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

2014 No. 63.

**THE CIVIL AVIATION (AIR NAVIGATION SERVICES)
REGULATIONS, 2014**

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

2014 No. 63.

The Civil Aviation (Air Navigation Services) Regulations, 2014.

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

IN EXERCISE of the powers conferred upon the Minister by sections 34(2) and 61 of the Civil Aviation Authority Act, Cap.354, and on the recommendation of the Civil Aviation Authority, these Regulations are made this. 6th day of June, 2014.

PART I—PRELIMINARY.

1. Title.

These Regulations may be cited as the Civil Aviation (Air Navigation Services) Regulations, 2014.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time a person boards the aircraft with the intention of flight until such time as all such person has disembarked—

- (a) a person is fatally or seriously injured as a result of—
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast,

except when the injuries are from natural causes, self inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

- (b) the aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - (ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or

- (c) the aircraft is missing or is completely inaccessible;

“accuracy” means a degree of conformance between the estimated or measured value and the true value;

“Act” means Civil Aviation Act, Cap 354;

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

“aeronautical information” means information resulting from the assembly, analysis and formatting of aeronautical data;

“Aeronautical Information Circular (AIC)” means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the Aeronautical Information Publication, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

“Aeronautical Information Publication (Aeronautical Information Publication)” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

- “Aeronautical Information Publication Amendment” means permanent change to information contained in the Aeronautical Information Publication;
- “Aeronautical Information Publication Supplement” means temporary changes to the information contained in the Aeronautical Information Publication which are published by means of special pages;
- “Aeronautical Information Service (AIS)” means a service established within the defined area of coverage responsible for the provision of aeronautical information or data necessary for the safety, regularity and efficiency of air navigation;
- “Aeronautical Information Regulation and Control (AIRC)” means a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;
- “aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
- “Air Navigation services” includes air traffic management, communication, navigation and surveillance, meteorological services for air navigation, search and rescue and aeronautical information services;
- “Air Navigation services facility” means any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft and any combination of such facilities;
- “Air navigation services provider” means an independent entity established for the purpose of operating and

managing air navigation services and empowered to manage and use the revenue it generated to cover its costs;

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

“air traffic service” means a generic term meaning variously, flight information service, alerting service, air traffic control service (area control service, approach control service or aerodrome control service);

“air traffic control service” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft;
 - (ii) on the manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

“assemble” means a process of merging data from multiple sources into a database and establishing a baseline for subsequent processing;

“ATS route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“Authority” means Civil Aviation Authority;

“authorised person” means any person authorized by the Authority either generally or in relation to a particular case or class of cases and any reference to an authorized person includes reference to the holder for the time being of an office designated by the Authority;

- “certificate” means the certificate for the provision of Air Navigation Services issued by the Authority under Part II of these Regulations;
- “control area” means a controlled airspace extending upwards from a specified limit above the earth;
- “control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- “controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;
- “controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;
- “controlled flight” means any flight which is subject to an air traffic control clearance;
- “cyclic redundancy checks (CRC)” means a mathematical algorithm applied to the digital expression of data that provides a level of assurance against loss or alteration of data;
- “danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;
- “data link communications” means a form of communication intended for the exchange of messages via a data link;
- “data quality” means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;
- “data set” means identifiable collection of data;

“designated service provider” means a person or organization designated by the Authority to provide services in accordance with these regulations;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

“flight information centre” means a unit established to provide flight information service and alerting service;

“flight information region” means airspace of defined dimensions within which flight information service and alerting service are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;

“forecast” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“human factor principles” means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.

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

“Integrated Aeronautical Information Package” means a package which consists of the following elements—

- (a) Aeronautical Information Publication, including amendment service;
- (b) supplements to the Aeronautical Information Publication;
- (c) NOTAM and PIB;
- (d) AIC; and
- (e) checklists and lists of valid NOTAM;

“integrity (aeronautical data)” means a degree of assurance that an aeronautical data and its value has not been lost nor altered since the data origination or authorized amendment;

“International NOTAM office” means an office designated by a State for the exchange of NOTAM internationally;

“metadata” means data about data;

“meteorological office” means an office designated to provide meteorological service for international air navigation;

“NOTAM” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

“obstacle” means All fixed (whether temporary or permanent) and mobile objects, or parts thereof, that—

- (a) are located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or

(c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation.

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“Performance Based Navigation (PBN)” means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

“prescribed” means prescribed by the Authority in the Manual of ANS Standards, Circulars, Orders, Aeronautical Publications and any other documents;

“printed communications” means communications which automatically provide a permanent printed record at each terminal of a circuit of all messages which pass over such circuit;

“prohibited area” means an airspace of defined dimensions, above the land areas or territorial waters of the State, within which the flight of aircraft is prohibited;

“quality assurance” means part of quality management focused on providing confidence that quality requirements will be fulfilled;

“quality control” means part of quality management focused on fulfilling quality requirements;

“quality management” means coordinated activities to direct and control an organization with regard to quality;

“quality system” means the organisational structure, procedures, processes and resources needed to implement quality management;

“reduced vertical separation minima airspace” means the portion of airspace between flight level 290 and flight level 410 within which vertical separation of 1000ft is applicable;

“Required Communication Performance (RCP)” means a statement of the performance requirements for operational communication in support of specific ATM functions;

“required communication performance type means a label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity;

“rescue” means an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of the State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“Runway Visual Range (RVR)” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“search” means an operation normally co-ordinated by a rescue co-ordination centre or rescue sub-centre using available personnel and facilities to locate persons in distress;

“Search and Rescue Service” means the performance of distress monitoring, communication, co-ordination and search and rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including cooperating aircraft, vessels and other craft and installations;

“terrain” means the surface of the Earth containing naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent ice and snow, and excluding obstacles.

“traceability” means the ability to trace the history, application or location of that which is under consideration;

“validation” means the confirmation, through the provision of objective evidence, that the requirements for a specific intended use or application have been fulfilled; and

“verification” means the confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.

3. Application.

(1) These Regulations shall apply to a person providing air navigation services within designated air spaces and at aerodromes.

(2) These Regulations shall not apply to a person providing air navigation services in the course of his or her duties for state aircraft.

PART II—CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDER

4. Requirements for the provision of air navigation services.

A person shall not provide air navigation services unless—

- (a) he or she holds a certificate issued under these Regulations; and

- (b) the services are provided in accordance with—
 - (i) the requirements prescribed by the Authority; and
 - (ii) the procedures specified in the Manual of Air Navigation Service Operations.

5. Application for certificate.

A person applying for the certificate specified in regulation 4 shall make an application in a form prescribed by the Authority and such application shall be accompanied by—

- (a) the applicant's Manual of Air Navigation Service Operations provided under regulation 16(1) for approval;
- (b) a written statement setting out the services and locations at which they shall be provided;
- (c) the safety management system manual;
- (d) the quality management system manual;
- (e) the procedures to meet the requirements of the Civil Aviation (Security) Regulations, 2014 and National Civil Aviation Security Programme;
- (f) a written statement on financial capability to provide the service where applicable;
- (g) the insurance policy in force in relation to the services provided; and.
- (h) fees as prescribed by the Authority.

