

Tanzania

Executive Agencies Act

Executive Agencies (Tanzania Civil Aviation Authority) (Establishment) Order, 1999

Government Notice 135 of 1999

Legislation as at 31 July 2002

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Executive Agencies (Tanzania Civil Aviation Authority) (Establishment) Order, 1999

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Executive Agencies (Tanzania Civil Aviation Authority) (Establishment) Order, 1999

Government Notice 135 of 1999

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[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 3; G.Ns. Nos. 135 of 1999; 94 of 2000]

1. Citation

This Order may be cited as the Executive Agencies (Tanzania Civil Aviation Authority) (Establishment) Order.

2. Establishment of the TCAA

- (1) There is established the Tanzania Civil Aviation Authority as an Executive Agency in relation to the Department of Civil Aviation provided for under the Civil Aviation Act ¹.
- (2) The Tanzania Civil Aviation Authority shall have a logo in the manner and style indicated in paragraph 2.4 of the Framework document provided for under the Schedule to this Order.

[G.N. No. 94 of 2000]

3. TCAA Framework Document Scheme

The function, aims, objective, authority, performance standards and other matters relating to the Civil Aviation Authority shall be as specified in the Framework Document set out in the Schedule to this Order.

Schedule (Paragraph 3)

United Republic of Tanzania Ministry of Communications and Transport

The Tanzania Civil Aviation Authority (TCAA)

Framework documents

1. Introduction

The Directorate of Civil Aviation was formed in 1977 as a department of the Government responsible for the implementation of civil aviation policy through the development and enforcement of regulations,

¹

procedures and programmes essential for the maintenance of safety and efficiency in civil aviation services, which are necessary for the safe and efficient conduct of flight operations.

The Directorate of Civil Aviation has now become an Executive Agency and has a new title "Tanzania Civil Aviation Authority" (TCAA). This document describes the framework within which the TCAA will operate as an Agency. It also sets out the responsibilities of those involved.

The responsible Minister is the Minister for Communication and Transport. The head of TCAA will be the Director-General who will be responsible for the operation of the Agency and exercise statutory powers as vested in him under the following primary and subsidiary legislation.

The Executive Agencies Act ([Cap. 245](#)).

The Civil Aviation Act ([Cap. 80](#)).

The Transfer and Delegation of Powers Act ([Cap. 362](#)).

The Tanzania Licensing of Air Service Regulations, 1985 (G.N. No. 463 of 1986).

The Tanzania Air Navigation Regulations (G.N. No. 170 of 1983).

The Civil Aviation (Charges for Air Navigation Services) Regulations, 1985 (G.N. No. 461 of 1986).

The Aerodrome (Licensing and Control) Act ([Cap. 92](#)).

The Aerodrome Control Regulations (G.N. No. 71 of 1981).

The Aerodrome Licensing Regulations (G.N. No. 125 of 1983).

The Aerodrome (Landing and Parking Fees) Regulations (G.N. No. 57 of 1984).

The Civil Aviation (Investigation of Accidents) Regulations (G.N. No. 171 of 1983).

The Executive Agencies (Personnel Management) Regulations (G.N. No. 75 of 1999).

The Executive Agencies (Conciliation and Arbitration) Regulations (G.N. No. 76 of 1999).

The Executive Agencies (Finance, Procurement and Stores) Regulations (G.N. No. 77 of 1999).

The Executive Agencies (Ministerial Advisory Board) Rules (G.N. No. 74 of 1999).

Other notified publications e.g. Aeronautical Information Publication, Aeronautical Information Circulars, NOTAM, etc.

As it is launched as an Agency, the TCAA employs some 470 staff throughout the country and in the financial year 1997/1998 had a gross budget of 3.0 bn. T.Shs.

2. Status and governance

2.1 Status

With effect from the 26th day of March, 1999, the Order establishing the Tanzania Civil Aviation Authority as an Executive Agency of the Ministry of Communications and Transport in accordance with the Executive Agencies Act ² came into force. It replaces the Directorate of Civil Aviation.

The Tanzania Civil Aviation Authority has been established to achieve the following objectives:

- Improve the quality and value for money of the delivery of public service;
- Generate an environment conducive to efficient and effective management;
- Promote the potential for the continuous improvement of its services.

