commercial air transport operations unless the application of screening or other security controls is confirmed and accounted for by a regulated agent, a known consignor or an entity that is approved by the authority;
- (b) ensure that cargo and mail which cannot be confirmed and accounted for by a regulated agent, a known consignor or an entity approved by the authority is subjected to screening;
- (c) protect cargo and mail from unauthorised interference while it is in the custody of the aircraft operator;
- (d) ensure that all cargo and mail is secured to an appropriate level before being placed in the aircraft;

- (e) ensure that where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment;
- (f) ensure that all consignments placed on board the aircraft are recorded on the aircraft manifest;
- (g) ensure that cargo and mail that has been confirmed and accounted for is issued with a consignment security declaration and the security status which shall be indicated, either in an electronic format or in writing, the cargo and mail throughout the secure supply chain; and
- (h) ensure that transfer cargo and mail have been subjected to appropriate security controls prior to being loaded on an aircraft engaged in commercial air transport operations departing from the territory of Uganda.

(2) An aircraft operator may delegate any of the functions under subregulation (1) to a regulated agent.

(3) Notwithstanding the delegation of any functions to a regulated agent under subregulation (2), the aircraft operator shall remain responsible for ensuring that the appropriate security controls have been carried out.

(4) The aircraft operator or the regulated agent acting on behalf of an aircraft operator shall ensure that all consignments due to be loaded into an aircraft are —

- (a) delivered by an established employee or agent of the aircraft operator;
- (b) covered by valid documentation that has been checked for inconsistencies and fully describes the contents of the consignment;

- (c) covered by a valid consignment security declaration;
- (d) checked to establish that there is no evidence of tampering with the consignment;
- (e) kept secure until delivered into the aircraft operator's charge; and
- (f) subjected to the appropriate level of security screening.

(5) An aircraft operator shall make available to the authority, a report of any incident where an airway bill or equivalent document did not provide an accurate record of the goods being offered for air transport.

(6) An aircraft operator shall require a regulated agent to comply with International Civil Aviation Organisation Technical Instructions for the Safe Transportation of Dangerous Goods by Air Doc.9284.

(7) Appropriate security controls referred to in this regulation shall be as prescribed by the authority from time to time.

(8) An aircraft operator shall—

- (a) not transport the baggage of passengers who are not on board the aircraft unless the baggage is identified as unaccompanied and subjected to additional screening; or
- (b) transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that aircraft and ensure that such baggage is recorded as meeting the criteria under subregulation (1) and procedures for authorisation for carriage of hold baggage on that flight.

(9) An aircraft operator shall ensure that enhanced security measures are applied to high risk cargo and mail to appropriately mitigate the threats associated with it.

Catering Operators

47. Aviation security responsibilities of catering operator

(1) A catering operator shall, before accepting supplies and equipment for preparation as catering supplies for transport in an aircraft —

- (a) register the name and address of the supplier of the supplies and equipment with the authority;
- (b) establish the credentials of the person who delivers the supplies and equipment;
- (c) ensure, on the basis of appropriate security controls or security screening, that the supplies and equipment do not contain any prohibited items;
- (d) ensure the safeguarding of the supplies and equipment from unauthorised interference after acceptance;
- (e) ensure that the supplies and equipment are received by staff who are recruited and trained by the operator;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that catering stores and supplies are not carried by air unless they have been subjected to screening;
- (h) ensure that each shipment of catering stores and supplies is accompanied by documentation providing the statement of the security status of the shipment;
- (i) ensure that persons engaged to implement security controls are capable of fulfilling their duties and are adequately trained—
 - (i) background checks are completed in respect of persons implementing security controls, persons with unescorted access to security restricted areas

and persons with access to sensitive aviation security information prior to their taking up these duties or accessing such areas or information;

- (ii) recurrent background checks are applied to such persons at intervals defined by the appropriate authority; and
 - (iii) persons found unsuitable by any background check are immediately denied the ability to implement security controls, unescorted access to security restricted areas, and access to sensitive aviation security information;
- (j) ensure the safety of the catering supplies and stores against unlawful interference until the catering supplies and stores have been placed in the aircraft.

(2) A catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator and the authority, on demand, shipping documents, records of supplies and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.

48. Conditions for acceptance of catering stores and supplies for air transportation

(1) An aircraft operator shall accept catering stores and supplies for transport on an aircraft from a catering operator only.

(2) An aircraft operator shall, before accepting catering stores and supplies for transport on an aircraft, ensure —

- (a) that the catering stores and supplies have been subjected to appropriate security controls which may include screening;
- (b) that the shipments of catering supplies and stores are recorded; and

(c) that catering supplies and stores are delivered by an authorised employee of the catering operator.

(3) An aircraft operator shall not accept any catering supplies and stores for transport by an aircraft unless the documentation for those catering supplies and stores is examined for inconsistencies and is accompanied by a valid security declaration.