6. Issuance of certificate.

- (1) The Authority shall, before issuing a certificate, be satisfied that—
 - (a) the personnel of the applicant are adequate in number and have the necessary competency to provide the service;
 - (b) the Manual of Air Navigation Service Operations prepared and submitted with the application contains all the relevant information;

- (c) the facilities, services and equipment are established in accordance with these Regulations;
- (d) the operating procedures make satisfactory provision for the safety of aircraft;
- (e) an acceptable safety management system is in place;
- (f) an approved quality management system is in place;
- (g) the applicant meets the requirements of the Civil Aviation (Security) Regulations, 2014 and National Civil Aviation Security Programme;
- (h) the applicant has financial capability to provide the service; and
- (i) the applicant has insurance policy in force in relation to the services provided.

(2) Subject to sub regulation (1), the Authority may set any other conditions as may be deemed necessary.

(3) The issuance of a certificate shall be subject to compliance with these Regulations and any other condition as may be specified or notified by the Authority.

(4) The Authority may refuse to grant a certificate to an applicant and where the Authority refuses, it shall notify the applicant in writing, of the reasons for the refusal, not later than fourteen days after making that decision.

7. Contents of the certificate.

A certificate shall include the following information—

- (a) the holder's name and physical and mailing address of its principal place of business;
- (b) the type of services to be provided
- (c) the location of services to be provided;

- (d) for air traffic service the service to be provided within a particular airspace or controlled aerodrome designated to the provider by the Authority;
- (e) conditions of approval; and
- (f) effective and expiry dates of the certificate.

8. Validity of a certificate.

A certificate shall be valid for a period of two years from the date of issuance, unless surrendered, suspended or cancelled in accordance with these Regulations.

9. Renewal of certificate.

(1) An application for the renewal of a certificate shall be made in a form prescribed by the Authority and shall be accompanied by—

- (a) the Manual of Air Navigation Service Operations if significant changes have been made following the initial certification; and
- (b) the fee as prescribed by the Authority where applicable.

(2) The application shall be submitted to the Authority not less than 60 working days before the expiry of the certificate.

(3) The renewal of a certificate shall be subject to compliance with these Regulations and any other conditions as may be specified or notified by the Authority.

10. Surrender of certificate.

(1) Subject to sub-regulation (2) and any conditions prescribed by the Authority, a holder of a certificate may surrender the certificate to the Authority at any time.

(2) A holder of a certificate who wishes to surrender the certificate shall give the Authority not less than one hundred eighty days notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in sub-regulation (2), air navigation service provider shall not provide the services unless authorised to do so by the Authority.

11. Amendment of certificate.

(1) The Authority may amend a certificate upon—

- (a) application made by a holder of a certificate in a form prescribed by the Authority; or
- (b) the Authority's initiative, where the Authority deems necessary.

(2) A holder of a certificate applying to the Authority for amendment of a certificate under sub-regulation (1) (a) shall-

- (a) attach to the application form, two copies of the proposed amendments in the Manual of Air Navigation Service Operations; and
- (b) pay such fee as may be prescribed by the Authority.

(3) Where the Authority initiates amendments under sub-regulation (1)(b), the holder of a certificate shall make amendments in the Manual of Air Navigation Service Operations accordingly.

12. Display of certificate.

(1) The holder of a certificate shall display the certificate or a copy of the certificate, in a conspicuous place, generally accessible to the public at the holder's principal place of business.

(2) Where a copy of the certificate is displayed under sub regulation (1), the holder of the certificate shall produce the original certificate to the Authority for inspection if requested to do so.

13. Transfer of certificate.

A certificate issued under these Regulations shall not be transferable.

14. Suspension, variation and cancellation of certificates.

(1) The Authority may, suspend provisionally, pending further investigation, any certificate issued under these Regulations, if it considers that—

- (a) a relevant provision of the Act or these Regulations, or a condition in the certificate, has not been or is not being complied with;
- (b) false or materially incorrect information was given to the Authority in the application for the certificate; or
- (c) it is in the public interest to do so.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction suspend, vary or cancel any certificate issued under these Regulations.

(3) A holder or any person having the possession or custody of any certificate which has been suspended, varied or cancelled under these Regulations shall surrender the certificate to the Authority within fourteen days from the date of suspension, variation or cancellation.

15. Register of certificate holders.

(1) The Authority shall keep and maintain a register showing—

- (a) the name of the holder of the certificate;
- (b) the date of issue or renewal of the certificate;
- (c) the type of service offered by the holder of the certificate;
- (d) the expiry date of the certificate;
- (e) the date of variation, suspension or cancellation of the certificate, if any;
- (f) the physical and postal address of the holder of the certificate; and
- (g) any other particulars as may be prescribed by the Authority.

(2) Any changes in the particulars recorded under sub-regulation (1) shall be entered in the register by the Authority.

(3) The register shall be a public document and any particular entered may be obtained upon payment of such a fee as may be prescribed by the Authority.

PART III—MANUAL OF AIR NAVIGATION SERVICES OPERATIONS.

16. Requirements for the manual of Air Navigation Services operations.

(1) The manual of Air Navigation Services Operations submitted under these Regulations shall be—

- (a) type written;
- (b) signed by the service provider;
- (c) in a format that is easy to revise and includes a list of effective pages; and
- (d) organized in a manner that facilitates evaluation and approval processes.

(2) A holder of a certificate shall keep at least one approved copy of the manual at the principal place of business.

17. Contents of the manual of Air Navigation Services Operations.

A manual of Air Navigation Services Operations shall contain all information and instructions necessary to enable the personnel of air navigation service provider perform their duties and in particular shall include—

- (a) services to be provided;
- (b) personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;
- (d) Safety Management System and Quality Management System;

- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations, 2014 as required;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination, operations, plan and procedures;
- (k) the proposed hours of service;
- (l) systems and procedures in the provision of air navigation services; and
- (m) any other information requested by the Authority.

18. Amendment of manual of Air Navigation Services Operations.

(1) For the purpose of maintaining the accuracy of the information in the Manual of Air Navigation Service Operations, the—

- (a) holder of a certificate shall whenever necessary, amend the manual; or
- (b) Authority may issue a written directive requiring the holder of a certificate to amend the manual.

(2) Notwithstanding sub-regulation (1), the holder of a certificate shall submit the proposed amendment to the Authority for approval, before the manual is amended.

PART IV—AIR NAVIGATION SERVICES.

19. Provision of air navigation services.

The Authority shall designate a service provider in accordance with these Regulations to provide –

- (a) air traffic services;
- (b) communication, navigation and surveillance systems;
- (c) meteorological services for air navigation;
- (d) aeronautical search and rescue coordination;
- (e) aeronautical information services, aeronautical maps and charts; and
- (f) for the construction of visual and instrument flight procedures.

