

AVIATION SECURITY ACT
(Cap. 71:02)

AVIATION SECURITY (GENERAL) (AMENDMENT) REGULATIONS, 2022
(Published on 13th June, 2022)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of Arrangement of Cap. 71:02 (Sub. Leg.)
3. Amendment of regulation 3 of Regulations
4. Amendment of regulation 4 of the Regulations
5. Amendment of regulation 6 of the Regulations
6. Amendment of regulation 10 of the Regulations
7. Insertion of regulations 10A and 10B to the Regulations
8. Amendment of regulation 59 of the Regulations
9. Amendment of regulation 60 of the Regulations
10. Amendment of regulation 61 of the Regulations
11. Amendment of regulation 62 of the Regulations
12. Amendment of regulation 85 of the Regulations
13. Amendment of regulation 86 of the Regulations

IN EXERCISE of the powers conferred on the Minister of Transport and Public Works by section 63 of the Aviation Security Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Aviation Security (General) (Amendment) Regulations, 2022. Citation
2. The Aviation Security (General) Regulations (hereinafter referred to as “the Regulations”) are amended in the Arrangement of Regulations by substituting for the entry for regulation 62 the following new entry, “Threat to air navigation service provider”. Amendment of Arrangement of Cap.72:02 (Sub. Leg.)
3. The Regulations are amended in regulation 3 by inserting immediately after subregulation (4), the following new subregulations — Amendment of regulation 3 of Regulations
 - “(4A) An aircraft operator shall appoint an officer who holds a qualification in terms of the National Aviation Security Training Programme.
 - (4B) The officer appointed in subregulation (4A) shall be responsible and accountable for the establishment of the Aircraft Operator Security Programme.”.
4. Regulation 4 is amended by inserting immediately after subregulation (1), the following new subregulations — Amendment of regulation 4 of the Regulations
 - “(1A) An aerodrome operator shall appoint an officer who holds a qualification in terms of the National Aviation Security Training Programme.
 - (1B) The officer appointed in subregulation (1A) shall coordinate the implementation of the Aerodrome Operator Security Programme.”.
5. Regulation 6 is amended by inserting immediately after subregulation (2), the following new subregulations — Amendment of regulation 6 of the Regulations

Amendment of regulation 10 of the Regulations

Insertion of regulations Of regulations 10A and 10B to the Regulations

- “(2A) A regulated agent shall appoint an officer who holds a qualification in terms of the National Aviation Security Training Programme.
(2B) The officer appointed in subregulation (2A) shall coordinate the implementation of the Regulated Agent Security Programme.”.
6. Regulation 10 is amended by inserting immediately after subregulation (1), the following new subregulations —
- “(1A) A catering operator shall appoint an officer who holds a qualification in terms of the National Aviation Security Training Programme.
(1B) The officer appointed in subregulation (1A) shall coordinate the implementation of the Catering Operator Security Programme.”.
7. The Regulations are amended by inserting immediately after regulation 10 the following new regulations —

“E. Air Navigation Services Provider

- Duties of air navigation services providers
- 10A. (1) An air navigation services provider shall appoint an officer who holds a qualification in terms of the National Aviation Security Training Programme.
(2) The officer appointed in subregulation (1) shall coordinate the implementation of the Air Navigation Service Providers Security Programme.

F. Aviation Security Training Institutions and Consultancies

- Duties of aviation security training institutions and consultancies
- 10B. Aviation security training institutions and consultancies shall —
- (a) prepare and maintain a training manual and procedures manual containing information instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements as listed in the manuals;
 - (b) establish and implement a quality system to monitor compliance with the procedures manual, training manual and any other standards approved by the Authority; and
 - (c) satisfy the Authority that their staff complement includes —
 - (i) an accountable manager,
 - (ii) a quality manager,
 - (iii) a head of training, and
 - (iv) an adequate number of certified instructors for the approved courses.”.

Amendment of regulation 59 of the Regulations

8. Regulation 59 is amended by substituting for subregulation (1), the following new subregulation —
- “(1) An air carrier or aircraft operator who is not an air carrier, that is made aware of a threat against an aircraft or flight shall conduct a security risk assessment relating to their operations in line with the provisions of the risk assessment methodology contained in the National Aviation Security Programme to determine whether there is a specific threat that jeopardises the security of the aircraft or flight.”.

