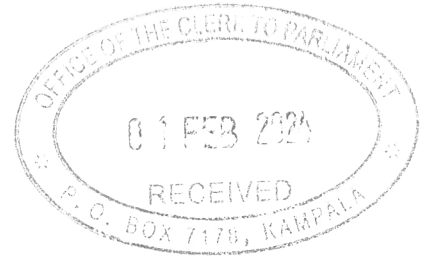


PARLIAMENT OF THE REPUBLIC OF UGANDA



**A REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE
CIVIL AVIATION AUTHORITY (AMENDMENT) BILL, 2023**

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**OFFICE OF THE CLERK TO PARLIAMENT
JANUARY, 2024**

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1.0 INTRODUCTION

The Civil Aviation Authority (Amendment) Bill, 2023 was read for the first time on Tuesday 30th January, 2024 and referred to the Committee on Physical Infrastructure in accordance with Rules 128 and 129 of the Rules of Procedure of Parliament for consideration and Report to the House.

2.0 OBJECT OF THE BILL

The Policy and Principles of this Bill are to amend the Civil Aviation Authority Act, Cap. 354 to;

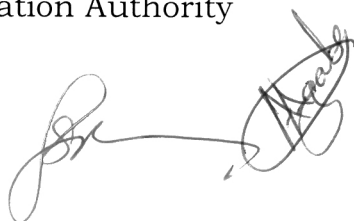
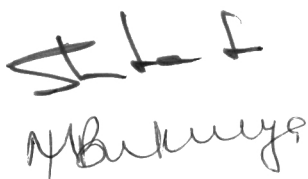
- a. Bring it to conformity with the Convention on International Civil Aviation (The Chicago Convention)
- b. To provide for the delegation of powers to inspectors to have unrestricted access to aircraft, aerodromes and aviation facilities; including cargo and records of aviation organizations under the Uganda Civil Aviation Authority
- c. To enable the Uganda Civil Aviation Authority to recognize agreements of third party states who are signatories to Art. 83 Bis of the Chicago Convention, relating to transfer of functions and duties and;
- d. To prescribe additional offences

The amendment to the Act is intended to ensure Uganda's compliance and satisfactory performance in the Universal Safety Oversight Audit Programme (USOAP) that commenced on 6th September, 2023 and to ensure the safety and security of Uganda's Aviation Sector.

3.0 METHODOLOGY

The Committee held meetings and received memoranda from the following;

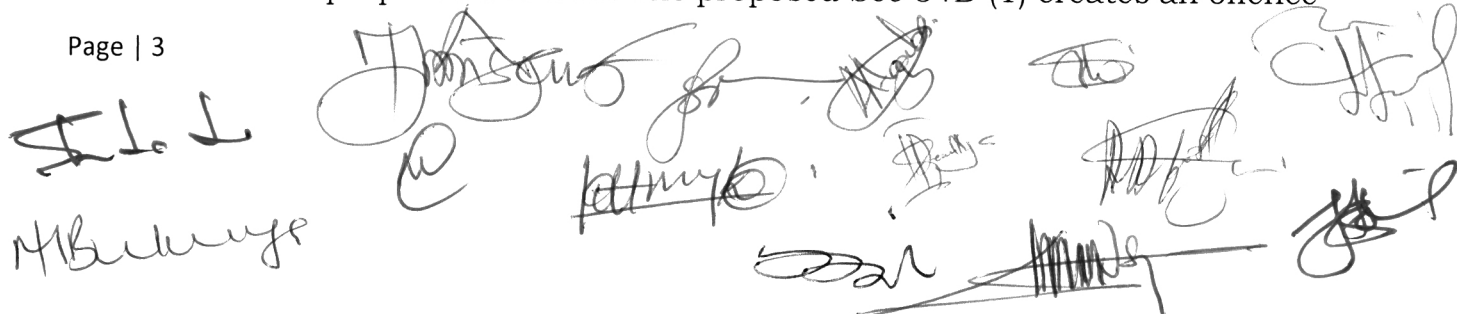
1. The Minister for Works and Transport
2. The Office of the Attorney General
3. The Uganda Civil Aviation Authority



4.0 COMMITTEE OBSERVATIONS

The Committee observed that;

