

STATUTORY INSTRUMENTS SUPPLEMENT

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STATUTORY INSTRUMENTS .

2001 No. 67.

THE CIVIL AVIATION (INVESTIGATION OF AIR  
ACCIDENTS INVOLVING CIVIL AND MILITARY AIRCRAFT  
OR INSTALLATIONS) REGULATIONS, 2001.

ARRANGEMENT OF REGULATIONS.

*Regulation.*

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# STATUTORY INSTRUMENTS.

2001 No. 67.

## The Civil Aviation (Investigation of Air Accidents Involving Civil and Military Aircraft or Installations) Regulations, 2001.

*(Under section 62 of the Civil Aviation Authority Statute, 1994, No. 3 of 1994).*

IN EXERCISE of the powers conferred on the Minister by section 62 of the Civil Aviation Authority Statute, 1994 and on the recommendation of the Civil Aviation Authority these Regulations are made this 24th day of May, 2001.

Statute No.  
3 of 1994.

### PART I—PRELIMINARY.

1. These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents Involving Civil and Military Aircraft Installations) Regulations, 2001.

Citation

2. (1) In these Regulations, unless the context otherwise requires—

Inter-  
pretation.

“Accident” includes an incident and a reportable accident:

“aerodrome authority” means in relation to any civil aerodrome the person for the time being having the management of the aerodrome:

“commander” in relation to a civil aircraft means the member of the crew designated as commander of that aircraft by the operator of the aircraft or in the absence of such a person the person who is for the time being the pilot-in-command of the aircraft, and in relation to a military aircraft, means the person who is for the time being in command of that aircraft:

“Chief Inspector” means the chief Inspector of Accidents appointed under regulation 7 of the Civil Aviation (Investigation of Accidents) Regulations, 2001 and includes any deputy chief inspector:

“crew” includes every person employed or engaged in an aircraft flight on the business of the aircraft:

“incident” means any fortuitous or unexpected event, not being a reportable accident by which the safety of an aircraft or any person is threatened:

“Inspector” means a person appointed as an Inspector of Accidents under sub-regulation (1) of regulation 7 of the Civil Aviation (Investigation of Accidents) Regulations, 2001:

“operator” in relation to a civil aircraft means the person for the time being having the management of that aircraft:

“owner” means where an aircraft is registered the registered owner:

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft:

“reportable accident” means an occurrence associated with the operation of an aircraft which takes place between the time when any person boards the aircraft with the intention of flight and such time as all persons have disembarked from the aircraft in which—

(a) any person suffers death or serious injury while in or upon the aircraft or by direct contact with any part of the aircraft including any part which has become detached from the aircraft or by direct exposure to jet blast, except when the death or serious injury is from natural causes, is self inflicted or is inflicted by any other person or when the death or serious injury is suffered by a stowaway hiding outside the areas normally available in flight to the passengers and members of the crew of the aircraft; or

(b) the aircraft incurs damage or structural failure, other than—

(i) engine failure or damage when the damage is limited to the engine its cowling or accessories;

(ii) damage limited to propellers, wing tips, antennae, tyres, brakes, firings, small dents or punctured holes in the aircraft skin, which adversely affects its structural strength performance or flight characteristics and which would normally require major repair or replacement of the affected component; or

(c) the aircraft is missing or is completely inaccessible:

“serious injury” means an injury which is sustained by a person in a reportable accident and which—

(a) requires his or her stay in hospital for more than 48 hours commencing within seven days from the date on which the injury was received; or

- (b) results in a fracture of any bone except simple fractures of fingers, toes or nose; or
- (c) involves lacerations which cause nerve, muscle or tendon damage or severe haemorrhage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns or any burns affecting more than five per cent of the body surface; and

“seriously injured” shall be construed accordingly.

(2) References in these Regulations to the Ministers are reference to the Minister responsible for transport and the Minister responsible for defence acting jointly.

