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THE CIVIL AVIATION ACT,
(CAP. 80)

REGULATIONS

(Made under section 4)

THE CIVIL AVIATION (SECURITY) (AMENDMENT) REGULATIONS, 2023

Citation
GN. No.
756 of 2018

1. These Regulations may be cited as the Civil Aviation (Security) (Amendment) Regulations, 2023 and shall be read as one with the Civil Aviation (Security) Regulations, 2018 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 3

2. The principal Regulation are amended by deleting regulation 3, and substituting for it the following:

“Objective

3. The primary objective in relation to aviation security shall be safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation”.

Amendment of
regulation 4

3. The principal Regulations are amended in regulation 4, by-

(a) deleting the definitions of the terms “act of unlawful interference”, “advance passenger information”, “background check”, “certified”, “high-risk cargo or mail”, “security”, “security inspection”, “security restricted area” and “security survey”;

(b) inserting in their appropriate alphabetical order

the following new definitions:

“acts of unlawful interference” means an act or attempted act such as to jeopardize the safety of civil aviation, including-

- (a) unlawful seizure of aircraft;
- (b) destruction of an aircraft in service;
- (c) hostage-taking on board aircraft or on aerodromes;
- (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; and
- (g) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

“advance passenger information (API) System” means an electronic communications system whereby required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the airport of entry;

“aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“Aviation security” means safeguarding civil aviation

against acts of unlawful interference through a combination of measures human and material resources;

“background check” means a check of a person’s identity and previous experience, including criminal history and any other security related information relevant for assessing the person’s suitability, in accordance with these Regulations and other written laws;

“certification” means a formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;

“Director General” means Director General of the Authority;

“High Risk Cargo or mail” means cargo or mail which is deemed to pose a threat to civil aviation as a result of specific intelligence; or shows anomalies or signs of tampering which give rise to suspicion;

“human factors principles” means principles which apply to design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

“risk assessment” means identification of threats, vulnerability and consequences to be considered when evaluating risks, process for estimating risk, and outcomes that may need mitigations;

“security culture” means a set of security-related norms, values, attitudes and assumptions that are inherent in the daily operation of an organization and are reflected by the actions and behaviours of all entities and personnel within the organization;

“security inspection” means an announced or unannounced examination of the effectiveness of the implementation of specific security measures;

“Security restricted area” means those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other

security controls are applied;

“Sensitive Aviation Security Information” means Information that, if accessed by or disclosed to unauthorized persons, could create or be used to exploit a vulnerability or facilitate an act of unlawful interference against civil aviation; and

“vulnerability assessment” means evaluation of the inadequacies or characteristics of any civil aviation system or assets that may permit, aid or otherwise facilitate the commission of an act of unlawful interference.

Amendment of
regulation 5

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

(a) deleting paragraph (d) appearing in subregulation (1) and substituting for it the following:

“(d) conduct certification of aviation security screeners once in every two years and for supervisors and instructors once in every three years;”

(b) deleting the phrase “Establish and implement policies and procedures” appearing in paragraph (f) of subregulation (1) and substituting for it the words “Establish, implement and maintain;”

(c) deleting paragraph (g) appearing in subregulation (1) and substituting for it the following:

“(g) share with other Contracting States, in a timely manner, threat information that applies to the aviation security interests of those States, to the extent practicable;”

(d) adding new paragraph (m) in subregulation (1) as follows:

“(m) ensure all entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme to promote, develop and implement measures and

mechanisms that contribute to establishing a strong and effective security culture”

(e) deleting the words “security surveys” appearing in subregulation (2) (a) and substituting for them the words “vulnerability assessment”;

(f) adding new paragraph (g) in subregulation (2) as follows:

“(g) ensure that supporting resources and facilities required by the aviation security services are made available at each airport serving civil aviation”; and

(g) deleting paragraph (d) appearing in subregulation (3) and substituting for it the following:

“(d) may share, at the request of another Contracting State, the results of the audit carried out by ICAO and the corrective actions taken by the audited State as appropriate and consistent with its sovereignty”

Amendment of regulation 6

5. The principal Regulations are amended in regulation 6 by deleting the word “surveys” appearing in the closing phrase and substituting for them the words “vulnerability assessment”.

