

**TANZANIA CIVIL AVIATION AUTHORITY ACT, 2003**

(No. 10 of 2003)

**REGULATIONS**

Made under section 40(1)

**THE TANZANIA CIVIL AVIATION (ECONOMIC REGULATION)  
REGULATIONS, 2006**

**PART I  
PRELIMINARY PROVISIONS**

<i>Regulation</i>	<i>Title</i>
1.	Citation
2.	Interpretation

**PART II  
ACCESS FOR AIR CARRIERS TO AIR ROUTES**

3. Establishment of scheduled service
4. Eligibility for designation criteria
5. Universal service obligation
6. Conditions, limitation or refusal to exercise of traffic rights
7. Establishment of fares and rates for air services
8. Charter and cargo rates, seat fares
9. Withdraw of fares
10. Examination of airfare
11. Consultations
12. Cabotage

**PART III  
REGULATION OF AERONAUTICAL AIRPORT SERVICES**

13. Ground handling services to be regulated
14. Airport services
15. Airport Service Charges
16. Application to charge on airport services
17. Permission to charge for airport services
18. Regulated airports and Authority levy
19. Conditions on airports
20. Discretionary conditions
21. Additions of discretionary conditions
22. Conditions upon a qualified airport

PART IV  
REGULATION OF AIR NAVIGATION SERVICES

23. Air navigation service provider to be regulated
24. Regulation of rates and charges
25. Application to charge for air navigation services
26. Permission to charge for air navigation services
27. Annual levy
28. Conditions on air navigation service providers
29. Discretionary conditions
30. Conditions upon a qualified air navigation service provider

PART V  
MISCELLANEOUS PROVISIONS

31. Inquiry, research and survey
32. Complaints to the Authority
33. Confidentiality
34. Right of Appeals to the Internal Review Committee
35. Internal Review Procedure
36. Offences
37. Appointment of enforcement officers

SCHEDULE

TANZANIA CIVIL AVIATION AUTHORITY ACT, 2003

(No. 10 of 2003)

REGULATIONS

Made under section 40(1)

THE TANZANIA CIVIL AVIATION (ECONOMIC REGULATION)  
REGULATIONS, 2006

PART I  
PRELIMINARY PROVISIONS

Citation

1.-(1) These Regulations may be cited as the Tanzania Civil Aviation (Economic Regulation) Regulations, 2006.

(2) These Regulations shall come into operation on the date of publication in the *Gazette*.

Interpretation  
Act No.10  
of 2003

2. In these Regulations, except where the context otherwise requires -

“Act” means The Tanzania Civil Aviation Authority Act, 2003;

“aeronautical airport services” means the use of runways, taxiways, and apron areas including associated lighting and provision of approach and aerodrome control for landing aircraft; use of passenger terminal and other passenger processing facilities; ground handling of aircraft and passengers; use of cargo facilities; use of aircraft parking areas and hangar facilities; provision of airport security; and provision of aircraft fuelling facilities;

“air carrier” means an air transport undertaking offering or operating an air service with a valid licence issued by the competent authority;

“air navigation services” means -

- (a) communication services, whether ground to air or ground to ground, provided for the safety of aircraft; and
- (b) navigational services, that is to say, visual and non-visual aids to navigation; and
- (c) air traffic services provided for the safety of aircraft; and
- (d) meteorological services provided for the safety of aircraft and for the regularity of flight;

“air operator certificate” means a document issued to an undertaking or a group of undertakings by the Authority which affirms that the operator in question has the professional and technical ability and organization to secure the safe operation of aircraft for the aviation activities specified in the certificate;

“air service” means a flight or a series of flights carrying passengers, cargo and mail for remuneration and/or hire;

“air service license” (ASL) means a license issued to Air Operator for the provision of air services;

“air transport services” means the carriage of passengers and cargo between points within the United Republic of Tanzania; and between points in the United Republic of Tanzania and other countries;

“airport user charge” means the money charged (excluding over flight charge) for use of airport facilities such as but not limited to aircraft movement areas and their associated lighting, passenger terminal facilities, cargo terminal facilities, hangar and maintenance areas, ground handling services, fire fighting and ambulance services, security services, air traffic control, communications, meteorological services, ground access facilities and services, industrial development and other services provided within the airport;