(3) An aircraft shall be treated for the purposes of these Regulations as being a military aircraft at any time if, but only if—

- (a) it was at that time an aircraft belonging to any of Uganda military or air forces; or
- (b) not being such an aircraft as referred to in paragraph (a) and which at that time was aircraft belonging to any of the naval, military or air forces of any country; or
- (c) the Minister responsible for defence certifies that by reason of circumstances affecting the aircraft the aircraft ought to be treated for the purposes of these Regulations as being at that time a military aircraft.

Application

3. (1) Where a military aircraft is involved in an accident arising out of or in the course of air navigation and occurring in or over Uganda or, if the aircraft belongs to the State of Uganda occurring anywhere and the Ministers are of the opinion that —

- (a) the accident is or may be the result of a collision between that aircraft and a civil aircraft: or
- (b) the accident occurred or may have occurred while the aircraft was on or in course of taking off from or landing on an aerodrome used wholly or mainly for the purposes of civil aviation: or
- (c) the accident has or may have otherwise occurred in such circumstances that the Minister is or may be concerned or interested in its circumstances or causes,

the Ministers may direct that the accident shall be treated as an accident to which these Regulations apply.

(2) Where a civil aircraft is involved in an accident arising out of or in the course of air navigation and occurring in or over Uganda or, if the aircraft is registered in Uganda or belongs to Uganda occurring anywhere, and the Ministers are of the opinion that—

- (a) the accident is or may be the result of a collision between that aircraft and a military aircraft: or
- (b) the accident occurred or may have occurred while the aircraft was on or in the course of taking off from or landing on an aerodrome controlled by any of Uganda Military or air forces or by military or air forces of any country: or
- (c) the accident has or may have otherwise occurred in such circumstances that the Minister responsible for defence or any other authority of any Uganda military or air forces or any authority of the military or air forces of any country is or may be concerned or interested in its circumstances or causes.

the Ministers may direct that the accident shall be treated as an accident to which these Regulations apply.

(3) Public notice of any direction made under this regulation shall be given in such manner as the Ministers may think fit.

(4) References in these Regulations to an accident to which these Regulations apply are references to an accident in respect of which a direction has been given under the foregoing provisions of this regulation.

Purpose of  
accident  
investiga-  
tion

4. The fundamental purpose of investigating accidents under these Regulations shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future and not for the purpose of apportioning blame or liability.

#### PART II—ACCIDENT INVESTIGATION.

Duty to  
furnish  
information  
relating to  
accidents

5. (1) Where a civil aircraft is involved in a reportable accident being an accident to which these Regulations apply, and the accident is not one in respect of which notification has been given previously in accordance with the Civil Aviation (Investigation of Accidents) Regulations, 2001, the commander of the civil aircraft involved at the time of the accident, or if he or she killed or incapacitated, then the operator of the aircraft, and, in the case of an accident occurring on or adjacent to an aerodrome, the aerodrome authority shall immediately give notice of the accident to the Chief Inspector by the quickest means of communication available and in the case of a reportable accident occurring in or over Uganda shall also notify immediately the local police authorities of the accident and of the place where it occurred.

(2) The notice to the Chief Inspector referred to in sub-regulation (1) shall state as far as possible—

(a) the identifying abbreviation ACCID;

(b) the type, model and the nationality and registration marks of the aircraft;

- (c) the name of the owner, operator and hirer (if any) of the aircraft;
- (d) the name of the commander of the aircraft;
- (e) the date and Universal Standard time of the accident;
- (f) the last point of departure and the next point of intended landing of the aircraft;
- (g) the position of the aircraft by reference to some easily defined geographical point and latitude and longitude;
- (h) the number of crew on board at the time of the accident and the number of them killed or seriously injured as a result of the accident;
- (i) the number of passengers on board at the time of the accident and the number of them killed or seriously injured as a result of the accident;
- (j) the number of other persons killed or seriously injured as a result of the accident;
- (k) the nature of the accident and the extent of the damage to the aircraft as far as it is known.

