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THE CIVIL AVIATION ACT
(CAP.80)

REGULATIONS

(Made under section 4)

THE CIVIL AVIATION (SECURITY) REGULATIONS, 2014

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THE CIVIL AVIATION ACT
(CAP.80)

REGULATIONS

(Made under section 4)

THE CIVIL AVIATION (SECURITY) REGULATIONS, 2014

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Civil Aviation (Security) Regulations, 2014.
- Application 2. These Regulations shall apply to all Civil Aviation Security Matters in the United Republic of Tanzania.
- Purpose 3. The purpose of these Regulations is-
- (a) 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 persons and property on board such aircraft;
 - (ii) airports, and persons and property at airports;
 - (iii) air navigation installations which are not part of airports; and
 - (b) to regulate the conduct of persons at airports and persons on board aircraft for the purposes of civil aviation security.
- Interpretation 4. In these Regulations, unless the context requires otherwise-
- Cap 80 "Act" means Civil Aviation Act;

"act of unlawful interference" means an act or attempted act to jeopardise the safety of civil aviation and air transport, including but not limited to-

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) destroying an aircraft in service or causing damage to the aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (c) hostage taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;
- (g) unauthorised possession, at an airport, or unauthorised introduction on board an aircraft, of a weapon or hazardous device or material;
- (h) destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (i) violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft;
- (j) communicating information which is known to be false, thereby endangering 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;
- (k) unlawfully and intentionally using any device, substance or weapon-
 - (i) to perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;
 - (ii) to destroy or seriously damage the facilities of an airport serving civil aviation or an aircraft not in service located at the airport or disrupting the services of the airport, if that act endangers or is likely to endanger safety at that airport;
- (l) unlawful seizure of an aircraft in flight or on the ground;

- “airport” 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; and includes an aerodrome;
- "airport operator" includes an individual, organisation or enterprise, however designated, for the time being responsible for the administration and operation of an airport;
- “airport security permit” means a permit issued under regulation 26;
- "airside" means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;
- “Air Traffic Service Provider” means a relevant authority designated by the United Republic of Tanzania, responsibility for provision of air traffic services in its airspace;
- "authorised person" means a person designated by the Authority under regulation 8 to be an authorised person for the purposes of these Regulations;
- "Authority" means the Tanzania Civil Aviation Authority;
- “aviation security officer” means a person employed by the Authority or operator of an airport as an aviation security officer or any other security officer authorised by the Authority;
- “background check” means a check of a person’s identity and previous experience, including, where legally permissible, any criminal history as part of the assessment of an individual’s suitability to implement a security control or for unescorted access to a security restricted area;
- “cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;
- “catering stores” means all items, other than catering supplies, associated with passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows, blankets and amenity kits;
- “catering supplies” means all food, beverages, other dry stores and associated equipment used in air transport;
- “certified” means a formal evaluation and confirmation by or on behalf of the Authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority;
- “civil aviation” includes-
- (a) commercial air transport operations; and
 - (b) general aviation operations;

- “commercial air transport operations” means aircraft operations involving the transport of passengers, cargo or mail for remuneration or hire;
- “Director General” means the Director General of Tanzania Civil Aviation Authority;
- “disruptive passenger” means a passenger who fails to comply with the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or aircraft crew members and thereby disturbs the good order and discipline at an airport or on board an aircraft;
- “general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;
- “goods” includes cargo and mail;
- “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”;
- “high-risk cargo or mail” means cargo or mail presented by an unknown entity or showing signs of tampering if in addition, it meets one of the following criteria:
- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation; or
 - (b) the cargo or mail shows anomalies that give rise to suspicion; or
 - (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft. Regardless of whether the cargo or mail comes from a known or unknown entity, a State’s specific intelligence about a consignment may render it as high risk;
- “human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

- “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.
- “known stores” means catering supplies and stores delivered to an aircraft operator and that have been subjected to appropriate security controls;
- "landside" means an area of an airport and buildings on it to which the non-travelling public has free access;
- “mail” means dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU);
- “Minister” means the minister responsible for civil aviation;
- “operator” includes an airport operator, an aircraft operator, a regulated agent, ground handling service provider, air traffic service provider and a catering operator;
- “prohibited item” means an item prescribed in regulation 38 and which can be used to commit an act of unlawful interference including contrabands and narcotics;
- “regulated agent” means an agent, freight forwarder or other entity who conducts business with an operator and provides security controls that are accepted or required by the Authority;
- “sabotage” means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities;
- "screening" means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;
- "security" means safeguarding civil aviation against acts of unlawful interference through a combination of measures and human and material resources;

- “security audit” means an in-depth examination of all aspects of an operator security programme to determine if they are being implemented on a continual basis and to a constant standard;
- “security control” means the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;
- “security inspection” means an examination of the implementation of relevant National Civil Aviation Security Programme requirements by an airline, airport, or other entity involved in security;
- “security restricted area” means airside areas of an airport which are identified as priority risk areas where, in addition to access control, other security controls are applied and includes, *inter alia*, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;
- “security survey” means an evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference and the recommendation of corrective actions;
- “security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;
- “supply chain assets” means cargo and mail, facilities, equipment, information and personnel;
- “technical instructions” means the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc.9284;
- “Transfer cargo and mail” means cargo and mail departing on an aircraft other than that on which it arrived.
- “unidentified baggage” means baggage at an airport, with or without a baggage tag which is not picked by or identified with a passenger, and includes unattended baggage;
- “unknown stores” means supplies and stores that have not have been subjected to appropriate security controls.

“unpredictability” means the implementation of security controls in order to increase their deterrent effect and their efficiency, by applying them at irregular frequencies, different locations and/or with varying means, in accordance with a defined framework.

PART II
ORGANISATIONS

Functions of
Authority in relation
to aviation security

- 5.-(1) The Authority shall-
- (a) be responsible for the regulation of aviation security in the United Republic of Tanzania;
 - (b) regulate the security operations of airports, aircraft, regulated agents, ground handling service provider, air traffic service provider and catering operators, as the case may be, for the purpose of -
 - (i) protecting passengers, crew members, airport, and other aviation facilities;
 - (ii) preventing unlawful interference against civil aviation; and
 - (iii) assuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur;
 - (c) define and allocate tasks and coordinate activities, under the National Civil Aviation Security Programme in accordance with the Schedule to these Regulations, between the ministries, departments, agencies and other organisations responsible for the various aspects of aviation security.
- (2) The Authority shall, in respect of each operator-
- (a) conduct security surveys to identify security needs based on emerging threats and security risk assessment reports;
 - (b) conduct security inspections and audits of security controls; and
 - (c) conduct security tests of security controls to assess their effectiveness.

- (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 United Republic of Tanzania subject to sub-regulation (a), the Authority may consider requests by other 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 United Republic of Tanzania;
 - (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”.

(5) The United Republic of Tanzania shall consider entering into collaborative arrangements in order to increase the sustainability of the aviation security system by avoiding unnecessary duplication of security controls. Where such arrangement shall be based on verification of equivalence of the security outcome ensured by the application of effective security controls of origin.

Power to access and inspect airport, aircraft and operator’s premises

6. The Authority shall have free and unobstructed access at all times to an airport, aircraft operating from or within the United Republic of Tanzania, and the premises of any operator operating within the United Republic of Tanzania, for the purpose of carrying out any security function including security inspections, surveys, audits or testing functions.

Power of Authority to issue orders, circulars and directives

7. The Authority may make and issue orders, circulars and directives prescribing any aviation security matter which, under these Regulations, is to be prescribed, and generally for the better carrying out or enhancing of the objects and purposes of these Regulations.

Authorised persons

8. The Authority may, in writing, designate qualified persons, whether by name or by title of office, to be authorised persons for the purposes of these Regulations and shall state the functions and limits of operation of the authorised persons.

PART III
SECURITY PROGRAMMES

National civil
aviation security
programme

9.-(1) The Authority shall-

- (a) establish a written National Civil Aviation Security Programme and ensure its implementation to safeguard civil aviation against acts of unlawful interference through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights; and
- (b) make available to airports and aircraft operators and air traffic service provider operating in the United Republic of Tanzania and other operators and entities concerned, relevant excerpts of the National Civil Aviation Security Programme.

(2) Without limiting the generality of sub regulation (1) (a), the National Civil Aviation Security Programme shall include the following matters-

- (a) policy and objective of the programme;
- (b) allocation of responsibilities for implementation of the programme;
- (c) co-ordination and communications;
- (d) protection of airports, aircraft and navigation facilities;
- (e) co-ordination of landside security measures between relevant departments, agencies, other organizations of the United Republic of Tanzania, and other entities, and identify appropriate responsibilities in its National Civil Aviation Security Programme;
- (f) security control of persons and items being placed on board aircraft;
- (g) security equipment;
- (h) personnel, including selection criteria and training;
- (i) management of response to acts of unlawful interference;
- (j) evaluation of effectiveness of the programme;
- (k) adjustment of the programme and contingency plans; and
- (l) financing of security; and
- (m) protection and handling procedures for security information shared by other states.

(3) The National Civil Aviation Security Programme shall be reviewed and updated once in each year.

National Civil
Aviation Security
Committee

10.-(1) There shall be a National Civil Aviation Security Committee for the purpose of-

- (a) advising and coordinating security activities between ministries, departments, agencies and other organisations of the United Republic of Tanzania, airports, aircraft operators, air traffic service provider, regulated agents, ground handling service provider and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme; and
- (b) reviewing and recommending the effectiveness of security measures and procedures.

(2) The National Civil Aviation Security Committee shall be appointed by the Minister and shall consist of persons from ministries, departments, agencies and other organisations of the United Republic of Tanzania, airports and aircraft operators and other related entities.

