



LAWS OF KENYA



CIVIL AVIATION ACT

CHAPTER 394

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CHAPTER 394

CIVIL AVIATION ACT

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CHAPTER 394**CIVIL AVIATION ACT***[Date of assent: 8th December, 1977.]**[Date of commencement: 16th December, 1977.]***An Act of Parliament to make provision for the control, regulation and orderly development of civil aviation in Kenya and for matters incidental thereto or connected therewith**

[Act No. 22 of 1977, Act No. 13 of 1978, Act No. 18 of 1979, Act No. 3 of 1991, Act No. 6 of 2002, Act No. 4 of 2004.]

1. Short title

This Act may be cited as the Civil Aviation Act, 1977.

2. Interpretation and application

(1) In this Act, unless the context otherwise requires—

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

- (a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto; or
- (b) the aircraft receives substantial damage;

“**aerial work**” means any purpose other than public transport for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“**aerodrome**” means any defined area on land or water, including any building, installation or equipment therein, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and includes any such area as the Minister may by notice in the *Gazette* declare to be an aerodrome;

“**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface, and includes all flying machines, aeroplanes, gliders, seaplanes, rotocrafts, airships, balloons, gyroplanes, helicopters, ornithopters and other similar machines, but excludes state aircraft;

“**air navigation services**” means—

- (a) communication services, whether ground to air or ground to ground, provided for the safety of aircraft;
- (b) navigational services, that is to say radio, radar and visual aids to navigation;
- (c) air traffic services provided for the safety of aircraft; and
- (d) aeronautical information services;

“air route” means navigable airspace between two points and the terrain beneath such air space identified, to the extent necessary, for the application of flight rules;

“air transport enterprise” includes persons, corporate bodies and unincorporated bodies, companies, firms, partnerships, societies and associations, now or hereafter operating an air transport service for public hire, under proper authority, in the transport of passengers, mail or cargo;

“air transport service” means any air service performed by aircraft for the public transport of passengers, mail or cargo;

“airway” means a designated control area or portion thereof established in the form of a corridor;

“authorized employee” means an employee authorized by the Director-General to exercise the powers or perform the duties and functions in respect which the expression is used;

“Authority” means the Kenya Civil Aviation Authority established under section 3;

“aviation security” means a combination of measures, human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“Board” means the Board of Directors of the Authority constituted under section 4;

“cargo” means any movable property carried in an aircraft;

“Chairman” means the Chairman of the Board of Directors of the authority appointed under section 4(1);

“charges” means all sums received or receivable, charged or chargeable under this Act or subsidiary legislation made thereunder for any service performed or facilities provided by the Authority;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on the 7th December, 1944;

“controlled area” means a controlled airspace extending upwards from a specified limit above the earth;

“convention” means any international convention or protocol and any annex thereto relating to civil aviation to which Kenya is a signatory or has acceded, or to which Kenya is in any way a party, whether made, concluded, signed or acceded to before or after the commencement of this Act, and includes the Chicago Convention;

“crew” includes any person assigned by the owner to duty on an aircraft during flight;

“Director” *deleted by Act No. 6 of 2002, s. 2*);

“Director-General” means the Director-General of the Authority appointed under section 5;

“financial year” means the period of twelve months ending on the thirtieth June in each year;

“Government aerodrome” means an aerodrome under the control of the Government;

“Kenya aircraft” means an aircraft registered in Kenya;

“Kenya Airports Authority” means the Authority by that name established by the Kenya Airports Authority Act (Cap. 395);

“licence” includes any certificate, permit or document, howsoever named, authorising any person to do or to omit to do anything under this Act;

“Minister” means the Minister for the time being responsible for matters relating to civil aviation;

“operator” in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to time, at the time;

“owner” means, in relation to an aircraft or aerodrome, the person in whose name the aircraft or aerodrome is registered or licensed, and includes any person who is or has been acting as agent in Kenya for a foreign owner, or any person by whom the aircraft or aerodrome is hired at the time;

“passenger” means any person being conveyed by an aircraft who is not a member of the crew;

“private aerodrome” means an aerodrome other than an aerodrome under the control of Government, Governmental agency, local authority, military or police;

“publication” includes information given in any of the following publications issued, whether before or after the commencement of this Act, that is—

- (i) notices to airmen;
- (ii) aeronautical information publications;
- (iii) notices to licensed aircraft maintenance engineers and to owners of civil aircraft;
- (iv) civil aviation publications ;
- (v) aeronautical information circulars ;
- (vi) manuals of air traffic control instructions; and
- (vii) such other official publications issued for the purpose of enabling any of the provisions of this Act to be complied with;

“public transport” means the carriage of passengers or cargo for hire or reward;

“rates” includes all sums which may, under the provisions of this Act, be levied for, or in respect of any aircraft or any other service performed or facility provided by the Authority;

“revenue” means any levy, rate, charge or fee imposed by the Authority under this Act;

“revenue collector” means the Commissioner-General of the Kenya Revenue Authority, or, if it ceases to be a function of the Kenya Revenue Authority to collect revenue under this Act, the Kenya Civil Aviation Authority or such other person or body whose function it is to collect revenue under this Act;

“rocket” means any projectile for projection through the air by the combustion of its own contents and having a total weight before firing of more than 2.2 kilogrammes;

“State aircraft” means—

- (a) aircraft in the military service of Kenya or any other state and aircraft that are commanded by members of the military forces of Kenya or such a state who are detailed for the purpose of commanding such aircraft; and
- (b) aircraft used in the customs or police service of Kenya or any other state.

(2) Any reference in this Act to goods or articles shall be construed as including a reference to baggage, mail and animals.

(3) The provisions of this Act and of regulations made thereunder shall, except where expressly or by implication excluded, apply to—

- (a) all aircraft whilst in or over any part of Kenya; and
- (b) all Kenya aircraft and the crew and other persons on board wherever they may be.

(4) The provisions of this Act shall, except where expressly included, not apply to state aircraft.

(5) Notwithstanding the provisions of subsection (4), in the interest of aviation safety, all aircraft shall be subject to the requirements of this Act as to rules of the air and air traffic control.

[Act No. 6 of 2002, s. 2, Act No. 4 of 2004, s. 63.]

3. Establishment of the Kenya Civil Aviation Authority

(1) There is established an Authority to be known as the Kenya Civil Aviation Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts;
- (e) doing or performing all such other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

[Act No. 6 of 2002, s. 3.]

3A. Objectives of the Authority

The object and purpose for which the Authority is established shall be to plan, develop, manage, regulate and operate a safe, economical, and efficient civil aviation system in Kenya in accordance with the provisions of this Act.

[Act No. 6 of 2002, s. 3.]

3B. Functions of the Authority

(1) The Authority shall be responsible for—

- (a) the licensing of air services;
- (b) the provision of air navigation services;
- (c) the establishment and maintenance of a system for the registration and the marking of civil aircraft;
- (d) securing sound development of the civil aviation industry in Kenya;
- (e) advising the Government on matters concerning civil aviation;
- (f) the coordination and direction of search and rescue services;
- (g) the provision of services and facilities in relation to the investigation of aircraft accidents and incidents;
- (h) the safety and technical regulation of civil aviation;
- (i) dealing with incidents of unlawful interference with aviation security;
- (j) the certification of aircraft operators;
- (k) enforcement of approved technical standards of aircraft;
- (l) the licensing and monitoring of aeronautical personnel;
- (m) the provision of technical services for the design, installation, and modification of electronic, radio and other equipment used in the provision of air navigation services;
- (n) ensuring the integrity of the systems, equipment and facilities of the Authority;
- (o) the issuance and dissemination of the publications referred to in this Act;
- (p) the production of accurate, timely, comprehensive and relevant air transport information for planning and decision making purposes;
- (q) the approval, certification and licensing of aircraft maintenance organizations and training institutions;
- (r) the establishment, management and operation of training institutions for the purposes of the Authority;
- (s) the registration of rights in aircraft;
- (t) the planning, development and formulation for the safe and efficient utilization of Kenyan airspace;
- (u) the performance of such other functions as may, from time to time, be conferred on it by the Minister or by any other written law.

(2) The Authority shall discharge its functions without prejudice to the functions of the Kenya Airports Authority.

(3) The Authority shall provide air navigation services in Kenya airspace, and for any areas outside of Kenya for which Kenya has, in pursuance of international arrangements, undertaken to provide air navigation services, alerting service and to coordinate search and rescue services, therein.

(4) The Authority shall carry out its functions in a manner consistent with the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto or other international conventions and protocols relating to civil aviation that Kenya is party to.

(5) It shall be the responsibility of the Authority to perform any obligations required by any agreement, treaty or arrangement between Kenya and any other country, inter-Governmental organization or other body with respect to the safety, regularity and efficiency of air navigation and aviation safety in general.

(6) In the discharge of its responsibility for aviation safety and security the Authority shall coordinate its activities with other agencies of the Government, including the Kenya Ports Authority, the Department of Defence and the Police.

[Act No. 6 of 2002, s. 3.]

3C. Powers of the Authority

(1) The Authority shall have all the powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to—

- (a) determine, impose and levy rates, charges, dues or fees for any services performed by the Authority, or for use by any person of the facilities provided by the Authority or for the grant, renewal or validation of a licence, permit or certificate, subject to the approval of the Minister;
- (b) receive any gifts, grants, donations or endowments made to it or any other monies in respect of it and to make legitimate disbursement therefrom in accordance with the provisions of this Act;
- (c) invest any monies not immediately required for its purposes in the manner provided in this Act or any other written law;
- (d) enter into contracts, arrangements, agency, associations or partnerships with any person, Government agency or authority, whether, within or outside Kenya, subject to any limitations that may be set out by the Minister;
- (e) acquire, hire, hold, lease out, dispose of all types of assets or property including land:

Provided that the Authority shall not sell, let or otherwise dispose of any buildings, land or other assets vested in it by virtue of section 7D except with the consent of and subject to any conditions that may be imposed by the Government.

[Act No. 6 of 2002, s. 3.]

4. Board of Directors

(1) There shall be a Board of Directors of the Authority which shall be the governing body of the Authority consisting of—

- (a) a Chairman who shall be appointed by the Minister;
- (b) the Director-General;
- (c) the Permanent Secretary of the Ministry for the time being responsible for matters relating to civil aviation or his representative;
- (d) the Permanent Secretary to the Treasury or his representative;
- (e) the Permanent Secretary of the Ministry for the time being responsible for internal security or his representative;
- (f) the chief executive of the Kenya Tourist Board or his representative;
- (g) three members, not being public officers, with aviation knowledge and experience to be appointed by the Minister;
- (h) three other members, not being public officers, to be appointed by the Minister.

(2) No person shall qualify for appointment as Chairman under subsection (1)(a) unless such person has knowledge and experience in matters relating to administration or has such other qualifications and experience of proven ability in such other fields as the Minister may prescribe.

(3) The members appointed under subsection (1)(a), (g) and (h) shall serve for a period of three years on such terms and conditions as may be specified in their instruments of appointment and shall be eligible for re-appointment.

(4) If a member of the Board appointed under subsection (1)(a), (g) and (h)—

- (a) dies;
- (b) resigns;
- (c) gets his appointment revoked; or
- (d) ceases to be a member of the Board for any other reason other than the above,

the Minister may appoint another person to take the place of that member, and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he was appointed.

(5) The Chairman shall notify the Minister as soon as a vacancy occurs in the membership of the Board, and the Minister shall appoint a member to fill such vacancy within three months of receiving the notice.

[Act No. 3 of 1991, Sch., Act No. 6 of 2002, s. 4.]

4A. Termination of appointment of Directors

(1) The Minister may terminate the appointment of a member appointed under section 4(1)(a), (g) and (h) if he—

- (a) has been absent from three consecutive meetings of the Board without the permission from chairman; or

- (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
- (c) is convicted of an offence involving dishonesty or fraud; or
- (d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
- (e) is incapacitated by prolonged physical mental illness; or
- (f) fails to comply with the provisions of this Act relating to disclosure.

(2) A member appointed under section 4(1)(a), (g) and (h) may resign his office in writing under his hand to the Minister.

[Act No. 6 of 2002, s. 4.]

4B. Functions of the Board

(1) The Board shall be responsible for the general control of the performance and management of the undertakings and affairs of the Authority, and shall include a general duty to ensure that the functions of the Authority are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue disadvantage.

(2) The Board shall consider and advise the Minister on the development and maintenance of civil aviation policy framework and the objectives of the Authority.

(3) Without prejudice to generality of subsections (1), (2) and (3), the Board shall—

- (a) consider and advise Minister in relation to establishment of air services;
- (b) determine and set priorities of the general performance targets of the Authority;
- (c) consider and determine the strategic and business plans and budgets of the Authority;
- (d) ensure that measures the development of civil aviation are initiated and implemented;
- (e) consider and advise the Minister on legislative proposals on civil aviation including legislation to give effect to the Chicago Convention, and other international conventions and instruments relating to civil aviation;
- (f) ensure that promotion of safety, security and efficiency in air transport is fostered through enforcement of the highest possible standards and recommended practices;
- (g) consider and advise the Minister on measures to promote or support any airline designated by Government for the purpose of any international air services agreement;
- (h) consider and advise the Minister in relation to fares and freight rates and related matters including any resolution of the International Air Transport Association or any body which succeeds that Association;

- (i) consider and advise the Minister in relation to the establishment, maintenance and development of air navigation facilities and services;
- (j) consider and advise the Minister on such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in Kenya;
- (k) perform such other functions as the Minister may, from time to time, assign to it.

[Act No. 6 of 2002, s. 4.]

4C. Powers of the Board

The Board shall have all the powers necessary for the proper performance of the functions of the Authority in accordance with the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) control and oversee the administration of the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established; and
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority.

[Act No. 6 of 2002, s. 4.]

4D. Meetings of the Board

(1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) The quorum at a meeting of the Board shall be six members excluding the Director-General.

(3) The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule, but subject thereto, the Board may regulate its own procedure.

[Act No. 6 of 2002, s. 4.]

4E. Common seal of the Authority

(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The common seal of the Authority when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

[Act No. 6 of 2002, s. 4.]

5. Director-General

(1) There shall be a Director-General who shall be appointed by the Minister, from a list of persons, recommended by the Board.

(2) Subject to this section, the terms and conditions of service of the Director-General shall be determined by the Board.

(3) No person shall qualify for appointment as the Director-General under subsection (1) unless such person has knowledge and experience in matters relating to civil aviation.

(4) The Director-General shall hold office for a term of five years from the date of appointment but shall, upon the recommendation of the Board, be eligible for re-appointment for one further term of a period not exceeding five years.

(5) The Minister may, in consultation with the Board, terminate the appointment of the Director-General if he—

- (a) has been absent from three consecutive meetings of the Board without the permission from Chairman; or
- (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
- (c) is convicted of an offence involving dishonesty or fraud; or
- (d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine not exceeding ten thousand shillings; or,
- (e) is incapacitated by prolonged physical or mental illness; or
- (f) fails to comply with the provisions of this Act relating to disclosure.

(6) The Director-General may, at any time, resign his office by notice in writing to the Minister.

[Act no. 13 of 1978, Sch., Act No. 18 of 1979, Sch., Act No. 6 of 2002, s. 5.]

5A. Powers of the Director-General

(1) The Director-General shall be the chief executive officer of the Authority responsible to the Board for the day to day management of the Authority and shall be responsible for the exercise of all powers and the discharge of all functions of the Authority and shall have control over all personnel and activities of the Authority.

(2) The Director-General shall exercise such powers as are necessary for the performance of the functions of the Authority to enable the objectives, implementation and applications of the regulations made under this Act and in particular, but without prejudice to the generality of the foregoing, the Director-General shall have power to—

- (i) ensure that the provisions of this Act and any rules and regulations made therein are complied with to the extent necessary in the interest of aviation;
- (ii) encourage and foster the safe development of civil aviation in Kenya;
- (iii) plan, develop and formulate safe and efficient utilization of the Kenya airspace;
- (iv) acquire, establish and improve air navigation facilities where necessary within the limits of available appropriation;
- (v) establish a school or schools for the purpose of offering instruction and training in matters related to the aviation industry;

- (vi) promulgate rules and procedures governing the notification and reporting of accidents and incidents involving aircraft so as to facilitate investigations;
- (vii) use, with their consent the available services, equipment and facilities of other agencies and to cooperate with those agencies in the establishment, and use of services, equipment and facilities of the Authority;
- (viii) monitor the deployment and utilization of the movable and immovable property of the Authority;
- (ix) prepare the annual report and financial statement of the Authority.

[Act No. 6 of 2002, s. 5.]

5B. Delegation by the Director-General

(1) The Director-General may from time to time, in writing, either generally or particularly, delegate to any person all or any of the powers, exercisable by him under any written law, but not including this present power of delegation.

(2) Subject to any general or special direction given or condition attached by the Director-General, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class or may be made to the holder or holders for the time being of a specified public office or class of public offices.

(5) Every delegation under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the Director-General.

(6) Any such delegation shall, until revoked, continue in force according to its tenure, notwithstanding the fact that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as Director-General.

[Act No. 6 of 2002, s. 5.]

5C. Corporation Secretary

(1) There shall be a Corporation Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine and who shall perform such duties as the Board may, from time to time, assign.

(2) In the performance of his duties under this Act, the Corporation Secretary shall be responsible to the Director-General.

[Act No. 6 of 2002, s. 5.]

5D. Staff of the Authority

(1) The Director-General may appoint such staff of the Authority as are necessary for the proper discharge of the functions of the Authority under this Act upon such procedures, terms and conditions of service as the Board may determine.

(2) The Board may review salaries, wages and other terms and conditions of service of the staff of the Authority from time to time.

[Act No. 6 of 2002, s. 5.]

5E. Protection from personal liability

Subject to section 5F no matter or thing done by a member of the Board or by any officer, employee or agent of the Authority shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their direction personally liable to any action, claim or demand whatsoever.

[Act No. 6 of 2002, s. 5.]

5F. Liability for damages

The provisions of section 22 shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

[Act No. 6 of 2002, s. 5.]

6. Principles of operation

The Authority shall perform its functions in accordance with sound financial principles and shall ensure, as far as reasonably practicable, that its expenditure is properly chargeable to its revenue.

[Act No. 13 of 1978, Sch., Act No. 6 of 2002, s. 6.]

6A. Funds of the Authority

(1) The funds of the Authority shall consist of—

- (a) monies that may accrue to the Authority in the discharge of its functions;
- (b) grants and loans from the government;
- (c) grants and loans from any body, organization or persons;
- (d) interest on savings made by the Authority;
- (e) such moneys as may be provided by Parliament for the purposes of the Authority; and
- (f) money from any other source.

(2) The Authority may open and operate its own bank accounts in both domestic and foreign currencies in banks approved by the Board.

(3) The Authority may, with the approval of the Minister, invest any funds of the Authority not immediately required for use by the Authority in such securities as the Board deems fit.

(4) The Government may provide appropriations to meet operating deficits and capital funding of the Authority.

[Act No. 6 of 2002, s. 6.]

6B. Commercial ventures

The Authority may, with a written approval of the Minister—

- (a) subscribe to or purchase shares, debentures or other securities of a company;
- (b) form a company that would be a subsidiary of the Authority;
- (c) enter into partnership with any body, organization or enterprise whose objectives are compatible with the purposes for which the Authority has been established.

[Act No. 6 of 2002, s. 6.]

6C. Annual estimates

(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for the financial year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Authority and the members of the Board;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits to staff of the Authority;
- (c) the proper maintenance of buildings and the grounds of the Authority;
- (d) the proper maintenance, repair and replacement of the equipment and other movable property of the Authority;
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters pertaining to the Authority as the Board may decide;
- (f) the provisions of air navigation services;
- (g) the provision of personnel training.

(3) The annual estimates shall be submitted to the Minister for approval before the commencement of the financial year to which they relate provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Minister.

(4) No expenditure shall be incurred for purposes of the Authority except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Minister.

[Act No. 6 of 2002, s. 6.]

6D. Business plan

(1) The Authority shall prepare a five-year business plan which shall be reviewed yearly.

(2) The business plan shall contain financial targets and performance indicators for the Authority.

(3) When preparing the business plan, the Authority shall consider—

- (a) standards of aviation safety;
- (b) the objectives and policies of the Government;
- (c) funds of the Authority;
- (d) assets and liabilities of the Authority;
- (e) any other consideration the Authority deems appropriate.

(4) The business plan and the revisions thereof shall be prepared by the Authority at least six months prior to the commencement of the Authority's financial year.

[Act No. 6 of 2002, s. 6.]

6E. Borrowing powers

(1) The Authority may borrow funds by the issue of loan stock on such terms as may be approved by the Minister responsible for finance upon recommendation of the Minister.

(2) The Authority may borrow money or obtain credit in Kenya or abroad for carrying out its functions with the concurrence of and subject to such limitations as may be imposed by the Minister responsible for finance.

(3) Such stock issued under subsection (1), and such monies borrowed or credit obtained under subsection (2), for the purposes of this section, and all interest and other charges payable in respect of such stock or credit, shall, unless the instrument or note evidencing or supporting such borrowing shall otherwise provide, be charged upon all the property, undertakings and revenue of the Authority by operation of this section and without further charge or instrument.

(4) Any stock issued by the Director of Civil Aviation which, by virtue of an order made under subsection (3) of section 21 becomes the liability of the Authority shall, subject to the terms of such order, be deemed to be the stock issued by the Authority and shall be held in the same right and on the same powers, privileges, provisions and charges as those in, or subject to which such stock was issued.

(5) Except as provided in this section, the Authority shall not give or execute any mortgage or charge over any of its property by way of security for borrowed money.

[Act No. 6 of 2002, s. 6.]

6F. Financial year

The financial year of the Authority shall be the twelve calendar months commencing on the 1st day of July in each year and ending on the 30th day of June the following year.

[Act No. 6 of 2002, s. 6.]

6G. Records and accounts of the Authority

(1) The Board shall cause to be kept all proper books and records of the income, expenditure, assets and liabilities of the Authority.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Controller and Auditor-General or to an auditor appointed under subsection (3), the accounts of the Authority together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the Authority as at the last day of the financial year.

(3) The accounts of the Authority shall be audited by the Controller and Auditor-General or by an auditor appointed by the Board with the written approval of the Controller and Auditor-General.

(4) The appointment of an auditor shall not be terminated by the Board without the prior written consent of the Controller and Auditor-General.

(5) The Controller and Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.

(6) An auditor appointed under subsection (3) shall report directly to the Controller and Auditor-General on any matter relating to the directions given under subsection (5) of this section.

(7) Notwithstanding anything in this Act, the Controller and Auditor-General may submit to the Minister a special report on any matters incidental to his powers under this Act, and section 19(3) and (4) of the Exchequer and Audit Act (Cap 412), shall, *mutatis mutandis*, apply to any report made under this section.

(8) The Minister shall lay the audit report before the National Assembly as soon as reasonably practicable after the report is submitted to him.

(9) The fee for any auditor, not being a public officer, shall be determined and paid by the Board.

[Act No. 6 of 2002, s. 6.]

6H. Annual report by the Authority

The Director-General shall, within three months after the end of each financial year prepare a report of the operations of the Authority during that year and shall submit such report to the Minister, through the Board, who shall cause it to be presented to the National Assembly together with the report of the Controller and Auditor-General and certified copies of the accounts referred to in section 6(2).

[Act No. 6 of 2002, s. 6.]

6I. Charges and fees

(1) The Authority may determine, impose and levy charges for any services performed by the Authority, or for use of the facilities provided by the Authority, or for the grant of a licence, permit or certificate, based on the transparent principle of cost recovery and subject to the approval by the Minister.

(2) The schedule of charges shall be published in an Aeronautical Information Circular.

(3) The schedule of charges shall come into force on a date specified therein, which shall be at least thirty days following publication in the Aeronautical Information Circular.

(4) If any amount due and payable under this section is not paid by any party after demand by the Authority and remains unpaid beyond the time specified for payment thereof, the Authority may seize the aircraft or other property of the debtors after giving reasonable notice of the intention to seize the aircraft or property of the owner or operator of the aircraft and the Authority shall detain the aircraft or property until payment is made.

[Act No. 6 of 2002, s. 6.]

6J. Collection of revenue from agents

(1) The revenue collector may, by written notice addressed to any person (in this section called the agent) appoint him to be the agent of another person (in this section called the principal) for the purposes of collecting revenue from the principal where the revenue collector is satisfied that the agent—

- (a) owes or is about to pay money to the principal;
- (b) holds money for or on account of the principal;
- (c) holds money on account of some other person for payment to the principal; or
- (d) has authority from some other person to pay money to the principal.

(2) The revenue collector shall, in the notice under subsection (1), specify the amount of revenue to be collected by the agent, which amount shall not exceed the amount held or owing by the agent for or to the principal.

(3) The revenue collector may, by notice in writing, require any person to furnish the revenue collector, within a reasonable time (not being less than thirty days from the date of service of the notice), with a return showing details of any moneys which may be held by that person for or on account of a person from whom revenue is due.

(4) An agent who claims to be, or to have become, unable to comply with the notice for any reason shall, as soon as may be practicable, notify the revenue collector accordingly in writing stating the reasons for his inability, and the revenue collector may accept and cancel, amend or reject the notification as he may think fit.

(5) Notwithstanding subsection (4), an agent shall be presumed to be holding sufficient money for the payment of the revenue specified in the notice unless his notification under subsection (4) is accepted or amended, and in any proceedings for the collection of that revenue, he shall be estopped from asserting the lack of those moneys.

(6) Where an agent fails to remit any amount of revenue specified in the notice, within thirty days of the date of service of the notice on him or of the date on which any moneys came into his hands for, or become due by him to, his principal, whichever is the later, and he has not complied with subsection (4), then the provisions of this Act relating to the collection and recovery of revenue shall apply as if it were revenue due and payable by him from the date when such revenue should have been paid to the revenue collector.

(7) An agent who has made payment of revenue under this section shall for all purposes be deemed to have acted therein with the authority of his principal and of all other persons concerned, and shall be indemnified in respect of that

payment against any proceedings civil or criminal and all process, judicial or extra-judicial, notwithstanding any provisions to the contrary in any written law, contract or agreement.

(8) A person who, in giving a notification under subsection (4), wilfully makes any false or misleading statement, or wilfully conceals any material fact, shall be guilty of an offence and liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

[Act No. 4 of 2004, s. 64.]

6K. Recovery of levies by distress

(1) If revenue remains unpaid after the time it was required, under this Act to be paid, the revenue collector may authorize distress to be levied upon the goods, chattels and effects of the person who should have paid the revenue wherever those goods, chattels and effects may be found.

(2) The following provisions of the Customs and Excise Act (Cap 472), shall apply, with the necessary modifications, with respect to distress authorized under subsection (1)—

- (a) section 225(2), (3) and (4); and
- (b) the Sixth Schedule.

[Act No. 4 of 2004, s. 64.]

7. Contracting out

The Authority may contract out any of its services provided that such contracting out shall not abrogate from the Authority's regulatory functions and compromise safety standards.

[Act No. 3 of 1991, Sch., Act No. 6 of 2002, s. 7.]

7A. Consultation with users and departments

(1) In the performance of its functions and exercise of its powers, the Authority shall, where appropriate, consult with Government Ministries, other authorities, bodies or persons and users of the Authority's facilities and services.

(2) The Authority shall establish any consultative mechanism it deems necessary to obtain the views of the users of the Authority's facilities and services.

[Act No. 6 of 2002, s. 7.]

7B. Authorization to provide air operator of air navigation services

The Authority may authorize an aerodrome to provide air navigation services for the use of such aerodrome and subject to such conditions as may be set by the Authority.

[Act No. 6 of 2002, s. 7.]

7C. Inspection of aircraft

(1) The Authority may inspect all aircraft on Kenya territory regardless of their state of registry or Kenya registered aircraft wherever it may be for reasons of safety and for any other reason for which the Authority is established.

(2) The Authority's inspectors have unhindered access to the aircraft wherever it may be and the related facilities and installations and any records, information and explanation that may be required in the course of their inspections.

[Act No. 6 of 2002, s. 7.]

7D. Acquisition of land for purposes of the Authority

(1) Where land is required by the Authority for its use, the Authority may either—

- (a) if such land is not public land, acquire such land through negotiation and agreement with the registered owner thereof, provided that notwithstanding the provisions of section 6 of the Land Control Act (Cap 302), the ensuing transaction shall not require the consent of a Land Control Board if the land to be acquired is agricultural land; or
- (b) if such land is public land or if the Authority is unable to acquire it by agreement in accordance with paragraph (a), it shall notify the Minister responsible for lands that the land specified in the notice is required for the purposes of the Authority.

(2) When notice has been given under subsection (1)(b) then—

- (a) if the land is public land, the Minister responsible for lands may, in his discretion and upon such terms and conditions as he may think fit, place such land at the disposal of the Authority to be utilized for the purposes of the Authority; or
- (b) if the land is not public land, any provision in any written law which empowers the President or the Minister responsible for lands to acquire or direct the acquisition of such land for any specific purpose shall be deemed to include a power enabling the President or the Minister responsible for lands to acquire or direct the acquisition of such land for the purposes of the Authority.

(3) Where any compensation is payable to any person in respect of any land specified in the notice given under subsection (1)(b) acquired by the President or the Minister responsible for lands, and such land after being so acquired is placed at the disposal of the Authority in accordance with subsection (2)(a), the amount of compensation payable to that person, in accordance with the provisions of the law under which the land was acquired, shall be paid by the Authority.

(4) The Authority may at any time convey, transfer or surrender any land surplus to both its existing and future requirements by a conveyance or a deed of surrender:

Provided that such land shall be surrendered to the government and shall not be conveyed or transferred to any other person unless the Minister responsible for lands shall consent and so direct.

(5) The provisions of subsection (4) shall apply to land vested in the Authority by any written law, including this Act, as well as land conveyed to it or otherwise placed at its disposal.

[Act No. 6 of 2002, s. 7.]

7E. Limitation of actions

Where an action or other legal proceeding is commenced against the Authority for any act done in pursuance, or execution or intended execution of this Act or any public duty or authority, or in respect of any alleged neglect or default in the execution of this Act, or of any such duty or authority, the following provisions shall have effect—

- (a) the action or legal proceedings shall not be commenced against the Authority until at least one month after written notice containing the particulars of the claim, and of the intention to commence the action or legal proceedings, has been served upon the Director-General by the plaintiff or his agent;
- (b) the action or legal proceedings shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, omission or default complained of or in the case of a continuing injury or damage, within six months next after the cessation thereof.

[Act No. 6 of 2002, s. 7.]

7F. Restriction in the execution against property of the Authority

Notwithstanding anything to the contrary in any law—

- (a) where any judgment or order has been obtained against the Authority, no execution or attachment or process in the nature thereof, shall be issued against the immovable property of the Authority or any of its vehicles, vessels, aircraft or its other operational equipment, machinery, fixtures or fittings; but the Director-General shall cause to be paid out of the revenue of the Authority such amount as may, by the judgment or order or decree, be awarded against the Authority to the person entitled thereto;
- (b) no immovable property of the Authority or any of its vessels, vehicles, aircraft or its equipment, machinery, fixtures or fittings, shall be seized or taken by any person having by law, power to attach or distrain property without the previous written permission of the Director-General.

[Act No. 6 of 2002, s. 7.]

7G. Service of notice on the Director-General

Any notice, summons, warrant, process or any other document required or authorized under this Act or any other law to be served on the Authority or the Director-General may be served—

- (a) by delivery of the notice or document to the Director-General or to any authorized employee;
- (b) by leaving it at the office of the Director-General; or
- (c) by sending it by registered post to the Director-General.

[Act No. 6 of 2002, s. 7.]

7H. Imperilling the safety of aircraft and persons on board

(1) No person shall wilfully or negligently imperil the safety of an aircraft or any person on board, whether by interference with any member of the crew of the aircraft or by tampering with the aircraft or its equipment, or by disorderly conduct by any other means.

(2) No person shall wilfully or negligently cause or permit an aircraft to endanger any person or property.

(3) No person shall wilfully or negligently interfere or tamper with an air navigation facility.

(4) Any person who contravenes the provisions of subsection (1), (2) or (3) shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

[Act No. 6 of 2002, s. 7.]

7I. Drunkenness in aircraft or on duty

(1) No person shall, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of alcohol or drugs.

(2) No employee of the Authority shall report on duty or be on duty when under influence of drugs or alcohol.

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred and fifty thousand shillings or to imprisonment for a term not exceeding three years or to both.

[Act No. 6 of 2002, s. 7.]

7J. Exemption

Notwithstanding the provisions of this Act, the Minister may, upon the recommendation of the Authority, by in the *Gazette* notice and on such terms and conditions as may be necessary, exempt any aircraft, person, aerodrome facility or service or enterprise from the application of any regulations made under this Act, if such exemption is in the public interest and is not likely to adversely affect aviation safety.

[Act No. 6 of 2002, s. 7.]

7K. Transfer of Government assets and liabilities and certain staff to the Authority

(1) Upon the commencement of this Act, all existing assets used in the provision of services for which the Authority has been established shall be transferred to and vested in the Authority.

(2) Subject to subsection (3) the Minister may, by order published in the *Gazette*, transfer to the Authority any property or asset belonging to the Government which appears to him to be necessary or useful to the Authority for the performance of its functions under this Act, which property or asset shall vest in the Authority by virtue of the order and without further assurance.

(3) An order under subsection (2) may contain such incidental, consequential or supplemental provisions as the Minister thinks necessary or expedient.

(4) All liabilities incurred in the provisions of services for which the Authority has been established, shall vest in the Authority without further assignment.

(5) Notwithstanding any other provision of this Act to the contrary, any person who, as at the 31st March, 2002, was an employee of the Directorate of Civil Aviation shall, upon the commencement of this Act, be deemed to be an employee of the Authority.

[Act No. 6 of 2002, s. 7.]

8. Powers of the Minister

The Minister shall have powers to determine the policy framework within which the Authority shall operate and for that purpose but with due regard to the need to uphold the Authority's autonomy the Minister may—

- (i) give directions of a general nature to the Board regarding the operations of Authority;
- (ii) approve alterations in the tariffs, rates, fees, charges and impositions levied for the services and facilities provided by the Authority;
- (iii) approve any individual capital work for the purposes of the Authority, whose estimated cost exceeds the prescribed limit set by the Minister from time to time.

[Act No. 3 of 1991, Sch., Act No. 6 of 2002, s. 8.]

8A. International obligations

The Minister shall be responsible for—

- (i) civil aviation policy;
- (ii) investigation of civil aircraft accidents and incidents;
- (iii) establishment and review of air services agreements;
- (iv) submission of variations to the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto, or other international conventions and protocols, relating to civil aviation that Kenya is party to.

[Act No. 6 of 2002, s. 8.]

8B. Inspection and assessment

(1) The Minister shall at least once every two calendar years, and may at such other times as he may consider desirable, assess and audit the standards of air navigational facilities and services, and technical personnel manning the facilities and providing the services of the Authority to ensure that they meet prescribed international standards.

(2) The Minister may appoint audit inspectors to carry out the assessment and audit referred to in subsection (1).

(3) The audit inspectors shall have unhindered access to aerodromes and related facilities and installations, navigational and communication facilities and to any records, information and explanation that may be required in the course of their duties.

(4) The Minister may, on the advice of any audit inspector take appropriate action to ensure that noted safety deficiencies are corrected and appropriate standards are maintained.

[Act No. 6 of 2002, s. 8.]

8C. Regulations

(1) The Minister may make regulations to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating air navigation and air transport and carrying out and giving effect to any convention.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) regulating, by establishing licensing authorities and a system of licensing and otherwise, the use of aircraft—
 - (i) for public transport; and
 - (ii) for aerial work;
- (b) establishing an appeals tribunal to which a person aggrieved by a decision of any licensing authority established under paragraph (a) or of the Authority may appeal, and prescribing conditions, procedures and otherwise regulating appeals to such a tribunal;
- (c) providing for the registration and marking of aircraft;
- (d) prohibiting the flying of any aircraft—
 - (i) unless there is in force in respect of such aircraft certificate of airworthiness or permit to fly issued or recognized in accordance with regulations made under this Act; and
 - (ii) except upon compliance with such conditions as to maintenance and repair as may be prescribed or specified in the certificate or permit;
- (e) requiring the flight crew, and persons performing prescribed functions in relation to the operation or maintenance of aircraft, air navigation services, design and construction of aircraft to be the holders of licences of specified kinds;
- (f) providing for the manner and conditions of issue, validation, renewal, extension or variation of any licence required in regulations and for the form, custody, production, cancellation, suspension, endorsement and surrender of such;
- (g) providing for the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Kenya may fly and the conditions under which aircraft may fly from one part of Kenya to another;
- (h) providing for the conditions under which passenger and cargo may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be prescribed;
- (i) minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation and air navigation services and prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;

- (j) generally securing the safety, efficiency and regularity of air navigation and safety of aircraft and of persons and cargo carried therein, and for preventing aircraft endangering other persons;
- (k) requiring persons engaged in connection with meteorology to supply meteorological information for the purpose of air navigation;
- (l) regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (m) subject to any other written law, prescribing a civil air ensign for Kenya and regulating the use of any other ensign established for purposes connected with air navigation;
- (n) prohibiting aircraft from flying over such areas in Kenya as the Minister may by order published in the *Gazette* declare to be prohibited areas;
- (o) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any licence, or the undergoing of any examination or test required by regulations made under this Act or any other matters in respect of which it appears to the Minister to be expedient to charge fees;
- (p) prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services and providing for the recovery of such charges;
- (q) exempting any aircraft or persons or classes of aircraft or persons from the provisions of any regulations made under this Act;
- (r) providing for the investigation in such manner as may be prescribed, including by means of a tribunal established for the purpose, of any accident arising out of or in the course of air navigation and occurring either in or over Kenya or occurring elsewhere to Kenya aircraft;
- (s) prohibiting access to or interference with aircraft to which an accident has occurred, and authorizing any person, so far as may be necessary for the purpose of an investigation, to have access to, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
- (t) requiring any person who owns an aircraft or who carries on the business of operating aircraft for hire or reward to furnish to such authorities as may be prescribed such information relating to the aircraft and the use thereof, the crew, the mail, the passengers and the cargo carried, as may be prescribed;
- (u) providing for the licensing, inspection and regulation of aerodromes, access to places where aircraft have landed or may land, access to aircraft factories or maintenance establishments or places where aircraft parts and engines are maintained, for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof;
- (v) regulating the firing of rockets;

- (w) prohibiting or regulating in the vicinity of any aerodrome the emission or causing of smoke, soot, ash, grit, dust and any other substance whatever which obscures or may obscure visibility;
- (x) controlling and regulating the selling of charters, booking of accommodation and selling of tickets for persons or cargo on flights in any part of the world;
- (y) controlling and regulating aviation training institutions;
- (z) the classification and use of airspace and the control and use of air routes and provisions of search and rescue facilities;
- (aa) the design, construction, repair, overhaul, maintenance, operation and use of aircraft, maintenance and repair of facilities and related equipment;
- (bb) the control and operation of the aircraft within or directly above the aerodrome for the purpose of limiting or mitigating the effect of noise.

(3) Separate or different regulations may be made for different classes of aircraft, aerodromes, persons or property and for different parts of Kenya.

(4) Any regulations made under this section may provide in respect of any contravention thereof or non-compliance therewith for the impositions of penalties not exceeding in the case of any particular offence a fine of two million shillings or imprisonment for a term not exceeding three years or to both.

[Act No. 6 of 2002, s. 8.]

9. Restriction of building in declared areas

(1) Notwithstanding the provisions of any written law, or the terms of any deed, grant, lease or licence concerning the use and occupation of land, the Minister for the time being responsible for matters relating to aerodromes may, where he considers it to be necessary in the interests of the safety of air navigation, by order published in the *Gazette*, prohibit the erection within a declared area of any building or structure above a height specified in the order.

[Act No. 3 of 1991, Sch.]

(2) For the purposes of this section “**declared area**” means any area adjacent to or in the vicinity of an aerodrome which the Minister may by notice in the *Gazette* declare to be a declared area.

(3) Any person who contravenes the provisions of an order made under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

[Act No. 3 of 1991, Sch., Act No. 6 of 2002, s. 9.]

10. Control of structures, etc., on or near aerodromes

(1) If the Director-General considers that provisions for the safety or efficiency of air navigation ought to be made—

- (a) whether by lighting or otherwise for giving aircraft warning of the presence of any building, structure, tree or natural growth or formation on or in the vicinity of an aerodrome; or

(b) by the removal or reduction in height of any such obstruction, he may by order, and subject to any conditions specified in the order, require or authorize either the owner or occupier of the land on which the obstruction is situated or any person acting on behalf of the Director-General to enter upon the land and carry out such work as is necessary to enable the warning to be given or the obstruction to be reduced in height.

(2) The Director-General shall, before making an order under subsection (1), cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order; and of the place where copies of the draft order may be obtained free of charge; and he shall take into consideration any representations with respect to the proposed order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications, if any, of the original draft as the Director-General thinks proper.

(3) Every order made under subsection (1) shall provide that—

- (a) no work shall be executed on any land in pursuance of the order until a period of at least fourteen days has elapsed from the date of publication thereof; and
- (b) such compensation shall be paid to any person having an interest in land affected by the order for any loss or damage which that person may suffer in consequence of the order as may be agreed between that person and the Director-General or, in default of agreement, as may be determined by an arbitrator.

(4) Any person who—

- (a) wilfully interferes with any works or things which to the knowledge of that person are executed or placed in, on or over land in pursuance of an order under subsection (1); or
- (b) wilfully obstructs a person in the exercise of any powers conferred by such an order,

shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

[Act No. 3 of 1991, Sch., Act No. 6 of 2002, s. 10.]

11. *Deleted by Act No. 3 of 1991, Sch.*

12. Nuisance and liability for damage

(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight, or the ordinary incidents of the flight, of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, so long as the provisions of any written law or convention are complied with.

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or by an article or person falling from, an aircraft while in flight, taking off or landing, then, unless the loss or damage was

caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft:

Provided that where such material loss or damage is caused in circumstances in which—

- (i) damages are recoverable in respect of such loss or damage by virtue only of the foregoing provisions of this subsection; and
- (ii) a legal liability is created in some person other than the owner to pay damages in respect of such loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of such loss or damage.

(3) Notwithstanding section 2(1), where an aircraft has been *bona fide* demised, let or hired out for any period exceeding fourteen days to any person by the owner thereof, and during such period no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for reference therein to the owner there were substituted a reference to the person to whom the aircraft has been so demised, let or hired out.

13. Deleted by Act No. 3 of 1991, Sch.

14. Dangerous flying

(1) Where an aircraft is flown in such a manner as to cause unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft and the owner thereof, unless he proves that the aircraft was so flown without his knowledge or consent, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred upon the Minister by section 7.

15. Exemption from seizure of certain aircraft on patent claims

(1) Any lawful entry into Kenya or any lawful transit across Kenya, with or without landing, of an aircraft to which this section applies shall not entail seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in Kenya on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) The importation into and storage in Kenya of spare parts and spare equipment for aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Kenya on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Kenya or are exported for sale or distribution.

(3) This section shall apply—

- (a) to an aircraft registered in any country or territory in respect of which there is in force a notice made by the Minister and published in the *Gazette*, with a view to the fulfilment of the provisions of article 27 of the Chicago Convention, that the benefits of those provisions apply to that country or territory; and
- (b) to such other aircraft as the Minister may prescribe.

16. Detention of aircraft

Regulations made under this Act may provide for the detention of aircraft to secure compliance with this Act or any regulations made thereunder and may make such further provisions as appear to the Minister to be necessary or expedient for securing such detention.

17. Jurisdiction

Any offence under this Act or regulations made under this Act and any offence committed on a Kenya aircraft shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place within Kenya where the offender may for the time being be:

Provided that if such offence is committed in or over Kenya, the offence may be tried by any court having jurisdiction in Kenya.

18. *Repealed by Act No. 6 of 2002, s. 11.)*

19. Liability of directors and officers of corporations

Where an offence under this Act or under subsidiary legislation made thereunder has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed also to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

20. Application of regulations to state aircraft

Any part of this Act or any regulation made thereunder may, if it so expressly provides or if the Minister so directs by order published in the *Gazette*, apply to state aircraft or to any class or classes of state aircraft.

21. Transitional and savings provisions

(1) In this section, and in sections 21A, 21B and 21C, “**Directorate of Civil Aviation**” means the Government Department by that name existing immediately before the commencement of this Act.

(2) Every contract made by or on behalf of the Director of Civil Aviation which at the commencement of this Act falls wholly to be performed within Kenya shall, whether or not in writing and whether or not otherwise assignable in law by either party, have effect on and after the commencement of this Act as if made by or on behalf of the Authority with the other party or parties thereto and as if references therein to the Director, Directorate of Civil Aviation or any employee thereof were references to the Director-General, the Authority or the corresponding employee of the Authority.

(3) All the liabilities of the Director of Civil Aviation which at the commencement of this Act fall to be discharged within Kenya shall thereupon by virtue of this section and without further assignment become the liabilities of the Authority.

(4) The Minister may, from time to time, after the commencement of this Act, by order declare that any property of the Directorate of Civil Aviation or any liabilities or contracts of that department to which subsections (1) and (2) do not apply or any part or proportion thereof, shall, on a day to be specified in the order, become property, liabilities or contracts of the Authority subject to such terms or provisions as may be specified in the order, and all such orders shall take effect in Kenya according to their terms.

(5) All legal proceedings pending in Kenya by or against the Directorate of Civil Aviation in respect of any property, liabilities or contracts of the Authority under this section shall be deemed to continue or be continued by or against the Authority.

(6) All directions, orders, rules, authorizations and other things published, made, given or done by the Directorate of Civil Aviation, or any subsidiary legislation thereunder subsisting at the commencement of this Act, shall on and after that day be deemed to have been published, given, made or done by the Authority.

(7) Every public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate or other charge upon request made by or on behalf of the Authority shall do all such things as are by law necessary to give final effect to the transfer of property mentioned in any order made under subsection (3).

(8) In this section liabilities and contracts which fall to be discharged or performed shall include liabilities and contracts in respect of—

- (a) goods or services received and utilized or due to be received and utilized in Kenya by the Directorate of Civil Aviation;
- (b) a cause of action in tort which arose in Kenya;
- (c) only such judgments obtained in Kenya before the commencement of this Act as arise out of liabilities or contracts within subsections (1) and (2).

(9) Notwithstanding anything in this section or in any written law, it shall be lawful for the Authority pending the vesting of any property by orders made under subsection (3) to manage, operate, use and deal with the property of the Directorate of Civil Aviation for any of the purposes of this Act applied thereto, but subject to such provisions with regard to that user, including provisions for any financial adjustments or arrangements as the Minister may from time to time

direct, and the Authority shall have the power, subject to any such property and income arising therefrom for the purpose of meeting any liabilities or obligations of the Authority or of the Directorate of Civil Aviation, whether or not liabilities or obligations are assumed by the Authority under this section.

[Act No. 6 of 2002, s. 12.]

21A. Employees of Directorate of Civil Aviation

Subject to section 7K(5), the employees of the Directorate of Civil Aviation may at the commencement of this Act, become employees of the Authority in accordance with the Second Schedule.

[Act No. 6 of 2002, s. 12.]

21B. Contracts, etc., on behalf of the Authority before commencement of the Act

(1) Any contract made and any act or thing done or purported to be made or done or any act or thing omitted to be done on behalf of or in the name of the Directorate of Civil Aviation prior to the incorporation of the Authority under this Act by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be a contract, act or thing made or act or thing omitted to be done, as the case may be, by the Authority.

(2) The periods of limitations set out in section 7E shall, in respect of any claim, action or legal proceedings arising out of any of the matters covered by subsection (1) commence from the date of the commencement of this Act.

[Act No. 6 of 2002, s. 12.]

21C. Recovery of debts

All debts owed to the Authority under this Act shall be recoverable summarily.

[Act No. 6 of 2002, s. 12.]

22. Repealed by Act No. 6 of 2002, s. 13.

SCHEDULES

FIRST SCHEDULE

[Section 4D(3).]

[Act No. 6 of 2002.]

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. Meetings

(1) The Chairman may call a special meeting at any time where he deems it expedient for the transaction of the business of the Board.

(2) Notice of a Board meeting shall be given in writing to each member of the Board at least fourteen days before the day of the meeting but an urgent meeting may be called within less than fourteen days notice at the request of at least six members of the Board.

(3) The notice to be given under paragraph 2 shall state—

- (a) the venue and time of the meeting;
- (b) the Agenda with sufficient details of the business to be discussed at the meeting.

(4) The Chairman shall preside at every meeting of the Board at which he is present but in his absence, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairman.

(5) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of those present, excluding the Director General, and in case of an equality of votes, the chairman or the person presiding shall have a casting vote.

(6) The Board may co-opt or invite any number of persons to act as advisers or consultants at any of its meetings or form such committees to perform such functions or duties of the Board as the Board shall determine.

(7) Subject to the provisions on quorum, no proceedings of the Board shall be invalid by reason only of a vacancy among the members of the Board.

(8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of any other persons at its meetings and may make standing orders in respect thereof. Co-opted or invited persons shall not be counted in the quorum of the meetings of the board and shall not be eligible to vote thereat.

2. Disclosure of interest

(1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as is practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member shall give notice of interest in any matter under paragraph 2(1) by writing under his signature if he cannot be present in a meeting he is giving notice of interest.

(3) A disclosure of interest made under this schedule shall be recorded in the minutes of the meeting at which it is made.

3. Minutes

The Board shall cause minutes of all proceeding of meetings of the Board to be entered in books kept for that purpose.

4. Remuneration of Board Members

Members of the Board and any other person not being an employee of the Authority attending a meeting of the Board may be paid such remuneration or fees or allowances as may be determined by the Minister.

SECOND SCHEDULE

[Section 21A.]

[Act No. 6 of 2002.]

1. Interpretation

In this Schedule, the expression “**vesting day**” means the date of commencement of this Act.

2. Employees

Every person who at the commencement of this Act is an employee of the former Directorate of Civil Aviation, shall on the vesting day become an employee of the Authority on the same or improved terms and conditions of service as may be specified by the Minister:

Provided

- (a) any employee of the Directorate of Civil Aviation may retire on the basis of abolition of office in accordance with the existing regulations; and
- (b) any employee of Directorate of Civil Aviation may remain in the civil service with mutual consent of any such employee and the Government.

3. Where on the vesting day—

- (a) any disciplinary proceedings against any employee of the former Directorate of Civil Aviation, are in the course of being heard or instituted, or have been investigated by the former Directorate of Civil Aviation but no order or decision has been made thereon; or
- (b) any such employee is interdicted or suspended,

the Authority shall—

- (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
- (ii) in the case of paragraph (b), deal with such employee in such manner as it thinks appropriate having regard to the offence committed by him, including the completion of disciplinary proceedings making of an order or the rendering of a decision, as the case may be, as if such disciplinary proceedings have been commenced by the Authority.

4. Where on the vesting day, any penalty (other than dismissal) has been imposed on any employee of the former Directorate of Civil Aviation pursuant to disciplinary proceedings against him and the penalty has not been, or remains to

be, serviced by such employee, he shall on his transfer to the Authority, under paragraph (2) serve or continue to serve such penalty to its full term as if it had been imposed by the Authority.

5. Pensions

(1) Employees of the Directorate of Civil Aviation who shall become employees of the Authority shall continue to be governed by the existing Government pension scheme.

(2) Where any person whose services are transferred to the Authority, is on the vesting day, a member of any statutory voluntary pension scheme or provident fund he shall, for the purpose of this Act, continue to be governed by the same regulations under those schemes or funds as if he had not been so transferred, and for purposes of the regulations governing those schemes or funds his service with Authority, shall be deemed to be service in the former Directorate of Civil Aviation.

CHAPTER 394

CIVIL AVIATION ACT

SUBSIDIARY LEGISLATION

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CIVIL AVIATION (REGULATION OF ROCKET FIRING) REGULATIONS, 1979

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Regulation of rocket firing.
 3. Application for a licence.
 4. Grant or refusal of licence by Director.
 5. Cancellation or suspension of licences.
 6. Delegation of powers by the Director.
 7. Armed forces not bound.
 8. Revocation of Sub. Leg. (E.A. Cap. 31)
-

[Subsidiary]**CIVIL AVIATION (REGULATION OF ROCKET FIRING) REGULATIONS, 1979**

[Section 7, L.N. 39/1979.]

1. Citation

These Regulations may be cited as the Civil Aviation (Regulation of Rocket Firing) Regulations.

2. Regulation of rocket firing

(1) No person shall fire a rocket except in accordance with and subject to the conditions of a licence issued by the Director under these Regulations.

(2) No person shall fire a rocket and the Director shall not issue any licence for the firing of a rocket within an aerodrome traffic zone.

(3) For the purposes of paragraph 2, “**aerodrome traffic zone**”, in relation to any aerodrome, means the airspace extending from aerodrome level to a height of two thousand feet over the area comprising the aerodrome and the surrounding land or water within a distance of three thousand yards of its boundaries.

(4) Any person who fires a rocket without lawful authority or contrary to a condition of any licence issued under these Regulations shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

3. Application for a licence

Any person wishing to apply to the Director for a licence authorizing him to fire rockets shall make application in writing to be received by the Director not less than ten days before the day on which it is desired to commence firing and the application shall contain the following information—

- (a) the exact position from which the firing is intended to take place;
- (b) the elevation, above mean sea level, of the place from which the firing is intended to take place;
- (c) the times and dates of the intended commencement and cessation of firing respectively;
- (d) the frequency at which it is intended to fire rockets during the period between the times specified in subparagraph (c);
- (e) the type and specifications of the rocket or rockets to be fired and the altitude above ground level at which it is estimated detonation will take place; and
- (f) the full name, occupation and postal and residential address of the applicant.

4. Grant or refusal of licence by Director

On receiving an application made under regulation 3, the Director may, subject to paragraph (2) of regulation 2, grant or refuse to issue a licence authorizing the applicant to fire a rocket or rockets and may attach to any such licence such conditions as he may think fit.

5. Cancellation or suspension of licences

The Director may, in his discretion and upon such terms as he may think fit, cancel or suspend any licence issued under regulation 4 and such cancellation or suspension shall have effect immediately the holder of the licence is notified thereof or at such later time as the Director may stipulate.

6. Delegation of powers by the Director

The Director may authorise, subject to such limitation as he may think fit, any officer of the Directorate of Civil Aviation to exercise any of the powers conferred upon him by these Regulations.

7. Armed forces not bound by Regulations

These Regulations shall not bind the armed forces.

8. Revocation of Sub. Leg. (E.A. Cap. 31)

The East African Civil Aviation (Regulation of Rocket Firing) Regulations, in so far as they apply to Kenya, are hereby revoked.

**CIVIL AVIATION (CHARGES FOR AIR NAVIGATION SERVICES)
REGULATIONS, 1979**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Charges.
4. Procedure for commutation.
5. Recovery of charges.
6. Detention of aircraft.
7. Exemption from payment of charges.
8. Refund of charges.
9. Revocation of Sub. Leg. (E.A. Cap. 31)

SCHEDULE

[Subsidiary]**CIVIL AVIATION (CHARGES FOR AIR NAVIGATION SERVICES)
REGULATIONS, 1979**

[L.N. 40/1979, L.N. 38/1980, L.N. 28/1985.]

1. Citation

These Regulations may be cited as the Civil Aviation (Charges for Air Navigation Services) Regulations, 1979.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Flight Information Region” means the area allocated to the jurisdiction of the Area Control Centre at Nairobi by the International Civil Aviation Organization;

“journey in Kenya” means—

- (a) where an aircraft in the course of a flight originating at a place outside Kenya and terminating at a place outside Kenya enters the Nairobi Flight Information Region without landing in Kenya, the journey from the time it enters such airspace to the time it leaves it; or
- (b) where an aircraft in the course of a flight originating at a place outside Kenya and terminating at a place outside Kenya enters the Flight Information Region and lands, whether on one or more occasions, in the Flight Information Region in the course of such flight, the journey from the time it enters such airspace to the time it leaves it; or
- (c) where an aircraft in the course of a flight originating at a place outside the Flight Information Region and terminating at a place inside the Flight Information Region and lands, whether on one or more occasions, in the Flight Information Region, the journey from the time it enters such airspace to the time it leaves it; or
- (d) where an aircraft in the course of a flight originating at a place inside Kenya and terminating at a place outside Kenya leaves the Nairobi Flight Information Region, whether or not there are intermediate landings, the journey from the time it leaves the place of departure in Kenya to the time it leaves the Flight Information Region; or
- (e) where an aircraft makes one or a series of flights originating at a place inside Kenya and terminating at the same or any other place inside Kenya within a period of twenty-four hours commencing at midnight G.M.T. on one day and terminating at midnight G.M.T. on the following day, whether or not in the course of such flight or flights it leaves and re-enters the airspace over Kenya, the journey from the time it leaves the first place of departure to the time it arrives at the terminal place;

“maximum permitted number of passengers”, in relation to an aircraft, means the maximum permitted number of passengers set out in the Certificate of Airworthiness of the aircraft;

“maximum total weight authorised”, in relation to an aircraft, means the maximum total weight of the aircraft and its contents at which the aircraft may take off in accordance with the Certificate of Airworthiness of the aircraft;

“owner” means the person in whose name the aircraft is registered and includes any person who is or has been acting as agent in Kenya for a foreign owner, and where the aircraft is operated for hire or reward by some person other than the registered owner, that person.