“Authority” means the Tanzania Civil Aviation Authority, in its acronym known as TCAA established by section 4 of the Act;

“business plan” means a detailed description of the air carrier’s intended commercial activities for the period in question, in particular in relation to the development and investments to be carried out, including the financial and economic implications of these activities;

“capacity” means the number of seats offered to the general public on a scheduled air service over a given period;

“Chairman” means the Chairman of the TCAA Board;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7<sup>th</sup> December 1944;

“Contracting State” means a State which is a party to the Chicago Convention;

“Director General” means Director General of the Authority appointed under section 13 of the Act;

“effective control” means a relationship constituted by right, contract or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by:

- (a) the right to use all or part of the assets of an undertaking;

- (b) right or contract which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking;
- “flight” means a departure from a specified airport towards a specified destination airport;
- “foreign aircraft” means an aircraft registered elsewhere than in the United Republic;
- “international airport” means an airport receiving international scheduled or non-scheduled operations;
- “management account” means a detailed statement of income and expenditure, revenue/cost centres, for the period in question including a breakdown between air transport related and other activities as well as between pecuniary and non – pecuniary elements;
- “principal place of business in the United Republic” means the airline is established and incorporated in the United Republic, have a substantial amount of its operations and capital investment in physical facilities in the United Republic, pays income tax, registers and bases its aircraft in the United Republic, and employs a significant number of nationals in managerial, technical an operational position.
- “public service obligation’(PSO) means any obligation imposed upon an air carrier to ensure the provision of a service, satisfying fixed standards of continuity, regularity, capacity and pricing, which standards the air carrier would not assume without considering its commercial interest in respect of any route which it is licensed to operate by the Authority;
- “scheduled air service" means one of a series of flights possessing all the following characteristics -
  - (a) it is performed by aircraft for the transport of passengers, cargo and mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the air carrier or from its authorized agents);
  - (b) it is operated so as to serve traffic between the same two or more airports, either;
    - (i) according to published timetable; or
    - (ii) with flights so regular or frequent that they constitute a recognizably systematic series;
- "short-term operating permit " means an operating permit in force for a period not exceeding seven days;
- “short-term licence" means a licence in force for a period not exceeding seven days;
- “substantially owned” means more than 51% shareholding by Tanzanian persons;
- “traffic right’ means the right of an air carrier to carry passengers, cargo and/or mail on an air service between airports;
- “undertaking’ means any natural person or legal person who is providing air services with an intention of making profit or not.

PART II  
ACCESS FOR AIR CARRIERS TO AIR ROUTES

Establishment  
of scheduled  
service

**3.-(1)** An undertaking whose principal place of business is within the United Republic shall establish a scheduled air service within the United Republic or between the United Republic and any State, if it meets the following requirements -

- (a) have reservation premise and facilities for ticket sales in each area to be served;
- (b) operates a sufficient number of aircraft to cope with the proposed route-schedule, must have a minimum of two aircraft;
- (c) for aircraft operating on a sector with duration of ninety minutes or more, there shall be toilet facilities;
- (d) have a timetable approved by the Authority and shall adhere to it;
- (e) file regularly, traffic and other statistical information including tariffs, in respect of those scheduled and other services operated, as may be prescribed by the aeronautical authority;
- (f) be qualified to do self-passenger handling or engage a qualified passenger handling company at each airport of operation.

(2) Ownership of aircraft shall not be a condition for establishing a scheduled air services but aircraft used by an air carrier shall be registered in the United Republic, unless otherwise expressly authorized by the Authority.