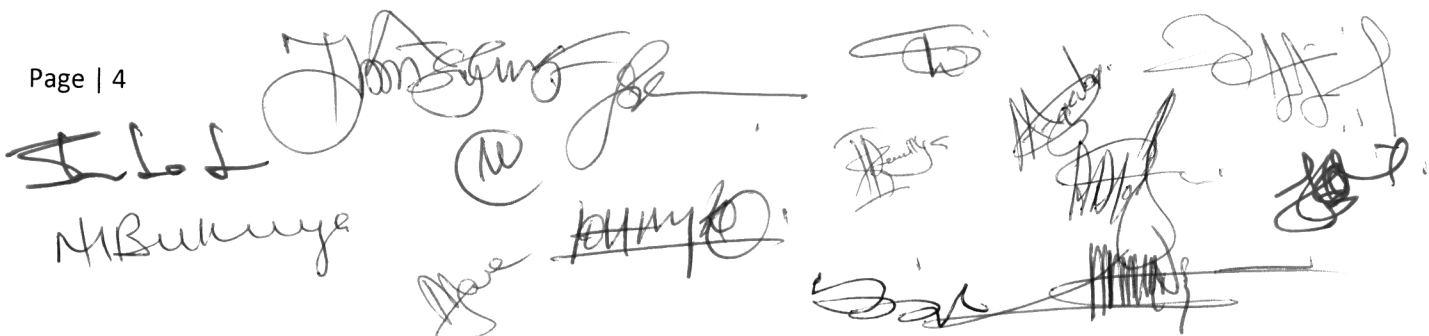
- I. Uganda being a signatory to the International Convention on Civil Aviation (ICAO), 1944 is obliged under Art. 37 of the Convention to comply with ICAO International Standards and Recommended Practices (SARPs) contained in the nineteen Annexes to the Convention.
- II. The ICAO Universal Safety Oversight Audit Programme (USOAP) for Uganda that was carried out between 6th – 18th September, 2023 was intended to monitor Uganda's compliance with ICAO safety related SARPs or safety oversight obligations under the convention audited two critical elements relating to primary aviation and Legislation and Regulations made under the primary aviation legislation and identified gaps both in the primary aviation legislation and Civil Aviation Act which if not addressed immediately could affect several audit areas and consequently expose the Country to adverse audit findings that could have far reaching implications to the Country including a finding of Significant Safety concern.
- III. The Bill proposes to empower the Director General to delegate his or her powers to inspectors to have unrestricted access to aircraft, aerodromes and aviation facilities; including cargo and records of aviation organizations under the Uganda Civil Aviation Authority
- IV. The Bill proposes to enable the Uganda Civil Aviation Authority to recognize agreements of third party states who are signatories to Art. 83 Bis of the Chicago Convention, relating to transfer of functions and duties.
- V. The Bill proposes to prescribe additional offences and stringent penalties for certain offences.
- VI. There is need to harmonize the provision for various offences arising from acts of unlawful interference. These offences are prescribed in Clause 10 under the proposed Sec 64D. The proposed Sec 64D (1) creates an offence



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against a person who unlawfully seizes an aircraft or engages in the unlawful seizure of an aircraft punishable by imprisonment for life and yet some offences created under the above mentioned clause are similar to the offence of terrorism created under the Anti- Terrorism Act, 2002 are punishable by death.

- VII. Clause 1 seeks to amend Sec 2 of the Act to define “acts of unlawful interference”
- VIII. Clause 2 seeks to amend Sec 6 of the Act to provide for additional functions of the Uganda Civil Aviation Authority to include safety oversight of air navigation services and safety oversight of aerodromes
- IX. Clause 3 seeks to amend Sec 15A of the Act to provide for additional powers of the Director General
- X. Clause 4 seeks to amend Sec 15C to allow the Director General delegate his or her powers to an employee of authority as appropriate
- XI. Clause 5 seeks to amend Sec 38A to provide for the objective of every investigation of an accident or serious incidents as being, to determine the safety factors and where possible the probable cause and the prevention of accidents or serious incident.
- XII. Clause 6 seeks to amend Sec 38B by substituting for the word “incident” wherever it occurs, the words “serious incident” to comply with the CAO standard
- XIII. Clause 7 seeks to amend Sec 38C by substituting for the word “incident” wherever it occurs, the words “serious incident” to comply with the ICAO standard and further to allow the investigator to have timely uninterrupted access and control over an aircraft accident or serious incident site including wreckage, investigation materials, evidence and documents including air traffic service recordings and recorders.
- XIV. Clause 8 seeks to amend Sec 39A to allow an inspector to have unrestricted and unlimited access to any part of the aircraft, aerodrome land or area outside the aerodrome used by any business that operates at



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an aerodrome and any records and information that may be required during the conducting of an inspection.