(4) An aircraft operator shall require a catering operator to comply with the International Civil Aviation Organisation Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284.

(5) An aircraft operator shall make available to the authority, a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport.

(6) An aircraft operator shall preserve, for not less than one year, a record of acceptance checklists and inspections carried out under regulation 48.

Critical Information and Communication Systems

49. Protection of critical information technology and communication systems

(1) The authority shall, in accordance with the risk assessment carried out by the relevant national authorities, ensure that measures are developed in order to protect critical information technology and communication systems used for civil aviation purposes from acts of unlawful interference that may jeopardise the safety of civil aviation.

(2) The entities responsible for the implementation of various aspects of the National Civil Aviation Security Programme shall identify their critical information technology and communication systems and data including threat and vulnerabilities and develop protective measures, including security by design, supply chain

security, network separation and remote access control as appropriate, for the safe and secure operation and availability of aviation activities.

PART V—MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

50. Prevention of acts of unlawful interference

(1) The authority shall take adequate measures, where reliable information exists that an aircraft may be subjected to an act of unlawful interference as follows—

- (a) where the aircraft is on the ground, to safeguard the aircraft and ensure that the aircraft is searched for concealed weapons, ammunition, explosives or other dangerous devices, articles or substances and prior notification of the search shall be provided to the operator concerned; or
- (b) where the aircraft is in flight, to provide as much prior notification as possible of the arrival of that aircraft to relevant airport authorities and air traffic services of the States and aircraft and airport operators concerned.

(2) The authority shall co-ordinate with the Uganda Police Force to ensure that arrangements are made to investigate, render safe or dispose of, if necessary, suspected dangerous devices or other potential hazards at airports.

(3) The authority shall ensure that authorised and suitably trained personnel are readily available for deployment at every airport serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference.

(4) The authority shall ensure that contingency plans are developed and resources made available to safeguard civil aviation against acts of unlawful interference and the contingency plans shall be tested on a regular basis.

(5) The authority shall ensure that the National Civil Aviation Security Programme defines processes for the reporting of information concerning incidents of acts of unlawful interference and preparatory acts thereto, by any entity responsible for the implementation of the National Civil Aviation Security Programme in a practical and timely manner to the relevant authorities, as appropriate.

51. Response by authority to acts of unlawful interference

The authority shall —

- (a) take appropriate measures for the safety of passengers and crew of an aircraft which is subjected to an act of unlawful interference while on the ground until their journey can be continued;
- (b) collect all pertinent information on the flight which is the subject of an act of unlawful interference, and transmit that information to all other States responsible for the Air Traffic Services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en-route and at the known, likely or possible destination of the aircraft;
- (c) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (d) to the extent practicable detain, on the ground an aircraft subjected to unlawful seizure which has landed in Ugandan territory unless its departure is necessitated by the overriding duty to protect human lives in making this decision consultations shall be made, where practicable, with the State of the Operator of the aircraft subjected to an act of unlawful seizure and notification to the States of assumed or stated destination;

- (e) notify the State of registry of an aircraft and the State of the operator of the landing aircraft subjected to an act of unlawful interference, and shall similarly transmit, by the most expeditious means, all other relevant information to—
 - (i) the State of registry and the State of the operator of the aircraft;
 - (ii) each State whose citizens suffered fatalities or injuries;
 - (iii) each State whose citizens were detained as hostages;
 - (iv) each State whose citizens are known to be on board the aircraft; and
 - (v) the International Civil Aviation Organisation;
- (f) ensure that information received as a consequence of action taken in accordance with paragraph (b) is distributed locally to the air traffic services units concerned, the appropriate airport administrations, the operator and others concerned as soon as practicable;
- (g) cooperate with other States for the purpose of providing a joint response in connection with an act of unlawful interference; and
- (h) when taking measures in Ugandan territory to free passengers and crew members of an aircraft subjected to an act of unlawful interference, shall use, as necessary, the experience and capability of the State of the Operator, State of manufacture and State of Registry of that aircraft.

52. Exchange of information and mandatory reporting

(1) The authority shall exchange information with other Contracting States as considered appropriate on the management of

response to an act of unlawful interference, at the same time supplying such information to International Civil Aviation Organisation.

(2) An operator shall, where an act of unlawful interference occurs, immediately notify the authority.

(3) An aircraft operator, pilot in command, airport operator or air navigation service provider shall submit to the authority—

- (a) a preliminary written report, within fifteen days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers; and
- (b) a written report, upon completion of investigations, within thirty days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers.

53. Notification to International Civil Aviation Organisation

(1) The authority shall, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with all pertinent information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved—

- (a) a preliminary report, within thirty days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and
- (b) a final report, within sixty days after completion of investigations.