Eligibility for  
Designation  
criteria

**4.-(1)** An undertaking shall be eligible for designation on regional or international operations, if it meets the requirements of regulation 3, applicable air services licensing regulations and the following criteria -

- (a) Is substantially owned and effectively controlled by the United Republic or nationals of the United Republic or has its principal place of business in the United Republic and the Authority maintains effective regulatory control over it;
- (b) has a fleet size and composition, and aircraft performance criteria compatible with the network to be operated;
- (c) in case of a leased aircraft, the agreement must be of a minimum period of six months;
- (d) has approved maintenance facilities, economically viable operations, and sales offices at base and agents making reservations and selling tickets on his behalf at other locations of his operations;
- (e) shall produce a business plan for the proposed routes;
- (f) has an interlining and cooperation arrangement with other airlines for established network;
- (g) has acceptable staffing levels, organization structure and training programme compatible with his operation;
- (h) is a member of International Air Transport (IATA) and being connected to a computer reservation system;

(2) In this regulation:

“effective regulatory control” means the Authority maintains safety and security oversight by issuing air service licence (ASL) and air operators certificate (AOC) to airlines in accordance with the Licensing of Air Service Regulations, 2006 and Air Navigational Regulations, 2003 respectively;

5.-(1) The Authority, after consultation with the Minister with regard to incentives thereof and after having informed air carriers operating on a route, may include in air service licence a universal service obligation in respect of scheduled air services to an airport serving a peripheral region in the United Republic or on a thin route to any regional airport in the United Republic, any such route being considered vital for -

- (a) the availability of services to all consumers including low income, rural and disadvantaged consumers;
- (b) economic development of the region in which the airport is located,
- (c) to the extent necessary to ensure on that route the adequate provision of scheduled air services satisfying fixed standards of continuity, regularity, capacity and pricing, which standards air carriers would not assume if they were solely considering their commercial interest.

(2) The Authority shall publish the existence of this universal service obligation on the Public Register.

(3) The adequacy of scheduled air services shall be assessed by the Authority having regard to the -

- (a) public interest;
- (b) possibility, in particular for regions, of having recourse to other forms of transport and the ability of such forms to meet the transport needs under consideration;
- (c) airfares and conditions which can be quoted to users;
- (d) combined effect of all air carriers operating or intending to operate on the route.

(4) Where other forms of transport cannot ensure an adequate and uninterrupted service, the Authority may include in the universal service obligation the requirement that any air carrier intending to operate the route gives a guarantee that it will operate the route for certain period, to be specified, in accordance with the other terms of the universal service obligation.

(5) If no air carrier has commenced or is about to commence scheduled air services on a route in accordance with the universal service obligation which has been imposed on that route, the Authority may limit access to that route to only one air carrier for a period of up to three years, after which the situation shall be reviewed.

(6) The right to operate such services shall be offered by public tender either singly or for a group of such routes to air carrier entitled to operate such services.

(7) The capacity limitations shall not apply to air services covered by this Regulation.

Conditions,  
limitation or  
refusal to  
exercise  
traffic rights

**6.-(1)** When physical constraints or environmental problems exist the Authority may, subject to this Regulation, impose conditions on, limit or refuse the exercise of traffic rights.

(2) Action taken by the Authority in accordance with sub-regulation (1) shall -

- (a) be non discriminatory on grounds of identity of air carriers;
- (b) have a limited period of validity, not exceeding three years, after which it shall be reviewed;
- (c) not unduly affect the objectives of this Regulation
- (d) not unduly distort competition between air carriers
- (e) not be more restrictive than necessary in order to relieve the problems.

Establishments  
of fares and  
rates for air  
services

**7.-(1)** Air carriers registered in the United Republic shall be entitled to introduce new products or lower fares than the ones existing for identical products subject to any law relating to fair competition.

(2) Without prejudice to sub-regulation 1, this regulation shall not apply to fares and rates established by universal service obligation.

Charter and  
cargo rates,  
seat fares

**8.-(1)** Charter and cargo rates and seat fares charged by air carriers shall be set by free agreement between the parties to the contract of carriage.

(2) Air carriers operating within the United Republic shall inform the general public, of all airfares and standard cargo rates.

(3) Without prejudice to this regulation, air carriers shall freely set airfares as determined by market forces.

(4) All air carriers licensed or granted operating permit by the Authority shall file airfares with the Authority for notification in a prescribed format within seven working days before they come into effect and shall ensure that airfares charged will not adversely affect the industry and that are competitive and fair to all.

