

STATUTORY INSTRUMENTS
2021 No. ...

**THE CIVIL AVIATION (CERTIFICATION OF AIR NAVIGATION
SERVICES) REGULATIONS, 2021**

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2020 No.....

**THE CIVIL AVIATION (CERTIFICATION OF AIR NAVIGATION
SERVICES) REGULATIONS, 2020**

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

IN EXERCISE of the powers conferred upon the Minister by sections 34(2) and 61 of the Civil Aviation Authority Act, and on the recommendation of the Civil Aviation Authority, these Regulations are made this day of, 2020.

PART I - PRELIMINARY

1. Title

These Regulations may be cited as the Civil Aviation (Certification of Air Navigation Services) Regulations, 2020.

2. Interpretation

In these Regulations unless the context otherwise requires—

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

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

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

“**Aeronautical Information Service (AIS)**” means a service established within the defined area of coverage responsible for the provision of aeronautical information or data necessary for the safety, regularity and efficiency of air navigation;

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

“air navigation service” means services provided to air traffic during all phases of operation including air traffic management, communication, navigation and surveillance, meteorological services for air navigation, search and rescue, aeronautical information services and construction of instrument flight procedures;

“air navigation services facility” means a facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, any structures, mechanisms, lights, beacons, marks, communication systems, or other instruments or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft and any combination of such facilities;

“air navigation services provider (ANSP)” means the entity responsible for the provision of air navigation services;

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

“air traffic control service” means a service provided for the purposes of-

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

“air traffic service” means flight information service, alerting service, air traffic advisory service, air traffic control service; area control service, approach control service or aerodrome control service;

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

“certificate” means the air navigation service provider certificate issued by the Authority under these Regulations;

“controlled aerodrome” means an aerodrome from which air traffic control service is provided to aerodrome traffic;

“currency point” has the meaning assigned to it under Schedule 1;

Manual of Air Navigation Services Operations (MANSOPs) means a document that contains all information and instructions necessary to enable the personnel of the ANSP perform their duties;

“Safety Management System (SMS)” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

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

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

“State aircraft” means an aircraft used in military, customs and police services of Uganda or any other State or any other civil registered aircraft at the time performing a State function and fully converted to offer services to Heads of State, military service, customs or police or to any other State;

3. Application

These Regulations apply to a person providing air navigation services within a designated airspace and at aerodromes.

PART II – CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDER

4. Requirements for provision of air navigation services

(1) A person shall not provide air navigation services unless the person holds a certificate issued by the Authority under these Regulations.

(2) Subject to sub-regulation (1), providers of;

- (a) air traffic services;
- (b) communication, navigation and surveillance systems;

- (c) meteorological services for air navigation;
- (d) aeronautical search and rescue coordination services;
- (e) aeronautical information services;
- (f) aeronautical charts; or
- (g) construction of instrument flight procedures;

shall be issued with certificates in accordance with these regulations.

(3) The air navigation services shall be provided in accordance with-

- (a) the requirements in these Regulations;
- (b) the procedures specified in the Manual of air navigation services operations (MANSOPs); and
- (c) any other requirements issued by the Authority for the safety of air navigation services

5. Application for certificate

- (1) An application for an air navigation service provider certificate shall be made to the Authority using the Air Navigation Service Provider (ANSP) application form under the Schedule 2
- (2) The application for an air navigation service provider certificate shall be accompanied by-
 - (a) a MANSOPs of the applicant;
 - (b) a written statement setting out the air navigation services and locations at which the services shall be provided;
 - (c) the safety management system manual of the applicant;
 - (d) the quality management system manual of the applicant;
 - (e) proof of financial capacity of the applicant to provide the air navigation services;
 - (f) a valid insurance policy in respect of the air navigation services to be provided by the applicant; and
 - (g) evidence of payment of fees as prescribed by the Authority in an aeronautical information circular.

