



The



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THE POLITICAL PARTIES AND ORGANISATIONS ACT No. 18 OF 2005 Section 7(4)

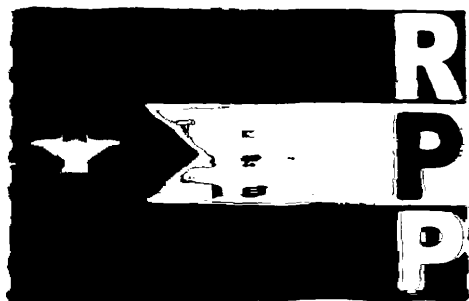
NOTICE

NOTIFICATION OF APPLICATION FOR REGISTRATION BY REVOLUTIONARY PEOPLE'S PARTY (RPP)

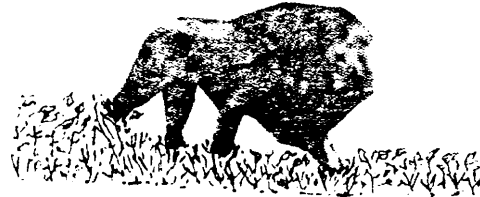
NOTICE IS HEREBY GIVEN by the Electoral Commission in accordance with Section 7(4) of the Political Parties and Organisations Act, No. 18 of 2005 of an application for registration by Revolutionary People's Party (RPP) with the following particulars:

- Name: Revolutionary People's Party (RPP)
 - Address: Plot 28/30 Bombo Road
P.O. Box 2630
KAMPALA
 - Symbol: A moving lion.
 - Colours: Black, white, red and green.
 - Party Flag: Three horizontal bands of black, white and green with the letters RPP inscribed at the right side and a white star on the left side in a green angle.
 - Slogan: Uganda Maendeleo
 - Emblem: Two raised palms with the thumbs pointing upwards.
- For the registration of this Party, the date of this Gazette and the Electoral Commission. The Electoral Commission Head Office, Plot 54 Jinja Road, KAMPALA.

PARTY FLAG



RPP PARTY EMBLEM/SYMBOL



RPP LOGO



RPP SIGN



Issued at Kampala this 12th day of June, 2008.

ENG. DR. BADRU M. KIGGUNDU.
Chairman, Electoral Commission.

General Notice No. 585 of 2008.

THE POLITICAL PARTIES AND ORGANISATIONS ACT

No. 18 OF 2005
Section 7(4)

NOTICE

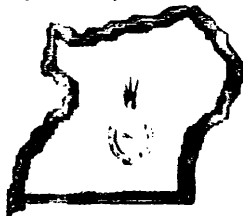
NOTIFICATION OF APPLICATION TO REGISTER UGANDA PEOPLE'S DEMOCRATIC ALLIANCE (UPDA)

NOTICE IS HEREBY GIVEN by the Electoral Commission in accordance with Section 7(4) of the Political Parties and Organisations Act, No. 18 of 2005 that the above named Political Party has applied for registration with the following name, slogan, colours and symbols:

- Name: Uganda People's Democratic Alliance (UPDA)
- Symbols: (1) Map of Uganda with a Clock and three raised, middle fingers of an open right hand.
(2) Party Flag bearing Black, Red, bright Green and Blue (horizontal top to bottom)

Objection to the said registration should be sent to the Electoral Commission at Plot 54 Jinja Road, P.O. Box 22-75, Kampala within 14 days from the date of this Notice.

**UGANDA PEOPLE'S DEMOCRATIC
ALLIANCE (UPDA) PARTY EMBLEM**



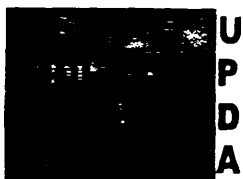
**UGANDA PEOPLE'S DEMOCRATIC
ALLIANCE (UPDA)**



PARTY SIGN



PARTY FLAG



Issued at Kampala this 24th day of September, 2008.

ENG. DR. BADRU M. KIGGUNDU.
Chairman, Electoral Commission.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 314 Plot 410 Land at Buloba.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Bitulensi Mpera, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, **AMBROSE ORIIKIRIZA.**
6th November, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 84 Plot 41 Area: 24.3 Hectares at Kiyunga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Bumbakali Kawalana (dec'd), a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, **ARINAITWE OVERSON,**
17th November, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 192 Plot 14 Area: 4.05 Hectares at Ngandu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Nakanya Betty Lupampa & Nantale Lupampa, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, **ARINAITWE OVERSON,**
17th November, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyaggwe Block 82 Plot 22 Area: 1.20 at Kabunga.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Seggane Paul of Namasuba Kikajjo, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mukono, **ARINAITWE OVERSON,**
17th November, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 121 Plot 222. Land at Gungu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Yerimiya Salongo Kyobe, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
11th September, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 80 Plots 48 and 49 Land at Buwambo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Lekobowamu Mutawala, a special Certificate of Title under the above Block and Plots, the Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
13th November, 2008. *for Ag. Commissioner Land Registration.*

THE REGISTRATION OF TITLES ACT.
(Cap. 230).
NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 208 Plots 519 and 520 Land at Kawempe.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Edward Mugalu of P.O. Box 1765, Kampala, a special Certificate of Title under the above Block and Plots, the Certificate of Title which was originally issued having been lost.

Kampala, **DDAMULIRA AHMED,**
10th November, 2008. *for Ag. Commissioner Land Registration.*

STATUTORY INSTRUMENTS
SUPPLEMENT No. 29

REFERENCE LIBRARY

17th November, 2008

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 57 Volume CI dated 17th November, 2008

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS

2008 No. 47.

THE CIVIL AVIATION (AIR NAVIGATION SERVICES) REGULATIONS, 2008

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STATUTORY INSTRUMENTS

2008 No. 47.

The Civil Aviation (Air Navigation Services) Regulations, 2008.

(Made under section 33 and 61 of the Civil Aviation Act, Cap 354)

IN EXERCISE of the powers conferred upon the Minister by sections 33 and 61 of the Civil Aviation Authority Act Cap. 354, these Regulations are made this 14th day of November, 2008.

PART I—PRELIMINARY

1. Citation

These Regulations may be cited as the Civil Aviation (Air Navigation Services) Regulations, 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time a person boards the aircraft with the intention of flight until the time all the persons have disembarked;

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

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

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

“aeronautical data” means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing;

“aeronautical fixed service (AFS)” means a telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air services;

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

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

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

“aeronautical Information 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;

“AIP” means Aeronautical Information Package;

“AIP amendment” means a permanent change to information contained in the AIP;

“AIP supplement” means a temporary change to the information contained in the AIP which is published by means of special pages;

“AIRAC” means aeronautical information regulation and control, signifying a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;

“aircraft” means a 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;

communication, navigation and surveillance, meteorological services for air navigation, search and rescue and aeronautical information services;

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

“air navigation services provider” means an independent entity established for the purpose of operating and managing air navigation services and empowered to manage and use the revenues it generates to cover its costs;

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

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

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

(a) preventing collisions—

(i) between aircraft; or

(ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

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

- “Authority” means the Civil Aviation Authority;
- “authorised person” means any person authorised by the Authority either generally or in relation to a particular case or class of cases and reference to an authorised person includes reference to the holder for the time being of an office designated by the Authority;
- “certificate” means a certificate for the provision of Air Navigation Services issued by the Authority under Part II of these Regulations;
- “control area” means a controlled airspace extending upwards from a specified limit above the earth;
- “controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;
- “controlled flight” means a flight which is subject to air traffic control clearance;
- “control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- “cyclic redundancy checks (CRC)” means a mathematical algorithm applied to the digital expression of data that provides a level of assurance against loss or alteration of data;
- “data link communications” means a form of communication intended for the exchange of messages via a data link;
- “data quality” means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;
- “flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- “flight information centre” means a unit established to provide flight information service and alerting service;

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

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

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

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

“integrated aeronautical information package” means a package which consists of the following elements—

(a) AIP, including amendment service;

(b) supplements to the AIP;

(c) NOTAM;

(d) AIC; and

(e) checklists and lists of valid NOTAM;

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

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

“MANSO’s” means Manual of Air Navigation Service Operations;

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

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

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

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

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

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

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

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

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

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

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

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

3. Application.

(1) These Regulations apply to a person who wants to become or is an air navigation service provider.

