

GOVERNMENT NOTICE No. 251 published on 16/8/2013

THE CIVIL AVIATION ACT
(CAP. 80)

THE CIVIL AVIATION (GROUND HANDLING SERVICES)
REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY PROVISIONS

Regulation *Title*

1. Citation.
2. Interpretation.
3. Application.

PART II
POWERS AND PROCEEDINGS OF THE AUTHORITY

4. General Powers.
5. Powers to regulate rates and charges.

PART III
LICENSING OF SERVICE PROVIDERS

6. Granting of ground handling licence.
7. Application for ground handling licence.
8. Publication of application for ground handling licences.
9. Objection to ground handling licences.
10. Reasons for decision.
11. Revocation or Suspension of a ground handling licence.
12. Ground handling services to be regulated.
13. Required numbers of ground handling service providers at an airport.
14. Self-handling.
15. Ground handling charges.

PART IV
EXCEPTIONS

16. Exceptions.

PART V
EXCLUSIVITY

17. Exclusivity.

PART VI
DETERMINATION OF AIRPORT CLASSES

18. Airport classes.

PART VII
LICENCING OF GROUND HANDLING OPERATORS.

19. Criteria for licensing ground handling operators.

PART VIII
SELECTION OF SUPPLIERS

20. Selection of suppliers.

PART IX
ESTABLISHMENT AND FUNCTIONS OF AIRPORT USER COMMITTEE

21. Airport user committee.

PART X
GENERAL PROVISIONS RELATING TO LICENCES

- 22. Provisional licence.
- 23. Amendment of licence.
- 24. Suspension and revocation of licence.
- 25. Supply of information.
- 26. Validity of a licence.
- 27. Insolvency.
- 28. Transitional arrangement.
- 29. Form of licences and operating authorisation.
- 30. Conditions attached to licences.

31. Transfer of licence.
32. Confidential information.
33. Licence includes provisional licences.
34. Continuing benefits.
35. Returns.
36. Production of licence.
37. Surrender and cancellation of licence.
38. Loss or destruction of a licence.
39. Change of name or address of licensee.
40. Records.
41. Publication of notices.
42. Application and licence fees.

PART XI

REVIEW OF DECISIONS OF THE LICENSING AUTHORITY AND APPEALS

43. Review of decisions.
44. Application for review of a decision.
45. Sittings of Internal Review committee.
46. Hearing of application for review.
47. Determination of the application for review.
48. Appeals.

PART XII

MISCELLANEOUS PROVISIONS

49. Access to installations.
50. Complaints and dispute resolution.
51. Safety and Security.
52. Social and environmental protection.
53. Confidentiality.
54. Review and appeal.
55. Appointment of Enforcement Officers.
56. Offences and penalties.
57. Revocation G.N. No. 194 of 2007.

SCHEDULE

THE CIVIL AVIATION ACT
(CAP. 80)

REGULATIONS

(Made under Section 60 (1))

THE CIVIL AVIATION (GROUND HANDLING SERVICES) REGULATIONS, 2012

PART I
PRELIMINARY PROVISION

Citation

1. These Regulations may be cited as the Civil Aviation (Ground Handling Services) Regulations, 2012 and shall come into operation on the date of publication.

Interpreta-
tion
Cap. 80

2. In these Regulations, unless the context require otherwise-
- “Act” means the Civil Aviation Act;
 - “airport” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or to part for the arrival, departure and surface movement of aircraft;
 - “airport operator” means an individual, organisation or enterprise responsible for administration and management of the airport infrastructures, coordination and control of the activities of the different airport service providers present in the airport or airport system concerned;
 - “airport ground handling service provider” means a service provider licensed to provide one or more categories of ground handling services defined in the First Schedule;
 - “airport service provider” means any natural or legal person responsible for providing services at the airport;
 - “airport user” means any natural or legal person responsible for the carriage of passengers, mail freight by air from, or to the airport in question;
 - “Airport User Committee” means a Committee formed by the airport operators;
 - “Authority” means the Tanzania Civil Aviation Authority;

“ground handling charges” means the money charged for the services provided by the airport ground handling service provider;

“ground handling licence” means a licence issued under these Regulations;

“Enforcement Officer” means any person appointed as an enforcement officer under these Regulations;

“ground handling” means the services provided to airport users as described in the First Schedule;

“Licensing Authority” means the Board of Directors of the Authority;

“Minister” means the Minister for the time being responsible for the Civil Aviation;

“provisional licence” means a licence issued under regulation 22 of these Regulations;

“Register” means the Public Register of the Authority kept by the Authority pursuant to the Act;

Cap. 80

“regulated services” means any services supplied or offered for supply in a regulated sector and includes provision of services under the First Schedule to these Regulations, operations or any other services which the Authority declares to be such services in the with section 50 of the Act;

Cap. 80

“self-handling” means a situation to which an airport user directly provides for himself one or more categories of ground handling services and concludes no contract of any description with a third party for the provision of such services;

“Tribunal” means the Fair Competition Tribunal established by the Fair Competition Act;

Cap. 285

“undertaking” means any natural or legal person who is providing airport ground handling services either with an intention of making profit or not.

3. These Regulations shall apply to any airport located in the United Republic of Tanzania.

Applica-
tion

PART II

POWER AND PROCEEDINGS OF THE AUTHORITY

4.-(1) The Authority shall have powers to licence airport ground handling service providers.

General
Power

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

(2) Subject to sub regulation (1) the Authority shall in consultation with the airport operator determine the number and type of airport ground handling service providers to be licensed at a particular airport.

Powers to regulate rates and charges

5.-(1) Airport ground handling service providers shall file to the Authority and justify the charges and rates applicable to services provided to different users of their services;

(2) The Authority shall—

(a) where necessary, review the charges and rates, in accordance with the requirements of the Act;

(b) public rate the tariffs and charges as reviewed in the *Government Gazette* and in any other information publications.

Cap. 80

PART III

LICENSING OF SERVICE PROVIDERS

Granting of ground handling licence

6.-(1) No undertaking shall provide airport ground handling services without a ground handling licence issued under these Regulations.

