

STATUTORY INSTRUMENTS SUPPLEMENT

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

2024 No. 2.

**THE CIVIL AVIATION (SECURITY) (AMENDMENT)
REGULATIONS, 2024**

ARRANGEMENT OF REGULATIONS

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STATUTORY INSTRUMENTS

2024 No. 2.

The Civil Aviation (Security) (Amendment) Regulations, 2024 *(Under sections 34(2), 50, 50A and 61 of the Civil Aviation Authority Act, Cap. 354)*

IN EXERCISE of the powers conferred upon the Minister by sections 34(2), 50, 50A and 61 of the Civil Aviation Authority Act, and on the recommendation of the Uganda Civil Aviation Authority, these Regulations are made this 25th day of January, 2024.

1. Title

These Regulations may be cited as the Civil Aviation (Security) (Amendment) Regulations, 2024.

2. Amendment of S.I. No. 92 of 2022

The Civil Aviation (Security) Regulations, 2022, in these Regulations referred to as the principal Regulations, are amended by substituting for regulation 3, the following—

“3. Objective of Regulations

The primary objectives of these Regulations are—

- (a) to ensure the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation;
- (b) to safeguard and enhance aviation security against acts of violence or unlawful interference by providing for the protection of—
 - (i) aircraft used for civil aviation and the protection of persons and property on board such aircraft;

- (ii) airports, persons and property at airports; and
- (iii) air navigation installations and facilities located at the airport and off airports; and

(c) to regulate the conduct of persons at airports and persons on board aircraft for the purposes of aviation security.”

3. Amendment of regulation 5 of principal Regulations

Regulation 5 of the principal Regulations is amended by inserting immediately after subregulation (2), the following—

“(3) When requesting for additional security measures for a specific flight operating in another State, Uganda shall make appropriate consultations and give consideration to alternative measures of that State that are equivalent to the measures requested for.”

4. Amendment of regulation 6 of principal Regulations

Regulation 6 of the principal Regulations is amended—

(a) by substituting for the definition of “acts of unlawful interference”, the following—

“acts of unlawful interference” means an act or attempted act to jeopardise the safety of civil aviation and air transport, including but not limited to—

- (i) unlawful seizure of an aircraft;
- (i) destruction of an aircraft in service;
- (ii) hostage taking on board an aircraft or on aerodromes;
- (iii) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;

- (iv) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
 - (v) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; and
 - (vi) communication of false information at an airport or on the premises of a civil aviation facility intended to jeopardise the safety of an aircraft in flight or on the ground, safety of passengers, crew, ground personnel or the general public.”
- (b) by inserting the following definition immediately after the definition of “security test”—
 - ““serious damage means” damage which involves grave adverse changes, disruption or harm to any element of the environment including grave impact on human life or natural, cultural or economic resources”;
- (c) by inserting the following definition immediately after the definition of “unpredictability”—
 - ““vulnerability assessment” means evaluation of the inadequacies and characteristics of any civil aviation system assets that could permit, aid or otherwise facilitate the commission of an act of unlawful interference;”;
- (d) by inserting the following acronyms in their appropriate alphabetical positions—
 - (i) “API” means Advanced Passenger Information;
 - (ii) “IATA” means International Air Transport Association;

- (iii) “PAXLST” means Passenger List;
- (iv) “PNR” means Passenger Name Record;
- (v) “PNRGOV” means Passenger Name Record Government;
- (vi) “SRA” means security restricted area;
- (vii) “UN/EDIFACT PAXLST” means the United Nations Directories for Electronic Data Interchange for Administration, Commerce and Transport Passenger List;
- (viii) “WCO” means World Customs Organisation.”

5. Amendment of regulation 7 of principal Regulations

Regulation 7 of the principal Regulations is amended—

- (a) by substituting for subregulation (2), the following—

“(2) The authority shall, in respect of an operator—

- (a) ensure that periodic vulnerability assessments are conducted at airports engaged in international and domestic operations, ensuring coordination among relevant departments, agencies, including appropriate law enforcement and intelligence authorities and other entities;
- (b) ensure that the vulnerability assessments referred to in paragraph (a) are used to inform risk assessments and security improvement efforts of the airports, relevant departments, agencies and relevant law enforcement and intelligence authorities;

- (c) establish and implement procedures to share, as appropriate, with the relevant airport operators, aircraft operators, air traffic service providers or other entities concerned, in a practical and timely manner, information to assist them conduct effective security risk assessments relating to their operations for the purpose of protecting civil aviation against possible threats, including but not limited to, person borne improvised explosive device, improvised explosive devices in cargo and mail, insider threat and man portable air defence systems;
- (d) conduct security inspections, audits of security measures and security tests on the security controls to assess their effectiveness;
- (e) conduct onsite inspections at the premises of an operator and at a station operated by the operator in the case of an aircraft operator, to validate the provisions stated in the security program of the operator prior to approving or accepting the security program;
- (f) review, approve and accept or reject security programs of the operators in accordance with these Regulations and the national civil aviation security requirements;
- (g) verify the effective implementation of the provisions set out in the security program of the operator and national legislation;
- (h) conduct security investigations and enforce resolutions of any security concerns;