(5) An airfare may be applicable as long as it is not withdrawn in accordance with Regulation 9.

Withdrawal  
of fares

**9.-(1)** The Authority may decide, at any time -

- (a) where there is no competition, withdraw a basic fare which, is excessively high to the disadvantage of users in relation to the long term fully-allocated relevant costs of the air carrier including a satisfactory return on capital taking into account the whole fare structure for the route in question and other relevant factors including the competitive market situation;
- (b) to stop, in a non-discriminatory way, further fare decreases in a market, whether on a route or a group of routes, when market forces have led to sustained downward development of airfares deviating significantly from ordinary seasonal pricing movements and resulting in widespread losses among all air carriers for the air



services concerned, taking into account the long term fully-allocated relevant costs.

(2) A decision taken pursuant to sub-regulation (1) shall be notified with reasons to the air carrier concerned.

(3) If within fourteen days of the date of receiving notification no air carrier has filed disagreement stating its reasons on the basis of sub-regulation (1), the Authority may instruct the air carrier concerned to withdraw the basic fare or to abstain from further fare decrease, as appropriate.

(4) In the case of disagreement, the Authority may require consultations to take place within 14 days to review the situation unless otherwise agreed.

Examina-  
tion of  
airfare

**10.**-(1). The Authority may, on basis of a complaint made by a party with legitimate interest, investigate whether airfare comply with the criteria of regulation 9(1).

(2) The Authority shall forthwith publish on the Public register that the airfare has been submitted for examination.

(3) An airfare in force at the time of its submission for examination shall remain in force during the examination.

(4) Where regulation 9 has been applied, the air carrier concerned may not, during the examination by the Authority, apply a higher basic fare than the one which was applicable immediately before the basic fare under examination.

(5) The Authority shall take a decision as soon as possible and in any event within sixty days after commencing the investigation.

(6) When an air carrier does not supply the information requested within the time limit fixed by the Authority, or supplies it in incomplete form, the Authority shall, by decision, require the information be supplied in full within seven working days.

(7) The Authority may, decide that an air carrier fare in force shall be withdrawn pending its final determination where an air carrier supplies incorrect information or produces it in incomplete form or does not supply it within the time limit fixed by decision under sub-regulation (6).

(8) The Authority shall, without delay, communicate its reasoned decision under sub-regulation (5) and (7) to the air carrier or carriers concerned.

(9) Any person aggrieved by the decision of the Authority may request for a review by the Internal Review Committee as per section 27 of the Fair Competition Act, 2001 or appeal to the Fair Competition Tribunal as per section 29 of the Fair Competition Act, 2001.

GN. No. 11  
of 2001

Consultations

**11.** The Authority shall at least once a year consult with such persons and organisations, as it may consider necessary or desirable for purpose of carrying out its functions under these Regulations.

Cabotage

**12.** The Authority may under special circumstances authorize cabotage traffic rights within the territory of the United Republic by air carriers licenced by another State.

**PART III**  
**REGULATION OF AERONAUTICAL AIRPORT SERVICES**

Ground handling services to be regulated

**13.**-(1) For the purpose of this Part, "ground handling services" include services necessary for aircraft on arrival at, or departure from, an airport and include terminal handling passenger check-in, baggage and freight handling, clearing and forwarders and ramp handling aircraft handling, cleaning and servicing.

(2) The ground handling service providers shall ensure that the services offered are competitive.

(3) The Authority may impose on the ground handling services provider any condition which it considers desirable for public interest, in the interest of safety, security and facilitation, or in order to prevent uneconomic competition.

(4) Without prejudice to sub regulation (3), ground handling service providers shall hold consultations with ground handling service users before effecting any new charge or a variation of an existing charge and shall avail documentary evidence for such consultations to the Authority upon demand.

Airport services

**14.**-(1) For the purpose of this Regulation the "airport services" include airport managements, aircraft maintenance, aircraft fuelling and in flight services necessary for an aircraft operations.

(2) The airport services providers shall ensure that the services provided are competitive.

(3) The Authority may impose to the airport services provider any condition which it considers desirable in the public interest, safety and security, or in order to prevent uneconomic competition.