- XV. Clause 9 seeks to amend Sec 40 to empower the Authority to recognize an agreement of a third party state that is a signatory to Art. 83 Bis of the Chicago Convention in respect to an aircraft operating in Ugandan airspace.
- XVI. Clause 10 seeks to insert Sec 64C in the Principle Act to require a Ugandan registered aircraft or a civil aircraft registered or operated in Uganda to comply with inception orders when flying in foreign airspace.
- XVII. The Act does not contain provisions to ensure the non- disclosure of investigation records (other than CVR recordings, airborne image recordings and transcripts from such recordings) for purposes other than aircraft accident or incident investigation.
- XVIII. The Act should provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of the said authority because the Civil Aviation Authority (Amendment) Act, 2019, Se 7 and 38C (2c) were insufficient and need to be amended as per rationale
- XIX. The Act should clearly delegate authority to the head of accident investigation authority to institute aircraft accident and serious incident investigations.
- XX. The Act should grant the accident investigation authority or investigator in charge, unhampered access to and control over the scene of accident in order to protect the aircraft wreckage as well as the accident site against access by unauthorized persons pilfering or deterioration.
- XXI. The Act should grant the accident investigation authority or investigator unhampered access to and control over all relevant material/ evidence including flight recorders and air traffic service (ATS) records
- XXII. The Act should enable the accident investigation authority/ investigator to carry out detailed examination of relevant material / evidence without delay.

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XXIII. The Act should enable the accident investigation authority/ investigator to conduct interviews with witnesses and others who can contribute to the investigation.

5.0 COMMITTEE RECOMMENDATIONS

- I. The Committee recommends that Government considers the additional amendments in order to sufficiently address the ICAO USOAP audit findings.
- II. The Committee recommends that The Civil Aviation Authority (Amendment) Bill, 2023 be passed into law subject to the proposed amendments.

PROPOSED AMENDMENTS TO THE CIVIL AVIATION AUTHORITY (AMENDMENT) BILL, 2023

CLAUSE 1: AMENDMENT OF SECTION 2 OF THE CIVIL AVIATION AUTHORITY ACT

Clause 1 of the Bill is amended-

- (a) by substituting for paragraph (b), the following-

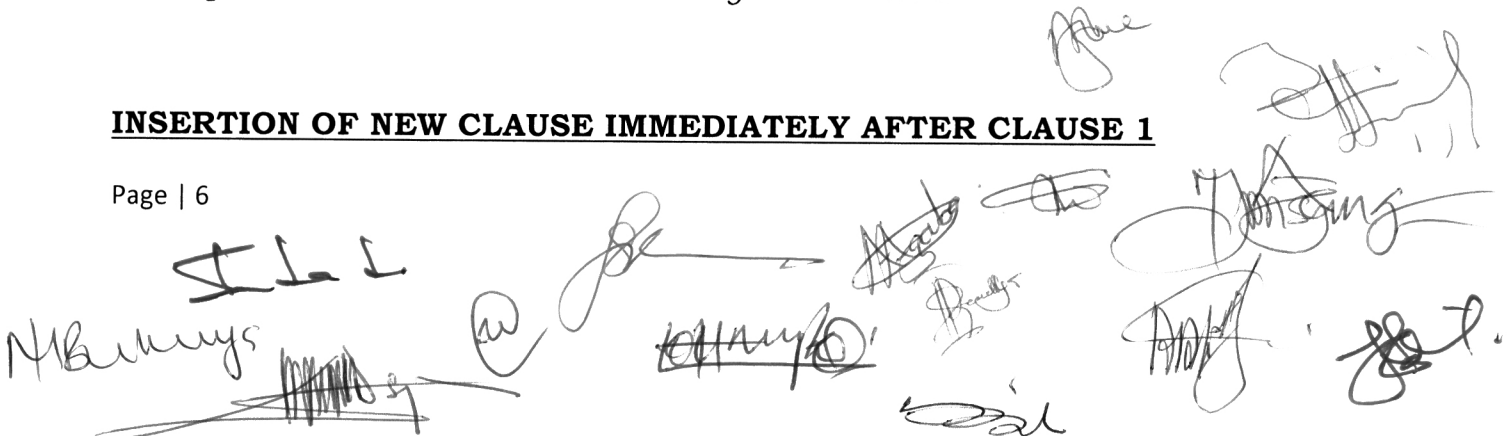
“(b) damage or destruction of an aircraft in service;”;