20. Air navigation services facilities and standard systems.

A designated air navigation service provider shall—

- (a) provide in the designated portion of airspace and aerodromes, facilities for the provision of air navigation services; and
- (b) adopt and put into operation the appropriate standard systems, operational practices and rules as prescribed by the Authority.

21. Approval of Air Navigation Services facilities.

A person shall not install, maintain and operate air navigation service facilities in the designated airspaces and aerodromes without approval of the Authority.

22. Safety inspections and audit on Air Navigation Services.

(1) The Authority shall carry out safety inspections and audits of air navigation facilities, services, documents and records of the air navigation service provider which may be necessary to determine compliance with these Regulations.

(2) The safety inspections and audits shall be carried out in accordance with the requirements prescribed by the Authority.

(3) The Authority may impose operating restrictions or sanctions on the operations of a certificate holder in the event of non-conformance with the certification requirements or any unresolved safety concerns.

23. Access to air navigation facilities.

An inspector of the Authority shall have unrestricted access to the facilities, installations, records and documents of the air navigation services and the air navigation meteorological service provider to determine compliance with these Regulations.

24. Production of documents.

A holder of a certificate shall produce any relevant documents under his or her possession if requested by an authorised person within seventy two hours of such request.

25. Air Navigation services contingency plan.

(1) A holder of a certificate shall develop and maintain contingency plans for implementation in the event of disruption or potential disruption, of air navigation services in the airspace for which the holder of the certificate is responsible.

(2) The holder of a certificate shall liaise with other air navigation service providers in adjacent or contiguous airspaces while developing contingency plans.

(3) The contingency plan shall include—

- (a) the actions to be taken by the certificate holder's personnel responsible for providing the service;
- (b) possible alternative arrangements for providing the service; and
- (c) the arrangements for resuming normal operations for the service.

(4) The contingency plan shall be developed in accordance with the requirements prescribed by the Authority.

26. Alternative designated service provider.

The Authority may, when considers necessary and in the public interest, designate an alternative service provider for a specified period to provide service in respect of a certificate—

- (a) suspended, for the duration of such suspension; or
- (b) surrendered by the certificate holder or cancelled by the Authority.

27. Units of measurement.

The units of measurement used in air and ground operations shall be as prescribed by the Authority.

(a) Air Traffic Services

28. Designation of airspace.

(1) The Authority shall designate portions of the airspace or particular aerodromes for the provision of air traffic services.

(2) The designation of the particular portions of the airspace or the particular aerodromes shall be—

- (a) flight information region;
- (b) controlled airspace;
 - (i) controlled area;
 - (ii) controlled zone;
- (c) controlled aerodromes;
- (d) reduced vertical separation minima airspace;
- (e) a sector, if the Authority considers such a designation is necessary to facilitate the provision of air traffic services within the flight information region.

(3) The Authority may designate portions of the airspace as special use airspace if it considers such airspace necessary in the interest of safety or national security or for any other reasons in the public interest.

(4) Subject to sub regulation (3), special use airspace may be designated as—

- (a) restricted areas;
- (b) prohibited areas;
- (c) danger areas;
- (d) low flying zone;
- (e) flight training area.

(5) The lateral limits of the airspace designated under this regulation shall be defined by—

- (a) geographical coordinates;
- (b) prominent geographical lines, circles or any part of a circle of a specified radius or great circle between two points or a parallel of latitude.

(6) The vertical limits of airspaces designated under these regulations shall be defined by heights, altitudes or flights levels.

(7) The Authority shall publish the designation of particular portion of the airspace in the relevant aeronautical publications.

29. Classification of airspace.

(1) The Authority shall classify designated controlled airspace as class A, B, C, D and E.

(2) The Authority shall classify a portion of airspace that is not designated as controlled airspace under sub regulation (1) as class F.

(3) Any portion of airspace within the flight information region that is not designated as a controlled airspace or class F airspace, shall be uncontrolled airspace, and shall be classified as class G airspace.

(4) Subject to the requirements of sub regulations (1), (2) and (3), classification of airspace within the Republic of Uganda shall be in accordance with regulation 64 of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulation, 2014.

30. Determination of the need of the provision of air traffic service.

In determining the need for the provision of air traffic services, the Authority shall take into consideration –

- (a) the types of air traffic involved;
- (b) the density of air traffic;
- (c) the meteorological conditions; and
- (d) any other factor which may be relevant.

31. Provision of air traffic service and personnel competency requirements.

(1) The applicant for the provision of air traffic services shall specify in the application, the portions of the airspace and the aerodromes within which air traffic services shall be provided.

(2) The air traffic service provider shall ensure that the services are provided in accordance with the requirements prescribed by the Authority.

(3) The air traffic services provider shall ensure that the personnel providing air traffic services are competent to provide air traffic services in the designated airspaces and at the aerodromes as prescribed by the Authority.

(4) A person shall not provide a function related to the provision of air traffic services unless that person—

- (a) has successfully completed training in the performance of that function; and
- (b) has been licensed in accordance with the Civil Aviation (Personnel Licensing) Regulations, 2014.

32. Categories of air traffic services.

(1) Air traffic services provided under these Regulations shall include—

- (a) aerodrome control service;
- (b) approach control service;
- (c) approach radar control service;
- (d) area control service;
- (e) en-route radar control service;
- (f) flight information service; and
- (g) alerting service.

(2) Subject to sub-regulation (1), an air traffic service provider shall establish facilities appropriate for the provision of air traffic services as prescribed by the Authority.

33. Coordination in the provision of air traffic services.

(1) An air traffic service provider shall in carrying out its objectives, establish procedures for the coordination with other air traffic service units, air operators, aerodromes operators, military authorities, meteorological service providers, aeronautical information service, Communication, Navigation and Surveillance providers and Search and Rescue agencies as prescribed by the Authority.

34. Status of operation of air traffic service facility.

An air traffic service provider shall establish procedures to notify without delay, the user of its services of the relevant operational information and any changes in the operational status of each facility or service provided.

35. Responsibility for control.

An air traffic service provider shall establish procedures to ensure responsibility of control of an aircraft and transfer of such responsibility as prescribed by the Authority.

36. Communication requirements.

An air traffic service provider shall establish communication requirements as prescribed by the Authority.

37. Air traffic incidents.

An air traffic service provider shall establish procedures for the notification, investigation, and reporting of the air traffic incidents, which shall be made in a prescribed incident report form.

38. Aircraft in distress.

An air traffic service provider shall—

- (a) make provision for assistance to aircraft in distress in the designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress in accordance with the Regulations made under the Act.

39. Automatic recording of ATS data and communications.

(1) An air traffic service provider shall –

- (a) make provision for the automatic recording of air traffic service data and communications; and
- (b) retain the recorded air traffic service data and communications for a period of at least thirty days.