Amendment of regulation 9

6. The principal Regulations are amended in regulation 9(4), by deleting the word “annually” and substituting for it the words “in every two years”.

Amendment of regulation 10

7. The principal Regulations are amended in regulation 10(3), by -

“(a) adding immediately after paragraph (g) the following:

“(h) a member from Zanzibar Drugs Control and Enforcement Authority;” and

(b) renaming paragraphs paragraphs (h) to (o) as

paragraphs (i) to (p)
respectively..

Amendment of
regulation 11

8. The principal Regulations are amended by deleting regulation 11 and substituting for it the following:

“National Civil
Aviation Security
Quality Control
Programme

11.-(1) The Authority shall develop, implement and maintain a National Civil Aviation Security Quality Control Programme to regularly determine compliance with and validate the effectiveness of its National Civil Aviation Security Programme.

(2) The priorities and frequency of oversight activities shall be determined on the basis of risk assessments carried out by the relevant authorities, and include security audits, inspections and tests to provide for the rapid and effective rectification of any deficiencies.

(3) An operator providing service in or from the United Republic shall establish, implement and maintain, a written Internal Quality Control Programme that meets the requirements of the National Civil Aviation Security Quality Control Programme and these Regulations.

(4) The National Civil Aviation Security Quality Control Programme shall include the following:

(a) independence of those conducting oversight from those applying measures implemented under the

National Civil Aviation Security Programme;

- (b) the personnel conducting oversight are trained to appropriate standards;
- (c) the personnel conducting oversight have the necessary authority to obtain all relevant information to carry out the tasks and to enforce corrective actions;
- (d) a confidential reporting system for analyzing security information provided by sources such as passengers, crew and ground personnel; and
- (e) a process to record and analyze the results of the national civil aviation security quality control programme, in order 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.”

Amendment of
regulation 13

9. The principal Regulations are amended in regulation 13 by-

- (a) deleting the words “establish and implement” appearing in subregulation (2) and

- substituting for them the words “establish, implement and maintain”; and
- (b) deleting the word “annually” at the end of the sentence appearing in subregulation (5) and substituting for it the words “once in every two years”.

Amendment of regulation 14

10. The principal Regulations are amended in regulation 14 by -

- (a) designating the contents of regulation 14 as regulation 14.(1);
- (b) deleting the words “establish and implement” appearing in subregulation (2) and substituting for them the words “establish, implement and maintain”;
- (c) deleting the phrase “based upon a security risk assessment carried out by the relevant national authorities” appearing in subregulation 3(c)(i) and substituting for them the words “using a dedicated checklist”;
- (d) adding the word “authorization” between the words “reconciliation” and “of” appearing in subregulation (3)(c)(iv);
- (e) deleting the words “a year” at the end of the sentence appearing in subregulation (5) and substituting for them the words “in every two years”;
- (f) adding new subregulation (6) as follows:
“(6) A foreign commercial air transport operator providing service to and from the United Republic shall establish, implement, and maintain a written supplementary station procedures that meet the requirements of the National Civil Aviation Security Programme and these Regulations.” ; and
- (g) renumbering subregulation (6) as subregulation (7).

Amendment of regulation 15

11. The principal Regulations are amended in

regulation 15 by -

- (a) designating the contents of regulation 15 as regulation 15(1);
- (b) deleting the word “hat” appearing between the words “matters” and “may” in subregulation 2(e) and substituting for it the word “that”;
- (c) deleting the words “annually” at the end of the sentence appearing in subregulation (5) and substituting for them the words “in every two years”;

Amendment of regulation 16

12. The principal Regulations are amended in regulation 16 by deleting the word “annually” at the end of the sentence appearing in subregulation (4) and substituting for it the words “in every two years”;

Addition of regulation 16A

13. The principal Regulations are amended by adding immediately after regulation 16, the following new regulation:

“Air Traffic
Service Provider
Security
Programme

16A.-(1) Air Traffic Service Providers shall not provide services in the United Republic of Tanzania without developing and implementing an Air Traffic Service Provider’s Security Programme approved by the Authority and a certificate issued by the Authority;

(2) An Air Traffic Service Provider’s Security Programme shall be developed in line with the National Civil Aviation Security Programme and ICAO Doc.9985 Air Traffic Management Security Manual.”

