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## **INTERIM REGULATORY DIRECTIVE (IRD)**

A Directive by the UCAA on 09-09-2024

### **REQUIREMENTS FOR WET LEASE OF AIRCRAFT**

This Interim Regulatory Directive is issued for regulatory purposes pursuant to Section 15 (k) of the Civil Aviation Authority Act Cap. 348 as amended.

Under the powers conferred by Section 15 (k) of the Civil Aviation Authority Act as amended, the Director General of Uganda Civil Aviation Authority hereby issues this directive to give effect and guidance on the implementation of regulation 28 of the Civil Aviation (Air Operator Certification and Administration) Regulations, 2022 Statutory Instrument 34 dated 12<sup>th</sup> August 2022 as follows:

#### **1) Considerations**

Lease of Foreign Aircraft - It is essential that persons considering embarking on an aircraft lease arrangement understand the respective responsibilities of the State of Registry and the State of the Operator. A lease agreement is an essential element of the leasing process.

#### **2) The Aircraft Lease Agreement**

An AOC holder shall not operate a foreign registered aircraft unless the Authorities of the States of the Lessor and Lessee have accepted the lease arrangement.

In addition, there must be an acceptable current lease agreement between the Lessor and Lessee detailing the terms of lease arrangement.

The Aircraft Lease Agreement shall include as a minimum, the following details.

- a. Details of the lessor, lessee, and clear distinctions of their roles.
- b. The aircraft identity by make/model, nationality, registration number and manufacturer's serial number.
- c. The effective dates of the lease.
- d. The person responsible for operational control.
- e. The person responsible for maintenance control.
- f. The State Safety Regulations - Operations and Airworthiness - under which the aircraft shall be operated and maintained.
- g. The Approved Maintenance Organisation responsible for maintaining the aircraft in

- accordance with the Airworthiness requirements.
- h. The person responsible for keeping the aircraft maintenance records.
  - i. The Approved Maintenance/Inspection program, including the Schedule the aircraft shall be maintained.
  - j. Acknowledgement that the State Authorities shall have unrestricted access to the aircraft at any place and any time.

### **3) Determination of Responsibilities**

(1) The Authority shall make a decision as to whether the aircraft should be operated under the lessor's AOC and associated operations specifications, or whether it should be operated under the authority of the lessee as agreed upon by the authorities of the two States of the lessor and lessee.

(2) Where an AOC holder enters a wet arrangement and the lessor also provides the flight crew, maintenance, and fuel for the aircraft the lessor is regarded as the Operator.

(3) Where the lessor charges for the use of the aircraft and related service, the operation of the aircraft remains subject to the applicable regulations of the State of the Operator.

(4) Operational control of the aircraft shall remain a responsibility of the lessor even where the lease is characterized in terms expressly stating that services such as flight following, communications weather information and fuel provision, are to be performed by the lessee.

(5) In a wet lease arrangement, the lessor is responsible for operational control and accountable for the aircraft safety.

### **4) Operational Control by the Lessee**

(1) Where in a wet lease arrangement it is determined that the lessee will be the operator and responsible for operational control of a wet leased aircraft, the Authority of the lessor should have formally accepted to transfer such responsibility.

(2) It should have been established by the Lessor's or Lessee's Authorities that the lessee can effectively maintain operational control of the aircraft. In such a case, key critical conditions to consider before approving the proposed wet lease include:

- a) establishment by the responsible Authorities that the lessee can effectively maintain operational control of the aircraft.
- b) the Authority of the lessor to formally accept to transfer safety oversight responsibility of the aircraft type by Authority of the State of lessee.
- c) establishment by the responsible Authorities that the lessee can effectively maintain operational control of the aircraft.
- d) The lessee's capability and capacity to hold and maintain effective operational control under the terms of the lease agreement.
- e) Training and supervision of the flight crew, including how they are to be integrated into the lessee's operations.

(3) In case the state of registry agrees to transfer some or all the responsibilities for airworthiness to the Authority under Article 83bis of the Chicago Convention, the Civil

Aviation (Airworthiness of Aircraft) Regulations shall apply to the extent agreed upon by the Authority and the State of Registry.

**For Further Information**

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