3. Charges

(1) There shall be paid to the Government by the owner of an aircraft making a journey in the Nairobi Flight Information Region the charges provided for by these Regulations in respect of air navigation services provided by the Kenya Government.

(2) Subject to regulation 4, charges shall be paid in respect of each journey in the Flight Information Region of an aircraft at the rates and in the manner determined and notified by the Director through notams (notices to airmen), information circulars, aeronautical information publications, notices to owners of civil aircraft, civil aviation publications (c.a.p.) or such other official publications that may be issued for enabling this regulation to be complied with.

[L.N. 28/1985.]

4. Procedure for commutation

(1) An owner wishing to pay the commuted charges shall make application to do so to the Director and the charges shall be payable in advance at the rates notified in accordance with paragraph (2) of regulation 3.

(2) Where an owner makes an application to pay commuted charges during any year in respect of the same calendar year, the commuted charges to be paid shall be reduced as follows—

- (a) when the application is made during the month of April, May or June, the charges shall be reduced by one-quarter of the total amount;
- (b) when the application is made during the month of July, August or September, the charges shall be reduced by one-half of the total amount; and
- (c) when the application is made during the month of October, November or December, the charges shall be reduced by three-quarters of the total amount.

5. Recovery of charges

(1) Any charges to be paid under these Regulations shall constitute a debt to the Government and may be recovered by legal proceedings brought by the Director of Civil Aviation in that name and the officer holding such appointment may for all the purposes of such proceedings be described by that name.

(2) An entry in the aircraft movements logbook at the Area Control Centre at Nairobi shall be *prima facie* proof that the particular aircraft was within the airspace over Kenya at the time recorded in the logbook.

(3) A certificate issued by the Director of the maximum total weight authorized and the maximum permitted number of passengers of an aircraft shall, in respect of Kenya aircraft, be *prima facie* proof thereof.

6. Detention of aircraft

(1) Notwithstanding that a statement may not yet have been sent to the owner under paragraph (3) of regulation 3, it shall be lawful for the Director, or any person authorized by him in writing in that regard, to detain any aircraft the owner of which has refused or neglected to pay the charges payable by him under these regulations.

(2) Any aircraft which has been detained under paragraph (1) shall be released upon payment in full of the charges owing by the owner.

(3) The Director and any person authorized by him under paragraph (1) shall not be liable to any suit or other proceedings on account of any act performed by him under paragraph (1).

[Subsidiary]

7. Exemption from payment of charges

(1) If prior notice is given to the Director by or on behalf of the owner of an aircraft that a journey in Kenya is to be made for the purpose of testing the aircraft, the owner of the aircraft shall be exempt from liability to pay a charge under these Regulations in respect of that journey.

(2) The Director may, in writing, exempt from liability to pay the charges under these Regulations owners of an aircraft making journeys for any of the following purposes—

- (a) the search for, or relief or rescue of, persons in distress;
- (b) the transport of refugees sponsored by the United Nations Organisation;
- (c) the transport of foreign diplomatic missions;
- (d) such other purposes as the Director may approve.

8. Refund of charges

(1) The Director may, in accordance with subregulation (2) grant a refund of any commuted charge paid in respect of an aircraft, where such aircraft is sold or otherwise disposed of by the owner, or becomes unserviceable during the year in respect of which the commuted charge was paid.

(2) The amount of any refund made under subregulation (1) shall be calculated to the nearest shilling at the rate of one-fifteenth part of the commuted charge for each completed month remaining in the year in respect of which the charge was made at the date of the sale, disposal or unserviceability of the aircraft.

9. Revocation of Sub. Leg. (E.A. Cap. 31)

The East African Civil Aviation (Charges for Air Navigation Services) Regulations, in so far as they apply to Kenya, are hereby revoked.

SCHEDULE

CHARGES FOR AIR NAVIGATION SERVICES

Aircraft Category	Charges in respect of each journey			
	Normal rates		Commuted rates	
	Sh.	cts.	Sh.	cts.
A. Up to 10,000 kgs.—				
Single Engine	20	00	750	00
Multiple Engine	80	00	2,000	00
B. 10,001—20,000 kgs	8	50	—	
	per metric tonne			
C. 20,001—100,000 kgs	10	00	—	
D. 100,001-200,000 kgs	11	00	—	
	per metric tonne			
E. Over 200,000 kgs	10	00	—	
	per metric tonne			

CIVIL AVIATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1979

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation and application.
 3. Notification of accidents.
 4. Requirements as to notification.
 5. Removal of damaged aircraft.
 6. Investigations by Inspector.
 7. Procedure on investigation.
 8. Report of Inspector.
 9. Inquiries.
 10. Rehearing of public inquiries.
 11. Representation by country of registration of aircraft.
 12. Offences.
-

[Subsidiary]**CIVIL AVIATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1979**

[L.N. 41/1979.]

1. Citation

These Regulations may be cited as the Civil Aviation (Investigation of Accidents) Regulations.

2. Interpretation and application

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

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

- (a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything thereto; or
- (b) the aircraft receives substantial damage;

“**Chief Inspector**” means the Chief Inspector of Accidents;

“**Inspector**” means an Inspector of Accidents;

“**owner**” means, in relation to an aircraft or aerodrome, the person in whose name the aircraft or aerodrome is registered or licensed, and includes any person who is or has been acting as an agent in Kenya for a foreign owner, or any person by whom the aircraft or aerodrome is hired at the time;

“**substantial damage**” includes any damage which necessitates the replacement or extensive repair of any major component of an aircraft.

(2) These Regulations shall apply to accidents arising out of or in the course of air navigation which occur to any civil aircraft in or over Kenya or elsewhere to aircraft registered in Kenya.

3. Notification of accidents

An accident shall be notified in accordance with the provisions of regulation 4, if between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked therefrom—

- (a) a person is fatally or seriously injured as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto; or
- (b) the aircraft incurs damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft and which would normally require major repair or replacement of the affected component; or
- (c) the aircraft is missing or is completely inaccessible.

4. Requirements as to notification

(1) Where an accident occurs of which notification is required to be given under regulation 3, the person in command of the aircraft involved at the time of the accident, or, if he is killed or incapacitated, the owner, operator, hirer, or other person on whose behalf he was in command of the aircraft, as the case may be, shall forthwith send notice thereof to the Chief Inspector by the quickest means of communication available and, in the case of an accident occurring in or over Kenya, shall also notify forthwith the local police authorities of the accident and of the place where it occurred.

[Subsidiary]

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

- (a) the type, model and the nationality and registration marks of the aircraft;
- (b) the name of the owner, operator and hirer, if any, of the aircraft;
- (c) the name of the person in command of the aircraft;
- (d) the date and Greenwich Mean Time of the accident;
- (e) the last point of departure and the next point of intended landing of the aircraft;
- (f) the position of the aircraft with reference to some easily defined geographical point;
- (g) the number of persons (if any)—
 - (i) killed, or
 - (ii) seriously injured, as a result of the accident;
- (h) the nature of the accident, as far as is known, and brief particulars of damage to the aircraft.

(3) Where an accident occurs in or over Kenya to an aircraft registered in any country other than Kenya, the Chief Inspector shall, with the least possible delay and by the quickest means of communication available, forward a copy of the notice referred to in paragraph (1) to the appropriate authority of the country in which such aircraft was registered and shall, as soon as practicable, inform such authority as to whether, and the extent to which, an investigation will be carried out or an inquiry held.

(4) Where an accident occurs whether in or over Kenya or elsewhere, the owner, operator, or hirer of the aircraft shall, if so required by notice in writing from the Chief Inspector, send to the Chief Inspector within such time as may be specified in the notice, such information with respect thereto and in such form as the Chief Inspector may require.

5. Removal of damaged aircraft

(1) Where an accident occurs in or over Kenya of which notification is required to be given under regulation 3, no person other than an authorized person shall have access to the aircraft involved in the accident and the aircraft shall not, except under the authority of the Chief Inspector, be moved or otherwise interfered with:

Provided that—

- (i) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating any persons or animals trapped therein, removing mails 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;
- (ii) goods or passengers' baggage may be removed from the aircraft under the supervision of a police officer, but if the aircraft has come from a place outside Kenya, the goods and passengers' baggage shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of the Commissioner of Customs and Excise;
- (iii) if an aircraft is wrecked on water, the aircraft or any contents thereof may be moved to such extent as may be necessary for bringing it or them to a place of safety.

(2) For the purposes of paragraph (1), the expression “**authorized person**” means any person authorized by the Inspector either generally or specifically to have access to any aircraft which has been involved in an accident and includes any police officer or any officer of the Customs and Excise Department.

[Subsidiary]

(3) Where an accident occurs in or over Kenya and the Chief Inspector is of the opinion that the aircraft involved in the accident is likely to be a danger or obstruction to the public or to air navigation or to other transport, he may order the owner of such aircraft to remove it to such place as he shall indicate, or, in the absence of the owner or in the event of his non-compliance with such order, the Chief Inspector shall be empowered to remove the aircraft himself and in either case, the expense incurred in removing such aircraft shall fall upon and be recoverable from the owner of such aircraft; and the Chief Inspector shall not be liable for any damage occurring to the aircraft during its removal in accordance with the provisions of this paragraph.

6. Investigations by Inspector

(1) For the purpose of carrying out investigations into the causes and circumstances of accidents to which these Regulations apply, the Minister shall appoint persons to be Inspectors of Accidents including a Chief Inspector of Accidents and a Deputy Chief Inspector of Accidents.

(2) The Chief Inspector, if he thinks fit, may himself carry out an investigation or cause an investigation to be carried out by an inspector of any accident to which these Regulations apply whether or not such accident is one whereof notification is required to be given under regulation 3.

(3) Public notice that an investigation under paragraph (2) is taking place shall be given in such manner as the Chief Inspector may think fit and shall state that any person who may wish to make representations concerning the circumstances or cause of the accident may do so in writing within a time to be specified in the notice.

7. Procedure on investigation

(1) The Inspector by whom an investigation is made shall have power—

- (a) by summons under his hand, to call before him and examine all such persons as he 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 articles until the completion of the investigations;
- (b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;
- (c) to have access to and examine any aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part or equipment thereof to be preserved unaltered pending examination;
- (d) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein;
- (e) to enter and inspect any place or building the entry or inspection whereof appears to the Inspector to be necessary for the purpose of the investigation;
- (f) to take measures for the preservation of evidence.

(2) The investigations under this Regulation shall be held in private.

(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 so to do, he may permit any person to appear before him and call evidence and examine witnesses.

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(4) Where it appears to the Inspector that any degree of responsibility for the accident may be attributed to any person and if it appears to the Inspector to be practicable so to do, that person, or if he is deceased, his legal personal representative shall be given notice that blame may be attributed to him and be permitted to make a statement or give evidence and to produce witnesses and to examine any witnesses from whose evidence it appears that he may be blameworthy.

(5) The Attorney-General may intervene at any stage of an investigation in order to make representations or to examine witnesses, if it appears to him expedient so to do in the public interest.

(6) Every person summoned by the Inspector as a witness in accordance with this regulation shall be allowed such expenses as the Minister may from time to time determine and such expenses shall be paid by the Minister from such funds as may be approved for the purpose by Parliament.

8. Report of Inspector

(1) Upon the completion of an investigation under regulation 6, the Inspector who has carried out the investigation shall make a report to the Minister.

(2) The Inspector shall in such report state—

- (a) the circumstances of the case and his conclusions as to the cause of the accident, adding any observations and recommendations which he thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future;
- (b) the extent to which effect has been given to regulation 7(4).

(3) The Minister may cause the whole or any part of such report to be made public in such manner as he thinks fit.

9. Inquiries

(1) Where it appears to the Minister that it is expedient to hold a public inquiry into the causes and circumstances of an accident to which these Regulations apply, he may direct that a public inquiry shall be held by such person as he may appoint for that purpose; and in any such case any investigation being carried out by an Inspector relating to the accident shall be discontinued.

(2) The person appointed under the provisions of subregulation (1) to hold a public inquiry (hereinafter called "the Court") shall be either a person who holds or has held judicial office in Kenya or an advocate of not less than ten years standing entitled to practise before any of the Courts of Kenya; and the Court shall be assisted by one or more assessors (of whom one may be an Inspector) possessing aeronautical engineering or other special skill or knowledge to be appointed by the Chief Inspector.

(3) Where the Minister has directed a public inquiry to be held the case shall be remitted to the Attorney-General, and thereafter the preparation and representation of the case shall be conducted by or 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 power and for that purpose shall have the powers conferred by regulation 7(1) on an inspector with respect to an investigation carried out by an inspector.

(4) Every public inquiry held under these Regulations shall be conducted in such manner that, if a charge is made against any person, that person shall have an opportunity of making a defence.

(5) When a public inquiry has been ordered, the Attorney-General may cause a notice (in these Regulations referred to as a "notice of inquiry") to be served upon the owner, operator, hirer and person in command of any aircraft involved in the accident, as well as upon any person who in his opinion ought to be served with such notice; and such notice

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shall contain a statement of the questions which, on the information then in the possession of the Attorney-General, he intends to raise on the hearing of the inquiry, and the Attorney-General may, at any time before the hearing of the inquiry, by a subsequent notice amend, add to, or omit any of the questions specified in the notice of inquiry.

(6) The Attorney-General, the owner, the operator, the hirer, the person in command of the aircraft, and any other person upon whom a notice of inquiry has been served, shall be deemed to be parties to the proceedings.

(7) Any other person may by leave of the Court appear; and any person who so appears shall thereupon become a party to the proceedings.

(8) The Court shall have, for the purposes of inquiry, all the powers of a subordinate court presided over by a magistrate of the first class and the Court may—

- (a) enter and inspect or authorize any person to enter and inspect, any place or building within Kenya the entry or inspection whereof appears to the Court necessary for the purposes of the inquiry;
- (b) by summons require the attendance as witnesses of all such persons within Kenya as the Court thinks fit to call and examine, and require such persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may think relevant;
- (c) administer an oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination; and the assessors shall have the same power of entry and inspection as the Court.

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

(10) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties upon whom notices of inquiry have been served, or any of them, are present or not.

(11) The Court may hold the inquiry in public except to the extent to which the Court is of opinion that in the interests of justice or in the public interest any part of the evidence, or any argument relating thereto, should be held in camera.

(12) The proceedings of the inquiry shall commence with the production and examination of witnesses on behalf of the Attorney-General, and—

- (a) 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;
- (b) questions asked and documents tendered as evidence in the course of the examination of the witnesses shall not be open to objection merely on the ground that they do or may raise questions which are contained in or which vary from the questions specified in the notice of inquiry or subsequent notices referred to in paragraph (5).

(13) When the examination of the witnesses produced on behalf of the Attorney-General has been concluded, the Attorney-General shall state the questions in reference to the accident and the conduct of persons connected with the accident upon which the opinion of the Court is desired; and in framing the questions for the opinion of the Court the Attorney-General shall make such modifications in, additions to, or omissions from, the questions in the notice of inquiry or subsequent notices referred to in paragraph (5) as, having regard to the evidence which has been given, the Attorney-General or the Court may think fit.

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(14) After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the proceedings and determine the questions so stated, and—

- (a) each party to the proceedings shall be entitled to address the Court and produce witnesses who have already been examined for further examination and generally adduce evidence;
- (b) the parties shall be heard and their witnesses examined and cross-examined in such order as the Court shall direct;
- (c) further witnesses may also be produced and examined on behalf of the Attorney-General and may be cross-examined by the parties and re-examined on behalf of the Attorney-General.

(15) When the whole of the evidence in relation to the question for the opinion of the Court 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.

(16) The Court may adjourn the inquiry from time to time and from place to place within Kenya; 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 adjournment.

(17) The Court shall make a report to the Minister stating fully its opinion in respect of the questions stated under subregulation (13), the circumstances of the case and the opinion of the Court touching the cause of the accident and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence, certificate or other document.

(18) Each assessor shall either sign the report, with or without reservations, or state in writing his dissent therefrom and his reasons for such dissent and such reservations or dissent and reasons (if any) shall be forwarded to the Minister with the report; and the Minister shall, unless there are good reasons to the contrary, cause any such report and reservations or dissent and reasons (if any) to be made public wholly or in part in such a manner as he thinks fit.

(19) 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 of Kenya and in the case of dispute as to the amount to be allowed, the matter shall be referred by the Court to the registrar of the High Court who on a request signed by the Court shall ascertain and certify the proper amount of expenses:

Provided that, in the case of any party to the proceeding or of any person in the employment of such party, any such expenses may be disallowed if the Court so directs.

(20) The Court may order the costs and expenses of the inquiry, or any part thereof, to be paid by any party if it finds that the accident was due to the act or default or negligence of that party or of any person in the employment of that party; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a subordinate court as if the costs and expenses were a penalty imposed by the Court, but, subject to any such order, such costs and expenses shall be paid by the Minister from such funds as may be approved for the purpose by Parliament.

(21) Any notice, summons or other document issued under this regulation may be served by sending it by registered post to the last known address of the person to be served.

(22) The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

[Subsidiary]**10. Rehearing of public inquiries**

(1) The Minister may in any case where a public inquiry has been held direct a rehearing of the inquiry either generally or as to any part thereof and shall do so—

- (a) if new and important evidence which could not be produced at the inquiry has been discovered; or
- (b) if for any other reasons there is in his opinion grounds for suspecting that a miscarriage of justice has occurred.

(2) If the Minister directs any inquiry to be reheard, he may order that the inquiry shall be reheard either by the Court by whom the inquiry was heard in the first instance or by some other person or persons appointed by him to hold the rehearing.

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

11. Representation by country of registration of aircraft

(1) Where an investigation carried out by an Inspector or a public inquiry relates to an accident which has occurred in or over Kenya to an aircraft registered in any country other than Kenya, an accredited representative of the country of registration or of any country 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, and he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country by which he is appointed.

(2) Where an accident has occurred in or over Kenya to an aircraft registered in any country other than Kenya, the Chief Inspector may authorize an investigator appointed by the duly competent authority of that country to make inquiries and in that event the Chief Inspector shall, so far as he is able, facilitate inquiries by the investigator so appointed.

12. Offences

(1) Any person who—

- (a) obstructs or impedes the Court or an inspector or an assessor or any person acting under the authority of the Minister in the exercise of any powers or duties under these Regulations; or
- (b) without reasonable excuse (the proof whereof shall lie on him) fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the Court holding a public inquiry or an Inspector carrying out an investigation under these Regulations,

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding two months.

(2) Any person who contravenes any of the provisions of regulations 3, 4 and 5 shall be guilty of an offence and liable to a fine not exceeding eight thousand shillings or to a term of imprisonment not exceeding six months.

13. Revocation of Sub. Leg. (E.A Cap. 31)

The East African Civil Aviation (Investigation of Accidents) Regulations, in so far as they apply to Kenya, are hereby revoked.

CIVIL AVIATION (LICENSING OF AIR SERVICES) REGULATIONS, 1979

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CIVIL AVIATION (LICENSING OF AIR SERVICES) REGULATIONS, 1979

[L.N. 103/1979, L.N. 543/1988, L.N. 11/1993, L.N. 13/2003.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Licensing of Air Services) Regulations, 1979.

2. Interpretation

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

“**airline**” means an air transport enterprise offering or operating an air service;

“**air service**” means any service performed by an aircraft for hire or reward;

“**air transport officer**” means any person appointed as such under regulation 46;

“**Appeals Tribunal**” means the Appeals Tribunal established under regulation 36;

“**contracting state**” means a state that is party to the Chicago Convention;

“**foreign aircraft**” means an aircraft registered elsewhere than in Kenya;

“**licence**” means, except in paragraph 3 of the Fourth Schedule, any licence granted under these Regulations;

“**provisional licence**” means a licence granted under regulation 20;

“**scheduled air service**” means one of a series of air services which are operated between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them;

“**short-term licence**” means a licence in force for a period not exceeding seven days;

“**specified currency**” has the meaning assigned to it under the Exchange Control Act, (Cap 113).

(2) For the purposes of these Regulations the Kenya Civil Aviation Authority shall be the licensing authority and any references to the licensing authority shall be deemed to be references to the Kenya Civil Aviation Authority.

[L.N. 11/1993, s. 2, L.N. 13/2003, s. 2.]

PART II – LICENSING OF INTERNAL AIR SERVICES**3. Internal air services to be licensed**

No person shall use an aircraft within Kenya for the provision of any air services except under and in accordance with the terms of a licence granted by the licensing authority under these Regulations to that person.

4. Conditions attached to licences for internal air service

The licensing authority may attach to a licence any condition which it considers desirable in the public interest, in the interest of safety, or in order to prevent uneconomic competition, and may impose—

- (a) a condition that the aircraft to be operated under the licence shall or shall not be used over specified routes or in specified areas;

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- (b) a condition that certain classes or descriptions of passengers or goods shall or shall not be carried;
- (c) a condition that passengers or goods shall be carried between specified places;
- (d) a condition that intermediate landings may or shall be made at specified places for the purpose of landing or loading passengers or goods;
- (e) a condition that the schedule of air services from time to time approved by the licensing authority shall be observed;
- (f) a condition as to the number and type of aircraft to be used;
- (g) a condition limiting the loading of an aircraft over the whole or any portion of the route on which it is to be operated;
- (h) a condition specifying any charges that may be made for the air service;
- (i) a condition as to the wages, conditions and hours of employment of any person employed in connection with the air service.

(2) It shall be a condition of every licence that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall refuse booking facilities to any other holder of a licence or shall grant such facilities to such other holder only on onerous terms.

5. Application for a licence

(1) Every application for a licence shall be made to the licensing authority on a form to be obtained from it on demand and shall contain the particulars set out in the First Schedule.

(2) Every application for a licence shall be signed by the person applying for the licence and if made by a corporate body or partnership firm shall be signed by a person authorized in that behalf by such body or by a partner of the partnership firm as the case may be.

(3) Every application for a licence, other than a licence to remain in force for a period not exceeding seven days, shall be sent to the licensing authority so as to reach it on a date not less than twenty-eight days, and for a licence to remain in force for a period not exceeding seven days on a date not less than fourteen days, before the date on which it is desired that the licence shall take effect; but the licensing authority may in its discretion accept and deal with any application for a licence received by it after the specified date.

(4) Where an application is made to the licensing authority for a licence to remain in force for a period not exceeding seven days, and the licensing authority is satisfied that it is in the public interest that the application should be determined with expedition, it may so determine the application and grant a licence accordingly; and the provisions of these Regulations as to the publication of particulars of applications, and the making of objections and representations, shall not apply in that case.

6. Publication of applications for licences

The licensing authority shall, within fourteen days after the receipt of an application for a licence other than an application for a licence referred to in paragraph (4) of regulation 5, cause to be published in the *Gazette* a notice containing the particulars of the application specified in the Second Schedule and a specified date, not less than twenty-eight days after the publication of the notice, by which any representations or objections with regard to the application must be made to the licensing authority.

7. Objection to licences

- (1) Every representation or objection with regard to an application for a licence shall—
- (a) be in writing;
 - (b) state the specific grounds on which it is based;

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- (c) specify any conditions which it may be desired should be attached to a licence if granted; and
- (d) be signed by the representor or objector, and if the representation or objection is made by any corporate body or a partnership firm, it shall be signed by a person authorized in that behalf by such body or a partner of the partnership firm.

(2) A copy of every representation or objection made under subregulation (1) shall be sent by the person making it to the applicant for the licence at the same time as it is sent to the licensing authority.

8. Sanction of the licensing authority

Subject to paragraph (4) of regulation 5, every application for a licence or a variation of a licence and every representation and objection thereto made in accordance with regulation 7 shall, at a time and place to be notified thereby, be considered by the licensing authority which shall, at the request of the applicant or of the representor or objector, examine such application, representation or objection in public.

9. Grant and duration of licence

The licensing authority may grant licences in accordance with the provisions of these Regulations and such licences shall, subject to regulations 12 and 31, continue in force for such period, not exceeding seven years from the date on which any licence is expressed to take effect, as may be specified by the licensing authority:

Provided that if, on the date of the expiration of a licence, an application has been made for the grant of a new licence in substitution for the existing licence held by the applicant, such existing licence shall continue in force until such application has been determined.

10. Matters to be taken into account

In exercising its discretion under regulation 9 the licensing authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities and in particular the licensing authority shall have regard to the following matters—

- (a) the existence of other air services in the area through which the proposed air service is to be operated;
- (b) the possibilities of air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
- (f) the financial resources of the applicant;
- (g) the type of aircraft proposed to be used on the service;
- (h) the competence of the applicant, having regard to his previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified,

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and the licensing authority shall also take into consideration any objection or representation made under regulation 7.

11. Reasons for decision

In any case in which the licensing authority refuses to grant or amend a licence, or grants or amends a licence which differs from the licence or amendment for which application has been made, or imposes conditions to which the applicant objects or grants a licence despite an objection, the licensing authority shall, if required by the applicant or objector so to do, state in writing the reasons for its decision upon the payment of a fee of fifteen United States dollars or the equivalent in specified currency by the applicant or objector.

[L.N. 11/1993, s. 3.]

12. Revocation or suspension of licence

(1) A licence may be revoked or suspended by the licensing authority on the ground—

- (a) that the licence holder has been convicted of an offence under regulation 44 or regulation 45 in respect of his licence; or
- (b) that any condition subject to which the licence was granted has not been observed;
- (c) that it is in the interest of public security or public safety that the licence should be revoked or suspended.

(2) Before revoking or suspending any licence under this regulation the licensing authority shall give twenty-eight days notice in writing to the holder thereof stating the grounds upon which it is proposed to revoke or suspend the licence; and the licensing authority shall not revoke or suspend the licence unless satisfied that, having regard to the facts constituting the offence under regulation 44 or regulation 45, or owing to the frequency of the failures on the part of the holder to comply with conditions or to the failure having been wilful, or to the failure being failure to comply with the conditions attaching to every licence by virtue of paragraph (2) of regulation 4 and regulation 23, the licence should be revoked or suspended.

(3) In any case where a licence is revoked or suspended the licensing authority shall, if required by the holder of the licence to do so, state in writing the reasons for its decision.

[L.N. 543/1988, s. 2.]

13. Publication of decisions

Particulars of the decisions of the licensing authority—

- (a) on application for licences; and
- (b) to revoke or suspend a licence,

shall be published by the licensing authority in the *Gazette* and such particulars shall be those set out in the Third Schedule or the Fourth Schedule, as the case may require.

PART III – LICENSING OF INTERNATIONAL AIR SERVICES**14. Scheduled international air services**

An airline whose principal place of business is in a foreign state shall not operate a scheduled air service to, from or across Kenya unless there is in force an operating authorization for that air service issued by the licensing authority in accordance with paragraph (1) of regulation 17.

15. International air licence

(1) An application for an international airline licence shall contain the particulars set out in paragraph (1) of the First Schedule and shall be accompanied by an application fee of one hundred and twenty United States dollars or the equivalent in specified currency.

(2) An applicant for an international airline licence shall, as soon as practicable, furnish the Director-General with a copy of the Operations Manual containing complete instructions as to the conduct of flight operations in respect of which the licence is sought.

[L.N. 11/1993, s. 4, L.N. 13/2003, s. 3.]

16. Suspension, etc., of international air licence

The licensing authority may amend, suspend or revoke an international airline licence if the holder thereof or any aircraft operated by him fails to comply with any provision of these Regulations, or the Civil Aviation (Air Navigation) Regulations (continued in force by section 21(5) of the Act) or the terms of such licence.

17. Operating authorization

(1) The licensing authority shall, on request, issue to an airline referred to in regulation 14 an operating authorization in the event that—

- (a) there is in force between Kenya and the state in which the airline has its principal places of business an air service agreement or arrangement under and in accordance with which scheduled air services may be operated to, from or across Kenya; and
- (b) the airline has been designated in accordance with the provisions of the relevant agreement or arrangement; and
- (c) the licensing authority is satisfied that the airline conforms to and complies with the terms and conditions of the relevant agreement or arrangement.

(2) An operating authorization shall remain valid only while the relevant agreement or arrangement remains in force and the licensing authority may amend, suspend or revoke the operating authorization only in accordance with the terms and conditions of that agreement or arrangement.

18. Non-scheduled flights

(1) An aircraft which possesses the nationality of a contracting state may, subject to observance of the terms of the Chicago Convention and the provisions of any written law, fly in transit non-stop across Kenya or land in Kenya for non-traffic purposes, in the course of a non-scheduled flight, without the necessity of obtaining a licence; except that the licensing authority may refuse to grant any of the rights specified in this paragraph.

(2) Where an aircraft which possesses the nationality of a contracting state makes a non-scheduled flight into Kenya it shall not take on or discharge passengers, cargo or mail in Kenya (being passengers, cargo or mail that has been, or is to be carried for reward) except in accordance with a licence issued under these Regulations.

(3) The licensing authority shall cause to be published in an aeronautical information publication or aeronautical information circular or notice to airmen the procedure to be followed and the particulars to be supplied by applicants for a licence referred to in paragraph (2).

(4) In considering an application for a licence referred to in paragraph (2) the licensing authority shall have regard to—

- (a) the public interest;

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- (b) the need to provide reasonable protection for the operators of scheduled air services between Kenya and other states so as to ensure the maintenance of regular air services for the carriage of passengers, cargo and mail between Kenya and other states; and
- (c) any resolution or decision of the International Civil Aviation Organization or of the International Air Transport Association that has been approved by the authority and is relevant to the matter.

(5) The licensing authority in granting a licence referred to in paragraph (2) may attach such conditions thereto as it sees fit.

(6) Notwithstanding anything contained in the provisions of this Regulation, where it appears to the Director-General that an aircraft which possesses the nationality of a contracting state is intended in the course of a non-scheduled flight over Kenya to proceed over regions which are without adequate air navigation facilities, the Director-General may, if he considers it necessary in the interests of safety, direct that the aircraft shall follow an established air route or that the flight shall be conducted in accordance with such conditions as he may require and the aircraft shall comply with such direction.

[L.N. 13 of 2003, s. 3.]

19. Non-scheduled flights by foreign aircraft not possessing nationality of a contracting state

(1) A foreign aircraft which does not possess the nationality of a contracting state shall not make a non-scheduled flight to, from or across Kenya except in accordance with the provisions of a licence issued in accordance with these Regulations.

(2) In granting a licence under paragraph (1) the licensing authority may impose such conditions and requirements as to the flight as it thinks fit, including such conditions and requirements as it considers necessary to ensure compliance with the general principles contained in the Chicago Convention, and the aircraft shall comply with such conditions and requirements.

PART IV – GENERAL PROVISIONS RELATING TO LICENCES**20. Provisional licences**

The licensing authority may, if it thinks fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

21. Amendment of licences

(1) The licensing authority may, during the currency of a licence, of its own motion or on the application of the holder of the licence, amend or revoke any of the terms or conditions of the licence or add any new terms and conditions which it may consider necessary in the public interest.

(2) The licensing authority shall give to the holder of the licence and in the case of a licence issued under Part II to every other person who in its opinion is likely to be affected, twenty-eight days notice of its intention to exercise any power conferred on it by paragraph (1).

22. Form of licences

(1) A licence and an operating authorization shall be in such form as the licensing authority considers suitable to meet the requirements of any particular application approved by the licensing authority and if the authority considers it convenient, it may grant to the operator of more than one service a licence or operating authorization in a consolidated form.

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(2) Where a licence is granted in a consolidated form, the provisions of these Regulations relating to the payment of fees and to the imposition and variation of conditions shall apply in respect of each separate service authorized under the licence as if the licence in its application to that service were a separate licence.

23. Conditions attached to all licences

It shall be a condition of every licence that the requirements of any law relating to aviation for the time being in force in Kenya and of any air traffic control procedure for the time being in force in Kenya shall be complied with at all times during the currency of the licence in connection with all flights performed under the licence.

24. Transfer of licences

A licence shall not be capable of being transferred or assigned; except that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence, or of the appointment of a receiver or manager or trustee in relation to the business of the holder, the person for the time being carrying on that business shall, if within fourteen days application is made for a new licence, be entitled to perform the air service authorised by the licence subject to the conditions and the obligations thereof until the application is determined.

25. Confidential information

Nothing in these Regulations shall require a disclosure by the applicant for a licence to any person, other than the licensing authority, of information as to his financial resources, and any such information received by the licensing authority from an applicant shall be treated as confidential.

26. Licence includes provisional licence

Any reference to a licence in regulation 3, 4, 24, 25, 29, 30, 45 or 46 shall be construed as including references to a provisional licence.

27. No continuing benefits

Nothing in these Regulations shall be treated as conferring upon the holder of a licence or upon any other person, any right to the continuance of any benefits arising from the provision of these Regulations or from any licence granted thereunder or from any conditions attached to any such licence.

28. Carrying of mail

(1) The holder of a licence shall perform all such reasonable services as the Kenya Posts and Telecommunications Corporation may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon air services operated under the licence.

(2) The remuneration for any services performed in pursuance of this regulation shall be such as may from time to time be determined by agreement between the Kenya Posts and Telecommunications Corporation and the licence holder.

29. Returns

(1) The holder of a licence or operating authorization shall make a monthly return in writing to the licensing authority giving, in respect of the month to which the return relates, the particulars set out in the Fifth Schedule with regard to all air services authorized by the licence or operating authorization.

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(2) The returns to be made in accordance with paragraph (1) shall be made on a form to be obtained on application to the licensing authority, and shall be sent to the licensing authority not later than two months after the expiration of the month to which the return relates.

30. Production of licence

The holder of a licence shall produce such licence for examination if required to do so by the Director-General or any person in that behalf authorized by him, or by any police officer of or above the rank of Assistant Inspector, or by any person duly authorized by the licensing authority in that behalf, but may elect whether to produce it at an aerodrome used in connection with air service authorized by the licence or at his head office or provisional place of business if situated in Kenya.

[L.N. 13/2003, s. 3.]

31. Surrender and cancellation of licences

(1) In the event of the holder of a licence ceasing to operate the air service authorized thereby he shall forthwith notify the licensing authority and return the licence to it for cancellation:

Provided that where, owing to the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or to the appointment of a receiver or manager or trustee in relation to the business of the holder, he ceases to operate the air service authorized by the licence, then if the business of the holder is being carried on by some other person, that person shall forthwith notify the licensing authority and unless application has been made within fourteen days for a new licence, shall return the licence to it for cancellation.

(2) A licence may at any time be surrendered by the holder to the licensing authority for cancellation.

(3) If a licence ceases to have effect, otherwise than by the effluxion of time or is suspended or revoked, the holder thereof shall, within fourteen days after a notice to that effect has been delivered to him personally or sent to him by registered post at the address shown in his application or last notified in accordance with regulation 33, send or deliver the licence to the licensing authority for retention during the time of suspension or cancellation, as the case may be and the licensing authority shall on the removal of a suspension return the licence to the holder.

32. Loss or destruction of a licence

If a licence has been lost, destroyed or defaced the holder thereof shall forthwith notify the licensing authority which shall, if satisfied that licence has been lost, destroyed or defaced, issue a duplicate, so marked, and the duplicate so issued shall have the same effect as the original:

Provided that, in the case of a licence that has been defaced, the duplicate shall be issued only after surrender of the original to the licensing authority.

33. Change of address of licensee

The holder of a licence shall, if he changes his address during the currency of the licence, notify such change to the licensing authority within fourteen days after the date of such change and shall, at the same time, send or deliver the licence to the authority; and the authority shall thereupon endorse upon the licence the licence holder's new address and return the licence to him.

34. Records

(1) The licensing authority shall keep a record of all applications for licences showing whether the licence was granted or refused, and an entry shall be made in such record

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whenever a licence is revoked or suspended or expires by the effluxion of time and the record shall contain such particulars as will enable the application to be identified and shall show—

- (a) the date from which any licence is expressed to operate;
- (b) the date on which it is expressed to expire;
- (c) any condition attached to the licence under the provisions of these Regulations;
- (d) in the case of a scheduled air service, the terminal places and the intermediate landing places to which the application relates;
- (e) in the case of an air service other than a scheduled air service, a detailed description of the type of air service and the area of operation.

(2) Any police officer of or above the rank of Assistant Inspector and any person authorized by the licensing authority shall be entitled at any reasonable time to inspect and take copies or extracts from the record kept in accordance with paragraph (1).

(3) In this regulation the term licence includes operating authorization.

35. Application and licence fees

(1) There shall be paid in respect of and together with any application for a licence or a variation of licence, other than an application for a licence under paragraph (4) of regulation 5, an application fee of one hundred and twenty United States dollars or the equivalent in specified currency.

(2) There shall be paid in respect of the grant or variation of any licence, other than a provisional licence or any licence issued under paragraph (4) of regulation 5, the fee of one hundred and twenty United States dollars or the equivalent in specified currency for each year or part of a year of the term for which the licence is expressed to remain in force and in respect of the grant of any provisional licence or of any licence granted under paragraph (4) of regulation 5, there shall be paid the sum of thirty United States dollars or the equivalent in specified currency.

(3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, except where a licence is surrendered before its normal date of expiry upon the grant of a new licence in respect of the same air service, in which case there shall be refunded the sum of fifteen United States dollars or the equivalent in specified currency for each full year of the unexpired period of the licence, but the holder shall, in addition to the normal fee for the new licence, pay a special additional fee of fifteen United States dollars or the equivalent in specified currency.

[L.N. 11/1993, s. 5(a), s. 5(b), s. 5(c).]

PART V – APPEALS FROM DECISIONS OF LICENSING AUTHORITY

36. Establishment of an Appeals Tribunal

(1) There shall be an Appeals Tribunal the functions of which shall be to sit as a judicial authority for the determination of appeals from decisions of the licensing authority made under these Regulations.

(2) The Minister shall appoint one person to be the Appeals Tribunal.

37. Appeals to Appeals Tribunal

(1) Subject to these Regulations, any person aggrieved by a decision of the licensing authority shall have a right of appeal from the whole or any part of any decision of the licensing authority in respect of any licence or application under these Regulations.

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(2) A person who has made representations only in respect to an application shall not be considered to be a person aggrieved in terms of paragraph (1).

(3) This regulation shall not apply to licences, operating authorisations or applications made under Part III.

38. Procedure on appeals

(1) A notice of appeal shall be signed by or on behalf of any person aggrieved by a decision in respect of which an appeal lies under regulation 37 (herein referred to as the appellant) and shall be delivered to the Appeals Tribunal within thirty days after the publication of such decision and shall be accompanied by a fee of sixty United States dollars or the equivalent in specified currency.

(2) A copy of the notice of appeal referred to in paragraph (1) shall be served by the appellant on the licensing authority, and on each of the parties to the application; and for this purpose any person having a right of appeal against a decision of the licensing authority may require the licensing authority to furnish the names and addresses of the other parties at the hearing of such application.

(3) The Appeals Tribunal shall cause to be served upon any appellant who has given notice in accordance with paragraph (1) and on each of the parties referred to in paragraph (2), a notice of the date, time and place of the hearing of the Appeal and such notice shall be served not less than twenty-one days before such date.

(4) For the purposes of every appeal the licensing authority shall furnish to the Appeals Tribunal a copy of the record of proceedings including any notes of evidence taken by the licensing authority in connection with the subject matter of the appeal.

[L.N. 11/1993, s. 6.]

39. Sitting of Appeals Tribunal

(1) Every sitting of the Appeals Tribunal shall be held in public and at such place as the Appeals Tribunal deems convenient except that the Appeals Tribunal may, in the course of the hearing of any particular appeal, order that the hearing or any part thereof shall be held in private.

(2) Any sitting of the Appeals Tribunal may be adjourned from time to time and from place to place.

(3) The Appeals Tribunal may make an order prohibiting the publication of any report or description of the proceedings, or any report or description of the proceedings, or any part thereof in any appeal:

Provided that no such order shall be made prohibiting the publication of the names and description of the parties to the appeal, or particulars of any licence relevant to the appeal.

(4) Subject to these Regulations, the Appeals Tribunal shall determine its own procedure.

40. Hearing of appeals

(1) Any party to an application or person who has been heard in connection with such application, shall have the right to be heard by the Appeals Tribunal in considering an appeal:

Provided that in any such case a party who did not exercise his right to be heard in respect of the application, shall not have a right to be heard by the Appeals Tribunal unless he has served on it, and on all other parties to such application, at least ten days' notice of his wish to be heard by the Appeals Tribunal, stating his reason for wishing to be heard, and has obtained the Appeals Tribunal's consent to his being so heard.

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(2) Any party to an appeal may appear in person or be represented by any other person whom he may have authorized for that purpose.

(3) Any party to an appeal may produce to the Appeals Tribunal evidence additional to that received by the licensing authority such a party has served the other parties to the appeal within ten days notice of his intention so to do setting forth the substance for such new evidence, such a party and any such new evidence shall be subject to examination before the Appeals Tribunal by any other party to the appeal:

Provided that the Appeals Tribunal shall not admit such evidence unless it is shown to its satisfaction that it was not available or would not have been obtained by reasonable diligence at the time of the original application made under Part II.

(4) The Appeals Tribunal may, if it thinks fit, require the licensing authority to amplify or explain the reasons of any decision subject to appeal and such amplification or explanation shall be in writing and shall be served on all parties to appeal.

(5) The Appeals Tribunal may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with the matters before it, whether or not the same be otherwise admissible in a court of law.

41. Determination of appeal

(1) Upon the completion of the hearing of an appeal, the Appeals Tribunal shall send to the Minister a report containing a summary of the proceedings conducted by it and its recommendations to the Minister as to the determination by the Minister of the appeal.

(2) In determining the appeal, the Minister may confirm, modify or reverse the decision appealed against.

PART VI – OFFENCES AND PENALTIES

42. Illegal use of aircraft

Any person who uses an aircraft in contravention of regulation 3, 14, 18 or 19 shall—

- (a) in the case of an aircraft on an international air service, be guilty of an offence and liable, for a first offence to a fine not exceeding ninety thousand shillings and, for a second or subsequent offence to a fine not exceeding one hundred and twenty thousand shillings or, in default of payment thereof, to imprisonment for a term not exceeding two years; and
- (b) in the case of an aircraft on an internal air service, be guilty of an offence and shall be liable for a first offence to a fine not exceeding forty thousand shillings and for a second or subsequent offence to a fine not exceeding eighty thousand shillings or, in default of payment thereof, to imprisonment for a term not exceeding two years.

43. Evidence and proof

In any proceedings for an offence under these Regulations—

- (a) if it is proved that passengers or cargo were carried on any aircraft, that fact shall, in the absence of proof to the contrary, be sufficient evidence that an air service was carried on by means of that aircraft; and
- (b) any licence may be proved by the production of a copy of the licence certified to be correct by the chairman whose signature shall be judicially noticed.

44. False information

Any person who knowingly supplies any false or misleading information touching any matter which is material to any application or appeal to the licensing authority or to any

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member, servant or agent of the licensing authority, or to the Director-General, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings or in the case of a second or subsequent offence to a fine not exceeding twenty thousand shillings or in default of payment thereof to imprisonment for a term not exceeding two years.

[L.N. 13/2003, s. 3.]

45. Contravention of Regulations or conditions

Any person who contravenes or fails to comply with any of the provisions of these Regulations or of any terms or conditions of a licence granted under the provisions of these Regulations shall be guilty of an offence and, except as otherwise provided for in these Regulations, shall be liable to a fine not exceeding one thousand shillings, or in the case of a second or subsequent offence, to a fine not exceeding twenty thousand shillings or, in default of payment thereof, to imprisonment for a term not exceeding two years, and, in the case of the holder of a licence granted under these Regulations, any penalty imposed under the provisions of this regulation shall be without prejudice to powers of revocation or suspension of the licence by the licensing authority under regulations 12 and 16.

46. Appointment and powers of air transport officers

(1) The Minister may appoint air transport officers for the purpose of securing compliance with the provisions of these Regulations and any terms or conditions attached to a licence other than a licence issued under regulation 15.

(2) An air transport officer may at any time and on production, if required, of his authority—

- (a) enter and inspect any premises of an airline on which he has reasonable cause to believe that the business of an airline is being carried on in contravention of these Regulations, and—
 - (i) may examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of an airline;
 - (ii) may seize any books, accounts or documents found in those premises relating to or appearing to relate to the business of an airline;
 - (iii) may question any person who appears to him to be engaged in, or carrying on, or employed in, the business of an airline on those premises on any matter concerning the application of or compliance with these Regulations or any terms or conditions attached to a licence;
- (b) require, by notice in writing, any person who appears to him to be engaged in or carrying on, the business of an airline to produce to him at such time and place as he may specify in the notice any books, accounts and documents relating to the business of an airline;
- (c) board or detain an aircraft or recall an aircraft already in flight and search such aircraft if he has reasonable grounds to suspect that the aircraft is being used in contravention of these Regulations or that it contains any matter which may be used as evidence in respect of an offence under these Regulations.

47. Procedure on detention or recall of aircraft

(1) Where an air transport officer detains an aircraft or recalls an aircraft already in flight he shall, unless he is of the opinion that due to the nature of the offence the aircraft

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is likely to be allowed to proceed on its flight within a period not exceeding three hours, immediately report such detention or recall to the Director-General:

Provided that under no circumstances shall an air transport officer detain an aircraft for more than three hours from the time of its intended departure or from the time of landing after being recalled unless such longer detention has been authorized by the Director-General under this regulation.

(2) On receipt of a report under this regulation, the Director-General may, pending further investigation, order the detained aircraft to proceed on its flight whether or not an offence has been committed in respect thereof.

(3) The Director-General may, in writing, delegate to any person any of his powers under subregulations (1) and (2).

[L.N. 13/2003, s. 4.]

48. Revocation of Sub. Leg. (E.A. Cap. 31)

The East African Licensing of Air Services Regulations, in so far as they apply to Kenya, are revoked.

FIRST SCHEDULE

[Regulations 5 and 15.]

PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN APPLICATION FOR A LICENCE

1. Scheduled Air Services—

- (i) Name and address of applicant.
- (ii) Names of places between which the air service is to be operated.
- (iii) Names of the regular stage stopping places for the purpose of taking on or setting down passengers, or goods.
- (iv) Times and frequencies of air service.
- (v) Number and type or types of aircraft to be used.
- (vi) Type of load to be carried.
- (vii) Maximum and minimum fares to be charged to passengers or for goods in respect of the total journey or any portion of the journey for which separate charges are made.
- (viii) Date of commencement of air service.
- (ix) Period for which licence is required.
- (x) If air service is already in operation—
 - (a) period for which the air service has been operated;
 - (b) details as per monthly return for period of operation or last 12 months, whichever be the less.
- (xi) List of other air services operated by the applicant at the time of application.
- (xii) Particulars of any working arrangement with any other company operating an air service.
- (xiii) Particulars of any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
- (xiv) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (a) the nominal and issued capital;

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- (b) the names and nationality of the directors;
- (c) the names and state of incorporation of any other companies holding shares in the applicant's business;
- (d) the names and state of incorporation of any subsidiary companies of the applicant.

2. Charter and Aerial Work, Other than Scheduled Air Services and Instruction—

- (i) Name and address of applicant.
- (ii) Numbers and types of aircraft and engines to be used.
- (iii) Types of work to be carried out and the areas in which it is proposed to operate each type of service.
- (iv) Maximum charges to be made for such type of work.
- (v) Date of commencement of air service.
- (vi) Period for which licence is required.
- (vii) If air service is already in operation—
 - (a) the period for which the air service has been operated;
 - (b) details as per monthly return for period of operation or last 12 months, whichever be the less.
- (viii) List of other air services operated by applicant at the time of application.
- (ix) Particulars of working arrangements with other air service companies.
- (x) Particulars of any financial interest which any other person providing passenger transport facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant.
- (xi) Particulars of any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
- (xii) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (a) the nominal and issued capital;
 - (b) the names and nationality of the directors;
 - (c) the names and state of incorporation of any other companies holding shares in the applicant's business;
 - (d) the names and state of incorporation of any other subsidiary companies of the applicant.
- (xiii) Such particulars of the accounts of the applicant's business during the last 12 months as the licensing authority shall require.

3. Instructional—

- (i) The name and address of applicant.
- (ii) The numbers and types of aircraft and engines to be used.
- (iii) The types of instruction to be carried out and places where it is proposed to operate.
- (iv) Maximum charges to be made for each type of instruction.
- (v) Date of commencement of air service.
- (vi) Period for which licence required.
- (vii) If air service is already in operation—
 - (a) period for which the air service has been operated;

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- (b) details as per monthly return for period of operation or last 12 months, whichever be the less.
- (viii) List of other air services operated by the applicant at the time of application.
- (ix) Particulars of working arrangements with other air service companies.
- (x) Particulars of any financial interest which any other person providing instructional facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant.
- (xi) Particulars of any financial interest which the applicant has in any other undertaking providing instructional facilities or controlling the business of any person who provides such facilities.
- (xii) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability. If a company, public or private—
 - (a) the nominal and issued capital;
 - (b) the names and nationality of the directors;
 - (c) the names and state of incorporation of any other companies holding shares in the applicant's business;
 - (d) the names and state of incorporation of any subsidiary companies of the applicant.
- (xiii) Such particulars of the accounts of the applicant's business during the last 12 months as the licensing authority shall require.

SECOND SCHEDULE

[Rule 6.]

PARTICULARS OF APPLICATION TO BE PUBLISHED

- (i) The name and address of applicant.
- (ii) If for scheduled air service—
 - (a) places between which the air service is to be operated;
 - (b) names of the regular stage stopping places for the purpose of taking on or setting down passengers or goods;
 - (c) times and frequency of air service;
 - (d) type of load to be carried;
 - (e) date for air service to commence;
 - (f) period for which the licence is required.
- (iii) If for charter and aerial work, other than scheduled air service and instruction—
 - (a) types of work to be carried out and the areas in which it is proposed to operate each type of service;
 - (b) date for air service to commence;
 - (c) period for which licence is required.
- (iv) If for instruction—
 - (a) types of instruction offered and the places where it is proposed to operate;
 - (b) date for air service to commence;
 - (c) period for which licence is required.

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THIRD SCHEDULE

[Regulation 13.]

- (i) The name and address of applicant.
- (ii) The name and date of the *Gazette* in which notice of the application was published.
- (iii) Such particulars as will enable the application to be identified.
- (iv) An indication whether the licence was granted as applied for, granted with modifications (the modifications to be stated) or refused.

FOURTH SCHEDULE

[Regulation 13.]

- (i) The name and address of applicant.
- (ii) Such information as will enable the licence to be identified, and in the case of a scheduled air service, the places and regular stage stopping places to be stated.
- (iii) The date from which revocation or suspension takes effect and, in the case of suspension, the period of the suspension.
- (iv) The grounds on which the licence has been revoked or suspended.

FIFTH SCHEDULE

[Regulation 29.]

PARTICULARS TO BE GIVEN BY HOLDERS OF LICENCES AND OPERATING AUTHORIZATIONS IN MONTHLY RETURNS (EXCEPT WHERE OTHERWISE SPECIFIED). PASSENGERS SHOULD BE STATED IN NUMBERS, DISTANCES IN STATUTE MILES OF 1,760 YARDS AND GOODS AND MAIL IN KILOGRAMS

1. Scheduled Air Services—

- (A) A list of the service numbers of all flights, operated giving the names of the places between which services are operated, the names of the regular staging points on the route, the types of aircraft used and the number of flights operated by each type.
- (B) Copy of the current timetable.
- (C) For services operated under an International Airline Licence or an Operating authorization for each service number—
 - (i) total passengers, goods and mail, terminating and in transit, arriving in Kenya by point of discharge within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift);
 - (ii) total passengers, goods and mail, originating and in transit, departing from Kenya by point of uplift within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift);
 - (iii) in transit passengers at each staging point in Kenya on international services not included above, i.e. those whose airports of uplift and discharge are both within Kenya;

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- (iv) total number of passenger seats offered and the number filled, on flights arriving in and/or departing from Kenya;
 - (v) total capacity of commercial cargo offered and the weight carried on flights arriving in and/or departing from Kenya;
 - (vi) total passengers, goods and mail carried only within Kenya by points of uplift and discharge separately for traffic between each airport in each direction.
- (D) For services operated under an international airline licence and on sectors not wholly within Kenya—
- (i) for each staging point outside Kenya, the passengers, goods and mail uplifted, each by points of discharge; and the passengers, goods and mail in transit;
 - (ii) for each sector—
 - (a) the total passenger-miles offered, and carried; and
 - (b) the total commercial cargo load-miles offered, and carried.
- (E) For services operated under a local licence the following shall be submitted for each period of four weeks commencing 1st January each year, and in addition for each 13-week period throughout the year the last complete four-week and 13-week periods in the year shall, however, be extended to include 31st December; or for such periods as shall be determined from time to time—
- (i) by service number—
 - (a) the total passenger-miles offered and carried;
 - (b) the total load-miles offered and carried;
 - (ii) the passengers, goods and mail carried in each direction, between all combinations of staging points.

2. Charter, Aerial Work and Non-Scheduled Flights—

- (i) Numbers and type or types of aircraft and engines operated during the month, actual dates of any changes made to be given.
- (ii) Average daily service ability of aircraft complete.
- (iii) Total number of miles flown on each class of work.
- (iv) Total number of flights made on each class of work.
- (v) Passenger miles and total number of passengers carried.
- (vi) Ton-miles and total weight of goods carried.
- (vii) Number of flights commenced but not completed, giving cause.
- (viii) Total number of requests for air service made.
- (ix) Total number of requests for air service made which were not accepted, giving reasons.
- (x) Number of pilots, navigators, radio operators, flight engineers, stewards, photographers and any other personnel employed on flying duties, and their salaries by grade.
- (xi) Copy of current schedule of charges for air services.

3. Instructional—

- (i) The numbers and types of aircraft and engines operated during the month, the actual dates of any changes to be given.
- (ii) The average daily service ability of aircraft complete.

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- (iii) The total number of hours flown: (a) dual instruction; and (b) solo; and the total number of hours of non-flying instruction, per type of instruction.
 - (iv) The total number of flights made: (a) dual instruction; (b) solo.
 - (v) The number of instructors employed and their salaries by grade.
 - (vi) A copy of the current schedule for instructional charges.
 - (vii) The total number of pupils under instruction, according to the class of pilot licence for which instruction is being given.
 - (viii) The total number of pilot licences, per class, gained during the month.
 - (ix) The total number of pilot licences, per class, held by pupils or members of the club.
 - (x) The total number of pupils or members.
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CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 1979

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CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 1979

[L.N. 276/1979, L.N. 96/1984, L.N. 27/1985, L.N. 31/1987, L.N. 138/2002, L.N. 79/2006.]

PART I – PRELIMINARY**1. Citations**

These Regulations may be cited as the Civil Aviation (Air Navigation) Regulations, 1979.