9. Regulation 60 is amended by substituting for that regulation, the following new regulation —	<p>60. (1) An operator of facilities concerned with aviation, that is made aware of a threat against a facility or part of a facility under its control, shall conduct a security risk assessment relating to its operations in line with the provisions of the risk assessment methodology contained in the National Aviation Security Programme to determine whether or not there is a specific threat that jeopardises the security of the facility or part thereof.</p> <p>(2) An operator of facilities concerned with aviation, that determines that there is a specific threat that jeopardises the security of a facility or a part thereof, shall immediately take all necessary measures to ensure the safety of the facility or part thereof and persons at the facility or part thereof, including informing the facility operator and the Botswana Police Service of the nature of the threat.</p> <p>(3) Any operator of facilities concerned with aviation who contravenes this regulation commits an offence and is liable to a fine not exceeding P 1 000 000, or to imprisonment for a term not exceeding two years, or to both.”.</p>	Amendment of regulation 60 of the Regulations
10. Regulation 61 is amended by substituting for that regulation, the following new subregulation —	<p>“(1) An aerodrome operator who is made aware of a threat against a facility or part of an aerodrome under his or her control in accordance with section 52 of the Act shall —</p> <p>(a) conduct a security risk assessment relating to their operations in line with the provisions of the risk assessment methodology contained in the National Aviation Security Programme; and</p> <p>(b) inform the Botswana Police Service of the nature of the threat in accordance with the National Aviation Security Programme and the applicable Aerodrome Operator Security Programme.”.</p>	Amendment of regulation 61 of the Regulations
11. Regulation 62 is amended by substituting for that regulation, the following new regulation —	<p>62. (1) An air navigation service provider shall conduct a security risk assessment relating to their operations in line with the provisions of the risk assessment methodology contained in the National Aviation Security Programme.</p> <p>(2) Any air navigation service provider who contravenes this regulation commits an offence and is liable to a fine not exceeding P1 000 000, or to imprisonment for a term not exceeding two years, or to both.”</p>	Amendment of regulation 62 of the Regulations
12. The Regulations are amended by substituting for regulation 85, the following new regulation —	<p>85. (1) Where a security or training programme is required to be approved by the Authority under sections 53, 54, 55, 57 and 58 of the Act, the applicant shall —</p> <p>(a) submit the security or training programme to the Authority, ensuring that it meets the requirements of the National Aviation Security Programme, the Act and any other relevant law, regulations and security programmes; and</p> <p>(b) pay a fee of P2 200.</p>	Amendment of regulation 85 of the Regulations
“Assessment of threat to facility		
“Threat to air navigation service provider		
“Application for approval of security or training programme		

Amendment
of regulation
86 of the
Regulations

- (2) A security or training programme submitted to the Authority for approval under this regulation shall be in duplicate and signed by or on behalf of the applicant.”.
- 13. The Regulations are amended by substituting for regulation 86, the following regulation —**
- “Approval of Security or Training Programme**
86. (1) Where the Authority is satisfied that a security or training programme submitted under regulation 85 meets the requirements of the Act, the National Aviation Security Programme and any other relevant law, regulation and other security programme referred to in this Part, the Authority shall within 30 days after receipt of the programme approve the security or training programme and shall issue the applicant with a certificate of approval of security or training programme in Forms AVSEC 16, 18, 20, 22 and 23 set out in the Schedule.
- (2) Where the Authority determines that a security or training programme submitted under subregulation (1) does not meet the requirements of the Act, the National Aviation Security Programme or other relevant law or regulation, the Authority shall, within 30 days after receipt of the programme, direct the applicant to modify and resubmit the security or training programme to the Authority within 30 days after receipt of the direction of the Authority by the applicant.
- (3) Where the Authority is satisfied that a security or training programme resubmitted under subregulation (2) meets the requirements of the Act, the National Aviation Security Programme and any other relevant law, regulation and other security programme referred to in this Part, the Authority shall within 30 days after receipt of the security or training programme approve the security or training programme.
- (4) A security or training programme approved under this regulation shall be valid for a period of two years from the date of such approval.
- (5) A security or training programme approved under this regulation shall be reviewed by the National Aviation Security and Facilitation Committee on annual basis.”.

MADE this 8th day of June, 2022.

ERIC MOTHIBI MOLALE,
Minister of Transport and Public Works.