(2) These Regulations do not apply to—

(a) a person who is providing an air navigation service in the course of his or her duties for the military; or

(b) an air navigation service provided by the military.

PART II—CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS

4. Requirements for the provision of air navigation services.

A person shall not provide air navigation services in a designated airspace, aerodrome and portions of the airspace over the high seas that lie within the designated airspace unless—

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

(b) the services are provided in accordance with the requirements specified in the MANSOPs.

5. Application for certificate.

A person applying for a certificate shall make an application in a form prescribed in schedule 1 and the form shall be accompanied by—

(a) the applicant’s MANSOPs provided under regulation 16(1);

(b) a written statement setting out the services and locations at which the services shall be provided; and

(c) the fees prescribed by the Authority.

6. Issuance of certificate.

(1) The Authority shall, before issuing a certificate, be satisfied that—

- (a) the MANSOPs prepared and submitted with the application contains all the relevant information;
- (b) the personnel of the applicant are adequate in number and have the necessary competence and experience to provide the service;
- (c) the facilities, services and equipment are established in accordance with these Regulations;
- (d) the operating procedures make satisfactory provision for the safety of aircraft;
- (e) an approved safety management system is in place;
- (f) the applicant has approved procedures to meet the requirements of the Civil Aviation (Security) Regulations 2007;
- (g) the applicant has financial capability to provide the service; and
- (h) the applicant has an insurance policy in force in relation to the services provided.

(2) Subject to subregulation (1), the Authority may specify other requirements as may be necessary.

(3) The issuance of a certificate shall be subject to compliance with these Regulations and other conditions as may be specified or notified by the Authority in accordance with safety audit and inspection.

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

7. Contents of certificate.

A certificate issued under these Regulations shall include—

- (a) the holder's name and physical address of the principal place of business;

- (b) a list of services offered by the holder; and
- (c) for each air traffic service, the location from which the service will be provided.

8. Validity of certificate.

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

9. Renewal of certificate.

(1) An application for the renewal of a certificate shall be submitted to the Authority upon payment of a fee prescribed by the Authority.

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

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

10. Surrender of certificate.

(1) A holder of a certificate may surrender the certificate to the Authority at any time.

(2) Subject to subregulation (1), a holder of a certificate who wishes to surrender the certificate, shall give the Authority not less than one hundred and eighty days notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in subregulation (2), an air navigation service provider shall not provide his or her services unless authorised by the Authority.

11. Amendment of certificate.

(1) The Authority may amend a certificate upon --

- (a) an application made by the holder of a certificate; or
- (b) the Authority's initiative.

(2) An application for amendment of a certificate shall be accompanied by—

- (a) two copies of the proposed amendments; and
- (b) a fee prescribed by the Authority.

(3) Where the Authority initiates amendments under subregulation (1)(b) the holder of the certificate shall make amendments in the MANSOPs accordingly.

12. Display of certificate.

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

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

13. Transfer of certificate.

A certificate issued under these Regulations is not transferable.

14. Suspension, variation and revocation of certificate.

(1) The Authority may suspend the use of a certificate issued under these Regulations, if it considers that—

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

(2) The Authority may, upon the completion of an investigation where sufficient reason is shown, suspend, vary or revoke a certificate.

(3) A person in possession or custody of a certificate which ~~has~~ been suspended, revoked or varied under these Regulations ~~shall~~ surrender the certificate to the Authority within fourteen days after ~~the~~ date of suspension, revocation or variation.

15. Register.

(1) The Authority shall keep and maintain a register of certificates.

(2) The register shall contain—

(a) the name of the holder of the certificate;

(b) the physical and postal address of the holder of the certificate;

(c) the date of issue or renewal of the certificate;

(d) the type of service offered by the holder of the certificate;

(e) the expiry date of the certificate;

(f) the date of suspension, variation or revocation of the certificate
and

(g) any other particulars as may be prescribed by the Authority.

(3) Where there is a change in the particulars recorded under sub-regulation (2), the change shall be entered in the register by ~~the~~ Authority.

(4) The register shall be a public document and any particular entered in it may be obtained upon payment of a prescribed fee.

PART III—MANUAL OF AIR NAVIGATION SERVICES OPERATIONS

16. Requirements for MANSOPs.

(1) The manual of air navigation services operations submitted shall be—

(a) type written;

(b) signed by the operator;

(c) in a format that is easy to revise;

- 7
- (d) organized in a manner that facilitates the preparation, review and approval processes; and
 - (e) in a system that records the current pages and any amendments, including a page for logging revisions.

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

17. Contents of MANSOPs.

(1) A manual of air navigation service operations shall contain information and instructions which are necessary to enable the personnel of the air navigation service provider to perform their duties and shall include—

- (a) services to be provided;
- (b) personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;
- (d) safety management system and quality assurance;
- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations, 2007 as required;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination;
- (k) facility operations and maintenance plan and procedure;
- (l) schedule of the proposed hours of service for the first twelve months of operation;

- (m) a summary of safety factors considered before seeking certification;
- (n) systems and procedures to ensure separation between controlled flights and active special use airspace; and
- (o) any other information required by the Authority.

18. Amendment of MANSOPs.

(1) For the purpose of maintaining the accuracy of the information in the MANSOPs—

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

(2) Notwithstanding subregulation (1), the holder of a certificate shall submit proposed amendments to the Authority for approval before the manual is amended.

PART IV—AIR NAVIGATION SERVICES

19. Air navigation services facilities and standard systems.

The Authority shall, in accordance with these Regulations, designate a service provider to—

- (a) provide in the designated portion of airspace, facilities for the provision of air navigation services;
- (b) adopt and put into operation the appropriate standard systems, communications procedures, codes, markings, signals, lighting and other operational practices and rules; and
- (c) publish aeronautical maps and charts.

20. Approval of air navigation services facilities.

A person shall not install or use air navigation services facilities in a designated airspace and aerodromes without the approval of the Authority.

21. Safety inspections and audit on air navigation services facilities.

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

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

(3) The safety inspections and audits shall be carried out as and when the Authority sees necessary.

22. Production of documents.

A holder of a certificate shall, upon request by an authorised person, produce relevant documents under his or her possession within seventy two hours of the request.

23. Air navigation services contingency plan.

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

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

(3) The contingency plan shall include—

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

24. Alternative designated service provider.

The Authority may, in the public interest, appoint an alternative designated service provider to provide services in respect of a certificate suspended by the Authority, for the duration of the suspension.

Air Traffic Services

25. Designation of airspace.

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

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

- (a) a flight information region;
- (b) a control area;
- (c) a control zone; or
- (d) controlled aerodromes.

(3) In determining the need for the provision of air traffic services the Authority shall take into consideration—

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

(4) Upon application by a service provider for air traffic services to be provided, the Authority shall designate the service provider responsible for providing such services.

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

26. Provision of air traffic services.

The holder of a certificate shall—

- (a) apply to the Authority for the portions of the airspace and the aerodromes which shall be provided with air traffic services;
- (b) provide air traffic services as prescribed by the Authority.

