

BILLS SUPPLEMENT

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**THE EAST AFRICAN CIVIL AVIATION
ACADEMY BILL, 1991.**

MEMORANDUM

The object of this Bill is to set up as a body corporate and to give a firm legal basis to an East African Civil Aviation Academy to replace the existing Soroti Flying School, which was originally established in 1971 as the East African Civil Flying School.

2. The Bill therefore creates the East African Civil Aviation Academy and provides for its object and functions, its management and finances and provides for other matters connected therewith.

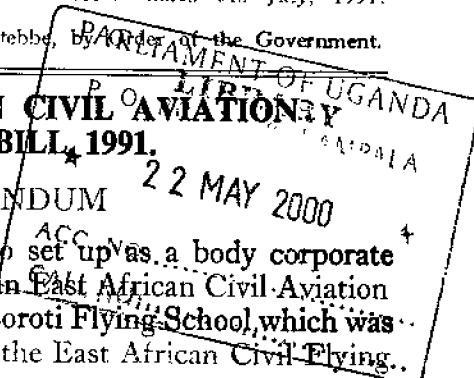
3. The main object of the Academy is to train civil aviation pilots and maintenance engineers and to provide other courses relating to civil aviation.

4. The training and courses are to be provided not only for Ugandan students but also for students from other Preferential Trade Area (PTA) countries and also for persons from non-PTA countries.

5. The Academy is indeed created to operate as a common service under Article 14 of the East African Community Mediation Agreement signed on 14th May, 1984 on behalf of the Republic of Tanzania, the Republic of Kenya and the Republic of Uganda as amended by the protocol signed on behalf of the three States at Nairobi on 18th February 1987. Accordingly, in law although the Academy will formally be a Ugandan institution, provision is made in the Bill for Tanzania and Kenya and even other member States of the Preferential Trade Area to be represented on the Board of Governors of the Academy.

6. The assets, rights, property, obligations and liabilities of the Government of Uganda in relation to the East African Civil Flying School, Soroti will, on the commencement of the Statute be transferred to the Academy.

DR. RUHAKANA RUGUNDA,
Minister of Transport and Communications.



THE EAST AFRICAN CIVIL AVIATION
ACADEMY BILL, 1991.

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A BILL for a Statute

ENTITLED

**THE EAST AFRICAN CIVIL AVIATION
ACADEMY STATUTE, 1991.**

A Statute to provide for the establishment of the East African Civil Aviation Academy; to provide for its object and functions; to provide for its management and its finances and for other purposes connected with the foregoing.

BE IT ENACTED by the President and the National Resistance Council as follows:

PART I—PRELIMINARY.

1. This Statute shall come into force on a date appointed by the Minister by statutory instrument.

Commencement.

2. In this Statute, unless the context otherwise requires—

Interpretation.

“Academy” means the East African Civil Aviation Academy established by section 3 of this Statute;

“Board” means the Board of Governors of the Academy established by section 6 of this Statute;

“Chairman” means the Chairman of the Board appointed under section 7 of this Statute and includes the Deputy Chairman;

“Deputy Chairman” means the Deputy Chairman of the Board elected under section 7 of this Statute;

“Deputy Director” means the Deputy Director appointed under section 18 of this Statute;

“Director” means the Director appointed under section 16 of this Statute and includes the Deputy Director or any other person for the time being performing the functions of Director under that section;

“Government” means the Government of the Republic of Uganda;

“Member State” means a member State of the Preferential Trade Area;

“Minister” means the Minister responsible for civil aviation;

“Preferential Trade Area” means the Preferential Trade Area for Eastern and Southern African States established by Article 2 of the Treaty for the establishment of the Preferential Trade Area;

“prescribed” means prescribed by the Board with the approval of the Minister.

PART II—ESTABLISHMENT, OBJECT AND FUNCTIONS OF ACADEMY.

Establi-
shment
of Academy.