(2) Subject to sub-regulation (1), the recorded air traffic service data and communications, if pertinent to accident and incident investigations, shall be retained for more than thirty days until it is evident that it is no longer required.

40. Establishment of Safety Management System.

(1) An air traffic service provider shall establish a safety management system in order to achieve an acceptable level of safety in the provision of air traffic service.

(2) The acceptable level of safety to be achieved as required by sub regulation (1) shall be established by the Authority.

(3) An air traffic service provider shall implement a safety management system acceptable to the Authority that, as a minimum—

- (a) identifies safety hazards;
- (b) ensures that remedial action necessary to maintain an acceptable level of safety is implemented;
- (c) provides for continuous monitoring and regular assessment of the safety level achieved; and
- (d) aims to make continuous improvement to the overall level of safety.

(4) The air traffic service provider shall ensure that any significant safety-related change to the ATS system, including the implementation of a new procedure, shall only be effected after a safety assessment has demonstrated that an acceptable level of safety shall be achieved.

(5) When appropriate, air traffic service provider shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety continues to be met.

41. Performance Based Navigation (PBN) operations.

(1) An air traffic services provider shall implement performance based navigation within designated airspace and aerodrome in accordance with the requirements prescribed by the Authority.

(2) The Authority shall prescribe navigation specification requirements for Performance Based Navigation operations on the basis of Regional Air Navigation Agreements.

(3) In prescribing navigation specification requirements for Performance Based Navigation operations, the Authority shall consider any limitations arising from navigation infrastructure constraints or specific navigation functionality requirements.

42. Required communication performance.

(1) An air traffic service provider shall implement required navigation performance type appropriate to the air traffic services provided in the airspace concerned in accordance with requirements prescribed by the Authority.

(2) The Authority shall prescribe the required communication performance types on the basis of Regional Air Navigation Agreements.

(b) Communication, Navigation and Surveillance

43. Approval requirement.

(1) A person shall not provide communication, navigation and surveillance systems or operate communication, navigation and surveillance facilities in the designated airspace and aerodromes unless the system or facility has been approved by the Authority.

(2) The Authority shall approve installation, use, decommissioning, upgrading or relocation of all the communication, navigation and surveillance facilities in the designated airspace and aerodromes.

44. Provision of Communication, Navigation and Surveillance Service.

A holder of a certificate shall be responsible for the provision of communication, navigation and surveillance services to ensure that the telecommunication information and data necessary for the safe, regular and efficient operation of air navigation is available.

45. Personnel requirement.

(1) A holder of a certificate shall employ competent personnel to perform the installation, operation and maintenance of communication, navigation and surveillance system in the designated airspace and aerodrome as prescribed by the Authority.

(2) A person shall not perform a function related to the installation, operation or maintenance of any communication, navigation and a surveillance system unless—

- (a) that person has successfully completed training in the performance of that function;
- (b) the holder of a certificate is satisfied that the technical person is competent in performing that function; and
- (c) that person has been certified.

46. Proficiency certification program.

The Authority shall develop proficiency certification program of personnel who are engaged in the installation, operation and maintenance of Communication, Navigation and Surveillance systems used in the designated airspace and aerodrome.

47. Installation, operation and maintenance of Communication, Navigation and Surveillance systems.

(1) The holder of a certificate shall establish procedure to ensure that the Communication, Navigation and Surveillance systems—

- (a) are operated, maintained, available and reliable in accordance with the requirements prescribed by the Authority;
- (b) is designed to meet the applicable operational specification for that facility;
- (c) installed and commissioned as prescribed by the Authority; and
- (d) conform to the applicable system characteristics and specification standards prescribed by the Authority.

48. Flight inspection.

A holder of a certificate shall ensure that the radio navigation aids prescribed by the Authority are available for use by the aircraft engaged in air navigation and are subjected to periodic ground and flight inspection.

49. Periodic inspection and testing.

A holder of a certificate shall establish a procedure for the periodic inspection and testing of the Communication, Navigation and Surveillance systems to verify that each facility meets the applicable operational requirements and performance specifications for that facility.

50. Test equipment.

A holder of a certificate shall establish a procedure to control, calibrate and maintain all the inspection, measuring and test equipment to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed.

51. Operation status of Communication, Navigation and Surveillance systems.

A holder of a certificate shall ensure that information on the operational status of each Communication, Navigation and Surveillance facility that is essential for the enroute, approach, landing, and take-off phases of light is provided to meet the operational needs of the service being provided.

52. Power supply.

A holder of a certificate shall ensure that a facility is installed with main and standby power supply to ensure continuity of operation appropriate to the service being provided.

53. Security of Communication, Navigation and Surveillance facilities.

(1) A holder of a certificate shall establish a security programme for the Communication, navigation and surveillance facility.

(2) The security programme required under sub regulation (1) shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to or interference with the operation of Communication, Navigation and Surveillance facility.

54. Communication procedures.

A holder of a certificate shall ensure that communication procedures for operating the facilities are in accordance with the procedures prescribed by the Authority.

55. Documentation.

A holder of a certificate shall—

- (a) hold copies of the relevant equipment manuals, technical standards, practices, instructions, maintenance procedures, site logbooks, and any other documentation that are necessary for the provision and operation of the facility.

- (b) establish a procedure for the control of the documentation required under sub regulation (1) as prescribed by the Authority.

56. Record keeping.

A holder of a certificate shall establish procedures to identify, collect, index, store, maintain, and dispose records covering—

- (a) the performance and maintenance history of each facility;
- (b) the establishment of the periodic test programmes for each facility;
- (c) each item of test equipment required for the measurement of critical performance parameters;
- (d) each reported or detected facility malfunction;
- (e) each internal quality assurance review; and
- (f) each person who is authorised to place facilities into operational service.

57. Facility malfunction incident reporting.

(1) A holder of a certificate shall establish procedures for the reporting, collection and notification of facility malfunction incidents and safety incidents.

(2) Reports of such incidents shall be compiled and reviewed periodically by a holder of a certificate to—

- (a) determine the cause of the incidents and determine any adverse trends;
- (b) implement corrective and preventive actions where necessary to prevent recurrence of the incidents; and
- (c) implement any measures to improve the safety performance of the communication, navigation and surveillance systems.

58. Radio interference reporting.

A holder of a certificate shall—

- (a) ensure that there is no wilful transmission of unnecessary or anonymous radio signals, messages or data by any of its radio stations;
- (b) establish procedures with the communication regulatory authority to address occurrence of radio frequency interference; and
- (c) ensure that any frequency interference occurrence is reported, investigated and follow-up actions taken to prevent recurrence.

59. Notification of aeronautical telecommunication facility status.

A holder of a certificate shall, as soon as possible—

- (a) forward to the Aeronautical Information Services—
 - (i) information on the operational details of any new facility for publication in the Aeronautical Information Publication; and
 - (ii) information concerning any change in the operational status of any existing facility, for the issue of a Notice to Airmen; and
- (b) ensure that the information forwarded under sub-paragraph (a) has been accurately published.