27. Coordination in air traffic services.

An air traffic service provider shall, in carrying out its objectives, establish procedures for the coordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators, information to enable them meet their obligations;
- (b) establishing coordination with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information;
- (e) exchanging and coordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

28. Responsibility for control.

A holder of a certificate shall establish procedure to ensure responsibility of control of an aircraft and transfer of that responsibility as may be prescribed by the Authority.

29. Communication requirements.

A holder of a certificate shall establish communication requirements as prescribed by the Authority.

30. Air traffic incidents.

A holder of a certificate shall establish procedure for the notification, investigation, and reporting of air traffic incidents, which shall be made in an incident report form.

31. Aircraft in distress.

A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in his or her designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress.

17. Contents of MANSOPs.

(1) A manual of air navigation service operations shall contain information and instructions which are necessary to enable the personnel of the air navigation service provider to perform their duties and shall include—

- (a) services to be provided;
- (b) personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;
- (d) safety management system and quality assurance;
- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations, 2007 as required;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination;
- (k) facility operations and maintenance plan and procedure;
- (l) schedule of the proposed hours of service for the first twelve months of operation;
- (m) a summary of safety factors considered before seeking certification;

- (n) systems and procedures to ensure separation between controlled flights and active special use airspace; and
- (o) any other information required by the Authority.

18. Amendment of MANSOPs.

(1) For the purpose of maintaining the accuracy of the information in the MANSOPs—

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

(2) Notwithstanding subregulation (1), the holder of a certificate shall submit proposed amendments to the Authority for approval, before the manual is amended.

PART IV—AIR NAVIGATION SERVICES

19. Air navigation services facilities and standard systems.

The Authority shall, in accordance with these Regulations, designate a service provider to—

- (a) provide in the designated portion of airspace, facilities for the provision of air navigation services;
- (b) adopt and put into operation the appropriate standard systems of communications procedures, codes, markings, signals, lighting and other operational practices and rules; and
- (c) publish aeronautical maps and charts.

20. Approval of air navigation services facilities.

A person shall not install or use air navigation services facilities in the designated airspaces and aerodromes without the approval of the Authority.

21. Safety inspections and audit on air navigation services facilities.

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

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

(3) The safety inspections and audits shall be carried out as and when the Authority sees necessary.

22. Production of documents.

A holder of a certificate shall, upon request by an authorised person, produce relevant documents under his or her possession within seventy two hours of the request.

23. Air navigation services contingency plan.

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

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

(3) The contingency plan shall include—

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

24. Alternative designated service provider.

The Authority may, in the public interest, appoint an alternative designated service provider to provide services in respect of a certificate suspended by the Authority, for the duration of the suspension.

Air Traffic Services

25. Designation of airspace.

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

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

- (a) a flight information region;
- (b) a control area;
- (c) a control zone; or
- (d) controlled aerodromes.

(3) In determining the need for the provision of air traffic services, the Authority shall take into consideration—

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

(4) Upon application by a service provider for air traffic services to be provided, the Authority shall designate the service provider responsible for providing such services.

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

26. Provision of air traffic services.

The holder of a certificate shall—

- (a) apply to the Authority for the portions of the airspace and the aerodromes which shall be provided with air traffic services;
- (b) provide air traffic services as prescribed by the Authority.

27. Coordination in air traffic services.

An air traffic service provider shall, in carrying out its objectives, establish procedures for the coordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators, information to enable them meet their obligations;
- (b) establishing coordination with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information;
- (e) exchanging and coordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

28. Responsibility for control.

A holder of a certificate shall establish procedure to ensure responsibility of control of an aircraft and transfer of that responsibility as may be prescribed by the Authority.

29. Communication requirements.

A holder of a certificate shall establish communication requirements as prescribed by the Authority.

30. Air traffic incidents.

A holder of a certificate shall establish procedure for the notification, investigation, and reporting of air traffic incidents, which shall be made in an incident report form.

31. Aircraft in distress.

A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in his or her designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress.

32. Automatic recording of air automatic service data and communications.

(1) A holder of a certificate shall—

- (a) make provision for the automatic recording of air traffic service data and communications; and
- (b) retain the recorded air traffic service data and communications for a period not exceeding thirty days.

(2) Subject to subregulation (1), the recorded air traffic service data and communications, if pertinent to accident and incident investigations, shall be retained for longer periods until it is evident that it is no longer required.

33. Safety management system.

A holder of a certificate shall have a safety management system which complies with the requirements prescribed by the Authority.

Communication, Navigation and Surveillance

34. Installation, operation and maintenance of communication, navigation and surveillance systems.

(1) The holder of a certificate shall ensure that the communication, navigation and surveillance systems are installed, operated, maintained, available and reliable in accordance with the requirements prescribed by the Authority.

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

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

35. Facility approval and flight inspection.

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

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

Aeronautical Information Services and Aeronautical charts

36. Provision of aeronautical information services.

- (1) A holder of a certificate shall—
- (a) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information concerning the designated airspace;
 - (b) publish the aeronautical information as an integrated aeronautical information package;
 - (c) ensure that the aeronautical information provided is adequate of required quality and timely;
 - (d) make available to aeronautical information services of other states. any information necessary for the safety, regularity or efficiency of air navigation;
 - (e) designate the office to which all elements of integrated aeronautical information package originated by other states is addressed.

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

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

- (a) aeronautical information circular;
- (b) aeronautical information publication and its amendments;
- (c) aeronautical information publication supplements;
- (d) Notice to Airmen (NOTAM),

shall be in accordance with the requirements of these Regulations.

(4) The aeronautical information publication amendments and supplements issued under the AIRAC system shall be as prescribed by the Authority.

37. Production of aeronautical charts.

(1) A holder of certificate shall ensure the availability of the required aeronautical charts containing accurate and adequate information, including information relevant to the phase of flight.

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

(3) The units of measurements used shall be as prescribed within the aeronautical information package.

38. Telecommunication requirements.

(1) Each international NOTAM office shall be connected, through the aeronautical fixed service, within the airspace for which it provides service, to—

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

(2) The aeronautical fixed service connections shall provide for printed communications.

(3) Aeronautical fixed service shall comprise the systems and applications that are used for ground to ground communications in the international telecommunication service in accordance with the requirements of these Regulations.

(4) Where messages are exchanged over the teleprinter circuits, the signals of the appropriate international telegraphic alphabet permitted shall be in accordance with the requirements of these regulations.

(5) For the purpose of subregulation (3) "ground to ground" means point to point or point to multiple points.

39. Quality system.

(1) A holder of a certificate shall—

- (a) establish and maintain a quality system of procedure, processes and resources in its aeronautical information services to implement quality management at each function stage; and
- (b) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information and data concerning the designated airspace responsible for air traffic services in accordance with its quality system.

(2) Where a quality system is established under subregulation (1) the following shall be considered—

- (a) that personnel are trained to acquire the skills, knowledge and competence required to perform the functions required in operating a quality system;
- (b) that procedure exists for traceability to its origin of data anomalies or errors, detected and corrected;
- (c) that procedure exists for assurance and confidence in distributed aeronautical information or data satisfy stated requirements for data quality, traceability and timeliness;

- (d) that publication resolution of aeronautical data shall be as prescribed by the Authority;
- (e) that confidence levels and integrity are as prescribed by the Authority;
- (f) that the procedure for protection of electronic aeronautical data stored or in transit is monitored by the cyclic redundancy check to assure integrity of data;
- (g) that material issued as part of the integrated aeronautical information package is checked and coordinated with the responsible services before it is published;
- (h) that procedure exists for validation and verification to ensure quality requirements and traceability of aeronautical data;
- (i) that procedure exists for the audit and remedial action for the compliance of the quality system.