(2) The reports in subregulation (1) (a) and (b) shall be in accordance with International Civil Aviation Organisation Doc 8973, Appendix 42- official report form.

(3) The authority shall provide copies of reports submitted to the International Civil Aviation Organisation under this regulation to other States which may have an interest.

PART VI— FACILITATION

54. Entering or departing aircraft

The authority shall coordinate with other relevant authorities in the application of narcotics control measures and procedures aimed at the efficient clearance of—

- (a) entering or departing aircraft; and
- (b) border controls for passengers and crew.

55. Travel document coordination

The authority shall liaise with a competent authority with regard to the issuance of all passports and other travel documents and shall ensure that they are machine readable in accordance with the specifications of International Civil Aviation Organisation Doc 9303.

56. Inspection of travel documents

The authority shall ensure that aircraft operators —

- (a) conduct an evaluation of travel documents presented by passengers, in order to deter fraud and abuse; and
- (b) take necessary precautions at the point of embarkation to ensure that persons are in possession of the documents prescribed by the competent authority and other relevant authorities of transit and destination for control purposes.

57. Entry and departure procedures and responsibilities

(1) The authority shall where applicable, liaise with a competent authority to ensure the seizure of—

- (a) fraudulent, falsified or counterfeit travel documents; and
- (b) travel documents of a person impersonating the rightful holder of the travel documents.

(2) The documents referred to in subregulation (1) shall be removed from circulation immediately and returned to the appropriate authority of the State named as issuer or to the resident diplomatic mission of that State, except in cases where the competent authority retains the documents for law enforcement purposes.

(3) The Appropriate Authorities of the State named as issuer or the diplomatic mission of that State shall be notified of documents retained by the competent authority that seized the travel document.

(4) The provisions referred to under subregulations (1), (2) and (3) shall be applied at any point during a passenger's journey, including at the point of departure (origin) and at transit or transfer points.

58. Advance passenger information

(1) Aircraft operators operating in the territory of Uganda shall provide advance passenger information to appropriate national authorities in order to detect the departure from their territories or attempted entry into or transit through their territories by means of civil aircraft.

(2) The authority shall ensure that internationally recognised standards for the transmission of advance passenger information are adhered to.

59. Identification and entry of crew and other aircraft operator personnel

The authority shall ensure that—

- (a) a crew member certificate is issued to a crew member after a background check has been carried out including—
 - (i) certification of the employment status of an applicant prior to issuance; and
 - (ii) the issuing of personnel controls and accounts for blank card stock; and

- (b) adequate controls on the issuance of crew member certificates and other official crew identity documents are put in place to prevent fraud.

60. Entry and departure of cargo

The authority shall coordinate with the relevant authority to ensure—

- (a) the use of risk management to determine the extent of examination of goods;
- (b) that programmes for authorised economic operators include measures that enhance security to create an environment for facilitative customs control measures;
- (c) the establishment of agreements or arrangements for the mutual recognition of respective authorised economic operators or equivalent programmes with other States;
- (d) the use of the available advance cargo information in subsequent import, export or transit customs procedures for the release and clearance of the goods;
- (e) the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by a competent authority, in connection with the arrival, stay and departure of an aircraft and air cargo, to a single window;
- (f) that all participants in the transport, handling and clearance of air cargo, simplify relevant procedures and documents and cooperate or participate directly in the development of electronic air cargo community systems using internationally agreed standards to enhance the exchange of information relating to traffic and assuring interoperability between the systems;
- (g) the establishment of special procedures for the expedited release or clearance of goods on pre-arrival or pre-departure of authorised persons meeting specified criteria, which may include an appropriate record of

compliance with official requirements and a satisfactory system for managing their commercial records; and

- (h) that goods not afforded the special procedures are released or cleared promptly on arrival, subject to compliance with customs and other requirements.

61. Inadmissible persons

Where a competent authority has reason to believe that an inadmissible person might offer resistance to his or her removal, the competent authority shall inform the aircraft operator concerned in advance of the scheduled departure so that the aircraft operator can take precautions to ensure the safety and security of the flight.

62. Deportees

(1) Where a competent authority removes a deportee from its territory, the competent authority shall assume all the obligations, responsibilities and costs associated with the removal.

(2) A competent authority shall, when making arrangements with an aircraft operator for the removal of a deportee, make available the following information within 24 hours before the scheduled time of departure of the flight—

- (a) a copy of the deportation order where applicable;
- (b) a risk assessment by the State or any other pertinent information that would help the aircraft operator assess the risk to the safety and security of the flight; and
- (c) the names and nationalities of any person escorting the deportee.

(3) The aircraft operator and or the pilot-in-command shall have the option to refuse to transport a deportee on a specific flight when reasonable concerns relating to the safety and security of the flight in question exist.

