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

2017 No. 24.

THE CIVIL AVIATION (SECURITY) REGULATIONS, 2017

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SCHEDULE

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

2017 No. 24.

The Civil Aviation (Security) Regulations, 2017.

(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, Cap. 354, and on the recommendation of the Civil Aviation Authority, these Regulations are made this 27th day of March, 2017.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Civil Aviation (Security) Regulations, 2017.

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 sub-regulation (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 goods 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.

3. Purpose of the Regulations.

The purpose 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;
 - (iii) air navigation installations which are not part of airports; and
- (b) to regulate the conduct of persons at airports and persons on board aircraft for the purposes of aviation security.

4. Interpretation.

In these Regulations, unless the context requires otherwise—

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

“act 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; and
- (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; or
 - (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;

“account consignor” means a consignor who originates cargo or mail for its own account for carriage on all-cargo aircraft only and who applies procedures that meet common security rules and standards set by the appropriate authority sufficient to allow carriage of its cargo and mail only on all-cargo aircraft;

“advance passenger information” means passport details and any other information including contact information, which has to be provided to the authorities before a person travels;

“aerial work” means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement;

“airport” means a defined area on 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 26(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 in 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 Civil Aviation Authority established under section 3 of the Civil Aviation Authority Act;

“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, where legally permissible, any criminal history as part of the assessment of an individual’s suitability to implement a security control or for unescorted access to a security restricted area;

“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;

“currency point” has the value given 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;

“flight documents and other aircraft operator documents for ground services” include, automated or manual hold baggage tags, all blank stationery manual bag tags, boarding pass stocks, passenger and cargo manifests, security tamper-evident seals, Airway Bills and Consignment Security Declarations;

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

“goods” includes cargo and mail;

“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 high risk mail” means cargo or mail presented by an unknown entity or showing signs of tampering, shall be considered high risk if, in addition, it meets one of the following criteria—

- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation; or
- (b) the cargo or mail shows anomalies that give rise to suspicion; or

- (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft regardless of whether the cargo or mail comes from a known or unknown entity, a State's specific intelligence about a consignment may render it as high risk.

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

“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 inspection” means an examination of the implementation of relevant National Civil Aviation Security Programme requirements by an airline, airport, or other entity involved in security;

“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 and includes, inter alia, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

“security survey” means an evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference and the recommendation of corrective actions;

“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 standardized 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 the Safe Transportation of Dangerous Goods by Air, Doc.9284;

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

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

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

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

“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—ORGANISATION

5. Functions of authority in relation to aviation security.

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

- (a) regulate aviation security in Uganda;
- (b) establish, implement and maintain the National Civil Aviation Security Programme;
- (c) regulate the security operations of airports, aircraft, regulated agents and ground handling service providers, catering operators, general aviation operators, cargo 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, airport and other aviation facilities;

- (ii) preventing unlawful interference against civil aviation; and
 - (iii) assuring 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) conduct security surveys to identify security needs;
 - (b) conduct security inspections and audits of security controls;
 - (c) conduct security tests of security controls to assess their effectiveness.
 - (d) review and approve security programmes;
 - (e) conduct investigations and enforcement to resolve any security concerns;
 - (f) 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, relevant information or guidelines enabling them to meet the requirements of the National Civil Aviation Security Programme; and
 - (g) ensure that supporting resources and facilities required by the aviation security services are available at each airport serving civil aviation.

(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 sub regulation (3) (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 regulated agents, ground handling service providers and catering operators, aviation security screeners and instructors;
- (b) keep under constant review, the level of threat to civil aviation within the State and establish and implement policies and procedures to adjust relevant elements of the National Civil Aviation Security Programme accordingly, based upon a security risk assessment carried out by the relevant national authorities;
- (c) share threat information that applies to aviation security interests in accordance with the laws of Uganda and shall share threat information of aviation interests with other States 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 another State has been subjected to appropriate security controls;
 - (f) ensure appropriate protection of 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 ICAO.
- (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 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 security information shared or 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) shall share, as appropriate and consistent with the sovereignty of the State, the results of an audit carried out by ICAO and the corrective actions taken and notify ICAO where such information is shared with the requesting State.