3. (1) There is established the East African Civil Aviation Academy, in this Statute referred to as the “Academy”.

(2) The Academy shall be a body corporate, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Academy may, for and in connection with its object and functions under this Statute, purchase, hold, manage and dispose of any property whether movable or immovable and may enter into any contract and other transactions as may be expedient and may do any other act or thing as in law may be done by a body corporate.

(4) The Academy shall, in the exercise of its functions, have academic, financial and administrative autonomy subject to the provisions of this Statute.

(5) The Academy shall operate as a common service within the meaning of the East African Community Mediation Agreement signed on 14th May, 1984 on behalf of the Republic of Tanzania, the Republic of Kenya and the Republic of Uganda as from time to time amended.

4. The object of the Academy is to provide for studies, training and research in subjects relating to civil aviation for citizens of countries within the Preferential Trade Area and also for other persons approved by the Minister.

Object of Academy.

5. (1) For the attainment of its object under section 4 of this Statute and with a view to promoting the highest level of professional qualifications and standards of civil aircraft pilots and maintenance engineers, the Academy shall have the following functions—

Functions of Academy

- (a) to provide standard or special courses relating to the flying and engineering of civil aircraft;
- (b) to provide training in any other aviation discipline as may be prescribed;
- (c) to provide training in the installation, maintenance and operation of aircraft technical equipment, the use of which is likely to increase the operational safety of civil aircraft services;
- (d) to provide equipment and facilities necessary for technical research or normal use by the Academy as may be authorised by the Board;
- (e) to organise incidental study groups and the delivery of lectures to those groups.

(2) In the discharge of its functions, the Academy may charge fees in respect of any course provided by the Academy at such rates not exceeding the estimated cost of the course as may be prescribed.

(3) The Academy may do all other things incidental or conducive to the efficient carrying out of its object, the foregoing functions and the provisions of this Statute.

PART III--THE BOARD.

The Board.

6. The Academy shall have a Board of Governors.

Composi-
tion of
Board.

7. (1) The Board shall consist of seven members as follows—

(a) three members appointed by the Government of Uganda;

(b) two members appointed by the Government of Tanzania;

(c) two members appointed by the Government of Kenya; and

(d) such number of other members to be appointed from other member States as may be agreed by the Governments of Tanzania, Kenya and Uganda.

(2) The Minister shall designate as Chairman of the Board one of the members appointed by him under this section.

(3) The members shall be appointed from among persons who have experience in, or knowledge of, matters relating to civil aviation, engineering, management, administration or finance.

(4) The Board shall have a Deputy Chairman who shall be elected by the members from among themselves.

Tenure of
office of
Members.

8. (1) A member shall hold office as member for three years.

(2) A member may resign office as member by writing addressed to the authority which appointed that member with a copy to the Chairman or, in the case of the resignation of the Chairman, with a copy to the Director.

(3) The Deputy Chairman shall hold office for one year but shall be eligible for re-election.

(4) The Chairman may resign office as Chairman by notice in writing addressed to the Minister with a copy to the Director.

(5) The Deputy Chairman may resign office as Deputy Chairman by notice in writing addressed to the Chairman with a copy to the Director.

(6) A member appointed under paragraph (b) or (c) of subsection (1) of section 7 of this Statute shall cease to hold that office if notice is received by the Minister from the authority which appointed him stating that he has been removed from office as a member.

(7) A member appointed under paragraph (d) of subsection (1) of section 7 of this Statute shall cease to hold office when the three Governments referred to in that paragraph agree that he should cease to hold office.

(8) A member appointed by the Minister may be removed by the Minister by writing—

- (a) for inability to perform the functions of that office on ground of infirmity of body or mind or any other cause; or
- (b) for misbehaviour; or
- (c) in the public interest.

(9) The appointment of the Chairman may be revoked at any time in writing by the Minister but the holder of that office shall be eligible for re-appointment.