63. National Air Transport Facilitation Programme

There is established the National Air Transport Facilitation Programme based on the facilitation requirements on the Convention on International Civil Aviation and Annex 9 of the International Civil Aviation Organisation.

64. Composition of National Air Transport Facilitation Committee

(1) There is established a National Air Transport Facilitation Committee for the purpose of coordinating facilitation activities between departments, agencies and other organisations concerned with or responsible for various aspects of civil aviation operations.

(2) The National Air Transport Facilitation Committee shall be composed of senior officials representing the main interests involved in the various aspects of facilitation.

(3) The following persons from the entities specified below shall be members of the National Air Transport Facilitation Committee—

- (a) the ministry responsible for civil aviation;
- (b) the authority;
- (c) the ministry responsible for plant health, veterinary services and fisheries;
- (d) the department responsible for customs;
- (e) the department responsible for immigration services;
- (f) aviation police;
- (g) the ministry responsible for foreign affairs or protocol division;
- (h) the ministry responsible for trade;
- (i) the ministry responsible for health;
- (j) the ministry responsible for tourism;
- (k) ground handling agencies;

- (l) aircraft operators;
- (m) national intelligence agencies;
- (n) the ministry responsible for defence; and
- (o) the department responsible for regulation of communication.

65. Functions of National Air Transport Facilitation Committee

The functions of the National Air Transport Facilitation Committee shall include—

- (a) the implementation of the National Air Transport Facilitation Programme;
- (b) the facilitation of co-operation between all stakeholders in the airport environment;
- (c) the review of policy matters in relation to clearance formalities applied to international air transport services and ensuring that passengers and cargo are cleared through airports in accordance with best international practice;
- (d) the consideration of recommendations made by airport facilitation committees established at international airports;
- (e) making recommendations to the departments, relevant authorities and other organisations concerned with the National Air Transport Facilitation Programme;
- (f) keeping the departments, relevant authorities and other organisations concerned informed of significant developments in the field of international civil aviation, in so far as they affect operations into and out of a particular State;
- (g) addressing differences between national regulations and international standards of Annex 9-Facilitation;
- (h) advising on the use of new technology and integrating mechanisms to ensure the smooth passage of aircraft, passengers and cargo into and out of the State;

- (i) carrying out periodic inspection tours of airports to make assessment on facilitation matters;
- (j) coordination with the National Civil Aviation Security Committee on security aspects of facilitation;
- (k) coordination with the Directorate of Citizenship and Immigration control to ensure that accurate information about stolen, lost, and revoked travel documents, issued by the State of Uganda is promptly reported to International Criminal Police Organisation for inclusion in the Stolen and Lost Travel Documents-SLTD database; and
- (l) the authority in consultation with airport operators shall ensure that facilities and services provided at international airports are where possible, flexible and capable of expansion to meet traffic growth, an increase in security requirements arising from increased threat or other changes to support boarder integrity measures.

PART VII— OFFENCES AND PENALTIES

66. Offences committed at airports

- (1) A person who, at an airport or its related facilities—
 - (a) assaults, harasses, intimidates or threatens an aviation security officer or authorised person, whether physically or verbally, if the act interferes with the performance of or lessens the ability of the aviation security officer or authorised person to perform his or her duties;
 - (b) refuses to comply with a lawful instruction given by the airport operator or on behalf of the authority by an aviation security officer or authorised person for the purpose of ensuring the safety and security at the airport or of any person or property at the airport or for the purpose of maintaining good order and discipline at the airport;
 - (c) engages in an act of physical violence against an aviation security officer or authorised person on duty;

- (d) tampers or intentionally causes damage to or destroys property at an airport;
- (e) destroys an aircraft in service or causes damage to an aircraft which renders it incapable of flight or which is likely to endanger its safety in-flight;
- (f) takes hostages on board an aircraft on ground or at an airport;
- (g) forcefully enters an aircraft at an airport or on the premises of an aeronautical facility;
- (h) possesses or introduces on board an aircraft or at an airport a weapon or hazardous device or material intended for criminal purposes;
- (i) destroys or damages air navigation facilities or interferes with their operation, where any such act is likely to endanger the safety of the aircraft in-flight;
- (j) communicates 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 uses any device, substance or weapon—
 - (i) to commit an act of violence using any device, substance or weapon against a person at an airport serving international civil aviation, which causes or is likely to cause serious injury or death, if such an act endangers or is likely to endanger safety at that airport;
 - (ii) to tamper or destroy or causes serious damage to the facilities of an airport serving international and domestic civil aviation or aircraft not in service located thereon, or disruption of the services of the airport, if such an act endangers or is likely to endanger safety at that airport; or

- (1) operating physically or remotely interferes with the airline dispatch and loading system, abets or connives to commit an act which affects the normal operations of the facilities at an airport to include but not limited to, fuel siphoning from the aircraft, extortion, pilferage, deployment of screeners without certification,

commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding seven years, or both.