2.2 Governance

Tanzania Civil Aviation Authority will be managed by a Director-General appointed by the Minister of Communications and Transport for a term not exceeding 5 years. The Permanent Secretary will be responsible for policy and the strategic management of the TCAA. The Permanent Secretary will oversee the interests of the ministry and the government in general. The Advisory functions of the Civil Aviation Board will be transferred to the Ministerial Advisory Board (MAB), while the Executive functions of licensing of air services will be performed by the Director-General.

2.3 Organisation

The Director-General may make changes to the Organizational structure of TCAA as may be considered necessary to maintain and improve the efficiency and overall performance of the agency within the policy and resources from work set by the Permanent Secretary, and within the delegations outlined in the framework Document or as may be approved subsequently.

At the time of launch, the Director-General will be assisted by Directors and support managers as outlined in the TCAA organogram below. The number and responsibilities of Directors may be reviewed periodically according to the business needs of the Agency. Together with the Director-General, the Directors, who will be appointed by the Director-General, will constitute Senior Management Team of the Agency.

Organisational structure

2.4 Logo

This shall be the logo of the Tanzania Civil Aviation Authority whose impression shall be as shown hereunder:

[G.N. No. 94 of 2000]

3. Aim, role, objectives and performance criteria

3.1 Aim

The aim of the TCAA shall be:

To ensure safety and promote efficiency in the air transport system by performing effective regulatory functions and providing efficient, economic and technically up-to-date services to the highest applicable standards, and thus contribute to socio-economic development of the nation.

3.2 Role

The Role of the TCAA shall be:

- (a) to give effect to the Chicago Convention and other International agreements relating to civil aviation;
- (b) to provide for the control, regulation and orderly development of civil aviation;
- (c) to implement the national civil aviation policy.

3.3 Objectives

In pursuit of the aim for which it have been established, the TCAA is assigned to achieve the following objectives:

- (a) maintenance of an orderly air transport system in Tanzania;
- (b) provision of a safe, orderly and expeditious air traffic control service;
- (c) the maintenance of approved technical standards of aircraft;

- (d) operation of aviation infrastructure;
- (e) overseeing the competence of aeronautical personnel;
- (f) ensurance of the integrity of the systems, equipment and facilities of the Agency;
- (g) sustainability of services maintained by operating in a prudent and business like manner, adapting continuous improvement and quality management policies;
- (h) production of accurate, timely, comprehensive and relevant air transport information for planning and decision making purposes.

3.4 Performance criteria

The Ministerial Advisory Board will regularly assess the performance of the TCAA. Assessments will be on the basis of Quarterly Performance Reports submitted by the Director-General to the Permanent Secretary and in that regard, particular attention will be paid to the following areas:

3.4.1 Quality of service

- development of standards equal to or higher than ICAO standards and recommended practices;
- promoting and ensuring prescribed standards are maintained;
- in-house audit in the improvement of service and effective feedback system;
- achievement and maintenance of the service reliability standards of ICAO;
- maintenance of the ICAO minimum aircraft separation standards;
- reduction of the number of aircraft incidents;
- reduction in the number of infringements, of ICAO standards;
- timeliness, accuracy and comprehensiveness of information (as assessed through feedback from recipients).

3.4.2 Operational efficiency

- prompt preparation and billing of charges due;
- use of best internal procedures for the issue of licences and certificates;
- effective application of management information system in all sectors of the Authority to raise productivity levels;
- improvement in the ratio of cost to revenue.

3.4.3 Financial performance

- prompt collection of all revenue;
- timely and accurate production of financial reports;
- clean report from Auditors;
- effectiveness and transparency of the procurement and stock control systems.

4. Responsibilities

4.1 The role of the Minister

The Minister of Communications and Transport is ultimately responsible for determining the policy framework and the operational boundaries within which TCAA operates, and the financial resources that are to be made available to the Agency.

The Minister shall be responsible for the general direction and control of the Agency and shall have the general responsibility of organizing, carrying out and encouraging measures for the development of sustainable civil aviation subsector. He will foster the promotion of safety and efficiency in the use of civil aircraft and for research into questions relating to civil aviation. He may for any of these purposes, give directions of general nature to the Director-General.

The Minister is responsible for establishing the TCAA, appointing its Director-General and members of the Ministerial Advisory Board, and for ensuring that the Government and the public derives maximum benefit from the creation of the Agency.

The Minister shall not be involved in the day to day management of TCAA. However the Director-General may consult the Minister on the handling of operational matters are likely to give rise to significant public or Parliamentary concern.

The Minister shall retain the powers vested in him under the Civil Aviation Act ³ and the Regulations made under the Act.

