Rwanda

Law establishing Rwanda Civil Aviation Authority
Law 7 of 2019

Legislation as at 23 May 2019
FRBR URI: /akn/rw/act/law/2019/7/eng@2019-05-23

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PDF created on 21 February 2024 at 16:08.

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Law establishing Rwanda Civil Aviation Authority

Contents

Chapter One – General provisions .................................................................................................................................................. 1

Article One – Purpose of this Law .................................................................................................................................................. 1

Article 2 – Legal personality and autonomy of RCAA ......................................................................................................................... 1

Article 3 – Independence of RCAA .................................................................................................................................................. 1

Article 4 – Head office of RCAA ..................................................................................................................................................... 2

Chapter II – Mission and responsibilities of RCAA ................................................................................................................................. 2

Article 5 – Mission of RCAA ........................................................................................................................................................... 2

Article 6 – Responsibilities of RCAA ............................................................................................................................................ 2

Chapter III – Supervising authority of RCAA and performance contract .................................................................................................................. 2

Article 7 – Supervising authority of RCAA .......................................................................................................................................... 2

Article 8 – Performance contract ........................................................................................................................................................... 2

Chapter IV – Organisation and functioning of RCAA ............................................................................................................................. 3

Article 9 – Management organs of RCAA ........................................................................................................................................ 3

Section One – Board of Directors .................................................................................................................................................. 3

Article 10 – Composition of the Board of Directors of RCAA ........................................................................................................... 3

Article 11 – Responsibilities of the Board of Directors ...................................................................................................................... 3

Article 12 – Responsibilities of the Chairperson of the Board of Directors ................................................................................... 4

Article 13 – Responsibilities of the deputy chairperson of the Board of Directors ................................................................. 4

Article 14 – Incompatibilities with membership of the Board of Directors .................................................................................. 4

Article 15 – Reasons for loss of membership of the Board of Directors and modalities for replacement ............................................. 4

Article 16 – Convening and holding of meetings of the Board of Directors and decision-making .................................................. 5

Article 17 – Invitation of a resource person to the Board of Directors’ meetings ........................................................................ 5

Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors ....................................................... 5

Article 19 – Rapporteur of the meeting of the Board of Directors .................................................................................................. 5

Article 20 – Personal interest in issues under consideration ........................................................................................................... 6

Article 21 – Sitting allowances for members of the Board of Directors ......................................................................................... 6

Section 2 – Executive Organ of RCAA ........................................................................................................................................... 6

Article 22 – Composition of the Executive Organ of RCAA ............................................................................................................. 6

Article 23 – Responsibilities of the Executive Organ ....................................................................................................................... 6

Article 24 – Incompatibilities with the position of the Director General or the Deputy Director General of RCAA .................................................. 7

Article 25 – Powers and responsibilities of the Director General of RCAA .................................................................................... 7

Article 26 – Statute governing staff members of RCAA .................................................................................................................... 7

Article 27 – Organisational structure and organization chart ....................................................................................................... 7
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Law 7 of 2019

Published in Official Gazette special on 23 May 2019

Assented to on 13 April 2019

Commenced on 23 May 2019

[This is the version of this document from 23 May 2019.]

We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED, AND WE SANCTION, PROMULGATE, THE FOLLOWING LAW AND ORDER IT, BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 28 February 2019;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 88, 90, 91, 106, 112, 119, 120, 139, 165, 168 and 176;

Pursuant to the Convention on International Civil Aviation signed in Chicago on 7 December 1944, ratified by Law of 30 April 1947 and amended by the Protocol signed in Montreal on 16 October 1974 ratified by the Decree-Law of 7 April 1976;

Pursuant to the Tokyo Convention of 14/09/1963 on Offences and Certain Other Acts Committed on Board Aircraft ratified by Law of 23 January 1971 establishing regulations governing civil Aviation;

Having reviewed Law n° 03/2017 of 21/02/2017 establishing Rwanda Civil Aviation Authority (RCAA) and determining its mission, organisation and functioning;

ADOPTS:

Chapter One

General provisions

Article One – Purpose of this Law

This Law establishes Rwanda Civil Aviation Authority, abbreviated as "RCAA" and determines its mission, responsibilities, organisation and functioning.