(3) Without limiting the generality of sub regulation (2) the Minister shall, in appointing members of the National Civil Aviation Security Committee, ensure that it comprises one member from each of the following departments, agencies or organisations-

- (a) the Director General who shall be the Chairperson;
- (b) the Director General of Zanzibar Airport Authority;
- (c) one member from the Tanzania Intelligence and Security Services;
- (d) one member from the Commissioner of Police, Zanzibar;
- (e) one member from the Tanzania Peoples' Defence Forces;
- (f) one member from the Immigration Services Department;
- (g) one member from the Tanzania Airport Police Division;
- (h) one member from the Protocol;
- (i) one member from the Tanzania Communications Regulatory Authority (TCRA);
- (j) one member from the Customs and Exercise Department;
- (k) one member from the Tanzania Postal Corporation;
- (l) the Director General of Tanzania Airports Authority;

(m) one member from a registered Association of Aircraft Operators.

(4) A person appointed to be a member of the National Civil Aviation Security Committee shall be a permanent member for three consecutive years and shall be eligible for reappointment for another three year term.

(5) The National Civil Aviation Security Committee may invite additional members besides permanent members of the Committee, to attend meetings on ad-hoc basis and as considered necessary, from airport administration, operators, employee organizations for crew members or personnel responsible for air traffic services and communications, etc, so as to ensure that adequate operating technical expertise and experience are available during deliberations.

(6) The Chairperson shall preside at all meetings of the National Civil Aviation Security Committee and in his or her absence, a member elected by the members present shall preside.

(7) The attendance of two thirds of the members at any sitting shall form a quorum and a committee meeting will be adjourned only if less than two thirds of the members are in attendance.

(8) Thirty minutes shall be the minimum time for waiting late members before adjournment but any number of permanent members in attendance at any meeting have the power to fix the date, time and venue for the next meeting:

Provided that the next meeting shall take place not later than thirty days after the adjourned meeting.

(9) Minutes for each meeting shall be circulated to the authorities or organizations concerned and shall reach all the permanent members within thirty days after every meeting. The minutes shall be approved by the members during the subsequent meeting.

(10) A proxy may after the approval of the meeting be allowed to represent a permanent member in that meeting and shall have the right to vote,

provided that the proxy shall be a senior officer from the represented organization who has sufficient knowledge and mandate to respond during the meeting on matters or issues relating to the said organization.

(11) Secret voting or a show of hands can decide either minor or general issues, whichever is suitable, and an agreement or disagreement of one third of all the members in attendance shall carry the vote, but, members invited in accordance with sub regulation (5) shall not have right to vote.

(12) The National Civil Aviation Security Committee shall meet for the discharge of its functions as often as is necessary, at a time and place specified by the Chairperson, and in any case, shall meet at least once in every three months.

(13) Extra ordinary sitting can be called at the request of the Chairperson or one third of the permanent members or directive by the Minister.

(14) The Chairman of the National Air Transport Facilitation Committee may be invited when particular issues affecting facilitation are discussed, but like other invited members, he will sit in the meeting only during that particular issue or issues and shall have no right to vote.

(15) The head of the Civil Aviation Security Unit in the Tanzania Civil Aviation Authority shall be the Secretary of the Committee meetings.

National Civil
Aviation Security
Quality Control
Programme

11.-(1) The Authority shall develop, implement and maintain a National Civil Aviation Security Quality Control Programme for the purposes of -

- (a) determining and monitoring compliance with and validating the effectiveness of the National Civil Aviation Security Programme;
- (b) determining the adequacy and effectiveness of the National Aviation Security Programme through audits, tests, surveys, inspections and exercises;
- (c) ensuring that all persons who are assigned aviation security duties or responsibilities are verifiably trained and instructed to carry out those duties;
- (d) ensuring that persons carrying out screening operations are certified;
- (e) ensuring that each entity responsible for the implementation of relevant elements of the National Civil Aviation Security Programme periodically verifies that the implementation of security measures outsourced to external service providers is in compliance with the entity's security programme;

- (f) ensuring that acts of unlawful interference are investigated; and
 - (g) reviewing and re-evaluating security measures and controls immediately following an act of unlawful interference.
- (2) The Authority shall, in developing the National Civil Aviation Security Quality Control Programme, ensure the incorporation of appropriate methods, means and procedures for-
- (a) ensuring that the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for these tasks in accordance with the National Civil Aviation Security Programme;
 - (b) ensuring that the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out those tasks, and to enforce corrective actions;
 - (c) supplementing the National Civil Aviation Security Quality Control Programme by establishing a confidential reporting system for analysing security information provided by sources including passengers, crew and ground personnel; and
 - (d) establishing a process to record and analyse the results of the National Civil Aviation Security Quality Control Programme, to contribute to the effective development and implementation of the National Civil Aviation Security Programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.
- (3) The National Civil Aviation Security Quality Control Programme shall-
- (a) provide for structures, responsibilities, processes and procedures that promote and establish an environment and culture of continuing improvement and enhancement of aviation security; and the means for ensuring that persons tasked with carrying out security duties do so effectively; and
 - (b) provide all persons assigned aviation security duties or responsibilities with direction for the effective application of aviation security controls, to prevent acts of unlawful interference.

Independence in implementation of programme

12. The Authority shall ensure that the management, setting of priorities and organisation of the National Civil Aviation Security Quality Control Programme is undertaken independently from the entities and persons responsible for the implementation of the measures taken under the National Civil Aviation Security Programme.

Airport Operator Security Programme

13.-(1) A person shall not operate an airport without an Airport Operator Security Programme approved by the Authority.

(2) Every operator of an airport serving civil aviation in the United Republic of Tanzania shall establish and implement a written Airport Operator Security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(3) An Airport Operator Security Programme shall-

- (a) provide for the policy and objective of the programme and responsibility for ensuring its implementation;
- (b) detail the specific security measures and procedures to be implemented at the airport and that comply with the requirements of the National Civil Aviation Security Programme;
- (c) provide for the organisation of the airport's security functions and responsibilities, including the appointment of a person who shall coordinate the implementation of the National Civil Aviation Security Programme at the airport;
- (d) provide for the establishment of an Airport Security Committee in conformity with the requirements stipulated in the National Civil Aviation Security Programme;
- (e) require the integration of the needs of aviation security into the design and construction of new facilities and alterations to existing facilities at the airport;
- (f) provide security control measures for aircraft arriving from aerodromes where security controls are in doubt or inadequate.

- (g) contain a contingency plan providing for matters including-
- (i) measures and procedures in case of hijack of aircraft and hostage-taking at the airport and on board aircraft;
 - (ii) access and procedures in case of sabotage, including bomb threats to aircraft and to the airport;
 - (iii) access and procedures in case of terrorist attacks on aircraft and the airport, including attacks using Man-portable air defence systems (MANPADS) or chemical, biological, nuclear and other weapons;
 - (iv) procedures when a prohibited item is found or is believed to be on board an aircraft;
 - (v) evacuation and search of airport facility and aircraft on the ground;
 - (vi) special security measures to be enacted during periods of increased threat or for critical flights and routes;
 - (vii) contain any other matter prescribed by the Authority.

(4) An Airport Operator Security Programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

(5) The Airport Operator Security Programme shall be reviewed and updated once in each year.

Aircraft operator
security programme

14. - (1) A person shall not operate an aircraft serving civil aviation from or within the United Republic of Tanzania without an Aircraft Operator Security Programme approved by the Authority.

(2) Every aircraft operator providing service in or from the United Republic of Tanzania shall establish and implement a written Aircraft Operator Security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(3) An Aircraft Operator Security Programme shall specify the measures, procedures and practices to be followed by the operator to protect passengers, crew, ground personnel, aircraft and facilities from acts of unlawful interference and shall include, at a minimum-

- (a) the objectives of the programme and responsibility for ensuring its implementation;
- (b) the organisation of the operator's security functions and responsibilities, including the designation of the operator in charge of aviation security;
- (c) specific security measures including-
 - (i) pre-flight security checks of aircraft;
 - (ii) procedures for the screening of passengers' cabin baggage and hold baggage if this function is not assigned to the airport operator;
 - (iii) procedures to ensure that no weapons, explosives and other dangerous devices are left on board by disembarking passengers at transit stops;
 - (iv) reconciliation of hold baggage with boarding passengers, including transit and transfer passenger;
 - (v) measures and procedures to ensure safety on board the aircraft when passengers to be carried are obliged to travel because they have been the subjects of judicial and administrative proceedings;
 - (vi) procedures for the carriage of weapons in the cabin compartment and the aircraft hold;
 - (vii) in-flight procedures when a prohibited item is found or is believed to be on board an aircraft;
 - (viii) security of, and control of access, to parked aircraft;
 - (ix) protection of hold baggage, cargo, mail and aircraft catering supplies and stores;
 - (x) response procedures for crew members and other staff to occurrences and threats;
 - (xi) protection of flight documents;
 - (xii) procedures for screening, securing and control of known and unknown stores;
 - (xiii) procedures for application of security controls for COMAIL and COMAT.

- (d) measures to ensure the effectiveness of the procedures for screening, securing and control of known stores and unknown stores; including adequate training of staff and the periodic testing and evaluation of the security programme;
- (e) prevention of unauthorised passengers;
- (f) measures to ensure that passengers are in possession of valid travel documents prescribed by the state of transit and destination for control purposes; and
- (g) any other matter prescribed by the Authority.

(4) An Aircraft Operator Security Programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

(5) The Aircraft Operator Security Programme shall be reviewed and updated as the need may arise and at least once a year.