4.2 Responsibilities of the Permanent Secretary

The Permanent Secretary, being as the principal accounting officer, has overall responsibility to the Minister of Communications and Transport on matters concerning voted funds, and is the principal policy advisor to the Ministry on civil aviation matters.

The Permanent Secretary shall be responsible for the Strategic Management of the TCAA and for this purpose, will give directions to the Director-General but with due regard to the need to uphold TCAA's autonomy in the operational management of its affairs.

The Ministerial Advisory Board, shall assist the Permanent Secretary with the review of the TCAA's Strategic Plans, Business Plans and performance reports, and in setting objectives and key performance targets.

The Permanent Secretary shall, taking into account the overall Government policies, and the business case presented, decide whether the Director-General's intention to borrow money, or to acquire or dispose of immovable property are acceptable. He will normally approve all such cases.

The Permanent Secretary will promote the interests of TCAA and keep the Director-General aware of higher level Government thinking.

The Permanent Secretary shall also receive and discuss appeals of employees who are aggrieved by the decision of the Director-General as provided for by the relevant provisions of the Executive Agencies Act ⁴.

4.3 Responsibilities of the Director-General

The Director-General is responsible for managing TCAA within the terms of the Framework Document and the Executive Agency Regulations. The Director-General is the Agency's Accounting Officer and shall specifically be responsible for—

- the preparation and submission of Strategic and Business plans and associated budgets;
- the implementation of the approved plans, including the achievement of performance targets;
- the delivery of the agreed programme of services to customers, on schedule and to specification;

³

[Cap. 80](#)

⁴

[Cap. 245](#)

- the organisation and management of the assets and resources allocated to him efficiently, effectively, economically and in accordance with the principles of fairness and equality as outlined in Government policies and Financial Regulations;
- the setting of user charge tariffs for the recovery of operational costs in accordance with the ICAO guidelines;
- the provision to the Permanent Secretary of such information as is required to enable performance to be monitored;
- the preparation of an Annual Report and Financial Statement for submission to the Permanent Secretary, the Minister of Communications and Transport, and Parliament;
- ensuring that all aspects of the management and organisation are kept under review and that they best suit TCAA's business needs;
- contributing to the development and formulation of policy, including assessing the impact and practicability of proposed policy changes and ensuring that TCAA is in a position to implement such changes expeditiously and efficiently;
- promoting public confidence in the professionalism and quality of its services and impartiality of the Agency decisions;

The Director-General shall be responsible for the effective personnel management of the Agency's employees, in particular discipline, control and development in accordance with the Agency's Personnel Regulations.

The Director-General shall be an *ex officio* member of the Ministerial Advisory Board.

The Director-General shall exercise the power hitherto vested in the Director-General of Civil Aviation as provided for under the Civil Aviation Act ⁵ and subsidiary legislation made thereunder, and shall have the power to propose to the Minister new Regulations or amendments to existing regulations made under the Civil Aviation Act for the purpose of regulating air navigation and air transport, the carrying out and giving effect to the Chicago Convention, and any other International agreements relating to civil aviation.

The Director-General shall further be responsible for the granting of license to Air Service Operators.

Note: The Minister shall retain the responsibility for authorising the carriage by air of munitions of war.

4.4 Responsibility of the Ministerial Advisory Board

The Ministerial Advisory Board shall give advice to the Minister and Permanent Secretary on the following—

- the development and maintenance of a policy framework;
- the objectives of the TCAA;
- the acceptability of the Director-General's Strategic and Business Plans and associated budgets;
- setting of priorities and annual performance targets for the Agency;
- the acceptability of the Annual Report and Financial Statement;
- the evaluation of the Agency's performance;

- any other matter provided for under the Executive Agencies Act ⁶;
- negotiation with other countries for the establishment of international air service;
- civil aviation legislation including legislation to give effect to the Chicago Convention, any annex thereto, and other International Conventions relating to civil aviation;
- measures necessary to give effect to the standards and recommended practices adopted in pursuance of the Chicago Convention and any annex thereto;
- air navigation facilities and services, the cost of establishing and maintaining them measures to be adopted to recover those costs;
- fares and freights rates and related matters;
- such other matters affecting civil aviation as the Minister may from time to time refer to the Board.

The Permanent Secretary shall chair the Ministerial Advisory Board. It shall hold its meeting as often as the Chairman may determine, but not less than twice in each financial year.

5. Accountability

The Minister of Communications and Transport shall be accountable to Parliament for all aspects of the TCAA. The Permanent Secretary assists him in the discharge of this responsibility.