(2) No undertaking shall be granted a ground handling licence unless—

(a) its principal place of business and its registered office are located in the United Republic of Tanzania;

(b) thirty five (35) percent of more of total shares is owned by Tanzanians, except for providers of aviation fuel;

(c) its main business is in the or more ground handling activities in isolation or combined, as referred to in the First Schedule;

(d) a separate company has been established with its own accounts which may be verified by the Authority;

(3) Suppliers of ground handling services shall be licensed for a period of five (5) years.

Application for ground handling licence

7.-(1) Every application for a ground handling licence shall be made to the Authority on a relevant Form stipulated in the Second Schedule shall contain the particulars as set out in the Third Schedule to these Regulations.

(2) Every application for a ground handling licence shall be signed by the person applying for the ground handling licence.

(3) Where an application is made by any corporate body or partnership firm, shall be signed by a person duly authorised in that behalf by such body or a partner of the partnership firm as the case may be.

(4) Every application for a ground handling licence shall be sent to the Authority within sixty (60) days, before the date set for determination by the licensing authority.

(5) A copy of every application shall be available for inspection at the office of the Authority while waiting such application to be determined by the licensing authority.

Provided that no any information contained in such application as to the financial resources of the applicant shall be available for such inspection.

(6) Any undertaking applying for a ground handling licence shall be required to demonstrate to the satisfaction of the licensing authority that it shall meet-

- (a) its actual and potential obligations, established under realistic assumptions for a period of five (5) years from the date of operations;
- (b) its fixed and operational costs incurred from operations according to its business plan established under realistic assumptions for a period of six months from the date of starting operation without taking into account any income from its operations.

(7) For the purpose of sub-regulation (6), each applicant shall submit a business plan showing the viability of the project for the first five (5) years of its operation.

(8) The business plan shall contain information as prescribed in the Fourth Schedule to these Regulations.

8.-(1) The Authority shall, within seven days (7) after the date set for final submission of applications for a ground handling licence, cause to be published in the local newspaper and a copy thereof shall be placed in the Registrar and a notice containing the particulars of all applications as follows-

Publication
of
application
for ground
handling
licences

- (a) the name, mailing and physical addresses of the applicant; and
- (b) such details to enable identification of services applied for and location of intended operation.

(2) Without prejudice to the provision of regulation 9, the notice specified in sub-regulation (1) shall require submission of representations or objections to the Authority, of not exceeding fourteen days after its publication.

9.-(1) Every representation or objection with regard to an application for a ground handling licence shall-

Objection
to licences

- (a) be in writing;
- (b) state the specific grounds on which it is based;
- (c) specify any conditions which it may be desired to be attached to the ground handling licence if granted; and
- (d) be signed by the representor or objector.

(2) Where the representation or objection is made by any corporate body or partnership firm, it shall be signed by a person duly authorised in that behalf by such body or a partner of the partnership firm.

(3) A copy of every such representation or objection shall be sent by the person making the same to the applicant for the ground handling licence at the same time as it is sent to the Authority.

10. In case the licensing authority-

- (a) refuses to grant or amend a ground handling licence;
- (b) grant or amends a ground handling licence which differs from the ground handling licence or amendment for which application has been made; or
- (c) imposes conditions to which the applicant objects or grants a ground handling licence despite an objection, shall state in writing the reasons for its decision upon the payment of an appropriate fee by the applicant or objector.

Reasons
for
decision

11.-(1) The licensing authority may, suspend provisionally pending investigation a ground handling licence or any other authorisation issued or having effect under these Regulations.

Revocation
or
suspension
of ground
handling a
licence.

(2) The licensing authority may, upon the completion of an investigation which has shown sufficient ground, revoke, suspend, or vary any ground handling licence or any other authorisation issued or granted under these Regulations.

(3) A holder or any person having the possession or custody of any ground handling licence or any other authorisation which has been revoked, suspended or varied under this regulation shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(4) The breach of any condition subject to which any ground handling licence or any other authorisation granted or issued under these Regulations, shall render the document invalid during the continuance of the breach

(5) In any case where a ground handling licence is revoked or suspended the licensing authority shall state in writing the reasons for its decision.

(6) In the case of suspension, revocation or variation of a ground handling licence or any other authorisation issued under these Regulations, the Authority shall cause to be published a notice in

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

the local press and a copy thereof shall be placed in the register of such suspension, revocation or variation including-

- (a) the date from which revocation or suspension takes effect;
- (b) the reasons for revocation, suspension or variation; and
- (c) in the case of suspension, the period of the suspension.

Ground handling services to be regulated

12.-(1) The ground handling services regulated under these Regulations shall include services stipulated in the First Schedule.

(2) The ground handling service providers shall be required to offer competitive services.

(3) The Authority may impose on the ground handling service provider any condition which it is for-

- (a) the interest of safety;
- (b) security and facilitation; and
- (c) preventing uneconomic competition.

Required numbers of ground handling service providers at an airport

13. The Authority may limit the number of suppliers authorised to provide ground handling services at an airport as deemed appropriate.

Self-handling

14.-(1) The Authority shall provide conditions to air service providers for self-handle, except when there are safety and security concerns.

(2) An air service provider shall be considered for self-handling option-

- (a) where the operator wishes to do so; or
- (b) where there is no licensed ground handling service provider at the airport for which the air service provider applies; or

- (c) upon any other conditions as may be provided by the Authority.

15.-(1) The Authority shall regulate ground handling charges in order to-

Ground
handling
charges

- (a) promote the interest of the users of the ground handling services;
- (b) promote the efficient, economic and profitable operation of such ground handling services;
- (c) take account of the United Republic's international obligations found in Article 15 of the Chicago Convention, the Bilateral and Multilateral Air Service Agreements between United Republic of Tanzania and other contracting states;
- (d) ensure that rates, charges and services provided by ground handling services providers are competitive;
- (e) ensure that ground handling service providers encourage the development of a diverse and competitive industry within the general and specific policies set out by the Government;
- (f) ensure that users get their money worth from ground handling services providers.