(3) Where a civil aircraft is involved in an accident to which these Regulations apply, the owner, operator, commander or hirer of the aircraft shall, if so required by notice in writing given to him or her by the Chief Inspector, send to the Chief Inspector within such time as may be specified in the notice such information as is in his or her possession or control, with respect to the accident in such form as the Chief Inspector may require.

6. The Chief Inspector may at any time publish or cause to be published, information relating to an accident whether or not the accident is the subject of an investigation by an Inspector or a Review Board or of a public inquiry.

Publication  
of  
information  
relating to  
accidents

7. (1) Subject to regulation 9 of these Regulations where an accident to which these Regulations apply occurs in or over Uganda, no person other than an authorised person shall have access to the aircraft involved in the accident and neither any of the aircraft nor its contents shall except under the authority of the Minister responsible for transport or the Minister responsible for defence be removed or otherwise interfered with.

(2) Subject to the provisions of the Customs and Excise Management Act—

(a) civil aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals, removing any mails, valuables and dangerous goods carried by the aircraft preventing destruction by fire or other cause or preventing any danger or obstruction to the public or to air navigation or to other transport, or under the supervision Inspector or of a police officer for the purpose of removing any other property from the aircraft:

(b) military aircraft may be removed or interfered with so far as may be necessary for the purpose of saving human life or the removal of any immediate hazard to human life:

(c) if aircraft is wrecked on the water the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(3) In this regulation authorised person means any person authorised by the Minister responsible for transport or Minister responsible for defence either generally or specially to have access to any aircraft involved in an accident, and includes any Police officer or any officer of customs and excise.

8. (1) The Chief Inspector shall determine whether or not an investigation shall be carried out into any accident to which these Regulations apply and he or she may personally carry out or may cause an Inspector to carry out an investigation of any such accident.

Inspector of accidents.

(2) Without prejudice to the powers of an Inspector to seek such advice or assistance as he or she may deem necessary in making an investigation, the Minister may at the request of the Chief Inspector appoint other persons to assist any Inspector in a particular investigation and those such persons shall, for the purpose of so doing have such of the powers of an Inspector under these Regulations as may be specified in their appointment.

9. For the purpose of the investigation of any accident to which these Regulations apply, or any inquiries undertaken with a view to determining whether any such investigation should be held an Inspector shall have power—

Powers of Inspectors.

(a) by summons signed by him or her to call before him or her and examine all such persons as he or she thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Inspector may consider relevant and to retain any such books, papers, documents and article until the completion of the investigation or any inquiry held under regulation 17 or, as the case may be, it is determined that an investigation shall not be carried out;

(b) to take statements from all such persons as he or she thinks fit and to require any such persons to make and sign a declaration of the truth of the statement made by that person;

(c) to have access to and examine any aircraft involved in any such accident and the place where the accident occurred and to require any such aircraft or any part or equipment of it to be preserved unaltered pending investigation;

(d) to examine, remove, test, take measure for the preservation, of or otherwise deal with—

(i) the aircraft involved in the accident; or

(ii) where it appears to the Inspector necessary for the purposes of any such investigation or inquiries, any other aircraft or any part of such aircraft or anything contained in it;

(e) on production if required of his or her credentials, to enter and inspect any place, building or aircraft the entry or inspection of which appears to the Inspector to be necessary for the purposes of any such investigation or inquiries or any inquiry held under regulation 16 except that an Inspector shall not have power to enter any premises under this sub-regulation purpose of inquiries with a view to determining whether an investigation should be held if at the time of the proposed entry the premises area being used as dwelling premises;

(f) to take such measure for the preservation of evidence as he or she considers appropriate.

Inspector's  
investigation  
and report

10. (1) Public notice that an investigation by an Inspector in these Regulations referred to as an Inspector's investigation is taking place shall be given in such manner as the Chief Inspector may think fit and shall invite any persons who desire to make representations concerning the circumstances or causes of the accident to do so in writing within a time specified in the notice.

(2) An Inspector's investigation shall exclude the public.

(3) Where it appears to the Inspector that in order to resolve any conflict of evidence or that for any other reason it is expedient to do so he or she may permit any person to appear before him or her and call evidence and examine witnesses.