6. 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, 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, surveys, security audits and testing functions and investigation of incidents and non-conformances.

7. Power of authority to issue orders, circulars and directives.

The authority may make and issue orders, circulars and directives prescribing any aviation security matter.

8. 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 sub regulation (1) shall specify the functions and limits of operation.

PART III—SECURITY PROGRAMMES AND COMMITTEES

9. National Civil Aviation Security Programme.

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

(2) The authority shall ensure that the National Civil Aviation Security Programme is implemented 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.

(4) Without limiting the generality of sub regulation (1) (a), 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 navigation facilities;
- (d) the co-ordination of landside security measures between relevant departments, agencies, other organizations 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;
- (f) personnel selection criteria, training and certification;
- (g) the management of response to acts of unlawful interference;
- (h) the evaluation of effectiveness of the Programme;
- (i) the adjustment of the Programme and contingency plans;
- (j) the financing of security; and
- (i) the protection and handling procedures for security information shared by other States.

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

10. National Aviation Security Committee.

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

(2) The functions of the National Aviation Security Committee shall be to—

- (a) advise and coordinate security activities between 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 Aviation Security Programme;
- (b) recommend and review the effectiveness of security measures and procedures; and
- (c) coordinate security activities of the Air Navigation Service Providers.

(3) The National 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 sub regulation (4).

(4) Without limiting the generality of sub regulation (2) the Minister shall, in appointing members of the National Aviation Security Committee, ensure that it comprises one member from each of the following ministries, departments, agencies—

- (a) the authority;
- (b) the Chairperson of the National Air Transport Facilitation Committee;
- (c) the airport operator;
- (d) the ministry responsible for security;
- (e) the ministry responsible for Internal Affairs;
- (f) intelligence organisations;
- (g) the Uganda Police Force;
- (h) the Uganda Peoples Defence Forces;
- (i) the department responsible for immigration;

- (j) the associations of domestic or local and international scheduled airlines;
- (k) the national regulatory agency responsible for communications;
- (l) the department responsible for customs;
- (m) the ministry responsible for foreign affairs; and
- (n) the ministry responsible for health.

(5) The members of the National Aviation Security Committee shall hold office on terms and conditions specified in their instruments of appointment.

(6) The members of the National Aviation Security Committee shall be paid such sitting and other allowances as the authority in consultation with the ministry responsible for finance may determine.

(7) The head of the authority shall be the chairperson of the Committee.

(8) The National 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 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, shall meet at least twice a year.

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

11. National Civil Aviation Security Quality Control Programme.

(1) There is established the National Civil Aviation Security Quality Control Programme.

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

- (a) determine and monitor compliance with and validate the effectiveness of the National Civil Aviation Security Programme through audits, inspections, tests and surveys;
- (b) ensure that all persons implementing security controls are verifiably trained and instructed to carry out those duties;
- (c) ensure that persons carrying 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;
- (d) ensure that the persons implementing security controls are subject to background checks and selection procedures;
- (e) ensure that 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;
- (f) ensure that acts of unlawful interference are investigated; and
- (g) review and re-evaluate security measures and controls immediately following an act of unlawful interference.

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

- (a) the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for those tasks in accordance with the National Civil Aviation Security Programme;

- (b) the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out those tasks and to enforce corrective actions;
- (c) that security audits, tests, surveys 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) audits, inspections, tests and surveys are carried out for purposes of determining and monitoring compliance with and validating the effectiveness of the National Civil Aviation Security Programme;
- (e) 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
- (f) 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.

(4) 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; and

- (c) require operators to implement internal quality control measures and shall provide the appropriate authority with related findings and details of any corrective action plans that have been implemented.

(5) The National Civil Aviation Security Quality Control Programme shall be reviewed and updated at least once every two years or as and when the need may arise.