(3) For purposes of subregulation (1)(a), function stage means receiving, originating, collating, assembling, editing, formatting, publishing, storing and distribution of aeronautical information and data.

Aeronautical Search and Rescue Services

40. Provision of Search and Rescue Service.

(1) The Authority shall designate an agency to coordinate and direct the prompt provision of search and rescue services within the designated airspace on a twenty four hour basis.

(2) The designated agency shall have a search and rescue manual approved by the Authority.

Meteorological Services for Air Navigation

41. Provision of meteorological service for air navigation.

(1) The Authority shall designate a service provider to provide meteorological services for air navigation.

(2) The service provider designated under sub regulation (1) shall provide the following services in support of aviation—

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

(3) The conditions, rules, requirements, procedure or standards of the designation of a service provider under this regulation, shall be prescribed by the Authority.

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

Construction of Visual and Instrument Flight Procedures

42. Construction of flight procedures.

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

43. Approval as procedures designer.

A person shall not design or publish visual and instrument flight procedures for use in the designated airspace and aerodromes unless he or she has completed approved training in the construction of visual and instrument flight procedure.

44. Responsibilities of a holder certificate.

A holder of a certificate authorised under regulation 42 shall carry out design work, review or amend visual and instrument flight procedures subject to the conditions specified in the certificate.

PART V—EXEMPTIONS

45. Requirements for application.

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

(2) A person requiring exemptions from these Regulations shall apply to the Authority at least sixty days from the proposed effective date, giving information as to—

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

- (f) an explanation of how the exemption would be in the public interest;
- (g) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (h) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (i) if the applicant handles international operations and seeks to operate under the proposed exemption, an indication whether the exemption would contravene a provision of the standards and recommended practices of the International Civil Aviation Organisation (ICAO).

(3) Where the applicant seeks emergency processing, the application shall contain supporting facts on the nature of the emergency.

(4) The Authority may deny, in writing, an application if it finds that the applicant has not justified the failure to apply for an exemption within a reasonable time.

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

46. Review and publication.

(1) The Authority shall review an application for exemption for accuracy and compliance with the requirements of regulation 45, and if the application fulfils the requirements, the Authority shall publish a detailed summary of the application for comments, within a reasonable time, in either--

- (a) the gazette;
- (b) aeronautical information circular; or
- (c) a daily newspaper with wide circulation.

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

(3) Where the request is urgent, the Authority shall publish the decision as soon as possible after processing the application.

47. Evaluation of the request.

(1) Where the application requirements have been fulfilled, the Authority shall conduct an evaluation of the request including—

- (a) a determination of whether an exemption would be in the public interest;
- (b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by regulation 33, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a determination of whether a grant of the exemption would contravene these Regulations; and
- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish in the aeronautical information circular a detailed summary of its evaluation and decision to grant or deny the request.

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

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

PART VI—GENERAL PROVISIONS

48. Drug and alcohol testing and reporting.

(1) A person who performs a function prescribed by these Regulations directly or under contract, may be tested for drug or alcohol usage.

(2) Where the Authority or a person authorised by the Authority wishes to test a person referred to in subregulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, or depressant or stimulant drugs or substances in the body, and that person—

(a) refuses to submit to the test; or

(b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate of the holder that employs that person.

(3) In determining whether to suspend or revoke the certificate of the holder, the Authority shall consider all relevant factors, including—

(a) whether the holder had knowledge of the drug or alcohol use;

(b) whether the holder encouraged the person to refuse the drug or alcohol test;

(c) whether the holder dismissed the person who failed or refused the drug tests; or

(d) the position that person held with the holder of the certificate.

(4) The Authority shall require the holder to show cause why the certificate should not be suspended, revoked or cancelled.

(5) A person who is convicted, whether in or outside the designated airspace, of an offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from employment by the holder of certificate.

49. Change of name.

(1) A holder of a certificate issued under these Regulations may apply to change the name on the certificate.

(2) The holder shall include in his or her application—

(a) the current certificate; and

(b) a court order, or other legal document verifying the change of name.

(3) The Authority may change the licence, certificate or authorisation and issue a new certificate as a replacement.

(4) The Authority shall return to the holder with the appropriate endorsement, the original documents specified in subregulation 2(b) and retain copies of the originals.

50. Change of address.

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

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

51. Replacement of documents.

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

52. Use and retention of documents and records.

(1) A person shall not—

(a) use a certificate or an exemption issued or required by these Regulations which has been forged, altered, revoked, or suspended, or to which he or she is not entitled;

(b) forge or alter a certificate or an exemption issued or required by these Regulations:

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

(2) The records which are required to be maintained by these Regulations shall be recorded in a permanent and indelible material.

(3) A person shall not issue a certificate or an exemption under these Regulations unless he or she is authorised to issue the certificate or exemption by the Authority.

(4) A person shall not issue a certificate referred to in subregulation (3) unless he or she has satisfied himself or herself that the statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

53. Enforcement of directions.

A person who fails to comply with a direction given to him or her by the Authority or by an authorised person under these Regulations contravenes the Regulations.

54. Aeronautical fees.

(1) The Authority shall notify in writing the fees to be charged for the issue, renewal, extension or variation of a certificate, test, inspection or investigation required by, or for the purpose of these Regulations.

(2) An application made under subregulation (1), shall be accepted upon payment of the chargeable fee.

(3) Where an application is withdrawn by the applicant after payment of the chargeable fee or the application ceases to have effect or is refused, the Authority shall not refund the payment made.

PART VII--OFFENCES AND PENALTIES

55. Contravention of Regulations.

A person who contravenes these Regulations may have his or her certificate or exemption revoked or suspended.

56. Penalties.

(1) A person who contravenes a provision specified in Part A of schedule 3 commits an offence and is liable, on conviction, to a fine not exceeding USS 1,000.00 or imprisonment not exceeding six months or both the fine and imprisonment and each day of the contravention shall constitute a separate offence.

(2) A person who contravenes a provision specified in Part B of schedule 3, commits an offence and is liable, on conviction, to a fine not exceeding USS 2,000.00 or imprisonment not exceeding one year or both the fine and imprisonment.

(3) A person who contravenes a provision of these Regulations not being a provision referred to in schedule 3, commits an offence and is liable, on conviction, to a fine not exceeding USS 1,000.00 (USD) or imprisonment not exceeding six months or both the fine and imprisonment.

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

57. Appeal.

Where a person is aggrieved by an order made under these Regulations, he or she may, within twenty one days of the order, appeal against the order to a court of competent jurisdiction.

SCHEDULE 1
APPLICATION FORM

Regulation 5

CIVIL AVIATION AUTHORITY DIRECTORATE OF SAFETY,
SECURITY AND ECONOMIC REGULATION

AIR NAVIGATION SERVICE PROVIDER (ANSP)
APPLICATION FORM

Section A: Particulars of the Applicant

Person/Company Name.....
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.*

SCHEDULE 2

Regulation 6 and 7

CERTIFICATE

CIVIL AVIATION AUTHORITY

AIR NAVIGATION SERVICE PROVIDER CERTIFICATE

Certificate No.

Civil Aviation (Air Navigation Services) Regulations, 2008

This certificate authorises
{enter name}

to provide the following ANS Services:
{enter listing of approved services and their location and/or coverage}

This Certificate is issued under the Civil Aviation (Air Navigation Service) Regulations, 2008. The operation and maintenance of the approved services is subject to the Civil Aviation Act Cap, the Civil Aviation (Air Navigation Service) Regulations 2008, and any relevant direction issued by the Civil Aviation Authority, including any conditions on the reverse of this Certificate.