(4) Every person summoned by the Inspector as a witness in accordance with these Regulations shall be allowed such expenses as the Minister, with the approval of the Minister responsible for finance may determine.

(5) The Chief Inspector may determine that any Inspector's investigation being carried out into any accident shall be discontinued and in that case no report shall be made on it to the Minister under subregulation (6) but public notice shall be given in such manner as the Chief Inspector may think fit for that the investigation has been discontinued.

(6) Subject to subregulation (8) and regulation 11, upon completion of an Inspector's investigation the Chief Inspector shall submit to the Ministers the report of the Inspector who carried out the investigation.

(7) The report to the Ministers shall, state the facts relating to the accident followed by an analysis of the facts and conclusions as to the cause or causes of the accident, together with any recommendations which the Inspector thinks fit to make with a view to the preservation of life and the avoidance of accidents in future.

(8) If it appears to the Inspector carrying out the investigation or to the Chief Inspector that the investigation of any accident of which these Regulations apply has been completed but for the investigation of matters affecting the discipline or internal administration of any of Uganda military or

air forces, or any of military or air forces of any foreign country, which are more appropriate for investigation by some other person or somebody, the investigation may be treated for the purposes of subregulation (6) as if it had been completed without such other person or body, the investigation may be treated for the purposes of subregulation (6) as if it had been completed without such matters being investigated under these Regulations.

(9) Any report under this regulation shall specify any matters to which the investigation has not extended by reason of the foregoing provisions of this regulation.

Notice of  
Inspector's  
report and  
representations

11. (1) No report shall be submitted to the Ministers under subregulation (6) of regulation 10 in respect of an accident until the Inspector has—

(a) where it appears to him or her to be practicable to do so served a notice under this regulation upon the operator and the commander of the aircraft involved in the accident and where the aircraft involved is a military aircraft, on the Minister responsible for Defence and on any person whose reputation is, in the Inspectors' opinion likely to be adversely affected by the report or, if any of the foregoing persons is deceased, upon such person or persons as appear to the Inspector, at the time he or she proposes to serve notice under this subregulation to represent best the interest of the deceased in the matter; and

(b) considered any representations which may be made to him or her in accordance with subregulation (3) by or on behalf of the persons served with the notice.

(2) The notice referred to in subregulation (1) shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident which may affect the person on whom or in respect of whom the notice is served.

(3) Any representations made under subregulation (1) shall be in writing and shall be served on the Inspector within 28 days after service of the notice referred to in that subregulation or within such further period as may be allowed under regulation 21.

(4) A copy of the report submitted to the Ministers under subregulation (6) of regulation 10 shall be served by the Chief Inspector on any person who has been served with a notice under subregulation (1) of this regulation.

### PART III—REVIEW BOARD.

12. (1) Any person including the Minister responsible for Defence who has been served with a notice under regulation 11 may, at any time before the expiration of the period of 21 days from the day on which he or she has been served with a copy of the report under regulation 11(4) or within such further period as may be allowed under regulation 21 serve on the Minister written notice in these Regulations referred to as "notice of review" that he or she wishes those findings and conclusions in the report from which it appears that his or her reputation or, as the case may be the reputation of the person on whose behalf representations have been made under subregulation (3) of regulation 11 is likely to be adversely affected, to be reviewed by a Review Board.

Notice of  
review.

(2) The notice of review shall, specify the findings and conclusions that it considered should be reviewed by the Review Board and shall state concisely the grounds on which the findings and conclusions in the report are challenged and there shall be appended to the notice a copy of any representations made under subregulation (3) of regulation 11.

(3) A copy of the notice of review together with a copy of any representations made under subregulation (3) of regulation 11 shall, at the same time as the notice of review is served on the Minister, be served on the Solicitor General and the person requesting the review shall then or as soon as possible thereafter inform the Solicitor General whether or not he or she proposes to be represented at the hearing of the review and of the name and address of the advocate, if any acting for him or her or of any other person who will be representing him or her at the review.