(10) Where any member is by reason of illness or other cause incapacitated from performing the functions of that office, the authority which appointed that member may appoint another person qualified in terms of section 7 of this Statute to perform the functions of member for the duration of the incapacity.

(11) The Director shall notify the appropriate authority as soon as possible of any vacancy coming to his notice in respect of the office of a member and that authority shall, as soon as possible, appoint another person qualified in terms of section 7 of this Statute to fill the vacancy.

(12) Any person ceasing to hold office as a member shall be eligible for re-appointment to that office.

9. Members and also persons co-opted to any meeting of the Board under section 10 of this Statute shall be paid such sitting, subsistence and other allowances and at such rates as the Minister may, after consultation with the Minister responsible for finance, determine.

Remuneration of Members.

PART IV—MEETINGS OF BOARD.

Meetings.

10. (1) The Board shall meet ordinarily for the dispatch of business at least twice in a year at such times and places as the Chairman may determine.

(2) The Chairman shall also summon a special meeting of the Board upon a request in writing by not less than three members of the Board.

(3) The Director shall act as Secretary to the Board.

(4) The Director shall, where the Chairman and the Deputy Chairman are both absent, summon a meeting of the Board if not less than four members of the Board request him in writing to do so.

(5) The Director shall give each member not less than fourteen days' notice of every meeting of the Board and the notice shall state the date, time, place and agenda of the meeting:

Provided that in the case of an emergency meeting, the notice shall be of such duration as the Board may, from time to time, determine.

(6) The quorum at any meeting of the Board shall be four members.

(7) The Chairman shall preside at any meeting of the Board or in his absence the Deputy Chairman shall preside; and in the absence of both the Chairman and the Deputy Chairman, a member elected by the members present shall preside.

(8) A question proposed at any meeting of the Board shall be determined by a simple majority of votes of members present; and where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(9) The Board may co-opt any person who is not a member to attend any meeting of the Board as an adviser; but a person so co-opted shall not be entitled to vote on any matter coming for decision by the Board at that meeting.

(10) A member who has any interest in any company or undertaking with which the Academy proposes to enter into any contract or who has any interest in any contract which the Academy proposes to enter into shall disclose in

writing to the Board the nature of his interest and shall, unless the Board otherwise directs, be disqualified from participating in any deliberations of the Board on the contract and shall, in any case, be disqualified from voting on any decision of the Board on the contract; and any member who infringes this subsection is liable to be removed from the Board.

(11) Except as otherwise expressly stated in this Statute, the Board may regulate its own procedure.

11. The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment or election of any of them or by reason of the fact that a person not entitled to do so took part in the proceedings.

Validity of proceedings not affected by vacancy, etc.

12. (1) The Director shall cause to be recorded and kept, minutes of all meetings of the Board.

Minutes of Board meetings.

(2) The minutes recorded under this section shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the Chairman and the Director in the presence of the other members present at the latter meeting.

13. (1) Subject to subsection (2) of this section, decisions of the Board may be made by the circulation of the relevant papers among the members and the expression of their views in writing, so however that any member shall be entitled to require that any such decision shall be deferred until the subject matter has been considered at a meeting of the Board.

Decision by circulation of papers.

(2) A decision made by circulation of papers under this section is not valid unless it is supported by not less than four members.

PART V—COMMITTEES OF BOARD.

14. (1) The Board may appoint one or more committees for the efficient performance of its functions under this Statute.

Committees.

(2) A committee appointed under this section may comprise members of the Board or persons who are not members of the Board or both.

(3) A committee shall have such functions as the Board may delegate to it and subject to such conditions and restrictions as the Board may impose.

(4) A decision of a committee appointed under this section shall have no effect unless confirmed by the Board.