(2) The ground handling service providers shall hold consultations with ground handling service users before effecting any new charge or variation of an existing charge and shall avail documentary evidence for such consultations to the Authority.

PART IV EXCEPTIONS

16.-(1) Where at an airport, specific constraints of available space or capacity arising in particular from congestion and area utilization rate make it impossible to open up the market implement self-handling to the degree provided for in these Regulations, the Authority may decide to-

Exceptions

- (a) limit the number of suppliers in one or more categories

- of ground handling services at the airport;
 - (b) reserve self-handling to a limited number of airport users for categories of ground handling services:
 - Provided that users are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria; or
 - (c) ban self-handling in one or more categories of ground handling services at the airport.
- (2) The exceptions decided pursuant to sub-regulation (1) shall-
- (a) specify the category or categories of ground handling services for which the exception is granted and the specific constraints of available space or capacity which justify it; and
 - (b) be accompanied by a plan of appropriate measures to overcome the constraints.
- (3) The exceptions shall not-
- (a) unduly prejudice the aims of these Regulations;
 - (b) give rise to distortions of competition between suppliers of ground handling services or self-handling airport users;
 - (c) extend further than necessary.
- (4) Exceptions granted by the Authority pursuant to sub-regulation (1) shall not exceed the duration of three years and not later than three months before the end of that period, the Authority shall take a new decision on any request for exception, which also is subject to the requirements of this Part.

PART V
EXCLUSIVITY

- Exclusivity 17.-(1) For the purpose of strengthening good services the Authority may exclude any ground handling services from performing its services.

(2) Where exclusivity is required for ground handling services at a particular airport, the Authority shall conduct an inquiry as required by the Act.

Cap. 80

(3) At the end of the exclusivity period or when the exclusivity is to be cancelled, the Authority shall conduct an inquiry.

PART VI
DETERMINATION OF AIRPORT CLASSES

18.-(1) The airports for which ground handling operators are licensed shall be categorised in classes as may be prescribed by the Authority.

Airport
classes

(2) The Authority shall, on annual basis, determine the class under which an airport belongs basing on statistics available from previous year.

PART VII
LICENSING OF GROUND HANDLING OPERATORS

19.-(1) The criteria for licensing ground handling operators in classes of airports shall be based on the experience in such operations.

Criteria for
licensing
ground
handling
operators

(2) The required experience for provision of ground handling services based on classes of airports shall be as follows-

- (a) Class I -the operator shall be required to have experience of above six (6) years in similar operations.
- (b) Class II -the operator shall be required to have experience ranging from three (3) to six (6) years in similar operations;
- (c) Class III -the operator shall be required to possess an experience of up to 3 years in similar operations;

(2) Where exclusivity is required for ground handling services at a particular airport, the Authority shall conduct an inquiry as required by the Act.

Cap. 80

(3) At the end of the exclusivity period or when the exclusivity is to be cancelled, the Authority shall conduct an inquiry.

PART VI
DETERMINATION OF AIRPORT CLASSES

18.-(1) The airports for which ground handling operators are licensed shall be categorised in classes as may be prescribed by the Authority.

Airport
classes

(2) The Authority shall, on annual basis, determine the class under which an airport belongs basing on statistics available from previous year.

PART VII
LICENSING OF GROUND HANDLING OPERATORS

19.-(1) The criteria for licensing ground handling operators in classes of airports shall be based on the experience in such operations.

Criteria for
licensing
ground
handling
operators

(2) The required experience for provision of ground handling services based on classes of airports shall be as follows-

- (a) Class I -the operator shall be required to have experience of above six (6) years in similar operations.
- (b) Class II -the operator shall be required to have experience ranging from three (3) to six (6) years in similar operations;
- (c) Class III -the operator shall be required to possess an experience of up to 3 years in similar operations;

(3) Notwithstanding the provision of sub regulation (2), the Authority may consider other factors in licensing operators, not basing on the experience of the applicant under the following circumstances-

- (a) if the applicant has entered into a management or technical agreement with an experienced operator, whose experience may determine class of airport in which ground handling operator may be licensed;
- (b) if the Authority is satisfied that the agreement signed between the two parties will ensure the required quality of services and safety standards;
- (c) if the applicant proves to have qualified technical staff with experience of not less than five (5) years in ground handling services.

(4) Self handling experience may be considered for third party handling, if the applicant has handled not less than eight hundred thousand passengers the previous year.

(5) For the purposes of this regulation, "technical staff" means both management and supporting staff.

PART VIII
SELECTION OF SUPPLIERS

Selection
of
suppliers
Cap 410

20.- (1) The airport operator, when selecting ground handling service providers at an airport, shall comply with selection procedures based on the following principles-

- (a) established standard conditions or technical specifications which are relevant, objective, transparent and non-discriminatory to include:
 - (i) applicants having been licensed, except foreign bidders who are not incorporated in the United Republic of Tanzania;
 - (ii) financial strength of the applicant;
 - (iii) availability of equipment appropriate to the

- requirements of the airport in question;
- (iv) statement on intended service level for its customers;
- (v) technical competence of the organization;
- (vi) sufficient insurance cover to the security and safety of installations, of aircraft, of equipment and of persons as well as to environmental protection and compliance with the relevant social legislation;
- (b) international competitive tendering;
- (c) the Public Procurement Act provisions as the case may require;
- (d) consult with airport users Committee on specifications for selection of suppliers, before tendering;
- (e) suppliers of ground handling services shall be selected for a period of not less than five years and not more than ten years; and
- (t) where a supplier of ground handling services ceases his activity before the end of the period for which he was selected, he shall be replaced on the basis of the same procedure.

(2) The Authority may issue any additional principles, conditions or specifications to be applied in the selection of ground handling service provider.

(3) Where the airport operator licensed for providing ground handling services intends to bid for providing such services at an airport under his management, he shall declare such intention to the Authority before the tendering process and the authority shall take over the tendering and selection process.

(4) The airport operator shall inform the airport users and the Authority of the decisions taken under this Part and in case where the Authority managed the selection process, the Authority shall inform the airport users and the airport operator.