Date of effect of Certificate:

Date of Expiry.....

This certificate remains in force until surrendered, suspended or cancelled.

.....
Director Safety, Security and Economic Regulation

Signature..... *Date*.....

CIVIL AVIATION AUTHORITY

AIR NAVIGATION SERVICE PROVIDER CERTIFICATE

Approved Service Provider:

Certificate No.:

CONDITIONS OF APPROVAL

General

1. Level of service, operation and maintenance of service must be in accordance with the approved Manual of Operations of the approved service provider.
2. NOTAM action is to be taken on commencement of service.
3. The Service provider is subject to regular CAA surveillance of service provision.
4. Any change to the services provided must be referred to CAA for approval.

Special Conditions

.....
.....
.....
.....
.....
.....
.....

.....
Director Safety, Security and Economic Regulation

Signature..... *Date*.....

SCHEDULE 3

Regulation 56

Offences and Penalties

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- 48 Drug and alcohol testing and reporting.
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Cross References

Civil Aviation (Security) Regulations, 2007 S.I No 38 of 2007

HON. JOHN NASASIRA,
Minister of Works and Transport.

STATUTORY INSTRUMENTS

2008 No. 48.

The Uganda Road Fund Act (Commencement) Instrument, 2008.

(Under section 1 of the Uganda Road Fund Act, 2008, Act No. 15 of 2008)

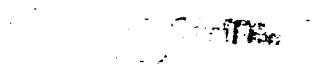
IN EXERCISE of the powers conferred upon the Minister by section 1 of the Uganda Road Fund Act, 2008, this Instrument is made this 10th day of November, 2008.

1. Title.

This Instrument may be cited as the Uganda Road Fund Act (Commencement) Instrument, 2008.

2. Appointment of commencement date for Act No. 15 of 2008.

The 11th day of November, 2008 is appointed as the date on which the Uganda Road Fund Act, 2008 shall be deemed to have come into force.


DR. EZRA SURUMA,
Minister of Finance, Planning and Economic Development.

STATUTORY INSTRUMENTS
SUPPLEMENT No. 29

REFERENCE LIBRARY

17th November, 2008

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 57 Volume CI dated 17th November, 2008

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS

2008 No. 47.

THE CIVIL AVIATION (AIR NAVIGATION SERVICES) REGULATIONS, 2008

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STATUTORY INSTRUMENTS

2008 No. 47.

The Civil Aviation (Air Navigation Services) Regulations, 2008.

(Made under section 33 and 61 of the Civil Aviation Act, Cap 354)

IN EXERCISE of the powers conferred upon the Minister by sections 33 and 61 of the Civil Aviation Authority Act Cap. 354, these Regulations are made this 14th day of November, 2008.

PART I—PRELIMINARY

1. Citation

These Regulations may be cited as the Civil Aviation (Air Navigation Services) Regulations, 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time a person boards the aircraft with the intention of flight until the time all the persons have disembarked;

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

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

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

“aeronautical data” means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing;

“aeronautical fixed service (AFS)” means a telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air services;

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

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

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

“aeronautical Information 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;

“AIP” means Aeronautical Information Package;

“AIP amendment” means a permanent change to information contained in the AIP;

“AIP supplement” means a temporary change to the information contained in the AIP which is published by means of special pages;

“AIRAC” means aeronautical information regulation and control, signifying a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;

“aircraft” means a 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;

communication, navigation and surveillance, meteorological services for air navigation, search and rescue and aeronautical information services;

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

“air navigation services provider” means an independent entity established for the purpose of operating and managing air navigation services and empowered to manage and use the revenues it generates to cover its costs;

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

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

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

(a) preventing collisions—

(i) between aircraft; or

(ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

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

- “Authority” means the Civil Aviation Authority;
- “authorised person” means any person authorised by the Authority either generally or in relation to a particular case or class of cases and reference to an authorised person includes reference to the holder for the time being of an office designated by the Authority;
- “certificate” means a certificate for the provision of Air Navigation Services issued by the Authority under Part II of these Regulations;
- “control area” means a controlled airspace extending upwards from a specified limit above the earth;
- “controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;
- “controlled flight” means a flight which is subject to air traffic control clearance;
- “control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- “cyclic redundancy checks (CRC)” means a mathematical algorithm applied to the digital expression of data that provides a level of assurance against loss or alteration of data;
- “data link communications” means a form of communication intended for the exchange of messages via a data link;
- “data quality” means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;
- “flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- “flight information centre” means a unit established to provide flight information service and alerting service;

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

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

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

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

“integrated aeronautical information package” means a package which consists of the following elements—

(a) AIP, including amendment service;

(b) supplements to the AIP;

(c) NOTAM;

(d) AIC; and

(e) checklists and lists of valid NOTAM;

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

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

“MANSO’s” means Manual of Air Navigation Service Operations;

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

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

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

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

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

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

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

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

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

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

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

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

3. Application.

(1) These Regulations apply to a person who wants to become or is an air navigation service provider.

(2) These Regulations do not apply to—

(a) a person who is providing an air navigation service in the course of his or her duties for the military; or

(b) an air navigation service provided by the military.

PART II—CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS

4. Requirements for the provision of air navigation services.

A person shall not provide air navigation services in a designated airspace, aerodrome and portions of the airspace over the high seas that lie within the designated airspace unless—

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

(b) the services are provided in accordance with the requirements specified in the MANSOPs.

5. Application for certificate.

A person applying for a certificate shall make an application in a form prescribed in schedule 1 and the form shall be accompanied by—

(a) the applicant’s MANSOPs provided under regulation 16(1);

(b) a written statement setting out the services and locations at which the services shall be provided; and

(c) the fees prescribed by the Authority.

6. Issuance of certificate.

(1) The Authority shall, before issuing a certificate, be satisfied that—

- (a) the MANSOPs prepared and submitted with the application contains all the relevant information;
- (b) the personnel of the applicant are adequate in number and have the necessary competence and experience to provide the service;
- (c) the facilities, services and equipment are established in accordance with these Regulations;
- (d) the operating procedures make satisfactory provision for the safety of aircraft;
- (e) an approved safety management system is in place;
- (f) the applicant has approved procedures to meet the requirements of the Civil Aviation (Security) Regulations 2007;
- (g) the applicant has financial capability to provide the service; and
- (h) the applicant has an insurance policy in force in relation to the services provided.

(2) Subject to subregulation (1), the Authority may specify other requirements as may be necessary.

(3) The issuance of a certificate shall be subject to compliance with these Regulations and other conditions as may be specified or notified by the Authority in accordance with safety audit and inspection.

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

7. Contents of certificate.

A certificate issued under these Regulations shall include—

- (a) the holder's name and physical address of the principal place of business;

- (b) a list of services offered by the holder; and
- (c) for each air traffic service, the location from which the service will be provided.

8. Validity of certificate.

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

9. Renewal of certificate.

(1) An application for the renewal of a certificate shall be submitted to the Authority upon payment of a fee prescribed by the Authority.

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

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

10. Surrender of certificate.

(1) A holder of a certificate may surrender the certificate to the Authority at any time.

(2) Subject to subregulation (1), a holder of a certificate who wishes to surrender the certificate, shall give the Authority not less than one hundred and eighty days notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in subregulation (2), an air navigation service provider shall not provide his or her services unless authorised by the Authority.

11. Amendment of certificate.

(1) The Authority may amend a certificate upon --

- (a) an application made by the holder of a certificate; or
- (b) the Authority's initiative.

(2) An application for amendment of a certificate shall be accompanied by—

- (a) two copies of the proposed amendments; and
- (b) a fee prescribed by the Authority.