60. Interruption to service.

A holder of a certificate shall—

- (a) establish procedure to be used in the event of interruption to or when upgrading Communication, Navigation and Surveillance systems; and
- (b) specify an acceptable recovery time for each service.

61. Test transmissions

A holder of a certificate shall make a test transmission if—

- (a) the transmission is necessary to test a service, facility or equipment; and
- (b) within a reasonable time before commencing the transmission, the users have been informed about the transmission.

62. Communication, Navigation and Surveillance facility check after accident or incident.

A holder of a certificate shall establish a procedure to check and accurately record the operating condition of any communication, navigation and surveillance facility that may have been used by an aircraft that is involved in an accident or incident.

(c) Aeronautical Information Services and Aeronautical Charts

63. Provision of aeronautical information services.

(1) The Authority may designate an agency to provide aeronautical information services, maps and charts.

(2) Aeronautical information published by the designated agency shall be in accordance with the requirements prescribed by the Authority.

64. Collection, processing and promulgation of aeronautical information.

(1) An Aeronautical Information Service provider shall—

- (a) receive, originate, collate or assemble, edit, format, publish, store and distribute aeronautical information and data concerning the designated airspace;
- (b) publish the aeronautical information as an integrated Aeronautical Information Package;

- (c) ensure that the aeronautical information provided is adequate, of required quality and timely;
- (d) make available to aeronautical information services of other States any information necessary for the safety, regularity or efficiency of air navigation;
- (e) designate the office to which all elements of Integrated Aeronautical Information Package originated by other States is addressed;
- (f) establish procedures that ensure that required information and data is received in a timely manner from organizations involved in aircraft operations or those that have information and data that supports the air navigation system.

(2) The holder of a certificate shall on request, by other agencies provide, all information relating to the designated airspace.

(3) The conditions, requirements, rules, procedures and standards for the publication of the aeronautical information in the—

- (a) Aeronautical Information Circular;
- (b) Aeronautical Information Publication and its amendments;
- (c) Aeronautical Information Publication Supplements;
- (d) Notice to Airmen (NOTAM);

as the case may be, shall be as prescribed by the Authority.

(4) The aeronautical information publication amendments and Supplements issued under the Aeronautical Information Regulation and Control (AIRAC) system shall be as prescribed by the Authority.

(5) Each information or data originator shall provide timely aeronautical information or data in their custody to the AIS provider in accordance with letters of agreement between the AIS provider and the originators of the information and data.

(6) The Aeronautical Information Service Provider shall provide electronic terrain and obstacle data as prescribed by the Authority.

65. Common reference systems for air navigation.

(1) World Geodetic System 1984 (WGS-84) geodetic reference datum shall be used in published aeronautical geographical coordinates (indicating latitude and longitude) as a horizontal reference system.

(2) Mean sea level (MSL) datum, shall be used as the vertical reference system for air navigation.

(3) The Gregorian calendar and Coordinated Universal Time shall be used as the temporal reference system.

66. Production of aeronautical charts.

(1) An Aeronautical Information Service provider shall ensure—

- (a) the availability of the required charts containing information relevant to the function of the chart; and
- (b) the design of the charts observe human factors principles as prescribed by the Authority.

(2) Each type of chart shall provide accurate and adequate information appropriate to the phase of flight.

(3) The aeronautical charts shall be produced and maintained in a form prescribed by the Authority.

67. Telecommunication requirements.

(1) Each international NOTAM office shall be connected, through the Aeronautical Fixed Service (AFS), within the airspace for which it provides service to—

- (a) area control centres and flight information centres; and
- (b) aerodrome or heliport at which an information service is provided with pre-flight briefing and post-flight information.

(2) The connections shall provide for printed communication.

(3) Aeronautical Fixed Service shall comprise the systems and applications that are used for ground to ground communications in the international telecommunication service as prescribed by the Authority.

(4) For exchange of messages over the teleprinter circuits, the signals of the appropriate International Telegraphic Alphabet permitted shall be as prescribed by the Authority.

(5) For the purpose of sub regulation (3), “*ground to ground*” means point to point or point to multiple points.

(6) The Aeronautical Information Service provider may make use of public internet for the exchange of non-time critical types of aeronautical information.

68. Quality management system.

(1) An Aeronautical Information Service Provider shall—

- (a) implement and maintain a quality management system acceptable to the Authority and encompassing all functions of an aeronautical information service;
- (b) make the execution of such quality management systems demonstrable for each function stage, when required;
- (c) implement the quality management system required in sub-regulation (1) (a) in accordance with the requirements prescribed by the Authority.
- (d) ensure that the quality management system established in accordance with sub-regulation (1) (a) follows the International Organization for Standardization (ISO) 9000 series of quality assurance standards, and be certified by an approved organization.

(2) For the purpose of sub regulation (1) (b), “function stage” means receiving, originating, collating, assembling, editing, formatting, publishing, storing and distribution of aeronautical information and data.

(3) The quality management system implemented shall take into consideration that—

- (a) procedures exist for-
 - (i) traceability to its origin of data anomalies or errors, detected and corrected;
 - (ii) assurance and confidence that the distributed aeronautical information and data satisfy the requirements for data quality, traceability and timeliness;
 - (iii) protection of electronic aeronautical data stored or in transit by the cyclic redundancy check (CRC) to assure integrity of data;
 - (iv) validation and verification to ensure quality requirements and traceability of aeronautical data;
 - (v) the audit and remedial action for the compliance of the quality management system
- (b) publication resolution of aeronautical data and confidence level and integrity shall be as prescribed by the Authority; and
- (c) material issued as part of the Integrated Aeronautical Information Package is checked and coordinated with the responsible services before it is published;
- (d) the necessary policies, processes and procedures, including those for the use of metadata, to ensure and verify that aeronautical data is traceable throughout the aeronautical information data chain are applied.

69. Personnel requirements.

An Aeronautical Information Service Provider shall ensure that—

- (a) personnel are trained to acquire the skills, knowledge and competencies required to perform the functions in regulation 64 (1) (a);
- (b) initial and periodic assessments that require personnel to demonstrate the required skills and competencies are established;
- (c) procedures are established to maintain currency of the competence of the personnel; and
- (d) appropriate records are maintained so that the qualifications of personnel can be confirmed.

(d) Aeronautical Search and Rescue Services

70. Provision of Search and Rescue Service.

(1) The Authority shall designate an agency to coordinate and direct the prompt provision of search and rescue services within the designated airspace on a 24 hour basis to all aircraft in distress regardless of their nationality or status.

(2) The designated search and rescue agency shall determine the type and degree of search and rescue services to be provided within the search and rescue region in accordance with requirements prescribed by the Authority.

(3) The Authority shall establish Search and Rescue Region(s) within which search and rescue services shall be provided.