- (b) in paragraphs (d) and (e), by substituting for the word “airport”, the word “aerodrome”;

Justification

- *to comply with the International Civil Aviation Organisation (ICAO) standards and recommended practices relating to aviation security as provided in annex 17 to the Chicago Convention.*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 1

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The Bill is amended by inserting immediately after clause 1, the following-

“Amendment of section 5 of principal Act

Section 5 of the Principal Act is amended-

- (a) by numbering the existing provision as subsection (1); and
- (b) by inserting immediately after subsection (1) the following-

“(2) The primary objective relating to aviation security in Uganda is to ensure the safety of passengers, crew, ground personnel and the general public in all matters relating to safe guarding against acts of unlawful interference with civil aviation, in order to ensure that aviation security remains the highest of priorities when related decisions are made.”

Justification

- *to comply with the International Civil Aviation Organisation (ICAO) standards and recommended practices relating to aviation security as provided in annex 17 to the Chicago Convention.*

CLAUSE 2: AMENDMENT OF SECTION 6 OF PRINCIPAL ACT

Clause 2 of the Bill is amended by inserting immediately after paragraph (qh), the following-

“(qi) establishing a unit responsible for aviation security;”

Justification

- *to require CAA to establish a unit responsible for aviation security in compliance with ICAO standards and recommended practices relating to aviation security as provided in annex 17 to the Chicago Convention.*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 2

The Bill is amended by inserting immediately after clause 2, the following-

“Amendment of section 7 of principal Act

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Section 7 of the principal Act is amended in subsection (2)-

(a) by deleting the words “and security” in paragraph (i);

(b) by inserting immediately after paragraph (k), the following-

“(l) to conduct aviation security audits, inspections, security tests, investigations and vulnerability assessment; and

(m) to develop aviation security policies and requirements.”

Justification

- *to comply with the requirements of ICAO standards and recommended practices relating to aviation security as provided in annex 17 to the Chicago Convention.*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 4

The Bill is amended by inserting immediately after clause 4, the following-

“Amendment of section 38 of Principal Act

Section 38 of the principal Act is amended by inserting immediately before the word “incident” wherever it appears in the provision, the word “serious”.

Justification

- *It is a consequential amendment arising from the amendment in clauses 5, 6 and 7 of the Bill.*

CLAUSE 5: AMENDMENT OF SECTION 38B OF PRINCIPAL ACT

For clause 5, there is substituted the following-

“Amendment of section 38B of principal Act

The principal Act is amended-

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- (a) by numbering the current provision as subsection (1);
- (b) by substituting for the word “incident” wherever it appears, the words “serious incident”;
- (c) by inserting immediately after subsection (1) the following-

“(2) The chief investigator shall cause an investigation to be carried out where an aircraft accident or serious incident occurs in any of the following circumstances —

- (a) where the accident or serious incident occurs in Uganda;
 - (b) where the accident or serious incident occurs in any non-contracting state which does not intend to carry out an investigation of the accident or serious incident and involves an aircraft registered in Uganda or an aircraft operated by an operator whose principal base of operation is in Uganda;
 - (c) where the accident or serious incident involves an aircraft registered in Uganda or an aircraft operated by an operator in Uganda and the investigations has been delegated to Uganda by another Contracting State by mutual arrangement and consent; or
 - (d) where the accident or serious incident occurs in a location that cannot be definitely established as being in the territory of any State and involves an aircraft registered in Uganda.
- (3) The chief investigator may, where he or she expects to draw air safety lessons from an accident or serious incident, cause an investigation to be carried out into an accident or serious incident which occurs in Uganda or outside Uganda involving an aircraft registered in Uganda or an aircraft operated by an operator in Uganda.
- (4) The chief investigator may appoint any person as an adviser to assist in carrying out an investigation.
- (5) The chief investigator may, with the approval of the Minister, delegate the task of carrying out an investigation into an accident or a serious incident to another contracting state or an accident investigations authority by mutual arrangement and consent.