(3) Where the Authority initiates amendments under subregulation (1)(b) the holder of the certificate shall make amendments in the MANSOPs accordingly.

12. Display of certificate.

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

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

13. Transfer of certificate.

A certificate issued under these Regulations is not transferable.

14. Suspension, variation and revocation of certificate.

(1) The Authority may suspend the use of a certificate issued under these Regulations, if it considers that—

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

(2) The Authority may, upon the completion of an investigation where sufficient reason is shown, suspend, vary or revoke a certificate.

(3) A person in possession or custody of a certificate which ~~has~~ been suspended, revoked or varied under these Regulations ~~shall~~ surrender the certificate to the Authority within fourteen days after ~~the~~ date of suspension, revocation or variation.

15. Register.

(1) The Authority shall keep and maintain a register of certificates.

(2) The register shall contain—

(a) the name of the holder of the certificate;

(b) the physical and postal address of the holder of the certificate;

(c) the date of issue or renewal of the certificate;

(d) the type of service offered by the holder of the certificate;

(e) the expiry date of the certificate;

(f) the date of suspension, variation or revocation of the certificate
and

(g) any other particulars as may be prescribed by the Authority.

(3) Where there is a change in the particulars recorded under sub-regulation (2), the change shall be entered in the register by ~~the~~ Authority.

(4) The register shall be a public document and any particular entered in it may be obtained upon payment of a prescribed fee.

PART III—MANUAL OF AIR NAVIGATION SERVICES OPERATIONS

16. Requirements for MANSOPs.

(1) The manual of air navigation services operations submitted shall be—

(a) type written;

(b) signed by the operator;

(c) in a format that is easy to revise;

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- (d) organized in a manner that facilitates the preparation, review and approval processes; and
 - (e) in a system that records the current pages and any amendments, including a page for logging revisions.

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

17. Contents of MANSOPs.

(1) A manual of air navigation service operations shall contain information and instructions which are necessary to enable the personnel of the air navigation service provider to perform their duties and shall include—

- (a) services to be provided;
- (b) personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;
- (d) safety management system and quality assurance;
- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations, 2007 as required;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination;
- (k) facility operations and maintenance plan and procedure;
- (l) schedule of the proposed hours of service for the first twelve months of operation;

- (m) a summary of safety factors considered before seeking certification;
- (n) systems and procedures to ensure separation between controlled flights and active special use airspace; and
- (o) any other information required by the Authority.

18. Amendment of MANSOPs.

(1) For the purpose of maintaining the accuracy of the information in the MANSOPs—

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

(2) Notwithstanding subregulation (1), the holder of a certificate shall submit proposed amendments to the Authority for approval before the manual is amended.

PART IV—AIR NAVIGATION SERVICES

19. Air navigation services facilities and standard systems.

The Authority shall, in accordance with these Regulations, designate service provider to—

- (a) provide in the designated portion of airspace, facilities for provision of air navigation services;
- (b) adopt and put into operation the appropriate standard systems, communications procedures, codes, markings, signals, lighting and other operational practices and rules; and
- (c) publish aeronautical maps and charts.

20. Approval of air navigation services facilities.

A person shall not install or use air navigation services facilities in designated airspaces and aerodromes without the approval of the Authority.

21. Safety inspections and audit on air navigation services facilities.

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

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

(3) The safety inspections and audits shall be carried out as and when the Authority sees necessary.

22. Production of documents.

A holder of a certificate shall, upon request by an authorised person, produce relevant documents under his or her possession within seventy two hours of the request.

23. Air navigation services contingency plan.

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

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

(3) The contingency plan shall include—

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

24. Alternative designated service provider.

The Authority may, in the public interest, appoint an alternative designated service provider to provide services in respect of a certificate suspended by the Authority, for the duration of the suspension.

Air Traffic Services

25. Designation of airspace.

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

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

- (a) a flight information region;
- (b) a control area;
- (c) a control zone; or
- (d) controlled aerodromes.

(3) In determining the need for the provision of air traffic services the Authority shall take into consideration—

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

(4) Upon application by a service provider for air traffic services to be provided, the Authority shall designate the service provider responsible for providing such services.

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

26. Provision of air traffic services.

The holder of a certificate shall—

- (a) apply to the Authority for the portions of the airspace and the aerodromes which shall be provided with air traffic services;
- (b) provide air traffic services as prescribed by the Authority.

27. Coordination in air traffic services.

An air traffic service provider shall, in carrying out its objectives, establish procedures for the coordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators, information to enable them meet their obligations;
- (b) establishing coordination with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information;
- (e) exchanging and coordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

28. Responsibility for control.

A holder of a certificate shall establish procedure to ensure responsibility of control of an aircraft and transfer of that responsibility as may be prescribed by the Authority.

29. Communication requirements.

A holder of a certificate shall establish communication requirements as prescribed by the Authority.

30. Air traffic incidents.

A holder of a certificate shall establish procedure for the notification, investigation, and reporting of air traffic incidents, which shall be made in an incident report form.

31. Aircraft in distress.

A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in his or her designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress.

17. Contents of MANSOPs.

(1) A manual of air navigation service operations shall contain information and instructions which are necessary to enable the personnel of the air navigation service provider to perform their duties and shall include—

- (a) services to be provided;
- (b) personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;
- (d) safety management system and quality assurance;
- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations, 2007 as required;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination;
- (k) facility operations and maintenance plan and procedure;
- (l) schedule of the proposed hours of service for the first twelve months of operation;
- (m) a summary of safety factors considered before seeking certification;

- (n) systems and procedures to ensure separation between controlled flights and active special use airspace; and
- (o) any other information required by the Authority.

18. Amendment of MANSOPs.

(1) For the purpose of maintaining the accuracy of the information in the MANSOPs—

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

(2) Notwithstanding subregulation (1), the holder of a certificate shall submit proposed amendments to the Authority for approval, before the manual is amended.

PART IV—AIR NAVIGATION SERVICES

19. Air navigation services facilities and standard systems.

The Authority shall, in accordance with these Regulations, designate a service provider to—

- (a) provide in the designated portion of airspace, facilities for the provision of air navigation services;
- (b) adopt and put into operation the appropriate standard systems of communications procedures, codes, markings, signals, lighting and other operational practices and rules; and
- (c) publish aeronautical maps and charts.

20. Approval of air navigation services facilities.

A person shall not install or use air navigation services facilities in the designated airspaces and aerodromes without the approval of the Authority.

21. Safety inspections and audit on air navigation services facilities.

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

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

(3) The safety inspections and audits shall be carried out as and when the Authority sees necessary.

22. Production of documents.

A holder of a certificate shall, upon request by an authorised person, produce relevant documents under his or her possession within seventy two hours of the request.

23. Air navigation services contingency plan.

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

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

(3) The contingency plan shall include—

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

24. Alternative designated service provider.

The Authority may, in the public interest, appoint an alternative designated service provider to provide services in respect of a certificate suspended by the Authority, for the duration of the suspension.

Air Traffic Services

25. Designation of airspace.

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

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

- (a) a flight information region;
- (b) a control area;
- (c) a control zone; or
- (d) controlled aerodromes.

(3) In determining the need for the provision of air traffic services, the Authority shall take into consideration—

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

(4) Upon application by a service provider for air traffic services to be provided, the Authority shall designate the service provider responsible for providing such services.

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

26. Provision of air traffic services.

The holder of a certificate shall—

- (a) apply to the Authority for the portions of the airspace and the aerodromes which shall be provided with air traffic services;
- (b) provide air traffic services as prescribed by the Authority.