12. Independence in implementation of Programme.

The authority shall ensure that the management, setting of priorities and organisation of the National Civil Aviation Security Quality Control Programme is undertaken independently from the entities and persons responsible for the implementation of the measures taken under the National Civil Aviation Security Programme.

13. Airport Security Programme.

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

(2) An operator of an airport serving civil aviation in Uganda shall develop, implement 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;
- (f) provide for threat assessors at the airport;
- (g) provide for security control measures for—
 - (i) passengers and their baggage;
 - (ii) cargo and mail;
 - (iii) aircraft arriving into or departing from aerodromes in Uganda;
 - (iv) aircraft arriving into or departing from aerodromes in Uganda; and
 - (v) persons, other than passengers, together with items carried, prior to entry into airport security restricted areas serving civil aviation operations, are subject to screening and security controls,
- (h) contain a contingency plan providing 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) access and procedures in case of sabotage, including bomb threats to aircraft and to the airport;
 - (iii) access and procedures, in case of terrorist attacks on aircraft and the airport, including attacks using Man-Portable Air Defence Systems, Chemical, Biological, Radiological and Nuclear Weapons and other Weapons;
 - (iv) procedures when a prohibited item is found or is believed to be on board an aircraft;
 - (v) evacuation and search of airport facilities and aircraft on the ground; and

- (vi) special security measures to be enacted during periods of increased threat or for critical flights and routes;
- (i) provide for adequate protection of security personnel and equipment from inclement or adverse weather at vehicle access gates; and
- (j) contain any other matter prescribed by the authority.

(4) The Airport Security Programme shall be reviewed and updated as the need may arise and at least once in every two years.

14. Air Navigation Service Providers Security programme.

An Air Navigation Service Provider shall—

- (a) develop, implement and maintain a security programme on the security of their facilities;
- (b) train 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.

15. Aircraft Operator Security Programme.

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

(2) An aircraft operator providing service in or from Uganda shall establish and implement a written Aircraft Operator Security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(3) An Aircraft Operator Security Programme shall specify the measures, procedures and practices to be followed by the operator to protect passengers, crew, ground personnel, aircraft and facilities from acts of unlawful interference.

(4) 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 comprising—
 - (i) pre-flight security checks or searches of aircraft to be conducted based on a risk assessment carried out by the relevant national authorities;
 - (ii) procedures for the screening of passengers' cabin baggage and hold baggage, where this function is not assigned to 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 hold baggage with boarding passengers, including transit and transfer passengers;
 - (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;

- (vi) procedures for the carriage of weapons in the cabin compartment and the aircraft hold;
- (vii) in-flight procedures when a prohibited 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,
- (e) measures to ensure the effectiveness of the programme; including adequate training of staff and the periodic testing and evaluation of the security programme;
- (f) measures to prevent unauthorised persons and vehicles from accessing aircraft and other restricted airline facilities;
- (g) measures to ensure that passengers are in possession of valid documents prescribed by the State of transit and destination for control purposes;

- (h) measures 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;
- (i) 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
- (j) any other matter prescribed by the authority.

(4) An entity conducting 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.

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

16. Regulated Agent Security Programme and Ground Handling Service Providers Cargo Security Programme.

(1) A person shall not operate an enterprise or an organisation whose purpose is the movement of cargo and mail by air within or from Uganda without a written Regulated Agent Security Programme approved by the authority and a certificate 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 7;
- (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, 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, 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 authorized 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 sub regulation (6) may arise after an act of unlawful interference and at least once every two years.

17. 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 appropriate security control of catering supplies;
 - (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 when need arises after an act of unlawful interference and atleast once every two years.

18. 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, 14, 15, 16 and 17 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 sub regulation (1) shall be in triplicate and shall be signed by the applicant or by a person authorized by the applicant on his or her behalf.

19. Approval of Security Programme.

(1) Where the authority is satisfied that a security programme submitted under regulation 18, 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 18 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 sub regulation (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.