(5) A member of a committee appointed under this section who has any interest in any company or undertaking with which the Board proposes to enter into any contract on behalf of the Academy or who has any interest in any contract which the Board proposes to enter into on behalf of the Academy shall disclose in writing to the committee the nature of his interest and shall, unless the committee otherwise directs, be disqualified from participating in any deliberations of the committee on the contract and shall, in any case be disqualified from voting in any decision of the committee on the contract; and any person who infringes this subsection is liable to be removed from the committee by the Board.

(6) Except where otherwise expressly stated in this section, the procedure of a committee appointed under this section shall be as prescribed by the Board.

PART VI—MANAGEMENT AND STAFF OF ACADEMY.

Functions
of Board.

15. (1) The Board shall, subject to the provisions of this Statute, be charged with the general control of the management and the affairs of the Academy on matters of policy.

(2) In particular and without prejudice to the general effect of subsection (1) of this section, the Board shall have the following functions—

- (a) to administer the property both movable and immovable of the Academy;
- (b) to administer the funds and other assets of the Academy;
- (c) to receive on behalf of the Academy, subventions, gifts, donations, grants and other moneys;
- (d) to determine the general policy and programme of the Academy;
- (e) to do such other things as are provided in this Statute or as may be necessary or expedient for

the proper implementation of the provisions of this Statute.

(3) The Board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under subsections (1) and (2) of this section to any officer of the Academy or to any person or body of persons as it considers appropriate.

16. (1) The Academy shall have an officer to be designated the Director. Director.

(2) The Director shall be appointed by the Minister on the recommendation of the Board and shall hold office on such terms and conditions as may be specified in his instrument of appointment.

(3) The Director shall be a person who has substantial experience in, and knowledge of matters relating to civil aviation, engineering, management, administration or finance.

(4) The Minister may, on the recommendation of the Board, remove the Director from office for—

(a) inability to perform the functions of his office on ground of infirmity of body or mind or any other cause; or

(b) misbehaviour.

(5) Where the Director is temporarily incapacitated by illness or other cause from the performance of his functions or where the office of the Director is vacant—

(a) the Deputy Director shall act as Director for the duration of the incapacity or until the vacancy is filled; and

(b) where it is not possible for the Deputy Director to act as Director, the Minister may, on the recommendation of the Board, appoint an officer of the Academy qualified in terms of subsection (3) of this section to perform the functions of the Director for the duration of the Director's incapacity or until the vacancy in the office of Director is filled.

17. (1) The Director shall be the chief administrative and academic officer of the Academy. Functions
of Director.

(2) The Director shall, subject to the control of the Board on matters of policy, be responsible for—

- (a) the day-to-day administration of the Academy and the execution of the decisions of the Board;
- (b) the conduct of the programme of the Academy;
- (c) the funds and properties of the Academy;
- (d) the organisation, discipline and control of—
 - (i) the employees of the Academy and other persons engaged by the Academy;
 - (ii) any person undergoing a course of study, instruction or training at the Academy.

(3) The Director shall, unless the Board in any particular case otherwise directs on grounds stated by it in writing, be entitled to attend all meetings of the Board but shall not have the right to vote on any matter falling to be decided by the Board at that meeting.

**Deputy
Director.**

18. (1) The Academy shall also have an officer to be designated the Deputy Director.

(2) The Deputy Director shall be appointed by the Minister on the recommendation of the Board and shall hold office on such terms and conditions as may be specified in his instrument of appointment.

(3) The Deputy Director shall be a person who has substantial experience in, and knowledge of matters relating to civil aviation, engineering, management, administration or finance.

(4) The Minister may, on the recommendation of the Board, remove the Deputy Director from office for—

- (a) inability to perform the functions of his office on ground of infirmity of body or mind or any other cause; or
- (b) misbehaviour.

(5) The Deputy Director shall act as the Director as required by subsection (5) of section 16 of this Statute and shall otherwise assist the Director in the performance of his functions under this Statute.

19. (1) The Board may appoint on behalf of the Academy such other employees as may be necessary for the proper and efficient discharge of the object and functions of the Academy under this Statute.

Other employees of Academy.