6. Issuance of certificate

- (1) The Authority shall, before issuing a certificate of air navigation, satisfy itself that the-
 - (a) applicant has an adequate number of personnel and with the requisite competences to provide air navigation services;
 - (b) MANSOPs prepared and accompanying the application contains all the required information;
 - (c) facilities, services and equipment of the applicant conform to these regulation and meet requirements in the applicable Civil Aviation Regulations;
 - (d) operating procedures of the applicant contain sufficient provisions for the safety of an aircraft;
 - (e) applicant has an appropriate safety management system;
 - (f) applicant has an approved quality management system;
 - (g) applicant complies with the requirements of the Civil Aviation (Security) Regulations, 2017;
 - (h) applicant has sound financial capacity to provide the services; and
 - (i) applicant has an appropriate insurance policy for the services that he or she intends to provide.
- (2) The Authority may set other conditions that the Authority deems necessary.
- (3) The Authority may refuse to grant a certificate to an applicant if it finds that the applicant does not meet the requirements of these regulations.
- (4) Where the Authority refuses to grant a certificate to an applicant, the Authority shall inform the applicant the reasons for the refusal in writing.

7. Contents of certificate

The air navigation service provider certificate shall contain the following information—

- (a) the name, mailing address and principal place of business of the service provider;
- (b) the type of services to be provided by services provider;
- (c) the location of services to be provided;
- (d) the portion of aerodrome and airspace where the services are to be provided;

- (e) any other conditions upon which approval of the certificate is to be based; and
- (f) the commencement and expiry dates of the certificate.

8. Validity of certificate

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

9. Renewal of certificate

- (1) The holder of a certificate of air navigation services may apply to the Authority, for renewal of the certificate using the ANSP application form under the Schedule 2 .
- (2) Subject to subregulation (1) the application for renewal of the certificate shall be submitted to the to the Authority not later than ninety days before the expiry of the certificate.
- (3) The application for renewal of the certificate shall be accompanied by-
 - (a) the MANSOPs if significant changes have been made following the initial certification; and
 - (b) evidence of payment of applicable fees.
- (4) The renewal of an ANSP certificate shall be subject to compliance with these Regulations and any other conditions that may be specified or notified by the Authority.

10.Surrender of certificate

- (1) The holder of a certificate may surrender the certificate to the Authority subject to subregulation (2) and any conditions set by the Authority.
- (2) The holder of a certificate who wishes to surrender the certificate shall notify the Authority in writing, within not less than one hundred eighty days from the date on which the certificate is to be surrendered.

- (3) Upon expiry of the period referred to in subregulation (2), the air navigation service provider shall cease to provide the services set out in the certificate unless authorised to continue providing the services by the Authority in writing.

11. Amendment of certificate

- (1) The Authority may amend or modify a certificate-
 - (a) to correct errors or omissions;
 - (b) upon request made by the holder of a certificate; or
 - (c) where the Authority deems it necessary;

- (2) The holder of a certificate shall for the purpose of subregulation (1) (a) make an application to the Authority using the ANSP application form under the Schedule 2 and shall-
 - (a) attach two copies of the proposed amendments to the Manual of Air Navigation Service Operations; and
 - (b) attach evidence of payment of the prescribed fees.

- (3) Where the amendment to the certificate is initiated by the Authority, the Authority shall inform the holder of the certificate about the amendment and the holder of the certificate shall make the necessary amendments in the Manual of Air Navigation Services Operations within the time specified by the Authority.

12. Display of certificate

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

- (2) Where a copy of the certificate is displayed under sub regulation (1), the holder of the certificate shall whenever required show the original certificate to the Authority.

13. Transfer of certificate

A certificate issued under these Regulations shall not be transferable.

14. Suspension, variation and cancellation of certificate

- (1) The Authority may provisionally suspend a certificate issued under these Regulations, where the Authority considers that-
 - (a) a provision of the Act or these Regulations, or a condition in the certificate, has not been or is not being complied with;
 - (b) false or materially incorrect information was given to the Authority in the application for the certificate; or
 - (c) it is in the public interest to do so.
- (2) Subject to subregulation (1), the Authority may suspend a certificate issued under these regulations for a period not exceeding sixty days
- (3) A holder of an ANSP certificate who is notified of a suspension under subregulation (2) may submit a response in writing within a period not exceeding fourteen days from the date of the suspension.
- (4) Notwithstanding subregulation (3), the Authority may suspend any or all of the operations of the holder of the ANSP certificate pending receipt of a response from the certificate holder.
- (5) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction, vary or cancel any ANSP certificate issued under these Regulations.
- (6) A holder or any person having the possession or custody of any ANSP certificate which has been suspended or cancelled under these Regulations shall surrender the certificate to the Authority within fourteen days from the date of suspension or cancellation.