(4) A copy of the notice of review shall also be served by the person requesting the review on all other persons on whom the Inspector has served a notice under subregulation (1) of regulation 11, and for that purpose the person requesting the review may require the Inspector furnish him or her with the names and addresses of those persons.

Appointment  
Review  
Board.

13. (1) Where a notice of review in accordance with regulation 12 has been served, the review shall be carried out by Review Board consisting of a chairperson to be appointed for the purpose by the Attorney General and such technical assessors as may be so appointed by the Attorney General.

(2) Before the hearing of the review, the Review Board shall hold a preliminary meeting at which any directions may be given or any preliminary interim order as to the procedure may be made.

(3) Not less than 21 days notice of the date, time and place of the preliminary meeting shall be given by the Solicitor General to each person requesting the review and each person on whom a copy of the notice of review has been served

(4) Any person intending to make any application to the Review Board at the meeting shall give notice of it to the Solicitor General.

(5) The Solicitor-General shall serve on the person requesting the review and on all other persons on whom the Inspector has served a notice under subregulation (1) of regulation 11, not less than 21 days' notice of the date, time and place of the hearing of the review.

(6) The hearing shall be in public unless the Review Board determines, in relation to the whole or part of the review, that it is to be held with the exclusion of the public in the interests of justice or in the public interest: except that a decision by the Review Board that the hearing or part of it, shall be held with the exclusion of the public and shall not preclude the Inspector who made the report or a member from being present at the hearing.

(7) The Review Board shall be assisted by the solicitor-General or by state attorney instructed by him or her who shall present any evidence required by the Review Board and may examine any witnesses giving evidence at the review: the chief Inspector shall render such assistance to the Review Board as is in his or her power.

14. (1) The person requesting the review shall be heard by the Review Board and shall have the right to give evidence, produce witnesses and examine any other witnesses giving evidence at the review.

Proceedings  
of review  
board.

(2) The Inspector who made the report shall be entitled to be heard by the Review Board.

(3) Any person including the Minister responsible for defence who in the opinion of the Review Board may be directly affected by the review may be granted leave to appear and to give evidence, produce witnesses and examine any other witnesses giving evidence at the review.

(4) Any application for leave under subregulation (3) may be made to the Review Board at the preliminary meeting.

(5) In any proceedings of the Review Board the person requesting the review and any other person appearing by leave granted under subregulation (3) may appear in person or be represented by any other person whom he or she may have authorised to represent him or her.

(6) The Review Board shall have all the powers of an Inspector under these Regulations and, in addition, may administer an oath to or require a solemn affirmation from any witness.

(7) Where new and important evidence is given at the review, which was not given at the Inspector's investigation, the Review Board may, on an application by the Chief Inspector, discontinue the investigation to be re-opened.

(8) Where at any time during the review the Review Board is satisfied that any of the findings and conclusions in the Inspector report do not adversely affect the reputation of the person in respect of whom the notice of review was served, the Review Board may discontinue the review in respect of those findings and conclusions.

(9) Where a review is totally discontinued under subregulation (8) no report shall be made to the Minister under paragraph (15).

(10) Every person summoned by the Review Board as a witness shall be allowed such expense as the Minister, with the approval of the Minister responsible for finance may determine.

(11) The Review Board may, if it thinks fit, order any person who appears or is represented as mentioned to pay respect of the costs of the Review Board such sum as may be specified in the order, or the taxed amount of those costs or such part of it as may be so specified upon such basis as may be so specified.

(12) Without prejudice to the generality of the foregoing, the review Board shall, in determining whether to make an order as to costs against any person, have regard to whether or not that person took advantage of such opportunities as were open to him or her to make representations under regulation 11 or, where that person gave new and important evidence at the review and the review was discontinued, whether or not that person could reasonably have given that evidence at the inspector's investigations.

(13) Any costs required by an order under subregulation (11)(a) above to be taxed shall be taxed by the Registrar of the Court on the basis specified in the order.