27. Coordination in air traffic services.

An air traffic service provider shall, in carrying out its objectives, establish procedures for the coordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators, information to enable them meet their obligations;
- (b) establishing coordination with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information;
- (e) exchanging and coordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

28. Responsibility for control.

A holder of a certificate shall establish procedure to ensure responsibility of control of an aircraft and transfer of that responsibility as may be prescribed by the Authority.

29. Communication requirements.

A holder of a certificate shall establish communication requirements as prescribed by the Authority.

30. Air traffic incidents.

A holder of a certificate shall establish procedure for the notification, investigation, and reporting of air traffic incidents, which shall be made in an incident report form.

31. Aircraft in distress.

A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in his or her designated portion of airspace;
- (b) collaborate in coordinated measures when undertaking search and rescue for aircraft in distress.

32. Automatic recording of air automatic service data and communications.

(1) A holder of a certificate shall—

- (a) make provision for the automatic recording of air traffic service data and communications; and
- (b) retain the recorded air traffic service data and communications for a period not exceeding thirty days.

(2) Subject to subregulation (1), the recorded air traffic service data and communications, if pertinent to accident and incident investigations, shall be retained for longer periods until it is evident that it is no longer required.

33. Safety management system.

A holder of a certificate shall have a safety management system which complies with the requirements prescribed by the Authority.

Communication, Navigation and Surveillance

34. Installation, operation and maintenance of communication, navigation and surveillance systems.

(1) The holder of a certificate shall ensure that the communication, navigation and surveillance systems are installed, operated, maintained, available and reliable in accordance with the requirements prescribed by the Authority.

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

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

35. Facility approval and flight inspection.

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

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

Aeronautical Information Services and Aeronautical charts

36. Provision of aeronautical information services.

- (1) A holder of a certificate shall—
- (a) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information concerning the designated airspace;
 - (b) publish the aeronautical information as an integrated aeronautical information package;
 - (c) ensure that the aeronautical information provided is adequate of required quality and timely;
 - (d) make available to aeronautical information services of other states. any information necessary for the safety, regularity or efficiency of air navigation;
 - (e) designate the office to which all elements of integrated aeronautical information package originated by other states is addressed.

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

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

- (a) aeronautical information circular;
- (b) aeronautical information publication and its amendments;
- (c) aeronautical information publication supplements;
- (d) Notice to Airmen (NOTAM),

shall be in accordance with the requirements of these Regulations.

(4) The aeronautical information publication amendments and supplements issued under the AIRAC system shall be as prescribed by the Authority.

37. Production of aeronautical charts.

(1) A holder of certificate shall ensure the availability of the required aeronautical charts containing accurate and adequate information, including information relevant to the phase of flight.

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

(3) The units of measurements used shall be as prescribed within the aeronautical information package.

38. Telecommunication requirements.

(1) Each international NOTAM office shall be connected, through the aeronautical fixed service, within the airspace for which it provides service, to—

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

(2) The aeronautical fixed service connections shall provide for printed communications.

(3) Aeronautical fixed service shall comprise the systems and applications that are used for ground to ground communications in the international telecommunication service in accordance with the requirements of these Regulations.

(4) Where messages are exchanged over the teleprinter circuits, the signals of the appropriate international telegraphic alphabet permitted shall be in accordance with the requirements of these regulations.

(5) For the purpose of subregulation (3) "ground to ground" means point to point or point to multiple points.

39. Quality system.

(1) A holder of a certificate shall—

- (a) establish and maintain a quality system of procedure, processes and resources in its aeronautical information services to implement quality management at each function stage; and
- (b) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information and data concerning the designated airspace responsible for air traffic services in accordance with its quality system.

(2) Where a quality system is established under subregulation (1) the following shall be considered—

- (a) that personnel are trained to acquire the skills, knowledge and competence required to perform the functions required in operating a quality system;
- (b) that procedure exists for traceability to its origin of data anomalies or errors, detected and corrected;
- (c) that procedure exists for assurance and confidence in distributed aeronautical information or data satisfy stated requirements for data quality, traceability and timeliness;

- (d) that publication resolution of aeronautical data shall be as prescribed by the Authority;
- (e) that confidence levels and integrity are as prescribed by the Authority;
- (f) that the procedure for protection of electronic aeronautical data stored or in transit is monitored by the cyclic redundancy check to assure integrity of data;
- (g) that material issued as part of the integrated aeronautical information package is checked and coordinated with the responsible services before it is published;
- (h) that procedure exists for validation and verification to ensure quality requirements and traceability of aeronautical data;
- (i) that procedure exists for the audit and remedial action for the compliance of the quality system.

(3) For purposes of subregulation (1)(a), function stage means receiving, originating, collating, assembling, editing, formatting, publishing, storing and distribution of aeronautical information and data.

Aeronautical Search and Rescue Services

40. Provision of Search and Rescue Service.

(1) The Authority shall designate an agency to coordinate and direct the prompt provision of search and rescue services within the designated airspace on a twenty four hour basis.

(2) The designated agency shall have a search and rescue manual approved by the Authority.

Meteorological Services for Air Navigation

41. Provision of meteorological service for air navigation.

(1) The Authority shall designate a service provider to provide meteorological services for air navigation.

(2) The service provider designated under sub regulation (1) shall provide the following services in support of aviation—

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

(3) The conditions, rules, requirements, procedure or standards of the designation of a service provider under this regulation, shall be prescribed by the Authority.

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

Construction of Visual and Instrument Flight Procedures

42. Construction of flight procedures.

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

43. Approval as procedures designer.

A person shall not design or publish visual and instrument flight procedures for use in the designated airspace and aerodromes unless he or she has completed approved training in the construction of visual and instrument flight procedure.

44. Responsibilities of a holder certificate.

A holder of a certificate authorised under regulation 42 shall carry out design work, review or amend visual and instrument flight procedures subject to the conditions specified in the certificate.

PART V—EXEMPTIONS

45. Requirements for application.

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

(2) A person requiring exemptions from these Regulations shall apply to the Authority at least sixty days from the proposed effective date, giving information as to—

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

- (f) an explanation of how the exemption would be in the public interest;
- (g) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (h) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (i) if the applicant handles international operations and seeks to operate under the proposed exemption, an indication whether the exemption would contravene a provision of the standards and recommended practices of the International Civil Aviation Organisation (ICAO).

(3) Where the applicant seeks emergency processing, the application shall contain supporting facts on the nature of the emergency.

(4) The Authority may deny, in writing, an application if it finds that the applicant has not justified the failure to apply for an exemption within a reasonable time.

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

46. Review and publication.

(1) The Authority shall review an application for exemption for accuracy and compliance with the requirements of regulation 45, and if the application fulfils the requirements, the Authority shall publish a detailed summary of the application for comments, within a reasonable time, in either--

- (a) the gazette;
- (b) aeronautical information circular; or
- (c) a daily newspaper with wide circulation.

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

(3) Where the request is urgent, the Authority shall publish the decision as soon as possible after processing the application.

47. Evaluation of the request.

(1) Where the application requirements have been fulfilled, the Authority shall conduct an evaluation of the request including—

- (a) a determination of whether an exemption would be in the public interest;
- (b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by regulation 33, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a determination of whether a grant of the exemption would contravene these Regulations; and
- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish in the aeronautical information circular a detailed summary of its evaluation and decision to grant or deny the request.

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

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

PART VI—GENERAL PROVISIONS

48. Drug and alcohol testing and reporting.

(1) A person who performs a function prescribed by these Regulations directly or under contract, may be tested for drug or alcohol usage.

(2) Where the Authority or a person authorised by the Authority wishes to test a person referred to in subregulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, or depressant or stimulant drugs or substances in the body, and that person—

(a) refuses to submit to the test; or

(b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate of the holder that employs that person.

