

THE CIVIL AVIATION ACT  
(CAP. 80)

**REGULATIONS**

*(Made under section 4)*

THE CIVIL AVIATION (SECURITY) (AMENDMENT) REGULATIONS, 2013

Citation  
GN. No.  
39 of 2012

1. These Regulations may be cited as the Civil Aviation (Security) (Amendment) Regulations, 2013 and shall be read as one with the Civil Aviation (Security) Regulation, 2012 hereinafter referred to as the “principal Regulations”.

Amend-  
ment of  
regulation  
4

2. The principal Regulations are amended in regulation 4 by inserting the following new definitions in their proper alphabetical sequence-

“act of unlawful interference” means acts or attempted acts such as to jeopardize the safety of civil Aviation, including but not limited to:

- (i) unlawful seizure of aircraft;
- (ii) destruction of an aircraft in service;
- (iii) hostage-taking on board aircraft or on aerodromes;
- (iv) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (v) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;

- (vi) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; and
- (vii) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

“air traffic service provider” means a relevant authority designated by the State, responsibility for provision of air traffic services in its airspace;

“ground handling service provider” means a provider of services provided to airport users at the airport that include baggage handling , freight and mail handling as regards the physical handling of freight and mail, whether incoming , outgoing or being transferred between the air terminal and the aircraft, fuel and oil handling and ramp handling”;

“in-flight security officer” means a person who is authorized by the government of the State of the Operator and the government of the State of Registration to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards;

“known consignor” means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft.”

*Civil Aviation (Security) (Amendment)*

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*G.N. 115 (contd.)*

Amendment  
to  
regulation  
5

3. The principal Regulations are amended in regulation 5 by-

- (a). inserting the phrase “airport, aircraft operators and air traffic services providers” immediately after the word “agencies” appearing in sub regulation (1)(c);
- (b). adding new sub regulations (3) and (4) as follows:

“(3) The Authority shall in respect of other states-

- (a) cooperate in the development and exchange of information on National Civil Aviation Security Programmes in accordance with the laws of the (State)

- (b) subject to sub-regulation (a), the Authority may consider requests by States to share or exchange information on the development of security programmes.

(4) The Authority shall-

- (a) share threat information that applies to the aviation security interests in accordance with the laws of the (State);
- (b) subject to sub-regulation (a), the Authority may consider and share threat

information of aviation interests with other states as deemed necessary for the purpose of protecting civil aviation against acts of unlawful interference.”

Amendment  
of regulation  
9

4. The principal Regulations are amended in regulation 9 by-

- (a) inserting the words “air traffic service providers and” in between the words “operators” and “other” appearing in sub-regulation (1); and
- (b) adding new paragraph (i) in sub-regulation (2) as follows:

“(i) protection and handling procedures for security information shared by other states.”

Amendment  
of regulation  
10

5. The principal Regulations are amended in regulation 10(1) (a) and (2) by inserting the words “air traffic service providers” in between the word “operators” and the words “and other” whenever they appear in this subregulation.

Amend-  
ment of  
regulation  
15

6. The principal Regulations are amended in regulation 15 by adding new sub regulation (3) immediately after sub regulation (2) as follows-

“(3) Approval of Regulated Agent Security Programmes shall be based on the supply chain security process, which comprises management of applicable cargo and mail policies, procedures, and technology, as stipulated in the NCASP to protect supply chain assets

(cargo and mail, facilities, equipment, information and personnel) from acts of unlawful interference, theft, damage, or terrorism, and to prevent the introduction of unauthorized contraband, people or weapons of mass destruction into the supply chain.”

Amend-  
ment of  
regulation  
21

7. The principal Regulations are amended in regulation 21 by-

(a) deleting sub regulation (4) and substituting it with the following new sub regulation;

“(4) a person shall not operate a training centre whose purpose is to provide civil aviation security training in accordance with these regulations and the National Civil Aviation Security Training Programme (NCASTP) without an Approved training Organization (ATO) certificate issued by the Authority.”

(b) adding new sub regulation (5) as follows:

“(5) The Authority shall ensure the development and implementation of training and certification programmes for screeners, supervisors, instructors and inspectors in accordance with the National Civil Aviation Security Programme.”