15. Register of certificate holder

- (1) The Authority shall keep and maintain a register showing-
 - (a) the name of the holder of the certificate;
 - (b) the physical and postal address of the holder of the certificate; and
 - (c) the date of issue or renewal of the certificate as the case may be;
 - (d) the type of service offered by the holder of the certificate;
 - (e) the expiry date of the certificate;
 - (f) the date of variation, suspension or cancellation of the certificate, as the case may be; and
 - (g) any other particulars as may be determined by the Authority.

- (2) The Authority shall enter in the register, all the changes in the particulars of the certificate referred to in subregulation (1).
- (3) The register shall be a public document and any person may obtain the information entered therein, upon approval by the Authority.

PART III - MANUAL OF AIR NAVIGATION SERVICES OPERATIONS

16. Requirements for Manual of Air Navigation Services Operations (MANSOPs)

- (1) The MANSOPs submitted to the Authority under these Regulations shall be-
 - (a) type written;
 - (b) signed by the service provider;
 - (c) in a format that is easy to revise and shall include a list of the amended pages; and
 - (d) organised in a manner that facilitates the evaluation and approval process.
- (2) The holder of a certificate shall keep not less than one approved copy of the manual at his or her principal place of business.

17. Contents of MANSOPs

Every MANSOPs shall contain all the information and instructions that are necessary to enable the personnel of the air navigation services provider perform their respective duties and in particular shall include-

- (a) a list of the services to be provided;
- (b) the responsibilities of the personnel;
- (c) information about assessment of performance and training of the staff of the service provider and how that information is tracked;
- (d) the safety management system and quality management system of the service provider;
- (e) the contingency plans to be used in case of part or total system failure;
- (f) a statement about compliance with the Civil Aviation (Security) Regulations, 2017, by the service provider;
- (g) the facilities and equipment of the service provider and how the facilities and equipment are installed and maintained;

- (h) the procedure for reporting faults and defects;
- (i) a system for maintenance of the documents and records of the service provider;
- (j) the search and rescue responsibilities, co-ordination, operations, plans and procedures;
- (k) the proposed hours of service;
- (l) systems and procedures in the provision of air navigation services; and
- (m) any other information requested for by the Authority.

18. Amendment of the MANSOPs

- (1) For the purposes of maintenance of the accuracy of the information in the MANSOPs-
 - (a) the holder of the certificate shall whenever necessary, amend the manual; and
 - (b) the Authority may issue a written directive requiring the holder of a certificate to amend the MANSOPs.

- (2) Notwithstanding subregulation (1), the holder of the certificate shall submit the proposed amendment to the Authority for approval, before effecting the amendment in the MANSOPs.

19. Continued compliance

The holder of a certificate shall -

- (a) maintain at every office listed in the certificate, a copy of the MANSOPs;
- (b) avail to all his or her personnel parts of the MANSOPs that are relevant to their respective duties;
- (c) comply with all the procedures and processes detailed in the MANSOPs;
- (d) notify the Authority of any change of address for service, telephone number, email or facsimile number within twenty eight days from the date on which the change was made; and

- (e) comply with these regulations, any other conditions as may be specified by the Authority, as determined by safety inspections or audits by the Authority.

PART IV - AIR NAVIGATION SERVICES

20. Air navigation services facilities and systems

A certified air navigation service provider shall-

- (1) provide facilities for the provision of air navigation services in the portion of air space and aerodromes designated for that purpose; and
- (2) adopt and put into operation appropriate systems, operational practices and procedures in accordance with requirements for provision of air navigation services in regulation 4.

21. Approval of air navigation services facilities

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

22. Safety inspections and audit of air navigation services

- (1) The Authority shall carry out safety inspections and audits of air navigation facilities, services, documents and records of the air navigation service provider, for purposes of determining compliance with these Regulations.
- (2) The Authority may impose operating restrictions or sanctions where necessary upon the operations of the holder of a certificate, in the event of non-compliance with the requirements in the certificate or an unresolved safety concern.