(4) The Authority shall ensure that the Search and Rescue Region(s) established under sub regulation (3) do not overlap and neighbouring regions are contiguous.

(5) The designated search and rescue agency shall provide search and rescue coordination services in accordance with requirements prescribed by the Authority

71. Establishment of the Rescue coordination centre.

The designated search and rescue agency shall establish a Rescue coordination centre equipped with appropriate facility and personnel within the search and rescue region to—

- (a) facilitate efficient organisation of search and rescue services; and
- (b) coordinate the conduct of search and rescue operations within the search and rescue region.

72. Information to be provided to AIS for promulgation.

The designated Search and Rescue agency shall provide information on the facilities and services to be provided within the search and rescue region to AIS for promulgation

73. Search and Rescue Plan.

The designated search and rescue agency shall—

- (a) develop a Search and Rescue Plan in accordance with the requirements prescribed by the Authority; and
- (b) establish and maintain a document library that is readily accessible by its operation and management staff.

74. Search and Rescue reporting system.

The designated Search and Rescue agency shall establish a system for reporting occurrences and the conduct of Search and Rescue operations to the Authority

75. Search and Rescue facilities and resources.

The designated Search and Rescue agency shall ensure the availability of sufficient resources and facilities to coordinate the search and rescue operations at any one time.

76. Search and Rescue personnel requirements.

The designated Search and Rescue agency shall ensure that the Rescue Coordination Centre is staffed on a 24-hour basis by a complement of

personnel who are trained, qualified, and proficient and certified to levels of competence relevant to the functions and responsibilities appropriate to a Search and Rescue service within the SAR region.

77. Distress alerting system.

The designated Search and Rescue agency shall ensure that—

- (a) the COSPASS-SARSAT satellite distress alerting system is established in accordance with requirements prescribed by the Authority;
- (b) provision is made for a 406 MHz ELT register that is updated whenever necessary;
- (c) registered ELT information is immediately available to Rescue Coordination Centre staff and other authorized Search and Rescue parties;
- (d) designate a Search and Rescue Point of Contact for receipt of crash alert and location messages and associated data from authorities and users of COSPASS-SARSAT.

78. Cooperation and coordination with other agencies.

The designated Search and Rescue agency shall—

- (a) establish letters of agreement with Search and Rescue service providers within the State and with all Search and Rescue agencies of contiguous states as prescribed by the Authority;
- (b) cooperate as far as practicable with all entities involved in aircraft accident and incident investigation as necessary;
- (c) ensure closest possible cooperation and coordination with the relevant aeronautical, maritime and military emergency response authorities;
- (d) designate and make formal arrangements for cooperative and appropriate use of public and private Search and Rescue Units that are suitably located, equipped and crewed for search and rescue operations throughout the search and rescue region;

- (e) designate and make formal arrangements for cooperative and appropriate use of craft, vehicles and personnel that do not qualify as Search and Rescue Units but which may be able to effectively participate in Search and Rescue operations;
- (f) maintain an accurate and complete database of Search and Rescue Units and other Search and Rescue facilities and resources within the search and rescue region and make arrangements for the timely advice to the Rescue Coordination Centre of any change in their readiness or capability;
- (g) provide relevant information on the availability of Search and Rescue Units within the search and rescue region to the Authority for publication in the Aeronautical Information Publication;
- (h) ensure the availability of appropriately packed, droppable life support equipment that is securely positioned and maintained at strategic locations throughout the search and rescue region and readily available for rapid loading onto Search and Rescue Units.

79. Record keeping.

The designated Search and Rescue agency shall retain all data relating to every Search and Rescue action undertaken by the Rescue Coordination Centre in an orderly and easily accessed manner for a period of at least twelve calendar months.

(e) Meteorological Services for Air Navigation

80. Provision of meteorological service for air navigation.

(1) The designated service provider for the provision of meteorological services for air navigation shall be the Uganda National Meteorological Authority.

(2) The service provider shall provide the following services in support of aviation—

- (a) make routine meteorological observations at regular intervals;
- (b) make special weather observations whenever specified changes occur in respect of surface wind, visibility, runway visual range, present weather, cloud and air temperature;
- (c) prepare and obtain significant weather forecasts information and maintain contact with Regional specialized meteorological centres for the notification and exchange of information on volcanic ash and tropical cyclones activity as prescribed by the Authority;
- (d) display and provide briefing, consultation and flight documentation to flight crew members and other flight operations personnel, the latest information on existing and expected meteorological conditions along the route to be flown, at the aerodrome of intended landing, alternate aerodromes and other aerodromes as prescribed by the Authority;
- (e) perform weather watch and monitoring, including the ability to detect and forecast hazards relevant to the aviation community as prescribed by the Authority;
- (f) derive forecast and warning products to the requirements prescribed by the Authority for the pilot, air traffic service and air operators;
- (g) maintain a record of aeronautical climatological information for supply to pilot, air traffic service and air operators and any other persons on request;
- (h) exchange aeronautical meteorological information with other aeronautical meteorological offices;
- (i) supply information received concerning the accidental release of radioactive materials into the atmosphere within its area of responsibility to the air traffic service providers for dissemination; and
- (j) prepare gridded global forecasts as prescribed by the Authority.

(3) The conditions, rules, requirements, procedures or standards of the designation shall be prescribed by the Authority.

(4) A person shall not provide meteorological information service at aerodromes or portion of airspace, except under the conditions prescribed by the Authority.

81. Personnel qualification and training.

The designated service provider shall –

- (a) comply with the requirements of the World Meteorological Organization in respect of qualifications and training of meteorological personnel providing service for international air navigation and other requirement as may be prescribed by the Authority;
- (b) establish a procedure to assess the competency of personnel authorised to install meteorological facility for operational use and to perform meteorological services; and
- (c) maintain the competence of the authorised personnel.

82. Quality assurance and use of meteorological information.

(1) The Authority shall ensure that the designated service provider establishes a properly organised quality assurance management system comprising procedures, processes and resources necessary to provide for the quality management of the meteorological information to be supplied to the users.

(2) The quality system established under sub regulation (1) shall be in conformity with the International Organization for Standardization (ISO) 9000 series of quality assurance standards and shall be certified by an approved organization.

(3) The quality system shall ensure—

- (a) the meteorological information supplied complies with the stated requirements in terms of the geographical and spatial coverage, format and content, time and frequency of issuance and period of validity; and

(b) the accuracy of measurements, observations and forecasts.

(4) The quality system shall—

(a) include verification and validation procedures and resources for monitoring adherence to the prescribed transmission schedules for individual messages and bulletins required to be exchanged, and the times of their filing for transmission; and

(b) be capable of detecting excessive transit times of messages and bulletins received.

(5) The Authority shall conduct audit of the quality system established and implemented by the designated service provider to determine compliance.

(6) For the purpose of this regulation, the term users means; operators, flight crew members, air traffic services units, search and rescue services units, aeronautical information services, aerodrome operators and others concerned with the conduct or development of air navigation.