(5) The airport operator shall submit to the Authority a copy of the draft contract to be entered into with the ground handling service

provider for approval before signing of the contract.

(6) The airport operator shall submit to the Authority a signed copy of contract with ground handling service provider within fourteen days, after the signing of the contract.

(7) Where there are problems regarding the selection of ground handling service providers, the Authority may intervene for the public interest.

PART IX

ESTABLISHMENT AND FUNCTIONS OF AIRPORT USERS COMMITTEE

Airport
users
Committee

21.-(1) The airport operator shall, within six (6) months after coming into force of these Regulations, establish an airport users Committee.

(2) The Airport Users Committee shall comprise of representatives of airport users.

(3) All Airport Users shall have the right to be in the Committee if they so wish.

(4) The Airport Users Committee shall perform the duties as may be prescribed by the Authority from time to time.

PART X

GENERAL PROVISIONS RELATING TO LICENCES

Provisional
licence

22.-(1) There shall be a provisional licence to be issued by the Authority, pending determination of application for grant of licence.

(2) The licensing authority may grant a provisional licence pending financial reorganisation of the ground handling provider provided that safety is not at risk.

Amend-
ment of
licence

23.-(1) The licensing authority may, during the validity of the licence, amend any of the terms or conditions of the licence or add or remove any terms and conditions which it may consider necessary

in the public interest upon-

- (a) application made by a holder of a licence in a form prescribed by the Authority; or
- (b) the Authority's initiative, where the Authority deems necessary.

(2) A holder of a licence applying to the Authority for amendment of the licence under sub-regulation (1) (a) shall be required to-

- (a) attach to the application form the licence to be amended; and
- (b) pay such a fee as may be prescribed by the Authority.

(3) The licensing authority shall give to the holder of the licence, and in the case of a licence issued under Part III of these Regulations, to every other person who in its opinion is likely to be affected, at least twenty eight (28) days notice of its intention to exercise any power conferred on it by sub-regulation (1).

24.-(1) The licensing authority may, suspend provisionally, pending further investigation any licence issued under these Regulations, if it considers that-

- (a) a relevant provision of the Act or these Regulations, or a condition in the licence, has not been, or is not being, complied with;
- (b) false or materially incorrect information was given to the licensing Authority in the application for the licence; or
- (c) it is in the public interest to do so.

Suspension
and
revocation
of
licence

(2) The licensing authority may, upon the completion of an investigation which has shown sufficient ground to the licensing Authority's satisfaction, suspend, vary or revoke any licence issued under these Regulations.

(3) A holder or any person having the possession or custody of any licence which has been suspended, revoked or varied under

these Regulations shall surrender the licence to the Authority within fourteen (14) days from the date of suspension, revocation or variation.

Supply of
information

25.-(1) A ground handling service provider shall notify in advance to the licensing authority-

(a) plans for introduction of new service(s) previously not provided;

(b) change in the scale of its activities;

(c) any intended mergers or acquisitions;

(d) within fourteen days of any change in the ownership of any single shareholding which represents ten percent (10%) or more of the total share holding of the air carrier or its parent or ultimate holding company.

(2) The submission of a twelve (12) month business plan two months in advance of the period to which it refers shall constitute sufficient notice under this sub-regulation for the purpose of changes to current operations or circumstances which are included in that business plan.

(3) Where the licensing authority deems the changes notified under sub-regulation (2) to have a significant bearing on the finances of the ground handling provider, it shall require the submission of revised business plan incorporating the changes in question and covering, at least, a period of twelve (12) months from its date of implementation of the changes, as well as all the relevant information, including the data referred to in third schedule, to assess whether the ground handling provider can meet its existing and potential obligations during that period of twelve (12) months.

(4) The licensing authority shall take a decision on the revised business plan not later than three months after all the necessary information has been submitted to it.

(5) Within three months after the closure of every financial year, a ground handling service provider shall provide to the licensing authority the audited accounts relating to the previous financial year.

(6) At any time upon request, a licensed ground handling provider shall provide to the licensing authority, the information relevant for the purpose of sub-regulation (3) and in particular, the data referred to in the Third Schedule.

(7) When the information requested is not supplied within the time limit fixed by the licensing authority, or supplied in incomplete form or the ground handling provider has not otherwise demonstrated that it meets the requirements of these Regulations, the licensing authority may suspend any market access rights to which the ground handling is entitled.

26.-(1) A licence shall be valid as long as the ground handling provider meets the obligations of these Regulations.

Validity
ora
licence

(2) When the holder of a licence has ceased operations for six months or has not started operations for six months after being granted a concession by an airport operator, the licensing authority shall decide whether the licence shall be resubmitted for approval.

(3) The licensing authority shall decide whether the licence shall be resubmitted for approval in case of change in one or more elements affecting the legal situation of the undertaking and, in particular, in case of mergers or takeovers the ground handling in question may continue its operations unless the licensing authority decide that the safety is at risk stating the reasons.

27. A ground handling provider against which insolvency or similar proceedings are opened shall not be permitted by the licensing authority to retain its licence if the licensing authority is convinced that there is no realistic prospect of a satisfactory financial reconstruction within a reasonable time.

Insolvency

28.-(1) Notwithstanding regulation 6 (1), licences in force in the United Republic of Tanzania at the date of coming into force of these Regulations shall remain valid, subject to laws on the basis of which they were granted, until they are cancelled, annulled, expired or otherwise replaced, during which periods the ground

Transi-
tional
arrange-
ment

handling services provider holding such licences shall make the necessary arrangements to conform with all the requirements of these Regulations.

(2) For the purpose of these Regulations, ground handling provider holding licences shall be deemed to include ground handling provider legitimately operating with a valid Ground Handling Certificate at the date of entry into force of these Regulations but without holding such licences.

Form of
licences
and
operating
authorisa-
tion

29. A licence and an operating authorisation shall be in such form, as the licensing authority considers suitable to meet the requirements of any particular application approved by the licensing authority.

Conditions
attached to
licence

30.-(1) A holder of a licence shall at all times be able, on request, to demonstrate to the licensing authority that he meets the requirements of these Regulations.