(4) Without prejudice to sub regulation (3), airport services providers shall hold consultations with airport service users before effecting any new charge or a variation of an existing charge and shall avail documentary evidence for such consultations to the Authority upon demand.

(5) Airport operator shall ensure that providers of airport services are engaged by using an open selection process.

Airport service charges

**15.**-(1) The Authority shall regulate airport service charges in order to -

- (a) promote the interests of users of airports;
- (b) promote the efficient, economic and profitable operation of such airports;
- (c) encourage investment in new facilities at airports to meet anticipated user demand;
- (d) take account of the United Republic's international obligations found in Article 15 of the Chicago Convention, the Bilateral and Multilateral Air Services Agreements between United Republic and other contracting States;

- (e) ensure that the rates charged and services provided by airport operators are competitive;
- (f) ensure that airports encourage the development of a diverse and competitive industry within the general and specific policies set out by the Government;
- (g) ensure that users get their money worth from airport operators.

Application to charge on airport services

**16.-**(1) Any person who wants to charge for airport services shall apply to the Authority for permission to charge for airport services and shall ensure the charge will not adversely affect the industry and that it is competitive and fair to all.

(2) An application referred to under subregulation (1) shall include the following particulars -

- (a) name of airport operator;
- (b) name of airport owner;
- (c) the corporate structure (where an airport is a part of a wider group of companies);
- (d) most recently available audited annual accounts for the airport;
- (e) details of the current charges applied at airport for the landing, parking or taking off of aircraft (including any passenger related charges);
- (f) any future changes to the charges which are known at the time of application.

Permission to charge for airport services

**17.-**(1) The Authority shall, within 7 days after receipt of the application for charging of airport services cause to be published a notice containing the particulars of the application in the local press.

(2) The costs of the evaluation of the applications by the Authority shall be met by the airport operator concerned.

(3) The permission so granted shall remain in force unless it is revoked.

(4) A permission can be revoked if the airport -

- (a) ceases to be regulated, or
- (b) persistently fails to comply with any condition, other than an accounts condition, which the Authority has imposed on it.

(5) An airport holding permission shall provide the Authority routinely with its annual statutory accounts, schedules of airport charges, if any, in addition to the information included in the original application.

Regulated airports and Authority levy

**18.-**(1) Any airport which has been granted a permit to charge for airport services shall be regulated.

(2) A regulated airport shall pay to the Authority an annual levy as determined by the Authority from time to time.

Conditions on airports

**19.-**(1) The Authority may impose certain mandatory conditions on international airports.

(2) The conditions imposed shall govern both the information which shall be included in the statutory accounts (the accounts condition) and the maximum level of airport charges (the charges condition).

(3) The charges condition may be reset every five years following a review by the Authority as set out in the Schedule to these Regulations.

Discretionary conditions

**20.**-(1) The Authority may impose discretionary conditions on any regulated airport.

(2) Where the above discretionary condition is imposed the airport will have to show -

- (a) separately, the revenue from and the costs of activities on which airport services are charged;
- (b) other airport related activities;
- (c) non airport related activities;
- (d) it received a subsidy or any other preferential treatment during the year.

(3) Where the Authority proposes an accounts condition, the airport concerned shall make representations within two months.

Additions of discretionary conditions

**21.** The Authority may add a discretionary condition where it finds that, in relation to the provision at the airport of any services or facilities for the purposes of the landing, parking and taking off of aircraft, or the servicing of aircraft including the supply of fuel, or the handling of passengers or their baggage or of cargo at all stages while on airport premises, including the transfer of passengers, their baggage, or cargo to and from the aircraft, an airport operator is -

- (a) adopting any trade practice, pricing policy or the granting of rights which -
  - (i) unreasonably discriminates against any class of users of the airport; or
  - (ii) unfairly exploits its bargaining position relative to users generally;
- (b) levying charges which are both unduly low and cause damage or are designated to cause damage to another airport.

Conditions upon a qualified airport

**22.**-(1) The Authority shall impose conditions upon a qualifying airport where in its five year review finds that the airport has pursued a course of conduct which has operated or which might be expected to operate against the public interest.