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Justification

- *to comply with the requirements of ICAO standards and recommended practices relating to aviation security as provided in annex 13 to the Chicago Convention*

CLAUSE 7: AMENDMENT OF SECTION 38C OF PRINCIPAL ACT

Clause 7 of the Bill is amended by-

- (a) substituting for paragraph (b), the following-

“by substituting for subsection (2), the following-

“(2) The chief investigator, deputy chief investigator or an investigator shall not, in the course of an investigation, disclose the following documents to any person for purposes other than accident or serious incident investigations-

- (a) cockpit records;
- (b) records from interviews with persons by the investigation authorities in the course of the investigation;
- (c) communications between persons having been involved in the operation of the aircraft;
- (d) medical or private information regarding persons involved in the accident or serious incident;
- (e) recordings and transcripts of recordings from air traffic control units;
- (f) analysis of and opinions about information (including flight recorder information) made by the accident investigation authority and accredited representatives in relation to the accident or serious incident;
- (g) a draft final report of an accident or serious incident investigation; and
- (h) any other investigation records.”;

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(b) by inserting immediately after the proposed subsection (2a), the following-

“The Chief investigator, deputy chief investigator or an investigator shall protect the aircraft wreckage and accident site from access by unauthorized persons, pilfering or deterioration.”

Justification

- *to comply with the requirements of ICAO standards and recommended practices relating to aviation security as provided in annex 13 to the Chicago Convention*

CLAUSE 8: AMENDMENT OF SECTION 39A OF PRINCIPAL ACT

The Bill is amended in clause 8 by inserting immediately after the proposed subsection (2) (b) the following-

“(c) interview any person for the purpose of assessing the standard of security or the implementation of security procedures;

(d) inspect and test the effectiveness of security measures, procedures and performance of security equipment; and

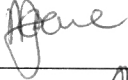
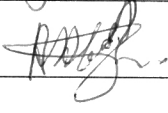
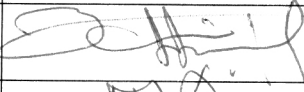
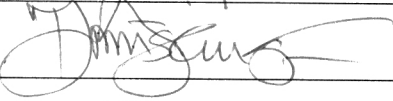

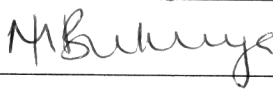
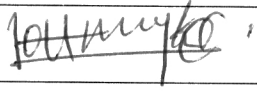
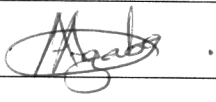
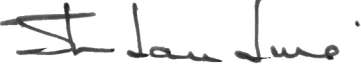
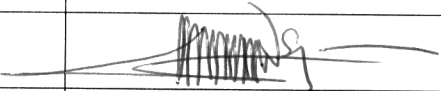
(e) take or use at an airport, airside area or any designated security risk area, any equipment, radios, cameras, recording devices (both audio and video), specially restricted or prohibited items such as replica weapons or simulated explosive devices necessary to carry out his or her duties.”

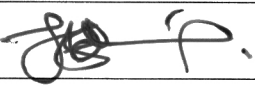
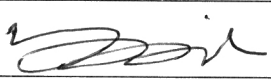
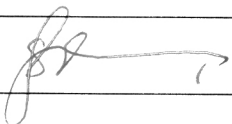
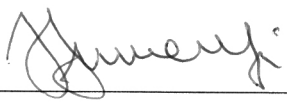
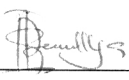
Justification

- *to comply with the requirements of ICAO standards and recommended practices relating to aviation security as provided in annex 17 to the Chicago Convention.*

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**REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE
CIVIL AVIATION AUTHORITY (AMENDMENT) BILL, 2023**

NO	NAME	SIGNATURE
1	Hon. Atwijukire Dan Kimosho Chairperson	
2	Hon. Awany Tony Deputy Chairperson	
3	Hon. James Kaberuka	
4	Hon. Kabanda David	
5	Hon. Baba James Boliba	
6	Hon. Ayoo Jeniffer Nalukwago	
7	Hon. Awasi Sylvia Vicky	
8	Hon. Kibalya Henry Maurice	
9	Hon. Bukenya Micheal	
10	Hon. Asaba N. Paul	
11	Hon. Lokwang Hillary	
12	Hon. Mbabazi Pascal	
13	Hon. Agaba Aisa	
14	Hon. Thembo Gideon Mujungu	
15	Hon. Okwir Samuel	
16	Hon. Byanyima Nathan	
17	Hon. Okumu Gabriel	
18	Hon. Nsegumire Muhamad Kibedi	
19	Hon. Naigaga Mariam	
20	Hon. Atyang Stella	

21	Hon. Aber Lillian	
22	Hon. Namujju Cissy Dionizia	
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36	Hon. Ndyomugenyi Roland	
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38	Hon. Rwemulikya Ibanda	
39	Hon. Acrobert Kiiza Moses	
40	Hon. Kayondo Fred	