(2) It shall be a condition of every licence that the requirements of any law relating to aviation and fair competition rules for regulated services for the time being in force in the United Republic of Tanzania shall be complied with at all times during the currency of the licence.

Transfer of
licence

31.-(1) A licence shall not be transferred or assigned.

(2) In the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence the person for the time being carrying on that business shall-

- (a) make an application for a new licence within fourteen (14) days;
- (b) be entitled to perform the air service authorised by the licence subject to the conditions and the obligations thereof until the application is determined.

(3) For the purpose of this regulation, "transfer of a controlling interest in business" shall include transfer of the operating licence.

32. Nothing in these Regulations shall require a disclosure by applicant for a licence to any person, other than the licensing authority, of information as to his financial resources, and any such information received by the licensing authority from an applicant shall be treated as confidential material or information.

Confidential
information

33. Any reference to a licence in regulations 3, 6, 30, 31, 34, 35 and 40, shall be construed as including references to a provisional licence.

Licence
includes
provisional
licences

34. Nothing in these Regulations shall be treated as conferring upon the holder of a licence or upon any other person, any right to the continuance of any benefits arising from the provision of these Regulations or from any licence granted there under or from any conditions attached to any such licence.

Continuing
benefits

35.-(1) The holder of licence or operating authorisation shall make monthly returns in writing to the licensing authority giving, in respect of the month to which the return relates, the particulars set out in Fifth Schedule to these Regulations with regard to all ground handling services authorised by the licence or operating authorisation.

Returns

(2) The returns shall be made on a form to be obtained on application to the licensing authority, and shall be sent to the licensing authority not later than one month after the expiration of the month to which the returns relate.

36. The holder of a licence shall produce such licence for examination if required to do so by the licensing authority or any person in that behalf authorised, or by any police officer of or above the rank of Sub- Inspector or by any person duly authorised by the licensing authority in that behalf, but may elect whether to produce to the authority at an aerodrome used in connection with ground

Production
of licence

handling service authorised by the licence or at the Authority's head office.

Surrender
and
cancellation
of
licences

37.-(1) In the event of the holder of a licence ceasing to operate the ground handling services authorised thereby, he shall forthwith notify the licensing authority and return the licence to the authority for cancellation.

(2) Wherein the event of death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or to the appointment of a receiver or manager or trustee in the relation to the business of the holder, he ceases to operate the ground handling services authorised by the licence, then if the business of the holder is being carried on by some other person, that person shall forthwith notify the licensing authority and, unless an application has been made within fourteen (14) days for a new licence, shall return the licence to the authority for cancellation.

(3) A licence may at any time be surrendered by the holder to the licensing authority for cancellation if during the currency of the licence the holder applies for a new licence in substitution for the current licence for cancellation on the date from which the new licence is expressed to take effect.

(4) Where a licence ceases to have effect, otherwise than by the lapse of time or is suspended, or revoked the holder thereof shall within fourteen (14) days after a notice to that effect has been delivered to him personally or sent to him by registered post at the address shown in his application, or last notified in accordance with regulation 42, send or deliver the licence to the licensing authority for retention during the time of suspension, or for cancellation as the case may be, and the licensing authority shall on the removal of a suspension return the licence to the holder.

Loss or
destruction
of a
licence

38.-(1) Where a licence has been lost, destroyed or defaced the holder thereof shall forthwith notify the licensing authority which shall, if satisfied that it has been lost, destroyed or defaced, issue a

duplicate, so marked and the duplicate so issued shall have the same effect as the original licence.

(2) In the case of a licence that has been defaced, the duplicate shall be so issued only after surrender of the original to the licensing authority.

39. The holder of a licence shall, if he changes his name or address during the validity of the licence, notify such change to the licensing authority within fourteen (14) days after the date of such change, and shall at the same time, send or deliver the licence to the licensing authority, and the licensing authority shall thereupon, endorse upon the licence, the licence holder's new name or address, and return the licence to him forthwith.

Change of
name or
address of
licensee

40.-(1) The licensing authority shall keep on a public register a record of all applications for licences, showing whether the licence was granted or refused, and an entry shall be made in such record whenever a licence is revoked or suspended or expires by the record shall contain such particulars as will enable the application to be identified and shall show-

Records

- (a) the date from which any licence is expressed to operate;
- (b) the date on which it is expressed to expire;
- (c) any conditions attached to the licence under the provisions of these Regulations.

41. Where under these Regulations it is provided that the licensing authority shall cause to be published a notice such publication of notice shall be made in the local press and a copy thereof shall be placed in the Public Register.

Publication
of notice

42.-(1) There shall be paid in respect of, and together with any application for a licence, or a variation of licence, an appropriate application fee.

Application
and licence
fees

(2) There shall be paid in respect of the grant, or variation of any licence an appropriate fee for each year, or part of a year of the term for which the licence is expressed to remain in force.

(3) Refund of any fees paid in respect of an application for or grant of a licence, shall not be made whether on withdrawal of the application, or surrender of the licence or otherwise.

PART XI

REVIEW OF DECISIONS OF THE LICENSING AUTHORITY AND APPEALS

Review
of
decisions

Cap. 80

43.-(1) Any undertaking aggrieved by a decisions made under delegated powers of the Authority, in respect of application or any grant of licence, may apply to the Authority to review the decision in whole or in part, in accordance with section 47 of the Act.

(2) An undertaking that has made representations, or objections only in respect of an application shall not be considered to be an undertaking aggrieved.

(3) This regulation shall not apply to licences, operating authorisations, or applications made under Part III of these Regulations.

Application
for review
of a
decision

44.-(1) An application for review of a decision shall be signed by, or on behalf of any person aggrieved by a decision in respect of which an application for review lies under regulation 42, and shall be delivered to the Internal Review Committee within fourteen (14) days after the receipt of the record of the decision in question and shall be accompanied by an appropriate fee.