5.1 Accounting officer responsibilities

The Permanent Secretary is the principal accounting officer for the Ministry and as such, is responsible for ensuring a high standard of financial management in the conduct of all responsibilities charged on the Ministry of Communication and Transport.

The Director-General is the Agency's Accounting Officer, and is therefore accountable for ensuring the propriety and regularity of revenue and expenditure, for prudent and economical administration, and ensuring the requirements of the Ministry of Finance are met in accordance with the Agency's Financial Regulations and Accounting Manual.

The Director-General is responsible for establishing proper management systems for these purposes, as such, shall take due account of the financial management guidance issued by the Ministry of Finance, and the personnel management guidance issued by the Public Service Department. The Director-General shall also put into effect the recommendations acceptable by the Government from the Public Accounts and other Parliamentary Committees.

5.2 Public Accounts Committee

The Permanent Secretary and the Director-General may be required to appear before the Public Accounts Committee on matters relating to the TCAA. Where the Committee's interest is in the operations of the TCAA, the Minister will normally regard the Director-General as the person best placed to appear.

5.3 Parliamentary and other inquiries

Members of the Parliament are encouraged to deal directly with the Director-General on matters which are the responsibility of the Agency.

The Minister shall work closely with the Director-General to prepare for the former, replies to questions raised by Members of Parliament inquiries which fall within the responsibility of the TCAA.

The Director-General shall also advise the Minister on other Parliamentary matters as requested.

6. Finance, planning and strategic control

6.1 Funding

The Agency's resource requirements will be met from the revenue collected by way of charges for services rendered, supplemented as shown to be necessary in the Agency's Business Plan by Government subventions loans and grants.

The agency's expenditure will be subject to monthly, quarterly and annual monitoring and review.

6.2 Strategic and business plans

TCAA's Director-General shall prepare for each year, for approval by the Permanent Secretary, a Strategic Plan covering a period of three years and a Business Plan which gives details of operations.

6.2.1 Strategic plan

The Strategic Plan shall cover a three-year term and be rolled forward and updated each year. It shall reflect the outcome of the review of performance and expenditure, and shall closely set out:

- the Director-General's strategies for achieving TCAA's aim and objectives;
- strategic performance targets;

an assessment of the external factors which influence TCAA's activities including key planning assumption about the service to be provided and resources;

- a capital expenditure programme;
- efficiency objectives, and business plans.

6.2.2 Business plan

The Business Plan will set out in more details, TCAA's activities for the first year of the Strategic Plan period, and will include—

- key performance targets set by the Permanent Secretary;
- priorities and other performance targets;
- budgets, including estimated profiles of revenue and expenditure;
- the work programmes;
- the key assumption, which include resources, which are likely to underpin performance targets; and
- an efficiency plan including initiatives to improve performance, value for money and quality of service.

6.3 Approval

The Director-General shall submit the Strategic and Business Plans to the MAB and the Permanent Secretary for approval each year. The Permanent Secretary or the Director-General may seek to review the Business Plan in the course of the year to reflect changes in policies, resources, or priorities.

Approval of these plans will constitute authority for TCAA to conduct its operations accordingly without undue interference by the Ministry.

6.4 Annual report and accounts

The Director-General shall submit an Annual Report and Statement of Financial Accounts to the MAB, the Permanent Secretary and Minister after the end of each financial year. The Report shall be published and circulated to relevant authorities, and shall contain–

- a copy of the audited accounts of TCAA, together with the Auditor's report on those accounts;
- a report on performance against key targets;
- a report on the operations of TCAA during that financial year; and
- any other information as may be required by the Permanent Secretary.

The Annual Report will also contain the annual performance agreement between the Permanent Secretary and the Director-General.

6.5 Financial delegation

The Director-General has the authority to approve all expenditure which is consistent with the approved Strategic and Business Plans and which is in accordance with his letter of delegation.

The Director-General shall ensure that appropriate investment appraisal of all capital expenditure projects is carried out, taking account of such guidance as the Ministry of Finance or Public Service Department may issue from time to time. Major capital expenditure divisions will be considered in the context of the approved Strategic and Business Plans.

The TCAA will undertake post implementation reviews to determine whether projects have achieved objectives set up.

6.6 Value for money

The Director-General is responsible for obtaining value for money in the procurement of goods and delivery of services. Accordingly, the Director-General will implement a range of efficiency measures in accordance with the agreed programme and timetable set out in the Strategic and Business plans. The Director-General is responsible for maintenance of standards and value or money of any work contracted out and ensuring that the security and confidentiality safeguards are maintained.