(3) In determining whether to suspend or revoke the certificate of the holder, the Authority shall consider all relevant factors, including—

(a) whether the holder had knowledge of the drug or alcohol use;

(b) whether the holder encouraged the person to refuse the drug or alcohol test;

(c) whether the holder dismissed the person who failed or refused the drug tests; or

(d) the position that person held with the holder of the certificate.

(4) The Authority shall require the holder to show cause why the certificate should not be suspended, revoked or cancelled.

(5) A person who is convicted, whether in or outside the designated airspace, of an offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from employment by the holder of certificate.

49. Change of name.

(1) A holder of a certificate issued under these Regulations may apply to change the name on the certificate.

(2) The holder shall include in his or her application—

(a) the current certificate; and

(b) a court order, or other legal document verifying the change of name.

(3) The Authority may change the licence, certificate or authorisation and issue a new certificate as a replacement.

(4) The Authority shall return to the holder with the appropriate endorsement, the original documents specified in subregulation 2(b) and retain copies of the originals.

50. Change of address.

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

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

51. Replacement of documents.

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

52. Use and retention of documents and records.

(1) A person shall not—

(a) use a certificate or an exemption issued or required by these Regulations which has been forged, altered, revoked, or suspended, or to which he or she is not entitled;

(b) forge or alter a certificate or an exemption issued or required by these Regulations:

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

(2) The records which are required to be maintained by these Regulations shall be recorded in a permanent and indelible material.

(3) A person shall not issue a certificate or an exemption under these Regulations unless he or she is authorised to issue the certificate or exemption by the Authority.

(4) A person shall not issue a certificate referred to in subregulation (3) unless he or she has satisfied himself or herself that the statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

53. Enforcement of directions.

A person who fails to comply with a direction given to him or her by the Authority or by an authorised person under these Regulations contravenes the Regulations.

54. Aeronautical fees.

(1) The Authority shall notify in writing the fees to be charged for the issue, renewal, extension or variation of a certificate, test, inspection or investigation required by, or for the purpose of these Regulations.

(2) An application made under subregulation (1), shall be accepted upon payment of the chargeable fee.

(3) Where an application is withdrawn by the applicant after payment of the chargeable fee or the application ceases to have effect or is refused, the Authority shall not refund the payment made.

PART VII---OFFENCES AND PENALTIES

55. Contravention of Regulations.

A person who contravenes these Regulations may have his or her certificate or exemption revoked or suspended.

56. Penalties.

(1) A person who contravenes a provision specified in Part A of schedule 3 commits an offence and is liable, on conviction, to a fine not exceeding USS 1,000.00 or imprisonment not exceeding six months or both the fine and imprisonment and each day of the contravention shall constitute a separate offence.

(2) A person who contravenes a provision specified in Part B of schedule 3, commits an offence and is liable, on conviction, to a fine not exceeding USS 2,000.00 or imprisonment not exceeding one year or both the fine and imprisonment.

(3) A person who contravenes a provision of these Regulations not being a provision referred to in schedule 3, commits an offence and is liable, on conviction, to a fine not exceeding USS 1,000.00 (USD) or imprisonment not exceeding six months or both the fine and imprisonment.

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

57. Appeal.

Where a person is aggrieved by an order made under these Regulations, he or she may, within twenty one days of the order, appeal against the order to a court of competent jurisdiction.

SCHEDULE 1
APPLICATION FORM

Regulation 5

CIVIL AVIATION AUTHORITY DIRECTORATE OF SAFETY,
SECURITY AND ECONOMIC REGULATION

AIR NAVIGATION SERVICE PROVIDER (ANSP)
APPLICATION FORM

Section A: Particulars of the Applicant

Person/Company Name.....
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.*

SCHEDULE 2

Regulation 6 and 7

CERTIFICATE

CIVIL AVIATION AUTHORITY

AIR NAVIGATION SERVICE PROVIDER CERTIFICATE

Certificate No.

Civil Aviation (Air Navigation Services) Regulations, 2008

This certificate authorises
{enter name}

to provide the following ANS Services:
{enter listing of approved services and their location and/or coverage}

This Certificate is issued under the Civil Aviation (Air Navigation Service) Regulations, 2008. The operation and maintenance of the approved services is subject to the Civil Aviation Act Cap, the Civil Aviation (Air Navigation Service) Regulations 2008, and any relevant direction issued by the Civil Aviation Authority, including any conditions on the reverse of this Certificate.

Date of effect of Certificate:

Date of Expiry.....

This certificate remains in force until surrendered, suspended or cancelled.

.....
Director Safety, Security and Economic Regulation

Signature..... *Date*.....

CIVIL AVIATION AUTHORITY

AIR NAVIGATION SERVICE PROVIDER CERTIFICATE

Approved Service Provider:

Certificate No.:

CONDITIONS OF APPROVAL

General

1. Level of service, operation and maintenance of service must be in accordance with the approved Manual of Operations of the approved service provider.
2. NOTAM action is to be taken on commencement of service.
3. The Service provider is subject to regular CAA surveillance of service provision.
4. Any change to the services provided must be referred to CAA for approval.

Special Conditions

.....
.....
.....
.....
.....
.....

.....
Director Safety, Security and Economic Regulation

Signature..... *Date*.....

SCHEDULE 3

Regulation 56

Offences and Penalties

PART A—Offences Punishable by Penalty Prescribed in Reg. 56(1)

Regulation

- 12 Display of certificate
- 14(3) Suspension, cancellation and revocation of certificate
- 21(2) Safety inspection and audit on air navigation services
- 23 Air navigation services contingency plan
- 28 Responsibility for control
- 29 Communication requirements
- 31 Aircraft in distress
- 32 Automatic recording of surveillance data and communications
- 36 Provision of aeronautical information services
- 37 Production of aeronautical charts
- 38 Telecommunication requirements
- 40 Provision of search and rescue service
- 42 Construction of flight procedures
- 53 Enforcement of directions

PART B - Offences Punishable by Penalty Prescribed in Reg. 56(2)

Regulation

- 4 Requirements for the provision of air navigation services
- 1 Transfer of certificate
- 18(2) Amendment of the manual of air navigation services operations
- 20 Approval of air navigation services facilities
- 22 Production of documents
- 30 Air traffic incidents
- 33 Safety management system
- 34 Installation, operation and maintenance of communication, navigation and surveillance systems
- 35 Facility approval and flight inspection
- 39 Quality system
- 41 Provision of meteorological service for air navigation
- 43 Approval as a procedures designer for air navigation services.
- 48 Drug and alcohol testing and reporting.
- 49 Change of name.
- 50 Change of address.
- 52 Use and retention of documents and records.

Cross References

Civil Aviation (Security) Regulations, 2007 S.I No 38 of 2007

HON. JOHN NASASIRA,
Minister of Works and Transport.

STATUTORY INSTRUMENTS

2008 No. 48.

The Uganda Road Fund Act (Commencement) Instrument, 2008.

(Under section 1 of the Uganda Road Fund Act, 2008, Act No. 15 of 2008)

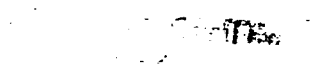
IN EXERCISE of the powers conferred upon the Minister by section 1 of the Uganda Road Fund Act, 2008, this Instrument is made this 10th day of November, 2008.

1. Title.

This Instrument may be cited as the Uganda Road Fund Act (Commencement) Instrument, 2008.

2. Appointment of commencement date for Act No. 15 of 2008.

The 11th day of November, 2008 is appointed as the date on which the Uganda Road Fund Act, 2008 shall be deemed to have come into force.


DR. EZRA SURUMA,
Minister of Finance, Planning and Economic Development.