(2) A copy of the application for review referred to in sub-regulation (1) of this regulation, and a written invitation to make submissions on the application, shall be served by the Internal Review Committee to the following persons-

- (a) the Minister;
- (b) all persons who make submissions to the Authority in relation to the decision under review, or who have otherwise indicated to the Authority an interest in the decision;
- (c) the Consumer Consultative Council; and

(3) Refund of any fees paid in respect of an application for or grant of a licence, shall not be made whether on withdrawal of the application, or surrender of the licence or otherwise.

PART XI

REVIEW OF DECISIONS OF THE LICENSING AUTHORITY AND APPEALS

Review
of
decisions

Cap. 80

43.-(1) Any undertaking aggrieved by a decisions made under delegated powers of the Authority, in respect of application or any grant of licence, may apply to the Authority to review the decision in whole or in part, in accordance with section 47 of the Act.

(2) An undertaking that has made representations, or objections only in respect of an application shall not be considered to be an undertaking aggrieved.

46.-(1) Any party to an application for review, or person who has been heard in connection with such publication, shall have the right to be heard by the Internal Review Committee in considering an application.

Hearing of
application
for review

(2) A party who did not exercise his right to be heard in respect of the application, shall not have right to be heard by the Internal

(d) any other persons who the Committee considers should receive notice of the application.

(3) For the purpose of section 47(5) of the Act, the Internal Review Committee shall cause to be served upon any applicant, who has given notice in accordance with sub-regulation (1) of this regulation and on each of the parties referred to under sub-regulation (2) a notice of the date, time and place of the hearing of the application and such notice shall be served not less than twenty one (21) days before the hearing date.

Cap. 80

(4) For the purpose of every such application for review the licensing authority shall furnish to the Internal Review Committee a copy of the record of proceeding including any notes of evidence taken by the licensing authority in connection with the subject matter of the application for review.

45.-(1) Every sitting of the Internal Review Committee shall be held in public and at such place as it deems convenient.

Sittings of
Internal
Review
Committee

(2) The Internal Review Committee may, in the course of the hearing of any particular application for review order that the hearing or any part thereof shall be held in camera.

(3) The Internal Review Committee may make an order prohibiting the publication of any report or description of the proceedings, or any part thereof in any application for review except on the publication of the names and description of the parties to the application of review, or particulars of any licence relevant to the application.

46.-(1) Any party to an application for review, or person who has been heard in connection with such publication, shall have the right to be heard by the Internal Review Committee in considering an application.

Hearing of
application
for review

(2) A party who did not exercise his right to be heard in respect of the application, shall not have right to be heard by the Internal

Review Committee unless he has served on it and on all other parties to such application at least ten (10) days' notice of his wish to be heard by the Internal Review Committee, stating his reason for wishing to be heard and has obtained the Internal Review Committee's consent to his being so heard.

(3) Any party to an application for review may appear in person or be represented by any other person whom he may have duly authorized for that purpose.

(4) Any party to an application under this section may produce to the Internal Review Committee additional evidence to that received by the licensing authority if such a party has, within ten days notice of his intention setting forth the substance for such additional evidence, and the evidence shall be subject to examination before the Internal Review Committee.

(5) The Internal Review Committee shall not admit additional evidence when it is shown to its satisfaction that such evidence was not available or would not have been obtained by reasonable diligence at the time of the original application made under Part II of these Regulations.

(6) The Internal Review Committee, may require the licensing authority, to amplify or explain the reasons for any decision subject to the application for review and the amplification or explanation shall be in writing and shall be served on all parties to such appeal.

(7) The Internal Review Committee may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectually with the matters before it, whether or not the same would be otherwise admissible in a court of law.

Determina-
tion of the
application
for review

47.-(1) Upon the completion of the hearing, of an application for review, the Internal Review Committee may submit to the Authority a recommendation to-

- (a) dismiss the application;
- (b) set aside the original decision and make a different decision;
- (c) vary the decision; or
- (d) set aside the decision and delegate the matter to a Committee or one or more members or officers of the Authority for a fresh decision without directions as to ways in which that decision will be made.

(2) In determining the application basing on the recommendation by the Internal Review Committee, the Authority, may either confirm, vary or dismiss the decision on the subject under review, by vote of the majority of its members.

48.-(1) Any undertaking aggrieved by the decision of the Internal Review Committee, or any other decision made in connection to the purpose of these Regulations may appeal to the Fair Competition Tribunal.

Appeals

(2) Any undertaking aggrieved by decision made by the Internal Review Committee, shall have a right of appeal on a matter of law only from the whole or any part of any decision of the licensing authority in respect of any licence, or application under these Regulations.

PART XII MISCELLANEOUS PROVISIONS

49.-(1) The airport operator shall take the necessary measures to ensure that suppliers of ground handling services and airport users wishing to self-handle have access to airport installations to the extent necessary for them to carry out their activities.

Access to
Installations

(2) The space available for ground handling at an airport must be divided among the various suppliers of ground handling services and self-handling airport users including new entrants in the field, to the extent necessary for the exercise of their rights and to allow effective and fair competition, on the basis of the relevant, objective,

transparent and non-discriminatory rules and criteria.

(3) Where access to airport installations gives rise to the collection of a fee, the latter shall be determined according to relevant, objective, transparent and non-discriminatory criteria.

Complaints
and
dispute
resolution
Cap. 80

50. Any complaint against or by the ground handling service provider shall be handled as stipulated in the Act.

Safety and
security

51. The ground handling service provider shall ensure compliance to laws and regulations pertaining to safety and security at the airport.

Social
and
Environ-
ment al
protection

52. Ground handling service provider shall take the necessary measures to ensure respect of the rights of workers and passengers and protection of the environment.

Confiden-
tiality

53. Confidentiality material of information obtained in application of these regulations shall be treated as provided for in the Act.

Review
and Appeal
Cap. 80

54. The Internal Review Procedures and appeals shall be in accordance with the Act,

provided that an undertaking that has made representations or objections only in respect of an application shall not be considered to be an undertaking aggrieved.

Appointment
of
Enforcement
Officers

55. The Authority shall appoint Enforcement Officers for the purpose of securing compliance with the provisions of these Regulations.