(2) An airport operator who fails to notify the authority or other party concerned of a threat under regulation 31 and 32 commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to a term of imprisonment not exceeding seven years, or both.

67. Offences committed on board aircraft

A person who, on board a civil aircraft—

- (a) assaults, harasses, intimidates or threatens a crew member or passenger whether physically or verbally, if the act interferes with the performance of or lessens the ability of the crew member to perform his or her duties;
- (b) disobeys a lawful instruction given by the aircraft Pilot-in-command or on behalf of the aircraft Pilot-in-command by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board;
- (c) unlawfully seizes an aircraft in flight or on the ground;
- (d) uses an aircraft for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;
- (e) commits an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft; or

- (f) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to the aircraft that renders it incapable of flight or that is likely to endanger its safety in flight,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred seventy five currency points or to a term of imprisonment not exceeding six years.

68. Offences jeopardising good order and discipline on board aircraft

- (1) A person commits an offence who on board an aircraft—
 - (a) engages in an act of physical violence against a person, sexual assault or child molestation;
 - (b) assaults, intimidates or threatens another person, whether physically or verbally;
 - (c) intentionally causes damage to or destroys property;
 - (d) consumes alcoholic beverages or drugs resulting in intoxication;
 - (e) engages in a disorderly conduct including but not limited to, becoming a public nuisance or exhibiting unruly behaviour; or
 - (f) endangers the safety of the aircraft or of any person on board or if such an act jeopardises the good order and discipline on board the aircraft.

(2) A person who commits an offence under subregulation(1) is liable, on conviction, to a fine not exceeding one hundred seventy five currency points or to imprisonment for a term not exceeding six years, or both.

69. Other offences committed on board aircraft

A person who, on board an aircraft —

- (a) smokes in a lavatory or elsewhere in the aircraft;
- (b) tampers with a smoke detector or any other safety- related device on board the aircraft; or
- (c) operates a portable electronic device when such act is prohibited,

commits an offence and is liable on conviction, to a fine not exceeding fifty currency points or to a term of imprisonment not exceeding one year, or both.

70. Possession of prohibited items or restricted articles

A person who is in unlawful possession of a prohibited item or restricted article at an airport, in a security restricted area, on board an aircraft or at an airport navigation installation or who has with him or her a prohibited item or restricted article contrary to regulation 40 commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding four years, or both.

71. Entering Security Restricted Areas

A person who, without lawful authority enters a security restricted area commits an offence and is liable on conviction, to a fine not exceeding one hundred currency points or to a term of imprisonment for a term not exceeding four years, or both.

72. Offences relating to airport security permits

- (1) A person who —
 - (a) for the purpose of or in connection with, an application for the issue of an airport security permit; or
 - (b) in connection with continuing to hold an existing airport security permit,

makes a statement which he or she knows to be false in a material particular or makes a statement which is false in a material particular, commits an offence and is liable, on conviction to a fine not exceeding

thirty currency points or to a term of imprisonment not exceeding one year, or both.

(2) A person who uses an airport security permit to gain access to an aircraft, an area of an airport or an air navigation installation when he or she is not entitled to such access or not on official duty, commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to a term of imprisonment not exceeding one year, or both.

(3) A person who uses a false or unauthorised airport security permit for the purposes of gaining access to a security restricted area or to an air navigation installation commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding four years, or both.

(4) A person who—

- (a) fails to comply with any conditions applying to an airport security permit;
- (b) fails to display an airport security permit upon being required to do so by an Aviation Security Officer or authorised person;
- (c) fails to return an airport security permit promptly following its expiry or upon his or her becoming no longer authorised to possess it;
- (d) continues using an airport security permit after it has expired;
- (e) uses a valid permit after he or she is no longer authorised to possess the permit; or
- (f) duplicates the airport security permit with the intention to access the airside and security restricted area,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding four years, or both.

(5) A person who —

- (a) being a holder of an airport security permit, transfers, lends, gives or sells his or her permit to another person to gain access to an aircraft, a security restricted area or an air navigation installation when he or she is not authorised to gain such access; or
- (b) being a person authorised by the authority to issue security permits, issues a security permit to a person who is not authorised to be issued with such a permit to gain access to an aircraft, a security restricted area or an air navigation installation,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to a term of imprisonment not exceeding four years, or both.

73. Failure to establish and maintain security programmes

A person who operates without a security programme referred to in regulations 15, 16, 17, 18, 19 and 25 or fails to implement a security programme or a training programme commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding four years, or both.

74. Obstructing authorised persons

A person who —

- (a) obstructs a person acting under a power conferred by these Regulations;
- (b) pretends to be a person acting under a power conferred by these Regulations; or
- (c) refuses to obey any order or reasonable request of a police officer or an aviation security officer, acting in the execution of his or her duty,

commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding four years, or both.