(14) Any sum payable by virtue of an order under subregulation (11) shall, if the magistrates court so orders, be recoverable by execution issued from Magistrates Court or otherwise as if payable under an order of that court.

(15) Upon completion of the review the Review Board shall make a report to the Minister containing a summary of the proceedings at the hearing and either confirming or rejecting in whole or in part those findings and conclusions of the Inspector which were the subject of the review, together with its reasons and the Minister shall serve a copy of the report on all persons who appeared or were represented before the Review Board.

15. (1) The Ministers shall, unless in their opinion there are good and sufficient reasons to the contrary, cause the Inspector's report and, where a Review Board has been held, the report of the Review Board, to be made public wholly or in part in such manner as they think fit.

Publication  
of reports  
for the  
findings and  
conclusions.

(2) Where notice has been served under subregulation (1) of regulation 11, the Inspector's report shall not be published before the expiry of time for service of a notice of review under subregulation (1) of regulation 12.

(3) Except where a review is totally discontinued under subregulation (7) of regulation 14, in any case where a Review Board is held, the Inspector's report shall not be published until the Review Board has made a report to the Minister under subregulation (8) of regulation 14.

(4) Any other person, including the Minister responsible for defence may by leave of the Court appear, and any person who obtains leave to appear shall thereupon become a party to the proceedings.

(5) Any application for leave under subregulation (5) may be made to the Court at a preliminary meeting.

(6) At any time before the date appointed for holding the inquiry, the Court may hold a preliminary meeting at which any directions may be given or any preliminary or interim order as to the procedure may be made.

(7) Notice of the date, time and place of the preliminary meeting shall be given by the Solicitor General to the ~~parties~~ parties to the proceedings and to any other person who has notified the Solicitor General that he or she intends to apply to the Court for leave to appear.

(8) Any person intending to make an application to the Court at the meeting shall give notice of the intention to the Solicitor General.

(9) The Court shall have, for the purpose of the inquiry, all the powers of a Magistrate's Court, and without prejudice to those powers, the Court may—

(a) enter and inspect, or authorise any person to enter and inspect, any place, building to aircraft the entry or inspection of which appears to the Court to be necessary for the purposes of the inquiry;

(b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine and require those persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant.

(c) administer an oath to or require a solemn affirmation from any such witness.

(10) The Assessors shall have the same power of entry and inspection as the Court.

(11) Affidavits and statutory declarations may, by permission of the Court, be used as evidence at the hearing.

(12) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served or who have obtained leave to appear, or any of them, are present or not.

(13) The Court shall hold the inquiry in public except to the extent to which the court directs, in relation to any part of the evidence or any argument relating thereto, that the inquiry be held with the exclusion of the public in the interest of justice or in the public interest.

(14) The Inspector who carried out, or before its discontinuance under subregulation (1), was carrying out an Inspector's investigation into an accident to which the inquiry relates and a member of the Parliamentary Committee shall be entitled to be present at any proceedings of the Court held with the exclusion of the public.

16. (1) In the case of any Inspector's investigation which has not been the subject of a review the Chief Inspector may cause the investigation to be reopened, and in the case of a review the Ministers may direct the review to be reheard. In both cases wither generally or as to any part thereof, and the Chief Inspector or the Minister, as the case may be, shall do so—

Reopening  
of  
investigation  
or review

(a) if after the completion of the investigation or the review new and important evidence has been discovered; or

(b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Ministers direct any review to be heard, the Attorney General may direct that the review shall be reheard by the Review Board by whom it was heard in the first instance or by some other Review Board appointed by him to hold the rehearing.

(3) Any investigation reopened or review reheard shall be subject to and conducted in accordance with the provisions of these Rules relating to an Inspectors investigation or review thereof as the case may be.

#### PART IV—PUBLIC INQUIRIES.

Holding of  
public  
inquiries.

17. (1) Where it appears to the Ministers that it is expedient in the public interest to hold a public inquiry into the circumstances and causes of an accident to which these Regulations apply or into any particular matter relating to the avoidance of such accidents in the future, he or she may direct that a public inquiry be held by a Commissioner appointed by the Chief Justice.