(2) Such courses of conduct extend to all airport related activities and not just those described in Regulation 18.

**PART IV  
REGULATION OF AIR NAVIGATION SERVICES**

Air navigation service provider to be regulated

**23.**-(1) All air navigation service providers to which the Act apply shall be regulated.

(2) The air navigation service provider shall ensure that the services offered are competitive as well as affordable.

(3) The Authority may impose on the air navigation services provider any condition which it considers desirable for the public interest, in the interest of safety, security and facilitation or in order to prevent uneconomic competition.

(4) Without prejudice to sub regulation (3), air navigation service provider shall hold consultations with air navigation services users before effecting any new charge or a variation of an existing charge and shall avail documentary evidence for such consultations to the Authority upon demand.

Regulation of rates and charges

**24.** The air navigation services providers shall ensure that the air navigation services user charge for the use of air navigation facilities and services and the use of Tanzanian airspace generally will not adversely affect the industry and that it is competitive and fair to all.

Application to charge for air navigation services

**25.** The air navigation service provider shall apply to the Authority for permission to charge for air navigation services using a format specified by the Authority.

Permission to charge for air navigation services

**26.**-(1) The Authority shall, within 7 days after receipt of the application for charging for air navigation services cause to be published a notice containing the particulars of the application in the local press.

(2) The costs of the evaluation of applications by the Authority shall be met by the air navigation service provider concerned.

(3) The permission so granted shall remain in force unless it is revoked.

(4) A permission can be revoked if the air navigation service provider -

(a) ceases to be regulated, or

(b) persistently fails to comply with any condition, other than an accounts condition, which the Authority has imposed on it.

(5) An air navigation service provider holding permission for the provision of the service shall provide the Authority routinely with its annual statutory accounts, schedules of air navigation charges, if any, in addition to the information included in the original application.

(6) Without prejudice to sub regulation (4), an air navigation service provider shall hold consultations with air navigation service users before effecting any new charge or a variation of an existing charge and shall avail documentary evidence for such consultations to the Authority upon demand.

Annual levy

**27.** A regulated air navigation service provider shall pay to the Authority an annual levy as will be determined by the Authority from time to time.

Conditions on air navigation service providers

**28.**-(1) The Authority may impose certain mandatory conditions on air navigation service providers.

(2) The conditions imposed shall govern both the information which shall be included in the statutory accounts (the accounts condition) and the maximum level of airport charges (the charges condition).

(3) The charges condition may be reset every five years following a review by the Authority as set out in the Schedule to these Regulations.

Discretionary conditions

**29.** The Authority may add a discretionary condition where it finds that, in relation to the provision of air navigation services or facilities for the purposes of the landing, parking and taking off of aircraft, an air navigation service provider is -

- (a) adopting any trade practice, pricing policy or the granting of rights which -
  - (i) unreasonably discriminates against any class of users of the air navigation services or facilities, or
  - (ii) unfairly exploits its bargaining position relative to users generally;
- (b) levying charges which are both unduly low and cause damage or are designated to cause damage to another air navigation service provider.

Conditions upon a qualified air navigation service provider

**30.**-(1) The Authority shall impose conditions upon a qualifying air navigation service provider where in its five year review finds that the air navigation service provider has pursued a course of conduct which has operated or which might be expected to operate against the public interest.

(2) Subject to subregulation (1), the courses of conduct shall extend to all air navigation services related activities and not just those described under regulation 18.

## PART V MISCELLANEOUS PROVISIONS

Inquiry, research and survey

**31.**-(1) The Authority shall conduct an inquiry before exercising powers to regulate rates and charges of the regulated services providers

(2) The Authority shall ensure that regular researches and surveys are made at airports to determine the needs of users and the shortcomings of the service providers and make the necessary moves to bring the findings to the attention of the responsible institutions for correction

Complaints  
to the  
Authority

**32.** Where the Authority receives a complaint that a ground handling service provider or an airport or an air navigation service provider is acting in a way described under regulation 20 and is satisfied that there is a case to answer, the Authority shall investigate the complaint by the procedure of handling complaints established by the Authority.