2. Interpretation

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

“**aerial work aircraft**” means an aircraft operated for any purpose, other than public transport, for which an aircraft is flown if hire or reward is given or promised in respect of the flight or purpose of the flight;

“**aerial work undertaking**” means an undertaking whose business includes the performance of aerial work;

“**aerobatic manoeuvres**” includes loops, spins, rolls, bunts, stall-turns, inverted flying and any other similar manoeuvre;

“**aeronautical light**” means any light established for the purpose of aiding air navigation, other than a light displayed on an aircraft;

“**aeronautical radio station**” means a radio station on the surface which transmits or receives signals for the purpose of assisting aircraft;

“**air traffic control unit**” means a person appointed by the Director or by any person maintaining an aerodrome to give instructions and advice or both by means of radio and visual signals to aircraft in the interests of safety, and “air traffic control service” shall be construed accordingly;

“**air transport undertaking**” means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward;

“**appropriate aeronautical radio station**” means, in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;

“**authorized person**” means any person authorized by the Director either generally or in relation to a particular case or class of cases, and references to an authorized person includes references to the holder for the time being of any office designated by the Director;

“**beneficial interest**” includes interests arising under contract and other equitable interests;

“**commander**”, in relation to an aircraft, means the member of the flight crew designated as commander of that aircraft by the operator thereof or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“**competent authority**” means, in relation to Kenya, the Director and in relation to any other state, the authority responsible under the Law of that state for promoting the safety of civil aviation;

“**congested area**”, in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“**contracting state**” means any state which is a party to the Chicago Convention;

“**controlled airspace**” means an airspace of defined dimensions within which air traffic control service is provided to a controlled flight;

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“control area” means a controlled airspace extending upwards from a specified limit above the earth;

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

“co-pilot”, in relation to an aircraft, means a pilot who, in performing his duties as such, is subject to the direction of another pilot carried in the aircraft;

“flight” and **“to fly”** have the meanings respectively assigned to them by paragraph (2);

“flight crew”, in relation to an aircraft, means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

“flight level” means surfaces of constant atmospheric pressure which are related to a specified pressure datum 1013.2 mb (29.92 inches) and are separated by specified pressure intervals;

“Instrument Flight Rules” means the rules contained in Section VI of the Twelfth Schedule;

“legal personal representative” means the person legally constituted executor, administrator or other representative of a deceased person;

“licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connexion with the licence by the law of the state in which the licence is granted;

“licensed aerodrome” means an aerodrome licensed under these Regulations;

“life-jacket” includes any device designed to support a person individually in or on water;

“maximum total weight authorized”, in relation to an aircraft, means the maximum total weight of the aircraft and its contents at which the aircraft may take off in accordance with the certificate of airworthiness in force in respect of the aircraft;

“military aircraft” includes the naval, army or air force aircraft of any state and—

- (a) any aircraft being constructed for the naval, army or air forces of any state under a contract entered into by the Government; and
- (b) and aircraft in respect of which there is in force a certificate issued by the Minister that the aircraft is to be treated for the purposes of these Regulations as a military aircraft;

“nautical mile” means the international nautical mile, a distance of 1,852 metres (6,080 feet);

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunset and sunrise being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object can clearly be seen at a distance of 4,572 metres (5,000 yards);

“notified” means shown in any of the following publications issued in Kenya whether before or after the coming into operation of these Regulations, that is to say, Notams (Notices to Airmen), Information Circulars, Aeronautical Information Publications, Notices to Licensed Aircraft Maintenance Engineers and to Owners of Civil Aircraft, Civil Aviation Publications (C.A.P.) or such other official publications issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

“operator” has the meaning assigned to it by paragraph (3);

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“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;

“prototype aircraft” means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which has not previously been investigated in connexion with any such application;

“radio apparatus” includes all apparatus, including any ancillary equipment, for sending or receiving by means of radio;

“rating” means an entry in a licence specifying a privilege or limiting the effect of a privilege;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to systematic service;

“Visual Flight Rules” means the Visual Flight Rules contained in Section V of the Twelfth Schedule.

(2) An aircraft shall be deemed to be in flight—

- (a) in the cases of an aeroplane or glider, from the moment when it first moves for the purposes of taking off until the moment when it next comes to rest after landing;
- (b) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon,

and the expressions “a flight” and “to fly” shall be construed accordingly.

(3) References in these Regulations to the operator of an aircraft are, for the purpose of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft:

Provided that, for the purposes of the application of any provision in Part III, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking, has the management of that aircraft for a period not exceeding fourteen days, the provisions of this paragraph shall have effect as if that agreement had not been entered into.

(4) Subject to the provisions of paragraph (5), an aircraft in flight shall, for the purposes of these Regulations, be deemed to fly for the purpose of public transport—

- (a) if hire or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors) and persons authorized by the Director to witness the training or tests referred to in regulation 18(4), or the training practice or tests referred to in regulation 24(1), or cargo intended to be used by any such passengers or by the undertaking; or
- (c) for the purposes of Part III, if hire or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire-purchase agreement,

and the expression “public transport of passengers” shall be construed accordingly.

(5) Where, under a transaction effected by or on behalf of a member of an unincorporated association of persons on the one hand and an association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or

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promised if the transaction were effected otherwise than as specified in paragraph (4), hire or reward shall, for the purposes of these Regulations, be deemed to be given.

(6) The expressions appearing in the "Classification of Aircraft" set forth in Part A of the First Schedule shall have the meanings thereby assigned to them.

PART II – REGISTRATION AND MARKING OF AIRCRAFT**3. Aircraft to be registered**

(1) Subject to paragraph (2), an aircraft shall not fly over Kenya unless it is registered in—

- (a) Kenya; or
- (b) a contracting state; or
- (c) some other state in relation to which there is in force an agreement between the Government of Kenya and the Government of that state which makes provisions for the flight over Kenya of aircraft registered in that state:

Provided that—

- (i) a glider may fly unregistered, and shall be deemed to be registered in Kenya, for the purposes of regulations 12, 13, 18 and 29 on any flight which—
 - (a) begins and ends in Kenya without passing over any other state; and
 - (b) is not for the purpose of public transport or aerial work,
- (ii) any aircraft may fly unregistered on any flight which—
 - (a) begins and ends in Kenya without passing over any other state; and
 - (b) is in accordance with the "B Conditions" set forth in the Second Schedule.
- (iii) this paragraph shall not apply to any kite or captive balloon.

(2) The Director may, in such special circumstances and subject to such conditions or limitations as he may think fit, temporarily exempt from the provisions of paragraph (1) an aircraft not registered in accordance with sub-paragraphs (a), (b) and (c) of that paragraph.

(3) An aircraft exempted under paragraph (2) shall carry, in addition to the documents which it is required to carry by or under these Regulations, a certificate granted by the Director certifying that the aircraft is so exempted and stating any conditions or limitations subject to which the exemption was granted.

(4) If an aircraft flies over Kenya in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in Kenya an offence against these Regulations or against other subsidiary legislation made under the Act would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

4. Registration of aircraft in Kenya

(1) The Director shall be the authority for the registration of aircraft in Kenya.

(2) Subject to the provision this regulation, an aircraft shall not be registered or continue to be registered in Kenya if it appears to the Director that—

- (a) the aircraft is registered outside Kenya; or

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- (b) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or to any share therein; or
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Kenya.

(3) The following persons shall be qualified to be the owners of a legal or beneficial interest in an aircraft registered in Kenya or a share therein—

- (a) the Government of Kenya;
- (b) citizens of Kenya or persons *bona fide* resident in Kenya or such other persons as the Minister may approve; and
- (c) bodies corporate—
 - (i) established under and subject to the laws of Kenya; or
 - (ii) established under and subject to the laws of such country as the Minister may approve.

(4) If an unqualified person residing or having a place of business in Kenya is entitled as owner to a legal or beneficial interest in an aircraft, or a share therein, the Director, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in Kenya and that person shall not cause or permit the aircraft while it is registered in pursuance of this paragraph to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise or is the subject of a hire-purchase agreement to a person qualified under paragraph (3), the Director may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the names of the parties to the charter or hire-purchase agreement, as the case may be, upon being satisfied that the aircraft may otherwise be properly so registered, and subject to this regulation the aircraft may remain so registered during the continuation of the charter or hire-purchase agreement.

(6) Application for registration of an aircraft in Kenya shall be made in writing to the Director and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in Kenya and to issue the certificate referred to in subregulation (8); and in particular the application shall include the proper description of the aircraft according to the "General Classification of Aircraft" set forth in Part A of the First Schedule.

(7) Upon receiving an application for the registration of an aircraft in Kenya and being satisfied that the aircraft may properly be so registered, the Director shall register the aircraft, wherever it may be, and shall include in the register the following particulars—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft and the registration mark assigned to it by the Director;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal or beneficial interest in the aircraft or a share therein or, in the case of an aircraft which is the subject of demise charter or hire-purchase agreement, the name and address of the charterer or hirer; and
- (f) in the case of an aircraft registered in pursuance of paragraphs (4) or (5), an indication that it is so registered.

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(8) The Director shall furnish to the person or persons in whose name or names the aircraft is registered (in this regulation referred to as "the registered owner") a certificate of registration, which shall include the particulars specified in subregulation (7) and the date on which the certificate was issued.

(9) Subject to subregulations (4) and (5), if at any time after an aircraft has been registered in Kenya an unqualified person becomes entitled as owner to a legal or beneficial interest in the aircraft or share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Director for cancellation.

(10) Any person who is registered as the owner of an aircraft registered in Kenya shall forthwith inform the Director in writing of—

- (a) any change in the particulars which were furnished to the Director upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft or its permanent withdrawal from use;
- (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the demise charter or hire-purchase agreement.

(11) Any person who becomes the owner of an aircraft registered in Kenya shall forthwith inform the Director in writing to that effect.

(12) The Director may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, cancel the registration of the aircraft, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the aircraft.

(13) In this regulation references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club, and the reference in paragraph (10) to the registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(14) Nothing in this regulation shall require the Director to cancel the registration of an aircraft if, in his opinion, it would be inexpedient in the public interest to do so.

5. Nationality and registration marks

(1) An aircraft (other than an aircraft permitted by law to fly without being registered) shall not be flown unless it bears painted thereon or affixed thereto, in the manner required by the law of the state in which it is registered, the nationality and registration marks required by that Law.

(2) The marks to be borne by aircraft registered in Kenya shall comply with Part B of the First Schedule.

(3) An aircraft shall not bear any marks which purport to indicate—

- (a) that the aircraft is registered in a state in which it is not in fact registered; or
- (b) that the aircraft is a state aircraft of a particular state if it is not in fact such an aircraft,

unless the appropriate authority of that state has sanctioned the bearing of such marks.

PART III – AIR OPERATORS' CERTIFICATES**6. Issue of air operators' certificates**

(1) An aircraft registered in Kenya shall not fly on any flight for the purpose of public transport otherwise than under and in accordance with the terms of an air operator's

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certificate granted to the operator of the aircraft under paragraph (2) certifying that the holder of the certificate is competent to secure that the aircraft operated by him on such flights as that in question are operated safely.

(2) The Director may grant to any person applying therefor an air operator's certificate if he is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the type specified in the certificate on flights of the description and for the purpose so specified, and the certificate may be granted subject to such conditions as the Director thinks fit and shall, subject to the provisions of regulation 58, remain in force for the period specified in the certificate.

PART IV – AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

7. Certificate of airworthiness to be in force

(1) An aircraft shall not be flown unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the state in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) Paragraph (1) shall not apply to flights, beginning and ending in Kenya without passing over any other state, of—

- (a) a glider, if it is not being used for the public transport of passengers or aerial work;
- (b) a balloon, if it is not being used for the public transport of passengers;
- (c) a kite;
- (d) an aircraft flying in accordance with the “A Conditions” or “B Conditions” set forth in the Second Schedule;
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Director in respect of that aircraft.

(3) In the case of an aircraft registered in Kenya the certificate of airworthiness referred to in paragraph (1) shall be a certificate issued or rendered valid in accordance with regulation 8.

8. Issue and renewal of certificates of airworthiness

(1) The Director may issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as he may require:

Provided that, if the Director has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Director, appropriate to the aircraft in accordance with the Third Schedule and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in that Schedule in relation to those categories.

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(3) The Director may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in regulation 27(1).

(5) The Director may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the Law of any state other than Kenya.

(6) Subject to the provisions of this regulation and of regulation 27, certificates of airworthiness or validation issued under this regulation shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Director for such further period as he thinks fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force—

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with materials of a type approved by the Director either generally or in relation to a class of aircraft or to the particular aircraft; or
- (b) until the completion of any inspection of the aircraft or of any equipment being an inspection required by the Director to be made for the purpose of ascertaining whether the aircraft remains airworthy; or
- (c) until the completion, to the satisfaction of the Director, of any modification of the aircraft or of any equipment being a modification required by the Director for the purpose of ensuring that the aircraft remains airworthy.

(8) Notwithstanding any other provision of this regulation the Director may, for the purpose of this regulation, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

9. Certificates of maintenance

(1) An aircraft registered in Kenya (not being an aircraft in respect of which a certificate of airworthiness of the special category is in force) shall not be flown for the purpose of public transport or for dropping or projecting any material for agricultural, public health or similar purposes unless—

- (a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Director in relation to that aircraft; and
- (b) there are in force in respect of that aircraft certificates (in these Regulations referred to as "certificates of maintenance") issued in accordance with the provisions of this regulation and certifying that maintenance has been carried out in accordance with such maintenance schedules:

Provided that an aircraft may, notwithstanding that sub-paragraphs (a) and (b) have not been complied with in relation to the radio station therein, fly for the sole purpose of enabling persons to be trained to perform duties in the aircraft.

(2) An aeroplane registered in Kenya (not being an aeroplane in respect of which a certificate of airworthiness of the special category is in force) shall not be flown unless the flight data recording system, if any, required by or under these Regulations to be carried, is maintained in accordance with a maintenance schedule approved by the Director in relation to that equipment and there is in force in respect of that equipment a certificate of

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maintenance issued in accordance with the provisions of this regulation and certifying that maintenance has been carried out in accordance with such maintenance schedule.

(3) Every certificate of maintenance shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity in elapsed time or flying time, whichever may be the earlier, as specified in the relevant maintenance schedule, and the period of validity of the certificate shall be recorded in the certificate at the time when it is issued.

(4) A certificate of maintenance may be issued for the purposes of this regulation by—

- (a) the holder of an aircraft maintenance engineer's licence granted under these Regulations, being a licence which entitles him to issue that certificate; or
- (b) the holder of a licence as an aircraft maintenance engineer granted under the law of a state other than Kenya and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or
- (c) the holder of a licence as an aircraft maintenance engineer granted under the law of any such state as may be prescribed, in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (d) a person whom the Director has authorized to issue a certificate of maintenance in a particular case, and in accordance with that authority; or
- (e) a person approved by the Director as being competent to issue such certificates, and in accordance with that approval:

Provided that, upon approving a maintenance schedule, the Director may direct that certificates of maintenance relating to that schedule, or to any part thereof specified in the direction, may be issued only by the holder of such a licence as is so specified.

(5) Certificates of maintenance shall be issued in duplicate and one of the duplicates shall, during the period of validity of the certificate, be carried in the aircraft when regulation 54 so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) At the end of every flight by an aircraft registered in Kenya for any of the purposes specified in paragraph (1), the commander of the aircraft shall enter in a technical log—

- (a) the times when the aircraft took off and landed; and
- (b) particulars of any defect in any part of the aircraft or its equipment which is known to him, being a part to which a maintenance schedule relates, or, if no such defect is known to him, an entry to that effect, and he shall sign and date such entries:

Provided that, in the case of a number of consecutive flights beginning and ending on the same day and with the same person as commander of the aircraft, the commander of an aircraft—

- (i) flying for the purpose of public transport where each of the consecutive flights begins at the same aerodrome and ends at that aerodrome; or
- (ii) flying for the purpose of dropping or projecting any material for agricultural, public health or similar purposes,

may, except where he becomes aware of a defect during an earlier flight, make the necessary entries in a technical log at the end of the last of such consecutive flights.

(7) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (6) a copy of the certificate of compliance required by regulation 10

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in respect of the work done for the rectification of the defect shall be entered in the technical log in such a position or manner as to be readily identifiable with the entry of the defect to which it relates.

(8) The technical log referred to in paragraphs (6) and (7) shall be carried in the aircraft when regulation 54 so requires and copies of the entries referred to in those paragraphs shall be kept on the ground.

(9) Subject to the provisions of regulation 56, every certificate of maintenance shall be preserved by the operator of the aircraft for a period of two years following the expiration of the period of validity of the certificate and for such further period as the Director may require in any particular case.

10. Inspection, overhaul, repair, replacement and modification

(1) An aircraft registered in Kenya, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force, shall not be flown (except as provided for in paragraph (2)) if any part of the aircraft, or of such of its equipment as is necessary for the airworthiness of the aircraft, has been overhauled, repaired, replaced or modified, or has been inspected as provided in regulation 8(7)(b), unless there is in force a certificate of compliance issued in accordance with this regulation and relating to the overhaul, repair, replacement, modification or inspection, as the case may be:

Provided that—

- (a) unless the Director gives a direction to the contrary in the particular case, nothing in this paragraph shall require a certificate of compliance to be in force in respect of an aircraft of which the maximum total weight authorized does not exceed 2,730 kg. and in respect of which a certificate of airworthiness of the special category is in force;
- (b) if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such place that it is not reasonably practicable—
 - (i) for the repair or replacement to be carried out in such a manner that a certificate of compliance can be issued under this regulation in respect thereof; or
 - (ii) for such a certificate to be issued while the aircraft is at that place, the aircraft may fly to a place where such certificate can be issued, being the nearest place—
 - (aa) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
 - (bb) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board,

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Director within ten days thereafter.

(2) Nothing in paragraph (1) shall prevent an aircraft of which the maximum total weight authorized does not exceed 2,730 kg. from flying otherwise than for the purpose of public transport if the only repairs or replacements in respect of which a certificate of compliance is not in force are of such a description as may be prescribed and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under these Regulations, and in that event the owner or operator, as the case may be, of the aircraft shall keep in the aircraft log-book kept in respect of the aircraft pursuant to regulation 14 a record which identifies the repair or replacement and shall sign and date the entries, and, subject to regulation 56, shall preserve the log-book for

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a period of two years from the date of the last entry therein; and any equipment or parts used in carrying out such repair or replacements shall be of a type approved by the Director whether generally or in relation to a class of aircraft or the particular aircraft.

(3) Neither—

- (a) equipment provided in compliance with the Fifth Schedule (except paragraph 3 thereof); nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried therein, whether or not such apparatus is provided in compliance with these Regulations,

shall be installed, or placed on board for use, in an aircraft registered in Kenya after being overhauled, repaired or modified, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of compliance issued in accordance with this regulation and relating to the overhaul, repair or modification, as the case may be.

(4) For the purposes of these Regulations, “**certificate of compliance**” means a certificate that the part of the aircraft or its equipment has been overhauled, repaired, replaced or modified as the case may be in a manner and with material of a type approved by the Director either generally or in relation to a class of aircraft or the particular aircraft and which identifies the overhaul, repair, replacement or modification to which it relates and includes particulars of the work done; and in relation to an inspection required by the Director, that the inspection has been made in accordance with the requirement of the Director and that any consequential repair or replacement has been carried out.

(5) A certificate of compliance may be issued for the purposes of this regulation by—

- (a) the holder of an aircraft maintenance engineer's licence granted under these Regulations, being a licence which entitles him to issue that certificate; or
- (b) the holder of a licence as an aircraft maintenance engineer granted under the law of any state other than Kenya and rendered valid under these Regulations in accordance with the privileges endorsed on the licence; or
- (c) the holder of a licence as an aircraft maintenance engineer granted under the law of any such state as may be prescribed, in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (d) the holder of a licence or authorization as an aircraft maintenance engineer granted or issued by or under the law of any contracting state in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft of which the maximum total weight authorized does not exceed 2,730 kg.; or
- (e) a person approved by the Director as being competent to issue such certificates, and in accordance with that approval; or
- (f) a person whom the Director has authorized to issue the certificate in a particular case, and in accordance with that authority; or
- (g) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under these Regulations.

(6) Subject to regulation 56, a certificate of compliance shall be preserved by the operator of the aircraft to which it relates for a period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus, as the case may be.

(7) In this regulation, the expression “**repair**” includes, in relation to a compass, the adjustment and compensation thereof and the expression “**Repaired**” shall be construed accordingly.

[Subsidiary]**11. Licensing of maintenance engineers**

(1) The Director may grant aircraft maintenance engineers' licences, subject to such conditions as he thinks fit, of a category specified in the Fourth Schedule, upon being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Director may require for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(2) The Director may include in a licence of any category a rating, subject to such conditions as he thinks fit, specifying a type of aircraft or equipment, upon being satisfied that the applicant is qualified to issue the certificates specified in the Fourth Schedule in relation to that category in respect of aircraft or equipment of that type, and a rating shall be deemed to form part of the licence.

(3) A licence of any category shall, subject to any conditions included in the licence, entitle the holder to issue the certificates specified in the Fourth Schedule in relation to that category in respect of aircraft or equipment of a type specified in a rating included in the licence.

(4) A licence shall, subject to the provisions of regulation 57, remain in force for the period specified therein, not exceeding two years, but may be renewed by the Director from time to time upon his being satisfied that the applicant is a fit and qualified person.

(5) The Director may issue a certificate rendering valid for the purpose of these Regulations any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any state other than Kenya; and such certificate may be issued subject to such conditions, and for such period, as the Director thinks fit.

(6) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

12. Equipment of aircraft

(1) No person shall fly an aircraft unless it is so equipped as to comply with the law of the state in which it is registered, and the lights and markings are displayed and signals made in accordance with these Regulations.

(2) In the case of an aircraft registered in Kenya the equipment required to be provided (in addition to any other equipment required by or under these Regulations) shall be that specified in such parts of the Fifth Schedule as are applicable in the circumstances and shall comply with the provisions of that Schedule and the equipment, except those specified in paragraph 3 of that Schedule, shall be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Director may direct that an aircraft registered in Kenya shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in particular in every public transport aircraft registered in Kenya shall be—

- (a) exhibited in a prominent position in every passenger compartment; or
- (b) provided individually for each passenger,

a notice stating where the lifejackets (if any) are to be found, and containing instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this regulation, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Notwithstanding paragraph (2), all navigational equipment (other than radio apparatus) of any of the following types, namely—

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in Kenya (whether or not in compliance with these Regulations) shall be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This regulation shall not apply to radio apparatus except as specified in the Fifth Schedule.

13. Radio equipment of aircraft

(1) No person shall fly an aircraft unless it is so equipped with radio equipment as to comply with the law of the state in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated in accordance with the provisions of these Regulations.

(2) Without prejudice to paragraph (1) the aircraft shall be equipped with radio equipment in accordance with the Sixth Schedule.

(3) In any particular case the Director may direct that an aircraft registered in Kenya shall carry such additional or special radio equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio equipment provided in compliance with this regulation in an aircraft registered in Kenya shall be maintained in a serviceable condition.

(5) All radio equipment installed in an aircraft registered in Kenya (whether or not in compliance with these Regulations) shall be of a type approved by the Director in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by regulation 3(1) to fly while unregistered, be installed in a manner approved by the Director, and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Director.

14. Aircraft, engine and propeller log-books

(1) In addition to any other logbooks required by or under these Regulations, the following log-books shall be kept in respect of all aircraft registered in Kenya—

- (a) an aircraft log-book;
- (b) a separate log-book in respect of each engine fitted in the aircraft; and
- (c) a separate log-book in respect of each variable pitch propeller fitted to the aircraft.

[Subsidiary]

(2) Each log-book kept in accordance with subregulation (1) shall include the particulars respectively specified in the Seventh Schedule.

(3) Each entry in the log-book shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence.

(4) Entries in a log-book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of these Regulations, to be part of the log-book.

(5) The operator of every aircraft in respect of which log-books are required to be kept under subregulation (1) shall keep them or cause them to be kept in accordance with the provisions of this regulation.

(6) Subject to the provisions of regulation 56, every log-book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

15. Aircraft weight schedule

(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as provided in paragraph (1) the operator of the aircraft shall prepare a weight schedule showing—

- (a) either the basic weight of the aircraft, that is to say, the weight of the empty aircraft together with the weight of unusable fuel and unusable oil in the aircraft and of such items or equipment as are indicated in the weight schedule, or such other weight as may be approved by the Director in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Director in the case of that aircraft.

(3) Subject to the provisions of regulation 56, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this regulation.

16. Access and inspection for airworthiness purposes

The Director may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part and any person authorized to do so in writing by the Director may at any reasonable time inspect any part of or material intended to be incorporated in or used in the manufacture of any part of an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART V – AIRCRAFT CREW AND LICENSING**17. Composition of aircraft crew**

(1) No person shall fly an aircraft unless it carries a flight crew of the number and description required by the law of the state in which it is registered.

[Subsidiary]

(2) An aircraft registered in Kenya shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under these Regulations or, if no certificate of airworthiness is required under these Regulations to be in force, the certificate of airworthiness, if any, last in force under these Regulations in respect of the aircraft.

(3) An aircraft registered in Kenya and flying for the purpose of public transport having a maximum total weight authorized of more than 10,200 kg. shall carry not less than two pilots as members of the flight crew.

(4) An aircraft registered in Kenya engaged on a flight for the purpose of public transport shall carry—

- (a) a flight navigator as a member of the flight crew; or
- (b) navigation equipment approved by the Director and used in accordance with any conditions subject to which that approval may have been given, if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in the Fourteenth Schedule.

(5) The flight navigator carried in compliance with this regulation shall be carried in addition to any person who is carried in accordance with this regulation to perform other duties.

(6) On any flight where paragraph (4)(a) requires that a flight navigator shall be carried and a pilot and second pilot are carried, then the pilot or the second pilot, if licensed as a flight navigator, may be responsible for the navigation of the aircraft provided he holds a licence having an aircraft rating in respect of the particular type of aircraft.

(7) An aircraft registered in Kenya which is required by regulation 13 to be equipped with radio communication apparatus shall carry a flight radio operator who need not be a separate person from any other member of the flight crew.

(8) The Director may, if it appears to him to be expedient to do so in the interests of safety, direct any particular operator not to have any aircraft operated by him to be flown in such circumstances as the Director may specify unless the aircraft carries in addition to the flight crew required to be carried therein by the provisions of this regulation such additional persons as members of the flight crew as he may specify in the direction.

(9) In the case of an aircraft with a total seating capacity of not more than 200, the number of cabin attendants carried on such flights as is mentioned in paragraph (8) shall be not less than one cabin attendant for every 50, or a fraction of 50, passengers carried.

(10) In the case of an aircraft with a total seating capacity of more than 200, the number of cabin attendants carried on such flights shall be not less than half the number of the main exits in the aircraft, and in addition, when more than 200 passengers are carried, one additional cabin attendant for every 25, or a fraction of 25, of such passengers above 200:

Provided that, if the number of cabin attendants, calculated in accordance with this paragraph, exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this regulation if the number of cabin attendants carried is equal to the number of main exits in the aircraft.

(11) For the purposes of paragraph (10) “**main exit**” means an exit in the side of the aircraft at floor level intended for the disembarkation of passengers whether in normal circumstances or in an emergency.

[Subsidiary]

(12) When an aircraft registered in Kenya carries twenty or more passengers on a flight for the purpose of public transport, the crew of the aircraft shall include persons carried for the purpose of performing, in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft, but who shall not act as members of the flight crew.

(13) The Director may, if in the circumstances of the case it appears to him to be expedient, vary any of the requirements prescribed in this regulation or add further requirements thereto, including requirements with respect to the class, type and description of the aircraft or the circumstances of the flight in which it is engaged, or may exempt an aircraft from compliance with any of the prescribed requirements subject to such conditions, if any, as he may consider to be required.

18. Members of flight crew-licences

(1) Subject to this regulation, no person shall act as a member of the flight crew of an aircraft registered in Kenya unless he is the holder of an appropriate licence granted or rendered valid under these Regulations:

Provided that a student pilot may, within Kenya, act in accordance with conditions of permission specified under regulation 32 as a flight radiotelephony operator without being the holder of a licence.

(2) Subject to this regulation, no person shall act as a member of the flight crew of an aircraft registered elsewhere than in Kenya, unless he is the holder of an appropriate licence granted or rendered valid under the law of the state in which the aircraft is registered:

Provided that a person may act as a member of the flight crew of such an aircraft, not flying for public transport or aerial work, if he is the holder of an appropriate licence granted or rendered valid under these Regulations and the Director does not in a particular case issue a direction to the contrary.

(3) For the purposes of this regulation, a licence granted under the law of a contracting state purporting to authorize the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorize him to act as a student pilot only, shall, unless the Director in a particular case directs otherwise, be deemed to be a licence rendered valid under these Regulations but shall not entitle the holder to act as member of the flight crew of any aircraft flying for the purpose of public transport or aerial work.

(4) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Kenya for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence if the following conditions are complied with—

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with these Regulations, a person authorized by the Director to witness the training or tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained as a member of the flight crew of an aircraft; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be the pilot in command of the aircraft unless within the period of six months immediately preceding he was either the holder of a pilot's licence (other than a student pilot's licence) granted under these Regulations or was serving as a qualified pilot of an aircraft in any of the military, naval or air force of Kenya, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.

[Subsidiary]

(5) Notwithstanding paragraph (1), a person may act as a member of the flight crew of an aircraft registered in Kenya without being the holder of an appropriate licence, if, in so doing, he is acting in the course of his duty as a member of any of the naval, military or air force of Kenya.

(6) An appropriate licence for the purposes of this regulation means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(7) This regulation shall not apply to a person by reason of his acting as a member of the flight crew of a glider which is not flying for the purpose of public transport or aerial work.

19. Grant and renewal of licences to members of flight crew

(1) The Director may grant licences, subject to such conditions as he thinks fit, of any of the following classes—

- student pilot's licence,
- private pilot's licence (aeroplanes),
- private pilot's licence (helicopters),
- private pilot's licence (balloons and airships),
- commercial pilot's licence (aeroplanes),
- commercial pilot's licence (helicopters),
- senior commercial pilot's licence (aeroplanes),
- airline transport pilot's licence (aeroplanes),
- airline transport pilot's licence (helicopters),
- flight navigator's licence,
- flight engineer's licence,
- flight radiotelephony operator's licence,
- flight operations officer or flight dispatcher's licence (aeroplanes), the applicant for a flight operations officer or flight dispatcher's licence shall only be required to provide a general certificate of medical fitness from a certified Government medical practitioner,

upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence, and undergo such examinations and tests (including in particular medical examinations), as the Director may require; and a licence of any class shall not be granted to a person who is under the minimum age specified for the class of licence in Part A of the Eighth Schedule.

(2) Subject to any conditions of the licence, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the Eighth Schedule under the heading "privileges":

Provided that—

- (i) subject to paragraph (10), regulation 18(4) and regulation 32(1), a person shall not be entitled to perform any of the functions specified in Part B of the Eighth Schedule in respect of a rating unless his licence includes that rating; and
- (ii) a person shall not be entitled to perform any of the functions to which his licence relates if he knows or has reason to believe that his physical condition renders him temporarily or permanently unfit to perform such function.

[Subsidiary]

(3) The Director may, if he is satisfied that the applicant is qualified to act in the capacity to which the rating relates, include in a licence a rating of any of the classes specified in Part B of the Eighth Schedule, and such rating shall be deemed to form part of the licence and shall entitle the holder to perform such functions as are specified in Part B of that Schedule in respect of that rating; and an instrument rating may be renewed by any person appointed by the Director for that purpose if that person is satisfied by a flight test that the applicant continues to be competent to perform the functions to which the rating relates.

(4) A licence and a rating shall, subject to the provisions of regulation 57, remain in force for the periods indicated in the licence, not exceeding those respectively specified in the Eighth Schedule, and may be renewed by the Director from time to time upon his being satisfied that the applicant is a fit, proper and qualified person.

(5) Upon receiving a licence granted under this regulation the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Every holder of a licence, other than a flight radiotelephony operator's licence or a flight dispatcher's licence granted under this regulation, shall submit himself to a medical examination, by a person approved by the Director, upon applying for the renewal of the licence and upon such other occasions as the Director may require.

(7) Every holder of a licence, other than a flight radiotelephony operator's licence or a flight dispatcher's licence granted under this regulation or rendered valid under regulation 20, who—

- (a) suffers any personal injury involving incapacity to undertake the functions to which his licence relates; or
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more; or
- (c) in the case of a woman has reason to believe that she is pregnant,

shall inform the Director in writing, immediately in the case of injury and pregnancy, and as soon as the period of twenty days has elapsed in the case of illness.

(8) A licence, other than a flight radiotelephony operator's licence or a flight dispatcher's licence, granted under this Part, shall be deemed to have been suspended upon the occurrence of such an injury, or the elapse of such period of illness as is referred to in paragraph (7), and the suspension of the licence shall cease upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume his functions under the licence.

(9) A licence, other than a flight operations officer or a flight dispatcher's licence, granted under this regulation shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the termination of the pregnancy and pronounced fit to resume her duties under the licence.

(10) Nothing in these Regulations shall be taken to prohibit the holder of a commercial pilot's, senior commercial pilot's or airline transport pilot's licence (aeroplanes) from acting as pilot in command of an aeroplane carrying passengers by night by reasons of the lack of a night rating in his licence.

The Director may issue and renew from time to time a certificate of validation rendering valid for the purposes of these Regulations any licence as a member of the flight crew of aircraft which has been granted by a duly competent authority in a state other than Kenya and a certificate of validation may be issued or renewed subject to such conditions and for such period as the Director thinks fit:

Provided that—

- (a) a certificate of validation shall not be issued or renewed unless the Director is satisfied that the applicant is a fit and proper person to hold such a certificate; and

[Subsidiary]

- (b) the Director may refuse to issue or to renew a certificate of validation if such refusal in the circumstances appears to him to be in the public interest.

[L.N. 138/2002, s. 2, L.N. 79/2006, s. 2.].]

21. Personal flying log-book

Every member of the flight crew of an aircraft registered in Kenya and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations shall keep a personal flying log-book in which the following particulars shall be recorded—

- (a) the name and address of the holder of the log-book;
- (b) particulars of holder's licence (if any) to act as a member of the flight crew of an aircraft;
- (c) the name and address of his employer (if any);
- (d) particulars of all flights made as a member of the flight crew of aircraft, including—
 - (i) the date, time, duration and places of arrival and departure of each flight;
 - (ii) the type and registration marks of the aircraft;
 - (iii) the capacity in which the holder acted in flight;
 - (iv) particulars of any special conditions under which the flight was conducted, night flying and instrument flying;
 - (v) particulars of any test or examination undertaken whilst in flight.

22. Instructions in flying

(1) A person shall not give flying instruction to any person flying or about to fly an aircraft unless such person holds a pilot's licence granted or rendered valid under these Regulations, included in which is a valid instructor's rating or assistant instructor's rating, and which entitles such a person—

- (a) to act as pilot in command of the aircraft in which instruction is to be given; and
- (b) which, if payment is made for the instruction, entitles such person to act as pilot in command of an aircraft flying for the purpose of public transport:

Provided that subparagraph (b) shall not apply if the aircraft is owned or is operated under arrangements entered into by a flying club of which both the person giving and the person receiving the instruction are members.

(2) For the purposes of subregulation (1)—

- (a) **“flying instruction”** includes instruction given for the purpose of becoming qualified for the grant of a pilot's licence, an aircraft rating and the inclusion or variation of any rating other than an aircraft rating in a pilot's licence; and
- (b) payment shall be deemed to be made for the instructions if any reward is given or promised by any person to any other person in consideration of the flight being made or the instruction given or if the instructions are given by a person employed for reward primarily for the purpose of giving such instruction.

(3) Notwithstanding the provisions of paragraph (1), the Director may in any particular case permit the holder of a pilot's licence granted or rendered valid under these Regulations to give flying instructions to another holder of a pilot's licence for the purpose of qualifying that person for an extension to the aircraft rating in his licence, but such permission shall only be given where the person to whom instruction is to be given is the

[Subsidiary]

holder of a pilot's licence which includes an aircraft rating specifying a type of aircraft of the same classification under Part A of the First Schedule as that in which he is permitted to receive instruction.

23. Glider pilot—minimum age

A person under the age of sixteen years shall not act as pilot in command of a glider.

PART VI – OPERATION OF AIRCRAFT**24. Operations manual**

(1) This regulation shall apply to public transport aircraft registered in Kenya, except aircraft used for the time being solely for flights not intended to exceed sixty minutes in duration, which are either—

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(2) The operator of every aircraft to which this regulation applies shall—

- (a) make available to each member of his operating staff an operations manual; and
- (b) ensure that each copy of the operations manual is kept up to date and that one copy thereof is carried on each flight so as to be available to the members of the flight crew.

(3) Each operations manual shall contain all such information and instructions as may be necessary to enable each member of the operating staff to perform his duty as such including in particular information and instructions relating to the matters specified in Part A of the Tenth Schedule:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(4) The operator of the aircraft shall furnish the Director with a copy of the whole of the operations manual for the time being in force or of such parts thereof as the Director may specify; and the operator shall make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or cargo carried therein or the safety, efficiency or regularity of air navigation.

(5) For the purposes of this regulation and the Tenth Schedule “**operating staff**” means the servants and agents employed by the operator as members of a flight crew and persons engaged in the planning of operations of aircraft, and includes an operator who himself performs those functions.

25. Public transport—operators’ responsibilities

(1) The operator of an aircraft registered in Kenya shall not permit the aircraft to fly for the purpose of public transport without first—

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight; and
- (b) satisfying himself by every reasonable means that aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
- (c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternative aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers.

[Subsidiary]

(2) The operator of an aircraft registered in Kenya shall not permit any person to be a member of the crew during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of the Tenth Schedule in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose and the operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the Tenth Schedule.

(3) The operator of an aircraft registered in Kenya shall not permit any member of the flight crew, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

26. Public transport—loading of aircraft

(1) The operator of an aircraft registered in Kenya shall not cause or permit it to be loaded for a flight for the purpose of public transport except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

- (a) the load may safely be carried on the flight; and
- (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the basic weight (shown in the weight schedule referred to in regulation 15) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provided that this paragraph shall not apply in relation to a flight if—

- (a) the aircraft's maximum total weight authorised does not exceed 1,150 kg.; or
- (b) the aircraft's maximum total weight authorised does not exceed 2,730 kg. and the flight is intended not to exceed 60 minutes in duration and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1).

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in paragraph (6), and shall, unless he is himself the commander of the aircraft, submit the load sheet for the examination by the commander of the aircraft who shall upon being satisfied that the aircraft is loaded in the manner required by paragraph (1), sign his name thereon:

Provided that the requirements of this paragraph shall not apply if—

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load

[Subsidiary]

sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

- (b) paragraph (2) does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when regulation 54 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instruction referred to in this regulation shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

(6) Every load sheet required by paragraph (4) shall contain the following particulars—

- (a) the nationality mark of the aircraft to which the load sheet relates, and the registration mark assigned to that aircraft by the Director;
- (b) particulars of the flight to which the load sheet relates;
- (c) the total weight of the aircraft as loaded for the flight;
- (d) the weights of the several items from which the total weight of the aircraft, as so loaded, has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the passengers, crew, baggage and cargo intended to be carried on the flight;
- (e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate signed by the person referred to in paragraph (1) as responsible for the loading of the aircraft that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to that paragraph.

(7) For the purpose of calculating the total weight of the aircraft the respective total weights of the passengers and crew entered in the load sheet shall be computed from the actual weight of each person and for that purpose each person shall be separately weighed:

Provided that in the case of an aircraft with a total seating capacity of twelve or more persons, and subject to the provisions of paragraph (8), the weights may be calculated according to the following table and the load sheet shall bear a notation to that effect.

	<i>Kg</i>
TABLE	
Males over 12 years of age	75
Females over 12 years of age	66
Children aged 2 years or more, but not over 12 years of age	39
Infants under 2 years of age	8

(8) The commander of the aircraft shall, if in his opinion it is necessary to do so in the interests of the safety of the aircraft, require any or all of the passengers and crew to be actually weighed for the purpose of the entry to be made in the load sheet.

27. Public transport—operating conditions

(1) An aircraft registered in Kenya shall not be flown for the purpose of public transport, except for the sole purpose of training persons to perform duties in the aircraft, unless such requirements as are specified in Part C of the Tenth Schedule in respect of its weight and related performance are complied with.

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(2) The assessment of the ability of an aircraft to comply with paragraph (1) shall be based on the information as to its performance contained in the certificate of airworthiness of the aircraft; and in the event of the information given therein being insufficient for the purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) Such requirements as may be specified in Part D of the Tenth Schedule in respect of the weather conditions required for take-off, approach to landing and landing shall be complied with in respect of every aircraft to which regulation 24 applies.

(4) An aircraft registered in Kenya when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing at such an altitude as would enable the aircraft—

- (a) if it has one engine only, in the event of the failure of that engine;
- (b) if it has more than one engine, in the event of the failure of one of these engines, and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) Without prejudice to the provisions of paragraph (4), an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore unless the aeroplane has more than two power units, and for the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

28. Weather conditions

(1) An aircraft registered in a state other than Kenya shall not be flown for the purpose of public transport unless the operator thereof has furnished to the Director such particulars as he may from time to time require relating to the weather conditions specified by the operator in relation to aerodromes in Kenya for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such weather conditions.

(2) The aircraft shall not begin or end a flight at an aerodrome in Kenya in weather conditions less favourable than those specified in the Tenth Schedule in relation to that aerodrome, or in contravention of the instructions referred to in paragraph (1).

29. Pre-flight action by commander of aircraft

The commander of an aircraft registered in Kenya shall satisfy himself before the aircraft takes off—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) that the equipment, including radio apparatus, required by or under these Regulations to be carried is carried and is in a fit condition for use;
- (c) that the aircraft is in every way fit for the intended flight, and that, where certificates of maintenance are required by paragraph (1) of regulation 8 to be in force, they are in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

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- (e) in the case of an aeroplane or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in case of an airship balloon that sufficient ballast is carried for the intended flight;
- (g) in the case of an aeroplane, that, having regard to the performance of the aeroplane in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destinations and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

30. Pilots to remain at controls

(1) The commander of an aircraft registered in Kenya, being an aeroplane or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight; and, where an aircraft is required by or under these Regulations to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt or a safety harness, except that during take-off and landing a safety harness shall be used if it is required by regulation 12 to be provided.

31. Public transport of passengers—duties of commander

(1) This regulation shall apply to flights for the purpose of the public transport of passengers by aircraft registered in Kenya.

(2) In relation to every flight to which this regulation applies the commander of the aircraft shall—

- (a) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harness and lifejackets, and all other devices required by or under these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft:
Provided that in relation to lifejackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;
- (b) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than thirty minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before that point is reached all passengers are given a practical demonstration of the method of use of the life-jackets required by or under these Regulations for the use of passengers;
- (c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the subparagraph (b);
- (d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and

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that the persons, if any, carried in compliance with paragraph (7) of regulation 17 are secured in seats which shall be in a passenger compartment and which shall be so situated that passengers can be readily assisted;

- (e) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precautions necessary, take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses;
- (f) in any emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;
- (g) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—
 - (i) before the aircraft reaches flight level 130, the method of use of the oxygen provided in the aircraft in compliance with the requirements of regulation 12 is demonstrated to all passengers;
 - (ii) on reaching flight level 130 all passengers are recommended to use oxygen;
 - (iii) at all times when the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.

32. Operation of radio in aircraft

(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the Law of the state in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Notwithstanding paragraph (1) to the effect that the radio station in an aircraft may only be operated by a person duly licensed or otherwise lawfully permitted to do so—

- (a) if the licensed operator has become incapacitated during a flight, the commander of the aircraft may, as a temporary measure, authorize an unlicensed person to work the apparatus for the purpose of sending and receiving distress, urgency and safety messages and messages regarding the navigation of the aircraft; and
- (b) the Director may, in his discretion, grant permission to particular persons, or to persons of such classes or description as he may specify, to operate radio apparatus in aircraft for sending spoken messages to aeronautical radio stations in Kenya on frequencies above 60 mc. which are not regarded internationally as frequencies to be used by aircraft on international flights; and any such apparatus, worked by unlicensed operators, shall be incapable of easy adjustment for changing frequencies to any other than those for which the apparatus is licensed, and shall be worked in accordance with such conditions as may be attached to the permission.

(3) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communication apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft and he shall make reports to the appropriate Air Traffic Control Unit at such reporting points or at such intervals of time as may be notified for this purpose in the Aeronautical Information Publication of the Directorate of Civil Aviation or as may be directed by the Air Traffic Control Unit:

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Provided that—

- (a) the radio watch may be discontinued or continued on another frequency to the extent that a message from the appropriate Air Traffic Control Unit so permits or for reasons of safety, e.g. danger from lightning or danger arising from a defect in the apparatus; and
- (b) the watch may be kept by a device installed in the aircraft if—
 - (a) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (b) that station is notified, or in the case of a station situated in a state other than Kenya, otherwise designated as transmitting a signal suitable for that purpose.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

- (a) emission of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(5) In every aircraft registered in Kenya which is equipped with radio communication apparatus a telecommunication log-book shall be kept in which the following entries shall be made—

- (a) the identification of the aircraft radio station;
- (b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;
- (c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress traffic sent or received;
- (d) particulars of any action taken upon the receipt of a distress signal or message;
- (e) particulars of any failure or interruption of radio communications and the cause thereof.

Provided that a telecommunication log-book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provided a radio service for the aircraft.

(6) The flight radio operator maintaining a radio watch shall sign the entries in the telecommunication log-book indicating the times at which he began and ended the maintenance of that watch.

(7) The telecommunication log-book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(8) In any aircraft registered in Kenya which is engaged on a flight for the purpose of public transport, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or in taking off or landing.

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(9) An aircraft which is equipped with a radio station having a defect such as to impair the safety of the aircraft shall not undertake any flight until the aircraft has been rendered safe, or, if such defect occurs during flight, shall land as soon as possible unless the radio station can be and is speedily rendered safe for flight.

(10) The use by radio stations in aircraft of the calling and distress wave for ships—500 KHZ (600 metres)—shall be confined to Type A2 Emission, except in case of urgency when, if the use of this type of emission is impracticable, use may be made of Type A3 Emission for the sending and receiving of spoken messages.

33. Towing of gliders

(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the Law of the state in which that aircraft is registered includes an express provision that it may be used for towing a glider of that particular type.

(2) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider is capable of flying in the manner referred to in paragraph (g) of regulation 29;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(3) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

(4) An aircraft in flight shall not tow a glider except in accordance with such conditions and requirements as the Director may have notified.

34. Towing, picking up and raising of persons and articles

(1) Subject to this regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider, tow or pick up, or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the state in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one mile.

(3) The length of the combination of towing aircraft, tow rope and article in tow shall not exceed 150 metres.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(5) Nothing in this regulation shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, or any instrument which is being used for experimental purposes;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

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- (c) apply to any aircraft while it is flying in accordance with the “B Conditions” set forth in the Second Schedule;
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 33.

35. Dropping of persons and articles

(1) Articles, animals and persons (whether or not attached to a parachute) shall not be dropped or permitted to drop from an aircraft flying over Kenya:

Provided that this subregulation shall not apply to the descent of persons by parachute from an aircraft in an emergency or to the dropping of articles by, or with the authority of, the commander of the aircraft in the following circumstances—

- (a) the dropping of articles for the purposes of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or the provisions of these Regulations;
- (e) the dropping at an aerodrome, in accordance with these Regulations, of ropes, banners or similar articles towed by an aircraft;
- (f) the dropping of articles for the purpose of agriculture, horticulture, forestry or public health or as a measure against oil pollution, or for training for the dropping of articles for any such purpose, if the articles are dropped with the permission of the Director and in accordance with any condition subject to which that permission may have been given.

(2) For the purposes of this regulation dropping includes projecting and lowering.

(3) Nothing in this regulation shall prohibit the lowering of any person, animal or article from a helicopter if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the state in which it is registered includes an express provision that it may be used for that purpose.

36. Carriage of munitions of war

(1) An aircraft shall not carry any munitions of war.

(2) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to be delivered or cause to be delivered for carriage thereon, any goods which he knows or has reason to believe or suspect to be munitions of war.

(3) For the purposes of this regulation “**munitions of war**” means such weapons, ammunition, articles, materials or devices as are intended or adapted for use in warfare.

(4) Without prejudice to paragraph (1) and (2) it shall be unlawful for a person to carry or have in his charge any weapon on board an aircraft registered in Kenya:

Provided that a weapon, not being munitions of war, may be carried as passenger’s baggage if it is stowed in the part of the aircraft inaccessible to passengers and, in the case of a firearm, it is not loaded.

(5) Nothing in this regulation shall apply to weapons or ammunition taken or carried on board an aircraft registered in a state other than in Kenya if the weapons or ammunition as the case may be, may, under the Law of the state in which the aircraft is registered, be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

37. Carriage of dangerous goods

(1) Dangerous goods shall not be carried in an aircraft except—

- (a) with the written permission of the Director and subject to any condition the Director may impose in granting such permission;
- (b) in accordance with the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued from time to time by the Council of International Civil Aviation and to any variations to those instructions that the Director may from time to time notify that Council.

(2) No person shall take or cause to be taken on board an aircraft or deliver or cause to be delivered for loading thereon any goods which he knows or has reasonable cause to know to be dangerous goods without complying with this regulation.

(3) The operator of an aircraft shall, before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(4) For the purposes of this regulation “dangerous goods” means the goods classified and listed as dangerous goods in the Technical Instructions for the Safe Transport of Dangerous Goods by Air.

(5) This regulation shall be an addition to and not in derogation of regulation 36.

[L.N. 27/1985, s. 2]

38. Method of carriage of persons

A person shall not be in or any part of an aircraft in flight which is not in part designed for the accommodation of persons and no person shall be in or on any object, other than a glider or aeroplane, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to—

- (i) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person or cargo therein;
- (ii) any part of an aircraft in which cargo or stores are carried being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

39. Exits and break-in markings

(1) This regulation shall apply to every public transport aircraft registered in Kenya.

(2) Whenever an aircraft to which this regulation applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall, during take-off and landing and during any emergency, be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Director either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers; and a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word “Exit” in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words “Emergency Exit” in capital letters.

(4) Every exit from the aircraft shall be marked with instructions, and with diagrams, to indicate the correct method of opening the exit and the markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it can be opened from the outside of the aircraft, on or near the exterior surface.

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(5) Every aircraft to which this regulation applies, being an aircraft of which the maximum total weight authorized exceed 3,600 kg., shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this regulation referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(6) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be four inches in length along its outer edge and one inch in width.

(7) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(8) The markings required by this regulation shall—

- (a) be painted, or affixed by other equally permanent means;
- (b) be red in colour and, in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
- (c) be kept at all times clean and unobscured.

(9) If only one exit of an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that—

- (i) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Director either in relation to the particular aircraft or to a class of aircraft; and
- (ii) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "Exit" or "Emergency Exit" are covered and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "No Exit" in red letters.

40. Imperilling the safety of aircraft

No person shall wilfully or negligently imperil the safety of an aircraft or any person on board, whether by interference with any member of the flight crew of the aircraft, or by tampering with the aircraft or its equipment, or by disorderly conduct by any other means.

41. Imperilling the safety of persons or property

No person shall wilfully or negligently cause or permit an aircraft to endanger any person or property.

42. Drunkenness in aircraft

(1) No person shall enter any aircraft when drunk or be drunk in any aircraft.

(2) No person shall, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

43. Smoking in aircraft

(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Kenya so as to be visible from each passenger seat therein.

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(2) No person shall smoke in any compartment of an aircraft registered in Kenya at a time when smoking is prohibited in the compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

44. Authority of commander of aircraft

Every person in an aircraft registered in Kenya shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

45. Stowaways

No person shall secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

PART VII – FATIGUE OF CREW

46. Application, interpretation and modification of Part

(1) Regulations 47 to 50 (inclusive) and regulation 53 shall apply in relation to an aircraft if it is an aircraft registered in Kenya which is either—

- (a) engaged on a flight for the purpose of public transport; or
- (b) operated by an air transport undertaking:

Provided that those regulations shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or a flying school or a person who is not an air transport undertaking.

(2) In this Part, unless the context otherwise requires—

“duty period”, in relation to any person who flies in an aircraft as a member of the flight crew, means any continuous period throughout which he is, under the provisions of paragraph (3) or (4), to be treated as being on duty:

Provided that where two or more periods which would but for this proviso be separate duty periods are separated by an interval of less than 10 hours, the period starting when the first of those duty periods began and finishing when the last of them ended shall be treated as constituting a single continuous duty period;

“flight time”, in relation to any person, means all the time spent by that person in an aircraft, whether or not registered in Kenya, other than an aircraft of which the maximum total weight authorized does not exceed 1,600 kg. which is not flying for the purpose of public transport of aerial work, while it is in flight and he is carried therein as a member of the flight crew; and in respect of this Part, only in the calculation of flight, flying at night shall be counted at the rate of 1¼ times the actual flight time;

“rest period”, in relation to any person, means any continuous period no part of which forms part of a duty period of that person.

(3) For the purpose of this Part, a person who is employed under a contract of service to fly in an aircraft as a member of the flight crew shall be treated as being on duty at any time when in the course of that employment he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1)) or he is otherwise acting in the course of that employment:

Provided that when he is not flying in an aircraft—

- (a) subject to paragraph (c) of this proviso, he shall not be treated as being on duty during any period which he is allowed to rest;

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- (b) subject to paragraph (c) of this proviso, he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at a particular place to report for duty if required to do so;
- (c) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if—
 - (i) that place is at an aerodrome; or
 - (ii) that place, not being at an aerodrome, is a place at which his employer requires persons similarly employed to be available and adequate facilities for rest are not available for his use while he is required to be so available.

(4) For the purposes of this Part, a person who flies in an aircraft as a member of the flight crew, otherwise than in the course of his employment under a contract of service to fly, shall be treated as being on duty at any time when, in connexion with any business of operating an aircraft, he flies in any aircraft whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in subregulation (1) or does any work.

(5) For the purposes of this Part, references to a person flying in an aircraft as a member of the flight crew include references to the operator of the aircraft who himself flies in the aircraft in any such capacity, and references to the work and other duties which a person is required or permitted by an operator to carry out shall in any such case be construed as references to any work carried out by that operator in connexion with the management of aircraft or with any business which includes the flying of aircraft.

(6) Notwithstanding this Part, the Director may, in respect of scheduled services, approve schedules and flight crew roster programmes where he considers that special circumstances justify an extension of the duty period but in any event the flight time involved shall not exceed 50 per cent of the maximum duty period.

47. Establishment of limits on flight times, flying duty periods and rest periods

(1) Notwithstanding regulation 53, and for the purposes of securing that the requirements of those provisions are complied with, every operator of an aircraft to which this regulation applies shall establish for every person flying in that aircraft as a member of the flight crew—

- (a) limits on the aggregate of all his flight times during every period of twenty-eight consecutive days;
- (b) limits on his flying duty period; and
- (c) minimum rest periods which he is to have immediately before any duty period in the course of which he makes any such flight as aforesaid,

being limits and minimum rest periods which the operator is satisfied, after taking into account the matters mentioned in paragraph (2), are such that, if every member of the flight crew observes those limits and has those minimum rest periods, the safety of the aircraft on any flight is not likely to be endangered by reason of any fatigue which may be caused by the work or other duties which the members of the flight crew are required or permitted by that operator to carry out and different limits and different minimum rest periods may be established either for different persons or for different classes of persons and for different circumstances.

(2) The matters which an operator shall take into account in establishing under paragraph (1) limits and minimum rest periods as therein mentioned for the persons therein mentioned are the nature of the work and other duties which those persons will carry out and all the circumstances arising out of the carrying out of that work and those

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duties which may affect the degree of fatigue from which those persons may suffer while they are making a flight in an aircraft to which this regulation applies in any such capacity as is mentioned in paragraph (1) including—

- (a) the type of the aircraft in which the flight will be made;
- (b) the area in which the flight will be made;
- (c) the number of landings which will be made during the course of each flying duty period;
- (d) the amount of night flying during each flying duty period; and
- (e) the number of consecutive occasions on which each member of the flight crew will be required to fly for the maximum period permitted under this Part.

(3) No limits or minimum rest periods may be established under paragraph (1) which would require or permit any person to fly in any aircraft at a time when such flying would constitute a contravention of any of the provisions of regulations 48, 49 and 51, or would require or permit any person to fly in any aircraft as a member of the flight crew thereof within the period of one hour immediately preceding the end of the specified time referred to in paragraph (2) of regulation 48 or, when the specified time is twenty-four hours, within the period of two hours immediately preceding the end of the specified time.

(4) An operator of an aircraft to which this regulation applies shall not permit that aircraft to make a flight unless limits and minimum rest periods have been established in accordance with the provisions of this regulation so as to apply to every member of the flight crew.

(5) Every operator of an aircraft to which this regulation applies shall take all such steps as are reasonably practicable to secure that all limits for the time being established by that operator in accordance with the provisions of this regulation are observed and that no person for whom minimum rest periods are for the time being so established makes any flight in an aircraft to which this regulation applies, unless immediately before the duty period in the course of which he makes the flight, he has had the appropriate rest period so established.

(6) Notwithstanding anything contained in this regulation, an operator of an aircraft to which this regulation applies may confer upon the commander of that aircraft a discretion to make, or authorize any person to make, a flight in that aircraft in such circumstances that the commander or as the case may be, that other person will not observe the limits or will not have had the minimum rest periods established by that operator under this regulation and applicable to the commander or that other person:

Provided that the discretion shall not be exercisable unless the following conditions are fulfilled, that is to say—

- (a) that it appears to the commander—
 - (i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that if the flight had been made in accordance with those arrangements each member of the crew would have observed the limits and have had the minimum rest periods established by the operator and applicable to them, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of circumstances which were not foreseen as likely to prevent that flight from being so made; or
 - (ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person; and
- (b) that the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

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(7) Every operator of an aircraft to which this regulation applies shall include in every operations manual to be provided under regulation 24 for the use and guidance of the members of the flight crew of that aircraft or in any case where no such manual is required to be provided by that regulation, in a document to be provided for the use and guidance of those members, full particulars of all limits and minimum rest periods for the time being established under this regulation which may affect any of those members, and of any discretion conferred upon the commander of that aircraft under paragraph (6) and, without prejudice to the provisions of regulation 24, every such operator shall, whenever requested to do so by a person authorized in that behalf by the Director, furnish that person with a copy of all particulars from time to time included in any such operations manual or document in accordance with the requirements of this paragraph.