Regulated agent
security programme

15.-(1) A person shall not operate an enterprise or an organisation whose purpose is the movement of cargo, mail, baggage or goods by air within or from the United Republic of Tanzania without a Regulated Agent Security Programme approved by the Authority and a certificate issued by the Authority-

- (2) A Regulated Agent Security Programme shall contain-
 - (a) provisions to meet the requirements of the National Civil Aviation Security Programme and these Regulations;
 - (b) provisions to respond to orders, circulars and directives issued by the Authority under regulation 7;
 - (c) details of how the regulated agent plans to meet and maintain the requirements set out in the Regulated Agent Security Programme;
 - (d) procedures for-
 - (i) ensuring that where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment;
 - (ii) ensuring appropriate security control of goods;
 - (iii) ensuring the security of buildings, premises, transport facilities and access control;

- (iv) recruitment and training of staff involved in the implementation of security controls; and
 - (v) incident reporting;
 - (e) any other matter prescribed by the Authority.
- (3) A Regulated Agent Security Programme shall be set out in the manner prescribed in the National Civil Aviation Security Programme.
- (4) 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 National Civil Aviation Security Programme to protect supply chain assets 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.

Catering Operator
Security Programme

- 16.-(1) A person shall not operate an enterprise or an organisation whose purpose is the direct provision to commercial air transport of catering supplies and stores within or from the United Republic of Tanzania, without a Catering Operator Security Programme approved by the Authority and a certificate issued by the Authority.
- (2) A Catering Operator Security Programme shall contain-
 - (a) provisions to meet the requirements of the National Civil Aviation Security Programme and these Regulations;
 - (b) details of how the catering operator intends to comply with, and maintain the requirements set out in the Catering Operator Security programme;
 - (c) procedures for-
 - (i) ensuring appropriate security control of catering supplies;
 - (ii) ensuring the security of buildings, premises and transport facilities;
 - (iii) recruitment and training of staff involved in the implementation of security controls;
 - (iv) reporting of incidents;
 - (d) any other matter prescribed by the Authority.
 - (3) A Catering Operator Security programme shall be set out in the manner prescribed in the National Civil Aviation Security Programme.
 - (4) The Catering Operator Security Programme shall be reviewed and updated as the need may arise and at least once a year.

Application for approval of security programme

17.-(1) Where a security programme is required to be approved by the Authority under regulations 13, 14, 15 and 16 of these Regulations, the applicant shall-

- (a) submit the programme to the Authority, ensuring that it meets the requirements of the National Aviation Security Programme, these Regulations and any other relevant law; and
- (b) pay the fee prescribed by the Authority.

(2) A security programme submitted to the Authority for approval under this regulation shall be in duplicate and signed by the applicant or on behalf of the applicant.

Approval of security programme

18.-(1) Where the Authority is satisfied that a security programme submitted under regulation 17, meets the requirements of these Regulations, the National Civil Aviation Security Programme and any other relevant law, the Authority shall, within thirty days after receipt of the programme, approve the security programme.

(2) Where the Authority determines that a security programme submitted under regulation 17 does not meet the requirements of these Regulations, the National Civil Aviation Security Programme or relevant law, the Authority shall, within thirty days after receipt of the programme, direct the applicant to modify and re-submit the security programme to the Authority within thirty days after receipt of the programme by the applicant.

(3) Where the Authority is satisfied that a security programme re-submitted under sub regulation (2) meets the requirements of these Regulations, the National Civil Aviation Security Programme and any other relevant law, the Authority shall, within fifteen days, after receipt of the programme, approve the security programme.

Changed conditions affecting security

19.-(1) Where a security programme has been approved under regulation 18, the operator, where applicable, shall comply with the procedure prescribed by sub regulation (2) of this regulation, whenever the operator determines that-

- (a) any description of the area set out in the security programme is no longer accurate;
- (b) any description of the operations set out in the security programme is no longer accurate, or that the procedures included, and the facilities and equipment described in the security programme are no longer adequate;

- (c) there is a planned remodelling which will affect the original security setup in the building or facility.
- (2) Whenever a situation described in sub regulation (1) occurs, the operator, where applicable shall-
 - (a) immediately notify the Authority of the changed conditions, and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment of the security programme; and
 - (b) within thirty days after notifying the Authority in accordance with paragraph (a), submit for approval, in accordance with the procedure prescribed by regulation 17, an amendment to the security programme to bring it into compliance with these Regulations.
- (3) The Authority shall, where an amendment to a security programme is submitted to it under sub regulation (2) (b), approve the amendment in accordance with the procedure prescribed by regulation 18.

Power of Authority to direct amendment of security programme

20.-(1) Where the Authority determines that an operator's security programme requires amendment; the Authority may direct the respective operator to amend the security programme and submit it to the Authority for approval.

(2) The Authority shall, where an amended security programme is submitted to it under sub regulation (1), approve the security programme in accordance with the procedure prescribed by regulation 18.

Training Programmes

National Aviation Security Training Programme

21.-(1) The Authority shall develop a National Aviation Security Training Programme for personnel of all entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme including periodic security awareness training for those authorised to have unescorted access to airside.

(2) The Authority shall co-ordinate the implementation of the National Aviation Security Training Programme developed under sub regulation (1).

(3) The Authority shall notify the entities concerned of the training requirements identified in the National Aviation Security Training Programme for their implementation.

(4) Entities wishing to establish Aviation Security Training Centres shall comply with the requirements of the National Civil Aviation Security Training Programme, these regulations and shall be holders of ATO certificate issued under Civil Aviation (Approved Training Organization) Regulations, (as amended).

(5) 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 without an Approved Training Organization certificate issued by the Authority

(6) 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.

Operator Aviation
Security Training
Programme

22.-(1) Every operator shall develop and implement an Aviation Security Training Programme to ensure the effective implementation of their respective security operations; and the training programme shall conform with the requirements of the National Aviation Security Training Programme and these Regulations.

(2) A training programme referred to in sub regulation (1) shall include-

- (a) training of appropriate employees, taking into account human factors principles and human performance; and
- (b) training to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft to enable them to contribute to the prevention of acts of sabotage, unlawful seizure of aircraft or other forms of unlawful interference and to minimise the consequences of such events should they occur.

(3) A training programme referred to in sub regulation (1) shall be submitted to the Authority for approval in accordance with the procedure prescribed in regulations 17 and 18.

PART IV PREVENTIVE SECURITY MEASURES

(a) Airport Security

Airport Security
Committee

23.-(1) Every airport serving civil aviation shall establish an Airport Security Committee.

(2) The functions of the Airport Security Committee shall be

- (a) to coordinate the implementation and maintenance of security controls and procedures as specified in the Airport Operator's Security programme referred to in regulation 13;
- (b) to oversee the implementation of the decisions or directives of the National Civil Aviation Security Committee;
- (c) to oversee and monitor the implementation and maintenance of the Airport Security Programme, including special measures introduced by the airport administration, operators and airport tenants;
- (d) to draw up, maintain and review from time to time, a list of vulnerable points, and of essential equipment and facilities;
- (e) to ensure that-
 - (i) basic minimum-security measures and procedures are adequate to meet threats and are under constant review, providing for normal situations and periods of heightened tension and emergency situations;
 - (ii) recommendations that improve security measures and procedures are implemented;
 - (iii) security measures are incorporated in airport expansion or modification programmes;
- (f) to prescribe and co-ordinate security education, awareness and training of airport and other staff and the general public.

(3) The Airport Security Committee shall refer to the National Civil Aviation Security Committee, any matter relating to aviation security and which is within its functions under sub regulation (2), which cannot be resolved at the airport level.

(4) The person in charge of the airport shall be the chairperson of the Airport Security Committee while the person in charge of aviation security at the airport shall be the secretary.

(5) The Chairperson shall appoint the other members of the Airport Security Committee on such terms and conditions as he deems appropriate.

(6) The Airport Security Committee shall, where available, consist of one member from each of agencies engaged in the operation of the airport which contribute to the establishment and implementation of security measures and procedures under the Airport Security Programme including-

- (a) persons in charge of aviation security at the airport;
- (b) civil aviation or air navigation services provider;
- (c) Tanzania People's Defence Forces;
- (d) police;
- (e) immigration;
- (f) local authorities;
- (g) state security;
- (h) health;
- (i) postal services
- (j) fuel farm;
- (k) handling agents;
- (l) in flight caterers;
- (m) a representative of the airlines;
- (n) a representative of the airport tenants;
- (o) fire fighting and rescue services; and
- (p) customs and exercise department.

(7) The Airport Security Committee may invite any person to attend and take part in the proceedings of the Committee and that person may participate in any discussion at the meeting but shall not have a right to vote at that meeting.

(8) The Chairperson shall convene every meeting of the Airport Security Committee and the Committee shall meet for the discharge of business at least once in every month to ensure that the security programme is up to date and effective and that its provisions are being properly applied.

(9) The attendance of two thirds of the members at any sitting shall form a quorum and a committee meeting will be adjourned only if less than two thirds of the members are in attendance.

(10) Fifteen minutes shall be the minimum time for waiting late members before an adjournment but any number of members in attendance at any meeting has the power to fix the date, time and venue for the next meeting and the next meeting shall take place not later than ten days after the adjourned meeting.

(11) The minutes for each meeting shall be circulated to the entities represented within seven days after the meeting for implementation.

(12) The airport shall send a copy of the confirmed minutes to the Authority for noting and shall keep the Authority informed of all security incidents occurring in every month.

Airport security
controls

24.-(1) An airport operator shall maintain and carry out security measures and procedures including identification and resolution of suspicious activity that may pose a threat to civil aviation at the airport for the purpose of protecting passengers, crew members, aircraft, airports and aviation facilities and preventing acts of unlawful interference and assuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur.