(2) The employees of the Academy appointed under this section shall hold office upon such terms and conditions as the Board may determine.

(3) Without prejudice to the general effect of subsection (2) of this section, the Board may, under that subsection provide for the payment to its employees of salaries, allowances, pension or other terminal benefits and may require them to make contribution to any pension, provident fund or superannuation scheme.

(4) Public officers may be seconded to the service of the Academy or may otherwise give assistance to the Academy.

(5) The Board may, subject to such conditions and restrictions as it may impose, delegate to the Chairman, a member, the Director or any other officer of the Academy, any of its powers to appoint or remove any employee under this section.

20. (1) The Board may, on the advice of the Director, engage on behalf of the Academy, the services of experts and consultants in respect of any of the functions of the Academy in connection with which they are considered to have special competence.

Experts and consultants.

(2) Experts and consultants engaged under this section may be paid such fees and allowances and may be afforded such facilities as the Board may determine.

PART VII—FINANCE.

21. (1) The funds of the Academy shall consist of—

Funds of Academy etc.

- (a) grants from the Government;
- (b) loans from the Government or from any person or organisation within or outside Uganda;
- (c) grants, gifts and donations that may be received by the Academy from any source within or outside Uganda; and

(d) any sums that may become payable to the Academy in the discharge of its functions under this Statute.

(2) All income and monies of the Academy shall be deposited to the credit of the Academy in a bank approved by the Board.

(3) Any funds of the Academy not immediately required for any purpose under this Statute may be placed in such investments as the Board may, with the approval of the Minister given after consultation with the Minister responsible for finance, from time to time, determine.

Estimates.

22. (1) The Director shall, not later than three months before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Academy for the next following financial year.

(2) The Board shall, within a period of three months before the end of each financial year cause to be submitted to the Minister for his approval, the estimates of income and expenditure submitted by the Director under subsection (1) of this section as approved by the Board.

(3) No expenditure shall be made out of the funds of the Academy unless the expenditure has been approved by the Minister under this section.

Borrowing powers.

23. (1) The Board may, on behalf of the Academy with the prior approval of the Minister, obtain loans and other credit facilities for meeting the obligations of the Academy and for carrying out the functions of the Academy under this Statute.

(2) The Board may, on behalf of the Academy, borrow temporarily by way of overdraft or otherwise, such sums as may be required for meeting the current obligations of the Academy or for discharging its functions.

(3) A loan or credit facility obtained under this section may, with the prior approval of the Minister, be guaranteed by the Government; and when so guaranteed, the principal sum and interest of that loan shall be a charge on the Consolidated Fund.

(4) The Minister may, from time to time, prescribe the maximum sums which may be borrowed under this section.

24. The financial year of the Academy shall be, in respect of the first accounting period, the period starting from the date of commencement of this Statute, and ending on the 30th June the following year, and in respect of any subsequent accounting period, the period of twelve months ending on the 30th June. Financial year of Academy.

25. (1) The Board shall cause to be kept proper books of accounts of all income and expenditure of the Academy and proper records in relation to them. Accounts.

(2) Subject to any directions that may be given by the Minister, the Board shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement which shall include a report on the performance of the Academy during that financial year and the statement shall comprise—

- (a) a balance sheet, a statement of income and expenditure and a statement of assets and liabilities of the Academy in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Academy as the Minister may by writing require.

26. (1) The accounts of the Academy shall, in respect of each financial year, be audited by the Auditor-General or by an auditor appointed by the Auditor-General. Audit.

(2) The Board shall ensure that within four months after the close of each financial year, a statement of accounts described in section 25 of this Statute is submitted to the Auditor-General for auditing.

(3) The Auditor-General and any auditor appointed by him shall have access to all books of accounts, vouchers and other financial records of the Academy and be entitled to have any information and explanation required by him in relation to them as he may think fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2)

of this section, audit the accounts and deliver to the Board a copy of the audited accounts together with his report on them stating any matter which in his opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall deliver to the Minister a copy of the audited accounts together with his report on them.