(8) In this regulation the expression “flying duty period”, in relation to any person, means the time, reckoned from the beginning of each duty period of that person, in the course of which he is permitted to make any flight to which this regulation applies and after expiration of which he is not in the course of the same duty period required to make any such flight.

48. Maximum flying duty periods for flight crew

(1) Notwithstanding regulation 53, no person shall fly in an aircraft to which this regulation applies as a member of the flight crew in the course of any duty period of that person after more than the specified time has elapsed since the beginning of that duty period.

(2) In paragraph (1) the expression “**specified time**” means—

- (a) in relation to a pilot, whenever subparagraph (b) does not apply, eleven hours; except that, if during the duty period there has been a period of not less than five continuous hours throughout which that person has not flown in any aircraft to which this regulation applies or performed any duties, this subparagraph shall have effect as if twelve hours were substituted for eleven hours;
- (b) in relation to a person who, at all times when he flies as a pilot in the course of his duty period, is one of two or more persons carried as pilots of an aircraft undertaking—
 - (i) an international flight or service—fifteen hours;
 - (ii) a flight within Kenya—twelve hours,

except that if during the duty period there has been a period of not less than five continuous hours throughout which that person has not flown in any aircraft to which this regulation applies or performed any duties, this paragraph shall have effect as if fifteen hours were substituted for twelve hours and twenty hours were substituted for fifteen hours if that person is one of three or more persons carried as pilots of the aircraft and the following conditions are fulfilled—

- (aa) at least two of the pilots are qualified to act as commander of the aircraft in the circumstances both by their respective licences and in accordance with the requirements of paragraph 1(5)(a)(i) and (ii) of Part B of the Tenth Schedule (except in respect of their knowledge of the aerodromes of take-off and landing and any alternate aerodromes); and
- (bb) at least one of the pilots is carried in addition to those members of the flight crew who are required to be carried in the circumstances by or under these Regulations; and
- (cc) one suitable bunk is always available for the use only of pilots; and

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- (dd) each of the pilots has, during the duty period, been afforded opportunities of resting for a reasonable time;
- (c) in relation to a flight engineer—fifteen hours; except that this subparagraph shall have effect as if twenty-four hours were substituted for fifteen hours in relation to a person who, at all times when he flies as a flight engineer in the course of his duty period, is one of two or more persons carried as flight engineers of the aircraft, if the following conditions are fulfilled—
 - (i) at least one of the flight engineers is carried in addition to the members of the flight crew who are required to be carried in the circumstances by or under these Regulations; and
 - (ii) one suitable bunk is always available for the use only of flight engineers; and
 - (iii) each of the flight engineers has, during the duty period, been afforded opportunities of resting for a reasonable time.
- (d) in relation to a flight navigator and a flight radio operator—fifteen hours; except that this subparagraph shall have effect as if nineteen hours were substituted for fifteen hours if one suitable bunk is always available for the use only of flight navigators or flight radio operators, and shall be subject to subparagraph (c), which shall apply to flight navigators and to flight radio operators as it applies to flight engineers.

(3) Notwithstanding regulation 53, the maximum total hours associated with the duty periods undertaken by any member of the flight crew shall not exceed one hundred and sixty hours during any period of twenty-eight days; except that whenever a member of the flight crew exceeds one hundred and twenty hours “non-flying time” he shall not, because of this, be disqualified from further flying duties providing all other requirements are met.

49. Minimum rest periods for flight crew

(1) Notwithstanding regulation 53, a person shall not fly in an aircraft to which this regulation applies as a member of the flight crew, unless immediately before the duty period in the course of which he makes that flight he has had a sufficient rest period, that is to say, a rest period of a length not less than the minimum length specified in the first column of Table A set out below and therein set opposite to the length specified in the second column of that table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

TABLE A

<i>Minimum length of sufficient rest period</i>	<i>Length of immediately preceding duty period</i>
11 hours	Not exceeding 10 hours
12 hours	Exceeding 10 but not exceeding 11 hours
13 hours	Exceeding 11 but not exceeding 12 hours
14 hours	Exceeding 12 but not exceeding 13 hours
15 hours	Exceeding 13 but not exceeding 14 hours
16 hours	Exceeding 14 but not exceeding 15 hours
17 hours	Exceeding 15 but not exceeding 16 hours
19 hours	Exceeding 16 but not exceeding 17 hours
21 hours	Exceeding 17 but not exceeding 18 hours
23 hours	Exceeding 18 but not exceeding 19 hours
25 hours	Exceeding 19 but not exceeding 20 hours
27 hours	Exceeding 20 but not exceeding 21 hours
29 hours	Exceeding 21 but not exceeding 22 hours
31 hours	Exceeding 22 but not exceeding 23 hours
33 hours	Exceeding 23 hours

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(2) Where a rest period is taken by a person at a place which is not within 50 miles of his ordinary place of residence it shall be deemed to be a sufficient rest period if it includes a period of eight hours falling between 2200 and 0800 hours local time and is of a length not less than the minimum length specified in the first column of the Table B set out hereto and therein set opposite to the length specified in the second column of that table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

<i>Minimum length of sufficient rest period</i>	<i>Length of immediately preceding duty period</i>
10 hours	Exceeding 10 but not exceeding 11 hours
12 hours	Exceeding 11 but not exceeding 12 hours
13 hours	Exceeding 12 but not exceeding 14 hours
15 hours	Exceeding 14 but not exceeding 17 hours
16 hours	Exceeding 17 but not exceeding 20 hours
17 hours	Exceeding 20 but not exceeding 23 hours
18 hours	Exceeding 23 hours

(3) The length of the duty periods established in this regulation are adjusted to allow for duty time before and after a flight or series of flights which make up one duty period.

50. Records of flight times and duty periods

(1) The operator of an aircraft to which this regulation applies shall not cause or permit any person to fly as a member of the flight crew unless the operator has in his possession an accurate and up-to-date record maintained by him or by another operator of aircraft in respect of that person and in respect of the twenty-eight days immediately preceding the flight showing—

- (a) the times of the beginning and end of each flight in any aircraft made by that person as a member of its flight crew in the course of any of his duty periods; and
- (b) the times of the beginning and end of each duty period of that person in the course of which he made a flight as a member of a flight crew; and
- (c) the times of the beginning and end of each duty period of that person ending within a period of seventy-two hours immediately preceding the beginning of any duty period of that person in the course of which he made a flight in any aircraft as a member of its flight crew; and
- (d) brief particulars of the nature of the work or other duties carried out by that person during each of his periods of which a record is required to be kept under this paragraph.

(2) The Director may notify the form and manner in which any records required to be kept under paragraph (1) shall be kept and, where he has so notified, the records shall be kept accordingly.

(3) Subject to regulation 56, the operator of the aircraft shall preserve the records referred to in paragraph (1) for a period of at least six months after the end of the flight, duty period or rest period as the case may be, to which they relate.

51. Maximum flight times for flight crew

No person shall fly in any aircraft registered in Kenya as a member of the flight crew at any time on any day after the aggregate of all his flight times, whether arising from flight in an aircraft to which this regulation applies or in any other aircraft, during the period of twenty-eight consecutive days expiring at the end of that day amounts to one hundred and five hours:

Provided that this prohibition shall not apply—

- (a) to a flight made in an aircraft of which the maximum total weight authorized does not exceed 1,600 kg. and which is not flying for the purpose of public transport or aerial work; or
- (b) to a flight made in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking if at the time of the flight the aggregate of all the flight times of the person making the flight since he was last medically examined under these Regulations and found fit does not exceed one hundred and fifty hours.

52. Provision for particular cases

(1) Notwithstanding anything contained in regulations 48, 49 and 51 (hereinafter referred to as “the relevant regulations”) a person shall be deemed not to have contravened any of the provisions of these Regulations by reasons of a flight made at any time by that person or by another person if the first-mentioned person proves—

- (a) that it was due to an unavoidable delay in the completion of the flight that the person so flying was flying at that time; and
- (b) that the first-mentioned person could not reasonably be expected to have foreseen before the flight began that the delay was likely to occur.

(2) Notwithstanding regulation 79(2) and anything contained in the relevant regulations, the commander of an aircraft may make, or authorize any other person to make, and that other person if so authorized may make, a flight in that aircraft which he would, but for this paragraph, be prohibited from making by virtue of any provision contained in the relevant regulations if—

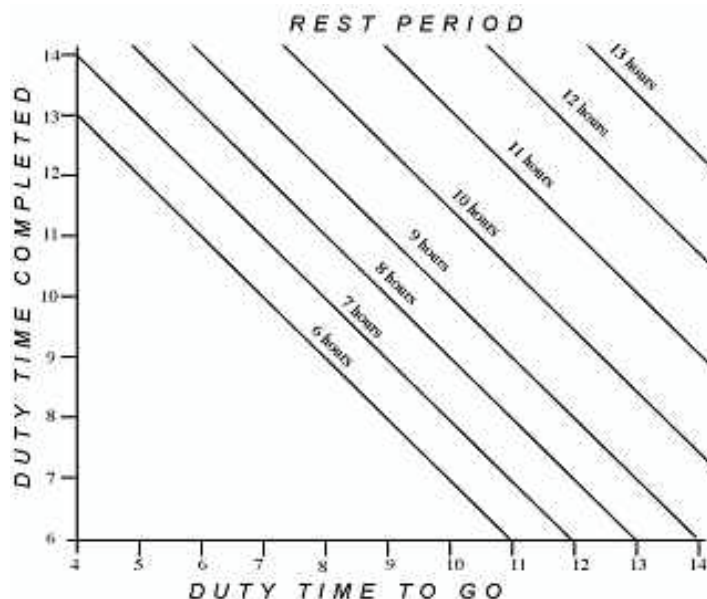
- (a) it appears to the commander—
 - (i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that no member of that crew would have been prohibited from making the flight in accordance with those arrangements by any provision contained in the relevant regulations, and that since those arrangements were made the flight has been or will be prevented from being in accordance with those arrangements by reason of circumstances which were not foreseen as likely to prevent that flight from being so made; or
 - (ii) that the flight is one which ought to be carried out in the interest of the safety or health of any person; and
- (b) the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(3) Where the commander or any other person makes a flight in an aircraft which he or that other person is permitted to make under paragraph (2), a report in writing that he or that other person has made that flight, giving full particulars of the circumstances in which it was made and the reasons why the commander made that flight or, as the case may be, authorized that other person to do so, shall be made as soon as is reasonably practicable by the commander to the operator of the aircraft and in any event by the operator to the Director, and the operator and the commander shall furnish any authorized person with such further information in his possession relating to the flight and to the circumstances in which it was made as that person may require.

(4) Notwithstanding regulations 48, 49, 50, 51 and this regulation, where a scheduled service has an unavoidable and prolonged delay *en route*, subject to the discretion of the commander of the aircraft, a reduced period of rest may be taken, and such period shall

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include at least six hours between 2000 and 0600 hours local time and shall be of a duration of not less than that appropriately extracted from the following graph—

**53. Duties of operators to prevent excessive fatigue of crew**

It shall be the duty of every operator of an aircraft to which this regulation applies to ensure, in respect of each person flying as a member of the crew of that aircraft, that the period during which that person is required or permitted by that operator to carry out any work or other duties are so limited in length and frequency, and that that person is afforded such period for rest that his work and duties are not likely to cause him such fatigue while he is flying in the aircraft, in respect of flight crew, as may endanger the safety thereof, and in respect of other members of the crew, as may impair their efficiency to fulfil adequately their duties in relation to the possible evacuation or control of passengers or the provision of assistance in the event of an emergency situation.

PART VIII – DOCUMENTS**54. Documents to be carried**

(1) No aircraft shall be flown unless there is carried therein documents which are required to be carried on board under the law of the state in which the aircraft is registered.

(2) An aircraft registered in Kenya shall, when in flight, have on board documents in accordance with the Eleventh Schedule; except that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any other state other than Kenya, the documents may be kept at the aerodrome instead of being carried aboard the aircraft.

55. Production of documents

(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;

- (b) the licences of its flight crew;
- (c) such other documents as the aircraft is required by regulation 54 to have on board when in flight.

(2) The operator of an aircraft registered in Kenya shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person such of the following documents or records as may have been requested by that person, being documents or records which are required by or under these Regulations to be in force or to be carried, preserved or made available—

- (a) the documents referred to in the Eleventh Schedule as Documents A, B and G;
- (b) the aircraft log-book, engine log-books and variable pitch propeller log-books required under these Regulations to be kept;
- (c) the weight schedule, if any, required to be preserved under regulation 15;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in the Eleventh Schedule as Documents D, E, F and H;
- (e) any records of flight times, duty periods and rest periods which he is required by subregulation (3) of regulation 50 to preserve, and such other documents and information in the possession or control of the operator, as the authorized person may require for the purpose of determining whether those records are complete and accurate;
- (f) any operations manuals or other data required to be made available under these Regulations;
- (g) the record made by any flight recorder required to be carried by or under these Regulations.

(3) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person his licence including any certificate of validation.

(4) Every person required by regulation 20 to keep a personal flying log-book shall cause it to be produced within a reasonable time to an authorized person after being requested to do so by him within two years after the date of the last entry therein.

56. Preservation of documents, etc.

A person required by these Regulations to preserve any document or records by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his legal personal representative:

Provided that if—

- (a) another person becomes the operator of the aircraft and it remains registered in Kenya he or his legal personal representative shall deliver to that other person, upon demand, the certificate of maintenance and compliance, the log-books and the weight schedule and any records made by a flight recorder and preserved in accordance with these Regulations which are in force or required to be preserved in respect of the aircraft;
- (b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in Kenya he or his legal personal representative shall deliver to that other person upon demand the log-book relating to that engine or propeller;

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- (c) any person in respect of whom a record has been kept by him in accordance with regulation 50 becomes a member of the flight crew of a public transport aircraft registered in Kenya and operated by another person, he or his personal representative shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document delivered to him as if he were the first-mentioned operator.

57. Revocation, suspension and variation of certificates, licences and other documents

(1) The Director may, where he considers it to be in the public interest, suspend provisionally (pending further investigation), any certificate, licence, approval, permission, exemption or other document issued or granted under these Regulations.

(2) The Director may, upon the completion of an investigation which has shown sufficient ground to his satisfaction and where he considers it to be in the public interest, revoke, suspend, or vary any certificate, licence, approval, permission, exemption or other document issued or granted under these Regulations.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Director within a reasonable time after being required to do so by him.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

58. Offences in relation to documents

(1) No person shall, with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, no person shall wilfully mutilate, alter, render illegible or destroy any log-book or other record, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such log-book or record, or wilfully omit to make a material entry in any such log-book or record.

(3) All entries in log-books and records required to be maintained by or under these Regulations shall be made in ink or indelible pencil.

(4) No person shall wilfully or negligently make in a load sheet any entry which is incorrect in any material particular, or wilfully or negligently omit to make a material entry in such a load sheet.

(5) No person shall purport to issue any certificate for the purposes of these Regulations unless he is authorized to do so under these Regulations.

(6) No person shall issue any certificate of the kind referred to in paragraph (5) unless he has satisfied himself that all statements in the certificate are correct.

PART IX – CONTROL OF AIR TRAFFIC

59. Rules of the Air and Air Traffic Control

(1) Every person and every aircraft shall comply with the Rules of the Air and Air Traffic Control contained in the Twelfth Schedule.

(2) Subject to the provisions of paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control may be departed from to the extent necessary—

- (a) to avoid immediate danger; or
- (b) to comply with the law of any state other than Kenya within which the aircraft then is; or
- (c) for military aircraft of Kenya or military aircraft of another state visiting Kenya when flying within Kenya, either in areas notified for military use, or under emergency conditions provided approval is given by the Minister of Defence in consultation with the Director.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the state in whose territory the departure was made or if in the case of a Kenyan aircraft the departure was made over the high seas, to the Director.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

(6) The Director may, for the purpose of promoting the safety of aircraft, by notice in the *Gazette*, regulate as to how special signals and other communications to be made by or on an aircraft shall be made and as to any other precaution to be observed in relation to the navigation and control of aircraft which the Director may consider expedient for the purpose aforesaid, and no aircraft shall fly in contravention of any such notice.

60. Licensing of air traffic controllers and student air traffic controllers

(1) The Director may grant a licence subject to such conditions as he thinks fit to any person to act as an air traffic controller, upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Director may require:

Provided that the Director shall not grant a licence to act as an air traffic controller to a person under the age of twenty-one years or a licence to act as a student air traffic controller to a person under the age of eighteen years.

(2) Every licence to act as an air traffic controller shall include—

- (a) ratings of one or more of the classes set forth in the Ninth Schedule specifying the type of air traffic control service which the holder of the licence is competent to provide;

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- (b) a list of the places at which, and the type of radar equipment, if any, with the aid of which he may provide the service and if throughout any period of six months the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Director's powers under regulation 57 cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Director to that effect and shall forward the licence to the Director to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorizing the holder to provide air traffic control services under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control services which is being provided by the student air traffic controller and valid at the place in question.

(4) A licence as an air traffic controller or as a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(5) Subject to the provisions of regulation 57, a licence as an air traffic controller or as a student air traffic controller shall remain in force—

- (a) for a period of twenty-four months if issued to a person who has not attained forty years of age; or
- (b) for a period of twelve months if issued to a person who is aged forty years or more,

and may be renewed by the Director from time to time upon his being satisfied that the applicant is a fit and qualified person.

[L.N. 31/1987, s. 2.]

61. Prohibition of unlicensed air traffic controllers and student air traffic controllers

(1) No person shall provide any air traffic control service at any aerodrome at which air traffic control service is required to be provided by or under the Rules of the Air and Air Traffic Control or at a Government aerodrome or at any other place (not being an aerodrome) at which air traffic control service is provided (whether or not under the direction of a Government Department or the Director) unless he does so under and in accordance with the terms of—

- (a) a valid student air traffic controller's licence granted under these Regulations and he is supervised in accordance with regulation 60(3); or
- (b) a valid air traffic controller's licence so granted authorizing him to provide that type of service at the aerodrome or other place; or
- (c) a valid air traffic controller's licence so granted which does not authorize him to provide that type of service at the aerodrome or other place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorizes him to provide at that aerodrome or other place the type of air traffic control service which is being provided:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Kenya's naval, military or air forces or a visiting military force.

(2) The holder of a licence shall not be entitled to perform any of the functions specified in the Ninth Schedule in respect of a rating at any of the places referred to in

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paragraph (1) unless his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed.

(3) Nothing in a licence granted under regulation 60 shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.

(4) Nothing in this regulation shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating information to aircraft in flight in the interests of safety.

62. Incapacity of air traffic controllers

(1) Every holder of an air traffic controller's licence granted under regulation 60 who—

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates for a period of twenty or more consecutive days; or
- (b) in the case of a woman has reason to believe that she is pregnant,

shall inform the Director in writing of such illness, injury or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended as soon as a period of twenty days of such injury or illness as is referred to in paragraph (1)(a) has elapsed; and suspension of the licence shall cease—

- (a) upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume his functions under the licence; or
- (b) upon the Director exempting the holder from the requirement of a medical examination subject to such conditions as he may think fit.

(3) Upon the pregnancy of the holder of an air traffic controller's licence being confirmed, the licence shall be deemed to be suspended and shall remain suspended until she has been medically examined under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions under the licence.

63. Power to prohibit or restrict flying or landing or take off

(1) Where the Director deems it necessary in the public interest—

- (a) to restrict or prohibit flying over any area of Kenya or along any route therein; or
- (b) to restrict or prohibit landing or take off at any place in Kenya, by reason of—
 - (i) the intended gathering or movement of a large number of persons; or
 - (ii) the intended holding of an aircraft race contest or of an exhibition of an exhibition of flying; or
 - (iii) any reason affecting the public interest,

the Director may by order prohibit, restrict or impose conditions on flight, landing or take off generally or in relation to any class of aircraft, over such area or along any such route or at any such places, and an aircraft shall not fly, land or take off in contravention of the order.

(2) An order made under this regulation shall be notified and in addition may be published in the *Gazette*.

(3) An order published under paragraph (2) may be expressed to, and shall be deemed to have come into force on a date earlier than the date of publication in the *Gazette*.

[L.N. 27/1985, s. 3.]

[Subsidiary]**64. Balloons, kites and airships**

(1) No person shall, within Kenya—

- (a) fly a captive balloon or kite at a height of more than 200 feet above the ground level or within 200 feet of any vessel, vehicle or structure;
- (b) fly a captive balloon within 3 miles of an aerodrome;
- (c) fly a balloon exceeding six feet in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon in controlled airspace;
- (d) fly a kite within three nautical miles of an aerodrome;
- (e) moor an airship;
- (f) fly a free balloon at night,

without the permission in writing of the Director, and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall not be left unattended unless it is fitted with device which ensures its automatic deflation if it breaks.

(3) An unmanned free balloon shall be operated in such a manner as to minimize hazards to persons, property or other aircraft and in accordance with conditions specified in the Twelfth Schedule.

[L.N. 96/1984, s. 2]

PART X – AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS**65. Aerodromes: public transport of passengers and instruction in flying**

(1) An aircraft engaged on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying shall not take off or land at any place in Kenya other than—

- (a) a Government aerodrome notified as available for the take-off and landing of aircraft so engaged, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be; or
- (b) an aerodrome licensed under these Regulations for the take-off and landing of aircraft so engaged,

and in accordance with any condition subject to which the aerodrome may have been so licensed or notified, or subject to which such permission may have been given:

Provided that such prohibition shall not apply in relation to—

- (a) any aeroplane or helicopter of which the maximum total authorized weight does not exceed 4,500 kg. on a flight for the purpose of public transport other than scheduled journeys;
- (b) any glider;
- (c) a landing due to accident, stress of weather or other unavoidable cause or to the next subsequent take-off following such a landing.

(2) An aircraft shall not take off or land by night at any place in Kenya unless adequate lighting is in operation at the aerodrome.

66. Use of Government aerodromes

The Director may cause to be notified, subject to such conditions as he thinks fit, any Government aerodrome as an aerodrome available for take-off and landing by aircraft.

67. Licensing of aerodromes

(1) The Director may license any aerodrome in Kenya for the take-off and landing of aircraft engaged in flights for the purpose of the public transport of passengers, or for the purpose of instruction in flying or of any classes of such aircraft, and may issue any such licence subject to such conditions as he shall consider in the public interest, including a condition that the aerodrome shall at all times when it is available for the take-off or landing, of aircraft be so available to all persons on equal terms and conditions, and any licence issued subject to such a condition shall be known as a licence for public use.

(2) The licensee of an aerodrome in respect of which a licence for public use is in force shall display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(3) The licensee of an aerodrome licensed under these Regulations shall not cause or permit any condition of the licence to be contravened in relation to an aircraft engaged on a flight for the public transport of passengers or for instruction in flying, but the licence shall not cease to be valid by reason only of such contravention.

(4) A licence granted by the Director in respect of an aerodrome shall, subject to the provisions of regulation 57, remain in force for such period as may be specified in the licence.

68. Charges at aerodromes licensed for public use

(1) The Director may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connexion with any aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensee of an aerodrome in relation to which the Director has prescribed any charges under paragraph (1) shall not cause or permit any other charges to be made and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use had been granted shall, when required by the Director, furnish to the Director such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

69. Use of aerodromes by aircraft other than Kenyan aircraft

The person in charge of any aerodrome in Kenya which is open to public use by aircraft registered in Kenya (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other states on the same terms and conditions as for use by aircraft registered in Kenya.

70. Noise and vibration caused by aircraft on aerodromes

(1) Noise and vibration may be caused by aircraft including military aircraft, on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business of manufacturers or repairers of aircraft, under the following conditions that is to say, that, whether in the course of the manufacture of the aircraft or otherwise—

- (a) the aircraft is taking off or landing; or

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- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft—
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

(2) Section 13(2) of the Act shall apply to the aerodromes specified in paragraph (1).

71. Aeronautical lights

(1) No person shall establish or maintain an aeronautical light within Kenya except with the permission of the Director and in accordance with any conditions subject to which the permission may be granted.

(2) No person shall alter the character of an aeronautical light within Kenya except with the permission of the Director and in accordance with any conditions subject to which permission may be granted.

(3) No person shall wilfully or negligently injure or interfere with any aeronautical light established and maintained by, or with the permission of, the Director.

72. Dangerous lights

(1) No person shall exhibit in Kenya any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical light is likely to endanger aircraft.

(2) If any light which appears to the Director to be such a light as is referred to in paragraph (1) is exhibited the Director may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing the future exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

72A. Notifications

The Director may cause to be notified such information or directions or orders as may be necessary for air navigation and air transport purposes in Kenya and the directions or orders shall not be contravened.

PART XI – GENERAL**73. Prohibited areas**

(1) The Minister may, by notice, declare any specifically defined area in Kenya a prohibited area.

(2) Except as may be provided in the notice whereby the prohibited area is established, or in any subsequent notice issued by the Minister, no aircraft shall fly over, or land in any prohibited area.

[L.N. 27/1985, s. 4.]

74. Power to prevent aircraft flying

(1) If it appears to the Director or an authorized person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of regulations 3, 5, 7, 17, 18, 26, 36 or 37 shall be contravened in relation to the flight; or
- (b) in such circumstances that the flight would be in contravention of any other provision of these Regulations and be a cause of danger to any person or property, whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations,

the Director or that authorized person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked, and the Director or that authorized person may take such steps as are necessary to detain the aircraft.

(2) For the purpose of paragraph (1) the Director or any authorized person may enter upon and inspect any aircraft.

75. Right of access to aerodromes and other places

(1) The Director and any authorized person shall have the right of access at all reasonable times—

- (a) to any aerodrome, for the purpose of inspecting the aerodrome; or
- (b) to any aerodrome, for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations; and
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under these Regulations and or for the purpose of detaining the aircraft under these Regulations:

Provided that access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

76. Obstruction of persons

No person shall wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

77. Enforcement of directions

Any person who fails to comply with any direction given to him by the Director or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

78. Fees

(1) The provisions of the Thirteenth Schedule shall have effect with respect to the fees to be charged in connexion with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, these Regulations.

(2) Upon an application being made in connexion with which any fee is chargeable in accordance with the provisions of paragraph (1), the applicant shall be required, before

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the application is entertained, to pay the fee so chargeable; and if, after such payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Director shall, in his discretion, refund all or part of such payment.

79. Penalties

(1) If any provision of these Regulations is contravened in relation to an aircraft the operator of that aircraft and the commander thereof, if the operator or, as the case may be, the commander is not the person who contravened that provision, shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of these Regulations to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations was due to any cause not avoidable by the exercise of reasonable care by that person, that act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport, the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) If any person contravenes any provision of these Regulations not being a provision referred to in paragraph (5) or paragraph (6) of this regulation, he shall be liable to a fine not exceeding two thousand shillings; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding four thousand shillings.

(5) If any person contravenes any provision specified in Part A of the Fifteenth Schedule he shall be liable to a fine not exceeding four thousand shillings or in the case of a second or subsequent conviction for the like offence to a fine of ten thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(6) If any person contravenes any provision specified in Part B of the Fifteenth Schedule he shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

80. Extra-territorial effect of regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

81. Application of regulations to the Government of Kenya and visiting forces, etc.

(1) Subject to this regulation, the provisions of these Regulations shall apply to or in relation to aircraft belonging to or exclusively employed in the service of the Government, of Kenya not being military aircraft, as they apply to or in relation to other aircraft which are registered in Kenya or are capable of being so registered and for the purposes of such application the Department or other authority for the time being responsible for the management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government of Kenya to be the owner of the interest of the Government in the aircraft:

Provided that nothing in this regulation shall render liable to any penalty any Department or other authority responsible on behalf of the Government for the management of any aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provisions of these Regulations to the same extent as if the visiting force formed part of the military forces of Kenya.

(3) Except as otherwise provided by paragraph (4) of this regulation, regulation 59(1), and regulation 70, nothing in these Regulations shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of the naval, military or air forces of Kenya or as a member of a visiting force, the following provisions of these Regulations shall apply on the occasion of that flight, that is to say, regulations 40, 41, 42, 63, 70 and 73 and in addition regulation 39 (so far as applicable) shall apply.

82. Exemption from regulations

(1) The Director may by notice in writing, including by telex, exempt from any of the provisions of these Regulations any aircraft or person or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

(2) Notwithstanding anything contained in paragraph (1), the power to exempt any aircraft or person or classes of aircraft or persons from the provisions of regulation 36 shall be expressly reserved to the Minister and any exemption granted under this paragraph by the Minister shall be published by the Minister in the *Gazette* and may be expressed to, and shall be deemed to have come into operation on a date earlier than the date of publication in the *Gazette*.

[L.N. 27/1985, s. 5.]

83. Regulations not to confer right to land

Subject to the provisions of regulations 67 and 69 nothing in these Regulations shall confer any right to land in any place as against the owner of the land or other persons interested therein.

84. Application to small aircraft

The provisions of these Regulations, other than regulations 41 and 64 thereof, shall not apply to—

- (a) any balloon which at any stage of its flight is not more than 2 m. in any linear dimension, including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kg.;
- (c) any other aircraft weighing not more than 5 kg. without its fuel.

85. Revocation of Sub. Leg.

The East African Air Navigation Regulations (E.A. Cap 31, Sub. Leg.), in so far as they apply to Kenya, are revoked.

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FIRST SCHEDULE

[Regulations 2(6), 4(6) and 22(3).]

PART A – TABLE OF CLASSIFICATION OF AIRCRAFT

Column 1	Column 2	Column 3	Column 4
Aircraft	Lighter-than-air aircraft	Non-mechanically driven....	Free Balloon. Captive Balloon.
		Mechanically drive Non-mechanically driven....	Airship. Glider. Kite.
	Heavier-than-air aircraft	Mechanically driven (aeroplanes)	Aeroplane (Landplane). Aeroplane (Seaplane). Aeroplane (Amphibian). Aeroplane (Self-launching Motor Glider). Gyroplane. Helicopter.

PART B – NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN KENYA

1. The nationality mark of the aircraft shall be a group of two capital letters in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Director on the registration of aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark. The following nationality mark is notified in respect of aircraft registered in Kenya—

Kenya 5B

Registration marks will be assigned by the Director on registration of the aircraft.

2. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner—

I—POSITION OF MARKS

(a) *Heavier-than-air Aircraft*

- (i) *Wings.*—On heavier-than-air aircraft the marks shall appear once on the lower surface of the wing structure. They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The top of the letters and numbers shall be towards the leading edge of the wing.
- (ii) *Fuselage (or equivalent structure) and vertical surfaces.*—On heavier-than-air aircraft the marks shall appear either on each side of the fuselage (or equivalent structure) between the wings and the tail

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surface, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface they shall appear on both sides. When located on multivertical tail surface they shall appear on the outboard side of the outer surfaces.

- (iii) *Special cases.*—If a heavier-than-air aircraft does not possess parts corresponding to those mentioned in (i) and (ii), the marks shall appear in a manner such that the aircraft can be identified readily.

(b) *Lighter-than-air Aircraft*

- (i) *Airships.*—The marks on an airship shall appear either on the hull or on the stabilizer surfaces. Where the marks appear on the hull, they shall be located lengthwise on each side of the hull and also on its upper surface on the line of symmetry. Where the marks appear on the stabilizer surface, they shall appear on the horizontal and on the vertical stabilizers; the marks on the horizontal stabilizer shall be located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters and numbers towards the leading edge; the marks on the vertical stabilizer shall be located on each side of the bottom half stabilizer, with the letters and numbers placed horizontally.
- (ii) *Spherical balloons.*—The marks on a spherical balloon shall appear in two places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.
- (iii) *Non-spherical balloons.*—The marks on a non-spherical balloon shall appear on each side. They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.
- (iv) *All lighter-than-air aircraft.*—The side marks on all lighter-than-air aircraft shall be visible both from the sides and from the ground.

II—SIZE OF MARKS

(a) *Heavier-than-air Aircraft*

- (i) *Wings.*—The height of the marks on the wings of heavier-than-air aircraft shall be at least 50 centimetres.
- (ii) *Fuselage (or equivalent structure) and vertical tail surfaces.*—The height of the marks on the fuselage (or equivalent structure) and on the vertical tail surfaces of heavier-than-air aircraft shall be at least 30 centimetres, provided that where because of the structure of the aircraft a height of 30 centimetres is not reasonably practicable, the height shall be the greatest height reasonably practical in the circumstances, but not less than 15 centimetres.
- (iii) *Special cases.*—If a heavier-than-air aircraft does not possess parts corresponding to those mentioned in (i) and (ii), the measurements of the marks shall be such that the aircraft can be identified readily.

(b) *Lighter-than-air Aircraft*

The height of the marks on lighter-than-air aircraft shall be at least 50 centimetres.

III—WIDTH OF SPACING OF MARKS

- (i) The letters shall be capital letters in Roman characters without ornamentation. Numbers shall be Arabic numbers without ornamentation.
- (ii) The width of characters (except the letter j and the number 1) and the length of hyphens shall be two-thirds of the height of the characters.

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- (iii) The characters and hyphens shall be formed by solid lines and shall be of a colour contrasting clearly with the background. The thickness of the lines shall be one-sixth of the height of the characters.
- (iv) Each character shall be separated from that which it immediately precedes or follows by a space of not less than one-quarter of a character width. A hyphen shall be regarded as a character for this purpose.

3. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft, and shall always be kept clean and visible.

4. In addition to the requirements of paragraphs (1), (2) and (3), the nationality and registration marks shall also be inscribed on an identification plate made of fireproof metal and secured to the aircraft in a prominent position near the main entrance.

SECOND SCHEDULE

[Regulations 3(1), 7(2) and 35(5) and 58(5).]

A AND B CONDITIONS

The A Conditions and the B Conditions referred to in paragraph (1) of regulation 3, paragraph (2) of regulation 7 and paragraph (5) of regulation 35, and paragraph (5) of regulation 58 are as follows—

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under the provisions of these Regulations, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to—

- (a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be; or
- (b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in the aircraft is to take place for a purpose referred to in subparagraph (a), after such an application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (c) proceed to or from a place at which the aircraft is to be or has been stored.

(3) The aircraft and its engines shall be certified as fit for flight by the holder of a licence as an aircraft maintenance engineer entitled in accordance with the provisions of the Fourth Schedule so to certify, or by a person approved by the Director for the purpose of issuing certificates under this condition.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under these Regulations in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any passengers or cargo except passengers performing duties in the aircraft in connection with the flight, or persons who are carried in the aircraft to perform duties in connexion with a purpose referred to in paragraph (2) of these conditions.

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(6) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off or land at a Government aerodrome or a licensed aerodrome in accordance with normal aviation practice.

(7) Without prejudice to the provisions of paragraph (2) of regulation 17 the aircraft shall carry such flight crews as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Director for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in Kenya or under the law of any state referred to in regulation 3, the aircraft shall be marked in a manner approved by the Director for the purposes of these Conditions, and the provisions of regulations 13, 14, 18, 29, 32, 54 and 55 shall be complied with in relation to the aircraft as if it was registered in Kenya so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of—

- (a) experimenting with or testing the aircraft (including in particular its engines) and its equipment; or
- (b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft; or
- (c) proceeding to or from a place at which any experiment, inspection, approval, test or weighing of, or the installation of equipment in the aircraft is to take place for purpose referred to in subparagraphs (a) and (b), or at which the installation of furnishings in, or the painting of the aircraft is to be taken.

(4) The aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any passengers or cargo except passengers performing duties in the aircraft in connexion with the flight.

(6) The aircraft shall not fly except in accordance with the procedures which have been agreed by the Director in relation to that flight over any congested area of a city, town or settlement.

THIRD SCHEDULE

[Regulation 8.]

1. Categories of aircraft—

Transport Category (Passenger).

Transport Category (Cargo).

Aerial Work Category.

Private Category.

Special Category.

2. The purposes for which the aircraft may fly are as follows—

Transport Category (Passenger): Any purpose.

Transport Category (Cargo): Any purpose, other than the public transport of passengers.

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Aerial Work Category: Any purpose other than public transport.

Private Category: Any purpose other than public transport or aerial work.

Special Category: Any purpose other than public transport specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

FOURTH SCHEDULE

[Regulation 11(2).]

MAINTENANCE ENGINEERS: PRIVILEGES OF LICENCES

An aircraft maintenance engineer may, subject to the conditions of his licence, issue certificates as follows—

Aircraft Maintenance Engineers—Category A (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
- (c) certificates of fitness of aircraft for flight under the “A Conditions” set out in the Second Schedule.

Aircraft Maintenance Engineers—Category B (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

Certificates of compliance in respect of inspection, overhauls, repairs, replacements and modifications approved under these Regulations.

Aircraft Maintenance Engineers—Category C (Engines)

In relation to engines of a description specified in his licence, being engines in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
- (c) certificates of fitness of aircraft engines for flight under the “A Conditions” set out in the Second Schedule.

Aircraft Maintenance Engineers—Category D (Engines)

In relation to engines of a description specified in his licence, being engines in respect of which a type rating has been included in his licence—

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under these Regulations.

Aircraft Maintenance Engineers—Category X

Compasses.

Instruments.

Electrical Equipment.

Automatic Pilots.

In relation respectively to compasses, instruments, electrical equipment or automatic pilots of a description specified in his licence, being compasses, instruments, electrical equipment or automatic pilots in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Maintenance Engineers—Category R (Radio)

In relation to aircraft radio stations of a description specified in his licence, being radio stations in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of compliance in respect of inspections, repairs, replacement and modifications so approved.

The privileges of the licence shall also include the issue of certificates of compliance in respect of inspections, repairs, replacements and modifications of any aircraft radio apparatus approved under these Regulations, if the licence bears an endorsement to that effect.

FIFTH SCHEDULE

[Regulations 10(3) and 12(2).]

AIRCRAFT EQUIPMENT

1. Every aircraft of a description specified in the first column of the Table set forth in paragraph 3 of this Schedule and which is registered in Kenya shall be provided, when flying in the circumstances specified in the second column of that Table, with adequate equipment, and for the purpose of this paragraph the expression “**adequate equipment**” shall mean the scales of equipment respectively indicated in that Table:

Provided that if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

3. The following items of equipment shall not be required to be of a type approved by the Director as set forth in paragraph 4 of this Schedule—

- (i) The equipment referred to in Scale A(ii).
- (ii) First aid equipment and handbook, referred to in Scale B.
- (iii) Time-pieces, referred to in Scale F.
- (iv) Torches, referred to in Scales G, H and J.
- (v) Whistles, referred to in Scale H.
- (vi) Sea anchors, referred to in Scales I and J.
- (vii) Rocket signals, referred to in Scale I.

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- (viii) Equipment for mooring, anchoring or manoeuvring aircraft on water, referred to in Scale I.
- (ix) Paddles, referred to in Scale J.
- (x) Food and water, referred to in Scales J, U and V.
- (xi) First aid equipment, referred to in Scales J, U and V.
- (xii) Stoves, cooking utensils, snow shovels, ice saws, sleeping and Arctic suits, referred to in Scale V.
- (xiii) Megaphones, referred to in Scale Y.

<i>Description of aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
(1) Gliders	(a) <i>flying for purposes other than public transport or aerial work when flying by night.</i>	A(ii)
	(b) <i>flying for the purpose of public transport or aerial work; and</i>	A, B, D and F(i)
	<ul style="list-style-type: none"> (i) when flying by night (ii) when carrying out aerobatic manoeuvres 	C and G M
(2) Flying machines	(a) <i>flying for purposes other than public transport; and</i>	A
	<ul style="list-style-type: none"> (i) when flying by night (ii) when flying under Instrument Flight Rules 	C and D
	<ul style="list-style-type: none"> (aa) outside controlled airspace (bb) within controlled airspace 	D E with E(iv) duplicated and F
	(iii) when carrying out aerobatic manoeuvres	M
	(b) <i>flying for the purpose of public transport; and</i>	A, B, D and F(i)
	(i) when flying under Instrument Flight Rules except flights outside controlled airspace by flying machines having a maximum total weight authorized not exceeding 1,150 kg.	E with E(iv) duplicated and F
	(ii) when flying by night and in the case of flying machines of which the maximum total weight authorized exceeds 1,150 kg.	C and G, E with E(iv) duplicated and F
	(iii) when flying over water beyond gliding distance from land	H

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<i>Description of aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	<p>(iv) when flying over water:</p> <p>(aa) in the case of an aeroplane:</p> <p>(aaa) classified in its certificate of airworthiness as being of performance group A C or X; or</p> <p>(bbb) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Director is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the International Standard Atmosphere specified in or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft.</p> <p>when either more than 460 nautical miles or more than 90 minutes flying time from the nearest aerodrome at which an emergency landing can be made</p> <p>(bb) in the case of all other flying machines, when more than 30 minutes flying time* from such an aerodrome</p> <p>(v) on all flights which involve manoeuvres on water</p> <p>(vi) when flying at a height of 10,000 feet or more above mean sea level</p>	<p>H and J</p> <p>H and J</p> <p>H, I and J</p> <p>K</p>

* For the purposes of this Table flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness is the speed for compliance with regulations governing flights over water.

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[Subsidiary]

Description of aircraft	Circumstances of Flight	Scale of Equipment Required
	<p>(vii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met</p> <p>(viii) when carrying out aerobatic manoeuvres</p> <p>(ix) on all flights on which the aircraft carries a flight crew of more than one person</p> <p>(x) on all flights for the purpose of the public transport of passengers</p> <p>(xi) on all flights by a pressurized aircraft</p> <p>(xii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met</p> <p>(xiii) when flying over substantially uninhabited land areas where, in the event of any emergency landing, polar conditions are likely to be met</p> <p>(xiv) when flying at an altitude of more than 49,000 feet</p>	<p>L</p> <p>M</p> <p>N</p> <p>Q and Y</p> <p>R</p> <p>U</p> <p>V</p> <p>W</p>
(3) Turbine-jet flying machines having a maximum total weight authorized exceeding 5,700 kg. or pressurized aircraft having a maximum total weight authorised exceeding 11,400 kg.	<i>when flying for the purpose of public transport</i>	O
(4) Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5,700 kg. and piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg.—		
(a) which are operated by an air transport undertaking under a certificate of airworthiness of the Transport Category (Passenger) or the Transport Category (Cargo); or	<i>when flying on any flight</i>	P

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<i>Description of aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
<p>(b) in respect of which application has been made and not withdrawn or refused for such a certificate, and which fly under "A" Conditions or under a certificate of airworthiness of the Special Category:</p> <p>Provided that this paragraph shall not apply to:</p> <p>(i) aeroplanes having a maximum total weight authorized exceeding 230,000 kg. which conform to a type which was first issued with a type certificate in Kenya after 1st January, 1970; or</p> <p>(ii) aeroplanes having a maximum total weight authorized exceeding 5,700 kg. but not exceeding 230,000 kg. which conform to a type which was first issued with a type certificate (whether in Kenya or elsewhere) after 1st April, 1971.</p>	<p><i>when flying on any flight</i></p>	<p>P</p>
<p>(5) Aeroplanes—</p> <p>(a) which conform to a type first issued with a type certificate (whether in Kenya or elsewhere) on or after 1st April, 1971 and which have a maximum total weight authorized exceeding 5,700 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo); or</p>	<p><i>when flying on any flight</i></p>	<p>S</p>

[Subsidiary]

<i>Description of aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
<p>(b) which conform to a type first issued with a type certificate in Kenya on or after 1st January, 1970 and having a maximum total weight authorised exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or</p> <p>(c) having a maximum total weight authorized exceeding 5,700 kg. which conform to a type first issued with a type certificate on or after 1st April, 1971 (or 1st January, 1970 in the case of an aeroplane over 230,000 kg. maximum total weight authorized) in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category.</p>	<p><i>when flying on any flight</i></p> <p><i>when flying on any flight</i></p>	<p>S</p> <p>S</p>
<p>(6) Aeroplanes—</p> <p>(a) Which conform to a type first issued with a type certificate (whether in Kenya or elsewhere) on or after 1st April, 1971 and having a maximum total weight authorized exceeding 27,000 kg. and in in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or</p>	<p><i>when flying on any flight</i></p>	<p>T</p>

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[Subsidiary]

<i>Description of aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
<p>(b) which conform to a type first issued with a type certificate in Kenya on or after 1st January, 1970 and which have a maximum total weight authorized exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or</p> <p>(c) having a maximum total weight authorized exceeding 27,000 kg. which conform to a type first issued with a type certificate on or after 1st April, 1971 (or 1st January, 1970 in the case of an aeroplane having a maximum total weight authorized exceeding 230,000 kg.) in respect of which an application has been made, and not withdrawn or refused for such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category.</p>	<p><i>when flying on any flight</i></p> <p><i>when flying on any flight</i></p>	<p>T</p> <p>T</p>
(7) Aeroplanes—		
<p>(a) which are turbo-jet and which have a maximum total weight authorized exceeding 15,000 kg. or which are authorized to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof;</p>	<i>on all flights for the purpose of public transport beginning on or after 1st January 1978</i>	X
<p>(b) which are not turbo-jet and which have a maximum total weight authorized exceeding 15,000 kg. or which are authorized to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof.</p>	<i>on all flights for the purpose of public transport beginning on or after 1st July 1978</i>	X

[Subsidiary]

4. The scales of equipment indicated in the Table set out in paragraph 3 shall be as follows—

SCALE A

- (i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.
- (ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under these Regulations for the intended flight of the aircraft, including any diversion which may reasonably be expected.
- (iii) (a) On all flights beginning before 1st January, 1978, subject to Scale B (iii)(a), a safety belt or safety harness for every seat in use.
- (b) On all flights beginning before 1st January, 1978—
 - (aa) subject to Scale B(iii)(b), in all aeroplanes, helicopters and gyroplanes, for every pilot's seat and for any seat situated alongside a pilot's seat, a safety belt with one diagonal shoulder strap or a safety harness:

Provided that the Director may permit a safety belt without a diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap, or a safety harness; and
 - (bb) for every seat in use (not being a seat referred to in subparagraph (aa) above) a safety belt with or without one diagonal shoulder strap or a safety harness.

SCALE B

- (i) First-aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—
 - roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;
 - haemostatic bandages or tourniquets, scissors;
 - antiseptic, analgesic and stimulant drugs;
 - splints, in the case of aeroplanes the maximum total weight authorized of which exceeds 5,700 kg.;
 - a handbook on first aid.
- (ii) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency—
 - (a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing; or
 - (b) would be more than 1.82 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function,apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.
- (iii) (a) On all flights beginning before 1st January, 1978, if the maximum total weight authorized of the aircraft is more than 2,730 kg., a safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A:

Provided that the Director may permit a safety belt to be fitted if he is satisfied that it is not reasonably practicable to fit a safety harness.

[Subsidiary]

- (b) On all flights beginning on or after 1st January, 1978, if the maximum total weight authorized of the aircraft exceeds 2,730 kg, a safety harness for every pilot's seat in use, in place of the safety belt with one diagonal shoulder strap referred to under scale A:
Provided that the director may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that is not reasonably practicable to fit a safety harness.
- (iv) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

SCALE C

- (i) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control.
- (ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.
- (iii) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land.

SCALE D

- (i) Either—
 - (a) a turn indicator and a slip indicator; or
 - (b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.
- (ii) A sensitive pressure altimeter adjustable for changes in barometric pressure.

SCALE E

- (i) A turn indicator and a slip indicator.
- (ii) A gyroscopic bank and pitch indicator.
- (iii) A gyroscopic direction indicator.
- (iv) A Sensitive pressure altimeter adjustable for changes in barometric pressure:

Provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator referred to in paragraph (i) of this Scale.

SCALE F

- (i) A timepiece with a sweep second hand.
- (ii) A means of indicating whether the power supply to the gyroscopic instruments is adequate.
- (iii) A rate of climb and descent indicator.
- (iv) If the maximum total weight authorized of the aircraft exceeds 5,700 kg., a means of indicating the outside air temperature.
- (v) If the maximum total weight authorized of the aircraft exceeds 5,700 kg., two air speed indicators.

SCALE G

- (i) Landing lights consisting of two single filament lamps, or one dual filament lamp with separately energized filaments.
- (ii) An electric lighting system to provide illumination in every passenger compartment.

[Subsidiary]

- (iii) (a) If the aircraft, in accordance with its certificate of airworthiness, may carry more than nineteen persons over three years of age, two electric torches and an emergency lighting system to provide illumination in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii).
- (b) In the case of any other aircraft, one electric torch for each member of the crew of the aircraft.
- (iv) In the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kg., means of observing the existence and build up of ice on the aircraft.

SCALE H

For each person on board, a lifejacket equipped with a whistle and waterproof torch:

Provided that lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

SCALE I

- (i) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine.
- (ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and Air Traffic Control and complying with Part III of Schedule 14 to the Merchant Shipping (Life-Saving Appliances) Rules, 1965 (S.L. 1965, No. 1105.)
- (iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

SCALE J

- (i) Liferrafts sufficient to accommodate all persons on board the flying machine with the following equipment—
 - (a) means for maintaining buoyancy;
 - (b) a sea anchor;
 - (c) life lines, and means of attaching one liferaft to another;
 - (d) paddles or other means of propulsion;
 - (e) means of protecting the occupants from the elements;
 - (f) a waterproof torch;
 - (g) marine type pyrotechnical distress signals;
 - (h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in subparagraph (i);
 - (i) for each four or proportion of four persons the liferaft is designed to carry—
 - 100 grammes of glucose toffee tablets;
 - ½ litre of fresh water in durable containers:
- Provided that in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable

[Subsidiary]

of being produced by means of the equipment specified in subparagraph (h) to provide $\frac{1}{2}$ litre of water for each four or proportion of four persons the liferaft is designed to carry.

- (j) first aid equipment.

Note.—Items (f) to (j) inclusive, shall be contained in a pack.

- (ii) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2—

TABLE

<i>Column 1</i>	<i>Column 2</i>
Not more than 8 liferafts.	2 survival beacon radio apparatus.
For every additional 14 or proportion— of 14 liferafts.	1 additional survival beacon radio apparatus.

SCALE K

Part I

- (i) In every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the flight crew compartment and in the compartments in which passengers are carried—
- (a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of that Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and
- (b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers,
- together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (ii) In any other flying machine—
- (a) a supply of oxygen sufficient for continuous use by all the crew, and, if passengers are carried, by 10 per cent of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130; and
- (b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,
- together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Part A of the Tenth Schedule to these Regulations.

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[Subsidiary]

Part II

<i>Column 1</i> <i>Vertical displacement of the flying machine in relation to flight levels</i>	<i>Column 2</i> <i>Capability of flying machine to descend (where relevant)</i>	<i>Column 3</i> <i>Period of supply of oxygen</i>	<i>Column 4</i> <i>Persons for whom oxygen is to be provided</i>
Above flight level 100	—	30 minutes or the period specified at A hereunder whichever is the greater.	In addition to any passengers for whom oxygen is provided as specified below, all the crew.
Above flight level 100 but not above flight level 300.	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder.	30 minutes or the period specified at A hereunder whichever is the greater.	10 per cent of number of passengers.
	Flying machine is flying above flight level 150 and is not so capable.	10 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater.	All passengers. 10 per cent of number of passengers.
Above flight level 300 but not above flight level 350.	Flying machine is capable of descending and continuing to destination as specified at Y hereunder.	30 minutes or the period specified at A hereunder whichever is the greater.	15 per cent of number of passengers.
	Flying machine is not so capable.	10 minutes or the period specified at B hereunder whichever is the greater. and in addition 30 minutes or the period specified at C hereunder whichever is the greater.	All passengers. 15 per cent of number of passengers.
Above flight level 350	—	10 minutes or the period specified at B hereunder whichever is the greater. and in addition 30 minutes or the period specified at C hereunder whichever is the greater.	All passengers. 15 per cent of number of passengers.

[Subsidiary]

- A — The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.
- B — The whole period during which, after failure to maintain such pressure has occurred, the flying machine flies above flight level 150.
- C — The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100 but not above flight level 150.
- X — The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within six minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.
- Y — The flying machine is capable, at the time when a failure to maintain such pressure occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within four minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe-landing can be made.

SCALE L

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

SCALE M

Safety harness for every seat in use:

Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Director may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

SCALE N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

SCALE O

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions:

Provided that a flight may continue if the set becomes unserviceable—

- (a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
- (b) on take off, but the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

[Subsidiary]**SCALE P**

A flight data recorder which is capable of recording, by reference to a time-scale, the following data—

- (a) indicated air speed;
- (b) indicated altitude;
- (c) vertical acceleration;
- (d) magnetic heading;
- (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (g) flap position;
- (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

Provided that any aeroplane having a maximum total weight authorized not exceeding 11,400 kg. may be provided with—

- (i) a flight data recorder capable of recording the data described in subparagraphs (a) to (h) of this Scale; or
- (ii) a four -channel cockpit voice recorder,

In addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorized exceeding 27,000 kg., a four channel cockpit voice recorder.

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane:

Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Director.

SCALE Q

If the maximum total weight authorized of the flying machine exceeds 5,700 kg. and it was first registered, whether in Kenya or elsewhere, on or after 1st June, 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

SCALE R

- (i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and
- (ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and
- (iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

SCALE S

A flight recording system comprising—

- (i) in respect of aeroplanes having a maximum total weight authorized not exceeding 11,400 kg. either a four-channel cockpit voice recorder or a flight

[Subsidiary]

data recorder capable of recording by reference to a time scale data from which the following information can be ascertained—

- the flight path of the aeroplane;
 - the attitude of the aeroplane; and
 - the basic lift, thrust and drag forces acting upon the aeroplane;
- (ii) in respect of aeroplanes having a maximum total weight authorized exceeding 11,400 kg. but not exceeding 27,000 kg. a four-channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the information specified in paragraph (i) can be ascertained;
- (iii) in respect of aeroplanes having a maximum total weight authorized exceeding 27,000 kg. four-channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established—
- the flight path of the aeroplane;
 - the attitude of the aeroplane;
 - the basic lift, thrust and drag forces acting upon the aeroplane;
 - the selection of high lift devices (if any) and airbrakes (if any);
 - the position of primary flying control and pitch trim surfaces;
 - cockpit warnings relating to engine fire and engine shut-down, cabin pressurization, presence of smoke and hydraulic/pneumatic power supply;
 - outside air temperature;
 - instrument landing system deviations;
 - use made of automatic flight control system;
 - radio altitude (if any); and
 - the level of essential AC electric supply,

The cockpit voice recorder or flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident:

Provided that an aeroplane shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Director.

SCALE T

An underwater sonar location device.

SCALE U

- (a) One survival beacon radio apparatus.
- (b) Marine type pyrotechnical distress signals.
- (c) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.
- (d) For each four or proportion of four persons on board, ½ litre of fresh water in durable containers.
- (e) First aid equipment.

SCALE V

- (a) One survival beacon radio apparatus.
- (b) Marine type pyrotechnical distress signals.

[Subsidiary]

- (c) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.
- (d) For each four or proportion of four persons on board, 1/2 litre of fresh water in durable containers.
- (e) First aid equipment.
- (f) For every 75 or proportion of 75 persons on board, one stove suitable for use with aircraft fuel.
- (g) One cooking utensil, in which snow or ice can be melted.
- (h) Two snow shovels.
- (i) Two ice saws.
- (j) Single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board.
- (k) One arctic suit for each member of the crew of the aircraft.

SCALE W

Cosmic Radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry this equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

SCALE X

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water:

Provided that, if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

SCALE Y

On flights beginning on or after 1st January, 1978—

- (i) if the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable batter-powered megaphone capable of conveying instruction to all persons in the passenger compartment and readily available for use by a member of the crew.
- (ii) if the aircraft has total seating capacity exceeding 149 passengers two portable batter-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

SIXTH SCHEDULE

[Regulation 13.]

RADIO APPARATUS TO BE CARRIED IN AIRCRAFT

1. Every aircraft registered in Kenya shall be provided, when flying in circumstances specified in the first column of the Table set forth in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

2.

TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required				
	A	B	C	D	E
(1) <i>All aircraft—</i>					
(a) when flying under Instrument Flight Rules or Visual Flight Rules	A*				
(b) when flying under Instrument Flight Rules within controlled airspace	A	B			
(c) where required by the Rules of the Air and Air Traffic Control to comply in whole or in part with Instrument Flight Rules in Visual Meteorological Conditions.	A*	B*			
(2) <i>All aircraft when flying for the purpose of public transport—</i>					
(a) under Instrument Flight Rules;					
(i) while making an approach to landing	A	B	C	D	
(ii) on all other occasions	A	B	C		
(b) under Visual Flight Rules;					
(i) over a route on which navigation is not effected solely by visual reference to landmarks	A	B			
(ii) over water, beyond gliding distance from any land	A				
(3) <i>All aircraft (other than gliders and helicopters) flying within controlled or advisory airspace in the Nairobi FIR or above FL 145</i>					E*

* Unless the appropriate Air Traffic Control Unit otherwise permits in relation to the particular flight.