75. Offences by body corporate

(1) Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of—

- (a) any director, manager, secretary or similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity, that person, as well as the body corporate,

commits an offence and is liable to be prosecuted and punished accordingly.

(2) A person who commits an offence under subregulation (1), is liable on conviction either in substitution for or in addition to the fine prescribed under the relevant regulation to imprisonment not exceeding the equivalent of imprisonment to the fine prescribed by the relevant section calculated on the basis of one hundred and twenty currency points being equivalent to imprisonment for five years.

76. Failure to comply with circulars, notices, directives, orders and Regulations

A person who contravenes any circulars, notices, directives, orders, rules, instructions or any other specific operating requirements containing details to ensure the consistent application of aviation security measures and these Regulations commits an offence and is liable on conviction, except where any other penalty is provided, to a fine not exceeding thirty currency points or to a term of imprisonment not exceeding one year, or both.

77. Jurisdiction

(1) Uganda shall have jurisdiction over any act constituting an offence under regulations 50(1) (b) 72, 73 and 74 if the act took place on board—

- (a) an aircraft registered in Uganda;
- (b) an aircraft leased, with or without crew, to a lessee whose principal place of business is in Uganda or, if the lessee does not have a principal place of business, whose permanent residence is in Uganda;
- (c) an aircraft on or over the territory of Uganda; or
- (d) any other aircraft in flight outside Uganda, if the next landing of the aircraft is in Uganda, and the Pilot-In-Command has —
 - (i) delivered the suspected offender to the competent authorities in accordance with regulation 80 (3);
 - (ii) requested Uganda to prosecute the suspected offender; and
 - (iii) affirmed that no similar request has been or will be made by the Pilot-In-Command or the aircraft operator to any other contracting State.

(2) For the purposes of this regulation, an aircraft is deemed to be “in flight” at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and in the case of forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

PART VIII—ENFORCEMENT OF REGULATIONS

78. Unidentified baggage

Where a police officer or an aviation security officer has reasonable cause to suspect that an item of baggage or any other object may constitute a security risk, whether because it is suspicious, unidentified or unattended or for any other reason, that officer may, after subjecting the baggage to security controls, including rendering safe, investigation

and evaluation to ascertain the absence of explosives, remove the item of baggage or object and destroy it.

79. Power to stop passengers travelling

Where a police officer or an aviation security officer has reasonable cause to suspect that a person—

- (a) is about to embark on an aircraft in Uganda; or
- (b) is on board an aircraft in Uganda,

and that, that person intends to commit an offence that amounts to an act of unlawful interference, the police officer may, with the approval of the police officer in charge at the airport or in case of an aviation security officer, with the approval of the officer in charge of the airport, prohibit that person from travelling on board the aircraft by—

- (i) preventing him or her from embarking on the aircraft;
- (ii) removing him or her from the aircraft; or
- (iii) in case of aviation security officer, arresting him or her without a warrant and immediately handing him or her to the police for appropriate action.

80. Powers and responsibilities of Pilot-In-Command

(1) The Pilot-In-Command shall have the power and responsibility and where necessary seek assistance from crew or passengers to—

- (a) protect the safety of persons and property on board;
- (b) restrain persons on board who may be a threat to safety;
- (c) disembark persons who may be a threat to safety;
- (d) search persons and baggage on an aircraft and take possession of items which could be used in connection with any act of unlawful interference;
- (e) notify authorities of Uganda as soon as practicable, before landing, in the territory of Uganda; and

- (f) provide the authorities of Uganda with evidence and information regarding the incident that necessitated the restraint or disembarkation of a passenger.

(2) In case of a severe threat to safety by a disruptive or unruly passenger on board, the Pilot-In-Command may land at the nearest suitable airport and disembark the passenger in consultation with the local authorities.

(3) The police or person in charge of the airport shall accept delivery of a person disembarked in accordance with subregulation (2) for appropriate action.

81. Powers of Aviation Security Officer

An aviation security officer shall have the power to—

- (a) screen mail, cargo, supplies catering stores and supplies, persons and their personal effects, hold baggage, carry-on baggage and vehicles;
- (b) prevent unauthorised persons and vehicles from accessing a security restricted area;
- (c) prevent unauthorised persons from accessing aircraft; and
- (d) arrest any person who commits or attempts to commit an offence under these Regulations.

82. Power to exempt

(1) The authority may exempt any person to whom these Regulations apply from the application of these Regulations except that the exemption shall not violate the standards prescribed by the International Civil Aviation Organisation, international laws, International Conventions, Protocols and UN resolutions.

(2) The authority may exempt any airport or category of airports to which these Regulations apply from the application of these Regulations and may impose conditions for such exemptions.