23. Access to air navigation facilities

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

24. Production of documents

The holder of a certificate shall, where requested by an authorised person, produce all the documents under his or her possession, within seventy-two hours of receiving the request.

25. Air navigation services contingency plan

- (1) The holder of a certificate shall develop and maintain a contingency plan, for use in the event of an actual disruption or potential disruption, of air navigation services in the airspace for which the holder of the certificate is responsible.
- (2) The holder of a certificate shall while developing the contingency plan liaise with other air navigation service providers in adjacent or contiguous airspaces.
- (3) The contingency plan shall include-
 - (a) the actions to be taken by the certificate holder's personnel responsible for providing the service;
 - (b) alternative arrangements for providing the service;
 - (c) the arrangements for resuming normal operations of the service, and
 - (d) any other conditions as may be specified by the Authority
- (4) The contingency plan for air traffic services shall be developed in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2020.

26. Designated alternative air navigation service provider

- (1) The Authority may, where the Authority considers it necessary and in public interest, designate an alternative air navigation service provider, for a specified period.
- (2) The Authority shall designate an alternate air navigation service provider where-
 - (a) the certificate is surrendered by the certificate holder;
 - (b) the Authority suspends the certificate of a service provider; or
 - (c) the Authority cancels the certificate.

PART V - GENERAL PROVISIONS

27.Replacement of certificate and change of particulars in certificate

- (1) The holder of a certificate issued under these Regulations may apply to the Authority for-
 - (a) replacement of the certificate where the certificate is lost or destroyed;
 - (b) change of name on the certificate; or
 - (c) an endorsement on the certificate.

- (2) The holder of a certificate shall, for purposes of subregulation (1) submit to the Authority-
 - (a) the original certificate or a copy of the original certificate where the certificate is lost or destroyed; or
 - (b) a court order, or other legal document authorising the change of name of the holder of the certificate.

- (3) The Authority shall, where applicable return to the holder of a certificate, the original certificate, with the appropriate modifications, and retain copies of the certificate.

28.Change of address

The holder of a certificate issued under these Regulations shall notify the Authority of any change in his or her physical and mailing address within twenty eight days of from the date of occurrence of the change.

29.Personnel requirements

The air navigation service provider shall-

- (a) Ensure that all his or her personnel possess the requisite skills, knowledge and competences required to perform the functions of the air navigation service provider;

- (b) ensure that procedures are established to maintain the required proficiency of the personnel;

- (c) the testimonials of the personnel of the service provider can be accessed by the Authority;

- (d) develop job descriptions for all technical staff involved in the provision of air navigation services;
- (e) develop training programme for all technical staff which covers initial, on the job, recurrent and specialised training;
- (f) develop annual training plans detailing and prioritising what type of training will be provided, and this training shall cover recurrent training;
- (g) prior to assigning tasks and responsibilities to new technical staff, ensure that they have satisfactorily completed initial, on-the-job training in accordance with the training programme; and
- (h) develop a system for the maintenance of training records for all air navigation services technical staff.

30. Use and retention of documents and records

- (1) A person shall not-
 - (a) (i) use any certificate or exemption issued or required under these Regulations, which is forged, altered, cancelled; or
 - (ii) suspended to which he or she is not entitled;
 - (b) forge or alter any certificate or exemption issued or required under these Regulations;
 - (c) lend the certificate or exemption issued or required under these Regulations to any other person; or
 - (i) mutilate, alter, render illegible or destroy any records, or an entry made in the record, required under these Regulations to be maintained, or make, or procure or assist in the making of, any false entry in such record, or omit to make a material entry in the record.
- (2) All records required to be maintained under these Regulations shall be recorded in a permanent and indelible material.
- (3) A person shall not issue any certificate or exemption under these Regulations unless the person is authorised to do so by the Authority.

- (4) A person authorised by the Authority to issue a certificate or exemption, shall not issue any certificate unless the person is satisfied that all statements in the certificate or exemption are correct, and that the applicant is qualified to hold that certificate.

31. Report of violation

Every person who knows of a violation of these Regulations shall report the violation to the Authority.