Offences
and
penalties

56.-(1) Any person who contravenes the provisions of these Regulations shall be guilty of an offence and be liable on conviction to a fine of not less than the equivalent in Tanzanian shillings of United States dollar five thousand or in default of payment thereof, to imprisonment for a term not exceeding three years.

(2) Any person who knowingly supplies any false, or misleading information touching any matter which is material to any application or appeal to the Authority, or to any member, employee or agent of the Authority or to the Director General shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding the equivalent Tanzanian shillings of United States dollar five thousand or in the case of a second or subsequent offence, to a fine not exceeding the equivalent in Tanzania shillings of United States dollar seven thousand five hundred or in default of payment thereof to imprisonment for a term not exceeding five (5) years.

57. The Tanzania Civil Aviation (Ground Handling Services) Regulations, 2007 are hereby revoked.

Revocation
G.N. No.
194
of 2007

FIRST SCHEDULE

(Made under Regulations 1, 6 and 12)

List of Airport Ground Handling Services or Activities

PART I

GROUND ADMINISTRATION AND SUPERVISION:

1.-(1) Representation and liaison services with local authorities or other entity, disbursements on behalf of the airport user and provision of office space for its representatives.

(2) Load control, messaging and telecommunications.

(3) Handling, storage and administration of unit load devices.

(4) Any other ground handling administration and supervision services before, during or after the flight and any other administrative service requested by the airport user.

PART II

PASSENGER AND BAGGAGE HANDLING

2.-(1) Any kind of assistance to arriving, departing, transfer or transit passengers, including checking tickets and travel documents, registering baggage and carrying it to the sorting area.

(2) Handling baggage in the sorting area, sorting it, preparing it for departure.

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

loading it on to and unloading it from the devices designed to move it from the aircraft to the sorting area and vice versa.

(3) Transporting baggage from the sorting area to the reclaim area.

PART III FREIGHT AND MAIL HANDLING

3.-(1) Physical freight handling of export, and import freight (including transfer), handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances.

(2) Physical handling of incoming and outgoing mail, handling of related documents and implementation of any security procedure agreed between the parties or required by the circumstances.

PART IV RAMP HANDLING

4.-(1) Marshalling the aircraft on the ground at arrival and departure.

(2) Assistance to aircraft parking and provision of suitable devices.

(3) The loading and unloading of the aircraft, including the provision and operation of suitable means, as well as the transport of crew and passengers between the aircraft and the terminal, and baggage transport between the aircraft and the terminal.

(4) The provision and operation of appropriate units for engine starting.

(5) The moving of the aircraft at arrival and departure, as well as the provision and operation of suitable devices.

(6) The transport, loading on to and unloading from the aircraft of food and beverages.

PART V AIRCRAFT SERVICES:

5.-(1) The external and internal cleaning of the aircraft, and the toilet and water services.

(2) The rearrangement of the cabin with suitable cabin equipment, the storage of this equipment.

PART VI FUEL AND OIL HANDLING

6. The organization and execution of fuelling and de-fuelling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries.

PART VII
AIRCRAFT LINE MAINTENANCE

- 7.-(1) Routine services performed before flight.
- (2) Non-routine services requested by the airport user.
- (3) The provision and administration of spare parts and suitable equipment.
- (4) The request for or reservation of a suitable parking or hangar space.
- (5) The replenishing of oil and other fluids.

PART VIII
FLIGHT OPERATIONS AND CREW ADMINISTRATION

- 8.-(1) Preparation of the flight at the departure airport or at any other point.
- (2) In-flight assistance, including re-dispatching if needed.
- (3) Post flight activities.
- (4) Crew administration.

PART IX
SURFACE TRANSPORT

- 9.-(1) The organization and movement of crew, passenger, baggage, freight and mail transport between different terminals within the same airport.
- (2) Any special transport requested by the airport user within the airside.
- (3) Under this part "airside" means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.

IN FLIGHT CATERING SERVICES

- 10.-(1) Storage of food and beverages and of the equipment needed for their preparation.
- (2) Cleaning of this equipment.
- (3) Preparation of bar and food supplies and delivery of equipment.

SECOND SCHEDULE

(Made Under Regulation 7)

TGH/LGHSFORM

FORMS TO BE FILLED

THE TANZANIA CIVIL AVIATION AUTHORITY

APPLICATION FOR A GROUND HANDLING LICENCE TO PERFORM
GROUND HANDLING SERVICE IN THE UNITED REPUBLIC OF TANZANIA

When completed, this form should be sent in duplicate to the Tanzania Civil Aviation Authority, P.O. Box 2819 Dar es Salaam, Tanzania. The form should be accompanied by an application fee of TShs./US Dollars Before completing the Form, the applicant is advised to read it carefully and to answer all the questions.

PART A
GENERAL INFORMATION

1. Name of applicant.....
2. Business address of applicant.....
3. If the applicant is a company, the following particulars should be given:.....
 - (a) registered office.....
 - (b) company registration no.....
 - (c) date of incorporation.....
 - (d) operating or business name.....
 - (e) address for correspondence.....
 - (f) telephone number.....
 - (g) fax number.....
 - (h) email address.....
4. Nationality of the applicant.....
5. State the type of service applied for.....
6. List all other aviation-related services operated by the Applicant at the time of this application and give the relevant licence numbers

- 7. Enumerate particulars of working arrangements that the applicant has with any other company operating a ground handling service excluding financial particulars (see part B, below)

PART B
FINANCIAL PARTICULARS

- 8. State particulars of any financial interest that any other person providing air transport facilities or controlling the business of any person providing such facilities may have in the business of the applicant.....
- 9. State particulars of any financial interest which the applicant has in any other undertaking providing or controlling the business of air transport.....
- 10. State the nature of the person making the application (whether an individual or a partnership of a corporate body, public or private, with or without limited liability).....
- 11. If the applicant is body corporate (public or private) give the following information:
 - (a) Authorized share capital of the company (State the currency), number of shares and price of each share.....
 - (b) number of shares issued for cash and price of each share.....
 - (c) Other value assets available for the operations of the company and their value
 - (d) Full names and citizenship of all the shareholders with details of shares held in percentage.....
 - (e) Names of directors of the company and their nationalities.
.....
.....
.....
.....