(2) Where a public inquiry has been directed under sub regulation (1) any Inspector's investigation relating to the accident or to the particular matter, as the case may be, shall be discontinued except for the purpose of rendering assistance as required by sub regulation (5) of this regulation.

(3) The Commissioner in these Regulations referred to as the Court shall be a Judge or an advocate of not less than ten years standing and shall be assisted by not fewer than two assessors possessing aeronautical, engineering or other special skills or knowledge.

(4) The Assessors shall be appointed by the Chief Justice.

(5) Where the Ministers have directed a public inquiry to be held, they shall remit the case to the Attorney General, and thereafter the preparation and presentation of the case shall be conducted by the Solicitor-General under the direction of the Attorney General and the Chief Inspector shall render such assistance to the Court and to the Attorney General as is in his or her power so to do.

(6) When the Ministers have directed a public inquiry to be held, the Attorney-General shall cause a notice of the date, time and place and the nature of the public inquiry to be served upon the owner, operator, hirer and commander of any aircraft involved in the accident and on any other person who in his or her opinion ought to be served with such a notice.

(7) The Attorney General, the owner, the operator, the hirer, the commander and any other person on whom a notice of inquiry has been served under sub regulation (6) shall be deemed to be parties to the proceedings.

(8) Any other person, including the Minister responsible for Defence may, by leave of the Court appear, and any person who obtains leave to appear shall thereupon become a party to the proceedings.

(9) Any application for leave under sub-regulation (5) may be made to the Court at a preliminary meeting.

(10) At any time before the date appointed for holding the inquiry, the Court may hold a preliminary meeting at which any directions may be given or any preliminary or interim order as to the procedure may be made.

(11) Notice of the date, time and place of the preliminary meeting shall be given by the Solicitor General to the parties to the proceedings and to any other person who has notified the Solicitor General that he or she intends to apply to the Court for leave to appear.

(12) Any person intending to make an application to the Court at the meeting shall give notice of the intention to the Solicitor General.

(13) The Court shall have, for the purpose of the inquiry, all the powers of a Magistrate's Court, and without prejudice to those powers, the Court may—

(a) enter and inspect, or authorise any person to enter and inspect, any place, building or aircraft the entry or inspection of which appears to the Court to be necessary for the purposes of the inquiry;

(b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine and require those persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant;

(c) administer an oath to or require a solemn affirmation from any such witness.

(14) The Assessors shall have the same power of entry and inspection as the Court.

(15) Affidavits and Statutory declarations may, by permission of the Court, be used as evidence at the hearing.

(16) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served or who have obtained leave to appear, or any of them, are present or not.

(17) The Court shall hold the inquiry in public except to the extent to which the court directs, in relation to any part of the evidence or any argument relating thereto, that the inquiry be held with exclusion of the public in the interest.

(18) The Inspector who carried out, or before its discontinuance under sub-regulation (1), was carrying out an Inspector's investigation into an accident to which the inquiry relates and a member of the Parliamentary Committee shall be entitled to be present at any proceedings of the Court held with the exclusion of the public.

18. (1) The proceedings on the inquiry shall commence with an opening speech by or on behalf of the Attorney-General followed at the discretion of the Court by brief speeches by or on behalf of the other parties.

Proceedings  
of public  
inquiry.

(2) The proceedings shall continue with the production and examination of witnesses on behalf of the Attorney-General.

(3) The witnesses, after being examined on behalf of the Attorney General, may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined on behalf of the Attorney-General.

(4) When the examination of the witnesses produced on behalf of the Attorney-General has been concluded, the Court shall proceed to hear the other parties to the proceedings.

(5) Each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduced evidence.

(6) The parties shall be heard and their witnesses examined, cross examined and re-examined in such order as the court shall direct.

(7) Further witnesses may also be produced and examined by the parties and re-examined on behalf of the Attorney-General.

(8) When the whole of the evidence has been concluded any of the parties who desires so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case on behalf of the Attorney-General.