Article 2 – Legal personality and autonomy of RCAA

RCAA has legal personality and enjoys administrative and financial autonomy.

Article 3 – Independence of RCAA

RCAA is a specialized organ, independent in the performance of its responsibilities and does not receive instructions from any other institution.
Article 4 – Head office of RCAA

The head office of RCAA is located in the City of Kigali, the Capital of the Republic of Rwanda. If considered necessary, it can be transferred elsewhere on the Rwandan territory, upon approval by the Board of Directors. RCAA can, if considered necessary and upon approval by the Board of Directors, have branches elsewhere in the country.

Chapter II
Mission and responsibilities of RCAA

Article 5 – Mission of RCAA

The mission of RCAA is to develop, implement and maintain a safe, secure and efficient civil aviation industry in Rwanda.

Article 6 – Responsibilities of RCAA

RCAA has the following responsibilities:

1° to promote the development of air transport of people and goods and supervise the operations of persons and companies authorized to operate in the area of civil aviation;

2° to monitor the compliance of the civil aviation industry with international legal instruments, laws and regulations;

3° to issue permits, authorizations and licenses required in civil aviation in accordance with relevant governing laws and regulations;

4° to advise the Government on its relationship with the International Civil Aviation Organization;

5° to advise the Government on air transport of people and goods;

6° to advise the Government on all activities that accelerate the development of infrastructure of civil aviation industry in Rwanda;

7° to represent Rwanda at the international level in respect of matters relating to civil aviation in its capacity as the national authority;

8° to collaborate with other organs to ensure the safety of civil aviation;

9° to gather, analyse and use statistical data of airports and other civil aviation service providers;

10° to establish relations and collaborate with other regional and international bodies with similar mission.

Chapter III
Supervising authority of RCAA and performance contract

Article 7 – Supervising authority of RCAA

RCAA is supervised by the Ministry in charge of transportation of people and goods.

Article 8 – Performance contract

RCAA operates on the basis of a performance contract.
The Director General of RCAA concludes with the Board of Directors of RCAA an annual performance contract detailing expected results and strategies to achieve them. Modalities for the conclusion and evaluation of performance contract of RCAA are determined by relevant laws.

**Chapter IV**

**Organisation and functioning of RCAA**

**Article 9 – Management organs of RCAA**

RCAA is composed of the following two (2) management organs:

1° the Board of Directors;

2° the Executive Organ.

**Section One – Board of Directors**

**Article 10 – Composition of the Board of Directors of RCAA**

The Board of Directors of RCAA is composed of seven (7) members appointed by a Presidential Order, including its Chairperson and Deputy Chairperson.

Members of the Board of Directors are selected on the basis of their competence and expertise.

Members of the Board of Directors must avoid engaging, directly or indirectly, in activities related to civil aviation or working in entities regulated by laws governing civil aviation.

At least thirty percent (30%) of the members of the Board of Directors must be females.

A Presidential Order determines the term of office of members of the Board of Directors as well as their replacement.

**Article 11 – Responsibilities of the Board of Directors**

The Board of Directors of RCAA has the following responsibilities:

1° to oversee the functioning of the Executive Organ of RCAA and provide strategic guidance to the Executive Organ in the fulfilment of its responsibilities;

2° to approve long-term strategic plan and action plan of RCAA and related reports;

3° to conclude a performance contract with the supervising authority of RCAA;

4° to approve the rules of procedure of RCAA, with the exception of technical guidance, equipment and standards which are approved by the Executive Organ;

5° to approve the structure of salaries and fringe benefits for other staff members of RCAA;

6° to approve the annual budget of RCAA;

7° to provide advice on all decisions on critical matters under the responsibilities of RCAA;

8° to approve the organizational structure of RCAA;

9° to approve the statute governing the staff of RCAA;

10° to evaluate the performance of RCAA on the basis of action plan and budget;

11° to resolve work-related conflicts involving staff members of RCAA;
12° to approve the quarterly and annual activity report and financial statements to be submitted to the competent authority.