- (i) avail to the airport, aircraft, catering operators and air traffic service providers operating in the territory of Uganda, a written version of the appropriate parts of the national civil aviation security programme and relevant information or guidelines enabling them to meet the requirements of the national civil aviation security programme;
- (j) require operators not to accept cargo or mail for carriage on an aircraft engaged in commercial air operations unless such cargo has been screened or is confirmed to have undergone other security controls and accounted for by a regulated agent, known consignor, or an entity that is approved by the authority;
- (k) require an operator to subject to screening cargo and mail which cannot be confirmed and accounted for by a regulated agent, a known consignor or an entity that is approved by the authority;
- (l) require aircraft operators to subject transfer cargo and mail to appropriate security controls prior to their being loaded onto an aircraft departing from the territory of Uganda;
- (m) require catering operators to subject catering, stores and supplies intended for carriage on commercial flights, to appropriate security controls, which may include a supply chain security process or screening, and protect them until loaded onto the aircraft;
- (n) require an operator, responsible for implementation of security measures and procedures to consider the use of advanced

security equipment, when investing in new equipment to achieve civil aviation security objectives;

- (o) require an airport operator to establish and maintain contingency plans and—
 - (i) conduct partial and full scale exercises to test the effectiveness of the plans on a regular basis as prescribed in regulation 27 (2) (l) and (m);
 - (ii) conduct an evaluation following an exercise to test the plans to identify deficiencies and remedy weaknesses in the response mechanisms;
- (p) require that supporting resources and facilities required by the aviation security services are made available at each airport serving civil aviation to safeguard civil aviation against acts of unlawful interference; and
- (q) ensure that measures designed to safeguard against acts of unlawful interference are applied to domestic operations to the extent practicable, based on the security risk assessment carried out by the relevant national authorities.”;
- (b) in subregulation (3) (a), by inserting immediately after the word “share” the words “in a timely manner”; and
- (c) in subregulation (6)(c), by substituting for the figures “13(4)(g)”, the figures “13(4)(e)”.

6. Amendment of regulation 8 of principal Regulations

The principal Regulations are amended by substituting for regulation 8 the following—

“8. Power to access and inspect airport, aircraft and premises of operators and service providers

The authority shall have enforcement powers to ensure compliance with national aviation security policies and requirements including having free and unobstructed access at all times to an airport, an aircraft operating from or within Uganda, aircraft registered in Uganda while operating in other States, wherever they may be, and the premises of an operator or service provider within Uganda, for the purpose of inspecting the security operations or to carry out security inspections, vulnerability assessments, security audits, testing functions and investigation of incidents and non-conformances by the operator or service provider.”

7. Amendment of regulation 9 of principal Regulations

Regulation 9 of the principal Regulations is amended—

- (a) by numbering the provision as subregulation “(1)”; and
- (b) by inserting immediately after subregulation (1), the following—

“(2) The authority shall ensure compliance with any orders, circulars, directives, rules and instructions or other specific operating requirements, made and issued under subregulation (1).

(3) Where these Regulations have not adequately addressed specific requirements, the authority may issue relevant orders, circulars, directives, rules and instructions or any other specific operating requirements that are signed by the Director General will have the same effect as these Regulations.”

8. Amendment of regulation 10 of principal Regulations

Regulation 10 of the principal Regulations is amended—

- (a) by substituting for the headnote, “Authorised persons and inspectors”;
- (b) in subregulation (1), by inserting immediately after the words “in writing”, the words “inspectors and such other”;
- (c) by inserting immediately after subregulation (2), the following—

“(3) An inspector shall have power—

- (a) to issue notices of deficiencies or recommendations, where appropriate;
- (b) to enforce corrective actions, including the immediate rectification of any deficiencies or applying enforcement measures;
- (c) to enforce all relevant national aviation security requirements; and
- (d) to access aircrafts, aviation facilities, aviation documentation and information for the performance of their functions and duties including the power—
 - (i) to enter any land, facility or building at any airport in Uganda for the purpose of conducting quality control activities, or enter any land outside an airport occupied for business purposes or connected with an airport or aircraft operator, including facilities of regulated agents, known consignors, regulated suppliers and known suppliers of in-flight and airport supplies;
 - (ii) to enter any aircraft registered or operating in Uganda for the purpose of conducting quality control activities;

- (iii) to require an aircraft operator, airport manager or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to any audit, inspection, test, vulnerability assessment or investigation;
 - (iv) to obtain access to all relevant security documentation and records;
 - (v) to interview any person for the purpose of assessing the standard of security or the implementation of security procedures;
 - (vi) to inspect and test the effectiveness of security measures and procedures and performance of security equipment; and to take into an airport, airside area or any designated SRA, and use any equipment necessary to carry out their duties, including radios, cameras, recording devices (both audio and video) and specially authorised, restricted or prohibited items, such as replica weapons or simulated explosive devices that may be used for the conduct of quality control activities.”; and
- (d) by inserting immediately after subregulation (3), the following—

(4) The authority shall issue official credentials to the inspectors and other qualified personnel, to facilitate their access to facilities, aircraft and documentation during, audits, inspections, tests, vulnerability assessments, security investigations or enforcement activities.”