Amendment  
of regulation  
24

8. The principal Regulations are amended in regulation 24 by-

(a) inserting the phrase “including identification and resolution of suspicious activity that may pose a threat to civil aviation”

immediately after the word “procedures” in subregulation (1);

- (b) deleting sub regulation (2) and substituting for it with the following sub regulation:

“(2) Every operator of an airport serving civil aviation shall be responsible for the security of facilities and employment of security equipment, where appropriate, to the extent operationally, technically and financially practicable, to achieve civil aviation security objectives and shall;”

- (c) inserting the words “including the use if random and unpredictable security measures” after the word “measure” appearing in sub regulation (2)(a);

- (d) deleting sub regulation (2)(b)(v) and substituting for it with the following:

“(2)(b)(v) originating passengers and crew, and their baggage are screened before accessing restricted areas and before boarding an aircraft engaged in commercial air transport operations.”

- (e) adding the following new subparagraph immediately after subparagraph (2)(b)(xiv);

“(xv) all persons other than passengers, together with their items being granted access to security restricted areas shall be screened or subjected to other security controls, including but not limited to proportional screening, randomness and unpredictability in accordance with a risk

assessment carried out by relevant national authorities”.

- (xvi) All vehicles being granted access to security restricted areas, together with items contained within them, shall be screened or subjected to other appropriate security controls in accordance with a risk assessment carried out by the relevant national authorities”.
- (xvii) establish measures to ensure that merchandise and supplies introduced into security restricted areas are subjected to appropriate security controls, including screening where applicable;
- (xviii) establish and implement security measures in landside areas to mitigate possible threats of acts of unlawful interference in accordance with a risk assessment carried out by the relevant authorities.”

Amendment  
of regulation  
27

9. The principal Regulations are amended in regulation 27 by inserting the word “ammunition” immediately after “firearms” appearing in sub regulations (1) and (2) respectively.

Amendment  
of regulation  
32

10. The principal Regulations are amended in regulation 32 of by-

- (a) adding a new paragraph after paragraph (a) as follows:

“(b) discovery, at an airport of ammunition other than ammunition allowed under Regulation 27”

(b) designating paragraph (b) as paragraph (c).

Amendment  
of regulation  
35

11. The principal Regulations are amended in regulation 35 by-

- (a) inserting the words “in-flight catering and stores, company mail and materials” immediately after the word “mail” appearing in sub regulation (1) (b);
- (b) inserting the phrase “including identification and resolution of suspicious activity that may pose a threat to civil aviation, and any other measures immediately after the word “measures” appearing in subregulation (2)(a).
- (c) adding new subparagraph (2) (f) as follows:

“(f) institute measures to identify and remove any items:

- (i) before departure of an aircraft engaged in commercial flights;
- (ii) after passengers have disembarked from an airport engaged in commercial flights;
- (iii) left behind by passengers disembarking from transit flights.”

Amendment  
of regulation  
37

12. The principal Regulations are amended in regulation 37(2)(c) by inserting the words “ammunition and” immediately before the word “explosives”.

*Civil Aviation (Security) (Amendment)*

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*G.N. 115 (contd.)*

Amendment of regulation 40                    13. The principal Regulations are amended in the subheading which appears immediately after Regulation 40 by deleting it and substituting for it with the following subheading-

“Regulated agents and Ground Handling Service Providers”.

Amendment of regulation 41                    14. The principal Regulations are amended in regulation 41(1) by inserting the words “including screening” immediately after the word “controls”.

Amendment to Regulation 42                    15. The principal Regulations are amended in regulation 42 by inserting a new sub-regulation (f) immediately after sub-regulation (e):

“(f) all cargo and mail to be carried on a commercial aircraft is protected from unauthorized interference from the point of screening or other security controls are applied until departure of the aircraft on which it is to be carried; and if there are grounds to suspect that the integrity of cargo and mail may be jeopardized, the cargo and is re-screened before being placed on board an aircraft.”