(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-

- (a) institute and maintain measures including the use of random and unpredictable security measures to prevent weapons, explosives or any other dangerous device which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorised, from being introduced, by any means, on board an aircraft engaged in civil aviation;
- (b) ensure that –
 - (i) access to airside areas at the airport is controlled in order to prevent unauthorised entry;
 - (ii) security restricted areas are established at the airport, in accordance with regulation 25;
 - (iii) architectural and infrastructure related requirements necessary for the optimum implementation of security measures under the National Civil Aviation Security programme are integrated into the design and construction of new facilities and alterations to existing facilities at airports;
 - (iv) security measures in landside areas are established to mitigate the risk of and prevent possible acts of unlawful interference in accordance with national and local risk assessments carried out by the relevant authorities;

- (v) persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
- (vi) originating passengers, crew and their baggage are screened before boarding an aircraft engaged in commercial air transport operations;
- (vii) originating hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations;
- (viii) all hold baggage to be carried on aircraft engaged in commercial air transport is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried; and that where the integrity of hold baggage is jeopardized, the hold baggage is re-screened before being placed on board an aircraft;
- (ix) commercial air transport operators do not transport the baggage of passengers who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to additional screening subsequent to it being established as unidentified;
- (x) transfer hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations, unless the airport operator has established a validation process and continuously implements procedures, in collaboration with the other Contracting State where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorised interference from the originating airport to the departing aircraft at the transfer airport;

- (xi) commercial air transport operators only transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier and that all such baggage is recorded as meeting these criteria and is authorised for carriage on that flight;
- (xii) transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorised articles from being taken on board aircraft engaged in civil aviation;
- (xiii) there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at airports serving civil aviation have been passed; and that where mixing or contact does take place, the passengers concerned and their cabin baggage are re-screened before boarding an aircraft;
- (xiv) the persons carrying out screening operations are certified according to the requirements of the National Civil Aviation Security Programme;
- (xv) luggage or personal belongings left unattended at an airport are subjected to appropriate security controls and disposal procedures;
- (xvi) 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;
- (xvii) 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;

- (xviii) measures are established to ensure that merchandise and supplies introduced into security restricted areas are subjected to appropriate security controls, including screening where applicable;
 - (xix) security measures are established and implemented in landside areas to mitigate possible threats of acts of unlawful interference in accordance with a risk assessment carried out by the relevant authorities;
 - (xx) where practicable, in order to improve efficiency, modern screening or examination techniques shall be used to facilitate the physical examination of goods to be imported or exported.
- (c) establish-
- (i) storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of;
 - (ii) bomb disposal areas where detected explosives may be disposed of;
 - (iii) person and vehicle identification systems;
- (d) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the airport;
 - (e) provide adequate supervision over the movement of persons and vehicles to and from the aircraft in order to prevent unauthorised access to aircraft;
 - (f) investigate, render safe and dispose off, if necessary, of suspected sabotage devices or other potential hazards at the airport;
 - (g) employ and deploy suitably trained personnel to assist in dealing with suspected or actual cases of unlawful interference with civil aviation;
 - (h) conduct a full scale security emergency exercise that incorporates security scenarios at least once in every three years;
 - (i) conduct a contingency plan exercise at least once in each year.

Security restricted areas

25.-(1) The Authority shall, in conjunction with the airport operator and other concerned persons, identify and designate security restricted areas.

(2) An area designated as a security restricted area shall-

- (a) be marked and protected through physical or personnel protective measures, or through a combination of physical and personnel protective measures to prevent unauthorised access to the area;
- (b) be separated from public or non-security restricted areas by an appropriate physical barrier; and
- (c) be inspected at regular intervals.

(3) The airport operator shall specify the recognised places of entry through the security restricted area barrier and ensure that the area has adequate physical protection, of at least the same quality as the barrier itself, or is enough to prevent unauthorised access.

(4) All security restricted areas shall bear signage indicating the type of restriction and the penalty for non-compliance.

(5) The airport operator may, by notice, specify in every airport, security restricted areas which a person may not access without an airport security permit.

(6) An airport operator shall keep at the airport, a current scale map of the airport identifying security restricted areas, security barriers and security restricted area access points.

Airport security permits

26.-(1) Authorised access to security restricted areas and designated off-airport facilities serving commercial air transport operations shall be controlled through airport security permits issued by the airport operator.

(2) Airport security permits shall be issued in the manner prescribed in the National Civil Aviation Security Programme.

(3) A person issued with an airport security permit shall, while on duty in a security restricted area or in a designated off-airport facility, at all times properly display the airport security permit.

(4) A security permit issued under these Regulations is not transferable.

Airport boundary

27. An airport operator shall ensure that-

(1) the airport has a conspicuous physical barrier or means of indicating the airport boundary with posted signs bearing a warning to prevent trespassing.

(2) Measures are in place for the continuous protection and monitoring of the integrity of the perimeter to prevent incursions and trespassing.

Carriage of firearms, explosives or inflammable materials in airport premises

28.-(1) Except for law enforcement officers on duty, no person shall carry or possess, in airport premises, firearms, ammunition, explosives or inflammable materials or weapons, unless authorised by the Authority in writing.

(2) An airport operator shall ensure that no unauthorised person carries firearms, ammunition, explosives or inflammable materials within the airport premises.

Control of access by tenants

29.-(1) The airport operator shall ensure that tenants whose premises or facilities form part of the landside or airside boundary through which access can be gained to the airside are responsible for control of access through their premises, and shall carry on business in compliance with the Airport Operator Security Programme.

(2) In sub regulation (1), "tenants" means-

- (a) individuals or businesses granted a licence or other permit by the airport operator to conduct business operations at the airport, including concessionaires, cargo handlers, caterers, tour operators, taxi and bus operators, porters, aircraft maintenance organisations and fuel companies; and
- (b) Government authorities and agencies at the airport, including customs, police, immigration, health, agriculture and meteorology.

Obligation of airport operator in case of threat against facility or airport

30. Where an airport operator is made aware of a threat against his or her facility or any part of the airport under the control of a person carrying on any activity at the airport other than the airport operator, the airport operator shall immediately-

- (a) notify the Authority and other entities concerned with the nature of the threat; and
- (b) determine whether the threat affects the security of the airport and coordinate the implementation of appropriate measures to counter any threat.

Persons authorised to screen to inform airport operator of threat against airport

31. Where a person authorised to conduct any screening activity at an airport is made aware of a threat against the airport, that person shall-

- (a) immediately notify the airport operator of the nature of the threat; and
- (b) assist the airport operator in determining whether the threat affects the security of the airport.

Airport operator to take measures in event of threat

32. -(1) Where an airport operator determines that there is a threat that affects the security of the airport, the airport operator shall immediately take all measures necessary to ensure the safety of the airport and persons at the airport, including informing the relevant parties of the nature of the threat.

(2) An airport operator upon assessment and determination of a credible bomb threat shall immediately inform the Authority of the receipt of a bomb threat against an airport and its facilities, or an aircraft.

Discovery of weapons, incendiary devices or explosives at airport

33. An airport operator shall immediately notify the Authority when there is-

- (a) discovery, at the airport, of a weapon other than a firearm or ammunition allowed under regulation 28;
- (b) discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed under regulation 28; or
- (c) an explosion at the airport, unless the explosion is known to be the result of an excavation, a demolition, construction or the use of fireworks displays; or
- (d) an act of unlawful interference.

Airport operator to submit plans before renovation and expansion works

34.-(1) Notwithstanding regulation 24(2)(b)(iii), an airport operator shall, before the implementation of any renovation, remodelling or expansion works at the airport, or the construction of new or additional airport facilities, submit to the Authority for its approval, the plans for the renovation and expansion works.

(2) The Authority shall, in approving the plans submitted to it under subregulation (1), assess the plans to ensure that security considerations are properly addressed and that the needs of aviation security are integrated in the configuration of the works.

(b) Records

Operators to keep records

35.-(1) Every operator shall keep a record of every security incident occurring in the course of their operations.

(2) A record required to be kept under subregulation (1), shall-

- (a) be kept for a minimum of ninety days;
- (b) be submitted to the Authority within thirty days after the occurrence of the incident; and
- (c) where relevant, include-
 - (i) the number and type of weapons and incendiary devices discovered during any passenger screening process and the method of detection of each;
 - (ii) the number of acts and attempted acts of unlawful interference;
 - (iii) the number of bomb threats received, real and simulated bombs found and actual bombings or explosions at the airport; and
 - (iv) the number of detentions and arrests and the immediate disposition of each person detained or arrested.

(c) Aircraft Security

Responsibilities of
aircraft operator

36.-(1) An aircraft operator providing service within or from the United Republic of Tanzania shall not-

- (a) transport the baggage of a passenger who is not on board the aircraft unless that baggage is subjected to appropriate security controls, including screening, after determining that the person is not on board;
- (b) accept consignments of cargo, courier and express parcels or mail, in-flight catering and stores, company mail and materials for carriage on passenger flights, unless the security of the consignments is accounted for by a regulated agent, or the consignments are subjected to security controls to meet the appropriate security requirements.

(2) An aircraft operator providing service within or from the United Republic of Tanzania shall-

- (a) carry out and maintain, at an airport, on an aircraft and at any aviation facility under the control of the operator, security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation, and any other measures prescribed in the National Civil Aviation Security Programme and the Airport Security Programme;
- (b) ensure that-
 - (i) all its appropriate personnel are familiar with, and comply with the requirements of the National Civil Aviation Security Programme;
 - (ii) all its aircraft carry a checklist of the procedures to be complied with for that type of aircraft in searching for concealed weapons, explosives or other dangerous devices; and
 - (iii) necessary precautions are taken at the point of embarkation to ensure that passengers are in possession of valid document as prescribed by the state of transit and destination for control purposes.
- (c) be responsible for the security of his or her aircraft;

- (d) ensure that persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
- (e) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to packed aircraft or in any of its compartments;
- (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.