**Article 12 – Responsibilities of the Chairperson of the Board of Directors**

The Chairperson of the Board of Directors has the following responsibilities:

1° to head the Board of Directors and coordinate its activities;
2° to convene and preside over the meetings of the Board of Directors;
3° to submit minutes and statement of resolutions of the meeting of the Board of Directors of RCAA to its supervising authority;
4° to sign the performance contract between the Board of Directors and the supervising authority of RCAA;
5° to submit RCAA reports adopted by the Board of Directors to relevant organs;
6° to follow up the implementation of resolutions of the Board of Directors;
7° to perform such other duties under the responsibilities of RCAA as may be assigned by the Board of Directors.

**Article 13 – Responsibilities of the deputy chairperson of the Board of Directors**

The deputy chairperson of the Board of Directors of RCAA has the following responsibilities:

1° to assist the chairperson and deputize for him or her in his or her absence;
2° to perform such other duties under the responsibilities of RCAA as may be assigned by the Board of Directors.

**Article 14 – Incompatibilities with membership of the Board of Directors**

Members of the Board of Directors are not allowed to perform any remunerated activity within RCAA.

Members of the Board of Directors are not allowed, whether individually or through companies in which they hold shares, to bid for tenders of RCAA and of the works funded by RCAA.

**Article 15 – Reasons for loss of membership of the Board of Directors and modalities for replacement**

A member of the Board of Directors loses membership if:

1° the term of office expires;
2° he or she resigns in writing;
3° he or she is no longer able to perform his or her duties due to sickness or disability certified by a committee of three (3) state-recognised physicians;
4° he or she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months;
5° he or she fails to attend three (3) consecutive meetings without valid reasons;
6° he or she demonstrates any behaviour likely to compromise his or her dignity or dishonour his/her office or institution;
7° he or she jeopardizes the interests of RCAA;
8° he or she is convicted of the crime of genocide or genocide ideology;
9° he or she no longer fulfils the requirements considered at the time of his or her appointment to the Board of Directors;

10° he or she dies.

In case a member of the Board of Directors leaves office before the expiry of his or her term of office, the competent authority appoints his or her replacement. The appointee holds office for the remainder of his or her predecessor’s term of office.

**Article 16 – Convening and holding of meetings of the Board of Directors and decision-making**

The meeting of the Board of Directors of RCAA is held once every quarter and whenever necessary upon invitation by its Chairperson, or in his or her absence, by its Deputy Chairperson, at their own initiative or at the request in writing by at least a third (1/3) of its members.

The notice of the meeting is in writing and sent to the members of the Board of Directors at least fifteen (15) days before the date of the meeting.

The extraordinary meeting is convened in writing at least three (3) working days before the meeting.

Items to be considered at the meeting of the Board of Directors in the first quarter of the year include the approval of the financial and activity reports for the previous year.

Every quarter, the Board of Directors also considers the previous quarter’s financial and activity reports to be transmitted to the supervising authority of RCAA.

The quorum for the meeting of the Board of Directors is two-thirds (2/3) of its members. However, if the meeting is convened for the second time, it takes place regardless of the number of members present.

The Director General attends the meetings of the Board of Directors.

The rules of procedure of RCAA determine the procedures for decision-making of the Board of Directors.

**Article 17 – Invitation of a resource person to the Board of Directors’ meetings**

The Board of Directors of RCAA may invite to its meeting any person from whom it may seek an advice on any item on the agenda.

The invited person is not allowed to vote or follow debates on other items on the agenda.

**Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors**

Resolutions of the meeting of the Board of Directors are signed by its members present immediately after the meeting, and a copy thereof is sent to the supervising authority of RCAA within five (5) working days.

The head of the supervising authority of RCAA gives his or her views on the resolutions of the meeting of the Board of Directors within fifteen (15) working days of receipt thereof. If this period expires without him or her giving his or her views, such resolutions are deemed to have been definitively approved.

The minutes of the meeting of the Board of Directors are signed jointly by its chairperson and rapporteur and approved at the next meeting. A copy of the minutes of the meeting is sent to the supervising authority of RCAA within fifteen (15) days of approval thereof.

**Article 19 – Rapporteur of the meeting of the Board of Directors**

The Director General of RCAA serves as the rapporteur of the Board of Directors but has no voting right during decision-making.
The Director General of RCAA does not participate in the meetings that make decisions on issues that concern him or her.

In that case, members of the Board of Directors elect a rapporteur from among themselves.

**Article 20 – Personal interest in issues under consideration**

If a member of the Board of Directors has a direct or indirect interest in issues under consideration, he or she must immediately inform the Board of Directors about where his or her interest lies. A person who declares an interest in the issue under consideration may not attend the meeting deliberating on that issue.

If it appears that many or all members of the Board of Directors have a direct or indirect interest in the issues under consideration in such a way that it is impossible to decide on those issues, such issues are submitted to the supervising authority of RCAA which decides thereon within thirty (30) days.

**Article 21 – Sitting allowances for members of the Board of Directors**

A Presidential Order determines sitting allowances for members of the Board of Directors.

**Section 2 – Executive Organ of RCAA**

**Article 22 – Composition of the Executive Organ of RCAA**

The Executive Organ of RCAA is comprised of the Director General appointed by a Presidential Order and other staff members appointed by the Board of Directors.

A Presidential Order may also appoint a Deputy Director General and determine his or her powers and duties.

**Article 23 – Responsibilities of the Executive Organ**

Responsibilities of the Executive Organ of RCAA are:

1° to carry out daily duties and activities of RCAA in accordance with relevant laws and regulations;
2° to prepare draft Statute governing staff members of RCAA;
3° to develop the draft structure of salaries and fringe benefits for other staff members of RCAA;
4° to develop the draft long-term strategic plan and action plan of RCAA to be approved by the Board of Directors;
5° to prepare the draft annual budget of RCAA to be approved by the Board of Directors;
6° to prepare the draft organizational structure of RCAA to be approved by the Board of Directors;
7° to implement decisions of the Board of Directors of RCAA;
8° to ensure the efficient management of human resources and property of RCAA;
9° to submit a quarterly activity report and annual report to the Board of Directors of RCAA;
10° to recruit and approve the appointment of staff of RCAA in accordance with the rules of procedure of RCAA;
11° to determine attributions of RCAA staff members and how they perform their duties;
12° to perform such other duties under the responsibilities of RCAA as may be assigned by the Board of Directors.
Article 24 – Incompatibilities with the position of the Director General or the Deputy Director General of RCAA

The Director General or the Deputy Director General of RCAA must not:

1° hold any other remunerated job;
2° invest or enter into contracts that may in any way jeopardize his or her office;
3° bid, either individually or through companies in which he or she holds shares, for public contracts.

Article 25 – Powers and responsibilities of the Director General of RCAA

The Director General of RCAA has the power to make decisions on the management of human resources and property of RCAA in accordance with relevant laws.

The Director General of RCAA has the following responsibilities:

1° to head and coordinate daily duties and activities of RCAA in accordance with relevant laws and regulations;
2° to serve as the legal representative of RCAA;
3° to serve as the spokesperson of RCAA;
4° to impose administrative fine;
5° to draft the action plan and activity report to be approved by the Board of Directors of RCAA;
6° to prepare draft rules of procedure of RCAA to be approved by the Board of Directors of RCAA;
7° to prepare the draft annual budget proposal of RCAA;
8° to ensure the management and execution of RCAA budget;
9° to convene and chair the meetings of RCAA;
10° to perform such other duties under the responsibilities of RCAA as may be assigned by the Board of Directors.