20. Changed conditions affecting security.

(1) Where a security programme has been approved under regulation 19, the operator, where applicable, shall comply with the procedure prescribed by sub-regulation (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 sub-regulation (1) occurs, the operator, where applicable shall—

- (a) immediately notify the authority of the changed conditions 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 18, 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 sub-regulation (2) (b), approve the amendment in accordance with the procedure prescribed by regulation 19.

21. 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 sub-regulation (1), approve the security programme in accordance with the procedure prescribed by regulation 19.

Training Programmes

22. National Aviation Security Training Programme.

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

(2) The training programme shall include conduct periodic security awareness training for personnel authorised to have unescorted access to airside areas as well as the personnel whose job description does not require the performance of security duties as part of their day-to-day routine.

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

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

(5) 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 Organization certificate issued by the authority.

(6) The authority shall ensure the development and implementation of training and certification programmes for screeners and instructors in accordance with the National Civil Aviation Security Programme.

(7) The authority shall develop, implement and maintain a national aviation security certification systems programme for the categories of persons in sub regulation (5).

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

(9) 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.

(10) A screener shall be re-certified every two years.

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

23. 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 sub-regulation (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 sub-regulation (1) shall be submitted to the authority for approval in accordance with the procedure prescribed in regulations 18 and 19.

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

(5) The programme in sub regulation (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 authorized 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.

Airport Security

24. 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 13;
- (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 sub regulation (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) 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; and
- (s) customs.

(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.

25. 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 serving 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) persons and vehicles being granted access to security restricted areas, together with items contained in the vehicles and persons are subject to screening or other appropriate security controls in accordance with a risk assessment carried out by the relevant national authorities;
- (iii) security restricted areas are established at the airport, in accordance with regulation 26;
- (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 and crew and their baggage; are screened before accessing restricted areas and before boarding an aircraft engaged in commercial air transport operations;
- (vii) originating hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations;

- (viii) all hold baggage to be carried on 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 jeopardized, 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 security controls to prevent unauthorised articles from being taken on board aircraft engaged in civil aviation;
- (xii) 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 at airports serving civil aviation 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) luggage or personal belongings left unattended at an airport is subjected to appropriate security controls and disposal procedures;
 - (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, shall be 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 where applicable;
 - (xviii) 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; and
 - (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;
- (c) establish—
- (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) person and vehicle identification systems;
- (d) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the airport;
- (e) provide adequate supervision over the movement of persons and vehicles to and from the aircraft in order to prevent unauthorised access to aircraft;
- (f) make arrangements to render safe, investigate and dispose of, where necessary, suspected sabotage devices or other potential hazards at the airport;
- (g) employ and deploy suitably trained personnel to assist in dealing with suspected or actual cases of unlawful interference with civil aviation;
- (h) conduct a full scale contingency security exercise at least once every two years; and
- (i) conduct a table top contingency security exercise atleast once a year.

26. 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.

27. 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 motorized 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;
- (i) emergency 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;
- (j) fencing of a minimum height of 2.44 m or 8 feet, augmented by inclined barbed wire or razor-taped wire, to deter scaling;
- (k) fences 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
- (l) safety and operational considerations with regard to special fencing materials or construction methods, including but not limited to 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.

28. Carriage of firearms, ammunitions, incendiary devices and 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.

29. 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 sub-regulation (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 organisation and fuel companies; and
- (b) Government authorities and agencies at the airport; including customs, immigration, health, agriculture and meteorology.

30. 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 50; and
- (b) determine whether the threat affects the security of the airport and coordinate the implementation of appropriate measures to counter the threat.

31. 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.

32. 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.

33. 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 28;
- (b) a discovery, at an airport, of ammunition other than ammunition allowed under regulation 28;
- (c) a discovery, at the airport, of an explosive or an incendiary device, other than an explosive or incendiary device allowed under regulation 28;

- (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.

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

(1) Notwithstanding regulation 25 (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 sub-regulation (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

35. Operators to keep records.

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

(2) A record required to be kept under sub-regulation (1), 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 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; and
- (iv) the number of detentions and arrests and the immediate disposition of each person detained or arrested.