Amendment of regulation 43                    16. The principal Regulations are amended in regulation 43(a) by deleting it and substituting for it with the following-

“(a) not accept cargo or mail for carriage on an aircraft engaged in commercial air transport operations unless the application of screening or other security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to screening”;

Addition of new regulation 17. The principal Regulations are amended by adding immediately after regulation 45 the following new regulation-

“Air Traffic Service Providers 45A. Air Traffic Service providers shall develop written security procedures on the security of their facilities and for response to acts of unlawful interference in accordance with the NCASP, NCASTP, ASP and contingency plans.”

Amendment of regulation 47 18. The principal Regulations are amended in regulation 47 by inserting a new paragraph after paragraph (c) as follows:

“(d) to the extent practicable detain on the ground an aircraft subjected to unlawful seizure unless its departure is necessitated by the overriding duty to protect human lives.”

Amendment of regulation 50 19. The principal Regulations are amended in regulation 50(1) by deleting the opening words and substituting for them with the following new words-

“Any person who engages in any of the following acts at an airport or its related facilities, commits an offence.”

Amendment to regulation 51. 20. The principal Regulations are amended in regulation 51(1) by deleting the opening words and substituting for them with the following new words-

“Any person who engages in any of the following acts on board a civil aircraft commits an offence.”

Amend-  
ment of  
regulation  
52

21. The principal Regulations are amended in regulation 52 by-

(a) deleting the opening words and substituting for them with the following new words:

“(1) Any person who engages in an act of physical violence against a person or of sexual assault or child molestation on board a civil aircraft commits an offence.”

(b) deleting sub regulation (2) and substituting for it the following new sub regulation:

“(2) Any person who engages in any of the following acts that is likely to endanger the safety of the aircraft or of any person on board or if such an act jeopardises the good order and discipline on board the aircraft, on board a civil aircraft, commits an offence.”

Amend-  
ment of  
regulation  
53

22. The principal Regulations are amended in regulation 53(1) by deleting the opening words and substituting for them with the following new words:

“A person who engages in any of the following acts, on board a civil aircraft, commits an offence.”

Amend-  
ment to  
regulation  
56

23. The principal Regulations are amended in regulation 56(1) by deleting it and substituting with the following:

“(1) A person who—

(a). for the purpose of, or in connection with, an application for the issue of an airport

security permit; or  
(b). in connection with continuing to hold an existing airport security permit, makes a statement which he or she knows to be false, commits an offence.”

Addition of new regulation

24. The principal Regulations are amended by adding after regulation 59 the following new regulation-

“ Failure to comply with these Regulations

59A.-(1) Any person who contravenes any provision of any regulation, notice, or order made under it, commits an offence under these regulations.

(2) Any person who commits an offence under these Regulations shall upon conviction except where any other penalty is provided, be liable to a fine not exceeding [.....] or to imprisonment for a term not exceeding [.....] or both.”

Amendment of regulation 62

25. The principal Regulations are amended in regulation 62(c) by adding the following new paragraph:

“(c) in case of aviation security officer, arresting him or her without warrant and immediately handing him or her to police for appropriate action.”

Amendment of regulation 65

26. The principal Regulations are amended in regulation 65 by deleting paragraph (d) and substituting for it with the following new paragraph:

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“(d) arrest any person who commits or attempts to commit an offence under these Regulations”.

Amendment  
of regulation  
70

27. The principal Regulations are amended in the side note of regulation 70 by deleting it and substituting for it with the following side note:

“Issuance of infringement notice”.

Amendment  
of regulation  
71

28. The principal Regulations are amended in regulation 71(e)(ii) by deleting the word “happened” and substituting for it with the following new words:

“was committed”.

Amendment  
of regulation  
72

29. The principal Regulations are amended in regulation 72(c)(ii) by deleting the words “over eighteen years of age” and substituting them with the words “eighteen years of age and above”.

Amendment  
of regulation  
79

30. The principal Regulations are amended in regulation 79 by inserting the words “or a ground handling operator” immediately after the words “regulated agent”.

Dar es Salaam,  
10<sup>th</sup> May, 2013

HARRISON G. MWAKYEMBE,  
*Minister for Transport*