32. Failure to comply with directive

A person who fails to comply with any directive given to him or her by the Authority or by an authorised officer under these Regulations shall be deemed, to have contravened these Regulations.

33. Aeronautical fees

- (1) The Authority shall notify in writing the fees to be charged in connection with the issue, renewal or variation of any certificate, test, inspection or investigation required by, or for the purpose of, these Regulations, any orders, notices or proclamations made thereunder.
- (2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of subregulation (1), the applicant shall be required, before the application is accepted, to pay the fee so chargeable.
- (3) The fees paid under these regulations are not refundable.

PART VI - OFFENCES AND PENALTIES

34. Contravention of regulations

The Authority may suspend or cancel the certificate of a person who contravenes any provision of these Regulations.

35. Penalties

- (1) A person who contravenes any provision of these Regulations, is upon conviction, liable to a fine not exceeding twelve currency points or to a term of imprisonment not exceeding six months or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

- (2) Where it is proved that an act or omission of any person, which would otherwise have been a contravention of a provision of these Regulations by that person was due to a cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention of that provision by that person.

36. Appeal

A person aggrieved with the decision of the Authority under these Regulations may, within twenty one days of such decision, appeal to the tribunal.

SCHEDULE 1

Regulation 2

CURRENCY POINT

A currency point is equivalent to twenty thousand Uganda shillings.

SCHEDULE 2
Regulation 5, 9(1) and 11(2)



DIRECTORATE OF SAFETY, SECURITY AND ECONOMIC REGULATION

AIR NAVIGATION SERVICE PROVIDER (ANSP) – APPLICATION FORM

Section A: Particulars of the Applicant

Name of Person/Organisation.....
Address.....
.....
Location.....
Telephone No.....
Fax.....
E-Mail.....

Section B: Operational Details

Location of Proposed Operation:	
Service(s) to be provided:	Location and Coverage of Each Service:
Proposed Commencement Date:	
Daily Hours of Service:	

Manual of Operations	Provided <input type="checkbox"/> Yes <input type="checkbox"/> No
Are facilities installed and operative?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section C: Declaration

On behalf of, I hereby apply for CAA Certification as an Air Navigation Service Provider.

Signed:

My Authority to Act on behalf of the applicant is:.....

Name of person making the declaration:

Date:/...../.....

Note:

1. *The Application should be submitted to the Civil Aviation Authority, Headquarters.*
2. *On submission of this application, a fee shall be paid to the Authority to cover the cost of certification.*
3. *Documentary evidence in support of all matters in this application may be requested.*

CROSS REFERENCES

The Civil Aviation (Security) Regulations, 2017

The Civil Aviation (Aeronautical Communication Procedures) Regulations, 2020

The Civil Aviation (Aeronautical Communication Systems) Regulations, 2020

The Civil Aviation (Aeronautical Radio Navigation AIDS) Regulations, 2020

The Civil Aviation (Surveillance and Collision Avoidance Systems) Regulations, 2020

The Civil Aviation (Aeronautical Frequency Management) Regulations, 2020

The Civil Aviation (Aeronautical Charts) Regulations, 2020;

The Civil Aviation (Aeronautical Search and Rescue) Regulations, 2020;

The Civil Aviation (Aircraft Accident and Incident Investigations) Regulations, 2020;

The Civil Aviation (Construction of Instrument Flight Procedures) Regulations, 2020;

The Civil Aviation (Rules of the Air) Regulations, 2020;

The Civil Aviation (Units of Measurement for Air and Ground Operations) Regulations, 2020;

The Civil Aviation (Safety Management) Regulations, 2020;

The Civil Aviation (Air Traffic Services) Regulations, 2020;

The Civil Aviation (Remotely Piloted Aircraft Systems) Regulations, 2020;

The Civil Aviation (Personnel Licensing) Regulations, 2020;

The Civil Aviation (Meteorological Services for Air Navigation) Regulations, 2020;

The Civil Aviation (Aeronautical Information Services) Regulations, 2020;

The Civil Aviation (Fatigue Risk Management) Regulations, 2020;

GEN. EDWARD KATUMBA-WAMALA (MP)

Minister of Works and Transport