Aircraft Security

36. 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;
- (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;

(iii) left behind by passengers disembarking from transit flights.

(3) The checklist in sub regulation (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.

37. Special protection for aircraft.

(1) Notwithstanding regulation 36(2) (c), an aircraft operator may request for special protection of their aircraft from an airport operator at a cost 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 sub-regulation (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 60 and for which the application for certification was submitted on or after 1 March 2000, shall make provisions during the design of the aircraft of a Least-Risk Bomb Location to minimize the effects of a bomb on the aircraft and its occupants.

38. Control of prohibited items or restricted articles.

(1) A person shall not, subject to regulation 26, 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 sub-regulation (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.

39. Control of access to flight crew compartment.

An aircraft operator engaged in commercial air transport shall—

- (a) where a passenger-carrying aircrafts of a maximum certificated take-off mass in excess of 45 500 kg or with a passenger seating capacity greater than 60 ensure that the aircraft is equipped with an approved flight crew compartment door designed to resist penetration by small arms fire and grenade shrapnel shall be able to resist forcible intrusions by unauthorized 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 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 authorized 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.

40. 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.

41. Authorised carriage of weapons on board aircraft.

(1) The carriage of weapons on board 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 sub regulation (1), the authority may—

- (a) approve, in writing, the carriage of weapons on board 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 on board 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 sub-regulation (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.

(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 sub-regulation (5) shall be done in co-ordination with the concerned States and shall be kept strictly confidential.

Regulated Agents

42. Conditions for acceptance of goods for air transportation.

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

(2) A regulated agent who offers goods 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 goods 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 goods 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.

43. Conditions for acceptance of 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 baggage is loaded into aircraft engaged in civil aviation;
- (b) all hold baggage to be carried on 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 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) COMAT and COMAIL are subjected to appropriate security controls prior to placement on board an aircraft engaged in passenger commercial flights;
- (e) all cargo and mail to be carried on a commercial aircraft is protected from unauthorised interference from the point of screening or that 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 jeopardized, the cargo and mail is re-screened before being placed on board an aircraft; and

- (f) enhanced security measures apply to high-risk cargo and mail to appropriately mitigate the threats associated with it.

44. 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, or an entity is approved by the authority;
- (b) ensure that cargo and mail which cannot be confirmed and accounted for by a regulated agent or an entity approved by the authority is subjected to screening;
- (c) protect cargo and mail from unlawful 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 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 its territory.

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

(3) Notwithstanding the delegation of any functions to a regulated agent under sub-regulation (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 the 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 regulation 44 and procedures for authorisation for carriage 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

45. 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 subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained; and
- (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.

46. 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 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 46.

Critical Information and Communication Systems

47. 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 jeopardize 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, including threat and vulnerabilities and develop protective measures, including security by design, supply chain security, network separation, and remote access control, as appropriate.

PART V—MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

48. 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;
- (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.

49. Response by the authority to acts of unlawful interference.

The authority shall—

- (a) take adequate 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 or 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 such 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 unless its departure is necessitated by the overriding duty to protect human lives;
- (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;
 - (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.

50. Mandatory reporting.

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

(2) 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.

51. Notification to the International Civil Aviation Organisation.

(1) The authority shall, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with a report on each incident as follows—

- (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 report in sub regulation (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.

52. 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.

53. Travel document coordination.

The authority shall liaise with a competent authority with regard to the issuance of travel documents in accordance with the specifications of International Civil Aviation Organisation Doc 9303.

54. Inspection of travel documents.

The authority shall ensure that—

- (a) aircraft operators conduct an evaluation of travel documents presented by passengers, in order to deter fraud and abuse; and
- (b) necessary precautions at the point of embarkation are carried out 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.

55. Entry 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 under sub regulation (1) shall be removed from circulation immediately and returned to the department of the State named as issuer or to the resident diplomatic mission of that State.