3. The scales of radio apparatus indicated in the foregoing Table shall be as follows—

SCALE A

Radio apparatus capable of maintaining two-way communication with the appropriate aeronautical radio station.

SCALE B

Radio apparatus capable of enabling the aircraft to be navigated on the intended route.

SCALE C

Radio apparatus capable of receiving from the appropriate aeronautical radio stations meteorological broadcast relevant to the intended flight.

[Subsidiary]**SCALE D**

Radio apparatus capable of receiving signals from one or more aeronautical radio station on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

SCALE E

Such type of radio equipment as may be notified as being capable of—

- (a) replying to an interrogation from a secondary surveillance radar unit on surface; and
- (b) being set in accordance with such instructions as may be given to the aircraft by the appropriate traffic control unit.

SEVENTH SCHEDULE

[Regulation 14.]

AIRCRAFT, ENGINE AND PROPELLER LOG-BOOKS**1. Aircraft Log-book**

The following entries shall be included in the aircraft log-book—

- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
- (b) the nationality and registration marks of the aircraft;
- (c) the name and address of the operator of the aircraft;
- (d) particulars of the date and duration of each flight, or, if more than one flight was made on one day, the number of flights and total duration of flights on that day;
- (e) particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by paragraphs (6) and (7) of regulation 9;
- (g) particular of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment:

Provided that entries shall not be required to be made under subparagraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine Log-book

The following entries shall be included in the engine log-book—

- (a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;
- (b) the nationality and registration marks of each aircraft in which the engine is fitted;
- (c) the name and address of the operator of each aircraft;
- (d) particulars of the date and duration of each occasion of which the engine is run in flight, or, if the engine is run on more than one occasion on one day, the number of occasions and the total duration of the running of the engine on that day;
- (e) particulars of all maintenance work done on the engine;

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- (f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by paragraphs (6) and (7) of regulation 9;
- (g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log-book

The following entries shall be included in the variable pitch propeller log-book—

- (a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
- (b) the nationality and registration marks of each aircraft, and the type and number of each engine to which the propeller is fitted;
- (c) the name and address of the operator of each aircraft;
- (d) particulars of the date and duration of each occasion on which the propeller is run in flight, or, if the propeller is run on more than one occasion on one day, the number of occasions and the total duration of the running of the propeller on that day;
- (e) particulars of all maintenance work done on the propeller;
- (f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by paragraphs (6) and (7) of regulation 9;
- (g) particulars of any overhauls, repairs, replacements and modification relating to the propeller.

EIGHTH SCHEDULE

[L.N. 138/2002, Regulation 19.]

FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

PART A-LICENCES

*Minimum-Age, Period of Validity, Privileges***1. Student Pilots**

Student Pilot's Licence (All Aircraft)

Minimum age—17 years.

Maximum period of validity

- (a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed: or
- (b) 12 months, if the holder is 40 years of age or more on that date.

Privileges

The licence—

- (a) shall entitle the holder to fly as pilot-in-command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence;
- (b) shall be valid only for flights within Kenya;
- (c) shall not entitle the holder to fly as pilot-in-command of a an aircraft in which any person is carried;
- (d) shall be valid only for flights carried out in accordance with instructions given by a person holding a pilot's licence granted under these Regulations, being a

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licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft to be flown.

2. Aeroplane Pilots*Private Pilot's Licence (Aeroplanes)*

Minimum age—17 years.

Maximum period of validity

- (a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or
- (b) 12 months, if the holder is 40 year of age or more on that date.

Privileges

The licence—

- (a) shall entitle the holder to fly as pilot-in-command or co-pilot of an aeroplane of any of the types specified in the aircraft rating included in the licence, when the aircraft is flying for any purpose other than public transport or aerial work;
- (b) shall not entitle the holder to act as pilot-in-command by night while carrying any passenger in the aircraft unless a night rating is included in the licence, and unless an instrument rating is included therein or he has within the immediately preceding six months carried out as pilot-in-command not less than five take-offs and five landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon.

Commercial Pilot's Licence (Aeroplanes)

Minimum age—18 years.

Maximum period of validity

- (a) 12 months if the holder is less than 40 years of age on the date on which the licence is granted, or renewed; or
- (b) 6 months if the holder is 40 years of age or more on that date.

Privileges.—In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes), the holder of the licence shall be entitled to fly as—

- (a) pilot-in-command of any aeroplane of a type specified in Part I of the aircraft rating included in the licence, when the aeroplane is engaged in a flight for any purpose whatsoever:

Provided that—

- (i) he shall not, unless his licence includes an instrument rating, fly such an aeroplane on any scheduled journey;
- (ii) he shall not fly such an aeroplane at night on a flight in which any passenger is carried unless his licence includes an instrument rating or he has within the immediately preceding 90 days carried out as pilot-in-command not less than five takeoffs and five landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;
- (iii) he shall not, unless his licence includes an instrument rating, fly any such aeroplane of which the maximum total weight authorized exceeds 2,300 kg. on any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
- (iv) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorized exceeds 5,700 kg.;

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- (b) co-pilot of any aeroplane of a type specified in Part I or II of such aircraft rating included in the licence, when the aeroplane is engaged in a flight for any purpose whatsoever.

*Senior Commercial Pilot's Licence (Aeroplanes)**Minimum age—21 years.**Maximum period of validity*

- (a) 12 months*, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or
- (b) 6 months if the holder is 40 years of age or more on that date.

Privileges.—In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes), the holder of the licence shall be entitled to fly as—

- (a) pilot-in-command of any aeroplane of a type specified in Part I of the aircraft rating included in the licence, when the aeroplane is engaged in a flight for any purpose whatsoever:

Provided that—

- (i) he shall not, unless his licence includes an instrument rating, fly such an aeroplane on any scheduled journey;
- (ii) he shall not fly such an aeroplane at night on a flight in which any passenger is carried unless his licence includes an instrument rating or he has within the immediately preceding 90 days carried out as pilot-in-command not less than five takeoffs and five landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;
- (iii) he shall not, unless his licence includes an instrument rating, fly any such aeroplane of which the maximum total weight authorized exceeds 2,300 kg. on any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
- (iv) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorized exceeds 5,700 kg.;
- (b) co-pilot of any aeroplane of a type specified in Part I or II of such aircraft rating included in the licence, when the aircraft is engaged in a flight for any purpose whatsoever.

*Airline Transport Pilot's Licence (Aeroplanes)**Minimum age—21 years.**Maximum period of validity—6 months*.*

Privileges.—In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes) the holder of the licence shall be entitled to fly as—

- (a) pilot-in-command of any aeroplane of a type specified in Part I of the aircraft rating included in the licence, when the aeroplane is engaged in a flight for the purpose of public transport or aerial work:

Provided that—

- (i) he shall not, unless his licence includes an instrument rating, fly such an aircraft on any scheduled journey;

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

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- (ii) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence or he has within the immediately preceding 90 days carried out as pilot-in-command not less than five take-offs and five landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon;
 - (iii) he shall not, unless his licence includes an instrument rating, fly any such aircraft of which the maximum total weight authorized exceeds 2,300 kg. on any flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
 - (iv) he shall not at any time after he attains the age of 60 years fly such an aircraft on a flight for the purpose of public transport if its maximum total weight authorized exceeds 20,000 kg.;
- (b) co-pilot of any aeroplane of a type specified in Part I and Part II of such aircraft rating included in his licence, when the aeroplane is engaged in a flight for the purpose of public transport or aerial work.

3. Helicopter Pilots*Private Pilot's Licence (Helicopters)**Minimum age—17 years.**Maximum period of validity*

- (a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or
- (b) 12 months, if the holder is 40 years of age or more on that date.

Privileges.—The holder of the licence shall be entitled to fly as a pilot-in-command or co-pilot of any type of helicopter specified in the aircraft rating included in the licence, when the aircraft is operated for purpose other than public transport or aerial work. He may not fly as pilot-in-command of such flight at night when carrying passengers, unless his licence contains a night rating and he had, within the immediately preceding 90 days, carried out not less than five circuits and landings as pilot-in-command at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon.

*Commercial Pilot's Licence (Helicopters)**Minimum age—18 years.**Maximum period of validity*

- (a) 12 months if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or
- (b) 6 months if the holder is 40 years of age or more on that date.

Privileges.—In addition to the privileges given above for the Private Pilot's Licence (Helicopters) the holder of the licence shall be entitled to fly as—

- (a) pilot-in-command of any helicopter of which the total weight authorized does not exceed 5,700 kg. and which is of a type specified in Part I of the aircraft rating included in the licence, when the helicopter is engaged on a flight for the purpose of public transport;
- (b) pilot-in-command of any helicopter of a type specified in Part I of the aircraft rating of the licence when the helicopter is engaged on a flight for the purpose of aerial work:

Provided that he shall not fly as pilot-in-command on a flight at night carrying passengers unless he has within the immediately preceding 90 days carried

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out not less than five take-offs and five landings as pilot-in-command at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon;

- (c) co-pilot of any helicopter required to carry two pilots and of a type specified in Part I or Part II of such aircraft rating for purposes of public transport or aerial work.

Airline Transport Pilot's Licence (Helicopters)

Minimum age.—21 years.

Maximum period of validity.—6 months.*

*Privileges.—*In addition to the privileges given above for the Private Pilot's Licence (Helicopters), the holder of the licence shall be entitled to fly as—

- (a) pilot-in-command of any helicopter of a type specified in Part I of the aircraft rating included in the licence, when the aircraft is engaged on a flight for purposes of public transport or aerial work:

Provided that he shall not fly as pilot-in-command on a flight at night carrying passengers unless he has within the immediately preceding 90 days carried out not less than five take-offs and five landings as pilot-in-command at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon;

- (b) co-pilot of any helicopter required to carry two pilots and of a type specified in Part I or Part II of such aircraft rating included in the licence, for the purpose of public transport or aerial work.

*Note.—*There is at present no instrument rating applicable to helicopters.

4. Balloon and Airship Pilots

Private Pilot's Licence (Balloons and Airships)

Minimum age.—17 years.

Maximum period of validity

- (a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or
- (b) 12 months, if the holder is 40 years or more on that date.

*Privileges.—*The holder of the licence shall be entitled to fly when the balloon or airship is flying for any purpose other than public transport or aerial work as—

- (a) pilot-in-command of any type of balloon or airship specified in Part I of the aircraft type rating included in the licence;
- (b) co-pilot of any type of balloon or airship specified in Part I or Part II of such aircraft rating.

Commercial Pilot's Licence (Balloons)

Minimum age.—18 years.

Maximum period of validity.—6 months.

Privileges

- (a) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloon and Airships); and

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

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- (b) he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

5. Other Flight Crew*Flight Navigator's Licence*

Minimum age.—21 years.

Maximum period of validity.—12 months.

Privileges.—The holder of the licence shall be entitled to act as flight navigator in any aircraft.

Flight Engineer's Licence

Minimum age.—21 years.

Maximum period of validity.—12 months.

Privileges.—The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator's Licence

Minimum age.—17 years.

Maximum period of validity.—24 months.

Privileges.—The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

6. Flight Operations Officer/Flight Dispatcher's Licence (Aeroplanes)

Minimum age.—21 years.

Maximum period of validity.—24 months.

Privileges.—The holder of this licence shall be authorized, when employed in conjunction with a method of flight supervision, in accordance with an Air Operator's Certificate issued by the Directorate of Civil Aviation, Kenya, to—

- (a) assist the pilot-in-command in preparation and provide the relevant information required;
- (b) assist the pilot-in-command in preparing operational and Air Traffic Services (ATS) flight plans, sign when applicable and file the ATS flight plan with the appropriate ATS unit;
- (c) furnish the pilot-in-command while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
- (d) in the event of an emergency, initiate such procedures as may be outlined in the operational manual:

Provided that a flight operations officer or a flight dispatcher shall avoid taking any action that would conflict with the procedures established by the air traffic control officers, the meteorological service officers, and the communications service officers.

[L.N. 138/2002, s.2(b)]

PART B – RATINGS

1. The following ratings may be included in a pilot's licence (other than a student pilot's licence) granted under Part IV of these Regulations and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows—

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Aircraft Rating—the licence shall entitle the holder to act as pilot only of aircraft of the types specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot of an aeroplane flying in accordance with the Instrument Flight Rules:

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorized by the Director for that purpose, indicating that the holder has, within the previous 13 months, passed an instrument flying test.

Night Rating (Private Pilot's Licence—Aeroplanes) shall entitle the holder of a private pilot's licence to act as pilot in command of an aeroplane carrying passengers by night.

Night Rating (Private Pilot's Licence—Helicopters) shall entitle the holder of a private pilot's licence to act as pilot-in-command of a helicopter carrying passengers by night.

Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose. The maximum period of validity of a flying instructor's rating shall be 12 months.

Assistant Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircrafts of such types as may be specified in the rating for that purpose:

Provided that—

- (a) except when the Director has given a direction in writing to the contrary, such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flying instructor's rating; and
- (b) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of—
 - (i) his first solo flight; or
 - (ii) his first solo flight by night; or
 - (iii) his first solo cross-country flight otherwise than by night; or
 - (iv) his first solo cross-country flight by night.

The maximum period of validity of an assistant flying instructor's rating shall be 12 months.

2. An aircraft rating may be included in every flight engineer's licence. The licence shall entitle the holder to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule—

“cross-country flight” means any flight during the course of which the aircraft is more than 30 nautical miles from the aerodrome of departure.

“solo flight” means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under these Regulations.

NINTH SCHEDULE

[Regulation 61(2).]

AIR TRAFFIC CONTROLLERS: RATINGS

1. The holder of a licence which includes ratings of two or more of the classes specified in paragraph 2 of this Schedule shall not at any one time perform the function specified in respect of more than one of these ratings:

[Subsidiary]

Provided that the functions of any one of the following groups of ratings may be exercised at the same time—

- (a) the Aerodrome Control Rating and the Approach Control Rating;
- (b) the Approach Control Rating and the Approach Radar Control Rating; except that the functions of the Approach Radar Control Rating if the service being provide under the latter is a surveillance radar approach terminating at a point less than two nautical miles from the point of intersection of the glide patch with the runway;
- (c) the Area Control Rating and the Area Radar Control Rating.

2. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) granted under regulation 60 of these Regulations and, subject to the provisions of this paragraph and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows—

- (a) *Aerodrome Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft on the manoeuvring area or apron of that aerodrome or which is flying in the vicinity of the aerodrome traffic zone by visual reference to the surface.
- (b) *Approach Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft which is flying in the control zone or terminal control area of the aerodrome whether or not it is flying by visual reference to the surface.
- (c) *Approach Radar Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for aircraft flying in circumstances specified in paragraph (b) of this paragraph.
- (d) *Area Control Rating* shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft in flight within a flight information region, controlled airspace or within airspace which has been notified as an advisory area or an advisory route.
- (e) *Area Radar Control Rating* shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid.

TENTH SCHEDULE

[Regulations 24, 25, 27, 28 and 48.]

PUBLIC TRANSPORT – OPERATIONAL REQUIREMENTS

PART A – OPERATIONS MANUAL

Information and instructions relating to the following matters shall be included in the operations manual referred to in paragraph (2) of regulation 24—

- (i) instructions outlining the responsibilities of operating staff relating to the conduct of flight operations;

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- (ii) the number of the flight crew to be carried in the aircraft on each stage of the route to be flown, and the respective capacities in which they are to act, including instructions as to the persons to be in command of the aircraft and as to the order and circumstances in which such command should be assumed by other persons;
- (iii) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment;
- (iv)
 - (a) in respect of a flight on a scheduled journey the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom;
 - (b) in respect of a flight other than on a scheduled journey, information as to the basis on which the minimum altitudes for safe flight should be calculated. For a route which is in frequent use the minimum altitudes for safe flight on each stage of the route should be stated;
- (v) the circumstances in which a radio watch must be maintained;
- (vi) a list of the navigational equipment to be carried in the aircraft;
- (vii) instructions as to the manner of computing and recording the quantities of fuel and oil to be carried and consumed by the aircraft on each stage of the route to be flown. Such instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines whilst *en route*;
- (viii) the conditions under which oxygen is to be used by the crew and passengers;
- (ix) the aeronautical information publication of the Directorate of Civil Aviation which shall be deemed an integral part of the operations manual;
- (x) weather minima (as specified in Part D of this Schedule) appropriate to the aircraft and any aid to be used for the aerodrome of departure, for the aerodrome of intended landing and for each alternate aerodrome;
- (xi) the particulars referred to in paragraph (7) of regulation 47;
- (xii) such technical information not already contained in a flight manual available to the flight crew concerning the aircraft, its engines and equipment as may be necessary to enable them to perform their respective duties;
- (xiii) the reporting in flight to the appropriate authorities of information relating to hazardous and other weather conditions experienced; and
- (xiv) the check system to be followed by the crew of the aircraft prior to and on take-off or landing and in emergency so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule relevant to the aircraft are complied with.

PART B – CREW TRAINING AND TESTS

1. The training, experience, practice and periodical tests required under paragraph (2) of regulation 25 in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows—

The Crew

- (1) Every member of the crew shall—
 - (a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life-saving equipment required to be carried in the aircraft on the flight; and
 - (b) have practised within the relevant period, under the supervision of the operator or of a person appointed by him for the purpose, the carrying out of the duties

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required by him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the Director for the purpose and controlled by persons so approved.

Pilots

(2) (a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in conditions requiring compliance with Instrument Flight Rules (which conditions are hereafter in this Schedule referred to as "IMC") shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in an aircraft of the type to be used on this flight, including a test of his ability—

- (i) to execute normal and emergency manoeuvres and procedures in flight in such aircraft in IMC, actual or simulated; and
- (ii) to use in IMC, actual or simulated, the instruments and equipment provided for use in such conditions in the aircraft to be used on the flight,

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight. The other tests required by this subparagraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Director for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground.

(b) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly as pilot in IMC, shall within the relevant period have been tested, by or on behalf of the operator, in flight in an aircraft of the type to be used on the flight as to his competence to act as pilot thereof, including a test of his ability to execute normal and emergency manoeuvres and procedures.

Flight Engineers

(3) Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator, either in flight, or, under the supervision of a person approved by the Director for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground, as to his competence to perform the duties of flight engineer in aircraft of the type to be used on the flight, including his ability to execute emergency procedures in the course of such duties.

Flight Navigators and Flight Radio Operators

(4) Every flight navigator and flight radio operator whose inclusion in the flight crew is required under paragraphs (4) and (6) respectively of regulation 17 shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight—

- (a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation;
- (b) in the case of a flight radio operator, using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of his ability to carry out emergency procedures.

Aircraft Commanders

(5) (a) The pilot designated as commander of the aircraft for the flight shall within the relevant period—

- (i) have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken or, in the case of non-scheduled journeys, the area in which it is intended to operate, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of—
the terrain;

the seasonal meteorological conditions;
the meteorological communications, and air traffic facilities, services and procedures;
the search and rescue procedures; and
the navigational facilities,
relevant to the route or area;

- (ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in IMC or IMC simulated by means approved by the Director, or under the supervision of a person approved by the Director for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground;
- (iii) have carried out as pilot in command not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(b) In determining whether a pilot's knowledge of the matters referred to in subparagraph (a)(i) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following—

- (i) the experience of other members of the intended flight crew;
- (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;
- (iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;
- (iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;
- (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the area to be traversed;
- (vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;
- (vii) the nature of air traffic control procedures and familiarity of the pilot with such procedures;
- (viii) the influence of terrain on route conditions and the extent of the assistance obtainable *en-route* from navigational aids and air-to-ground communication facilities;
- (ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) For the purposes of this Schedule, the expression “**relevant period**” means a period which immediately precedes the commencement of the flight, being a period—

- (a) in the case of subparagraph (5)(a)(iii) of this paragraph, of three months;
- (b) in the case of subparagraphs (2), (3) and (5)(a)(ii), of six months;
- (c) in the case of subparagraphs (1), (4) and (5)(a)(i), twelve months:

Provided that—

- (i) any pilot of the aircraft to whom the provisions of subparagraph (2) or (5)(a)(ii) and any flight engineer of the aircraft to whom the provisions of subparagraph (3) shall apply, for the purposes of the flight, be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in

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accordance therewith on two occasions within the period of thirteen months immediately preceding the flight, such occasions being separated by an interval of not less than four months;

- (ii) the requirements of subparagraph (5)(a)(i) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so to act on flights between the same places over the same route more than thirteen months before commencement of the flight, he has within the period of thirteen months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2. (1) The records required to be maintained by an operator under paragraph (2) of regulation 25 shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has during the period of two years immediately preceding that date, flown as a member of the crew of any public transport aircraft operated by the operator—

- (a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner;
- (b) the date upon which that person last practised the carrying out of the duties referred to in paragraph 1(1)(b) of this Schedule;
- (c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties;
- (d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1(5)(a)(i) of this Schedule including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorized person produce for the inspection of any person so authorised all records referred to in the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log-books, certificates, papers and other documents whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

PART C – WEIGHT AND PERFORMANCE

1. (1) In assessing the ability of an aeroplane to comply with condition (7) in paragraph 2, conditions (4) and (5) of paragraph 3, and conditions (2) of (i)(b) and (2)(ii) of paragraph 3, account may be taken of any reduction of the weight of the aeroplane which may be achieved after the failure of a power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual included in the certificate of airworthiness relating to the aircraft.

(2) In this Part, unless the context otherwise requires—

“**altitude**” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“**specified**” in relation to an aircraft means specified in, or ascertainable by reference to—

- (a) the certificate of airworthiness in force under these Regulations in respect of that aircraft; or

- (b) the flight manual or performance schedule included in that certificate; or
- (c) the approved operations manual, or other document, whatever its title, incorporated by reference in that certificate;

“the emergency distance available” means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the aeroplane cannot roll over the surface of the aerodrome and be brought to rest in an emergency without risk of accident;

“the landing distance available” means the distance from the point on the surface of the aerodrome above which the aeroplane can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aeroplane;

“the take-off distance available” means either the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aeroplane or one and one-half times the take-off run available, whichever is the less;

“the take-off run available” means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions.

(3) For the purposes of this Part—

- (a) the weight of the aeroplane at the commencement of the take-off run shall be taken to be its gross weight including everything and everyone carried in or on it at the commencement of the take-off run;
- (b) the landing weight of the aeroplane shall be taken to be the weight of the aeroplane at the estimated time of landing allowing for the weight of the fuel and oil expected to be used on the flight to the aerodrome at which it is intended to land or alternate aerodrome, as the case may be;
- (c) where any distance referred to in subparagraph (2) of this paragraph has been declared in respect of any aerodrome by the authority responsible for regulating air navigation over the territory of the Contracting State in which the aerodrome is situate, and in the case of an aerodrome in Kenya notified, that distance shall be deemed to be the relevant distance.

(4) Nothing in this Part, shall apply to any aircraft flying solely for the purpose of training persons to perform duties in aircraft.

Weight and Performance of Public Transport Aeroplanes having no Performance Group Classification in their Certificates of Airworthiness

2. An aeroplane registered in Kenya in respect of which there is in force under these Regulations a certificate of airworthiness which does not include a performance group classification shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless the weight of the aeroplane at the commencement of the take-off run is such that such of the following conditions as apply to that aircraft are satisfied—

Conditions (1) and (2) apply to all aeroplanes to which paragraph 2 applies.

[Subsidiary]

Conditions (3) to (9) apply to all aeroplanes to which paragraph 2 applies—

- (i) of which the specified maximum total weight authorised exceeds 5,700 kg.; or
- (ii) of which the specified maximum total weight authorized does not exceed 5,700 kg. and which comply with neither condition (1)(a) nor condition (1)(b).

Conditions (10) to (17) inclusive apply to all aeroplanes to which paragraph 2 applies, of which the specified maximum total weight authorized does not exceed 5,700 kg., and which comply with conditions (1)(a) or condition (1)(b) or with both those conditions.

All Aeroplanes**(1) Either—**

- (a) the wing loading of the aeroplane does not exceed 3.3 kg. per square metre; or
- (b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots; or
- (c) the aeroplane, with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified, is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(2) The weight of the aeroplane at the commencement of the take-off run does not exceed—

- (i) the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made; or
- (ii) the weight, ascertained as the result of flight tests undertaken by the Director, which may be approved from time to time having regard to the characteristics of the aerodrome.

Aeroplanes of a Special Maximum Total Weight Authorized Exceeding 5,700 kg. and Aeroplanes of a Specified Maximum Total Weight Authorized not Exceeding 5,700 kg. which comply with neither Condition (1)(a) nor Condition (1)(b)

(3) (a) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(b) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of either 1.33 for aeroplanes having two power units or by a factor of 1.18 for aeroplanes having four power units, does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(c) For the purposes of subparagraphs (a) and (b) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the aerodrome;
- (iv) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the emergency distance available respectively; and
- (v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off.

[Subsidiary]

(4) (a) The take-off flight path with one power unit inoperative and the remaining power unit or units operating within the maximum take-off power conditions specified appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the aerodrome;
- (iv) not more than 50 per cent of the reported wind component opposite by the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the appropriate factored distance required for take-off under condition (3)(b) at the aerodrome at which the take-off is to be made, shows that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet except that if it is intended that an aeroplane shall change its direction by more than 15° the vertical interval shall be not less than 50 feet during the change of direction.

(b) For the purpose of subparagraph (4) (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed—

- (i) when the take-off flight path is to be conducted in instrument meteorological conditions—
 - (aa) a distance of 61 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available, measured along the intended line of flight; or
 - (bb) 1,525 metres,whichever is the less;
- (ii) when the take-off flight path is to be conducted in visual meteorological conditions—
 - (aa) 61 metres plus half the wing span of the aeroplane.

(c) In assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°:

Provided that condition (4) shall not apply at those aerodromes where—

- (i) adequate survey information is not available; and
- (ii) flight tests; undertaken and approved by the Director show that safe operation can be carried out by conforming to a specified visual procedure.

(5) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power units or unit operating within the maximum continuous power conditions specified, be capable of continuing the flight either—

- (a) at or above the minimum flight levels notified for the route, area or zone concerned; or
- (b) clearing all obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least—
 - (i) 1,000 feet when the gradient of the flight path is not less than zero; or
 - (ii) 2,000 feet when the gradient of the flight path is less than zero, so as to reach an aerodrome at which it can comply with condition (9) at a suitable height for landing.

(6) The aeroplane will, in the meteorological conditions expected for the flight, at any point on its route or on any planned diversion therefrom be capable of climbing at a

[Subsidiary]

gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified, at the following altitude—

- (a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion therefrom specified in, or calculated from the information contained in, the operations manual relating to the aeroplane, and
- (b) the minimum altitudes necessary for compliance with conditions (5) and (7), as appropriate.

(7) If, on the route to be flown or any planned diversion therefrom, the aeroplane will be engaged in a flight over water during which at any point it may be more than 90 minutes' flying time in still air from the nearest shore, it will in the event of two power units becoming inoperative during such time and with the other power units or unit operating within the maximum continuous power conditions specified, be capable of continuing the flight having regard to the meteorological conditions expected for the flight, clearing all obstacles within 16 kilometres either side of the intended track by vertical interval of at least 1,000 feet, to an aerodrome at which a safe landing can be made.

(8) The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(9) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions; and
- (ii) the runway that may be required for landing because of the forecast wind conditions,

the distance required to land from a height of 50 feet being taken to be that appropriate to—

- (a) the landing weight;
- (b) the altitude at the aerodrome;
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
- (d)
 - (i) a level surface in the case of runways usable in both directions;
 - (ii) the average slope of the runway in the case of runways usable in only one direction; and
- (e)
 - (i) still air conditions in the case of the most suitable runway for a landing in still air conditions;
 - (ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Aeroplanes of a Specified Maximum Total Weight Authorized not Exceeding 5,700 kg. and which Comply with Either Condition (1)(a) or Condition (1)(b) or with both those Conditions

(10) If the aeroplane is engaged in a flight at night, or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome of destination or at any alternate aerodrome are less than 500 feet and 5 kilometres respectively, it will, with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified, be capable of maintaining an altitude 1,000 feet above all obstacles within 16 kilometres of the relevant aerodromes.

[Subsidiary]

(11) (a) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the maximum take-off power conditions specified; does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(b) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(c) For the purposes of subparagraphs (a) and (b) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or if greater, the air temperature at the aerodrome less 15° centigrade;
- (iv) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the emergency distance available, respectively; and
- (v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off.

(12) The take-off flight path, with all power units operating within the maximum take-off power conditions specified, appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15° centigrade; and
- (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the factored distance required for take-off under condition (11)(b), at the aerodrome at which the take-off is to be made, shows that the aeroplane will clear any obstacle lying within 200 feet plus half the wing span of the aeroplane on either side of its path by a vertical interval of at least 35 feet. In assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°:

Provided that condition (12) shall not apply at those aerodromes where—

- (a) adequate survey information is not available; and
- (b) flight tests, undertaken and approved by the Director, show that safe operation can be carried out by conforming to a special visual procedure.

(13) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power unit or units, if any, operating within the maximum continuous power conditions specified, be capable of continuing the flight so as to reach a point above a place at which a safe landing can be made at a suitable height for such landing.

(14) The aeroplane will, in the meteorological conditions expected for the flight, at any point on its route or any planned diversion therefrom, be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified, at the following altitudes—

[Subsidiary]

- (a) the minimum altitudes for safe flight specified on each stage of the route to be flown or on any planned diversion therefrom specified in, or calculated from, the information contained in the operations manual relating to the aeroplane; and
- (b) the minimum altitudes necessary for compliance with condition (13).

(15) If on the route to be flown or any planned diversion therefrom the aeroplane will be engaged in a flight over water during which at any point it may be more than 30 minutes' flying time in still air from the nearest shore, it will, in the event of one power unit becoming inoperative during such time and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of climbing at a gradient of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(16) The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(17) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent, or, if a visual approach and landing will be possible in the meteorological conditions forecast for the estimated time of landing, 80 per cent, of the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions; and
- (ii) the runway that may be required for landing because of the forecast wind conditions,

the distance required to land from a height of 50 feet being taken to be that appropriate to—

- (a) the landing weight;
- (b) the altitude at the aerodrome;
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
- (d)
 - (i) a level surface in the case of runways usable in both directions;
 - (ii) the average slope of runway in the case of runways usable in only one direction; and
- (e)
 - (i) still air conditions in the case of the most suitable runway for a landing in still air conditions;
 - (ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group A in their Certificates of Airworthiness

3. An aeroplane registered in Kenya in respect of which there is in force under these Regulations a certificate of airworthiness in which the aeroplane is designated as being of performance group A shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

[Subsidiary]

(1) The weight does not exceed the maximum take-off weight for altitude and temperature specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(2) The take-off run, take-off distance and the emergency distance respectively required for take-off, specified as being appropriate to—

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude at the aerodrome;
- (c) the air temperature at the aerodrome;
- (d) the slope of the surface of the aerodrome in the direction of the take-off over the take-off run available, the take-off distance available and the emergency distance available, respectively;
- (e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off; and
- (f) the condition of the surface of the runway from which the take-off will be made,

do not exceed the take-off run, the take-off distance and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made; in ascertaining the emergency distance required, the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.

(3) (a) The net take-off flight path with one power unit inoperative, specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the aerodrome; and
- (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 35 feet or 50 feet, as appropriate, above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shows that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet, except that if it is intended that the aeroplane shall change its direction of flight by more than 15° the vertical interval shall not be less than 50 feet during the change of direction.

(b) For the purpose of subparagraph (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed—

- (i) when the take-off flight path is to be conducted in instrument meteorological conditions—
 - (aa) a distance of 61 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane; or
 - (bb) 1,525 metres,whichever is less;
- (ii) when the take-off flight path is to be conducted in visual meteorological conditions—
 - (aa) a distance of 61 metres plus half the wing span of the aeroplane.

[Subsidiary]

(c) In assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the radius of steady turn specified.

(4) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power units or unit operating within the maximum continuous power conditions specified, be capable of continuing the flight, clearing by a vertical interval of at least 2,000 feet obstacles within 8 kilometres either side of the intended track, to an aerodrome at which it can comply with condition (7) in this paragraph relating to an alternate aerodrome, and on arrival over such aerodrome the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome; and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(5) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any two power units becoming inoperative at any point along the route or on any planned diversion therefrom more than 90 minutes' flying time in still air (assuming all power units to be operating at economical cruising speed) from the nearest aerodrome at which it can comply with condition (7) in this paragraph; relating to an alternate aerodrome, be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet obstacles within 8 kilometres either side of the intended track to such an aerodrome, and on arrival over such aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome, and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(6) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(7) (a) The landing distances required, respectively specified as being appropriate to aerodromes of destination and alternate aerodromes, do not exceed at the aerodrome which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions; and
- (ii) the runway that may be required for landing because of the forecast wind conditions:

Provided that if an alternate aerodrome is designated in the flight plan, the specified landing distance required may be that appropriate to an alternate aerodrome when assessing the ability of the aeroplane to satisfy this condition at the aerodrome of destination in respect of the runway that may be required for landing because of the forecast wind conditions.

(b) For the purposes of subparagraph (a) the landing distance required shall be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the aerodrome;
- (iii) the temperature in the specified international standard atmosphere appropriate to altitude at the aerodrome;
- (iv) (aa) a level surface in the case of runways usable in both directions;
(bb) the average slope of the runway in the case of runways in only one direction; and

[Subsidiary]

- (v) (aa) still air conditions in the case of the most suitable runway for landing in still air conditions;
- (bb) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group C in their Certificates of Airworthiness

4. An aeroplane registered in Kenya in respect of which there is in force under this regulation a certificate of airworthiness in which the aeroplane is designated as being of performance group C shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

(1) That weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(2) The take-off run required and the take-off distance required, specified as being appropriate to—

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude of the aerodrome;
- (c) the air temperature at the aerodrome;
- (d) the average slope of the surface of the aerodrome in the direction of take-off over the emergency distance available; and
- (e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

do not exceed the take-off run available and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made.

(3) (a) Subject to condition (3) of this Schedule, the net take-off flight path with all power units operating specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude of the aerodrome;
- (iii) the air temperature at the aerodrome;
- (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome shows that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet; and if it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet the vertical interval shall be not less than 50 feet while the aircraft is changing direction.

(b) For the purpose of subparagraph (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.

(c) In assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

[Subsidiary]

(4) (a) In the case of an aeroplane which is intended to be flown for any period before reaching a height of 1,500 feet above the aerodrome from which the take-off is to be made in conditions which will not ensure that any obstacles can be located by means of visual observation, the net take-off flight path with one power unit inoperative specified as being appropriate to the factors contained in subparagraphs (i) to (iv) of condition 3 (a) in this Schedule and plotted from the point on the net take-off flight with all power units operating specified as being appropriate to those factors at which in the meteorological conditions expected for the flight the loss of visual reference would occur, shows that the aeroplane will clear by a vertical interval of not less than 35 feet any obstacle in its path; and if it is intended that the aeroplane shall change its direction of flight by more than 15° the vertical interval shall not be less than 50 feet during the change of direction.

(b) For the purpose of subparagraph (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed—

- (i) 75 metres plus one eighth of the distance from such point to the end of the emergency distance available measured along the intended line of flight of the aeroplane; or
- (ii) 1,525 metres,

whichever is the less.

(c) In assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(5) The aeroplane at any time after it reaches a height of 1,500 feet above the aerodrome from which the take-off is made will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operation manual relating to the aeroplane to a point 1,500 feet above an aerodrome at which a safe landing can be made and after arrival at that point be capable of maintaining that height:

Provided that in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling, with all power units operating, specified as being appropriate to its estimated weight at that point.

(6) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land at any alternate aerodrome.

(7) Subject to condition (8) of this Schedule, the distance required by the aeroplane to land from a height of 50 feet otherwise than in accordance with specified data for short field landing does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 20 per cent of the landing distance available on the most suitable runway for a landing in still air conditions, and on the runway that may be required for landing because of the forecast wind conditions; and for the purposes of this condition the distance required to land from height of 50 feet shall be taken to be that specified as being appropriate to—

- (a) the landing weight;
- (b) the altitude at the aerodrome;
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

- (d)
 - (i) a level surface in the case of runways usable in both directions;
 - (ii) the average slope of the runway in the case of runways usable in one direction; and
- (e)
 - (i) still air conditions in the case of the most suitable runway for landing in still air conditions;
 - (ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

(8) As an alternative to condition (7) of this Schedule, the distance required by the aeroplane, with all power units operating and with one power unit inoperative, to land in accordance with specified data for short field landing, does not at the aerodrome of intended destination and at any alternate aerodrome exceed the landing distance available on the most suitable runway for a landing in still air conditions and on the runway that may be required for landing because of the forecast wind conditions; and for the purpose of this condition the distance required to land from the appropriate heights shall be taken to be that specified as being appropriate to the factors set forth in subparagraphs (a) to (e) of condition (7) of this Schedule and the appropriate height shall be—

- (a) for a landing with all power units operating – any height between 30 and 50 feet in Kenya, and 50 feet elsewhere; and
- (b) for a landing with one power unit inoperative – 50 feet in Kenya and elsewhere:

Provided that—

- (i) if the specified distance required to land with one power unit inoperative from a height of 50 feet at the aerodrome of intended destination exceeds the landing distance available, it shall be sufficient compliance with subparagraph (b) of this condition if an alternate aerodrome which has available the specified landing distance required to land with one power unit inoperative from such a height, is designated in the flight plan;
- (ii) the distance required by the aeroplane to land shall be determined in accordance with condition (7) and not in accordance with this condition if it is intended to land at night, or when the cloud ceiling or ground visibility forecast for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome at which it is intended to land in accordance with specified data for short field landing with all power units operating, are less than 500 feet and 16 kilometres respectively.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group D in their Certificate of Airworthiness

5. (1) An aeroplane registered in Kenya in respect of which there is in force under these Regulations a certificate of airworthiness in which the aeroplane is designated as being of performance group D shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land at any alternate aerodrome are less than 1,000 feet and 16 kilometres respectively and shall not fly for the purpose of public transport at any other time unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

(1) That weight does not exceed the maximum take-off weight specified for the altitude and air temperature at the aerodrome at which the take-off is to be made.

[Subsidiary]

(2) The take-off run required and the take-off distance required specified as, being appropriate to—

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude of the aerodrome;
- (c) the air temperature at the aerodrome;
- (d) the average slope of the surface of the aerodrome in the direction of take-off over the emergency distance available; and
- (e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

do not exceed the take-off run available and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made.

(3) An aeroplane designated as an aeroplane of performance group D shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and 1.6 kilometres respectively:

Provided that the foregoing prohibition shall not apply if the aeroplane is capable, in the *en route* configuration and with one power unit inoperative, of a rate of climb of 150 feet per minute.

(4) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(5) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on the most suitable runway for a landing in still air conditions, and on the landing because of the forecast wind conditions; and for the purposes of runway that may be required for this condition the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (a) the landing weight;
- (b) the altitude at the aerodrome;
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
- (d)
 - (i) a level surface in the case of runways usable in both directions;
 - (ii) the average slope of the runway in the case of runways usable in only one direction; and
- (e)
 - (i) still air conditions in the case of the most suitable runway for a landing in still air conditions;
 - (ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group E in their Certificates of Airworthiness

6. An aeroplane registered in Kenya in respect of which there is in force under this Regulation a certificate of airworthiness in which the aeroplane is designated as being of performance group E shall not fly for the purpose of public transport unless the weight of

[Subsidiary]

the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

(a) That weight for the altitude and the air temperature at the aerodrome at which the take-off is to be made does not exceed the maximum take-off weight specified as being appropriate to—

- (i) the weight at which the aeroplane is capable in the *en route* configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and
- (ii) the weight at which the aeroplane is capable, in the *en route* configuration and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, stated in, or calculated from the information contained in, the operations manual relating to the aeroplane and, with one power unit inoperative of a rate of climb of 150 feet per minute.

(b) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the aerodrome at which the take-off is to be made. The distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to—

- (i) the weight of the aeroplane at the commencement of take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the aerodrome; and
- (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off.

(c) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units, if any, operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual to a point 1,000 feet above a place at which a safe landing can be made:

Provided that in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at any point on its route or on any planned diversion therefrom at an altitude exceeding that at which it is capable of a rate of climb with all power units operating within the maximum continuous power conditions specified of 150 feet per minute and, if it is necessary for it to be flown solely by reference to instruments, be capable, with one power unit inoperative, of a rate of climb of 100 feet per minute.

(d) The landing weight of the aeroplane for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome will not exceed the maximum landing weight specified—

- (i) at which the aeroplane is capable, in the *en-route* configuration and all power units operating within the specified maximum continuous power conditions, of a rate of climb 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and
- (ii) at which the aeroplane is capable, in the *en-route* configuration and if it is necessary for it to be flown solely by reference to instruments for any period after leaving the minimum altitude for safe flight on the last stage of the route

[Subsidiary]

to be flown, stated in, or calculated from the information contained in, the operations manual relating to the aeroplane and with one power unit inoperative, of a rate of climb of 150 feet per minute.

(e) The landing distance required does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on the most suitable runway for a landing in still air conditions, and for the purpose of this subparagraph the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (a) the landing weight;
- (b) the altitude at the aerodrome; and
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group X in their Certificates of Airworthiness

7. An aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

(1) (a) That weight does not exceed the maximum take-off weight specified for the altitude at the aerodrome at which the take-off is to be made, or for the altitude and the air temperature at such aerodrome, as the case may be.

(b) The minimum effective take-off runway length required, specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the time of take-off;
- (iv) the overall slope of the take-off run available; and
- (v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(c) The take-off flight path with one unit inoperative, specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome; and
- (iii) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the minimum effective take-off runway length required at the aerodrome at which the take-off is to be made, shows that the aeroplane will thereafter clear any obstacle in its path by a vertical interval of not less than the greater of 50 feet or 35 feet plus one-hundredth of the distance from the point on the ground below the intended line of flight of the aeroplane nearest to the obstacle to the end of the take-off distance available, measured along the intended line of flight of the aeroplane.

[Subsidiary]

(d) For the purpose of subparagraph (c) any obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed—

- (i) when the take-off flight path is to be conducted in Instrument Meteorological Conditions—
 - (aa) a distance of 61 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight; or
 - (bb) 1,525 metres,
 whichever is the less.
- (ii) when the take-off flight path is to be conducted in Visual Meteorological Conditions—
 - (i) 61 metres plus half the wing span of the aeroplane.

(e) In assessing the ability of the aeroplane to satisfy this condition, in so far as it relates to flight path, it shall not be assumed to make a change of direction of a radius less than the radius of steady turn corresponding to an angle of bank of 15°.

(2) (a) Subject to subparagraph (b), the weight of the aeroplane at any point on the route or any planned diversion therefrom, having regard to the fuel and oil expected to be consumed up to that point, shall be such that the other power unit or units operating within the maximum continuous power conditions specified, will be capable of a rate of climb of at least $K(V_{so}/100)^2$ feet per minute at an altitude not less than the minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual, where V_{so} is in knots and K has the value of 797-1060/N, N being the number of power units installed.

(b) As an alternative to (a), the aeroplane may be flown at an altitude from which, in the event of failure of one power unit, it is capable of reaching an aerodrome where a landing can be made in accordance with condition (3) (b) in this paragraph relating to an alternate aerodrome. In that case, the weight of the aeroplane shall be such that, with the remaining power unit or units operating within the maximum continuous power conditions specified, it is capable of maintaining altitude on the route to such aerodrome of 2,000 feet above all obstacles within 8 kilometres on either side of the intended track and—

- (i) the rate of climb, specified for the appropriate weight and altitude, used in calculating the flight path shall be reduced by an amount equal to $K(V_{so}/100)^2$ feet per minute;
- (ii) the aeroplane shall comply with the climb requirements of condition 2(a) at 1,000 feet above the chosen aerodrome;
- (iii) account shall be taken of the effect of wind and temperature on the flight path; and
- (iv) the weight of the aeroplane may be assumed to be progressively reduced by normal consumption of fuel and oil.

(c) An aeroplane having four power units shall, if any two power units become inoperative at any point along the route or any planned diversion therefrom, being a point more than 90 minutes' flying time (assuming all power units to be operating) from the nearest aerodrome at which a landing can be made in compliance with condition (3) (a) of this paragraph relating to an alternate aerodrome, be capable of continuing the flight at an altitude of not less than 1,000 feet above ground level to a point above that aerodrome. In assessing the ability of the aeroplane to satisfy this condition, it shall be assumed that the remaining power units will operate within the specified maximum continuous power conditions and account shall be taken of the temperature and wind conditions expected for the flight.

(3) (a) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude at the aerodrome at which it is intended to land and at any alternate aerodrome.

[Subsidiary]

(b) The required landing runway lengths respectively specified as being appropriate to the aerodromes of intended destination and the alternate aerodromes do not exceed at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions; and
- (ii) the runway that may be required for landing because of the forecast wind conditions,

the required landing runway lengths being taken to be those specified as being appropriate to—

- (aa) the landing weight;
- (bb) the altitude at the aerodrome;
- (cc) still air conditions in the case of the most suitable runway for a landing in still air conditions; and
- (dd) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

PART D – WEATHER MINIMA

Minimum Weather Conditions for Take-off, Approach to Landing and Landing by Public Transport Aircraft Registered in Kenya

1. In this paragraph—

“**approach to landing**” means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the decision height of the relevant minimum for landing;

“**approved**”, in relation to the operations manual, means accepted by the Director after any additions or amendments required by the Director have been incorporated;

“**ceiling**”, in relation to an aerodrome, means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres (20,000 feet) covering more than half the sky;

“**decision height**” means a specified height at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“**minimum weather condition**”, in relation to an aerodrome, means the cloud ceiling and runway visual range for take-off or landing and the obstacle clearance limit and runway visual range or visibility as appropriate for landing below which the aircraft cannot safely take-off or land (as the case may be) at that aerodrome, and the expression “**relevant minimum**” shall be construed accordingly;

“**obstacle clearance limit**” means the height above aerodrome or threshold elevation for a given approach direction and instrument approach aid below which the minimum specified vertical clearance above obstacles cannot be maintained either on approach or in the event of a missed approach;

“**runway visual range**”, in relation to a runway or landing strip, means the maximum distance in the direction of take-off or landing, as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point 15 feet above its centre line; and in the case of an aerodrome in Kenya the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be runway visual range for the time being;

“**specified**” in relation to an aircraft means specified in or ascertainable by reference to the operations manual relating to that aircraft;

[Subsidiary]

“visibility” means the ability, as expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night; and in the case of an aerodrome in Kenya the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the visibility, shall be taken as the visibility for the time being.

2. In compliance with paragraph (2) of regulation 24 and paragraph (x) of Part A of this Schedule, the operator of every aircraft to which this Schedule applies shall establish and include in the operations manual relating to the aircraft, particulars of minimum weather conditions appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that—

- (i) in respect of aerodromes to be used only on a flight which is not a scheduled journey or any part thereof it shall be sufficient to include in the operations manual data and instructions by means of which the appropriate minimum weather conditions can be calculated by the commander of the aircraft; and
- (ii) in respect of aerodromes at which meteorological observations cannot be communicated to the commander of an aircraft in flight, it shall be sufficient to include in the approved operations manual, general directions to pilots concerning minimum weather conditions for safe operation.

3. The minimum weather conditions specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

4. In establishing minimum weather conditions for the purposes of this regulation the operator of the aircraft shall take into account the following matters—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use;
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;
- (f) whether or not there are in use at the relevant aerodrome any communication facilities for passing meteorological observations to aircraft in flight,

and shall establish in relation to each runway which may be selected for use minimum weather conditions appropriate to each set of circumstances which can reasonably be expected.

5. With reference to regulation 27(3) an aircraft shall not commence a flight at a time when—

- (a) the cloud ceiling or the runway visual range or visibility, as appropriate, at the aerodrome of departure is less than the minimum respectively specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able, without contravening paragraph (6), to commence or continue an approach to landing at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

[Subsidiary]

6. With reference to regulation 27(3) an aircraft shall not—

- (a) commence or continue an approach to landing at any aerodrome if the runway visual range or visibility, as appropriate, at that aerodrome, established or determined as aforesaid, is at the time less than the relevant minimum for landing; or
- (b) continue an approach to landing at any aerodrome by flying below the obstacle clearance limit of the relevant minimum for landing if from that limit the approach to landing cannot be completed entirely by visual reference to the ground.

7. If according to the information available an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

ELEVENTH SCHEDULE

[Regulations 54 and 55.]

DOCUMENTS TO BE CARRIED BY AIRCRAFT REGISTERED IN KENYA

On a flight for the purpose of public transport

Documents A, B, C, D, E, F, H and, if the flight is international air navigation, Document G.

On a flight for the purpose of aerial work

Documents A, B, C, E, F and, if the flight is international air navigation, Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work

Documents A, B, C and G.

For the purposes of this Schedule—

“**A**” means any licence to install and operate radio apparatus in the aircraft for the time being in force, and the current telecommunication log-book required by these Regulations;

“**B**” means the certificate of airworthiness in force in respect of the aircraft;

“**C**” means the licences of the members of the flight crew of the aircraft;

“**D**” means one copy of the load sheet, if any, required by regulation 26 in respect of the flight;

“**E**” means one copy of each certificate of maintenance, if any, in force in respect of the aircraft;

“**F**” means the technical log referred to in regulation 9(8);

“**G**” means the certificate of registration in force in respect of the aircraft;

“**H**” means the operations manual, if any, required by regulation 24 to be carried on the flight;

“**international air navigation**” means any flight—

- (i) which commences in Kenya and in which a landing is made outside Kenya; and
 - (ii) which commences outside Kenya.
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TWELFTH SCHEDULE

[Regulation 59.]

RULES OF THE AIR AND AIR TRAFFIC CONTROL

SECTION I – INTERPRETATION

1. In these Rules, unless the context otherwise requires—

“advisory airspace” means airspace in which Air Traffic Advisory Service is available;

“aerodrome traffic circuit” in relation to aerodrome means the path to be followed by aircraft when operating in the vicinity of an aerodrome;

“Air Traffic Advisory Service” means a service to provide separation between known aircraft which are operating on IFR flight plans within advisory airspace;

“airtraffic control clearance” means authorization by an air traffic control unit for an aircraft to proceed under conditions specified by that unit;

“airway” means a notified control area, or part thereof, established in the form of a corridor and defined by radio navigational aids;

“anti-collision light” means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

“ceiling” in relation to an aerodrome means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres (20,000 feet) covering more than half the sky;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“ground visibility” means the horizontal visibility at ground level;

“IFR flight” means a flight conducted in accordance with the Instrument Flight Rules in Section VI of these Rules;

“instrument meteorological conditions” means weather precluding flight in compliance with the Visual Flights Rules;

“manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding any parts of the aerodrome set aside for the embarkation and disembarkation of passengers, the loading and unloading of cargo, or the maintenance or parking of aircraft;

“runway” means a defined rectangular area, on a land aerodrome prepared for the landing and take-off of aircraft along its length;

“sartime” means the term **“sartime”** entered on a flight plan followed by a six figure group specifying a date and time in Greenwich Mean Time, indicating that search and rescue action is not expected by the commander of the aircraft unless notification of arrival is not received by the appropriate air traffic control unit by the date and time specified, or unless information is received raising a doubt as to the safety of the aircraft;

“VFR Flight” means a flight conducted in accordance with the Visual Flight Rules in Section V of these Rules;

[Subsidiary]

“**visual meteorological condition**” means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling, equal to or better than specified minima.

SECTION II – GENERAL

2. Application of Rules to Aircraft

These Rules, in so far as they are applicable in relation to aircraft, shall subject to the provisions of rule 30 of these Rules, apply in relation to—

- (a) all aircraft whilst in or over Kenya; and
- (b) all Kenya aircraft, wherever they may be.

3. Misuse of Signals and Markings

(1) A signal marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking-off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with the lawful authority, shall not make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any of the naval army or air force aircraft of Kenya.

4. Reporting Hazardous Conditions

The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of hazardous conditions as may be pertinent to the safety of other aircraft.

5. Low Flying

(1) Subject to the provisions of paragraphs (2) and (3) of this rule—

- (a) an aircraft, other than a helicopter, shall not fly over any congested area of a city, town or settlement below—
 - (i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or
 - (ii) a height of 1,000 feet above the highest fixed object within 600 metres of the aircraft,whichever is the higher.
- (b) a helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit;
- (c) except with the permission in writing of the Director and in accordance with any condition therein specified, a helicopter shall not fly over a congested area of a city, town or settlement below a height of 1,000 feet above the highest fixed object within 600 metres of the helicopter;
- (d) an aircraft shall not fly—
 - (i) over, or within 1,000 metres of any assembly in the open air of more than 1,000 persons assembled for the purpose of witnessing or participating in any organized event, except with the permission in writing of the Director and in accordance with any conditions therein specified and with the consent in writing of the organizers of the event; or

[Subsidiary]

- (ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit:

Provided that where a person is charged with an offence under these Regulations by reason of a contravention of this subparagraph, it shall be a good defence to prove that the flight of the aircraft over, or within 1,000 metres of the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly;

- (e) an aircraft shall not fly less than 500 feet above ground or water.

(2) (a) Paragraphs 1(d) and (e) of this rule shall not apply to an aircraft which is being used for police purposes.

(b) Paragraphs 1(d)(e) of this rule shall not apply to the flight of an aircraft over or within 1,000 metres of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race contest or an exhibition of flying, if the aircraft is taking part in such a race, contest or exhibition or is engaged in a flight arranged by, or made with the consent in writing of, the organizers of the event, and the races, contest, exhibition or flight is approved by the Director.

- (c) Paragraph 1(a) of this rule shall not apply to—

- (i) any aircraft while it is landing or taking-off in accordance with normal aviation practice;
- (ii) any glider while it is hill-soaring.

- (3) Nothing in this rule shall prohibit any aircraft from—

- (a) taking-off, landing or practising approaches to landing; or
- (b) flying for the purpose of checking navigational aids or procedures in accordance with normal aviation practice at a Government or licensed aerodrome in Kenya or at any aerodrome in any Contracting State; or
- (c) flying in such a manner as may be necessary for the purpose of saving life:

Provided that in the case of practising approaches to landing such practising is confined to the airspace customarily used by aircraft when landing or taking-off in accordance with normal aviation practice at the aerodrome concerned.

- (4) Nothing in this rule shall apply to any captive balloon or kite.

6. Simulated Instrument Flight

An aircraft shall not be flown in simulated instrument flight conditions unless—

- (a) the aircraft is fitted with dual controls which are functioning properly;
- (b) an additional pilot (in this rule called “**a safety pilot**”) is carried in a second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft;
- (c) if the safety pilot's field of vision is not adequate both forward and to each side of the aircraft, a third person, being an observer approved by the Director, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

For the purpose of this rule the expression “**simulated instrument flight**” means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

[Subsidiary]**7. Practice Instrument Approaches**

Within Kenya, an aircraft shall not carry out instrument approach practice when flying in visual meteorological conditions unless—

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, an observer approved by the Director is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION III – LIGHTS AND OTHER SIGNALS TO BE SHOWN BY AIRCRAFT**8. General**

(1) For the purpose of this section of these Rules the horizontal plane of a light shown by an aircraft means the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this section of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

9. Display of Lights by Aircraft

(1) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights:

Provided that nothing in this paragraph shall prevent the display of an anti-collision light.

(2) An aeroplane on a land aerodrome in Kenya at which aircraft normally land or take-off at night shall, unless it is stationary on a part of the aerodrome set aside for the embarkation or disembarkation of passengers, the loading or unloading of cargo or the maintenance of parking of aircraft, display by night either the lights which it would be required to display if it were flying, or the lights specified in rule 11(2) (a) or 11(2)(c) of these Rules.

10. Failure of Navigation Lights

In Kenya, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

11. Aeroplanes and Helicopters

(1) Except as provided in paragraph (3) of this Rule, an aeroplane or helicopter in flight between sunset and sunrise shall display the following lights—

- (a) anti-collision lights intended to attract attention to the aeroplane or helicopter; and
- (b) navigation lights intended to indicate the relative path of the aeroplane or helicopter to an observer,

and no other light shall be displayed if it is likely to be mistaken for the lights specified in subparagraph (a) or (b).