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

- (f) If applicant is a subsidiary of another company, give the name of the parent company with information as in paragraphs 2 to 4 above.
 - (g) The date on which the company's financial year ends
.....
 - (h) Period covered by the latest audited accounts submitted to the Authority
.....
.....
12. If the applicant is an individual or a partnership:
- (a) state his or owner's name (s) in full, private address and citizenship
.....
.....
 - (b) state their financial resources and value of assets
.....
.....

PART C

STAFFING ORGANISATION AND TECHNOLOGY TRANSFER

13. State the number of staff usually employed.
- (a) Tanzanian citizens.....
 - (b) Foreigners.....
14. State whether and how the government's policies on technology transfer are being or have been implemented.....
.....

PART D

TERMS AND CONDITIONS OF EMPLOYMENT

15. State whether the terms and conditions of employment of persons you employ conform to those in the United Republic.....
.....

PART E: EXPERIENCE

16. Give particulars of any experience in ground handling services or any other relevant experience of the Directors and other Senior Employees of the Company.....
.....
.....

PART F: TO BE COMPLETED IN RESPECT OF ALL APPLICATIONS

- 17. State type and volume of traffic (passengers, cargo, mail etc) expected to be handled on each separate service.....
.....
.....

- 18. If the application is for a new ground handling licence, give the date when service is intended to commence, and the period for which the ground handling licence is required.....
.....
.....

- 19. If the ground handling licence is required in continuation of or substitution for an existing ground handling service, give.
 - (a) ground handling licence number.
.....
.....

 - (b) period for which required.
.....
.....

 - (c) expiry date.
.....
.....

- 20. Give concise indication of the existing or potential need or demand for the proposed service.
.....
.....
.....
.....

- 21. Give particulars of any capital expenditure incurred, financial commitment made or commercial agreement concluded by the applicant in respect of the proposed ground handling service.

DECLARATION:

I, the undersigned, hereby apply for ground handling service licence as described in this application and I declare that to the best of my knowledge and belief, the statements given in this application and in, the attachment here to, are true in every respect.

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

I enclose herewith a crossed cheque/bankers draft for TShs./USD..... in payment of the application fee.

Dated this:.....day of20.....

Signatory's name in block letters.....

Signature:.....

Position:.....

On behalf of.....

.....

FOR OFFICIAL USE ONLY:.....
DATE RECEIVED.....
DATE PUBLISHED.....
DATE FOR OBJECTIONS OR REPRESENTATIONS.....
APPLICATION RECEIVED AND CHECKED BY.....
DATE.....
RECEIPT NUMBER.....
DECISION OF THE AUTHORITY OF ISSUING THE GROUND HANDLING LICENCE.....
.....
.....

THIRD SCHEDULE

(Made under Regulation 7)

Information to be Provided by Applicants

PART A

INFORMATION TO BE PROVIDED BY A FIRST-TIME APPLICANT FROM A FINANCIAL FITNESS POINT OF VIEW

1. The most recent internal management accounts and, if available, audited accounts for the previous financial year.
2. A projected balance sheet, and income statements for the following first three years.
3. The basis for projected expenditure and income figures on such items as fuel, charges and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, traffic, revenues, etc.

4. Details of the start up costs to be incurred in the period from submission of application to commencement of operations and an explanation of how the applicant is proposing to finance these costs.
5. Details of existing and projected sources of finance.
6. Details of shareholders, including nationality and type of shares to be held, and the Articles of Association. If part of a group of undertaking, information to be provided on the relationship between them.
7. Projected cash flow statements and liquidity plans for the first three years of operation.
8. Details of the financing of ground handling equipment purchase or lease including, in the case of leasing, the terms and conditions of lease agreement.

PART B

INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE CONTINUING FINANCIAL FITNESS OF EXISTING GROUND HANDLING LICENCE HOLDERS PLANNING A CHANGE IN THEIR STRUCTURES OR ACTIVITIES, WITH A SIGNIFICANT BEARING ON FINANCES

1. The most recent audited financial statements.
2. Precise details of all proposed changes e.g. change of type of service, proposed takeover or merger, modifications in share capital, changes in shareholders, etc.
3. Projected financial statements including all proposed changes in structure or activities with a significant bearing on finances.
4. Past and projected expenditure and income figure and such items as fuel, charges and rates, salaries, maintenance depreciation, exchange rate fluctuations, airport charges, insurance, traffic or revenue forecasts, etc.
5. Details of the financing of the ground equipment or leasing including, in the case of leasing, the terms and conditions of lease agreement.

PART C

INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE CONTINUING FINANCIAL FITNESS OF EXISTING GROUND HANDLING LICENCE HOLDERS

1. Audited accounts not later than six months after the end of the relevant period and, if necessary, the most recent balance sheet.

Civil Aviation (Ground Handling Services)

G.N. No. 251 (contd.)

2. Projected Balance Sheet and Profit and Loss statements for the forthcoming year.
3. Past and projected expenditure and income, figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, traffic or revenue forecast.
4. Cash-flow statement and liquidity plans for the coming three years.

FOURTH SCHEDULE

(Made under Regulation 7)

THE FORMAT FOR THE BUSINESS PLAN TO BE SUBMITTED TO THE
AUTHORITY WHEN APPLYING FOR GROUND HANDLING LICENCE

1. Executive summary.
2. Basic corporate information.
3. Current situation.
 - (a) vision, mission, values;
 - (b) history;
 - (c) business organisation;
 - (d) products and services;
 - (e) core competencies.
4. External environment-
 - (a) the economy;
 - (b) market analysis;
 - (c) competitor analysis;
 - (d) competitive advantages.
5. Strategy and plans:
 - (a) objectives;
 - (b) business strategy;
 - (c) operating plan.
6. Financial analysis (5Years)-
 - (a) break even analysis;
 - (b) sales projections;
 - (c) capital spending;
 - (d) operating costs;
 - (e) profit and loss account;
 - (f) balance sheet;
 - (g) cash flow.