(3) An exemption granted under subregulation (1) or (2) shall be published in the Gazette and in a newspaper of wide circulation in Uganda within fourteen days after it is granted.

83. Power to enforce compliance

(1) The authority or any authorised person may, for purposes of ensuring the implementation of the National Aviation Security Quality Control Programme or the requirements of the National Civil Aviation Security Programme, or any other operator security programme, or requirements set out under these Regulations, and without prejudice to the provisions of Part VIII of these Regulations, adopt measures and procedures for aviation security monitoring and enforcement approved by the National Aviation Security Committee.

(2) The procedures referred to in subregulation (1) shall establish enforcement to ensure rectification of any matter, including but not limited to the following—

- (a) failure to comply with any order, circular, rules or directive and instructions issued under these Regulations;
- (b) failure to comply with any requirement set out under the National Civil Aviation Security Programme or the respective operator security programme;
- (c) failure to comply with an oversight recommendation made by the authority; or
- (d) failure to take into account unique or exceptional circumstances which, although not expressly provided under the National Civil Aviation Security Programme, or the respective operator security programme may expose an airport, air navigation services providers facility, aircraft or catering facility to risk.

(3) The authority or any authorised person may, without limiting the generality of this regulation, issue infringement notices set out in Part IX of these Regulations for serious or prolonged breaches of security or failure to rectify security lapses that may endanger the safety of civil aviation.

(4) An infringement notice may require that the operations of a particular operator be halted until the breach has been rectified.

PART IX—INFRINGEMENT NOTICES

84. Purpose and effect of infringement notices

(1) The purpose of this Part is to create a system of infringement notices for offences against these Regulations as an alternative to prosecution.

(2) “Infringement notice” means an express penalty issued by the authority to a person who commits an offence under these Regulations as an alternative to prosecution.

(3) This Part does not—

- (a) require an infringement notice to be issued to a person for an offence;
- (b) affect the liability of a person to be prosecuted for an offence if an infringement notice is not issued to the person for the offence;
- (c) prevent the issue of two or more infringement notices to a person for an offence; or
- (d) affect the liability of a person to be prosecuted for an offence if the person does not comply with an infringement notice for the offence.

85. Penalty payable under infringement notice

The penalty for an offence payable under an infringement notice issued to the person for the offence is one-fifth of the maximum penalty that a court may impose on the person for the offence.

86. Authorised person to issue infringement notice

(1) Where an authorised person has reason to believe that a person has committed an infringement notice offence, the authorised person may issue an infringement notice, to the person for the offence.

(2) An authorised person who improperly issues an infringement notice or who issues an infringement notice for any purpose other than to ensure aviation security commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding four years or both.

87. Issue of infringement notice

- (1) An infringement notice shall—
- (a) bear a unique number;
 - (b) state the name of the authorised person who issued it;
 - (c) state the date of issue;
 - (d) state the full name or the surname and initials, and the address, of the person to whom it is issued;
 - (e) give brief details of the offence for which it is issued, including—
 - (i) the date and time of commission of the offence;
 - (ii) where the offence was committed; and
 - (iii) the provision of these Regulations contravened;
 - (f) state the penalty for the offence payable under the notice;
 - (g) state where and how that penalty can be paid including, if the penalty can be paid by posting the payment, the place to which it should be posted;
 - (h) state that if the person to whom it is issued pays the penalty within twenty-eight days after the day on which the notice is served, or any longer time allowed in writing by an authorised person, then, unless the infringement notice is subsequently withdrawn and any penalty paid refunded—
 - (i) any liability of the recipient for the offence shall be discharged;

- (ii) the recipient shall not be prosecuted in a court for the offence; and
 - (iii) the recipient shall not be taken to have been convicted of the offence;
 - (i) state the greatest penalty that a court could impose on the recipient for the offence;
 - (j) state that if the recipient is prosecuted in court and found guilty of the offence, the recipient may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order that the court makes;
 - (k) state how and to whom the recipient can apply to be allowed more time to pay the penalty; and
 - (l) be signed by the authorised person who issued it.
- (2) An infringement notice may contain any other information that the authorised person issuing it deems necessary.

88. Service of infringement notice

(1) An infringement notice shall be made directly to the person addressed in the infringement notice, unless he or she has an agent empowered to accept service, in which case service on the agent shall be sufficient.

(2) Where the person addressed in the infringement notice cannot be found, service may be made by an agent of the person addressed who is empowered to accept service or on any adult member of the family of the person addressed in the infringement notice, who is residing with him or her.

(3) Where the authorised officer, after using all due and reasonable diligence, cannot find the person to be served, or any person on whom service can be made, the authorised officer shall affix a copy of the infringement notice on the outer door or some other conspicuous part of the house in which the person to be served ordinarily resides or

carries on business or personally works for gain, and shall then return the original to the authority with a report endorsed on it or annexed to it stating that he or she has so affixed the copy, the circumstances in which he or she did so, and the name and address of the person, if any, by whom the house was identified and in whose presence the copy was affixed.