83. Verification, periodic inspection and testing of meteorological equipment.

A service provider designated to provide meteorological services for air navigation shall establish procedures for –

(a) the routine verification of meteorological information provided for air navigation; and

(b) the periodic inspection, testing and calibration of each facility used in the provision of meteorological service.

84. Human factors principles in the provision of meteorological information.

The designated service provider shall ensure that the meteorological information supplied to users referred to in regulation 82 is consistent with Human Factors principles and in a form which require a minimum of interpretation by the users.

85. Establishment of Meteorological Offices.

(1) The designated service provider shall establish aerodrome and other meteorological offices which shall be adequate for the provision of meteorological service required to satisfy the needs of air navigation.

(2) Aircraft operators shall notify the aerodrome meteorological office of—

- (a) flight schedules;
- (b) non-schedule flights to be operated; and
- (c) delayed, advanced or cancelled flights.

(3) The information to be notified as required in sub-regulation (2) shall be as prescribed by the Authority.

(4) The meteorological offices established under sub-regulation (1) shall carry out their functions as prescribed by the Authority to meet the needs of flight operations.

86. Establishment of aeronautical meteorological stations.

The designated service provider shall establish aeronautical meteorological stations, including on offshore structures or at other points of significance as may be deemed necessary to make observations and meteorological reports for use in air navigation.

87. Aircraft observation and reporting.

The pilot-in-command of aircraft shall make routine, special and other non-routine aircraft observations and reporting during flight in accordance with requirements prescribed by the Authority

88. Advanced notification for the provision of meteorological information.

The operator shall provide advance notice to the designated provider of meteorological information on services required when—

- (a) new routes or new types of operations are planned;

- (b) changes of a lasting character are to be made in scheduled operations; and
- (c) other changes, affecting the provision of meteorological services are planned.

89. Recording and post-flight reporting of aircraft observations of volcanic activity.

The designated service provider shall ensure that special aircraft observations of pre-eruptive volcanic activity, volcanic eruption or volcanic ash cloud are recorded and the observations provided to flights operating on routes which, in the opinion of the designated service provider may be affected by volcanic ash clouds.

90. Provision of meteorological information to ATS, Search and Rescue and AIS units.

(1) The designated service provider shall designate a meteorological office to be associated with each air traffic services unit.

(2) The meteorological watch office shall—

- (a) after coordination with the air traffic service unit, supply up-to-date meteorological information to the unit as necessary; and
- (b) supply as rapidly as possible, any meteorological information requested by an air traffic service unit in connection with an aircraft emergency.

(3) The meteorological watch office shall supply search and rescue services units with the meteorological information they require in a form established by mutual agreement and shall maintain liaison with the search and rescue services unit throughout a search and rescue operation.

(4) The designated service provider shall, in coordination with the Authority, arrange for the supply of up-to-date meteorological information to the aeronautical information services units, as necessary, for promulgation.

91. Agreement between ATS provider and Meteorological Authorities.

The designated service provider and the appropriate ATS provider shall establish agreements to cover—

- (a) the provision in air traffic service units of display related to integrated automatic systems;
- (b) the calibration and maintenance of the display and instruments;
- (c) the use to be made of the display and instruments by air traffic service personnel;
- (d) as and where necessary, supplementary visual observations;
- (e) meteorological information obtained from aircraft taking off or landing; and
- (f) if available, meteorological information obtained from ground weather radar.

92. Requirements for and use of communication facilities.

(1) The designated service provider shall ensure that suitable telecommunication facilities are made available to permit—

- (a) aerodrome meteorological offices and aeronautical meteorological stations to supply the required meteorological information to air traffic services units on the aerodromes for which those offices and stations are responsible, and in particular to aerodrome control towers, approach control units and the aeronautical telecommunications stations serving those aerodromes;
- (b) meteorological watch offices to supply the required meteorological information to air traffic services and search and rescue services units in respect of the flight information regions, control areas and search and rescue regions for which those offices are responsible, and in particular to

flight information centres, area control centres and rescue coordination centres and the associated aeronautical telecommunications stations;

- (c) world area forecast centres to supply the required world area forecast system products to meteorological offices and other users;
- (d) communication by direct speech and the speed with which the communication can be established between meteorological offices and, as necessary, aeronautical meteorological stations and aerodrome control towers or approach control units to be such that the required points may normally be contacted within approximately 15 seconds; and
- (e) meteorological offices to exchange operational meteorological information with other meteorological offices.

(2) The content and format of meteorological information transmitted to aircraft and by aircraft shall be as prescribed by the Authority.

(f) Construction of visual and instrument flight procedures

93. Construction of flight procedures.

A holder of a certificate shall develop visual and instrument flight procedures to be used by aircraft operating in the designated airspace and aerodrome as prescribed by the Authority.

94. Validation and inspection of instrument flight procedures.

A holder of a certificate shall ensure that ground validation, flight validation and flight inspection of instrument flight procedures is carried out by qualified personnel as prescribed by the Authority.

95. Procedure designer qualification, training and approval.

(1) A person shall not design or publish visual and instrument flight procedures for use in the designated airspace and aerodromes

unless he or she has completed approved training in the construction of visual and instrument flight procedures and has been approved by the Authority to do so.

(2) A person who has been trained and approved in accordance with sub regulation (1) shall comply with and maintain the competency levels as prescribed by the Authority;

96. Responsibilities of a procedure designer.

A person authorised under regulation 95 shall design, flight validate, inspect and maintain, visual and instrument flight procedures of a specific type as prescribed by the Authority and subject to any conditions specified in the certificate.

PART V—EXEMPTIONS.

97. Requirements for application for exemption.

(1) A person may apply to the Authority for an exemption from any provision of these Regulations.

(2) Unless in case of an emergency, a person requiring exemptions from any of these Regulations shall make an application to the Authority at least sixty days prior to the proposed effective date, giving the following information—

- (a) name and contact address including electronic mail and fax if any;
- (b) telephone number;
- (c) a citation of the specific requirement from which the applicant seeks exemption;
- (d) justification for the exemption;
- (e) a description of the type of operations to be conducted under the proposed exemption;
- (f) the proposed duration of the exemption;

- (g) an explanation of how the exemption would be in the public interest;
- (h) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (i) A safety risk assessment carried out in respect of the exemption applied for;
- (j) if the applicant handles international operations and seeks to operate under the proposed exemption, an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO); and
- (k) any other information that the Authority may require.

(3) Where the applicant seeks emergency processing of an application for exemption, the application shall contain supporting facts and reasons for not filing the application within the time specified in sub regulation (2) and satisfactory reason for deeming the application an emergency.

(4) The Authority may in writing, refuse an application made under sub regulation (3), where in the opinion of the Authority, the reasons given for emergency processing are not satisfactory.

(5) The application for exemption shall be accompanied by fee prescribed by the Authority.