Special protection for aircraft

37.-(1) An aircraft operator may, notwithstanding regulation 36(2) (c), request for special protection of an aircraft from an airport operator.

(2) Where special protection is offered to an aircraft operator under sub-regulation (1), the protection shall be on terms and conditions determined by the airport operator.

Control of prohibited items

38.-(1) No person shall, subject to regulation 25, possess or have with him or her a prohibited or restricted items while-

- (a) in a security restricted area;
- (b) on board an aircraft; or
- (c) in an air navigation installation.

(2) The prohibited items referred to in subregulation (1) include-

- (a) firearms or articles appearing to be firearms, whether or not they can be discharged;
- (b) nuclear, chemical or biological agents adapted, or capable of being used for causing injury to or incapacitating persons or damaging or destroying property;
- (c) ammunition and explosives;
- (d) articles manufactured or adapted to have the appearance of explosives, whether in the form of a bomb, grenade or otherwise;

- (e) articles made or adapted for causing injury to or incapacitating persons or damaging or destroying property; and
- (f) any other dangerous article or substance or other item prescribed by the Authority from time to time.

Control of access to flight crew compartment

shall-

39. An aircraft operator engaged in commercial air transport

- (a) where an aircraft is equipped with a flight crew compartment door, ensure that the door is lockable from the flight crew compartment only and remains locked during flight, except to permit access and exit by authorised persons; and
- (b) where an aircraft is not equipped with a flight crew compartment door, ensure the implementation of measures as appropriate to prevent unauthorised persons from entering the flight crew compartment during flight.

Control of special categories of passengers

40.-(1) Law enforcement officers shall inform the aircraft operator and the pilot in command when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, in order that appropriate security controls can be applied.

(2) The aircraft operator shall inform the pilot in command of the number of armed or unarmed escort persons, the individuals whom they are escorting and their seat locations in the aircraft.

Authorised carriage of weapons on board aircraft

41.-(1) The carriage of weapons on board aircraft by law enforcement officers and other authorised persons, acting in the performance of their duties, shall be in accordance with the laws of the United Republic of Tanzania.

(2) Subject to sub regulation (3), the Authority may-

- (a) approve, in writing, the carriage of weapons on board aircraft by law enforcement officers and other authorised persons acting in the performance of their duties;
- (b) consider requests by any other State to allow the travel of armed personnel on board aircraft of the requesting State, except that the Authority shall not allow the travel of armed personnel under this regulation unless there is an agreement between both States on such travel.

(3) Where approval has been granted by the Authority under subregulation (2), an aircraft operator may allow the carriage of weapons on board an aircraft.

(4) Where an aircraft operator accepts the carriage of weapons removed from passengers, the aircraft shall have provision for stowing the weapons so that they are inaccessible to passengers during flight time and, in the case of a firearm, to ensure that it is not loaded.

(5) Where the United Republic of Tanzania decides to deploy in-flight security officers-

(a) the officers shall be personnel who are especially selected and trained, taking into account the safety and security aspects on board an aircraft; and

(b) the officers shall be deployed according to the threat assessment as may be determined by the Authority.

(6) The deployment under subregulation (5) shall be done in co-ordination with concerned states and shall be kept strictly confidential.

(d) Regulated Agents and Ground Handling Service Providers

Conditions for
acceptance of goods
for air transportation

42.-(1) A regulated agent shall, before accepting goods for transport in an aircraft-

(a) establish and register the name and address of the consignor;

(b) establish the credentials of the person who delivers the goods as an agent of the consignor;

(c) ensure, on the basis of appropriate security controls or security screening, that such goods do not contain any prohibited items;

(d) ensure the safeguarding of such goods from unauthorised interference after acceptance;

(e) ensure the goods are received by staff who are properly recruited and trained;

(f) designate a person to implement and supervise the screening process;

(g) ensure that the following categories of goods are not carried by air unless they have been subjected to screening-

- (i) unaccompanied baggage;
 - (ii) goods from unknown consignors;
 - (iii) goods for which the contents do not coincide with the description delivered; and
- (h) ensure that each shipment of goods is accompanied by documentation providing the statement of the security status of the shipment.

(2) A regulated agent who offers goods to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

(3) A regulated agent shall make available to the Authority, a report of any irregularities in documents or records relating to goods being offered for air transport.

(4) All cargo and mail intended for carriage on commercial flights serving civil aviation shall be subjected to appropriate security controls by aircraft operators and regulated agents before being placed on board an aircraft.

Conditions for acceptance of hold baggage, goods, COMAT and COMAIL for air transportation

43. For the purpose of protecting passengers, crew members, aircraft and airports and preventing acts of unlawful interference with civil aviation, every regulated agent shall establish measures to ensure that-

- (a) only screened baggage is loaded into aircraft engaged in civil aviation;
- (b) all hold baggage to be carried on commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried; and that if there are grounds to suspect that the integrity of hold baggage may be jeopardised, the hold baggage is re-screened before being placed on board an aircraft;
- (c) persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
- (d) the regulated agent institutes and implements adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of its facilities;

- (e) COMAT and COMAIL are subjected to appropriate security controls prior to placement on board an aircraft engaged in passenger commercial flights;
- (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 mail is re-screened before being placed on board an aircraft;
- (g) enhanced security measures apply to high-risk cargo and mail to appropriately mitigate the threats associated with it.

Security measures to be taken by aircraft operator

44.-(1) The aircraft operator is responsible for ensuring that appropriate security controls have been carried out, and in so doing, the aircraft operator shall-

- (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 an entity that is approved the Authority;
- (b) ensure that cargo and mail which cannot be confirmed and accounted for by a regulated agent or an entity that is approved by the Authority shall be subjected to screening;
- (c) carry out appropriate security controls to be applied to any given consignment, to the required level;
- (d) protect the consignment from unlawful interference while it is in the custody of the airline;
- (e) ensure that where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment;
- (f) ensure that all consignments have been secured to an appropriate level before being placed in the aircraft; and
- (g) ensure that all consignments placed on board the aircraft are recorded on the aircraft manifest;

- (h) ensure that cargo and mail that has been confirmed and accounted for shall then be issued with a security status which shall accompany, either in an electronic format or in writing, the cargo and mail throughout the secure supply chain;
- (i) ensure that transfer cargo and mail has been subjected to appropriate security controls prior to being loaded on an aircraft engaged in commercial air transport operations departing from the United Republic of Tanzania;
- (2) The aircraft operator may delegate any of the functions under subregulation (1) to a regulated agent.
- (3) For the avoidance of doubt, notwithstanding the delegation of any functions to a regulated agent under subregulation (2), the aircraft operator shall remain responsible for ensuring that the appropriate security controls have been carried out.
- (4) The aircraft operator or the regulated agent shall ensure that all consignments due to be loaded into an aircraft are-
 - (a) delivered by an established employee of a handling agent;
 - (b) covered by a valid consignment security declaration;
 - (c) checked to establish that there is no evidence of having been tampered with;
 - (d) kept secure until delivered into the aircraft operator's charge; or
 - (e) subjected to the appropriate level of security screening.
 - (f) covered by valid documentation that has been checked for inconsistencies and fully describes the contents;
- (5) An aircraft operator shall make available to the Authority, a report of any incident where an airway bill or equivalent document did not provide an accurate record of the goods being offered for air transport.
- (6) An aircraft operator shall require a regulated agent operator to comply with the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284.
- (7) Appropriate security controls referred to in this regulation shall be as prescribed by the Authority.

(e) Catering Operators

Aviation security responsibilities of catering operator

45.-(1) A catering operator shall, before accepting supplies and equipment for preparation as catering supplies for transport in an aircraft-

- (a) establish and register the name and address of the supplier of the supplies and equipment;
- (b) establish the credentials of the person who delivers the supplies and equipment as an agent of the supplier of the supplies and equipment;
- (c) ensure, on the basis of appropriate security controls or security screening, that the supplies and equipment do not contain any prohibited items;
- (d) ensure the safeguarding of the supplies and equipment from unauthorised interference after acceptance;
- (e) ensure the supplies and equipment are received by staff who are properly recruited and trained by the operator;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that catering stores and supplies are not carried by air unless they have been subjected to screening;
- (h) ensure that each shipment of catering stores and supplies is accompanied by documentation providing the statement of the security status of the shipment;
- (i) ensure that persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
- (j) institute and implement adequate security controls, including background checks on persons granted unescorted access to security restricted areas of the catering facility.

(2) A catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of supplies and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.

Conditions for acceptance of catering stores and supplies for air transportation

46.-(1) An aircraft operator shall accept catering stores and supplies for transport on an aircraft only from a catering operator.

(2) An aircraft operator shall, before accepting catering stores and supplies for transport on an aircraft, ensure-

- (a) that the catering stores and supplies have been subjected to screening;

- (b) the safeguarding of the catering supplies and stores against unlawful interference until the catering supplies and stores have been placed in the aircraft;
- (c) that the shipments of catering supplies and stores are recorded; and
- (d) that whenever the catering supplies and stores are received, those catering supplies and stores are delivered by an authorised employee of the catering operator.

(3) An aircraft operator shall not accept any catering supplies and stores for transport by aircraft unless the documentation for those catering supplies and stores is examined for inconsistencies and is accompanied by a valid security declaration.

(4) An aircraft operator shall require a catering operator to comply with the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284.

(5) An aircraft operator shall make available to the Authority, a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport.

(6) An aircraft operator shall preserve, for not less than one year, a record of acceptance checklists and inspections carried out under this Part.

(f) Air Traffic Service Provider

Obligation by Air Traffic service Provider

46A. 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 National Civil Aviation Security Programme.

Protection of critical information, technology and communication systems

46B.-(1) The Authority shall in accordance with the risk assessment carried out by its relevant national authorities, ensure that measures are developed in order to protect critical information technology and communication systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation.