Confidentiality

**33.** Confidential material or information obtained in application of these regulations shall be treated as provided for under section 25 of the Act.

Right of  
Appeals  
to the Internal  
Review  
Committee

**34.** Any undertaking aggrieved by a decision made by one or more members or employees of the Authority under delegated powers of the Authority, in respect of any decision or application thereof, may apply to the Authority to review the decision in whole or in part in accordance with section 27 of 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.

Internal  
Review  
Procedure

**35.** Review Procedures, sitting of the Internal Review Committee, hearing of the application for review, Determination of the application for review and appeal to the Fair Competition Tribunal against the decisions of the Authority shall be in accordance with the Tanzania Civil Aviation Authority Review Procedures.

Offences

**36.**-(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 Tanzania shillings of United States dollar one thousand and five hundred or, in default of payment thereof, to imprisonment for a term not exceeding two 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 shall be liable to a fine not exceeding the equivalent in Tanzania shillings of United States dollar five thousand or in the case of a second or subsequent offence to a fine not exceeding United States dollar seven thousand five hundred or in default of payment thereof to imprisonment for a term not exceeding two years.

Appoint-  
ment of  
enforcement  
officers

**37.**-(1) There shall be appointed enforcement officers for the purpose of securing compliance with the provisions of these Regulations and any terms or conditions attached to operation of business.

(2) An enforcement officer may, at anytime and on production, if required of, his authority may -

(a) enter and inspect any premises of any regulated supplier on which he has reasonable cause to believe that the business of a regulated supplier is being carried on in contravention of these Regulations;

- (b) examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of a regulated supplier;
  - (c) seize any books, accounts or documents found on those premises which he has reasonable grounds to believe contain evidence of an offence under these Regulations;
  - (d) question any person who appears to him to be engaged in, or carrying on, or employed in the business of a regulated supplier on those premises on any matter concerning the application of or compliance with these Regulations
  - (e) require by notice in writing, any person who appears to him to be engaged in or carrying out a business of providing regulated services to submit any books of accounts and documents relating to the business at such time and place as he may specify in the notice.
- (3) Subject to this regulation, the enforcement officers shall be specifically responsible for ensuring that
- (a) the rates charged and services provided by airport operators are according to the terms and conditions of their permits;
  - (b) regular surveys and research is made at airports to determine the needs of users and the shortcomings of the service providers and make the necessary moves to bring the findings to the attention of the responsible institution for correction;
  - (c) timely statistical data and other relevant information is submitted to the Authority;
  - (d) the main function of the airports remain that of facilitating the smooth movement of air passengers from the landside to the aircraft and vice versa;
  - (e) the regulated services being offered by ground handling service providers are both competitive and affordable by giving guidance thereof;
  - (f) ensure that maintenance organisations are not overcharging aircraft operators;
  - (g) fair prices are charged and the right quality of both in-flight catering and catering services are sold in the terminal buildings
  - (h) user charges for the use of airport terminal, landing, and air navigation facilities and services and the use of Tanzanian airspace generally will not adversely affect the rest of the industry and that they are competitive and fair to all.



SCHEDULE

Made under Regulation 19(3)

FIVE YEARLY REVIEWS OF QUALIFIED AIRPORTS

1. The Authority is obliged to review the qualified airports every five years.
2. When it reviews an airport, the Authority will investigate on:
  - (a) the maximum limit on airport charges for the following five years;  
and
  - (b) whether since the date of the previous review the airport has pursued a course of conduct contrary to public interest.
3. The Authority has six months for reviewing; although an extension of up to a further six months may be allowed in exceptional circumstances.
4. Upon completion of the review the Authority shall send a copy to the airport concerned.
5. The Authority will then publish the proposals on airport charges and on any public interest finding and in the case of any public interest finding, the Authority shall impose conditions.
6. Interested parties have 30 days to respond in writing to the Authority's proposals.
7. In some cases the Authority will also hear oral representations and reach a decision which it will publish as a document in the Public register with reasons.

Dar es Salaam,  
....., 2006

**BASIL P. MRAMBA,**  
*Minister for Infrastructure Development*