(9) The Court may adjourn the inquiry from time to time and from place to place, and where an adjournment is asked for by any party to the inquiry the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(10) Upon completion of the inquiry, the Court shall make a report to the Minister stating the facts relating to the accident and the opinion or otherwise as it may think just as a condition of granting the adjournment.

(11) Upon completion of the inquiry, the Court shall make a report to the Minister stating the facts relating to the accident and the opinion of the Court covering the cause or causes of the accident or on the particular matter referred to the court thinks fit to make with a view to the preservation of life and the avoidance of accidents in the future.

(12) Each Assessor shall either sign the report with or without reservations, or state in writing his or her dissent from the report and his or her reasons for any such dissent, and the reservations or dissent and reasons shall be forwarded to the Ministers with the report and the Ministers shall, unless in their opinion there are good reasons to the contrary, cause the report and reservations or dissent and reasons to be made public wholly or in part in such manner as they think fit.

(13) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before the High Court, and in case of dispute as to the amount to be allowed, the matter shall be referred by the Court to Registrar of the High Court who, on request signed by the Court shall ascertain and certify the proper amount of the expenses.

(14) Except that in the case of any party to the proceedings or of any person in the employment of such a party, any such expenses may be disallowed if the Court in its discretion so directs.

19. (1) The Ministers, in any case where a public inquiry has been held, direct the inquiry to be reheard either generally or as to any part of it and shall do so—

Rehearing  
of public  
inquiries.

(a) if after the completion of the inquiry new and important evidence has been discovered: or

(b) if for any other reason there is in his or her opinion ground for suspecting that miscarriage of justice has occurred.

(2) If the Ministers direct any inquiry to be reheard, the Chief Justice may direct that the inquiry shall be heard either by the Court by whom it was heard in the first instance or by some other person appointed by him or her to hold the rehearing.

(3) Any inquiry reheard shall be subject to and conducted in accordance with the provisions of these Regulations relating to the holding of public inquiries.

#### PART IV—GENERAL.

20. Any notice or other document required or authorised by any provision of these Regulations to be served on or given to any person may be served or given by delivering it to that person or by sending it to that person by post at the usual or last known residence or place of business whether in Uganda or elsewhere.

Service of  
notices and  
other  
documents.

21. (1) Where an accident has occurred in or over Uganda to an aircraft registered in any country or territory other than Uganda the Minister may authorise an investigator appointed duly by competent authority of that country or territory to carry out an investigation in Uganda and in that case the Minister as far as he or she is able, facilitate inquiries by the investigator so appointed.

Accidents to  
Aircraft  
registered  
outside  
Uganda.

(2) In any Inspector's investigation or any public inquiry an accredited representative of the country or territory in which the aircraft is registered or of any country or territory in which the aircraft was manufactured or which has, on request,

furnished information in connection with the accident, may take part in the investigation or in the inquiry as the case may be, to the extent that he or she shall be permitted to visit the scene of the accident, examine the wreckage, question witnesses, receive copies of all pertinent documents subject to all just exceptions, have access to all relevant evidence and make submissions, and may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country or territory by which he or she is appointed.

Extension  
of time.

22. The Inspector, in the case of the period of 28 days prescribed in subregulation (3) of regulation 11 and the Minister, in the case of the period of 21 days prescribed in subregulation (1) of regulation 12 shall have power to extend those periods, and that power shall be exercisable even though the period so prescribed has expired.

Obstruction  
of Investiga-  
tion.

23. (1) A person shall not obstruct or impede the Court or the Review Board or an Inspector or an Assessor or any person acting under the authority of the Ministers in the exercise of any powers or duties under these Regulations.

(2) A person shall not without reasonable excuse fail, after having had the expenses if any to which he or she entitled under these Regulations tendered to him or her to comply with any summons or requisition of the Court holding a public inquiry or of a Review Board or of an Inspector's investigation or undertaking any inquiries with a view to determining whether any investigation should be held under these Regulations.

JOHN NASASIRA.

*Minister of Works, Housing and Communications.*