(2) Except as provided in paragraph (3) of this Rule, an aeroplane or helicopter on the movement area of an aerodrome between sunset and sunrise shall—

- (a) display navigation lights intended to indicate the relative path of the aeroplane or helicopter and no other light shall be displayed if that light is likely to be mistaken for a navigation light;
- (b) display navigation lights intended to indicate the extremities of structure unless the aeroplane or helicopter is stationary or otherwise adequately illuminated;
- (c) display anti-collision lights intended to attract attention to the aeroplane or helicopter; and
- (d) if the engine is running, display anti-collision lights which indicate that fact.

(3) An aeroplane or helicopter in flight or on the movement area of an aerodrome which is fitted with an anti-collision light to meet the requirements of paragraph (1)(a), (2)(c) or (2)(d) of this Rule shall, where the circumstances so require, display those lights outside the period specified in those paragraphs.

(4) A pilot of an aeroplane or helicopter shall be permitted to switch off or reduce the intensity of any flashing lights which may be fitted to meet the requirements of paragraphs (1) and (2) of this Rule if they are or are likely to—

- (a) adversely affect the satisfactory performance of his duties; or
- (b) subject an observer to harmful dazzle.

(5) The anti-collision lights referred to in paragraphs (1)(a), (2)(c) and (2)(d) of this Rule of this Rule shall be a flashing or rotating red light which affords coverage in all directions within 30° above and 30° below the horizontal plane of the aeroplane or helicopter.

(6) The navigation lights referred to in paragraphs (1)(b), (2)(a) and (2)(b) shall be—

- (a)
 - (i) a green light of at least five candles showing on the starboard side through an angle of 110° from dead ahead on the horizontal plane;
 - (ii) a red light of at least five candles showing on the port side through an angle of 110° from dead ahead in the horizontal plane;
 - (iii) a white light of at least three candles showing through the angles of 70° from dead astern to each side on the horizontal plane, all being steady lights; or
- (b) the lights specified in subparagraph (a), but all being flashing lights, flashing together or in alternation with one or both of the following—
 - (i) a flashing white light of at least twenty candles showing in all directions; or
 - (ii) a flashing white light of at least twenty candles showing through angles of 70° from dead astern in the horizontal plane.

[Subsidiary]

(7) If the lamp showing either the green or red navigation light specified in subparagraph (6)(a) of this Rule is fitted more than six feet from the wing tip, a lamp may, notwithstanding the provisions of rule 9(1), be fitted at the wing tip to indicate its position, showing a steady light of the same colour through the same angle.

[L.N. 96/1984, s. 3]

12. Gliders

A glider while flying at night shall display either a steady red light of at least five candles, showing in all directions, or lights in accordance with paragraphs (2) and (3) of rule 11.

13. Free Balloons

A free balloon while flying at night shall display a steady red light, of at least five candles showing in all directions, suspended not less than 15 feet and not more than 30 feet below the basket, or if there is no basket, below the lowest part of the balloon.

13A. Unmanned free balloons

(1) Unmanned free balloons shall be classified as—

- (a) *light*: an unmanned free balloon which carries a pay load of one or more packages with a combined mass of less than 4 kg; unless qualifying as a heavy balloon under this paragraph;
- (b) *medium*: an unmanned free balloon which carries a pay load of two or more packages with a combined mass of 4 kg. or more but less than 6 kg. unless qualifying as a heavy balloon under this paragraph;
- (c) *heavy*: an unmanned free balloon which carries a pay load which—
 - (i) has a combined mass of 6 kg. or more; or
 - (ii) includes a package of 3 kg. or more; or
 - (iii) includes a package of 2 kg. or more with an area density of more than 13 grams per square centimetre; or
 - (iv) uses a rope or other device for suspension of the pay load that requires an impact force of 230 newtons or more to separate the suspended pay load from the balloon,

and the “**area density**” referred to in paragraph (c) shall be determined by dividing the total mass in grams of the pay load package by area, in square centimetres, of its smallest surface.

(2) An unmanned free balloon shall—

- (a) not be operated without the permission of the Director of Civil Aviation;
- (b) not be operated across the territory of another state without the appropriate authorization from that other state unless it is a light balloon used exclusively for meteorological purposes which is operated in a manner prescribed by the Director of Civil Aviation;
- (c) be operated in accordance with conditions specified by the Director of Civil Aviation while being flown over Kenyan territory;
- (d) not be operated in such a manner that the impact of the balloon or any part thereof, including its pay load, with the surface of the earth would create a hazard to persons or property not connected with the operation;
- (e) where equipped with a trailing antenna that requires a force of more than 230 newtons to break it at any point, not to be operated unless the antenna has coloured pennants or streamers that are attached at not more than fifteen metre intervals,

and the authorization referred to in subparagraph (b) shall be obtained prior to the launching of the balloon if there is a reasonable expectation when planning the operation

[Subsidiary]

that the balloon may drift into airspace over the territory of another state, and the authorization may be obtained for a series of balloon flight or for a particular type of recurring flight such as atmospheric research balloon flights.

(3) A medium or heavy unmanned free balloon shall not be released in a manner that may cause it to fly lower than 300 m (1,000 ft) over the congested area of cities, towns or settlements or an open air assembly of persons not associated with the operation.

(4) A heavy unmanned free balloon shall not be operated—

- (a) over the high seas without prior co-ordination with the appropriate air traffic services authority;
- (b) without authorization from the appropriate air traffic services authority at or through any level below 18,000 m (60,000 ft) pressure-altitude at which—
 - (i) there are clouds or other obscuring phenomena of more than four oktas coverage; or
 - (ii) the horizontal visibility is less than 8 km (5 miles);
- (c) unless—
 - (i) it is equipped with at least two payload flight termination devices or systems, whether automatic or operating independently of each other;
 - (ii) in the case of polyethylene zero-pressure balloons at least two methods, systems, devices or combination thereof that function independently of each other are employed for terminating the flight of the balloon services;
 - (iii) the balloon envelope is equipped with either a radar reflective device or radar reflective material that will present an echo to surface radar operating in the 200MHz to 2700MHz frequency range or the balloon is equipped with such other devices as shall permit continuous tracking by the operator beyond the range of ground-based radar;
- (d) in an area where ground-based secondary surveillance radar equipment is in use, unless it is equipped with a secondary surveillance radar transponder, with altitude reporting capability, which is continuously operating on an assigned code or which can be turned on when necessary by the tracking station;
- (e) below 18,000 m (60,000 ft) pressure-altitude between sunset and sunrise or such other period between sunset and sunrise (corrected to the altitude of operation) as may be prescribed by the appropriate air traffic services authority unless the balloon and its attachments and payload, whether or not they become separated during the operation, are lighted;
- (f) below 18,000 m (60,000 ft) pressure-altitude between sunset and sunrise where it is equipped with a suspension device (other than a highly conspicuous coloured open parachute) more than 15 metres long, unless the suspension device is coloured in alternate bands of highly conspicuous colours or has coloured pennants attached.

(5) The operator of a heavy unmanned free balloon shall activate the appropriate termination devices required under paragraph (4)(c)—

- (a) when it becomes known that weather conditions are less than those prescribed for the operation;
- (b) if a malfunction or any other reason makes further operation hazardous to air traffic or to persons or property on the surface; or
- (c) prior to unauthorized entry into the air space over another state's territory.

(6) (a) Early notification of the intended flight of a medium or heavy unmanned free balloon shall be made to the appropriate air traffic services unit not less than seven days

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before the date of the intended flight and shall include such of the following information as may be required by the appropriate air traffic control services unit—

- (i) balloon flight identification or project code name;
- (ii) balloon classification and identification;
- (iii) secondary surveillance radar services code or non-directional (radio) frequency as applicable;
- (iv) the operator's name and telephone number;
- (v) launch site;
- (vi) estimated time of launch or time of commencement and completion of multiple launches, if multiple launches;
- (vii) expected direction of ascent;
- (viii) cruising level (pressure altitude);
- (ix) the estimated elapsed time to pass 18,000 m (60,000 ft) together with the estimated location;
- (x) the estimated date and time of termination of the flight and the planned location of the impact or recovery area;

(b) In the case of balloons carrying out flights of long duration, as a result of which the date and time of termination of the flight and the location of the impact cannot be forecast with accuracy, the term "long duration" shall be used;

(c) Where the operation consists of continuous launchings, the time to be included is the estimated time at which the first and last launchings in the series will reach the appropriate level (e.g. 122136Z-130330Z);

(d) If there is to be more than one location of impact or impact or recovery, each location is to be listed together with the appropriate time of impact, and, where there is to be a series of continuous impacts, the time to be included is the estimated time of the first and last series (e.g. 070330Z-072300Z);

(e) Any changes in the pre-launch information notified in accordance with this paragraph shall be forwarded to the air traffic services unit concerned not less than six hours before the estimated time of launch or in the case of solar or cosmic disturbances investigations involving a critical time element, not less than thirty minutes before the estimated time of the commencement of the operation.

(7) (a) Immediately after a medium or heavy unmanned free balloon is launched, the operator shall give the appropriate air traffic services unit the following information—

- (i) balloon flight identification;
- (ii) launch site;
- (iii) actual time of launch;
- (iv) estimated time at which 18,000 m (60,000 ft) pressure-altitude shall be passed, or the estimated time at which the cruising level shall be reached if at or below 18,000 m (60,000 ft) and the estimated location;
- (v) any changes to the information previously given under paragraph (6)(a).

(b) The operator shall notify the appropriate air traffic services unit immediately it is known that the intended flight of a medium or heavy unmanned free balloon previously notified in accordance with paragraph (6)(a) has been cancelled.

(8) The operator of a heavy unmanned free balloon—

- (a) operating at or below 18,000 m (60,000 ft) pressure-altitude shall monitor the flight path of the balloon and forward reports of the balloon's position as requested by the air traffic services unit and unless the air traffic services unit require reports of the balloon's position at more frequent intervals the operator shall record the position every two hours;

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- (b) operating above 18,000 m (60,000 ft) pressure-altitude shall monitor the flight progress of the balloon and forward a report of the balloon's position as requested by the air traffic services unit and unless the air traffic services unit require reports of the balloon's position at more frequent intervals the operator shall record the position every twenty-four hours,

and if the position cannot be recorded in accordance with subparagraph (a) or (b) the operator shall immediately notify the appropriate air traffic services unit, which notification shall include the last recorded position and shall thereafter notify the appropriate air traffic services unit when the tracking of the balloon is re-established.

(9) One hour before the beginning of the planned descent of a heavy unmanned free balloon, the operator shall forward to the appropriate air traffic services unit the following information regarding the balloon—

- (a) its current geographical position;
- (b) the current level (pressure-altitude);
- (c) the forecast time of penetrating of 18,000 m (60,000 ft) pressure-altitude, if applicable; and
- (d) the forecast time and location of ground impact.

(10) The operator of a heavy or medium unmanned free balloon shall notify the appropriate air traffic services unit when the operation is ended.

[L.N. 96/19894, s. 4.]

14. Captive Balloons and Kites

(1) A captive balloon or kite while flying at night at a height exceeding 200 feet above the surface shall display lights as follows—

- (a) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candles and showing in all directions, the white light being placed not less than fifteen feet or more than thirty feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 1,000 feet measured from the group of lights referred to in subparagraph (a) of this paragraph, groups of two lights of the colour and power and in the relative positions specified in that subparagraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base;
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measured at least 80 feet; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 200 feet above the surface shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches wide.

(3) A kite flown in the circumstances referred to in paragraph (2) shall have attached to its mooring cable either—

- (a) tubular streamers as specified in paragraph (2); or
- (b) at intervals of not more than 300 feet measured from the lowest part of the kite, streamers of not less than thirty-two inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

[Subsidiary]**15. Airships**

(1) Except as provided in paragraph (2) of this Rule, an airship while flying at night shall display the following steady lights—

- (a) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
- (d) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights—

- (a) the white lights referred to in subparagraphs (a) and (d) of paragraph (1) of this Rule;
- (b) two red lights, each of at least five candles and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car; and
- (c) if the airship is making way but not otherwise, the green and red lights referred to in subparagraphs (b) and (c) paragraph (1) of this Rule:

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1) of this Rule.

(3) An airship, while moored within Kenya by night, shall display the following lights—

- (a) when moored to a mooring mast, at or near the rear a white light of at least five candles showing in all direction;
- (b) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car.

(5) For the purpose of this rule—

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

SECTION IV – GENERAL FLIGHT RULES

16. Weather Reports and Forecasts

(1) Immediately before an aircraft flies the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain in order to determine whether instrument meteorological conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less

than eight kilometres or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

Rules for Avoiding Aerial Collisions

17. General

(1) (a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(b) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(c) Aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so.

(d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(e) An aircraft which has the right-of-way under this rule shall maintain its course and speed.

(f) For the purposes of this rule a glider and an aeroplane which is towing it shall be considered to be a single aircraft under the command of the commander of the towing aeroplane.

Converging

(2) (a) Subject to paragraphs (3) and (4) of this Rule, an aircraft in the air shall give way to other converging aircraft as follows—

(i) aeroplanes shall give way to airships, gliders and balloons;

(ii) airships shall give way to gliders and balloons;

(iii) gliders shall give way to balloons.

(b) Subject to subparagraph (a) of this paragraph, when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way:

Provided that mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

Approaching Head-on

(3) When two aircraft are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

Overtaking

(4) An aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Kenya may alter its course to the right or to the left.

Landing

(5) An aircraft while landing on or final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

[Subsidiary]*Two or More Aircraft Landing*

(6) In the case of two or more aeroplanes or gliders approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft:

Provided that:

- (a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and
- (b) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

18. Aerobatic Manoeuvres

(1) An aircraft shall not carry out any aerobatic manoeuvre—

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

19. Right-hand Traffic Rule

An aircraft which is flying within Kenya in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left.

20. Report of Arrival

(1) In respect of any flight for which a flight plan has been submitted, the commander of an aircraft shall, upon landing, take all reasonable steps, including giving advice as to the time and aerodrome of departure, to ensure that a report of the arrival of the aircraft reaches the air traffic control unit serving the aerodrome of departure.

(2) Paragraph (1) of this Rule shall be complied with if—

- (a) where there is an air traffic control unit at the aerodrome of arrival, the commander of an aircraft advises the unit of his arrival and the time and aerodrome of his departure;
- (b) where there is no air traffic control unit at the aerodrome of arrival, the commander of an aircraft advises the Reporting Officer, if such a person has been notified for that aerodrome, of his arrival and the time and aerodrome of his departure.

(3) Notwithstanding the provisions of paragraph (1) of this Rule and in the event that the aerodrome of arrival shall be within Kenya—

- (a) no obligation shall rest upon the commander of an aircraft to report his arrival if he entered “Nosar” on the flight plan submitted prior to his departure;
- (b) where the commander of an aircraft has entered “Sartime” on the flight plan submitted prior to his departure he shall—
 - (i) upon arrival, advise an air traffic control unit or Reporting Officer of his arrival and time and aerodrome of departure; or
 - (ii) at or before the time specified in the “Sartime” entry, advise an air traffic control unit or Reporting Officer of his whereabouts and the time and aerodrome of his departure; or
 - (iii) where there is no air traffic control unit at the aerodrome of arrival and provided he receives an acknowledgement, report his landing or imminent landing by radiotelephone to an air traffic control unit.

[Subsidiary]

(4) The Commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

21. Flight in Notified Airspace

In relation to flight in visual meteorological conditions in controlled airspace notified for the purposes of this rule, the commander of an aircraft shall comply with rules 27, 28 and 29 of these Rules as if the flights were IFR flights:

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of paragraph (3) of rule 27.

22. Choice of V.F.R or I.F.R.

Subject to the provisions of rule 21 of these Rules an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that—

- (i) in Kenya an aircraft flying at night shall be flown in accordance with the Instrument Flight Rules, or, in a control zone, in accordance with the Instrument Flight Rules or the provisions of the proviso to paragraph (b) of rule 23 of these Rules; and
- (ii) irrespective of meteorological conditions the commander of an aircraft shall within all airspace within the Flight Information Region above flight level 150 and within airways irrespective of flight level fly in accordance with the Instrument Flight Rules.

SECTION V – VISUAL FLIGHT RULES

23. (1) The Visual Rules shall be as follows—

- (a) *Outside Controlled Airspace.*—An aircraft flying outside controlled airspace shall remain at least one mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 kilometers:

Provided that below 1,000 feet above ground or water this paragraph shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface in a flight visibility of not less than 1.5 kilometres.

- (b) *Within Controlled Airspace.*—An aircraft flying within controlled airspace shall remain at least 1 mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 kilometres:

Provided that in a control zone, in the case of a special VFR flight, the aircraft shall remain clear of cloud and in sight of the ground or water and shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

For the purpose of this Rule “**Special VFR flight**” means a controlled VFR traffic authorized by air traffic control to operate within the control zone under meteorological conditions below the visual meteorological conditions or at night.

The Director may, by order published in the *Gazette*, vary all or any of the distances mentioned in subparagraph (a) or (b) of paragraph (1) of this Rule.

SECTION VI – INSTRUMENT FLIGHT RULES

24. The Instrument Flight Rules shall be as follows—

- (a) *Outside Controlled Airspace.*—In relation to flights outside controlled airspace rules 25 and 26 shall apply.

[Subsidiary]

- (b) *Within Controlled Airspace.*—In relation to flights within controlled airspace rules 25, 27, 28 and 29 shall apply.

25. Minimum Height

(1) In order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of 8 kilometres of the aircraft unless otherwise authorized by the Director or unless it is necessary to do so in order to take-off or land.

26. Semi-Circular Level Rule

(1) As far as weather conditions and terrain allow pilots operating in level flight at or above 1,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in this rule. The level of flights shall be measured by an altimeter set according to the system notified, or in the case of flight over a state other than Kenya, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

VFR Flights

(2) As far as weather conditions and terrain allow pilots operating in level flight at or above 1,000 feet above ground or water when flying on the magnetic tracks shown in column (1) shall maintain the levels shown in column (2) against these tracks when flown at less than flight level 150.

<i>Magnetic Track</i>	<i>Cruising Level</i>
(1)	(2)
000°–179° inclusive	Flight level 15, 35, 55, etc., to 135.
180°–359° inclusive	Flight level 25, 45, 65, etc., to 145.

IFR Flights Outside Controlled Airspace

(3) (a) Aircraft flying on magnetic tracks shown below in column (1) shall maintain the levels shown in column (2) against these tracks when flown at less than flight level 290.

<i>Magnetic Track</i>	<i>Cruising Level</i>
(1)	(2)
000°–179° inclusive	Flight level 10, 30, 50, etc., to 290.
180°–359° inclusive	Flight level 20, 40, 60, etc., to 280.

(b) When at or above flight level 290, aircraft flying on magnetic tracks shown below in column (1) shall maintain the levels shown in column (2) against these tracks.

<i>Magnetic Track</i>	<i>Cruising Level</i>
(1)	(2)
000°–179° inclusive	Flight level 290, 330, 370, etc.
180°–359° inclusive	Flight level 310, 350, 390, etc.

(4) The Director may by order published in the *Gazette* or in writing replace, amend or add to all or any part of paragraphs (2) and (3) (a), (b) of this rule.

27. Flight Plan and Air Traffic Control Clearance

(1) Irrespective of the flight rules under which an aircraft is to be flown, before an aircraft takes off from any aerodrome which is manned by the Directorate of Civil Aviation, the commander of the aircraft shall cause a flight plan to be submitted thereto in respect of any flight which he intends to make outside the circuit of that aerodrome:

[Subsidiary]

Provided that where a Through Flight Plan, containing such particulars as may be notified is submitted to and accepted by an air traffic control unit in respect of a flight through a number of intermediate aerodromes, this paragraph shall be deemed to have been satisfied in respect of each sector of the flight:

Provided further that the air traffic control unit may, in its discretion, exempt the commander of an aircraft from the requirements of this paragraph in respect of an intended flight which is to be made in a notified local flying area and in which the aircraft will return to the aerodrome of departure without making an intermediate landing.

(2) In order to comply with the Instrument Flight Rules, before an aircraft either takes-off from a point within any controlled airspace, or enters any controlled airspace, or in other circumstances prescribed for this purpose, the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(3) A flight plan shall contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance, or for search and rescue purposes.

(4) The commander of the aircraft shall fly in conformity with the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless—

- (a) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace; and
- (b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan:

Provided that if an emergency arises which requires an immediate deviation from an air traffic control clearance, the commander of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

(5) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves that controlled airspace.

28. Position Reports

In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, and the position and altitude of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

29. Communication Failure

In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight flying or intending to fly in controlled airspace who is unable to establish or maintain two-way communication with the appropriate air traffic control unit shall—

- (a) continue to fly to his destination if it is possible to do so by flying only in conditions not inferior to those specified in subparagraph (b) of paragraph (1) of rule 23 of these Rules;
- (b) (i) continue the flight in accordance with the current flight plan to the holding point at the aerodrome of first intended landing, maintain the last acknowledged cruising levels for the portion of the route for which levels had been assigned, and thereafter maintain the cruising levels shown in the flight plan;

[Subsidiary]

- (ii) arrange the flight so as to arrive over the holding point at, or as close as possible, to the estimated time of arrival as indicated in the filed flight plan and revised in accordance with current flight plan. Pilots must follow the appropriate inbound route for the control zone or control area concerned;
- (iii) if the aircraft's transmitter is thought to be still functioning, transmit position reports on the appropriate frequency when over the routine reporting points;
- (iv) after arrival over the holding point, commence descent at, or, as close as possible to, the expected approach time last received and acknowledged, or, if no expected approach time has been received and acknowledged, at, or as close as possible to, the estimated time of arrival specified in subparagraph (ii), complete a normal instrument approach procedure as specified for the appropriate navigational aid.; If delay not determined has been given and no EAT, he shall not attempt to land at the destination aerodrome but fly to another aerodrome following prescribed procedures;
- (v) land within 30 minutes of the time descent should have been started (i.e. the EAT or ETA referred to in subparagraph (iv)). If unable to land within this time, but able to complete an approach and landing visually, do so; if not able to land within the specified time, not to approach and land visually and shall leave the vicinity of the aerodrome and any associated controlled airspace at the specified altitude and on the specified route. If no altitude or route is specified, fly at the last assigned altitude or minimum sector altitude, whichever is the higher, and avoid areas of dense traffic.

Then either—

- (aa) fly to an area in which flight may be continued in VMC and land at a suitable aerodrome there, or (if this is not possible);
- (bb) select a suitable area in which to descend through cloud, fly visually to a suitable aerodrome and land as soon as practicable.

SECTION VII – AERODROME TRAFFIC RULES

30. Application of Aerodrome Traffic Rules

The rules in this section which are expressed to apply to aeroplanes shall also be observed, so far as is practicable, in relation to all other aircraft.

31. Visual Signals

The commander of an aeroplane on, or in the traffic zone of, an aerodrome shall observe such visual signals as may be displayed at, or directed to him from, the aerodrome by the authority of the Director or if no representative of the Director is present at the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey the signals referred to in rule 44 of these Rules (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

32. Access to and Movement in the Manoeuvring Area

(1) A person or vehicle shall not go on to the manoeuvring area of an aerodrome without the permission of the Director or if no representative of the Director is present at the aerodrome or the person in charge of the aerodrome and except in accordance with any conditions subject to which that permission may have been granted.

[Subsidiary]

(2) A vehicle shall not move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purpose of this rule may be granted either in respect of persons or vehicles generally or in respect of any particular person or vehicle or any class of persons or vehicle.

33. Right of Way on the Ground

(1) This rule shall apply to—

- (a) aeroplanes; and
- (b) vehicles,

on the manoeuvring area of a land aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Aeroplanes and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles, and aeroplanes which are not taking off or landing, shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of paragraph (3) of this rule and of paragraph (3) (b) of rule 35 of these Rules, in case of danger of collision between two aeroplanes—

- (a) when two aeroplanes are approaching head-on or approximately so, each shall stop or where practicable alter its course to the right so as to keep well clear; and
- (b) when the two aeroplanes are on converging course, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;
- (c) an aeroplane which is being overtaken shall have the right-of-way, and the overtaking aeroplane shall keep out of the way of the other aeroplane by altering its course to the left until that other aeroplane has been passed and is clear, notwithstanding any change in the relative position of the two aeroplanes.
- (d) an aeroplane taxiing on the manoeuvring area of an aerodrome shall give way to aeroplanes taking off or about to take off.

(5) Subject to the provisions of paragraph (3) (b) of this rule a vehicle shall—

- (a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;
- (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

[L.N. 27/1985, s. 6.]

34. Dropping of Tow Rope, etc.

Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and—

- (a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or

[Subsidiary]

- (b) in the area designated by the marking described in paragraph (7) of rule 41 of these Rules, and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

35. Aerodromes Not Having Air Traffic Control Units

(1) An aircraft shall not fly within a zone which the commander knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome which does not have an air traffic control unit, except for the purpose of taking off, landing or observing the signals in the signals area with a view to landing. An aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall—

- (a) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;
- (b) make all turns to the left unless ground signals otherwise indicate; and
- (c) take-off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) An aeroplane or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take-offs and landings are not confined to a runway—

- (i) an aeroplane or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take-off. If such an aeroplane or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (ii) an aeroplane about to take-off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking-off or is about to take-off.

(4) An aeroplane after landing shall move clear of the landing area in use as soon as it is possible to do so.

36. Aerodromes Having Air Traffic Control Units

(1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome having an air traffic control unit except for the purpose of taking-off, landing or observing the signals area with a view to landing, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;
- (b) not taxi, take-off or land except with the permission of the air traffic control unit; and
- (c) comply with the provisions of rule 35 of these Rules as if the aerodrome did not have an air traffic control unit, unless he has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.

[Subsidiary]

37. Without prejudice to the provisions of rules 20 and 27 of these Rules, the commander of an aircraft shall immediately upon arrival at, or prior to departure from, an aerodrome within Kenya having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

SECTION VIII – AERODROME SIGNALS AND MARKINGS:
VISUAL AND AURAL SIGNALS

38. General

(1) Whenever any signal specified in this section is given or displayed, or whenever any marking so specified is displayed, by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or takeoff, it shall, when given or displayed in Kenya, have the meaning assigned to it in this section.

(2) All dimensions specified in this section of these Rules shall be subject to a tolerance of 10 per cent, plus or minus.

39. Signals in the Signals Area

(1) When any signal specified in the following paragraphs of this rule is displayed it shall be placed in a signals area, which shall be a square visible in all directions bordered by a white stripe one foot wide the internal sides measuring 40 feet.

(2) A white landing T, as illustrated in this paragraph,

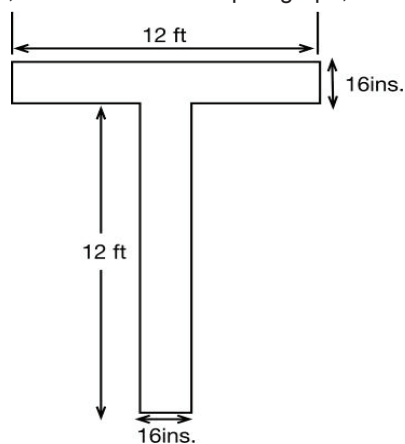


Fig. 1

signifies that aeroplanes and gliders taking-off or off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorized by the appropriate air traffic control unit.

(3) A white dumb-bell, as illustrated in this paragraph,

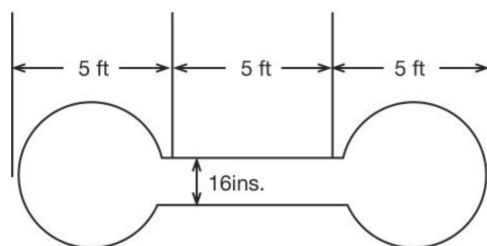


Fig. 2

[Subsidiary]

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metalled or similar hard surfaces.

(4) A white dumb-bell as described in (3) above but with a black stripe two feet wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

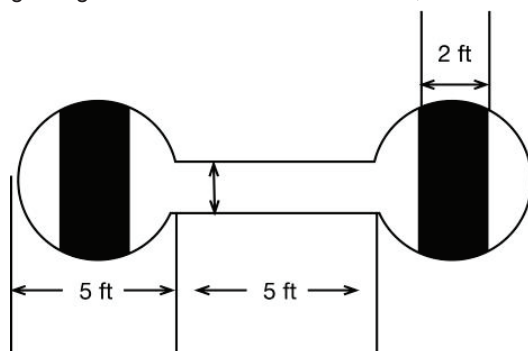


Fig. 3

signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

(5) A red and yellow stripped arrow, as illustrated in this paragraph,

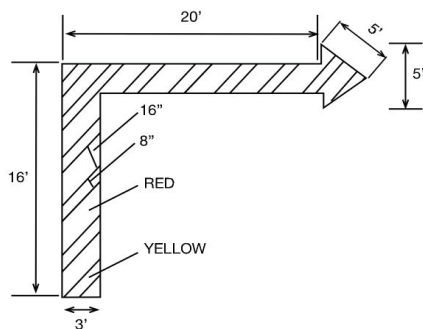


Fig. 4

the shaft of which is at least three feet wide placed along the whole or not less than a total of 36 feet of two adjacent sides of the signals area and pointing in a clockwise direction signifies that a right-hand circuit is in force.

(6) A red panel ten feet square with a yellow stripe along one diagonal at least twenty inches wide, as illustrated in this paragraph,

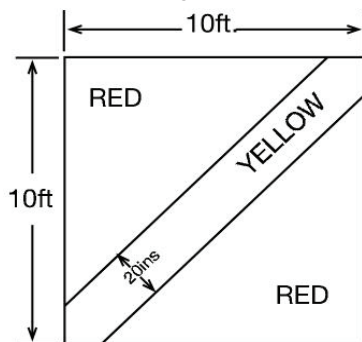
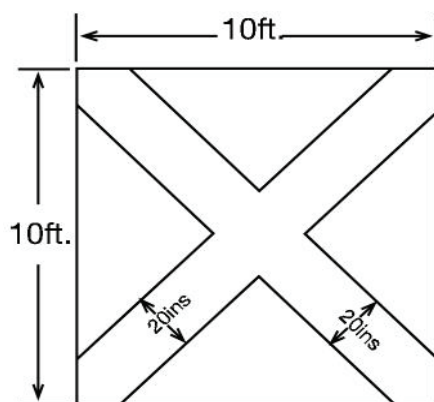


Fig. 5

[Subsidiary]

signifies that the state of the manoeuvring area is poor and that pilots must exercise special care when landing.

(7) A red panel ten feet square with a yellow stripe, at least twenty inches wide, along each diagonal, as illustrated in this paragraph,



Yellow stripes on red Background

Fig. 6

signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

(8) A white letter H, as illustrated in this paragraph,

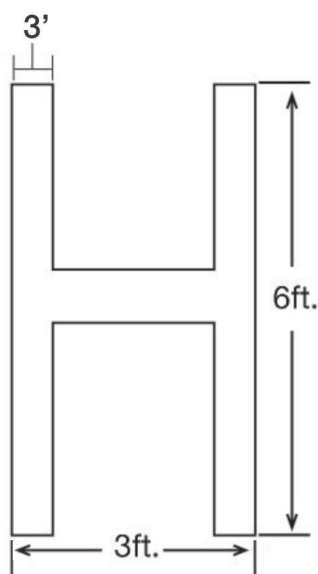


Fig. 7

signifies that helicopters shall take off and land only within the area designated by the marking specified in paragraph (5) of rule 41 of these Rules.

(9) A red letter L displayed on the dumb-bell specified in paragraphs (3) and (4) of this rule, as illustrated in this paragraph,

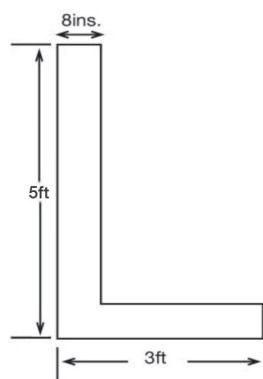


Fig. 8

signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking in paragraph (6) of rule 41 of these Rules.

(10) A white double cross, as illustrated in this paragraph,

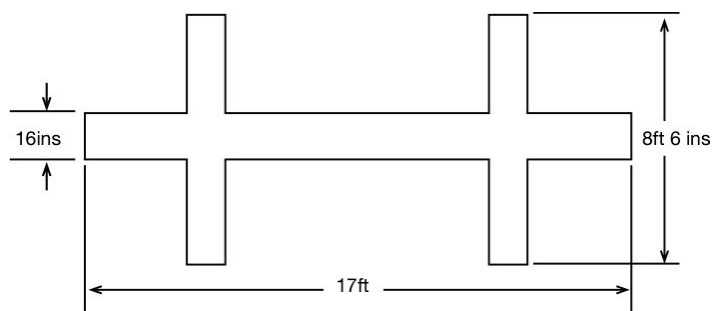


Fig. 9

signifies that glider flying is in progress.

40. Markings for Paved Runways and Taxiways

(1) Two or more white crosses, as illustrated in this paragraph,

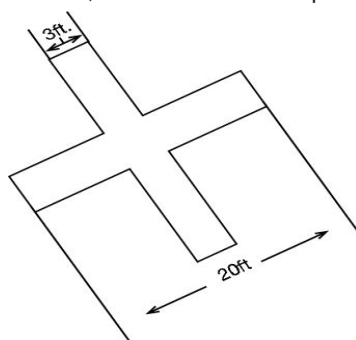


Fig. 10

displayed on a runway or taxiway, with the arms of the crosses at an angle of 45° to the centre line of the runway, at intervals of not more than 1,000 feet signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

[Subsidiary]

- (2) A broken white line and a continuous white line, as illustrated in this paragraph,

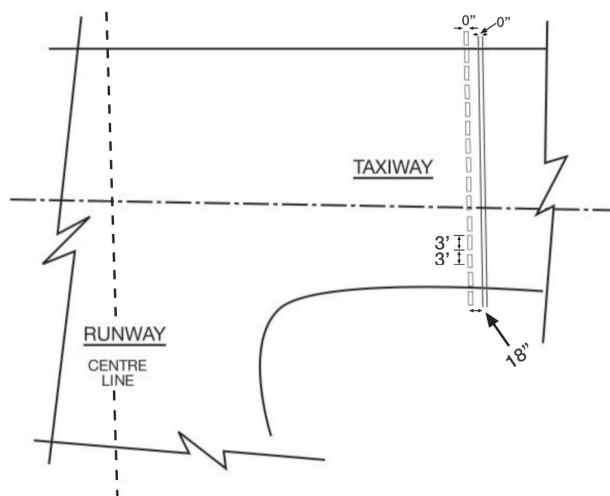


Fig. 11

signify a holding position beyond which no part of an aircraft or vehicle shall project in the direction of the runway without permission from an air traffic control unit.

- (3) Orange and white markers, as illustrated in this paragraph,

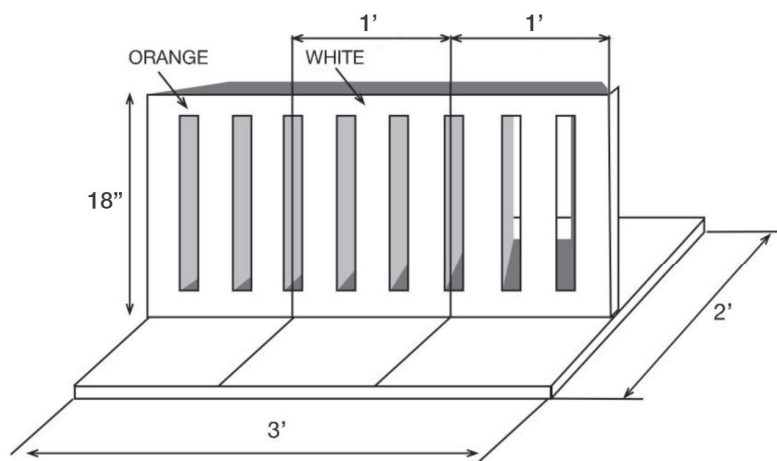


Fig. 12

spaced not more than 150 feet apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

41. Markings on Unpaved Manoeuvring Areas

- (1) Markers with orange and white stripes of an equal width of not less than 1½ feet, with an orange stripe at each end, as illustrated in this paragraph,

[Subsidiary]

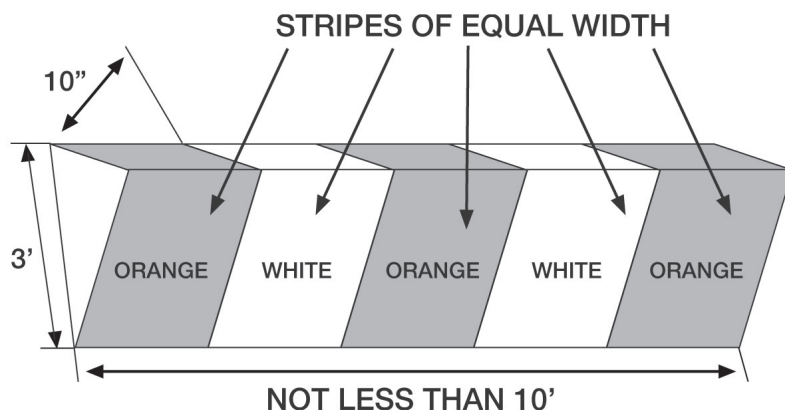


Fig. 13

alternating with flags not less than 2 feet square showing equal orange and white triangular areas, indicate the boundary of an area unfit for the movement of aircraft and one or more white crosses as specified in rule 40(1) of these Rules indicate the said area. The distance between any two successive orange and white flags shall not exceed 300 feet.

(2) Striped markers, as specified in paragraph (1) of this rule, spaced not more than 150 feet apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of not less than 1½ feet, with an orange stripe at each end, as illustrated in this paragraph,

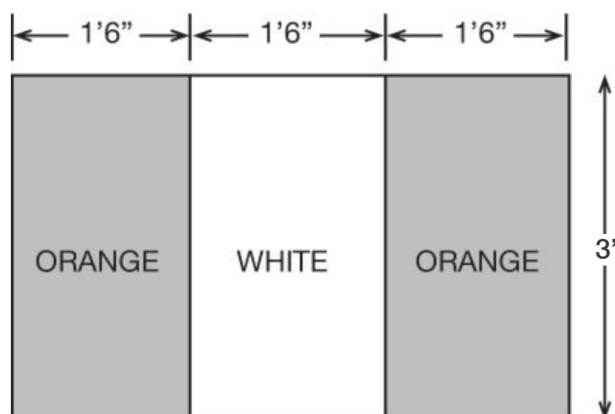


Fig. 14

spaced not more than 150 feet apart, indicate the boundary of an aerodrome. The pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 6 inches from the top of the structure.

(4) White flag rectangular markers 10 feet long and 3 feet wide at intervals not exceeding 300 feet, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary of an unpaved runway or of a stopway.

(5) A white letter H, as illustrated in this paragraph,

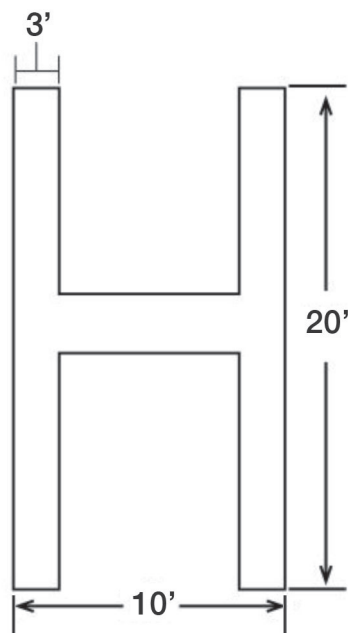


Fig. 15

indicates an area which shall be used only for the taking off and landing of helicopters.

(6) A white letter L, as illustrated in this paragraph,

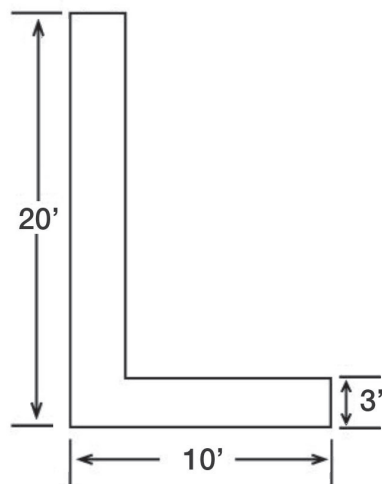


Fig. 16

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(7) A yellow cross, with two arms 20 feet long by 3 feet wide at right angles, indicates that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed.

[Subsidiary]

- (8) A white double cross, as illustrated in this paragraph,

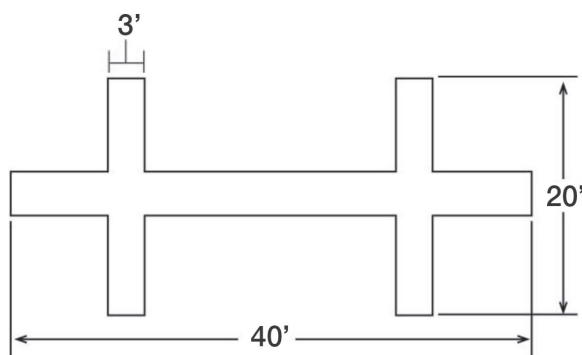


Fig. 17

indicates an area which shall be used only for the taking off and landing of gliders.

- (9) A white landing T as specified in paragraph (2) of rule 39 of these Rules placed at the left-hand side of the runway when viewed from the direction of landing indicates the runway to be used and at an aerodrome with no runway it indicates the direction for take-off and landing.

42. Signals Visible from the Ground

- (1) A checkered flag or board, 4 feet by 3 feet containing twelve equal squares, four horizontally and three vertically, coloured red and yellow alternately, signifies that aerodrome traffic on the manoeuvring area is subject to control by means of the lights and pyrotechnic signals referred to in rule 43 of these Rules.

- (2) Two red balls 2 feet in diameter, disposed vertically one above the other, 2 feet apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

- (3) Black arabic numerals in two-figure groups and, where parallel runways are provided the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

- (4) A black letter C against a yellow background, as illustrated in this paragraph,

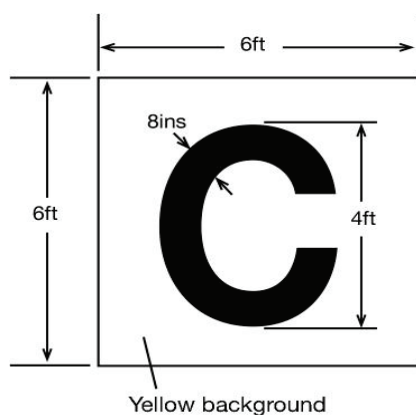


Fig. 18

[Subsidiary]

indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(5) A rectangular green flag of not less than 2 feet square flown from a mast indicates that a right-hand circuit is in force.

43. Lights and Pyrotechnic Signals for Control of Aerodrome Traffic

Each signal described in the first column of Table A, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal.

TABLE A


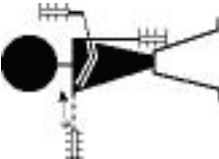
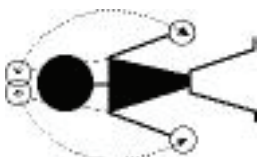
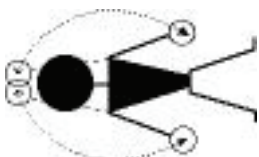
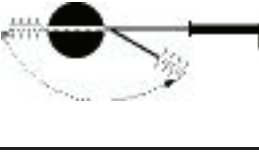
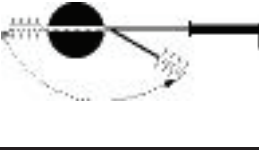
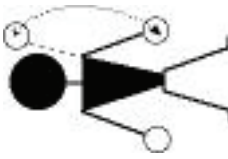
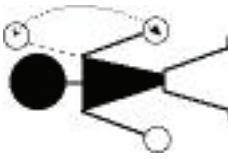
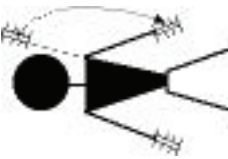
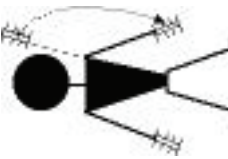
Characteristic and colour of light beam or pyrotechnic	From an aerodrome		From an aircraft in flight to an aerodrome
	to an aircraft in flight	to an aircraft or vehicle on the aerodrome	
(a) Continuous red light	Do not land: wait for permission.	Stop.	—
(b) Red pyrotechnic light, or red flare.	Do not land: wait for permission.	—	—
(c) Red flares	Do not land: aerodrome not available for landing.	Move clear of land area	—
(d) Green flashes	Return to aerodrome: wait for permission to approach and land.	You may move on manoeuvring area.	—
(e) Continuous green light.	You may land.	You may take off (not applicable to a vehicle).	—
(f) Continuous green light, or green flashes, or green pyrotechnic light.	—	—	By night; May I land? By day; May I land in direction different from that indicated by landing T?
(g) White flashes	Land at this aerodrome and proceed to apron. Clearance to land and taxi will be given in due course.	Return to starting point on the aerodrome.	I am compelled to land immediately.
(h) Switching on and off the navigation lights. Switching on and off of landing lights.	—	—	I am compelled to land immediately.

44. Marshalling Signals

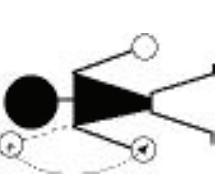
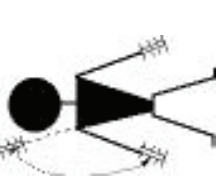
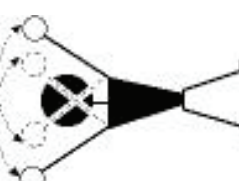
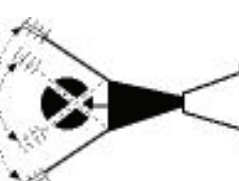

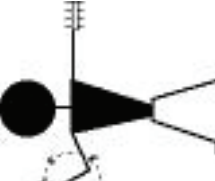
Each of the signals for the guidance of aircraft manoeuvring on the ground, described in the first column of Table B shall, in Kenya, have the meaning set forth in the second column of that Table opposite the description of the signal. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands.

[Subsidiary]

TWELFTH SCHEDULE—continued
TABLE B – MEANING OF MARSHALLING SIGNALS
[Rule 44.]

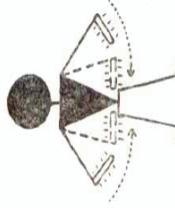
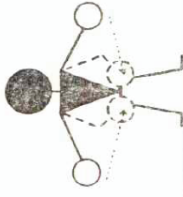
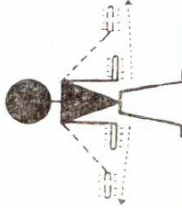
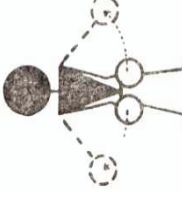
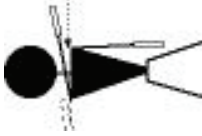
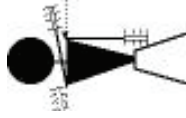
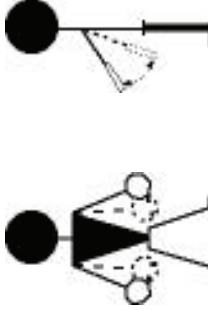
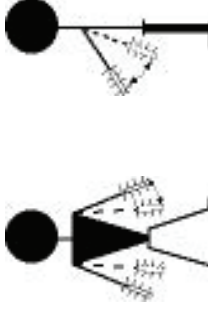
Description of Signal	Meaning of Signal	In Daylight	By Night
(a) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.	Proceed under guidance of another marshaller.		
(b) Arms repeatedly moved upward and backward, beckoning onward.	Move ahead.	 	 
(c) Right arm down, left arm repeatedly moved upward and backward. The speed of arm movements indicates the rate of turn.	Open up starboard engine or turn to port.	 	 

TWELFTH SCHEDULE—continued


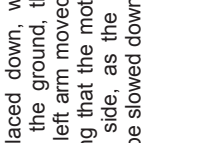


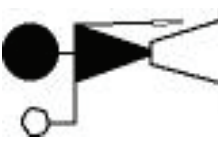

<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>In Daylight</i>	<i>By Night</i>
(d) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up port engine or turn to star-board.		
(e) Arm repeatedly crossed above the head. The speed of arm movement indicates the urgency of the stop.	Stop.		
(f) A circular motion of the right hand at head level, with the left arm pointing to the appropriate engine.	Start engines.		

[Subsidiary]

TWELFTH SCHEDULE—continued

Description of Signal	Meaning of Signal	In Daylight	By Night
(g) Arms extended, the palms facing inwards, then swung from the extended position inwards.	Insert chocks.		
(h) Arms down the palms facing outwards then swung outwards.	Chocks away.		
(i) Either arm and hand placed level with the chest, then moved laterally, with the palm downwards.	Cut engine.		
(j) Arms placed down, with the palms towards the ground, then moved up and down several times.	Slow down.		

TWELFTH SCHEDULE—continued

Description of Signal	Meaning of Signal	In Daylight	By Night
(k) Arms placed down, with the palms towards the ground, then either the right or left arm moved up and down indicating that the motors on the left or right side, as the case may be, should be slowed down.	Slow down engines on indicated side.		
(l) Arms placed above the head in a vertical position.	This bay.		
(m) The right arm raised at the elbow, with the arm facing forward.	All clear. Marshalling finished.		

[Subsidiary]**45. Distress Signals**

(1) The following signals, given either together or separately, signify that an aircraft is threatened by grave and imminent danger and requires immediate assistance—

- (a) by radiotelephony—the spoken word “MAYDAY”;
- (b) by visual signalling, radiotelegraphy or any other signalling method—
 - (i) the signal SOS in morse code (· · · - - - · · ·);
 - (ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;
 - (iii) parachute flare showing a red light;
 - (iv) a continuous sounding with any sound apparatus.

Urgency Signals

(2) The following signals, given either together or separately, signify that an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance—

- (a) the repeated switching on and off of the aircraft landing lights;
- (b) the repeated switching on and off its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in rule 11 of these Rules.

(3) The following signals, used either together or separately, signify that an aircraft has a very urgent message to transmit concerning the safety of a ship, aircraft or other vehicle, or of some person on board or within sight—

- (a) by radiotelephony – the spoken word “PAN”;
- (b) a signal made by radiotelegraphy or by any other signalling method consisting of the group XXX.

46. Warning Signals to Aircraft in Flight

By day and by night in Kenya, a series of projectiles discharged at intervals of ten seconds, each showing, on bursting, red and green lights or stars, shall indicate to an aircraft that it is flying in the vicinity of a restricted, prohibited or danger area and that the aircraft is to take such remedial action as may be necessary.

SECTION IX – GROUND LIGHTING**47. Minimum Ground Lighting**

(1) The person in charge of any area to which this rule applies shall cause the lighting specified in rule 48 of these Rules to be in operation whenever an aeroplane or glider, flying for the purpose of the public transport of passengers, is taking off or landing at that area by night and during such period before or after the take-off or landing at night as may be necessary to ensure the safety of the aircraft:

Provided that, if the area is intended for use only by helicopters, there may be in operation in lieu of the lighting specified in rule 48 of these Rules, such other lighting as will enable the pilot of a helicopter in flight—

- (i) to identify the area;
- (ii) to determine the landing direction; and
- (iii) to make a safe approach and landing.

(2) The requirement of paragraph (1) of this rule shall be deemed not to have been contravened if neither the person in charge of the area nor any person acting under his instructions knew or ought reasonably to have known that the aircraft was about to take-off or land.

[Subsidiary]

(3) This rule shall apply to any place, whether or not an aerodrome, intended to be used for the taking-off or landing of aircraft or the manoeuvring of aircraft on the ground, but shall not apply to any Government aerodrome or to any aerodromes licensed for use by night, the lighting for which shall be as directed or approved by the Director.

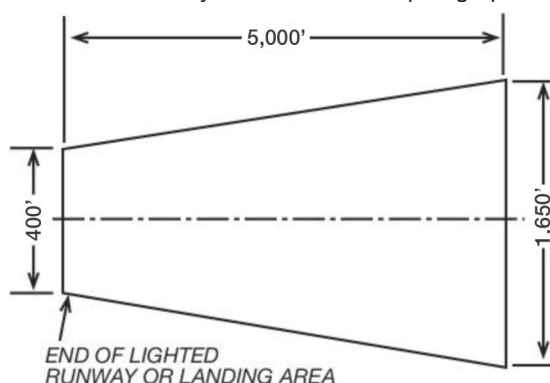
48. The lighting required by rule 47 of these Rules shall include—

(1) Emergency lighting; aerodrome beacon; identification beacon; approach lighting systems; circling guidance lights; approach light beacons; runway alignment indicator; runway edge lights; runway threshold and wing bar lights; runway end lights; runway centre line lights; runway touchdown zone lights; stopway lights; taxiway centre line lights; taxiway edge lights; taxiway guidance system lights; stop bar lights; clearance bar lights; apron lighting; boundary lights and obstruction lights. The lighting so required shall conform to the lighting specified in Annex 14 (Aerodromes) to the Convention on International Civil Aviation Organization and be approved by the Director.

(2) For the purpose of this rule any object, whether permanent or temporary, shall be deemed to be an obstruction if it is likely to endanger aircraft and if it is situated—

- (a) on the part of the manoeuvring area intended for use at night; or
- (b) within an area extending 61 metres on either side of the centre line of the area intended for landing and taking-off at night; or
- (c) within 61 metres of the area so intended, if the height of the object is more than one quarter of the distance of the object from the area; or
- (d) within 16 metres of a lighted taxiway; or
- (e) within an area of the dimensions illustrated in this subparagraph, being an area at either end of a lighted runway or lighted landing area and if the height of the object, measured above the level of the nearer end of the runway or landing area, is more than one-thirtieth of the distance from the object to the nearest end of the runway or landing area:

Provided that a frangible object not more than 3 feet in height above ground shall not be deemed to be an obstruction by reason of this subparagraph;



- (f) within one nautical mile of the centre of the area intended for use at night for the taking-off, landing or manoeuvring of aircraft on the ground and more than 300 feet above the highest point of the ground within that area.
- (3) Nothing in this rule shall be taken to require the lighting of—
- (a) any aircraft displaying navigation lights in accordance with section 111 of Section III of these Rules;
 - (b) in an area set aside for the parking of aircraft, any vehicle which is displaying the lights which are obligatory when it is being driven on a public highway;

[Subsidiary]

- (c) any obstruction or part of an obstruction which, by reason of the lighting of other obstructions, is not likely to endanger aircraft in flight.

THIRTEENTH SCHEDULE

[Regulation 78.]

FEES

1. Certificate of Registration (Regulation 4(8))

(1) The fees to be paid for the issue of a certificate of registration of an aircraft pursuant to regulation 4(8) shall be determined by the “**maximum total weight**” of a given aircraft and the applicable amounts shall be notified by the Director from time to time. For the purpose of this paragraph “**maximum total weight**” means the maximum total weight authorized in the certificate of airworthiness in force in respect of the aircraft, or if no such certificate is in force in the certificate of airworthiness last in force in respect of that aircraft, or the maximum total weight authorized of the prototype or modification thereof to which the aircraft in the opinion of the Director conforms.

2. Permit for an Aircraft to Fly Without a Certificate of Airworthiness (regulation 6(1))

The fees to be paid in respect of an application for a permit to fly in pursuance of proviso (e) to regulation 6(1) shall be as follows—

For investigation required by the Director in connexion with the application, a fee of an amount equivalent to the cost of making such investigations but not exceeding a notified rate which is subject to the maximum total weight of the aircraft for any year, or part of a year, of the period required for carrying out the investigation.

For the permit, a fee to be notified from time to time.

For the purpose of this paragraph “**maximum total weight**” means the maximum total weight specified in the application for the permit.

3. Certificate of Airworthiness (regulation 7(1))

Where an application is made for a certificate of airworthiness in respect of an aircraft there shall be paid for the investigations required by the Director in pursuance of regulation 7(1) (not including the investigation of any aircraft engine) a fee of an amount equal to the cost of making the investigation but not exceeding a notified rate which is subject to the maximum total weight of the aircraft for any year, or part of a year, of the period required for carrying out the investigation:

Provided that—

- (1) In the case of an aircraft which in the opinion of the Director conforms to a prototype aircraft or to a modification of a prototype aircraft, the fee to be paid shall be as notified from time to time;
- (2) In the case of an aircraft which in the opinion of the Director is a modification of a prototype aircraft the fee shall not be less than that which would have been payable if paragraph (1) of this proviso had applied.

For the purpose of this paragraph “**maximum total weight**” means the maximum total weight specified in the application for the certificate.

4. Approval of Engine (regulation 7(1))

The fees to be paid in respect of an application for the approval of an engine for the purpose of regulation 7(1) of the Regulations (including any investigations required for the purpose) shall be determined by the output power of the engine and will be notified from time to time.

5. Renewal of Certificate of Airworthiness (regulation 7(5))

When an application is made for the renewal of a certificate of airworthiness in pursuance of regulation 7(5) of the Regulations the fee to be paid in respect thereof (including any investigations required in connexion with the application) shall be as notified from time to time.