(2) The entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme shall identify their critical information technology and communications systems, including threats and vulnerabilities thereto, and develop protective measures to include, inter alia, security by design, supply chain security, network separation, and remote access control, as appropriate

PART V
MANAGEMENT OF ACTS OF UNLAWFUL INTERFERENCE

Prevention of acts of unlawful interference

47.-(1) The Authority shall take adequate measures, when reliable information exists that an aircraft may be subjected to an act of unlawful interference-

- (a) if the aircraft is on the ground, to safeguard the aircraft and ensure that the aircraft is searched for concealed weapons, explosives or other dangerous devices, articles or substances; and prior notification of the search shall be provided to the operator concerned; and
- (b) if the aircraft is in flight, to provide as much prior notification as possible of the arrival of that aircraft to relevant airport authorities and air traffic services of the States and aircraft and airport operators concerned;

(2) The Authority shall ensure that arrangements are made to investigate, render safe or dispose of, if necessary, suspected dangerous devices or other potential hazards at airports.

(3) The Authority shall ensure that authorised and suitably trained personnel are readily available for deployment at every airport serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference.

Authority's response to acts of unlawful interference

48. The Authority shall-

- (a) take adequate measures for the safety of passengers and crew of an aircraft which is subjected to an act of unlawful interference while on the ground until their journey can be continued;

- (b) collect all pertinent information on the flight which is the subject of an act of unlawful interference and transmit that information to all other States responsible or the Air Traffic Services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en-route and at the aircraft's known, likely or possible destination;
- (c) provide such assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (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; and
- (e) notify the State of registry of an aircraft and the State of the operator of the landing aircraft subjected to an act of unlawful interference, and shall similarly transmit, by the most expeditious means, all other relevant information to-
 - (i) the state of registry and the state of the operator;
 - (ii) each State whose citizens suffered fatalities or injuries;
 - (iii) each State whose citizens were detained as hostages;
 - (iv) each state whose citizens are known to be on board the aircraft; and
 - (v) the International Civil Aviation Organisation.

Mandatory reporting

49.-(1) Every operator shall, where an act of unlawful interference occurs, immediately notify the Authority.

(2) Every pilot in command and air navigation service provider shall submit to the Authority-

- (a) a preliminary written report, within fifteen days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers; and
- (b) a final written report, upon completion of investigations, but within thirty days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers.

Notification to the International Civil Aviation Organisation

50.-(1) The Authority shall, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with a report on each incident, whether successful or unsuccessful as follows-

- (a) a preliminary report, within thirty days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and
- (b) a final report, within sixty days after resolution of the incident.

(2) The Authority shall provide copies of reports submitted to the International Civil Aviation Organisation under this regulation and to-

- (a) the State of Registry of the aircraft and the State of the operator;
- (b) each State whose citizens suffered fatalities or injuries;
- (c) each State whose citizens are or were detained as hostages; and
- (d) each Contracting State whose citizens are or were known to be on board the aircraft.

PART VI OFFENCES AND PENALTIES

Offences committed at airports

51.-(1) Any person who-

- (a) engages in any of the following acts at an airport or its related facilities-
 - (i) an act or attempted act of unlawful interference;
 - (ii) assault, intimidation or threat, whether physical or verbal, against an aviation security officer or authorised person if the act interferes with the performance of the duties of the aviation security officer or authorised person or lessens the ability of the aviation security officer or authorised person to perform those duties;
 - (iii) refusal to follow a lawful instruction given by the airport operator or on behalf of the Authority by an aviation security officer or authorised person for the purpose of ensuring the safety at the airport or of any person or property at the airport or for the purpose of maintaining good order and discipline at the airport; and

(iv) an act of physical violence against an aviation security officer or authorised person on duty;

(b) intentionally causing damage to, or destruction of, property;

commits an offence

(2) Any person who commits an offence under subregulation (1) is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 300 or to imprisonment for a term not exceeding two years or both.

(3) An airport operator who fails to notify the Authority or other party concerned of a threat under regulation 30 commits an offence and is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 300 or to imprisonment for a term not exceeding two years or both.

Offences committed against crew on board aircraft

52.-(1) Any person who engages in any of the following acts on board a civil aircraft-

(a) an act or attempted act of unlawful interference;

(b) assault, intimidation or threat, whether physical or verbal, against a crew member if the act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform his or her duties;

(c) refusal to follow a lawful instruction given by the pilot-in-command or on behalf of the pilot-in-command by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board,

commits an offence.

(2) A person who commits an offence under sub regulation (1) is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 500 or to imprisonment for a term not exceeding three years or both.

Offences jeopardising good order and discipline on board aircraft

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

(2) Any person who commits on board an aircraft any of the following acts commits an offence if that act is likely to endanger the safety of the aircraft or of any person on board, or if that act jeopardises good order and discipline on board the aircraft-

- (a) assault, intimidation or threat, whether physical or verbal, against another person;
- (b) intentionally causing damage to, or destruction of, property; and
- (c) consuming alcoholic beverages or drugs resulting in intoxication.

(3) A person who commits an offence under this regulation is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 500 or to imprisonment for a term not exceeding three years, or both.

Other offences committed on board aircraft

54.-(1) A person who engages in any of the following acts, on board an aircraft, commits an offence -

- (a) smoking in a lavatory, or elsewhere in an aircraft, where such act is prohibited;
- (b) tampering with a smoke detector or any other safety related device on board the aircraft;
- (c) operating a portable electronic device where such an act is prohibited.

(2) A person who commits an offence under this regulation is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 200 or to imprisonment for a term not exceeding one year, or both.

Possession of prohibited items

55. A person who is in unlawful possession of a prohibited item at an airport, in a security restricted area, on board an aircraft or at an airport navigation installation or has with him or her a prohibited item contrary to regulation 38 commits an offence and is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 500 or to imprisonment for a term not exceeding three years or both.

Entering security restricted areas

56. A person who, without lawful authority, enters a security restricted area commits an offence and is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 200 or to imprisonment for a term not exceeding one year or both.

Offences relating to airport security permits

57.-(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.

(2) A person who uses an airport security permit to gain access to an aircraft, an area of an airport or an air navigation installation when he or she is not entitled to such access commits an offence.

(3) A person who uses a false or unauthorised airport security permit for the purpose of gaining access to a security restricted zone or to an air navigation installation commits an offence.

(4) A person commits an offence when he-

- (a) fails to comply with any conditions applying to an airport security permit;
- (b) fails to display an airport security permit upon being required to do so by an Aviation Security Officer or authorised person;
- (c) fails to return an airport security permit promptly following its expiry or upon his or her becoming no longer authorised to possess it; or
- (d) continues using an airport security permit after it has expired; or uses a valid permit after he or she is no longer authorised to possess it.

(5) A holder of an airport security permit who transfers, lends, gives or sells his or her permit to another person with the intention of enabling that other person to gain access to an aircraft, a security restricted at an airport or an air navigation installation when he or she is not authorised to gain such access, commits an offence.

(6) A person who, being a person authorised by the airport operator to issue airport security permits, issues a permit to a person who is not authorised to be issued with such a permit, with the intention of enabling that other person to gain access to an aircraft, a security restricted or an air navigation installation commits an offence.

(7) A person who commits an offence under this regulation is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 200 or to imprisonment for a term not exceeding one year or both.

Operating without

58.-(1) A person commits an offence who-

and failing to implement security programmes

- (a) operates without a security programme as required by regulations 13, 14, 15, 16, 22 and 46A;
- (b) fails to implement a security programme referred to in regulations 13, 14, 15, 16, 22 and 46A.

(2) A person who commits an offence under subregulation (1) is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 500 or to imprisonment for a term not exceeding one year, or both.

Obstructing authorised persons

59.-(1) A person commits an offence who-

- (a) intentionally obstructs a person acting under a power conferred by these Regulations;
- (b) falsely pretends to be a person acting under a power conferred by these Regulations; or
- (c) refuses to obey any order or a reasonable request of a police officer or an aviation security officer, acting in the execution of his or her duty.

(2) A person who commits an offence under subregulation (1) is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 200 or imprisonment for a term not exceeding one year, or both.

Offences by body corporate

60. Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of-

- (a) any director, manager, secretary or similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity, that person, as well as the body corporate, commits the offence and is liable to be proceeded against and punished accordingly.

Failure to comply with Regulations

60A.-(1) Any person who contravenes any provision of these regulations, notice, or order made under these Regulations commits an offence.

(2) Any person who commits an offence under sub regulations (1) shall, on conviction except where any other penalty is provided, be liable to a fine equivalent in Tanzanian Shillings of United States Dollars 500 or to imprisonment for a term not exceeding one year, or both.

Jurisdiction

61.-(1) The United Republic of Tanzania shall have jurisdiction over any act constituting an offence under these Regulations if the act took place on board-

- (a) any aircraft registered in the United Republic of Tanzania;
- (b) any aircraft leased with or without crew to a lessee whose principal place of business is in the United Republic of Tanzania or, if the lessee does not have a principal place of business, whose permanent residence is in the United Republic of Tanzania;
- (c) any aircraft on or over the territory of the United Republic of Tanzania; or
- (d) any other aircraft in flight outside the United Republic of Tanzania, if the next landing of the aircraft is in the United Republic of Tanzania, and the pilot in command has-
 - (i) delivered the suspected offender to the competent authorities in accordance with regulation 64(3);
 - (ii) requested the United Republic of Tanzania to prosecute the suspected offender; and
 - (iii) affirmed that no similar request has been or will be made by the pilot in command or the aircraft operator to any other contracting State.