98. Review and publication.

(1) The Authority shall review the application for exemption made under regulation 79 for accuracy and compliance and if the application is satisfactory, the Authority shall publish a detailed summary of the application for comments, within a prescribed time, in either.

- (a) a *State Gazette*;
- (b) aeronautical information circular; or
- (c) a daily newspaper with national circulation.

(2) Where application requirements have not been fully complied with, the Authority shall request the applicant in writing, to comply prior to publication or making a decision under sub regulation (3).

(3) If the request is for emergency relief, the Authority shall publish the decision as soon as possible after processing the application.

99. Evaluation of the request.

(1) Where the application requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

- (a) determination of whether an exemption would be in the public interest;
- (b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a determination of whether a grant of the exemption would contravene these Regulations; and
- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant in writing, the decision to grant or deny the request and publish a detailed summary of its evaluation and decision.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of the *State* the Authority shall publish the summary in aeronautical information circular.

PART VI—GENERAL PROVISIONS.

100. Drug and alcohol testing and reporting.

(1) Any person who performs any function prescribed by these Regulations directly or by contract under the provisions of these Regulations may be tested for drug or alcohol usage.

(2) A person who—

- (a) refuses to submit to a test to indicate the percentage by weight of alcohol in the blood; or
- (b) refuses to submit to a test to indicate the presence of narcotic drugs, marijuana or depressant or stimulant drugs or substances in the body;

when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorise the release of the test results requested by the Authority shall—

- (i) be denied any licence, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to one year from the date of that refusal; or
- (ii) have their licence, certificate, rating, qualification or authorisation issued under these Regulations suspended or revoked.

(3) Any person who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall—

- (a) be denied any license, certificate, rating, qualification or authorisation issued under these Regulations for a period of up to one year after the date of conviction; or
- (b) have their licence, certificate, rating, qualification or authorisation issued under these Regulations suspended or revoked.

101. Change of name.

(1) A holder of a certificate issued under these Regulations may apply to the Authority for—

- (a) replacement of the certificate if lost or destroyed;
- (b) change of name on the certificate; or
- (c) an endorsement on the certificate.

(2) when applying under paragraph (1), the holder of a certificate shall submit to the Authority—

- (a) the original certificate or a copy thereof in case of loss; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority shall return to the holder of a certificate, with the appropriate changes applied for, if any, the originals specified under paragraph (2) and, where necessary, retain copies thereof.

102. Change of address.

(1) A holder of a certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address within fourteen days of such change.

(2) A person who does not notify the Authority of the change in the physical and mailing address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate.

103. Replacement of documents.

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

104. Use and retention of documents and records.

(1) A person shall not—

- (a) use any certificate or exemption issued or required by or under these Regulations which has been forged, altered, cancelled, or suspended, or to which he is not entitled;

- (b) forge or alter any certificate or exemption issued or required by or under these Regulations; or
- (c) lend any certificate or exemption issued or required by or under these Regulations to any other person;
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate or exemption; or
- (e) mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(2) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(3) A person shall not issue any certificate or exemption under these Regulations unless he is authorised to do so by the Authority.

(4) A person shall not issue any certificate referred to in sub-regulation (3) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

105. Reports of violation.

(1) Any person who knows of a violation of the Act, any amendment thereto, or any Regulations, rules, or orders issued under the Act, shall report it to the Authority.

(2) The Authority may determine the nature and type of investigation or enforcement action that need to be taken.

106. Failure to comply with directions.

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

107. Aeronautical fees.

(1) The Authority shall notify in writing the fees to be charged in connection with the issue, renewal or variation of any certificate, test, inspection or investigation required by, or for the purpose of these Regulations any orders, notices or proclamations made under the Act.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is accepted, to pay the fee so chargeable.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

PART VII—OFFENCES AND PENALTIES.

108. Contravention of Regulations.

A person who contravenes any provision of these Regulations may have his certificate or exemption cancelled or suspended.

109. Penalties.

(1) A person who contravenes any provision of these Regulations, orders, notices or proclamations made under the Act shall, upon conviction, be liable to a fine or imprisonment or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(2) Any person who contravenes any provision specified in the Schedule to these Regulations shall upon conviction be liable to a fine not exceeding fifty currency points to imprisonment not exceeding six months or to both, for each offence.

(3) Any person who contravenes any provision specified in the Schedule to these Regulations shall upon conviction be liable to a fine not exceeding one hundred currency points or to imprisonment not exceeding three years or both.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding fifty currency points for each offence.

(5) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(6) The Authority and any person specifically authorised by name by him or any police officer not below the rank of inspector specifically authorised by name by the Minister, may compound offences under Part A of the Schedule to these Regulations by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Authority a sum of not less than a hundred currency points for provisions referred to in the Schedule to these Regulations.

110. Appeal.

Where any person is aggrieved by any order made under these Regulations the person may, within twenty one days of such order being made, appeal against the order to a court of law with competent jurisdiction.

PART VIII—SAVING AND TRANSITIONAL PROVISION.

111. Saving and transitional provision.

A person who, immediately before the commencement of these Regulations, was providing air navigation services in the designated airspace, aerodromes and portions of the airspace over the high seas may, on commencement of these regulations, continue his services, but shall within ninety days after the commencement of these Regulations obtain a certificate from the Authority in accordance with these regulations.

PART IX—REVOCATION.

112. Revocation.

The Civil Aviation (Aerodromes) Regulations, 200... are revoked.

SCHEDULES.

SCHEDULE 1

CURRENCY POINT

One currency point is equivalent to twenty thousand Uganda Shillings.

SCHEDULE 2

Regulation 58

<i>Regulation</i>	<i>Title</i>	<i>Part</i>
4	Requirements for the provision of air navigation services	B
12	Display of certificate	A
13	Transfer of certificate	B
14(3)	Suspension, cancellation and cancellation of certificate	A
18(2)	Amendment of the manual of air navigation services operations	B
20	Approval of air navigation services facilities	B
21(2)	Safety inspection and audit on air navigation services	A
22	Production of documents	B
23	Air navigation services contingency plan	A
28	Responsibility for control	A
29	Communication requirements	A
30(1)	Air traffic incidents	B
31	Aircraft in distress	A
32	Automatic recording of surveillance data and communications	A
33	Safety management system	B
34	Installation, operation and maintenance of communication, navigation and surveillance systems	B
35	Facility approval and flight inspection	B
36	Provision of aeronautical information services	A
37	Production of aeronautical charts	

38	Telecommunication requirements	A
39	Quality system	B
40	Provision of search and rescue service	A
41	Provision of meteorological service for air navigation	B
42	Construction of flight procedures	A
43	Approval as a procedures designer for air navigation services.	B
48	Drug and alcohol testing and reporting.	B
49	Change of name.	B
50	Change of address.	B
52	Use and retention of documents and records.	B
54	Enforcement of directions	A

ABRAHAM BYANDALA,
Minister of Works and Transport.