6. Validation of Certificate of Airworthiness (regulation 7(4) and (5))

The fees to be paid in respect of an application for—

- (a) the issue of a certificate of validation of a certificate of airworthiness in respect of any aircraft in pursuance of regulation 7(4) and (5) of the Regulations (including any investigation required in connexion with the application), shall be the same as the fee which would be paid under paragraph 3 of this Schedule in respect of an application for the issue of a certificate of airworthiness in respect of that aircraft, assuming it to be an aircraft which in the opinion of the Director was a modification of a prototype aircraft;
- (b) the renewal of such a certificate of validation in pursuance of regulation 7(5) of the Regulations, shall be the same as the fee which would be paid under paragraph 5 of this Schedule in respect of the renewal of a certificate of airworthiness in respect of that aircraft.

7. Approval of persons (regulations 7(8) and 10(4)(c))

The fee to be paid by a person for the making of inspections of his organization for the purposes of regulation 7(5) of the Regulations shall be as notified from time to time for each branch of the organization which is separately inspected.

8. Approval in respect of Aircraft and Equipment Including Modification, Repair, etc. (Excluding Radio Apparatus) (regulations 7(8), 10, 12(2))

The fee to be paid in respect of an application for approval pursuant to any requirement of regulations 7(8), 10(3) and 12(2) shall be an amount equivalent to the cost of making the investigations or as deemed necessary by the Director for a particular purpose.

9. Approval of Type, etc., of Radio Apparatus (regulation 12(5))

The fee to be paid in respect of an application for the approval by the Director of Radio Apparatus or the manner of the installation thereof, or of any modification of the apparatus or the manner of its installation for the purpose of regulation 13(5) of the Regulations shall be an amount equivalent to the cost of making the investigations or as deemed necessary by the Director for a particular purpose.

10. Licences for Aircraft Maintenance Engineers and Aircraft Radio Maintenance Engineers (regulation 11)

The fees to be paid in respect of a licence as an aircraft maintenance engineer or aircraft radio maintenance engineer in pursuance of regulation 11 of the Regulations shall be as notified from time to time:

Provided that the fees specified above shall cover only one examination in respect of the inclusion or extension of a rating in a licence.

[Subsidiary]**11. Licences for Flight Crew and Rating therein (regulation 19(1), (3) and (4))**

(1) Save as otherwise provided in subparagraph (2) of this paragraph—

- (a) The fees to be paid in respect of applications for licences for members of the flight crew of an aircraft or for the renewal of such licences shall be such amount as the Director may notify from time to time.
- (b) The fee for an official flying test (if required) will be such amount as the Director may notify from time to time.

(2) (a) Where, in the case of an application for the grant of renewal of any of the following licences, that is to say—

Commercial Pilot's Licence (Aeroplanes),
Senior Commercial Pilot's Licence (Aeroplanes),
Airline Transport Pilot's Licence (Aeroplanes),

an aircraft provided by the Director is used for the official flying test, the fees to be paid for such a test shall be such amount as the Director may notify from time to time.

(b) Where an applicant for a licence or for the renewal of a licence or for the grant or renewal of a rating is not required to pass any part of a technical examination or official flying test by reason of his having passed that part on some previous occasion, or for any other reason, the fee to be paid for the technical examination or official flying test, as the case may be, may be reduced by such amount as the Director thinks proper in the circumstances of the case.

(c) The notified fee for a technical examination for the grant of a pilot's licence of any class (except a private pilot's licence with Group UL, A & B) or for the grant of a flight engineer's licence, covers only one type of aircraft and the fee to be paid for a technical examination for each additional type of aircraft shall be such amount as the Director may notify from time to time.

(3) For the purpose of this paragraph—

“**Group UL**” means single engine aeroplanes of which the maximum total weight authorized does not exceed 700 kg.;

“**Group A**” means helicopters and single engined aeroplanes of which the maximum total weight authorised does not exceed 5,700 kg.;

“**Group B**” means aeroplanes having two or more engines and whose maximum total weight authorized does not exceed 5,700 kg.;

“**Group C**” means helicopters and aeroplanes of which the maximum total weight authorized exceeds 5,700 kg.

12. Extension of Ratings (regulation 19)

The fees for technical examination (if required) for the extension of aircraft rating to cover additional types shall be such amount as the Director may notify from time to time.

13. Aerodrome Licences (regulation 67)

Subject to the provisions of this paragraph, the Director shall determine from time to time the amount of fees to be paid in respect of—

- (a) the grant of renewal of a licence;
- (b) the variation of a licence;
- (c) an official inspection of the aerodrome whether or not followed by the grant or renewal of a licence:

Provided that where any such licence is granted or renewed for a period which will expire within twelve months of the date on which the grant or renewal becomes operative

[Subsidiary]

and an application is made for the renewal of the licence, or for the grant of a further licence to the same person for the same aerodrome, for any subsequent period falling within these twelve months, then—

- (a) if the application is for the renewal of the licence without variation or for the grant of a further licence on the same terms as the previous licence, no fee shall be payable in respect of the renewal of grant; and
- (b) if the application is for the renewal of the licence with variation or for the grant of a further licence on terms different from those of the previous licence, the application shall be treated for the purpose of this paragraph as if it were an application for the variation of a licence.

14. Validation of a Licence (regulation 20)

Where an application is made for the issue of a certificate of validation of a licence under these Regulations fees shall be paid as determined by the Director from time to time.

15. Copies of Documents

The fee to be paid for the issue of a copy of replacement of a document issued under these Regulations shall be as determined by the Director:

Provided that for a copy or replacement of a flight manual or performance schedule relating to a certificate of airworthiness the fee shall be an amount equal to the cost of preparing the copy or replacement as the case may be, or as determined by the Director.

FOURTEENTH SCHEDULE

[Regulation 17.]

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR APPROVED NAVIGATIONAL EQUIPMENT ON PUBLIC TRANSPORT AIRCRAFT

The following areas are hereby specified for the purposes of regulation 17(4) of these Regulations—

Area A—Arctic

All that area north of latitude 67° north, but excluding any part thereof lying within 300 nautical miles of Norway.

Area B—Antarctic

All that area south of latitude 55° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points—

32° north latitude 03° west longitude.

24° north latitude 14° west longitude.

14° north latitude 14° west longitude.

18° north latitude 28° east longitude.

24° north latitude 28° east longitude.

[Subsidiary]

28° north latitude 23° east longitude.

32° north latitude 03° west longitude.

Area D—Arabian Desert

All that area enclosed by rhumb lines joining successively the following points—

22° north latitude 42° east longitude.

16° north latitude 46° east longitude.

20° north latitude 55° east longitude.

24° north latitude 48° east longitude.

22° north latitude 42° east longitude.

Area E—South America (Central)

All that area enclosed by rhumb lines joining successively the following points—

04° north latitude 72° west longitude.

04° north latitude 60° west longitude.

08° south latitude 42° west longitude.

18° south latitude 54° west longitude.

18° south latitude 60° west longitude.

14° south latitude 72° west longitude.

05° south latitude 76° west longitude.

04° north latitude 72° west longitude.

Area F—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points—

55° south latitude 75° west longitude.

20° south latitude 73° west longitude.

05° south latitude 85° west longitude.

05° north latitude 80° west longitude.

15° north latitude 105° west longitude.

30° north latitude 125° west longitude.

55° north latitude 140° west longitude.

67° north latitude 180° west longitude.

60° north latitude 180° west longitude.

20° north latitude 128° west longitude.

20° north latitude 128° east longitude.

04° north latitude 128° east longitude.

00° north latitude 165° west longitude.

55° south latitude 180° west longitude.

55° south latitude 75° west longitude.

Area G—Australia

All that area enclosed by rhumb lines joining successively the following points—

18° south latitude 123° east longitude.

30° south latitude 118° east longitude.

30° south latitude 135° east longitude.

18° south latitude 123° east longitude.

Area H—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points—

35° south latitude 110° east longitude.

20° south latitude 110° east longitude.

13° south latitude 120° east longitude.

10° south latitude 100° east longitude.

13° north latitude 91° east longitude.

13° north latitude 86° east longitude.

00° north latitude 80° east longitude.

20° north latitude 67° east longitude.

20° north latitude 62° east longitude.

05° south latitude 43° east longitude.

20° south latitude 60° east longitude.

25° south latitude 60° east longitude.

40° south latitude 10° east longitude.

55° south latitude 10° east longitude.

55° south latitude 180° east longitude.

35° south latitude 110° east longitude.

Area I—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points—

55° north latitude 15° west longitude.

67° north latitude 40° west longitude.

67° north latitude 60° west longitude.

45° north latitude 45° west longitude.

40° north latitude 63° west longitude.

40° north latitude 19° west longitude.

55° north latitude 15° west longitude.

Area J—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points—

40° north latitude 63° west longitude.

19° north latitude 63° west longitude.

05° south latitude 30° west longitude.

55° south latitude 55° west longitude.

55° south latitude 10° east longitude.

05° south latitude 10° east longitude.

02° north latitude 05° east longitude.

02° north latitude 10° west longitude.

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- 15° north latitude 25° west longitude.
- 40° north latitude 19° west longitude.
- 40° north latitude 63° west longitude.

Area K—Northern Canada

All that area enclosed by rhumb lines joining successively the following points—

- 67° north latitude 130° west longitude.
- 55° north latitude 115° west longitude.
- 55° north latitude 70° west longitude.
- 67° north latitude 60° west longitude.
- 67° north latitude 130° west longitude.

FIFTEENTH SCHEDULE

[Regulation 79, L.N. 27/1985, s. 7.]

PENALTIES**PART A – PROVISIONS REFERRED TO IN PARAGRAPH (5) OF REGULATION 79**

- Regulation 3.
- Regulation 5.
- Paragraph (5) of regulation 10.
- Regulation 14.
- Paragraph (3) of regulation 15.
- Regulation 21.
- Regulation 23.
- Paragraph (5) of regulation 26.
- Regulation 23 (except paragraph (2)).
- Paragraph (1) of regulation 42.
- Regulation 50.
- Regulation 56.
- Regulation 69.
- Regulation 75.

PART B – PROVISIONS REFERRED TO IN PARAGRAPH (6) OF REGULATION 79

- Regulation 7.
- Paragraph (1) of regulation 9.
- Regulation 10 (except paragraph (5)).
- Regulation 12.
- Regulation 13.
- Regulation 15 (except paragraph (3)).
- Regulation 17.
- Regulation 18.
- Regulation 22.

Regulation 24.
Regulation 25.
Regulation 26 (except paragraph (5)).
Regulation 27 to 31 inclusive.
Paragraph (3) of regulation 32.
Regulation 33 to 42 inclusive.
Paragraph (2) of regulation 42.
Paragraph (2) of regulation 43.
Regulation 44.
Regulation 45.
Regulation 47 to 49 inclusive.
Regulation 51.
Regulation 53.
Regulation 58 (except paragraph (3)).
Regulation 59 (except paragraph (4)).
Regulation 63.
Regulation 64.
Regulation 65.
Paragraph (3) of regulations 67.
Regulation 71.
Paragraph (1) of regulation 72.
Regulation 72A.
Regulation 73.
Regulation 77.

[L.N. 27/1985, s. 7.]

**CIVIL AVIATION (JOMO KENYATTA INTERNATIONAL AIRPORT)
REGULATIONS, 1981**

ARRANGEMENT OF REGULATIONS

Regulation

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2. Application.
3. Interpretation.
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6. Entry into restricted areas.
7. Engaging in business, etc., prohibited.
8. Conditions of operating aircraft at the airport.
9. Power of Director to refuse clearance.
10. Flights and demonstrations to and from the airport.
11. Conditions for taxiing or moving of aircraft at the airport.
12. Fire hazards and fuelling operations.
13. Expenses of forming services.
14. Obstruction.
15. Powers of arrest.
16. Offences and penalties.
17. Revocation of Sub. Leg.

SCHEDULE – THE JOMO KENYATTA INTERNATIONAL AIRPORT

[Subsidiary]**CIVIL AVIATION (JOMO KENYATTA INTERNATIONAL AIRPORT)
REGULATIONS, 1981**

[Section 7, L.N. 17/1981.]

1. Citation

These Regulations may be cited as the Civil Aviation (Jomo Kenyatta International Airport) Regulations, 1981.

2. Application

These Regulations shall apply to the aerodrome in the Nairobi area known as the Jomo Kenyatta International Airport whose area of land is as defined in the Schedule.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“**airport**” means the Jomo Kenyatta International Airport;

“**Director**” means the person for the time being appointed by the Minister as the Director of aerodromes and includes his authorized representative.

4. Conduct at the airport

No person shall, within the airport—

- (a) use any language which is likely to annoy or offend any other person;
- (b) be intoxicated;
- (c) behave in an indecent or disorderly manner;
- (d) drop or leave any litter or rubbish except in a receptacle provided for that purpose;
- (e) fail to comply with any notice, sign, instruction or direction exhibited, published, issued or distributed by the Director;
- (f) walk on or otherwise damage any flower-bed or anything growing thereon;
or
- (g) remove, pick or otherwise damage any flower, tree, shrub or plant.

5. Destruction, injury, etc., of public property prohibited

No person shall, without the permission of the Director—

- (a) destroy, injure or deface any building, equipment or other structure, sign or other public property at the airport;
- (b) alter, add to or erect any building at the airport;
- (c) tamper or interfere with any aircraft or anything used in connexion with the aircraft; or
- (d) operate within the airport any device that may cause interference with aircraft or ground communications.

6. Entry into restricted areas

(1) No person shall, except with the permission in writing of the Director—

- (a) enter or be in any part of the airport other than that part to which members of the public are admitted;

[Subsidiary]

- (b) board or attempt to board any aircraft without the authority or the permission of the person in charge of the aircraft;
- (c) enter into or remain at the airport in circumstances in which the safety of any aircraft or its passengers or crew are likely to be imperilled;
- (d) pass over or through a fence, barrier or railing or climb into any building;
- (e) being the person in charge of a vehicle—
 - (i) park the vehicle or permit the vehicle to be parked or remain elsewhere than in a designated parking place; or
 - (ii) fail to remove the vehicle from a designated parking place in which the vehicle is parked when required to do so by a police officer or an airport official.

(2) No person shall, except with the permission of the Director in writing, enter or leave the airport otherwise than by a gate or entrance for the time being provided for the purpose.

7. Engaging in business, etc., prohibited

No person shall, except with the permission of and according to the conditions prescribed by the Director, within the airport—

- (a) engage in any business or commercial activity;
- (b) drive any vehicle elsewhere than in places provided for the passage or accommodation of vehicles of the same type;
- (c) drive any vehicle on the apron areas at a speed in excess of 25 kilometres per hour or in a manner likely to cause damage to aircraft or property or injury to persons.

(2) No person shall, except under the authority of a permit issued by the Director and subject to any directions issued by him—

- (a) park a vehicle used for carrying passengers for hire or reward in any area within the airport; or
- (b) solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire or reward.

(3) Any person who requires a permit for any of the purposes specified in paragraph (2) shall apply in writing to the Director specifying—

- (a) his name and address;
- (b) make or model and licence number of the vehicle to be used; and
- (c) a description of the serial or other identifying number of each permit or licence in respect of the vehicle authorizing him to operate the vehicle.

8. Conditions of operating aircraft at the airport

(1) No person shall—

- (a) operate an aircraft at the airport except on the runway and in accordance with the Aerodrome Traffic Rules set out in section VII of the Twelfth Schedule to the Civil Aviation (Air Navigation) Regulations (L.N. 79/1985, Sub-Leg);
- (b) park an aircraft in any area of the airport other than an area prescribed by the Director for the parking of aircraft.

(2) No person shall operate an aircraft on the ramp area or at any aircraft parking position or on a runway unless the Director gives his consent to the operation if—

- (a) that person has report or has knowledge of or has been advised of a fire in the aircraft; or

[Subsidiary]

- (b) the brakes of the aircraft are inadequate because of malfunction; or
- (c) the aircraft has completely lost power on one side.

9. Power of Director to refuse clearance

The Director may delay or restrict any flight or other aircraft operations at the airport in such circumstances as may seem to him to be necessary for the delay or restriction.

10. Flights and demonstrations to and from the airport

(1) No person operating a civilian aircraft may land at or take off from the airport (including “touch and go” operations) unless he holds at least a private pilot’s certificate.

(2) No person shall give flight or ground demonstrations at the airport or bring an aircraft to the airport for aerial demonstration within the airport control zone without the written approval of the Director.

11. Conditions for taxiing or moving of aircraft at the airport

(1) No person shall—

- (a) move an aircraft on a runway in a careless or reckless manner;
- (b) start or run the engine of an aircraft parked on the apron unless there is a qualified and competent person in control of the aircraft and chocks have been placed in front of the aircraft wheels or the aircraft has adequate parking brakes; or
- (c) run the engine of an aircraft parked at the airport in a manner likely to damage any other aircraft or property or in a manner likely to blow dirt or other material across the runway so as to interfere with visibility or endanger the safety of any other operations at the airport; or
- (d) run the engine of an aircraft on the ramp areas or at any aircraft parking position for the purpose of testing or maintenance without the knowledge and consent of the Director.

(2) Every person operating an aircraft on any part of the airport which is not under the direction of the air traffic control tower shall comply with the orders, signals and other directions of the Director.

(3) Every person operating a large propeller-driven aircraft shall lower its flaps when taxiing out of the aircraft parking position.

12. Fire hazards and fuelling operations

(1) No person shall within the airport—

- (a) use flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit for cleansing purposes in a hangar or other building except as provided in subparagraph (b);
- (b) use a flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit to clean an aircraft, aircraft engine, propeller or any other appliance on the aircraft unless the cleaning operations are done in the open air or in fire proofed rooms equipped with automatic sprinklers and having adequate and readily accessible fire extinguishing apparatus;
- (c) smoke or otherwise light any naked light—
 - (i) in or near a place where the act is prohibited by a notice exhibited therein or adjacent thereto; or
 - (ii) within fifty metres of an aircraft or of a store of liquid fuel or explosives; or

[Subsidiary]

- (d) store or stock materials or equipment or do anything likely to cause an outbreak of fire or which constitutes a fire hazard; or
- (e) keep or store any flammable liquid, gas, signal flare or other material on a hangar or other building at the airport, except in rooms or areas specifically approved by the Director or where the material is kept in a safety can approved by the appropriate insurance underwriters.

(2) No person shall fuel or defuel an aircraft at the airport while—

- (a) its engine is running or being warmed by applying external heat; or
- (b) it is in a hangar or an enclosed space; or
- (c) it is within fifty metres of any hangar or other building at the airport; or
- (d) passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door which is kept open and a cabin attendant is standing at or near the door; or
- (e) without bonding or grounding the aircraft as appropriate.

(3) Aircraft refuelling vehicles shall be positioned in such manner that—

- (a) accessibility by fire fighting vehicles is not interrupted;
- (b) a cleared path is maintained to permit rapid removal of refuelling vehicles from an aircraft in an emergency;
- (c) they do not obstruct evacuation from occupied portions of the aircraft in the event of fire;
- (d) vehicle engines are not under the wing of the aircraft.

(4) All vehicles performing aircraft servicing functions other than fuel servicing shall not be parked under aircraft wings while refuelling is in progress.

(5) Aircraft-borne auxiliary power units which have an exhaust efflux discharging into the zone shall not be started before filler caps are removed or refuelling connexions made and if an auxiliary power unit is stopped for any reason during a refuelling operation it shall not be restarted until the flow of fuel has ceased and there is no risk of igniting fuel vapours.

(6) Electric tools, drills or similar tools likely to produce sparks or arcs shall not be used and cigarette lighters or matches shall not be carried or used by anyone during refuelling operations.

(7) Refuelling operation shall be suspended during severe lighting disturbances.

(8) Photographic flash bulbs or electric flash equipment shall not be used in immediate vicinity of the fuelling equipment of the fill or vent points of the aircraft.

(9) Rescue and fire fighting service shall be called when any part of an aircraft undercarriage is abnormally heated and no refuelling shall take place until the heat has dissipated.

(10) No person shall start the engine of an aircraft while there is gasoline or other volatile flammable liquid on the ground underneath, or operate a radio transmitter or receiver or switch on or off any electrical appliance on the aircraft while it is being fuelled or defuelled.

(11) Every hose, funnel or apparatus used in the fuelling or defuelling of an aircraft at the airport shall be maintained in a safe, sound and non-leaking condition and shall be properly grounded to prevent the ignition of volatile liquids.

[Subsidiary]

13. Expenses of forming services

Every operator of an aircraft for which runaway foaming services are at his request provided at the airport shall pay the expenses arising therefrom.

14. Obstruction

(1) No person shall obstruct any person acting in the execution of his duties at the airport.

(2) No person shall obstruct any police officer, security officer or airport officer who is directly or indirectly controlling passengers at the airport or refuse to obey any reasonable request made by such person in the execution of his duty.

15. Powers of arrest

(1) Any airport officer or security officer in uniform or upon production of his authority may arrest without a warrant any person whom he suspects upon reasonable grounds of having committed any offence under these Regulations.

(2) Any airport or security officer arresting any person in accordance with the provisions of paragraph (1) shall hand him over to the nearest police station and the officer in charge of such police station shall deal with him in accordance with the provisions of the Criminal Procedure Code (Cap. 75).

16. Offences and penalties

Any person who fails to comply with any of the provisions of these Regulations shall be guilty of an offence and be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

17. Revocation of Sub. Leg.

The Aerodrome (Nairobi Airport) Regulations made under the Aerodrome Regulations Act Cap. 397 (1962) are revoked.

SCHEDULE

[Regulation 2.]

THE JOMO KENYATTA INTERNATIONAL AIRPORT

An area of land approximately 3639.57 hectares or 8990.93 acres (excluding the Embakasi Village) lying about 1½ miles or 2.4 kilometres to the South-East of the City of Nairobi (taken as a straight line from the city perimeter to the nearest point on the Airport Boundary), the boundaries of which are more particularly defined and delineated on Boundary Plan No. NBI/C/018 deposited at the Director of Aerodromes' Office, Jomo Kenyatta International Airport, Nairobi, and at the Survey Records Office, Survey of Kenya, Nairobi.

USE OF GOVERNMENT AERODROMES NOTICE, 1982

[L.N. 79/1982, L.N. 163/1982, L.N. 228/1992, L.N. 307/1993, L.N. 215/1994,
L.N. 91/1995; L.N. 152/1996; L.N. 16/2000.]

NOTICE UNDER REGULATION 66 OF THE ABOVE REGULATIONS

In accordance with regulation 66 of Civil Aviation (Air Navigation) Regulations the
Director of Civil Aviation—

- (a) Notifies that the Government aerodromes specified in the Schedule are available,
for use as places of landing and departure of aircraft of a weight (being the
maximum permissible weight, authorized by the aircraft certificate of
airworthiness) in each case not exceeding the maximum weight for the
aerodrome.
- (b) *Revokes L. N. No. 307/1977*

SCHEDULE

[L.N. 16/2000.]

<i>Aerodrome</i>	<i>Lat.</i>	<i>Long.</i>
Eldoret	00 32N	35 16E
Garissa	00 28S	39 38E
Kisumu	00 05S	43 44E
Kitale	00 58N	34 57E
Lamu (Manda Island)	02 16S	40 55E
Malindi	03 13S	40 06E
Moi International	04 02S	39 35E
Jomo Kenyatta International	01 19S	36 48E
Wilson	01 19S	36 48E
Ukunda	03 42S	38 34E
Lokichogio	04 14N	38 34E

EXEMPTIONS UNDER PARAGRAPH 20(F) OF THE ABOVE NOTICE

[L.N. 129/1979.]

The Sight by Wings Organization.

The African Wildlife Foundation.

**PROHIBITED AREA UNDER REGULATION 73 OF THE AIR NAVIGATION
REGULATIONS, 1970**

[E.A. L.N. 37/1970.]

The whole of the airspace contained within a circle of one nautical mile radius, centred on the Longonot Satellite Communication Station, position 01° 00 58" S. 36° 39' 42" E and extending vertically from ground level to 3,000 feet above ground level.

AIR NAVIGATION REGULATIONS, 1985

[Regulations 63, L.N. 79/1985, L.N. 144/1985.]

[Sub. Leg.]

FLIGHTS TO AERODROMES REQUIRING SPECIAL CLEARANCE

In exercise of the powers conferred by regulation 63 of the Air Navigation Regulations, the Director of Civil Aviation orders that no aircraft, other than that operated by the operators specified in the Second Schedule, shall be flown to the aerodromes (which are restricted aerodromes) specified in the First Schedule or their environs, unless the following requirements are complied with—

1. Clearance for the flight shall be applied for and obtained from the Office of the President before engaging in the flight.

2. An application for clearance may be made to—

- (a) The Duty Officer, Police Headquarters, Nairobi, P.O. Box 30083, Nairobi or telephone—Nairobi 335124; or
- (b) Provincial Police Headquarters, Mombasa, P.O. Box 90114, Mombasa, telephone—Mombasa 311401; or
- (c) Provincial Police Headquarters, P.O. Box 800 Kisumu, telephone—Kisumu 2222; or
- (d) Provincial Police Headquarters, Rift Valley Province, P.O. Box 41, Nakuru. telephone- Nakuru 20485; or
- (e) Provincial Police Headquarters, Eastern Province, P.O. Box 25, Embu. telephone—Embu 20102; or
- (f) Provincial Police Officer, North Eastern Province, P.O. Box 2, Garissa. telephone—Garissa 5,

and the following particulars shall be furnished with the application—

- (i) aircraft registration;
- (ii) aerodrome to which aircraft is to be flown;
- (iii) date and time of arrival at and departure from the aerodrome;
- (iv) name(s) of the pilots;
- (v) name(s) of passengers,

but in every case the Director of Civil Aviation shall be furnished with a copy of the application.

3. Where a flight is intended to proceed to an aerodrome in the North-Eastern Province, clearance shall be sought and obtained not later than forty-eight hours before the stated departure of the flight.

4. The certificate or letter of clearance in such form as the Director may approve, shall be carried on the aircraft and shall be produced by the pilot whenever required pursuant to a security check at a restricted aerodrome or pursuant to a recall or detention for the purposes of the Civil Aviation (Licensing of Air Services) Regulations (Sub. Leg.).

Civil Aviation

[Subsidiary]

FIRST SCHEDULE

<i>Province</i>	<i>Aerodrome</i> (All airstrips)	
NORTH-EASTERN PROVINCE	Balamballa	Liboi
	Buna	Bura
	Dif	Mandera
	Elwak	Muddo Gashe
	Garissa	Rhamu
	Giriftu	Takoba
	Gurar	Habasweni
	Ijara	Wajir
EASTERN PROVINCE	Loiyangalani	
	Isiolo	Dukana
	Illeret	Kargi
	Laisamis	Marsabit
	Logologo	Merti
	North Horr	North Horr West
	Sololo	Moyale
	Segel	
COAST PROVINCE	Kiunga	
	(Pilots operating from Kiunga to Malindi may obtain clearance from Officer Commanding Police Division, Malindi)	
	Korokor	
	Manda	Manda (Island)
	Siyu	(Patte Island)
	Mkokoni	(Near Kiunga)
	Mkumbi	(Near Mpeketoni)
	Ngao	(Near Garsen)
	Masalani	
	Dadori	
	Odda	
	Serolevi	Wamba
RIFT VALLEY PROVINCE	Baragoi	OI donyo-Nyiro
NYANZA PROVINCE	Migori	

SECOND SCHEDULE

[I.N. 144/1985.]

EXEMPTED OPERATORS

- (a) The Armed Forces;
- (b) The Kenya Police
- (c) The Directorate of Civil Aviation;
- (d) Charter companies when on charter to the Government through the Kenya Police Airwing;
- (e) The Wildlife Conservation and Management Service.

MANDATORY SCREENING OF PASSENGERS AND LUGGAGE

In exercise of the powers conferred by regulation 8(1) of the Civil Aviation (Aerodromes) Regulations, 1986 the Director of Aerodromes declares—

[L.N. 304/1986.]

Jomo Kenyatta International Airport, Nairobi;

Moi International Airport, Mombasa;

Kisumu Airport, Kisumu;

Wilson Airport, Nairobi;

Malindi Airport, Malindi;

to be aerodromes at which screening of passengers and their cabin luggage shall be mandatory.

DELEGATION

[L.N. 187/1993.]

In exercise of the powers conferred by section 18(1) of the Civil Aviation Act, the Director of Civil Aviation delegates his powers of detention, arrest and prosecution under the Act to the Commissioner of Police with effect from the 30th April, 1993.

CIVIL AVIATION (INSURANCE) REGULATIONS, 1999

[L.N. 105/1999, L.N. 79/2003, L.N. 18/2006]

1. These Regulations may be cited as the Civil Aviation (Insurance) Regulations, 1999.
2. No person shall fly, or cause or permit any other person to fly an aircraft, unless there is in force a policy of insurance in respect of third party risks.
[L.N. 79/2003, s. 2, L.N. 18/2006, s. 2.]
3. In addition to the insurance cover provided for in paragraph 2, a commercial aircraft shall carry insurance in respect of passenger ability, cargo, baggage and mail risks.
4. The minimum sum insured in respect of any aircraft insured in accordance with regulation 2 shall be sixty million shillings.
[L.N. 79/2003, s. 3, L.N. 18/2006, s. 3.]
5. (1) In the case of aircrafts registered in Kenya, a certificate of insurance shall be issued to the person or persons by whom a policy of insurance is effected and shall be issued—
 - (a) by a company registered in Kenya under the Insurance Act (Cap. 478), to carry on aviation insurance business of any other company as may be approved by the Commissioner of Insurance from time to time;
 - (b) by an authorized employee of a licensed aviation insurer and under the insurers' common seal;
 - (c) for a period commencing not earlier than the date on which liability under the insurance policy to which it relates commences and ending not earlier than the expiry date of such policy.

(2) A certificate of insurance issued under paragraph (1) shall be valid for not more than one year from the date of issue.
6. A certificate of insurance shall be in the Form specified in the Schedule.
7. (1) A temporary certificate of insurance may be issued to a person for the purpose of enabling him to either—
 - (a) obtain registration of, and an air service licence for an aircraft not previously registered; or
 - (b) obtain registration of change of ownership of an aircraft.

(2) A temporary certificate of insurance shall—
 - (a) be valid for thirty (30) days from date of issue;
 - (b) indicate the registration number or such identification as may be directed by the registration authorities from time to time.

(3) Not more than one temporary certificate or insurance shall be issued in respect of any one of the circumstances referred to in paragraphs (a) and (b) of paragraph (1).
8. (1) An aircraft registered in Kenya shall when in flight have on board a valid certificate of insurance, except that, if the flight is intended to commence and end at the same aerodrome and does not include passage over the territory of any other State than Kenya, the certificate may be kept at the aerodrome instead of being carried aboard the aircraft.

(2) A certificate of insurance shall be removed on expiry and replaced with a certificate of current validity.

[Subsidiary]

9. (1) A Commander of an aircraft shall within a reasonable period after being requested to do so by an authorized officer cause to be produced to that officer a valid certificate of insurance.

(2) An authorized officer for the purpose of this paragraph means the Director of Civil Aviation or any other officer deputed by him, in writing to carry out the functions of this Act.

10. (1) A licensing officer shall issue a licence under the Civil Aviation (Licensing of Air Services) Regulations only if he is satisfied that the aircraft is insured against risks as specified under regulations 2 and 3.

(2) An applicant shall as a condition for the grant of a licence as specified in paragraph (1) produce the original and certified copy of the insurance certificate for verification by the Authority where the certificate is issued by a locally registered insurer, and by the Commissioner where the certificate is issued by an insurer who is not registered in Kenya.

[L.N. 79/2003, s. 4.]

SCHEDULE

CERTIFICATE OF INSURANCE

(Pursuant to Civil Aviation Insurance Regulations)

Serial No. AVN 000000

This is to certify that the aircraft with the details printed hereunder, is insured against the risks stipulated under the Civil Aviation Insurance Regulations.

- | | |
|--|----------------------|
| 1. Name(s) of policy holder(s) | (a)..... |
| | (b)..... |
| 2. Period of insurance | Commencing..... |
| | Expiring..... |
| 3. Policy number | |
| 4. Aircraft registration No. | |
| 5. Category of use/private/ commercial | |
| 6. Territorial limit | |
| 7. Aircraft seating capacity: | Passengers (maximum) |
| 8. Payload capacity | KG (maximum) |

Issuing company

Signed on day of year

Authorized signatory

(under company's common seal)

* In black print on a yellow background

VESTING ORDER

[L.N. 173/2006.]

In exercise of the powers conferred by section 7K(2) of the Civil Aviation Act, the Minister for Transport orders that—

- (a) all movable and immovable property and assets which as at the 24th October, 2002, were held by the Government on behalf of the Directorate of Civil Aviation shall by virtue of this notice, vest in the Kenya Civil Aviation Authority;
 - (b) all rights, obligations and liabilities which immediately before the 24th October, 2002, attached to the Government on behalf of the Directorate of Civil Aviation shall be deemed to be the rights, obligations and liabilities of the Kenya Civil Aviation Authority;
 - (c) all references to the Directorate of Civil Aviation in any agreement or instrument signed by the Government for the benefit or the Directorate as at the 24th October, 2002, relating to any property, assets, rights, obligations or liabilities transferred under paragraph (a), shall be read as references to the Kenya Civil Aviation Authority.
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CIVIL AVIATION (INSTRUMENTS AND EQUIPMENT) REGULATIONS, 2007

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CIVIL AVIATION (INSTRUMENTS AND EQUIPMENT) REGULATIONS, 2007

[L.N. 30/2007.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Instruments and Equipment) Regulations, 2007.

2. Interpretation

In these Regulations unless the context otherwise requires—

“aerodrome” means a defined area on land or water, including any buildings, installations and equipment used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“air operator certificate” means a certificate authorising an operator to carry out specified commercial air transport operations;

“appropriate Authority”—

- (a) in relation to an aircraft, means the Authority which is responsible for approval of design and issuance of a type certificate;
- (b) in relation to the content of a medical kit, means the State Registry;
- (c) in relation to Kenya, means the Director General of the Authority;

“approved standard” means a manufacturing design, maintenance, or quality standard approved by the Authority;

“Authority” means the Kenya Civil Aviation Authority;

“calibration” means a set of operations, performed in accordance with a definite documented procedure, that compares the measurement performed by a measurement device or working standard for the purpose of detecting and reporting or eliminating by adjustment errors in the measurement device, working standard, or aircraft component tested;

“Category II operations” means a precision instrument approach and landing with a decision height lower than 60 m (200 ft), but not lower than 30 m (10 ft), and a runway visual range not less than 350 m;

“Class 3 helicopter” means a helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing shall be performed;

“commercial air transport” means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

[Subsidiary]

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“instrument approach” means an approach procedure prescribed by the Authority having jurisdiction over the aerodrome;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“master minimum equipment list” means a list established for a particular aircraft type by the organisation responsible for the type design with the approval of the State of Design containing items, one or more of which is permitted to be unserviceable on the commencement of a flight, and may be associated with special operating conditions, limitations or procedures, and provides the basis for development, review, and approval by the Authority of individual operator’s minimum equipment list;

“minimum equipment list” means a list approved by the Authority which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for the aircraft type;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques, and practice acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and testing in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Approval or Technical Standard Order;

“pressurised aircraft” means an aircraft fitted with means of controlling outflow of cabin air in order to maintain maximum cabin altitude of not more than 10,000 ft so as to enhance breathing and comfort of passengers and crew;

“propeller” means a device for propelling an aircraft that has blades on a powerplant-driven shaft and that, when rotated, produces by its action on the air, a

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thrust approximately perpendicular to its plane of rotation including control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“**prototype**” means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which has previously been investigated in connection with any such application;

“**rating**” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate.

PART II – GENERAL REQUIREMENTS FOR AIRCRAFT EQUIPMENT AND INSTRUMENTS

3. General instrument and equipment requirements

(1) A person shall not fly an aircraft unless it is equipped so as to comply with the law of the State of Registry.

(2) A person shall not fly an aircraft registered in Kenya, unless the aircraft is equipped as specified under these Regulations.

(3) A person may fly an aircraft registered in Kenya with such additional or special equipment as the Authority may determine.

(4) A person operating an aircraft in Kenya shall ensure that all the required emergency equipment is installed on board the aircraft, is clearly marked, and is stowed or maintained so as not to be source of danger on the aircraft.

(5) In addition to the minimum equipment necessary for the issuance of a certificate of airworthiness, the instruments, equipment and flight documents prescribed in these Regulations shall be installed or carried, as appropriate, in all aircraft according to the aircraft used and to the circumstances under which the flight is to be conducted.

(6) All required instruments and equipment of an aircraft shall be approved and installed in accordance with applicable airworthiness requirements.

(7) Prior to operation in Kenya of any foreign registered aircraft that uses an airworthiness inspection program approved or accepted by the State of Registry, the owner or operator shall ensure that the instruments and equipment required by these Regulations not installed in the aircraft are properly installed and inspected in accordance with the requirements of the State of Registry.

(8) An air operator certificate holder shall ensure that a flight does not commence unless the required equipment—

- (a) meets the minimum performance standard and the operational and airworthiness requirements;
- (b) is installed such that the failure of any single unit required for either communication or navigation purposes, or both, shall not result in the inability to communicate or navigate safely on the route being flown; and
- (c) is in operable condition for the kind of operation being conducted, except as provided in the minimum equipment list.

(9) If equipment is to be used by one flight crew member at his station during flight, that equipment shall be installed so as to be readily operable from his station.

(10) Where a single item of equipment is required to be operated by more than one flight crew member, the equipment shall be installed so as to be readily operable from any station at which it is required to be operated.

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PART III – FLIGHT AND NAVIGATIONAL INSTRUMENTS

4. General flight requirements

(1) A person shall not fly an aircraft unless it is equipped with flight and navigational instruments which shall enable the flight crew to—

- (a) control the flight path of the aircraft;
- (b) carry out any required procedural manoeuvres; and
- (c) observe the operating limitations of the aircraft in the expected operating conditions.

(2) Where a means is provided on any aircraft for transferring an instrument from its primary operating system to an alternative system, the means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(3) Instruments that are used by any one flight crew member of an aircraft shall be so arranged as to permit the flight crew member to see the indications readily from his station, with the minimum practicable deviation from the position and line of vision which the flight crew member normally assumes when looking forward along the flight path.

5. Navigation equipment

(1) A person shall not operate an aircraft unless it is equipped with navigation equipment which shall enable it to proceed in accordance with—

- (a) the operational flight plan;
- (b) prescribed required navigational performance types; and
- (c) the requirements of air traffic services.

(2) The requirements of subregulation (1) shall not apply where navigation under visual flight rules is accomplished by visual reference to landmarks, if not precluded by the appropriate authority for the route and airspace.

(3) A person shall not operate an aircraft unless that aircraft is equipped with sufficient navigation equipment to ensure that, in the event of failure of one item of equipment at any stage of the flight, the remaining equipment shall enable the aircraft to continue navigating in accordance with the requirements.

(4) A radio navigation system fitted in an aircraft shall have an independent antenna installation, except that, where rigidly supported non-wire antenna installations of equivalent reliability are used, only one antenna is required.

6. Minimum flight and navigational instruments: visual flight rules operations

An operator shall not operate an aircraft by day in accordance with visual flight rules unless it is equipped with the following flight and navigational instruments and associated equipment where applicable—

- (a) a magnetic compass;
- (b) an accurate timepiece showing the time in hours, minutes, and seconds;
- (c) a sensitive pressure altimeter calibrated in feet with a subscale setting, calibrated in hectopascals or millibars, adjustable for any barometric pressure likely to be set during flight;
- (d) an airspeed indicator calibrated in knots;
- (e) a vertical speed indicator;
- (f) a turn and slip indicator, or a turn co-ordinator incorporating a slip indicator;
- (g) an altitude indicator;

- (h) a stabilised direction indicator;
- (i) a means of indicating in flight crew compartment the outside air temperature calibrated in degrees Celsius;
- (j) for flights which do not exceed sixty minutes duration, which take off and land at the same aerodrome, and which remain within fifty nautical miles of that aerodrome, the instruments prescribed in paragraphs (f), (g) and (h) and regulation 7(1)(d), (e) and (f), may all be replaced by either a turn and slip indicator, or a turn co-ordinator incorporating a slip indicator, or both an altitude indicator and a slip indicator;
- (k) a secondary surveillance radar transponder with mode C for all aircraft except gliders, balloons, airships, kites and aircraft whose original certification does not include an engine-powered electrical system and has not been subsequently certified for installation of such a system; and
- (l) such additional instruments or equipment as may be prescribed by the Authority.

7. Instruments for operations requiring two pilots (visual flight rules operations)

(1) An operator shall not operate an aircraft that requires two pilots to operate unless each pilot's station is equipped with separate instruments as follows—

- (a) a sensitive pressure altimeter calibrated in feet with a sub-scale setting calibrated in hectopascals or millibars, adjustable for any barometric pressure likely to be set during flight;
- (b) an airspeed indicator calibrated in knots;
- (c) a vertical speed indicator;
- (d) a turn and slip indicator, or a turn co-ordinator incorporating a slip indicator;
- (e) an altitude indicator; and
- (f) a stabilised direction indicator.

(2) Whenever two pilots are required to operate an aircraft, an airspeed indicating system shall be equipped with a heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing for—

- (a) aeroplanes with a maximum certificated take-off mass of over 5,700 kilograms or having a maximum approved passenger seating configuration of more than nine; or
- (b) helicopters with a maximum certificated take-off mass over 3,180 kilograms or having a maximum approved passenger seating configuration of more than nine.

(3) Whenever duplicate instruments are required to operate an aircraft, separate displays for each pilot and separate selectors or other associated equipment where appropriate shall be provided.

(4) Whenever two pilots are required to operate an aircraft, the aircraft—

- (a) shall be equipped with means for indicating when power is not adequately supplied to the required flight instruments; and
- (b) with compressibility limitations not otherwise indicated by the required airspeed indicators shall be equipped with a Mach number indicator at each pilot's station.

(5) Whenever two pilots are required to operate an aircraft an operator shall not conduct visual flight rules operations unless the aeroplane is equipped with a headset with boom microphone or equivalent for each flight crew member on cockpit duty.

[Subsidiary]**8. Minimum flight and navigational instruments for instrument flight rules operations**

(1) A person shall not fly an aircraft under instrument flight rules unless the aircraft is equipped with—

- (a) a magnetic compass;
- (b) an accurate timepiece showing the time in hours, minutes, and seconds;
- (c) two sensitive pressure altimeters calibrated in feet with a sub-scale setting, calibrated in hectopascals or millibars, adjustable for any barometric pressure likely to be set during flight;
- (d) an airspeed indicating system with a means of preventing malfunctioning due to either condensation or icing;
- (e) a turn and slip indicator;
- (f) an altitude indicator (artificial horizon);
- (g) a heading indicator (directional gyroscope);
- (h) a means of indicating whether the supply of power to the gyroscope pilot in command instruments is adequate;
- (i) a means of indicating in the flight crew compartment the outside air temperature;
- (j) vertical speed indicator;
- (k) two independent static pressure systems, except that for propeller-driven aeroplanes with maximum certificated take-off mass of 5,700 kilograms or less, one static pressure system and one alternate source of static pressure is allowed; and
- (l) a secondary surveillance radar transponder with mode C, except gliders, airships, kites and aircraft whose original certification does not include an engine-powered electrical system and has not been subsequently certified for installation of such a system.

(2) A person shall not operate an aeroplane under instrument flight rules unless the aeroplane is equipped with navigation equipment in accordance with the requirements of air traffic services in the areas of operation, but not less than—

- (a) one very high frequency omnidirectional radio range receiving system, automatic directional finder system, one distance measuring equipment, one marker beacon receiving system;
- (b) one instrument landing system or microwave landing system where instrument landing system or microwave landing system is required for approach navigation purposes;
- (c) an area navigation system when area navigation is required for the route being flown;
- (d) an additional very high frequency omnidirectional radio range receiving system on any route, or part thereof, where navigation is based only on very high frequency omnidirectional radio range receiving signals; and
- (e) an additional automatic direction finder system on any route, or part thereof, where navigation is based only on non-directional beacon signals.

(3) All aircraft intended to land in instrument meteorological conditions or at night shall be provided with radio navigation equipment capable of receiving signals providing guidance to—

- (a) a point from which a visual landing can be effected;

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- (b) each aerodrome at which it is intended to land in instrument meteorological conditions; and
- (c) any designated alternate aerodromes.

(4) An air operator certificate holder shall not conduct single pilot instrument flight rules operations unless the aeroplane is equipped with an autopilot with at least altitude hold and heading mode.

(5) An aircraft shall be sufficiently provided with navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will enable the aeroplane to navigate in accordance with these Regulations.

9. Additional systems and equipment for single-engine, turbine-powered aeroplanes: night and instrument meteorological conditions operations

Single-engine, turbine-powered aeroplanes approved by the Authority to operate at night or in instrument meteorological conditions shall be equipped with the following systems and equipment intended to ensure continued safe flight and to assist in achieving a safe forced landing after an engine failure, under all allowable operating conditions—

- (a) two separate electrical generating systems, each one capable of supplying all probable combinations of continuous in-flight electrical loads for instruments, equipment and systems required at night or in instrument meteorological conditions;
- (b) a radio altimeter;
- (c) an emergency electrical supply system of sufficient capacity and endurance, following loss of all generated power, to as a minimum—
 - (i) maintain the operation of all essential flight instruments, communication and navigation systems during a descent from the maximum certificated altitude in a glide configuration to the completion of a landing;
 - (ii) lower the flaps and landing gear, if applicable;
 - (iii) provide power to one pitot heater, which must serve an air speed indicator clearly visible to the pilot;
 - (iv) provide for operation of the landing light specified in (j);
 - (v) provide for one engine restart, if applicable; and
 - (vi) provide for the operation of the radio altimeter;
- (d) two altitude indicators, powered from independent sources;
- (e) a means to provide for at least one attempt at engine re-start;
- (f) airborne weather radar;
- (g) a certified area navigation system capable of being programmed with the positions of aerodromes and safe forced landing areas, and providing instantly available track and distance information to those locations;
- (h) for passenger operations, passenger seats and mounts which meet dynamically-tested performance standards and which are fitted with a shoulder harness or a safety belt with a diagonal shoulder strap for each passenger seat;
- (i) in pressurised aeroplanes, sufficient supplemental oxygen for all occupants for descent following engine failure at the maximum glide performance from the maximum certificated altitude to an altitude at which supplemental oxygen is no longer required;

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- (j) a landing light that is independent of the landing gear and is capable of adequately illuminating the touchdown area in a night forced landing; and
- (k) an engine fire warning system.

10. Instruments for operations requiring two pilots in instrument flight rules operations

An operator shall not operate an aircraft that requires two pilots to operate unless the second pilot's station has separate instruments as follows—

- (a) a sensitive pressure altimeter calibrated in feet with a sub-scale setting, calibrated in hectopascals or millibars, adjustable for any barometric pressure likely to be set during flight;
- (b) an airspeed indicating system with a means of preventing malfunctioning due to either condensation or icing;
- (c) a vertical speed indicator;
- (d) a turn and slip indicator, or a turn co-ordinator incorporating a slip indicator;
- (e) an altitude indicator; and
- (f) a stabilised direction indicator.

11. Standby altitude indicator

(1) A person shall not operate an aeroplane with a maximum certificated take-off mass of over 5,700 kilograms, or a helicopter of performance Class 1 and 2 operated under instrument flight rules unless it is equipped with a single standby altitude indicator (artificial horizon) that—

- (a) operates independently of any other altitude indicating system;
- (b) is powered continuously during normal operation;
- (c) after a total failure of the normal electrical generating system, is automatically powered for a minimum of thirty minutes from a source independent of the normal electrical generating system; and
- (d) is appropriately illuminated during all phases of operation.

(2) Where the standby altitude indicator referred to in subregulation (1)—

- (a) is being operated by emergency power, it shall be clearly evident to the flight crew;
- (b) has its own dedicated power supply there shall be an associated indication, either on the instrument or on the instrument panel when this supply is in use.

(3) Where the standby altitude instrument system is installed and usable through flight altitudes of 360° of pitch and roll, the turn and slip indicators may be replaced by slip indicators.

12. Instruments and equipment required for Category II operations

(1) A person shall not fly an aircraft in a Category II operation unless the aircraft is fitted with the following instruments and equipment—

- (a) two localiser and glide slope receiving systems;
- (b) a communications system that does not affect the operation of at least one of the instrument landing system systems;
- (c) a marker beacon receiver that provides distinctive aural and visual indications of the outer and the middle markers;
- (d) two gyroscope pilot-in-command pitch and bank indicating systems;

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- (e) two gyroscope pilot-in-command direction indicating systems;
- (f) two airspeed indicators;
- (g) two sensitive altimeters adjustable for barometric pressure, having markings at twenty foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the aircraft;
- (h) two vertical speed indicators;
- (i) the flight control guidance system may be operated from one of the receiving systems required by paragraph (a) that consists of either—
 - (i) flight director system capable of displaying computed information as steering command in relation to an instrument landing system localiser and, on the same instrument, either computed information as pitch command in relation to an instrument landing system glide slope or basic instrument landing system glide slope information; or
 - (ii) an automatic approach coupler capable of providing at least automatic steering in relation to an instrument landing system localiser;
- (j) for Category II operations with decision heights below 150 feet, either a marker beacon receiver providing aural and visual indications of the inner marker or a radio altimeter;
- (k) warning systems for immediate detection by the pilot of system faults in the items specified in paragraphs (a), (d), (e) and (i) and, if installed for use in Category III operations, the radio altimeter and autothrottle system;
- (l) dual controls;
- (m) an externally vented static pressure system with an alternate static pressure source;
- (n) a windshield wiper or equivalent means of providing adequate cockpit visibility for a safe visual transition by either pilot to touchdown and rollout; and
- (o) a heat source for each airspeed system pitot tube installed or an equivalent means of preventing malfunctioning due to icing of the pitot system.

(2) The instruments and equipment specified in this regulation shall be approved in accordance with the provisions of the Maintenance Programme referred under regulation 13 before being used in Category II operations.

13. Approval and maintenance of instruments and equipment required for Category II operations

(1) A person shall not fly an aircraft unless the instruments and equipment required by regulation 11 have been approved as provided in this Regulation for use in Category II operations.

(2) Before presenting an aircraft for approval of the instruments and equipment, the operator shall show within the twelfth month of the date of submission—

- (a) the instrument landing system localiser and glide slope equipment were bench checked according to the manufacturer's instructions and found to meet the standards specified by the Authority;
- (b) the altimeters and the static pressure systems were tested and inspected and found to meet the requirements of the manufacturer's maintenance manual; and
- (c) all other instruments and items of equipment specified in this regulation that are listed in the proposed maintenance program were bench checked and found to meet the manufacturer's maintenance manual.

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(3) All components of the flight control guidance system shall be approved as installed by the evaluation program specified in this regulation if they have not been approved for Category III operations under applicable type or supplemental type certification procedures.

(4) Any subsequent changes to make, model, or design of the components shall be approved by the Authority and related systems or devices, such as the autothrottle and computed missed approach guidance system, shall be approved in the same manner if they are to be used for Category II operations.

(5) A radio altimeter shall meet the performance criteria of this subregulation for original approval and after each subsequent alteration—

- (a) it shall display to the flight crew clearly and positively the wheel height of the main landing gear above the terrain;
- (b) it shall display wheel height above the terrain to an accuracy of ± 5 feet or 5 per cent, whichever is greater, under the following conditions—
 - (i) pitch angles of zero to $\pm 5^\circ$ about the mean approach altitude;
 - (ii) roll angles of zero to 20° in either direction;
 - (iii) forward velocities from minimum approach speed up to 200 knots; and
 - (iv) sink rates from zero to fifteen feet per second at altitudes from one hundred to two hundred feet;
- (c) over level ground, it shall track the actual altitude of the aircraft without significant lag or oscillation;
- (d) with the aircraft at an altitude of two hundred feet or less, any abrupt change in terrain representing no more than ten per cent of the aircraft's altitude shall not cause the altimeter to unlock, and indicator response to such changes shall not exceed 0.1 second and if the system unlocks for greater changes, it shall reacquire the signal in less than one second;
- (e) systems that contain a push to test feature shall test the entire system with or without an antenna at a simulated altitude of less than five hundred feet; and
- (f) the system shall provide to the flight crew a positive failure warning display any time there is a loss of power or an absence of ground return signals within the designed range of operating altitudes.

(6) All other instruments and equipment required by regulation 12 shall be capable of performing as necessary for Category II operations and shall be approved by the Authority after each subsequent alteration to the instruments and equipment.

(7) (a) Approval by evaluation shall be requested as a part of the application for approval of the Category II manual.

(b) Unless otherwise authorised by the Authority, the evaluation program for each aircraft requires the following demonstrations—

- (i) at least fifty instrument landing system approaches shall be flown with at least five approaches on each of three different instrument landing system facilities and no more than one-half of the total approaches on any one instrument landing system facility;
- (ii) all approaches shall be flown under simulated instrument conditions to a one hundred foot decision height and ninety per cent of the total approaches made shall be successful; a successful approach is one in which—
 - (aa) at the one hundred foot decision height, the indicated airspeed and heading are satisfactory for a normal flare and landing (speed shall be ± 5 knots of programmed airspeed, but shall not be less than computed threshold speed if autothrottles are used);

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- (bb) the aircraft at the one hundred foot decision height, is positioned so that the cockpit is within, and tracking so as to remain within, the lateral confines of the extended runway;
- (cc) deviation from glide slope after leaving the outer marker does not exceed fifty per cent of full-scale deflection as displayed on the instrument landing system indicator;
- (dd) no unusual roughness or excessive altitude changes occur after leaving the middle marker; and
- (ee) in the case of an aircraft equipped with an approach coupler, the aircraft is sufficiently in trim when the approach coupler is disconnected at the decision height to allow for the continuation of a normal approach and landing.

(8) During the evaluation program the following information shall be maintained by the applicant for the aircraft with respect to each approach and made available to the Authority upon request—

- (a) each deficiency in airborne instruments and equipment that prevented the initiation of an approach;
- (b) the reasons for discontinuing an approach, including the altitude above the runway at which it was discontinued;
- (c) speed control at the one hundred foot decision height if auto throttles are used;
- (d) trim condition of the aircraft upon disconnecting the auto coupler with respect to continuation to flare and landing;
- (e) position of the aircraft at the middle marker and at the decision height indicated both on a diagram of the basic instrument landing system display and a diagram of the runway extended to the middle marker, with the estimated touchdown point indicated on the runway diagram;
- (f) compatibility of flight director with the auto coupler, if applicable; and
- (g) quality of overall system performance.

(9) A final evaluation of the flight control guidance system shall be made upon successful completion of the demonstrations and if no hazardous tendencies have been displayed or are otherwise known to exist, the system shall be approved as installed.

(10) Any bench check required by this Regulation and regulation 14 shall—

- (a) be performed by an approved maintenance organisation holding one of the following ratings as appropriate to the equipment checked—
 - (i) an instrument rating;
 - (ii) a radio rating; or
 - (iii) computer rating;
- (b) consist of removal of an instrument or item of equipment and performance of the following—
 - (i) a visual inspection for cleanliness, impending failure, and the need for lubrication, repair, or replacement of parts;
 - (ii) correction of items found by that visual inspection; and
 - (iii) calibration to at least the manufacturer's specifications unless otherwise specified in the approved Category II manual for the aircraft in which the instrument or item of equipment is installed.

[Subsidiary]**14. Maintenance programme for instruments and equipment required for Category II operations**

(1) A maintenance program for Category II instruments and equipment shall contain the following—

- (a) a list of each instrument and item of equipment specified in regulation 12 that is installed in the aircraft and approved for Category II operations, including the make and model of the instruments and items specified in that regulation;
- (b) a schedule that provides for the performance of inspections under paragraph (e) within three months after the date of the previous inspection, subject to the following—
 - (i) the inspection shall be performed by a person authorised by the Civil Aviation (Airworthiness) Regulations, except that each alternate inspection may be replaced by a functional flight check; and
 - (ii) the functional flight check shall be performed by a pilot holding a Category II operation pilot authorisation for the type aircraft checked;
- (c) a schedule that provides for the performance of bench checks for each listed instrument and equipment that is specified in regulation 12 within twelve months after the date of the previous bench check;
- (d) a schedule that provides for the performance of a test and inspection of each static pressure system within twelve months after the date of the previous test and inspection;
- (e) the procedures for the performance of the periodic inspections and functional flight checks to determine the ability of each listed instrument and item of equipment specified in regulation 12 to perform as approved for Category II operations, including a procedure for recording functional flight checks;
- (f) a procedure for assuring that the pilot is informed of all defects in listed instruments and items of equipment;
- (g) a procedure for assuring that the condition of each listed instrument and item of equipment upon which maintenance is performed is at least equal to its Category II approval condition before it is returned to service for Category II operations;
- (h) a procedure for an entry in the maintenance records that shows the date, airport, and reasons for each discontinued Category II operation because of a malfunction of a listed instrument or item of equipment; and
- (i) a bench check required by this regulation shall comply with the requirements specified in regulation 13 (10).