(2) For the purposes of this regulation, an aircraft is deemed to be “in flight” at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; and in the case of forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

PART VII ENFORCEMENT OF REGULATIONS

Unidentified
baggage

62. Where an aviation security officer has reasonable cause to suspect that an item of baggage or any other object may constitute a security risk, whether because it is unidentified, unattended or for any other reason, that officer may, after subjecting the baggage to security controls, including investigation and evaluation to ascertain explosives, remove the item of baggage or object and destroy it.

Power to stop passengers travelling

- that-
63. Where a police officer has reasonable cause to suspect
- (a) a person is about to embark on an aircraft in the United Republic of Tanzania; or
 - (b) a person is on board an aircraft in the United Republic of Tanzania;
- and that that person intends to commit an offence that amounts to an act of unlawful interference, the officer may, with the approval of the police officer in charge of the airport, prohibit that person from travelling on board the aircraft by-
- (i) preventing him or her from embarking on the aircraft;
 - (ii) removing him or her from the aircraft; or
 - (iii) in case of aviation security officer, arresting him without warrant and immediately hand him to police for appropriate action..

Powers and responsibilities of pilot in command

- 64.-(1) The pilot in command shall, while the aircraft is in flight, have the power and responsibility to-
- (a) protect the safety of persons and property on board;
 - (b) restrain persons on board who may be a threat to safety;
 - (c) disembark persons who may be a threat to safety;
 - (d) search persons and baggage on an aircraft and take possession of items which could be used in connection with any act of unlawful interference;
 - (e) notify authorities of the United Republic of Tanzania as soon as practicable and, before landing, in the territory of the United Republic of Tanzania, any infringement of these regulations by any person on board; and
 - (f) provide the authorities of the United Republic of Tanzania with evidence and information regarding the incident that necessitated the restraint and or disembarkation of a passenger.
- (2) In case of severe threat to safety by a disruptive passenger on board, the pilot in command shall have the mandate to land at the nearest suitable airport and disembark the passenger in consultation with the local authorities.
- (3) The police or person incharge of the airport shall accept delivery of persons disembarked in accordance with sub regulation (2) for appropriate action.

Powers of Aviation Security Officers

65. An Aviation Security Officer shall have power to-
- (a) screen goods, persons and their personal effects, hold baggage, carryon baggage and vehicles;
 - (b) screen passengers and their cabin baggage;
 - (c) stop unauthorised persons from entering a security restricted area;
 - (d) stop unauthorised persons from entering an aircraft; and
 - (e) arrest any person who commits or attempts to commit an offence under these regulations.

Exemptions

66.-(1) The Authority may, at its discretion, or on application by any person, exempt any person, airport or category of airports from the application of these Regulations.

(2) The Authority may, in an emergency situation, exempt any person, airport or category of airports from the application of some provisions of these Regulations.

(3) An emergency situation in subregulation (2) includes an aircraft emergency, war or natural disaster.

Application for exemption

67.-(1) An application for exemption shall be in writing and shall contain-

- (a) the particulars of the applicant;
- (b) the specific regulation or regulations, or the specific security requirement from which the applicant seeks exemption;
- (c) the justification or reasons for the exemption;
- (d) the proposed duration of the exemption;
- (e) a description of any alternative means by which the applicant proposes to safeguard civil aviation from acts of unlawful interference; and
- (f) any other relevant information that the Authority may require.

(2) An application for an exemption shall be accompanied by a fee prescribed by the Authority.

Grant or refusal of exemption

68.-(1) The Authority may, in considering an application for exemption under these Regulations-

- (a) have due regard to the impracticability of the application of these regulations or the specific requirements from which exemption is required; or
- (b) carry out a security risk assessment to determine the threat levels.

(2) The Authority shall, within sixty days after receiving the application, refuse or grant the exemption.

(3) The Authority-
may impose conditions in an exemption granted under these Regulations; and
shall state the duration of the exemption in the exemption.

(4) Where the Authority refuses to grant an exemption, the Authority shall inform the applicant in writing, and shall give the applicant reasons in writing for the refusal.

(5) The Authority shall publish every exemption granted under these Regulations in aeronautical information circular.

Power to enforce
compliance

69.-(1) The Authority or any authorised person may, for purposes of ensuring the implementation of the National Aviation Security Quality Control Programme, or the requirements of the National Civil Aviation Security Programme, or any other operator security programme, or requirements set out under these Regulations, and without prejudice to the provisions of Part VII, of these Regulations, adopt procedures for aviation security monitoring and enforcement approved by the National Aviation Security Committee.

(2) The procedures referred to in subregulation (1) shall establish enforcement to ensure rectification of any matter, including but not limited to the following; failure to-

- (a) comply with any order, circular or directive issued under these Regulations;
- (b) comply with any requirement set out under the National Civil Aviation Security Programme or the respective operator security programme;
- (c) comply with an oversight recommendation made by the Authority;
- (d) take into account unique or exceptional circumstances which, although not expressly provided under the National Civil Aviation Security Programme, or the respective operator security programme but may expose an airport, aircraft or catering facility to risk.

(3) The Authority or any authorised person may, without limiting the generality of this regulation, compound offences under these regulations after assessing the contravention, by issuing infringement notices set out in Part VIII of these Regulations.

(4) For avoidance of doubt, offences for purposes of sub regulation (3) of this regulation shall include serious or prolonged breaches of security or failure to rectify security lapses that may endanger the safety of civil aviation.

(5) An infringement notice may require that the operations of a particular operator be halted until the breach has been rectified.

PART VIII
INFRINGEMENT NOTICES

Purpose and effect
of infringement
notices

70.-(1) The purpose of this Part is to create a system of infringement notices for offences against these Regulations as an alternative to prosecution.

(2) This Part does not-

- (a) require an infringement notice to be issued to a person for an offence;
- (b) affect the liability of a person to be prosecuted for an offence if an infringement notice is not issued to the person for the offence;
- (c) prevent the issue of two or more infringement notices to a person for an offence;
- (d) affect the liability of a person to be prosecuted for an offence if the person does not comply with an infringement notice for the offence; or
- (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

Fine payable under
infringement notice

71. The fine for an offence payable under an infringement notice issued to the person for the offence shall be prescribed, but in any case, the fine shall not be more than the minimum fine expressly provided for the offence.

Authorised persons
to issue
infringement
notices

72.-(1) In this regulation, "infringement notice offence" means an offence under part VI of these Regulations or any offence committed against any regulation under these Regulations.

(2) Where an authorised person has reason to believe that a person has committed an infringement notice offence, the authorised person may issue a notice, called an infringement notice, to the person for the offence.

(3) An authorised person who knowingly improperly issues an infringement notice or who issues an infringement notice for any purpose other than to ensure aviation security commits an offence and

is liable, on conviction, to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 200 or to imprisonment for a term not exceeding one year, or both.

Issuance of
infringement notice

73.-(1) An infringement notice shall-

- (a) bear a serial number;
- (b) state the name of the authorised person who issued it;
- (c) state its date of issue;
- (d) state the full name, or the surname and initials, and the address, of the person to whom it is issued;
- (e) give brief details of the offence for which it is issued, including-
 - (i) the date and time of commission of the offence;
 - (ii) where the offence was committed;
 - (iii) the provision of these Regulations contravened;
- (f) state the penalty for the offence payable under the notice;
- (g) state where and how that penalty can be paid including, if the penalty can be paid by posting the payment, the place to which it should be posted;
- (h) state that if the person to whom it is issued pays the penalty within twenty-eight days after the day on which the notice is served, or any longer time allowed in writing by an authorised person, then, unless the infringement notice is subsequently withdrawn and any penalty paid refunded-
 - (i) any liability of the recipient for the offence will be discharged;
 - (ii) the recipient will not be prosecuted in a court for the offence;
 - (iii) the recipient will not be taken to have been convicted of the offence;
- (i) state the greatest penalty that a court could impose on the recipient for the offence;
- (j) state that if the recipient is prosecuted in court and found guilty of the offence, the recipient may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order that the court makes;
- (k) state how and to whom the recipient can apply to be allowed more time to pay the penalty; and
- (l) be signed by the authorised person who issued it.

(2) An infringement notice may contain any other information that the authorised person who issues it thinks necessary.

- Service of infringement notice
- 74.-(1) An infringement notice shall be served on the person to whom it is issued.
- (2) An infringement notice may be served on an individual-
 - (a) by giving it to the individual;
 - (b) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the place of residence or business of the individual last known to the authorised person who issues it;
 - (c) by giving it, at the relevant place, to someone who-
 - (i) lives or is employed, or apparently lives or is employed, there; and
 - (ii) is, or the authorised person who issued it has reason to believe is eighteen years of age and above.
 - (3) An infringement notice may be served on a corporation-
 - (a) by leaving it at, or by sending it by post, telex, fax or similar facility to the address of the head office, a registered office or a principal office of the corporation;
 - (b) by giving it, at an office mentioned in paragraph (a), to someone who is, or the authorised person who issued it has reason to believe is, an officer or employee of the corporation.
- Time for payment of fine
75. The fine stated in an infringement notice shall be paid-
- (a) within twenty-eight days after the day on which the notice is served on the person to whom it is issued;
 - (b) if the person applied for a further period of time in which to pay the penalty, and that application is granted, within the further period allowed;
 - (c) if the person applies a further period of time in which to pay the penalty, and the application is refused, within seven days after the notice of the refusal is served on the person;
 - (d) if the person applies for the notice to be withdrawn, and the application is refused, within twenty-eight days after the notice of the refusal is served on the person.
- Extension of time to pay fine
- 76.-(1) The person to whom an infringement notice is issued may apply, in writing, to the Authority for a further period of up to twenty-eight days in which to pay the stated in the notice.

(2) Within fourteen days after receiving the application, the Authority shall-

- (a) grant or refuse a further period not longer than the period sought; and
- (b) notify the recipient in writing of the decision and, if the decision is a refusal, the reasons for it.