Article 26 – Statute governing staff members of RCAA

The statute governing staff members of RCAA is prepared by the Executive Organ and approved by the Board of Directors.

Article 27 – Organisational structure and organization chart

The organisational structure and organization chart of RCAA are prepared by the Executive Organ or RCAA and approved by the Board of Directors of RCAA.

Article 28 – Fringe benefits for the Director General and Deputy Director General of RCAA

A Presidential Order determines fringe benefits for the Director General and Deputy Director General.
Article 29 – Salaries and fringe benefits for other staff members of RCAA

Salaries and fringe benefits for other staff members of RCAA are proposed by the Executive Organ of RCAA and approved by the Board of Directors of RCAA.

Article 30 – Functioning and relationships between the organs of RCAA

The rules of procedure of RCAA determine the functioning and relationships between the organs of RCAA.

Chapter V
Property and finance

Article 31 – Property of RCAA and its source

The property of RCAA is composed of movable and immovable assets.

The property of RCAA is derived from the following sources:

1° fees levied for authorisation, permit and licence issuance, fees arising from contracts, fees collected from individual and moral persons operating in civil aviation;

2° State or development partners’ subsidies;

3° interests from its property;

4° administrative fines;

5° oversight fees;

6° loans granted to RCAA as approved by the Minister in charge of finance;

7° other income from services rendered;

8° donations and bequests.

Article 32 – Use, management and audit of property

The finance and property of RCAA are used and managed in accordance with relevant laws.

The Auditor General of State Finances carries out the audit of finance and property of RCAA in accordance with relevant laws.

The internal audit service of RCAA submits its report to the Board of Directors of RCAA with a copy to the director general of RCAA.

RCAA may use external auditors upon request to and approval by the Office of the Auditor General of State Finances.

Article 33 – Approval and management of the budget of RCAA

The budget of RCAA is approved and managed in accordance with relevant laws.

Article 34 – Annual financial statements

Within three (3) months following the closure of the financial year, the Director General of RCAA submits to the supervising authority of RCAA the annual financial statements and the action plan for the following year after its
approval by the Board of Directors of RCAA in accordance with laws governing the management of State finance and property.

Chapter V
Miscellaneous, transitional and final provisions

Article 35 – Acts performed before publication of this Law
Acts undertaken by RCAA as established by Law n° 03/2017 of 21/02/2017 establishing Rwanda Civil Aviation Authority (RCAA) and determining its mission, organisation and functioning remain valid.

Article 36 – Transitional period
Within six (6) months from the date of publication of this Law in the Official Gazette of the Republic of Rwanda, RCAA established by this law must harmonise its activities with this law.

Article 37 – Transfer of staff members
Staff members of RCAA as established by Law n° 03/2017 of 21/02/2017 establishing Rwanda Civil Aviation Authority (RCAA) and determining its mission, organisation and functioning, remain under the authority of RCAA as established by this Law.

Article 38 – Transfer of property, contracts and liabilities
Contracts, movable and immovable assets as well as liabilities of RCAA established by Law n° 03/2017 of 21/02/2017 establishing Rwanda Civil Aviation Authority (RCAA) and determining its mission, organisation and functioning are transferred to RCAA as established by this Law.

Article 39 – Drafting, consideration and adoption of this Law
This Law was drafted in English, considered and adopted in Ikinyarwanda.

Article 40 – Repealing provision
Law n° 03/2017 of 21/02/2017 establishing Rwanda Civil Aviation Authority (RCAA) and determining its mission, organisation and functioning as well as all other prior legal provisions contrary to this Law are repealed.

Article 41 – Commencement
This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.