9. Amendment of regulation 13 of principal Regulations

Regulation 13 of the principal Regulations is amended in subregulation (8) by substituting for the figures “4(c)” the figures “6 (c).”

10. Amendment of regulation 17 of principal Regulations

Regulation 17 of the principal Regulations is amended in subregulation (5)(c)(i) by substituting for paragraph (i) the following—

- “(i) pre-flight security searches of originating aircraft and checks for turn-around aircraft;

11. Amendment of regulation 24 of principal Regulations

Regulation 24 of the principal Regulations is amended in subregulation (11) by, substituting for the word “three”, the word “two.”

12. Amendment of regulation 27 of principal Regulations

Regulation 27 (2) of the principal Regulations is amended in paragraph (b) (xiii), by substituting for the words “security controls” the words “screening operations.”

13. Amendment of regulation 28 of principal Regulations

Regulation 28 of the principal Regulations is amended—

- (a) by substituting for the headnote, the following—
“SRAs and airport security permit system”;

- (b) by substituting for subregulation (4) the following—

“(4) A person accessing an SRA shall at all times adorn and display the airport security permit referred to in subregulation (3) on his or her outer garment, in a way that facilitates visibility of the airport security permit.”;

- (c) by inserting immediately after subregulation (4) the following—

“(4a) The operator shall—

- (a) carry out periodic updating of security features and design of the airport security permits and airport personnel identification permits; and
 - (b) design specifications for airport personnel identification permits, including authorised airside and SRA zones.”; and
- (d) by inserting at the end of regulation 28(8) the following—
- “(e) and (f).”

14. Amendment of regulation 37 of principal Regulations

Regulation 37 of the principal Regulations is amended by substituting for the headnote, the following—

“Operator and other aviation industry stakeholders to keep records”.

15. Amendment of regulation 43 of principal Regulations

Regulation 43 of the principal Regulations is amended—

- (i) by substituting for the headnote, the following—

“Authorised carriage of weapons on board aircraft and deployment of inflight security officers”; and
- (ii) by deleting the word “not” appearing before the word “loaded,” in subregulation (4).

16. Amendment of regulation 46 of principal Regulations

Regulation 46 of the principal Regulations is amended in subregulation (1), by substituting for paragraph (g), the following—

“(g) ensure that cargo and mail that has been confirmed and accounted for is issued with a consignment security declaration with the security status of the cargo indicated, either in an electronic format or in writing, which shall accompany the cargo and mail throughout the secure supply chain; and”.

17. Amendment of regulation 58 of principal Regulations

Regulation 58 of the principal regulations is amended by substituting for the regulation, the following—

“58. Advance Passenger Information

(1) The authority shall ensure the establishment, implementation and maintenance of an API system that is consistent with internationally recognised standards for API.

(2) The authority shall ensure that internationally recognised standards for the transmission of API are adhered to and that in all cases, aircraft operators shall collect, store and transmit API information of passengers, to customs strictly, in accordance with applicable national or supranational legislation.”

18. Insertion of regulation 58A in principal Regulations

The principal regulations are amended by inserting immediately after regulation 58, the following—

“58A. Protection of PNR data

(1) Uganda shall establish an administrative framework for the collection, use, processing and protection of PNR data for flights to and from Uganda.

(2) The National Information and Technology Authority (NITA) shall be responsible for the independent oversight of PNR data protection.

(3) A person shall not misuse or have unauthorised access or make unauthorised disclosure of PNR data or any part of it.

(4) A person who contravenes subregulation (3) commits an offence.

(5) A person who commits an offence under subregulation (4) is liable, on conviction, to a fine not exceeding four hundred currency points or to a term of imprisonment not exceeding four years, or both.”

19. Amendment of regulation 66 of principal Regulations

Regulation 66 of the principal Regulations is amended in subregulation (1)—

“(a) by repealing paragraphs (e), (f), (g), (h) and (j); and

(b) by substituting for paragraph (k), the following—

“(k) unlawfully and intentionally uses any device, substance or weapon—

(i) to commit an act of violence against a person at an airport serving international or domestic civil aviation, which causes or is likely to cause serious injury or death, if such an act endangers or is likely to endanger safety at that airport; or

(ii) to destroy or cause serious damage to the facilities of, an airport serving international or domestic civil aviation or aircraft not in service located thereon, or disruption of the services of the airport, if such an act endangers or is likely to endanger safety at that airport.”.

20. Amendment of regulation 67 of principal Regulations

Regulation 67 of the principal Regulations is amended—

(a) by inserting immediately after paragraph (f), the following—

“(g) communicates information which a person knows to be false, thereby endangering the safety of an aircraft in flight.”; and

(b) by inserting at the end of the regulation, the words “or both.”

GEN. EDWARD KATUMBA-WAMALA (MP)
Minister of Works and Transport.