6.7 Internal audit

The Director-General is responsible for ensuring that adequate arrangements exist for the provision of an internal audit service. The audit service shall accord with the standards set by the Ministry of Finance, and in accordance with the TCAA Accounting Manual.

The Internal Auditor to the Ministry of Communication and Transport shall have the right to access to the Agency to perform work necessary to give independent assurance to the principal accounting officer. The Permanent Secretary shall receive copies of all internal audit reports.

6.8 External audit

The TCAA is subject to external audit by the Controller and Auditor-General for the United Republic of Tanzania who shall have the right to conduct interim audits, special audits and value-for-money studies relating to TCAA activities.

6.9 Budgetary flexibilities

The Director-General shall have the power which shall be exercised in accordance with Ministry of Finance guidelines, and the limits set out in the Executive Agencies (Finance Procurement and Stores) Regulations ⁷.

6.9.1 Capital expenditure

The Director-General shall have the powers in relation with the capital expenditure to:

- authorise capital expenditure on individual capital projects;
- transfer of resources allocated to one item in the budget to another;
- carry over in full to the next financial year any underspent on capital provision from the previous financial year.

6.9.2 Running costs

The Director-General shall have the powers in relation with the running costs to:

- manage all running costs allocations as a single budget;
- transfer of resources allocated to one item in the budget to another;
- carry over in full to the next financial year any underspent on running costs from the previous financial year.

6.9.3 Assets and liabilities

The Director-General may:

- authorise all write-offs and special payments;
- authorise the disposal of assets in accordance with standing financial regulations;
- authorise expenditure on individual constancy services;
- authorise expenditure on Information Technology projects;
- authorise single source negotiated tender action for procurements.

7. Personnel

7.1 Status and conditions of service

The TCAA staff are public servants and as such their terms and conditions of service will be based upon the Executive Agencies (Personnel Management) Regulations ⁸, as amended from time to time by the Ministry responsible for Public Service and in accordance with the Executive Agencies Act ⁹.

7.2 Personnel management

The Director-General is responsible for the personnel management of Agency staff as set out in this Framework Document and the Executive Agencies (Personnel Management) Regulations ¹⁰ and as

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G.N. No. 77 of 1999

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G.N. No. 75 of 1999

⁹

[Cap. 245](#)

¹⁰

laid down in the labour laws of Tanzania. He is responsible for ensuring that an equal opportunities policy is formulated and implemented. Within these parameters he may introduce such changes as are necessary to maximise the TCAA's efficiency and effectiveness.

7.3 Staff complement

The Director-General shall be responsible to manage the affairs of the Agency efficiently and effectively, the end in that regard, to establish and keep up to date the TCAA's staff complement.

7.4 Staff relations

The Director-General is responsible for staff relations within the Agency. The Director-General is in this regard, required to foster good staff relation as an important aid to the achievement of the Agency's objectives, and to ensure effective communication and consultation between the staff and with their recognised Trade Union representatives.

Permanent staff retains the right of appeal to the Permanent Secretary on personnel matters in the event of being dissatisfied by any decision made by the TCAA.

7.5 Health and safety

The Director-General is responsible for the health and safety of TCAA staff in the working place and for complying with all relevant legislation and regulations and in this regard, shall consult with staff and their recognised Trade Union representatives on health and safety matters.

8. Review and publication

8.1 Review

From time to time, but at least at intervals not exceeding five years, a review of this document shall be undertaken by the Minister of Communications and Transport, advised jointly by the Permanent Secretary, the Ministerial Advisory Board and the TCAA Director-General.

The Minister, Permanent Secretary or the Director-General may at any time propose amendments to this Framework Document in the light of the Agency's operation experience or any change of circumstances. Any such proposals for change shall be subject to consultation with the Public Service Department and the Ministry of Finance. Any change affecting personnel shall be subject to consultation with staff and their recognised Trade Union representatives. The incorporation of changes may require the approval of the Minister of Communications and Transport, Minister for Finance and the Minister responsible for the Public Service as well as the approval of the Chief Secretary.

8.2 Publication

Amendments to the order establishing TCAA, including amendments to this Framework Document will be laid before Parliament in accordance with existing practice. Copies of the Framework Document and further information about the Agency can be obtained from:

Tanzania Civil Aviation Authority,
IPS Building, Azikiwe Street,
Box 2819,
DAR ES SALAAM