PART VIII—MISCELLANEOUS.

Common
seal and
execution
of contracts,
etc.

27. (1) The common seal of the Academy shall be such device as the Board may determine and shall be kept in the custody of the Director.

(2) Pending the making of a common seal for the Academy, the Board may cause to be used a wafer or rubber stamp in place of a seal.

(3) The common seal of the Academy shall, when affixed onto any document, be authenticated by the signatures of any two members of the Board together with the signature of the Director or the Deputy Director.

(4) The signatures prescribed by subsection (3) of this section for authentication shall be independent of the signing by any other person as witness.

(5) A contract or instrument which if entered into or executed by a person who is not a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the Academy by the Director or any other person authorised to do so by the Board.

(6) Every document purporting to be—

(a) an instrument issued by the Academy and sealed with its common seal, authenticated in the manner prescribed in this section; or

(b) a contract or instrument entered into or executed under subsection (5) of this section,

shall be received in evidence without further proof as such an instrument duly issued or a contract duly entered into or executed as the case may be, unless the contrary is proved.

28. (1) A member of the Board shall not be personally liable for an act done by him in good faith for the purpose of carrying into effect the provisions of this Statute.

Protection of Board members and staff from legal proceedings.

(2) An employee or other person acting on behalf of the Academy shall not be personally liable for any act done by him in good faith for the purpose of carrying into effect the provisions of this Statute.

29. The Board shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the Academy in respect of that financial year and the report shall include a record of the performance of the Academy during that financial year and its future plans.

Annual Report.

30. The Minister shall submit to the Legislature as soon as possible after receiving them—

Minister's Report.

- (a) the audited accounts of the Academy submitted to him by the Auditor-General under section 26 of this Statute; and
- (b) the annual report of the Academy submitted to him under section 29 of this Statute.

31. Without prejudice to any other law relating to the service of documents, a document required to be served on the Academy may be served by leaving it at the office of the Director.

Service of notices, etc on Academy.

32. (1) The Minister may make regulations for the better carrying into effect of the provisions of this Statute.

Regulations.

(2) Without prejudice to the general effect of subsection (1) of this section, the Minister may make regulations under that subsection—

- (a) prescribing diplomas, certificates and other awards which may be granted or conferred by the Academy under this Statute and the conditions to be fulfilled before they are granted or conferred;
- (b) relating to the conduct of examinations in respect of courses under this Statute;

- (c) prescribing fees or other payments in respect of admissions to the Academy; and examinations conducted in respect of courses conducted by the Academy; and
- (d) providing for disciplinary proceedings against the employees of the Academy and any persons undergoing a course of study conducted by the Academy.

Transi-
tional
provisions

33. (1) Unless the Board with the approval of the Minister otherwise directs in writing, all employees and other persons engaged in the operation of the erstwhile East African Civil Flying School at Soroti immediately before the commencement of this Statute shall, on the commencement of this Statute, be deemed to be transferred to the service of the Academy on terms not less favourable than those applicable to them immediately before the commencement of this Statute and in posts equivalent to those held by them immediately before such commencement.

(2) A person to whom subsection (1) of this section applies shall be deemed to have been transferred to the service of the Academy under that subsection unless within six months after the commencement of this Statute, he gives written notice to the Permanent Secretary of the Ministry responsible for civil aviation stating his intention to remain in the service of the Government.

(3) All assets, property, rights, obligations and liabilities of the Government in relation to the erstwhile East African Civil Flying School, Soroti, shall, upon the commencement of this Statute, be deemed to be transferred to the Academy.

(4) Without prejudice to the general effect of subsection (3) of this section, the Minister may, for the avoidance of doubt, by statutory order, transfer to the Academy any asset or property which was, immediately before the commencement of this Statute, in the possession of the erstwhile East African Civil Flying School, Soroti.