(3) Notice of the decision may be served on the recipient in any way in which the infringement notice could have been served on the recipient.

Effect of payment of fine

77.-(1) Where an infringement notice is not withdrawn, and the person to whom it is issued for an offence pays the fine stated in the notice-

- (a) any liability of the person for the offence is discharged;
- (b) the person may not be prosecuted in a court for the offence;
- (c) the person is not taken to have been convicted of the offence.

(2) Where two or more infringement notices are issued to a person for the same offence, the person's liability to be prosecuted for the offence ceases if the person pays the fine stated in any of the notices.

Withdrawal of infringement notice

78.-(1) A person may apply in writing to the Authority, before the end of twenty eight days after receiving an infringement notice, for the infringement notice to be withdrawn.

(2) The Authority shall, within fourteen days after receiving the application-

- (a) withdraw or refuse to withdraw the notice;
- (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for the decision.

(3) Where the Authority has not approved, or refused to approve, the withdrawal of the notice within the period allowed by subregulation (2), the Authority is taken to have refused to approve the withdrawal of the notice.

(4) The Authority shall, before withdrawing or refusing to withdraw a notice, consider-

- (a) whether the person has been convicted previously of an offence against these Regulations;
- (b) the circumstances of the offence stated in the notice;
- (c) whether the person has previously paid a penalty under an infringement notice issued to the person for an offence of

the same type as the offence mentioned in the notice; and
(d) any other relevant matter.

(5) The Authority may also withdraw an infringement notice without an application having been made.

Notice of
withdrawal of
infringement notice

79.-(1) Notice of the withdrawal of an infringement notice may be served on a person in any way in which the infringement notice could have been served on the person.

(2) A notice withdrawing an infringement notice served on a person for an offence-

(a) shall include the following information-

(i) the full name, or surname and initials, and address of the person;

(ii) the number of the infringement notice;

(iii) the date of issue of the infringement notice;

(b) shall state that the notice is withdrawn; and

(c) if the Authority intends to prosecute the person in a court for the offence, shall state that the person may be prosecuted in a court for the offence.

Refund of fine

80. Where an infringement notice is withdrawn after the fine stated in it has been paid, the Authority shall refund the fine to the person who paid it, within sixty days after the withdrawal of the notice.

PART IX

MARKING OF PLASTIC EXPLOSIVE FOR THE PURPOSE OF DETECTION

Failure to mark
plastic explosives

81.-(1) It shall be an offence-

(a) to manufacture and transport unmarked explosives or

(b) to possess unmarked explosives.

(2) All stocks of unmarked explosives-

(a) not held by authorities performing military or police functions shall be destroyed or consumed or marked or rendered permanently ineffective, within the period of three years from the date of enactment of these regulations;

(b) held by authorities performing military or police functions and that are not incorporated as an integral party of duly authorized military devices shall be destroyed or consumed or marked or rendered permanently ineffective, within a period of fifteen years since the enactment of these regulations;

FIRST SCHEDULE

(Made under regulation 5(1)(c))

COORDINATION OF ACTIVITIES BETWEEN DIFFERENT ORGANISATIONS

1.-(1) The Authority shall establish the means of co-ordinating activities between different organisations in the United Republic concerned with or responsible for various aspects of the civil aviation security amongst various agencies of the State, airport administration, operators and other concerned organisations.

(2) These agencies include justice, foreign affairs, policing authority, postal, customs, immigration and intelligence.

2.-(1) Airport Police Division or Tanzania Police Force Unit assigned to airports shall:

- (a) prevent and detect crimes at civil aviation facilities;
 - (b) provide -
 - (i) specialist response, including, but not limited to: anti-terrorist units armed intervention, hostage negotiation and explosive device disposal in co-operation and co-ordination with the Tanzania Peoples Defence Forces;
 - (ii) rapid armed response capability to major incidence at all airports serving international and domestic civil aviation in co-operation and co-ordination with the Tanzania People's Defence Forces;
 - (c) arrest, detain and prosecute offenders infringing these regulations and any other law which safeguard safety and regularity of civil aviation;
 - (d) liase with the International Police (INTERPOL) in matters of aviation security internationally; and
 - (e) perform background checks and clearance of persons applying for airport restricted areas pass and identification documents and those seeking employment in aviation security functions.
- (2) Tanzania Peoples' Defence Forces shall provide:
- (a) bomb detection and disposal services;
 - (b) armed intervention in acts of hijacking and ground attacks;
 - (c) a rapid armed response capability to major incidents at all airports; serving international and domestic civil aviation.

(3) Customs and Excise Department of Tanzania Revenue Authority shall:

- (a) provide security checks through thorough physical check and search functions of all baggage to protect civil aviation against acts of unlawful interference;
- (b) prevent prohibited goods, restricted goods concealed or hidden in persons, baggage or the aircraft; and
- (c) survey arriving and departing passengers for persons who are known or suspected to be drug traffickers or smugglers.

(4) The Immigration Services Department shall -

- (a) detect improper, forged or ill gotten travel documents;
- (b) prevent and detect travelling international terrorists, drug traffickers and other criminals; and
- (c) survey arriving and departing passengers for persons who may pose a threat to civil aviation.

(5) The Tanzania Communications Regulatory Authority as a national regulatory body for postal and telecommunications services shall:

- (a) provide discreet and special radio communications frequencies, during major aviation incidents such as hijacking and hostage negotiation;
- (b) conduct regular surveys, studies and investigation about materials and equipment, which make the mail more secure;
- (c) encourage the protection of mail committed to airlines; regulate procedures for receiving and delivering postal dispatches to airlines;
- (d) ensure all postal and telecom licences include provisions related to civil aviation security; that is to say the operators to ensure:
 - (i) screening of all postal parcels, letters and other consignments intended to be transported by air;
 - (ii) protecting and guarding of those consignments until they are safely placed on aircraft;
- (e) co-coordinating with the bomb disposal unit or expert in case of detecting or discovering a suspect parcel or article which has escaped their detection during screening; and
- (f) combat illegal drug traffic.

(6) The Tanzania Intelligence and Security Services Department shall-

- (a) collect, collate and analyse international and national intelligence concerning civil aviation security;
- (b) co-operate, co-ordinate and communicate with the Tanzania Civil Aviation Authority concerning the level of the security threat internationally and nationally which may affect the security of civil aviation; and

- (c) perform vetting and clearance of persons seeking employment in aviation security functions.
- (7) The Protocol Division of the Ministry of Foreign Affairs and International Cooperation shall-
 - (a) administer and control of VIP lounges at public airports and co-ordinate the control of VIP lounges with the airport administration or operator at privately controlled airports; and
 - (b) issue airport passes to diplomats and State high-ranking officials for the use of VIP lounges at public airports and co-ordinate for permit of use of the same at private controlled airports.

SECOND SCHEDULE

(Made under regulation 81)

MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION

PART A
DESCRIPTION OF EXPLOSIVES

1. The explosives referred to in Part IX of these Regulations are those that are;
 - (a) formulated with one or more high explosives which in their pure form have a vapour pressure less than 10-4 Pa at a temperature of 25 °C;
 - (b) formulated with a binder material; and
 - (c) as a mixture, malleable or flexible at normal room temperature.
2. The following explosives, even though meeting the description of explosives in paragraph (1) of this Part, shall not be considered to be explosive as long as they continue to be held or used for the purpose specified below or remain incorporated as there specified, namely those explosives that are;
 - (a) manufactured or held, in limited quantities solely for use in duly authorised research, development or testing of new or modified explosives;
 - (b) manufactured or held, in limited quantities solely for use in duly authorised training in explosives detection and/or development or testing of explosives detection equipment;
 - (c) manufactured or held, in limited quantities solely for duly authorised forensic science purposes; or
 - (d) destined to be and are incorporated as an integral part of duly authorised military in the united Republic of Tanzania within three years after the enactment of these Regulations where such devises produced in this period of three years shall be deemed to be duly authorised military devices.

3. In this Schedule, unless the context requires otherwise-
 “duly authorised” mentioned in paragraph 2 (a), (b) and (c) means permitted according to the laws and regulations of the united Republic of Tanzania; and
 “high explosives” include but not restricted to cyclotetramethylene tetranitramine (HMX), pentaerythritol tetranitrate (PETN) and cyclotrimethylenetrinitramine (RDX).

PART B
 DETECTION AGENTS

1. A detection agent is any one of those substances set out in the Table below.
2. Detection agents described in this Table are intended to be used to enhance the detectability of explosives by vapour detection means.
3. In each case, the introduction of detection agent into an explosive shall be done in such a manner as to achieve homogenous distribution in the finished product.
4. The minimum concentration of a detection agent in the finished product at the time of manufacture shall be as shown in the Table below.

Table

Name of detection agent	Molecular formula	Molecular weight	Minimum Concentration
Ethylene glycol dinatrate (EGDN)	C ₂ h ₄ (no3) ₂	152	0.2% by mass
2,3-Dimethy 1-2,3 dinitrobutane (DMNB)	C ₆ h ₁₂ (no3) ₂	176	0.1% by mass
Para-Mononitrotoluene(p-MNT)	C ₇ h ₇ (no3) ₂	137	0.5 by mass
Ortho-Mononitrotoluene (o-MNT)	C ₇ h ₇ (no3) ₂	137	0.5 by mass

- 5.–(1) Any explosive which, as a result of its normal formulation, contains and of the designated detection agents at or above the required minimum concentration level shall be deemed marked.
 (2) For the purpose of sub regulation (1) “detection agent” means a substance as described in this Part which is introduced into an explosive to render it detectable.

Dar es Salaam,
 14th March, 2015

SAMUEL J. SITTA
 Minister for Transport