Amendment of regulation 21

14. The principal Regulations are amended in regulation 21 by –

- (a) deleting subregulation (1) and substituting for

it the following:

- “(1) The Authority shall develop and implement a national training policy for all personnel involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme.”;
- (b) inserting the words “or offer aviation security courses” between the words “center” and “within” appearing in subregulation (4); and
- (c) adding new subregulation (6) as follows:
 - “(6) The Authority shall ensure that all personnel involved with or responsible for the implementation of various aspects of the national civil aviation security programme and those authorized to have unescorted access to airside areas receive initial and recurrent security awareness training.”.

Amendment of
regulation 22

15. The principal Regulations are amended in regulation 22(2) by adding immediately after paragraph (b), the following new paragraph:

“(c) assessment of competencies to be acquired and maintained for initial and recurrent training.”

Amendment of
regulation 25

16. The principal Regulations are amended in regulation 25 by –

- (a) adding the words “hold baggage” between the words “baggage” and “and” appearing in subregulation (2)(b)(viii)
- (b) deleting the words “adequate security controls” appearing in subregulation (2)(b)(xiv) and substituting for them the words

“screened prior to

- boarding an aircraft”;
- (c) deleting subregulation (2)(b)(xviii) and substituting for it the following:
 - “(xviii) baggage or personal belongings left unattended/unidentified and suspicious objects at an airport are subjected to appropriate security controls including screening and disposal procedures.”
 - (d) deleting the word “and” appearing at the end of subregulation (2)(b)(xxii);
 - (e) adding the word “and” at the end of subregulation (2)(d)(xxiii);
 - (f) adding new subregulation (2)(b)(xxiv) as follows:
 - “(xxiv) where practicable, consider the use of advanced security equipment, when investing in new equipment, to achieve civil aviation security objectives”
 - (g) adding in subregulation (2)(e) the words “Security Restricted Area in” between the words “in” and “order”;
 - (h) deleting the word “and” appearing at the end of subregulation (2)(h);
 - (i) adding the word “and” at the end of subregulation (2)(i);
 - (j) adding immediately after subregulation (2)(j) the following new paragraph:
 - “(k) conduct an evaluation following an exercise to identify deficiencies and remedy weaknesses in response mechanisms”.

Amendment of
regulation 26

17. The principal Regulations are amended by deleting regulation 26(1) and substituting for it the following:

“(1) The airport operator

and other responsible persons concerned, shall identify areas where, based on a security risk assessment, operations vital to the continued safe operation of civil aviation in the United Republic are carried out, and designate those areas as security restricted areas”.

Amendment of regulation 42

18. The principal Regulations are amended in regulation 42 by deleting the word “appropriate” appearing in subregulation (4) and substituting for it the words “screening or other”.

Amendment of regulation 48

19. The principal Regulations are amended by deleting regulation 48 and substituting for it the following:

“Measures relating to cyber threats 48. The Authority shall -

- (a) ensure that operators or entities as defined in the National Civil Aviation Security Programme or other relevant national documentation identify their critical information and communications technology systems and data used for civil aviation purposes and, in accordance with a risk assessment, develop and implement, as appropriate, measures to protect them from acts of unlawful interference;
- (b) ensure that the measures implemented

- protect as appropriate, the confidentiality, integrity and availability of the identified critical systems or data; and
- (c) ensure that measures include security by design, supply chain security, network separation, and the protection or limitation of any remote access capabilities, as appropriate, and in accordance with the risk assessment carried out by its relevant national authorities”.

Amendment of
regulation 102

20. The Principal Regulations are amended by deleting regulation 102(3).

Dodoma,
. 11th May, 2023

MAKAME M. MBARAWA,
Minister for Works and Transport