56. Advance passenger information.

The authority shall ensure that internationally recognized standards for the transmission of advance passenger information are adhered to.

57. 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 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.

58. 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 operator 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 of goods on arrival or 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.

59. 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 of the flight.

60. 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 of the flight; and
- (c) the names and nationalities of any person escorting the deportee.

61. National Air Transport Facilitation Programme.

The authority shall be responsible for the maintenance and implementation of the National Air Transport Facilitation Programme.

62. Composition of the 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 of 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.

63. Functions of the 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; and
- (j) coordination with the National Civil Aviation Security Committee on security aspects of facilitation.

PART VII—OFFENCES AND PENALTIES

64. 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 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) intentionally causes damage to or destroys property;
- (e) destroys and 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 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; or
- (k) unlawfully and intentionally uses 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,

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 two years, or both.

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

65. Offences committed on board aircraft.

(1) 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 commander or on behalf of the aircraft commander 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; or
- (d) uses an aircraft for the purpose of causing death, serious bodily injury, or serious damage to property or the environment,

commits an offence and is liable, on conviction, to a fine not exceeding seventy two currency points or to a term of imprisonment for a term not exceeding three years, or both.

66. 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; or
- (e) engages in a disorderly conduct; 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 sub regulation (1) is liable, on conviction, to a fine not exceeding seventy two currency points or to imprisonment for a term not exceeding three years, or both.

67. Other offences committed on board aircraft.

(1) 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 twenty four currency points or to imprisonment for a term not exceeding one year or both.

68. 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 38 commits an offence and is liable, on conviction, to a fine not exceeding seventy two currency points or to imprisonment for a term not exceeding three years or both.

69. 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.

70. 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 twenty four 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 commits an offence and is liable, on conviction, to a fine not exceeding twenty four 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 or employer 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;
or
- (e) uses a valid permit after he or she is no longer authorised to possess the permit,

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;
- (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 currency points or to a term of imprisonment not exceeding four years or both.

71. Failure to establish and maintain security programmes.

A person who operates without a security programme referred to in regulations 13, 14, 15, 16, 17 and 23; 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.

72. Obstructing authorised persons.

(1) 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.

73. 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 subsection (1), is liable on conviction either in substitution for or in addition to the fine prescribed under the relevant section to imprisonment nor 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.

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

A person who contravenes any circulars, notices, directives, orders and these Regulations commits an offence and is liable on conviction, except where any other penalty is provided, to a fine not exceeding twenty five currency points or to a term of imprisonment for a term not exceeding one year or both.

75. Jurisdiction.

(1) Uganda shall have jurisdiction over any act constituting an offence under regulations 48 (b) 70, 71 and 72 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 78(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

76. 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 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 explosives, remove the item of baggage or object and destroy it.

77. 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.

78. 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 and, 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 severe threat to safety by a disruptive 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 sub-regulation (2) for appropriate action.

79. Powers of Aviation Security Officers.

An aviation security officer shall have the power to—

- (a) screen mail, cargo, supplies and catering supplies, persons and their personal effects, hold baggage, carry-on baggage and vehicles;
- (b) prevent unauthorised persons 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.

80. 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.

(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 sub-regulation (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.

81. 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 sub-regulation (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 or directive 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, 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

82. 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.

83. 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.

84. 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.

85. 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.

86. Service of infringement notice.

(1) An infringement notice shall be served wherever it is practicable, service of the 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 sub regulation (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.

87. 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 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.

88. 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.

89. 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.

90. 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 sub-regulation (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.

91. 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.

92. 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—MISCELLANEOUS

93. Revocation and savings.

(1) The Civil Aviation (Security) Regulations 2012, S.I. No. 22 of 2012 are revoked.

(2) A valid airport security permit and a valid certificate issued or granted by the authority before the commencement of these Regulations shall, until its expiry, have effect as if it was issued under these Regulations.

SCHEDULE

regulations 64,65,66,67,68,69,70,71,72,73 and 74

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

ENG. MONICA AZUBA NTEGE,
Minister of Works and Transport.