(4) An authorised officer shall, in all cases in which the infringement notice has been served under these Regulations, fill out a report of such service or annex or cause to be annexed to the original infringement notice, a report stating the time when and the manner in which the infringement notice was served, and the name and address of the person, if any, identifying the person served.

(5) Where for any reason the infringement notice cannot be served in the ordinary way, the authority may order the authorised officer to serve the infringement notice by affixing a copy in a conspicuous place on the notice board of the authority, and also upon a conspicuous part of the house, if any, in which the person to be served is known to have carried on business or personally worked for gain, or in such other manner as the authority deems fit.

(6) Substituted service under subregulation (5) shall be as effectual as if it had been made on the person to be served personally.

(7) An infringement notice may be served on a corporation—

- (a) by leaving it at, or by sending it by registered post or address to the head office, a registered office or a principal office of the Corporation; or
- (b) by giving it, at an office mentioned in paragraph (a), to someone who is, or to whom the authorised person who issued it has reason to believe is, an officer or employee of the Corporation.

89. Time for payment of penalty

The penalty stated in an infringement notice shall be paid—

- (a) within twenty-eight working days after the day on which the notice is served on the person to whom it is issued;
- (b) if the person applies for a further period of time in which to pay the penalty, and that application is granted, within the further period allowed;
- (c) if the person applies for a further period of time in which to pay the penalty and the application is refused, within seven days after the notice of the refusal is served on the person; and
- (d) if the person applies for the notice to be withdrawn and the application is refused, within twenty-eight working days after the notice of the refusal is served on the person.

90. Extension of time to pay penalty

(1) The person to whom an infringement notice is issued may apply, in writing, to the authority for a further period of up to twenty-eight days in which to pay the penalty stated in the notice.

(2) The authority shall, within fourteen days after receiving the application —

- (a) grant or refuse a further period not longer than the period sought; and
- (b) notify the recipient in writing of the decision and, if the decision is a refusal, the reasons for it.

(3) Notice of the decision may be served on the recipient in any manner in which the infringement notice could have been served on the recipient.

91. Effect of payment of penalty

(1) Where an infringement notice is not withdrawn, and the person to whom it is issued pays the penalty stated in the notice —

- (a) any liability of the person for the offence is discharged;
- (b) the person shall not be prosecuted in a court for the offence; and
- (c) the person is not taken to have been convicted of the offence.

(2) Where two or more infringement notices are issued to a person for the same offence, the person's liability to be prosecuted for the offence ceases if the person pays the penalty stated in any of the notices.

92. Withdrawal of infringement notice

(1) A person may apply in writing to the authority, before the end of twenty eight days after receiving an infringement notice, for the infringement notice to be withdrawn.

(2) The authority shall, within fourteen days after receiving the application—

- (a) withdraw or refuse to withdraw the notice; and
- (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for the decision.

(3) Where the authority has not approved, or refuses to approve, the withdrawal of the notice within the period allowed by subregulation (2), the authority is taken to have refused to approve the withdrawal of the notice.

(4) The authority shall, before withdrawing or refusing to withdraw a notice, consider —

- (a) whether the person has been convicted previously of an offence against these Regulations;
- (b) the circumstances of the offence stated in the notice;
- (c) whether the person has previously paid a penalty under an infringement notice issued to the person for an offence of the same type as the offence mentioned in the notice; and
- (d) any other relevant matter.

(5) The authority may withdraw an infringement notice without an application having been made.

93. Notice of withdrawal of infringement notice

(1) Notice of the withdrawal of an infringement notice may be served on a person in any manner in which the infringement notice could have been served on the person.

(2) A notice withdrawing an infringement notice served on a person for an offence—

(a) shall include the following information—

(i) the full name or surname and initials and address of the person;

(ii) the number of the infringement notice; and

(iii) the date of issue of the infringement notice;

(b) shall state that the notice is withdrawn; and

(c) shall if the authority intends to prosecute the person in court for the offence, state that the person may be prosecuted in court for the offence.

94. Refund of penalty

Where an infringement notice is withdrawn after the penalty stated in it has been paid, the authority may refund the amount of the penalty to the person who paid it, within sixty days after the withdrawal of the notice.

PART X— REVOCATION AND SAVINGS

95. Revocation of S.I No. 24 of 2017 and savings

(1) The Civil Aviation (Security) Regulations, 2017 are revoked.

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

SCHEDULE

*Regulations 6, 66, 67, 68, 69, 70, 71,
72, 73, 74, 75 and 76*

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

GEN. EDWARD KATUMBA – WAMALA (MP)
Minister of Works and Transport