(2) After the completion of one maintenance cycle of twelve months, a request to extend the period for checks, tests, and inspections may be approved if it is shown that the performance of particular equipment justifies the requested extension.

15. Navigation equipment for operations in minimal navigation performance specification airspace

(1) An air operator certificate holder shall not operate an aeroplane minimal navigation performance specification airspace unless it is equipped with navigation equipment that—

- (a) continuously provides indications to the flight crew of adherence to or departure from track to the required degree of accuracy at any point along that track; and

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- (b) has been authorised by the State of Registry for minimal navigation performance specification operations concerned.

(2) All equipment referred to in subregulation (1) shall comply with the minimal navigation performance specification prescribed in International Civil Aviation Organisation Doc 7030 Regional Supplementary Procedures.

(3) The navigation equipment required for air operator certificate holder operations in minimal navigation performance specification airspace shall be visible and usable by either pilot seated at his duty station.

(4) For unrestricted operation in minimal navigation performance specification airspace, an aeroplane operated by an air operator certificate holder shall be equipped with two independent long-range navigational systems.

(5) For operation in minimal navigation performance specification airspace along notified special routes, an aeroplane operated by an air operator certificate holder shall be equipped with one long range navigational systems, unless otherwise specified.

16. Equipment for operations in reduced vertical separation minimum airspace

(1) A person shall not operate an aeroplane in reduced vertical separation minimum airspace unless it is equipped with equipment which is capable of—

- (a) indicating to the flight crew the flight level being flown;
- (b) automatically maintaining a selected flight level;
- (c) providing an alert to the flight crew when a deviation occurs from the selected flight level, with the threshold for the alert not exceeding ± 90 metres (300 feet); and
- (d) automatically reporting pressure-altitude.

(2) The equipment referred to in subregulation (1) shall comply with minimum requirements prescribed in International Civil Aviation Organisation Doc 9574 Manual for the implementation of a 300 metres (1000 feet) vertical separation minimum between flight level 290 and flight level 410 inclusive.

PART IV – COMMUNICATION EQUIPMENT

17. Radio equipment

(1) A person shall not operate an aircraft unless it is equipped with radio equipment—

- (a) that complies with the law of the State of Registry;
- (b) required for the kind of operation being conducted; and
- (c) capable of receiving meteorological information at any time during the flight.

(2) The Authority may in any particular case direct that an aircraft registered in Kenya shall carry such additional or special radio equipment as specified by the Authority for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(3) All aircraft operated under visual flight rules or instrument flight rules shall be equipped with radio communication equipment capable of conducting two-way communication with those aeronautical stations and on the frequencies prescribed by the Authority, including the aeronautical emergency frequency 121.5 MHz, this requirement is considered fulfilled if the ability to conduct the communications specified therein is established during radio propagation conditions which are normal for the route.

(4) A person shall not operate an aircraft under instrument flight rules, or visual flight rules over routes that cannot be navigated by reference to visual landmarks, unless the

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aeroplane is equipped with communication and navigation equipment in accordance with the requirements of air traffic services in the area of operation, but not less than two independent radio communication systems necessary under normal operating conditions to communicate with an appropriate ground station from any point on the route including diversions.

(5) A radio system referred to in subregulation (4) shall have an independent antenna installation except that where rigidly supported non-wire antennae or other antennae installations of equivalent reliability are used, only one antenna is required.

(6) Where an air operator certificate holder is required to use more than one communications equipment unit, each unit shall be independent of the other or others to the extent that a failure in any one shall not result in failure of any other.

(7) A person shall not operate an aircraft under instrument flight rules unless the aircraft is equipped with an audio selector panel accessible to each required flight crew member.

(8) An air operator certificate holder shall not conduct single pilot instrument flight rules or night operations unless the aircraft is equipped with a headset with boom microphone or equivalent and a transmit button on the control wheel.

(9) All aircraft when flying under instrument flight rules while making an approach to landing shall be equipped with a radio apparatus capable of receiving signals from one or more aeronautical radio stations on the surface, to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

(10) Subject to such exceptions as may be prescribed, the radio equipment provided in compliance with this regulation in any aircraft registered in Kenya shall be maintained in a serviceable condition.

(11) All radio equipment installed in any aircraft registered in Kenya, in addition to the equipment required under these Regulations, shall be of a type approved by the Authority in relation to the purpose for which it is to be used, and shall be installed in a manner approved by the Authority and licensed by the Communication Commission of Kenya, and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

(12) A person shall not operate an aircraft unless there is a boom or throat microphone available at each required flight crew member flight duty station.

18. Airborne collision avoidance system

A person shall not fly a turbine-engined aeroplane of a maximum certificated take-off mass of over 5,700 kilograms or authorised to carry more than nineteen passengers unless the aeroplane is equipped with an airborne collision avoidance system.

19. Altitude reporting transponder

(a) A person shall not operate an aeroplane or helicopter in airspace that requires a pressure-altitude reporting transponder unless that equipment is operative.

(b) A person shall not operate an aeroplane in RVSM airspace unless it is equipped with a system that is automatically reporting pressure altitudes.

(c) A person shall not operate an aeroplane or helicopter in commercial air transport unless it is equipped with a pressure-altitude reporting transponder that operates in accordance with the air traffic control requirements.

20. Crew member interphone system: aeroplane

(1) An air operator certificate holder shall not operate an aeroplane on which a flight crew of more than one is required unless it is equipped with a flight crew interphone system, including headsets and microphones, not of a handheld type, for use by all members of the flight crew.

(2) An air operator certificate holder shall not operate an aeroplane with a maximum certified take-off mass exceeding 15,000 kilograms or having a maximum approved passenger seating configuration of more than nineteen unless it is equipped with a crew member interphone system that—

- (a) operates independently of the public address system except for handsets, headsets, microphones, selector switches and signalling devices;
- (b) provides a means of two-way communication between the flight crew compartment and each—
 - (i) passenger compartment;
 - (ii) galley located other than on a passenger deck level; and
 - (iii) remote crew compartment that is not on the passenger deck and is not easily accessible from a passenger compartment;
- (c) is readily accessible for use—
 - (i) from each of the required flight crew stations in the flight crew compartment; and
 - (ii) at required cabin crew member stations close to each separate or pair of floor level emergency exits;
- (d) has an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew members to alert the flight crew;
- (e) has a means for the recipient of a call to determine whether it is a normal call or an emergency call; and
- (f) provides on the ground a means of two-way communication between ground personnel and at least two flight crew members.

21. Crew member interphone system: helicopter

An air operator certificate holder shall not operate a helicopter carrying a crew member other than a flight crew member unless it is equipped with a crew member interphone system which—

- (a) operates independently of the public address system except for handsets, headsets, microphones, selector switches and signalling devices;
- (b) provides a means of two-way communication between the flight crew compartment and each crew member station;
- (c) has readily accessible for use from each of the required flight crew stations in the flight crew compartment;
- (d) is readily accessible for use at required cabin crew stations close to each separate or pair of floor level emergency exits;
- (e) has an alerting system incorporating aural or visual signals for use by flight crew members to alert the flight crew; and
- (f) has a means for the recipient of a call to determine whether it is a normal call or an emergency call.

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PART V – INSTRUMENTS AND EQUIPMENT

22. Aircraft lights and instrument illumination

(1) A person shall not operate an aircraft unless it is equipped with—

- (a) for flight by day—
 - (i) anti-collision light system;
 - (ii) lighting supplied from the aircraft electrical system to provide adequate illumination for all instruments and equipment essential for the safe operation of the aircraft;
 - (iii) lighting supplied from the aircraft electrical system to provide adequate illumination in all passenger compartments; and
 - (iv) an electric torch for each required crew member readily accessible to a crew member when seated at his designated station; and
- (b) for flight by night, in addition to the equipment specified in regulation 8—
 - (i) the lights required by the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations for aircraft in flight or operating on the movement area of an aerodrome;
 - (ii) lighting supplied from the aircraft electrical system to provide adequate illumination for all instruments and equipment essential for the safe operation of the aircraft;
 - (iii) lights in all passenger compartments;
 - (iv) an electric torch for each crew member station; and
 - (v) two landing lights or a single light having two separately energised filaments.

23. Engine instruments

(1) A person shall not conduct commercial air transport operations in any aircraft without the following engine instruments, where applicable—

- (a) a fuel pressure indicator for each engine;
- (b) a fuel flowmeter;
- (c) a means for indicating fuel quantity in each fuel tank to be used;
- (d) an oil pressure indicator for each engine;
- (e) an oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;
- (f) an oil-in temperature indicator for each engine;
- (g) a tachometer for each engine; and
- (h) an independent fuel pressure warning device for each engine or a master warning device for all engines with a means for isolating the individual warning circuits from the master warning device.

(2) In addition to the equipment listed in subregulation (1), a reciprocating engine aircraft shall have the following—

- (a) a carburettor air temperature indicator for each engine;
- (b) a cylinder head temperature indicator for each air-cooled engine;
- (c) a manifold pressure indicator for each engine;
- (d) a device for each reversible propeller, to indicate to the pilot when the propeller is in reverse pitch, that complies with the following—

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- (i) the device may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch, but it shall not give an indication at or above the normal low pitch stop position; and
- (ii) the source of indication shall be actuated by the propeller blade angle or be directly responsive to it.

(3) In addition to the equipment listed in subregulation (1), an air operator certificate holder operating turbine-engine aircraft shall have the following—

- (a) a gas temperature indicator for each engine;
- (b) an indication of engine thrust or gas stream pressure that can be related to thrust for each turbojet engine;
- (c) a torque indicator for each turbo-propeller engine;
- (d) a blade position indicating means for each turbo-propeller engine propeller to provide an indication to the flight crew when the propeller blade angle is below the flight low pitch position;
- (e) a position indicator to the flight crew to indicate thrust reverse position; and
- (f) an indicator to indicate the functioning of the powerplant ice protection system.

Warning Instruments and Systems

24. Machmeter and speed warning devices

(1) A person shall not operate an aeroplane with compressibility limitations not otherwise indicated by the required airspeed indicator unless the aeroplane is equipped with a machmeter at each pilot station.

(2) A person shall not operate an aeroplane requiring a speed warning device unless the device installed is capable of giving effective aural warnings differing distinctively from aural warnings used for other purposes, whenever the speeds exceed V_{MO} plus 6 knots or $M_{MO} + 0.01$.

25. Loss of pressurisation device

An operator shall not operate a pressurised aircraft intended to be operated at flight altitudes at which the atmospheric pressure is less than 376hPa unless the aircraft is equipped with a device to provide positive warning to the flight crew of any dangerous loss of pressurisation.

26. Landing gear: aural warning device

(1) A person shall not operate an aeroplane equipped with a retractable landing gear unless the aeroplane has a landing gear aural warning device that functions continuously under the following conditions—

- (a) for aeroplanes with an established approach wing-flap position, whenever the wing flaps are extended beyond the maximum certified approach or climb configuration position in the Aeroplane Flight Manual and the landing gear is not fully extended and locked; and
- (b) for aeroplanes without an established approach climb wing-flap position, whenever the wing flaps are extended beyond the position at which landing gear extension is normally performed and the landing gear is not fully extended and locked.

(2) The warning system required under subregulation (1)—

- (a) shall not have a manual shut off;

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- (b) shall be in addition to the throttle-actuated device installed under the type certification airworthiness requirements; and
- (c) may utilise any part of the throttle-actuated system including the aural warning device.

(3) The flap position-sensing unit required under subregulation (1) may be installed at any suitable place in the aeroplane.

27. Altitude alerting system

(1) A person shall not operate a turbojet-powered aeroplane unless that aeroplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of subregulation (2).

(2) An altitude alerting system or device required under subregulation (1) shall be able to—

- (a) alert the flight crew upon approaching a pre-selected altitude in either ascent or descent, by a sequence of—
 - (i) both aural and visual signals in sufficient time to establish level flight at that pre-selected altitude; or
 - (ii) visual signals in sufficient time to establish level flight at that pre-selected altitude, and when deviating above and below that pre-selected altitude, by an aural signal;
- (b) provide the required signals from sea level to the highest operating altitude approved for the aeroplane in which it is installed;
- (c) pre-select altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;
- (d) be tested without special equipment to determine proper operation of the alerting signals; and
- (e) accept necessary barometric pressure settings if the system or device operates on barometric pressure,

however, for operation below 3,000 feet above ground level, the system or device need only provide one signal, either visual or aural, to comply with this paragraph; a radio altimeter may be included to provide the signal if the operator has an approved procedure for its use to determine decision height or minimum deviation altitude, as appropriate.

(3) An operator to which this Regulation applies shall establish and assign procedures for the use of the altitude alerting system or device and each flight crew shall comply with those procedures assigned to him.

28. Ground proximity warning system

(1) A person shall not fly a turbine-engined aeroplane of a maximum certificated take-off mass of over 5,700 kilograms or authorised to carry more than nine passengers unless the aeroplane is equipped with a ground proximity warning system.

(2) All turbine-engined aeroplanes of a maximum certificated take-off mass of over 15,000 kilograms or authorised to carry more than thirty passengers shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(3) All turbine-engined aeroplanes of a maximum certificated take-off mass of over 5,700 kilograms or authorised to carry more than nine passengers, for which the individual certificate of airworthiness was first issued on or after 1 January, 2004, shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

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(4) With effect from 1 January, 2007, all turbine-engined aeroplanes of over 5,700 kilograms maximum certificated take-off mass of over 5,700 kilograms or authorised to carry more than nine passengers, shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(5) With effect from 1 January, 2007 all piston-engined aeroplanes of a maximum certificated take-off mass of over 5,700 kilograms or authorised to carry more than nine passengers shall be equipped with a ground proximity warning system which provides the warnings in subregulation (7)(a) and (c), warning of unsafe terrain clearance and a forward looking terrain avoidance function.

(6) A ground proximity warning system shall provide automatically a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the earth's surface.

(7) A ground proximity warning system shall provide, unless otherwise specified herein, warnings of the following circumstances—

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration—
 - (i) gear not locked down;
 - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.

29. Weather radar

(1) An air operator certificate holder shall not operate—

- (a) a pressurised aircraft; or
- (b) an unpressurised aircraft which has a maximum certificated take-off mass of over 5,700 kilograms; or
- (c) an unpressurised aircraft having a maximum approved passenger seating configuration of more than nine seats,

unless it is equipped with airborne weather radar equipment whenever such an aircraft is being operated at night or in instrument meteorological conditions in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radar, may be expected to exist along the route.

(2) The airborne weather radar equipment in propeller-driven pressurised aeroplanes having a maximum certificated take-off mass of over 5,700 kilograms with a maximum approved passenger seating configuration not exceeding nine seats, operated by an air operator certificate holder at night and in instrument meteorological conditions referred to in subregulation (1) may be replaced by other equipment capable of detecting thunderstorms and other potentially hazardous weather conditions, regarded as detectable with airborne weather radar equipment, subject to approval by the Authority.

PART VI – FLIGHT DATA RECORDER AND COCKPIT VOICE RECORDER

30. Cockpit voice recorders: aeroplane

(1) An air operator certificate holder shall not operate an aeroplane of a maximum certificated take-off mass of over 5,700 kilograms unless the aeroplane is equipped with a cockpit voice recorder, to record the aural environment on the flight deck during flight time.

(2) A turbine-engined aeroplane of a maximum certificated take-off mass of 27,000 kilograms or above that is of a type of which the prototype was certificated by the

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appropriate Authority before 30th September, 1969 or the individual certificate of airworthiness was issued before 1st January, 1987 shall be equipped with a cockpit voice recorder, the objective of which is the recording of the aural environment on the flight deck during flight time.

31. Cockpit voice recorders: duration – aeroplane

(1) A person shall not fly an aeroplane unless the aeroplane is equipped with a cockpit voice recorder installed as required under regulation 30, capable of retaining the information recorded during at least the last thirty minutes of its operation.

(2) A cockpit voice recorder installed in an aeroplane of a maximum certificated take-off mass of over 5,700 kilograms for which the individual certificate of airworthiness was first issued after 1 January, 2003, shall be capable of retaining the information recorded during at least the last two hours of its operation.

32. Cockpit voice recorders: general requirements – aeroplane

(1) A person shall not fly an aeroplane unless the aeroplane is equipped with a cockpit voice recorder installed as required under regulation 34, designed to record at least the following—

- (a) voice communication transmitted from or received in the aeroplane by radio;
- (b) aural environment on the flight deck;
- (c) voice communication of flight crew members on the flight deck using the aeroplane's interphone system;
- (d) voice or audio signals identifying navigation or approach aids introduced in the headset or speaker;
- (e) voice communication of flight crew members using the passenger address system, if installed; and
- (f) digital communications with air traffic service, unless recorded by the flight data recorder.

(2) A cockpit voice recorder container shall—

- (a) be painted a distinctive orange or yellow colour;
- (b) carry reflective material to facilitate its location; and
- (c) have securely attached thereon an automatically activated underwater locating device.

(3) To aid in voice and sound discrimination, microphones in the cockpit shall be located in the best position for recording voice communications originating at the pilot and co-pilot stations and voice communications of other crew members on the flight deck when directed to those stations by wiring suitable boom microphones to record continuously on separate channels.

(4) A cockpit voice recorder shall be installed so that—

- (a) the probability of damage to the recording is minimised by—
 - (i) locating the recorder as far aft as practicable, and
 - (ii) in the case of pressurised aeroplanes, locating the cockpit voice recorder in the vicinity of the rear pressure bulkhead;
- (b) it receives its electrical power from a bus that provides the maximum reliability for the operation of the cockpit voice recorder without jeopardising service to essential or emergency loads;
- (c) there is an aural or visual means for pre-flight checking of the cockpit voice recorder for proper operation; and

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- (d) if the cockpit voice recorder has a bulk erasure device, the installation is designed to prevent operation of the device during flight time or crash impact.

33. Cockpit voice recorders: helicopters

(1) Subject to subregulation (2), a person shall not fly a helicopter for which the individual certificate of airworthiness was first issued before, on or, as the case may be, after 1 January, 1987 of a maximum certificated take-off mass of 3,180 kilograms or above unless the helicopter is equipped with a cockpit voice recorder the objective of which is the recording of the aural environment on the flight deck during flight time.

(2) Where the helicopter is not equipped with a flight data recorder the main rotor speed shall be recorded on one track of the cockpit voice recorder.

34. Cockpit voice recorders: duration – helicopters

(1) Except as provided in subregulation (2), a person shall not fly a helicopter unless the helicopter is equipped with a cockpit voice recorder capable of retaining the information recorded during at least the last 30 minutes of its operation.

(2) A cockpit voice recorder installed in a helicopter for which the individual certificate of airworthiness is first issued after 1 January 2003 shall be capable of retaining the information recorded during at least the last two hours of its operation.

35. Cockpit voice recorders: performance requirements

(1) A person shall not fly a helicopter unless the helicopter is equipped with a cockpit voice recorder installed as required by regulation 30, capable of recording on at least four tracks simultaneously—

- (a) to ensure accurate time correlation between tracks, the cockpit voice recorder shall record in an in-line format; and
- (b) if a bi-directional configuration is used, the in-line format and track allocation shall be retained in both directions.

(2) The track allocation in a cockpit voice recorder shall be—

- (a) track 1 – co-pilot headphones and live boom microphone;
- (b) track 2 – pilot in command headphones and live boom microphone;
- (c) track 3 – area microphones; and
- (d) track 4 – time reference plus the third and fourth crew members' headphone and live microphone, if applicable.

(3) A cockpit voice recorder shall, when tested by methods approved by the appropriate authority, be demonstrated to be suitable for the environmental extremes, which it is designed to operate.

(4) Where a cockpit voice recorder is installed in an aircraft, means shall be provided for an accurate correlation between the cockpit voice recorder and the flight data recorder.

36. Cockpit voice recorders: inspections

(1) A person who intends to operate an aircraft shall, prior to the first flight of the day, monitor the built-in test features on the cockpit installed for the cockpit voice recorder.

(2) Annual inspections of a cockpit voice recorder shall be conducted as follows—

- (a) the read-out of the recorded data shall ensure that the recorder operates correctly for the nominal duration of the recording;

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- (b) an annual examination of the recorded signal on the cockpit voice recorder shall be carried out by replay of the cockpit voice recorder recording;
- (c) while installed in the aircraft, the cockpit voice recorder shall record text signals from each aircraft source and from relevant external sources to ensure that all required signals meet intelligibility standards; and
- (d) during the annual examination, a sample of in-flight recordings of the cockpit voice recorders shall be examined for evidence that the intelligibility of the signal is acceptable.

(3) A report of the annual inspection referred to in subregulation (2) shall be made available to the Authority.

37. Flight data recorders

(1) A person shall not operate a turbine-engined aircraft of a maximum certificated take-off mass of over 5,700 kilograms unless the aircraft is equipped with an approved flight data recording system.

(2) The flight recorders referred to in subregulation (1) shall—

- (a) be constructed, located and installed so as to provide maximum practical protection for the recordings in order that the recorded information may be preserved, recovered and transcribed;
- (b) be calibrated and maintained in accordance with a maintenance schedule approved by the Authority, with a valid certificate of release to service issued in accordance with these Regulations certifying that maintenance has been carried out in accordance with such maintenance schedule; and
- (c) have an approved device to assist in locating that recorder under water.

(3) An aeroplane for which the individual certificate of airworthiness was first issued after 1 January, 2005, which utilises data link communications and is required to carry a cockpit voice recorder shall record on a flight recorder, all data link communications to and from the aeroplane; the minimum recording duration shall be equal to the duration of the cockpit voice recorder and shall be correlated to the recorded cockpit audio.

(4) With effect from 1 January, 2007, an aeroplane, which utilises data link communications and is required to carry a cockpit voice recorder shall record on a flight recorder, all data link communications to and from the aeroplane; the minimum recording duration shall be equal to the duration of the cockpit voice recorder, and shall be correlated to the recorded cockpit audio.

(5) Inspections of flight data records shall be conducted annually and a report of the annual inspection shall be made available to the Authority.

(6) The use of engraving metal foil flight data recorders or photographic film flight data recorders is prohibited.

38. Flight data recorders: aeroplanes

(1) A person shall not fly an aeroplane for which the individual certificate of airworthiness was first issued on or after 1 January, 1989—

- (a) of a maximum certificated take-off mass of over 27,000 kilograms unless it is equipped with a Type I flight data recorder; and
- (b) of a maximum certificated take-off mass of over 5,700 kilograms, up to and including 27,000 kilograms, unless it is equipped with a Type II flight data recorder.

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(2) A person shall not fly a turbine-engined aeroplane for which the individual certificate of airworthiness was first issued on or after 1 January, 1987 but before 1 January 1989, being of a maximum certificated take-off mass of—

- (a) over 5,700 kilograms, except those referred to in paragraph (b), unless it is equipped with a flight data recorder which shall record time, altitude, airspeed, normal acceleration and heading; and
- (b) over 27,000 kilograms of the types of which the prototype was certificated by the appropriate national authority after 30 September, 1969 unless it is equipped with a Type II flight data recorder.

(3) A person shall not fly a turbine-engined aeroplane for which the individual certificate of airworthiness was first issued before 1 January, 1987, being of a maximum certificated take-off mass of over 5,700 kilograms, unless it is equipped with a flight data recorder which shall record time, altitude, airspeed, normal acceleration and heading.

(4) A person shall not fly an aeroplane for which the individual certificate of airworthiness is first issued after 1 January, 2005 of a maximum certificated take-off mass of over 5,700 kilograms unless it is equipped with a Type IA flight data recorder.

(5) A person shall not fly a multi-engined turbine powered aeroplane of a maximum certificated take-off mass of 5,700 kilograms or less for which the individual certificate of airworthiness is first issued on or after 1 January, 1990 unless it was equipped with a Type IIA flight data recorder.

39. Flight data recorders: helicopters

A person shall not fly a helicopter of a maximum certificated take-off mass of over—

- (a) 7,000 kilograms for which the individual certificate of airworthiness was first issued on 1 January, 1989 unless it is equipped with a Type IV flight data recorder; and
- (b) 3,180 kilograms for which the individual certificate of airworthiness was first issued after 1 January, 2005 unless it is equipped with a Type IVA flight data recorder with a recording duration of at least ten hours.

40. Flight data recorder duration

A person shall not fly an aircraft unless it is equipped with a flight data recorder capable of retaining the information recorded during at least the last twenty-five hours of the operation, except for the Type IIA flight data recorders which shall be capable of retaining the information recorded during at least the last thirty minutes of its operation.

41. Flight data recorder: information recorded

A person shall not fly an aircraft unless it is equipped with a flight data recorder specified in regulations 36 and 37 and shall record the information specified in the Table set out in the First Schedule to these Regulations.

42. Recording of data link communication

(1) A person shall not fly an aeroplane that uses data link communication and is required to carry a cockpit voice recorder, unless it is capable of recording on a flight recorder all data link communications to and from the aeroplane.

(2) The requirement in subregulation (1) shall apply—

- (a) in all aeroplanes for which the individual certificate of airworthiness is issued after 1 January, 2005; and
- (b) in all aeroplanes that use data link communications and are required to carry a cockpit voice recorder.

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(3) The minimum recording duration shall be equal to the duration of the cockpit voice recorder, and shall be correlated to the recorded cockpit audio.

(4) The recording referred to in subregulation (3) shall contain sufficient information to derive the content of the data link communications message and, whenever practical, the time the message was displayed to or generated by the crew shall be recorded.

(5) An aeroplane required to be equipped with a flight data recorder and a cockpit voice recorder may alternatively be equipped with the following number of combination (flight data recorder/cockpit voice recorder) recorders—

- (a) two—for all aeroplanes of a certificated take-off mass of over 5,700 kilograms; and
- (b) one—for all multi-engined turbine powered aeroplanes of 5,700 kilograms or less.

PART VII – EMERGENCY, RESCUE AND SURVIVAL EQUIPMENT

43. Emergency equipment: all aircraft

(1) A person shall not operate an aircraft unless that aircraft is equipped with emergency and flotation equipment that is—

- (a) readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers without appreciable time for preparatory procedures;
- (b) clearly identified and clearly marked to indicate its method of operation;
- (c) marked to indicate the date of last inspection; and
- (d) when carried in a compartment or container, marked to indicate the contents and the compartment or container or the item itself.

(2) An item of emergency and flotation equipment referred to in subregulation (1) shall be inspected regularly in accordance with inspection periods approved by the Authority.

44. Means for emergency evacuation

(1) An air operator certificate holder shall not operate an aeroplane with passenger emergency exit sill heights—

- (a) which are more than 1.83 metres (6 feet) above the ground with the aeroplane on the ground and the landing gear extended; or
- (b) which would be more than 1.83 metres (6 feet) above the ground after the collapse of, or failure to extend of, one or more legs of the landing gear and for which a Type Certificate was first applied for on or after 1 April, 2000,

unless it has equipment or devices available at each exit, where subregulation (1) or (2) apply, to enable passengers and crew to reach the ground safely in an emergency.

(2) The equipment or device referred to in subregulation (1) need not be provided at overwing exits if the designated place on the aeroplane structure at which the escape route terminates is less than 1.83 metres (6 feet) from the ground with the aeroplane on the ground, the landing gear extended, and the flaps in the take-off or landing position whichever flap positions is higher from the ground.

(3) An aeroplane required to have a separate emergency exit for the flight crew and for which—

- (a) the lowest point of the emergency exit is more than 1.83 metres (6 feet) above the ground with the landing gear extended; or

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- (b) a Type Certificate was first applied for on or after 1 April 2000, would be more than 1.83 metres (6 feet) above the ground after the collapse of, or failure to extend of, one or more legs of the landing gear,

shall have a device to assist all members of the flight crew in descending to reach the ground safely in an emergency.

45. Emergency lighting

(1) A person shall not operate a passenger carrying aeroplane of a maximum approved passenger seating configuration of more than nine unless the aeroplane is provided with an emergency lighting system having an independent power supply to facilitate the evacuation of the aeroplane.

(2) The emergency lighting system shall include—

- (a) for aeroplanes which have a maximum approved passenger seating configuration of more than nineteen—
- (i) sources of general cabin illumination;
 - (ii) internal lighting in floor level emergency exit areas;
 - (iii) illuminated emergency exit marking and locating signs;
 - (iv) for aeroplanes for which the application for the type certificate or equivalent was filed in an appropriate authority and when flying by night, exterior emergency lighting at all overwing exits, passenger emergency exits and at exits where descent assist means are required; and
 - (v) for aeroplanes for which the type certificate was first issued by an appropriate authority on or after 1 January, 1958, floor proximity emergency escape path marking system in the passenger compartment(s);
- (b) for aeroplanes which have a maximum approved passenger seating configuration of nineteen or less—
- (i) sources of general cabin illumination;
 - (ii) internal lighting in emergency exit areas; and
 - (iii) illuminated emergency exit marking and locating signs.

(3) An operator shall not operate a passenger carrying aeroplane which has a maximum approved passenger seating configuration of nine or less by night unless it is provided with a source of general cabin illumination to facilitate the evacuation of the aeroplane, the system may use dome lights or other sources of illumination already fitted on the aeroplane and which are capable of remaining operative after the aeroplane's battery has been switched off.

46. Exits

(1) A person shall not fly an aircraft unless every exit and every internal door in the aircraft is in working order, and subject to subregulations (2), (3) and (4), during take-off and landing and during any emergency, every exit and door shall be kept free of obstruction and operating handle shall not be fastened by locking or otherwise so as to prevent, hinder or delay door operation during emergency.

(2) An exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Authority, either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word "EXIT" and "KUTOKA" in capital

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letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words "EMERGENCY EXIT" and "MLANGO WA DHARURA" in capital letters.

(4) Every exit from the aircraft shall be marked with instructions and with diagrams, to indicate the correct method of opening the exit and the markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it can be opened from the outside of the aircraft, at or near the exterior surface.

(5) If only one exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) On any flight made under these Regulations—

- (a) the number of passengers carried and the position of the seats which the passengers occupy shall be in accordance with arrangements approved by the Authority either in relation to the particular aircraft or to a class of aircraft; and
- (b) in accordance with arrangements approved by the Authority, the exit shall be fastened by locking or otherwise, the words "EXIT", "KUTOKA", "EMERGENCY EXIT" and "MLANGO WA DHARURA" shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "NO EXIT" and "HAKUNA KUTOKA" in red letters.

47. Flights over designated land areas: all aircraft

A person shall not operate an aircraft across land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, unless equipped with such signalling devices and life saving equipment, including means of sustaining life as may be appropriate to the area overflown.

48. Survival equipment

An air operator certificate holder shall not operate an aircraft across areas in which search and rescue would be especially difficult unless the aircraft is equipped with the following—

- (a) signalling equipment to make the pyrotechnical distress signals as specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations;
- (b) at least one emergency locator transmitter capable of transmitting on both the distress frequencies 406 MHz and 121.5 MHz simultaneously; and
- (c) additional survival equipment for the route to be flown taking account of the number of persons on board, except that the equipment in the documents referred to in paragraph (b) need not be carried when the aeroplane either—
 - (i) remains within a distance from an area where search and rescue is not especially difficult corresponding to—
 - (aa) one hundred and twenty minutes at the one engine inoperative cruising speed for aeroplanes capable of continuing the flight to an aerodrome with the critical power unit(s) becoming inoperative at any point along the route or planned diversions; or
 - (bb) thirty minutes at cruising speed for all other aeroplanes; or
 - (ii) for large turbine-powered aeroplanes, no greater distance than that corresponding to ninety minutes at cruising speed from an area suitable for making an emergency landing.

49. Emergency locator transmitter: aeroplanes

(1) A person shall not operate an aeroplane unless the aircraft is equipped with an automatically activated emergency locator transmitter capable of transmitting on 121.5 MHz and 406 MHz.

(2) A person shall not operate an aeroplane in flights over water away from land suitable for making an emergency landing at a distance of more than 185 kilometres (100 nautical miles), in the case of single-engine aeroplane, and more than 370 kilometres (200 nautical miles), in the case of multi-engine aeroplanes capable of continuing flight with one engine inoperative unless the aeroplane has one survival automatic emergency locator transmitter that transmits simultaneously on 121.5 MHz and 406 MHz.

(3) A person operating over water flights shall not operate an aeroplane at a distance away from land, which is suitable for making an emergency landing, greater than that corresponding to one hundred and twenty minutes at cruising speed or four hundred nautical miles, whichever is the lesser, for aeroplanes capable of continuing the flight to an aerodrome with the critical power unit becoming inoperative at any point along the route or planned diversions, unless that aeroplane has two survival type emergency locator transmitters, one of which shall be automatic, that transmits simultaneously on 121.5 and 406 MHz.

(4) A person shall not operate an aeroplane on flights over designated land areas unless the aeroplane has one automatic emergency locator transmitter that can transmit simultaneously on 121.5 and 406 MHz.

(5) A person operating an aircraft in over water operations shall install at least one survival type emergency locator transmitter referred to in subregulation (2) in each life-raft carried.

(6) A person operating an aircraft shall ensure that batteries used in emergency locator transmitters are replaced, or recharged if the battery is rechargeable, when—

- (a) the transmitter has been in use for more than one cumulative hour; or
- (b) fifty per cent of their useful life, or for rechargeable batteries, fifty per cent of their useful life of charge, has expired.

(7) The expiration date for a replacement or recharged emergency locator transmitter battery shall be legibly marked on the outside of the transmitter on all aircraft.

(8) An operator shall ensure that an emergency locator transmitter that is capable of transmitting on 406 MHz shall be coded as prescribed by the Authority and registered with the national agency responsible for initiating search and rescue or another nominated agency.

(9) The useful life of a battery or useful life of charge requirements in an aircraft shall not apply to batteries such as water-activated batteries that are essentially unaffected during probable storage intervals.

50. Emergency locator transmitter: helicopters

(1) A person shall not operate a helicopter unless it is fitted with automatic emergency locator transmitter.

(2) A person shall not operate a helicopter on a flight over water at a distance from land corresponding to more than ten minutes flying time at normal cruising speed when operating in Performance Class 1 or 2 or beyond autorotation or safe forced landing

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distance from land when operating in Performance Class 3 unless it has one automatic survival emergency locator transmitter and at least one survival emergency locator transmitter in a raft that transmits simultaneously on 121.5 or 406 MHz.

(3) A person shall not operate a helicopter over a designated land area unless it has one automatic emergency locator transmitter that transmits on 121.5 or 406 MHz.

51. Portable fire extinguishers

(1) A person shall not operate an aircraft unless hand fire extinguishers are provided for use in crew, passenger, and as applicable, cargo compartments and galleys in accordance with the following—

- (a) the type and quantity of extinguishing agent is suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used and, for personnel compartments, shall minimise the hazard of toxic gas concentration;
- (b) at least one hand fire extinguisher, containing Halon 1211 (bromochlorodifluoromethane, CB_2ClF_2), or equivalent as the extinguishing agent, shall be conveniently located on the cockpit for use by the flight crew;
- (c) at least one hand fire extinguisher shall be located in, or readily accessible for use in, each galley not located on the main passenger deck;
- (d) at least one readily accessible hand fire extinguisher shall be available for use in each Class A or Class B cargo or baggage compartment and in each Class E cargo compartment that is accessible to crew members in flight;
- (e) at least the following number of hand fire extinguishers shall be conveniently located in the passenger compartment and, in the event that two or more extinguishers are required, they shall be evenly distributed in the passenger compartment:

<i>Maximum approved passenger seating configuration</i>	<i>Number of extinguishers</i>
7 to 30	1
31 to 60	2
61 to 200	3
201 to 300	4
301 to 400	5
401 to 500	6
501 to 600	7
601 or more	8

- (f) at least one of the required fire extinguishers located in the passenger compartment of an aeroplane with a maximum approved passenger seating configuration of at least thirty-one, and not more than sixty, and at least two of the fire extinguishers located in the passenger compartment of an aeroplane with a maximum approved passenger seating configuration of sixty-one or more shall contain Halon 1211 (bromochlorodifluoromethane, CB_2ClF_2), or equivalent as the extinguishing agent.

52. Lavatory fire extinguisher

(1) A person shall not operate an aircraft carrying passengers unless each lavatory in the aeroplane is equipped with a built-in fire extinguisher for each disposal receptacle for towels, paper, or waste located within the lavatory.

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(2) The built-in lavatory fire extinguishers referred in subregulation (1) shall be designed to discharge automatically into each disposal receptacle upon occurrence of a fire in the receptacle.

53. Lavatory smoke detector

A person shall not operate a passenger-carrying aircraft unless each lavatory in the aircraft is equipped with a smoke detector system or equivalent that provides—

- (a) a warning light in the cockpit; or
- (b) a warning light or audio warning in the passenger cabin,

which shall be readily detected by a cabin crew member, taking into consideration the positioning of cabin crew members throughout the passenger compartment during various phases of flight.

54. Crash axe

(1) A person shall not operate an aircraft with a maximum certificated take-off mass of over 5,700 kilograms or having a maximum approved passenger seating configuration of more than nine seats unless it is equipped with at least one crash axe or crowbar located in the cockpit.

(2) Where the maximum approved passenger-seating configuration is more than two hundred an additional crash axe or crowbar shall be carried and located in or near the most rearward galley area.

(3) A crash axe and crowbar located in the passenger compartment shall not be visible to the passengers.

55. Marking of break-in points

(1) A person shall not operate an aeroplane or helicopter unless the areas of the fuselage suitable for break-in by rescue crews in emergency are marked on aeroplanes and helicopters, upon the exterior surface of its fuselage with markings to show the areas, in this Regulation referred to as “break-in areas”, which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aeroplane or helicopter.

(2) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each area of which shall be 9 cm in length along its outer edge and 3 cm in width.

(3) Where the corner markings referred to in subregulation (2) are more than 2 m apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 m between adjacent markings.

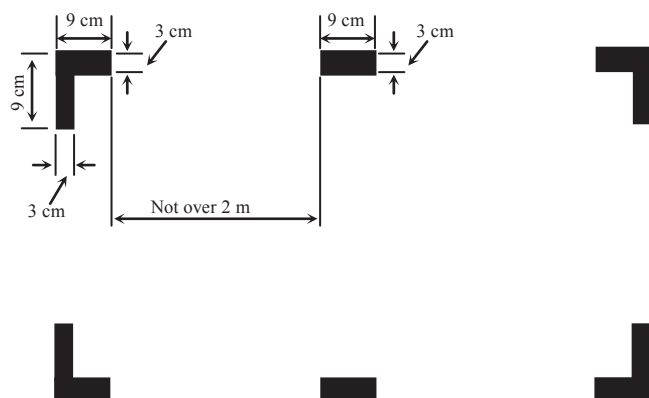
(4) The words “CUT HERE IN EMERGENCY” and “KATA HAPA WAKATI WA DHARURA” shall be marked across the centre of each break-in area in capital letters.

(5) The markings required under this regulation shall be—

- (a) painted, or affixed by other equally permanent means and shall be red or yellow and, in any case in which the colour of the adjacent background is such as to render red or yellow markings not readily visible, be outlined in such a manner that shall be readily distinguishable from the surrounding fuselage area by contrast in colour; and
- (b) kept clean and unobscured at all times.

[Subsidiary]

(6) Where areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on an aeroplane such areas shall be marked as shown in the following diagram—

**56. First-aid and emergency medical kit**

(1) An air operator certificate holder shall not operate an aeroplane unless the aeroplane is equipped with accessible and adequate medical supplies appropriate to the number of passengers the aeroplane is authorised to carry.

(2) The medical supplies referred to in subregulation (1) shall comprise—

- (a) one or more first-aid kits; and
- (b) a medical kit, for the use of medical doctors or other qualified persons in treating in-flight medical emergencies for passenger flights requiring a cabin crew.

(3) The number of first-aid kits to be carried on an air operator certificate-operated aeroplanes shall be to the following scale:

<i>Number of passenger seats installed</i>	<i>Number of first-aid kits required</i>
0 to 50	1
51 to 150	2
151 to 250	3
251 and more	4

(4) The first-aid kits referred to in subregulation (2) shall be distributed as evenly as practicable throughout the passenger cabin.

(5) The required first-aid kits referred to in subregulation (2) shall be readily accessible to cabin crew, and, in view of the possible use of medical supplies outside the aeroplane in an emergency situation, shall be located to the extent practicable near an exit.

(6) The first-aid kits required under this Regulation shall include the following contents—

- (i) a handbook on first aid;
- (ii) ground-air visual signal code for use by survivors as specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations;
- (iii) materials for treating injuries;
- (iv) ophthalmic ointment;

- (v) a decongestant nasal spray;
- (vi) insect repellent;
- (vii) emollient eye drops;
- (viii) sunburn cream;
- (ix) water-miscible antiseptic or skin cleanser;
- (x) materials for treatment of extensive burns;
- (xi) oral drugs, including analgesic, antispasmodic, central nervous system stimulant, circulatory stimulant, coronary vasodilator, anti diarrhoeic and motion sickness medications; and
- (xii) an artificial plastic airway and splints.

(7) The medical kit required under this Regulation shall contain the following equipment and drugs—

- (a) equipment—
 - (i) one pair of sterile surgical gloves;
 - (ii) sphygmomanometer;
 - (iii) stethoscope;
 - (iv) sterile scissors;
 - (v) haemostatic forceps;
 - (vi) haemostatic bandages or tourniquet;
 - (vii) sterile equipment for suturing wounds;
 - (viii) disposable syringes and needles; and
 - (ix) disposable scalpel handle and blade; and
- (b) drugs—
 - (i) coronary vasodilators;
 - (ii) analgesics;
 - (iii) diuretics;
 - (iv) anti-allergics;
 - (v) steroids;
 - (vi) sedatives;
 - (vii) ergometrine;
 - (viii) where compatible with regulations of the appropriate authority, a narcotic drug in injectable form; and
 - (ix) injectable bronchodilator.

57. Supplemental oxygen: pressurised aeroplanes

(1) An air operator certificate holder shall not operate a pressurised aeroplane at pressure altitudes above 10,000 ft unless supplemental oxygen equipment capable of storing and dispensing the oxygen supplies is provided.

(2) The amount of supplemental oxygen shall be determined on the basis of cabin pressure altitude, flight duration and the assumption that a cabin pressurisation failure will occur at the pressure altitude or point of flight that is most critical from the standpoint of oxygen need and the aeroplane will descend in accordance with emergency procedures specified in the Aeroplane Flight Manual to a safe altitude for the route to be flown that will allow continued safe flight and landing.

[Subsidiary]

(3) In the event of failure, the cabin pressure altitude shall be considered the same as the aeroplane pressure altitude, unless it is demonstrated to the Authority that no probable failure of the cabin or pressurisation system will result in a cabin pressure altitude equal to the aeroplane pressure altitude in which case the lower cabin pressure altitude may be used as a basis for determination of oxygen supply.

58. Oxygen equipment and supply requirements

(1) An air operator certificate holder shall not operate an aeroplane unless the members of the flight crew on cockpit duty are supplied with supplemental oxygen in accordance with minimum requirements prescribed in Table 1.

(2) Where all occupants of cockpit seats are supplied from the flight crew source of oxygen supply, they shall be considered as flight crew members on flight deck duty for the purpose of oxygen supply.

(3) The cockpit seat occupants who are not supplied by the flight crew source of oxygen supply and flight crew members not covered under subregulations (1) and (2) shall be considered as passengers for the purpose of oxygen supply.

(4) Oxygen masks to be installed in an aeroplane shall be—

- (a) located so as to be within the immediate reach of flight crew members while at their assigned duty station; and
- (b) of a quick donning type for use by flight crew members in pressurised aeroplanes operating at pressure altitudes above 25,000 feet.

(5) Passengers in an aeroplane shall be supplied with supplemental oxygen in accordance with Table 1.

(6) An operator who operates an aeroplane intended to be operated at pressure altitudes above 25,000 feet shall ensure that the aeroplane is provided with—

- (a) sufficient spare outlets and masks or sufficient portable oxygen units with masks for use by all required cabin crew members;
- (b) spare outlets or portable oxygen units distributed evenly throughout the cabin to ensure immediate availability of oxygen to each required cabin crew member regardless of his location;
- (c) an oxygen dispensing unit connected to oxygen supply terminals immediately available to each occupant, wherever seated; and
- (d) total number of dispensing units and outlets which exceeds the number of seats by at least ten per cent and the extra units evenly distributed throughout the cabin.

(7) An aeroplane intended to be operated at pressure altitudes above 25,000 feet or which, if operated at or below 25,000 feet, cannot descend safely within four minutes to 13,000 feet, shall be provided with automatically deployable oxygen equipment immediately available to each occupant wherever seated and the total number of dispensing units and outlets shall exceed the number of seats by at least ten per cent with the extra units evenly distributed throughout the cabin.

(8) The oxygen supply requirements specified in the Table 1 may, in the case of aeroplanes not certificated to fly above 25,000 feet, be reduced to the entire flight time between 10,000 feet and 13,000 feet cabin pressure altitudes for all required cabin crew members and for at least ten per cent of the passengers if, at all points along the route to be flown, the aeroplane is able to descend safely within four minutes to a cabin pressure altitude of 13,000 feet.

TABLE 1 – OXYGEN – MINIMUM REQUIREMENTS FOR SUPPLEMENTAL OXYGEN FOR PRESSURISED AEROPLANES (NOTE 1)

(a)	(b)
<i>Supply for:</i>	<i>Duration and Cabin Pressure Altitude</i>
1. All occupants of flight deck seats on flight deck duty	Entire flight time when the cabin pressure altitude exceeds 13,000 feet and entire flight time when the cabin pressure altitude exceeds 10,000 feet but does not exceed 13,000 feet after the first 30 minutes at those altitudes, but in no case less than— (i) thirty minutes for aeroplanes certificated to fly at altitudes not exceeding 25,000 feet; (Note 2) (ii) two hours for aeroplanes certificated to fly at altitudes more than 2,000 feet. (Note 3)
2. All required cabin crew members	Entire flight time when cabin pressure altitude exceeds 13,000 ft but not less than thirty minutes (Note 2), and entire flight time when cabin pressure altitude is greater than 10,000 feet but does not exceed 13,000 feet after the first thirty minutes at these altitudes.
3. 100% of passengers (Note 5)	Entire flight time when the cabin pressure altitude exceeds 15,000 feet but in no case less than ten minutes. (Note 4)
4. 30% of passengers (Note 5)	Entire flight time when the cabin pressure altitude exceeds 14,000 feet but does not exceed 15,000 feet.
5. 10% of passengers (Note 5)	Entire flight time when the cabin pressure altitude exceeds 10,000 feet but does not exceed 14,000 feet after the first thirty minutes at these altitudes.

Note 1: The supply provided must take account of the cabin pressure altitude and descent profile for the routes concerned.

Note 2: The required minimum supply is that quantity of oxygen necessary for a constant rate of descent from the aeroplane's maximum certificated operating altitude to 10,000 ft in ten minutes and followed by twenty minutes at 10,000 feet.

Note 3: The required minimum supply is that quantity of oxygen necessary for a constant rate of descent from the aeroplane's maximum certificated operating altitude to 10,000 feet in ten minutes and followed by one hundred and ten minutes at 10,000 feet. The oxygen required under regulation 58(1) may be included in determining the supply required.

Note 4: The required minimum supply is that quantity of oxygen necessary for a constant rate of descent from the aeroplane's maximum certificated operating altitude to 15,000 feet in ten minutes.

Note 5: For the purpose of this Table "**passengers**" means passengers actually carried and includes infants.

59. Supplemental oxygen: non-pressurised aircraft

(1) An operator shall not operate a non-pressurised aircraft at altitudes above 10,000 feet unless supplemental oxygen equipment capable of storing and dispensing the oxygen supplies is provided.

(2) The amount of supplemental oxygen for sustenance required for a particular operation shall be determined on the basis of flight altitudes and flight duration, consistent with the operating procedures established for each operation in the Operations Manual and with the routes to be flown, and with the emergency procedures specified in the Operations Manual.

[Subsidiary]

60. Oxygen supply requirements for non-pressurised aircraft

(1) A member of the flight crew on cockpit duty shall be supplied with supplemental oxygen in accordance with Table 2 where all occupants of cockpit seats are supplied from the flight crew source of oxygen supply then they shall be considered as flight crew members on cockpit duty for the purpose of oxygen supply.

(2) Cabin crew members and passengers shall be supplied with oxygen in accordance with Table 2 and cabin crew members carried in addition to the minimum number of cabin crew members required, and additional crew members, shall be considered as passengers for the purpose of oxygen supply.

TABLE 2 – SUPPLEMENTAL OXYGEN FOR NON-PRESSURISED AIRCRAFT

<i>Supply for:</i>	<i>Duration and Pressure Altitude</i>
1. All occupants of flight deck seats on flight deck duty.	Entire flight time at pressure altitudes above 10,000 feet.
2. All required cabin crew members.	Entire flight time at pressure altitudes above 13,000 feet and for any period exceeding 30 minutes at pressure altitudes above 10,000 feet but not exceeding 13,000 feet.
3. 100% of passengers. (see Note)	Entire flight time at pressure altitudes above 13,000 feet.
4. 10% of passengers. (see Note)	Entire flight time after thirty minutes at pressure altitudes greater than 10,000 feet but not exceeding 13,000 feet.

Note: For the purpose of this Table “**passengers**” means passengers actually carried and includes infants under the age of 2.

61. Protective breathing equipment

(1) Subject to subregulation (2), an air operator certificate holder shall not operate an aeroplane with a maximum certificated take-off mass of over 5,700 kilograms having a maximum approved seating configuration of more than nineteen seats unless the aeroplane has—

- (a) protective breathing equipment to protect the eyes, nose and mouth of each flight crew member while on cockpit duty and to provide oxygen for a period of not less than fifteen minutes; and
- (b) sufficient protective breathing equipment to protect the eyes, nose and mouth of all required cabin crew members and to provide oxygen for a period of not less than fifteen minutes.

(2) When the flight crew is more than one and a cabin crew member is not carried, portable protective breathing equipment shall be carried to protect the eyes, nose and mouth of one member of the flight crew and to provide oxygen for a period of not less than fifteen minutes.

(3) The oxygen supply for protective breathing equipment may be provided by the required supplemental oxygen system.

(4) The protective breathing equipment intended for flight crew use shall be conveniently located on the cockpit and be easily accessible for immediate use by each required flight crew member at their assigned duty station.

(5) The protective breathing equipment intended for cabin crew use shall be installed adjacent to each required cabin crew member at their assigned duty station.

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(6) Easily accessible portable protective breathing equipment shall be provided and located at or adjacent to the required hand fire extinguishers except that, where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside but adjacent to the entrance to that compartment.

(7) The protective breathing equipment shall not while in use prevent required communication.

62. First-aid oxygen dispensing units

(1) An air operator certificate holder shall not conduct a passenger carrying operation in a pressurised aeroplane with a seating capacity of more than nineteen seats at altitude above 25,000 feet unless it is equipped with—

- (a) undiluted first-aid oxygen for passengers who, for physiological reasons, may require oxygen following a cabin depressurisation; and
- (b) a sufficient number of dispensing units, but in no case less than two, with a means for cabin crew to use the supply.

(2) The amount of first-aid oxygen required under subregulation (1)(a), for a particular operation and route shall be determined on the basis of—

- (a) flight duration after cabin depressurisation at cabin altitudes of more than 8,000 feet;
- (b) an average flow rate of at least three litres standard temperature pressure dry per minute per person; and
- (c) at least two per cent of the passengers carried, but in no case for less than one person.

(3) The amount of first-aid oxygen required for a particular operation shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each operation and route.

(4) The oxygen equipment provided shall be capable of generating a mass flow to each user of at least four litres per minute, standard temperature pressure dry, means may be provided to decrease the flow to not less than two litres per minute, standard temperature pressure dry, at any altitude.

63. Megaphones for an aeroplane

(1) An air operator certificate holder shall not operate a passenger-carrying aeroplane unless that aeroplane is equipped with portable battery-powered megaphones readily accessible to the crew members assigned to director emergency evacuation.

(2) The number and location of megaphones required by subregulation (1) shall be determined as follows—

- (a) on aeroplanes with a seating capacity of more than sixty and less than one hundred passengers, one megaphone shall be located at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat; and
- (b) on aeroplanes with a seating capacity of more than ninety-nine passengers, two megaphone in the passenger cabin with one installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal flight attendant seat.

(3) At least one megaphone is required for aeroplanes with more than one passenger deck in all cases where the total passenger seating configurations is more than sixty.

[Subsidiary]**64. Megaphones for helicopters**

An operator shall not operate a helicopter with a total maximum approved passenger-seating configuration of more than nineteen unless the helicopter is equipped with portable battery-powered megaphones readily available for use by crew members during emergency evacuation.

65. Individual flotation devices

(1) An air operator certificate holder shall not operate an aircraft on flights over water at greater than gliding distance from land suitable for making an emergency landing unless the aircraft is equipped with one lifejacket or equivalent individual flotation device for each person on board the aircraft.

(2) The lifejackets or equivalent individual flotation devices referred to in subregulation (1) shall be stowed in a position easily accessible from the seat or berth of the person for whose use it is provided.

(3) An air operator certificate holder who operates an aircraft on extended over-water operations shall ensure that each individual flotation device is fitted with an approved survivor locator light.

(4) All seaplanes and amphibians for all flights shall be equipped with a lifejacket or equivalent individual flotation device, for each person on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided.

66. Liferafts

(1) An air operator certificate holder shall not operate an aeroplane in commercial air transport at a distance away from land, which is suitable for making an emergency landing, greater than that corresponding to—

- (a) one hundred and twenty minutes at cruising speed or four hundred nautical miles, whichever is the lesser, for aeroplanes capable of continuing the flight to an aerodrome with the critical power unit becoming inoperative at any point along the route or planned diversions; or
- (b) thirty minutes at cruising speed or one hundred nautical miles, whichever is the lesser, for all other aeroplanes, without having on the aeroplane enough liferafts with rated capacities and buoyancy to accommodate the occupants of the aeroplane.

(2) Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity of the rafts referred in subregulation (1) shall accommodate all occupants of the aeroplane in the event of a loss of one raft of the largest rated capacity.

(3) The liferafts to be provided under this Regulation shall be stowed so as to facilitate readily use in emergency and be equipped with—

- (a) a survivor locator light;
- (b) a survival kit;
- (c) lifelines, and means of attaching one liferaft with another;
- (d) an emergency locator transmitter as specified in regulation 50;
- (e) a sea anchor;
- (f) means of protecting the occupants from the elements;
- (g) paddles or other means of propulsion;
- (h) marine-type pyrotechnic signalling devices;
- (i) a waterproof torch;

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- (j) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in subregulation (1)(k)(ii);
- (k) for each four or proportion of four persons the liferaft is designed to carry—
 - (i) 100 grammes of glucose toffee tablets;
 - (ii) $\frac{1}{2}$ litre of fresh water in durable containers or in any case in which it is not reasonably practicable to carry the $\frac{1}{2}$ litre of water, as large a quantity of fresh water as is reasonably practicable in the circumstances:

Provided that, in no case shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in paragraph (k) to provide $\frac{1}{2}$ litre of water for each four or proportion of four persons the liferaft is designed to carry;
- (l) first-aid equipment; and
- (m) two survival beacon radio apparatus for every eight liferafts, and an additional survival beacon radio apparatus for every additional fourteen or proportion of fourteen liferafts.

(4) The items specified in subregulation (3)(i) to (m) shall be contained in one pack.

(5) The liferafts referred in subregulation (1) which are not deployable by remote control and which have a mass of more than 40 kilograms shall be equipped with some means of mechanically assisted deployment.

(6) All seaplanes and amphibian aircraft shall be equipped with liferafts.

(7) An operator shall not operate a helicopter on a flight over water at a distance from land corresponding to more than ten minutes flying time at normal cruising speed when operating in Performance Class 1 or 2 or three minutes flying time at normal cruising speed when operating in Performance Class 3 unless it carries—

- (a) in the case of a helicopter carrying—
 - (i) less than twelve persons, a minimum of one liferaft with a rated capacity of not less than the maximum number of persons on board;
 - (ii) more than eleven persons a minimum of two liferafts sufficient together to accommodate all persons capable of being carried on board, where one liferaft of the largest rated capacity may be lost, shall be sufficient to accommodate all persons on the helicopter.

67. Lifejackets for helicopters

An operator shall not operate a helicopter for any operations on water or flight over water when operating performance—

- (a) Class 3 beyond autorotational distance from land;
- (b) Class 1 or 2 at a distance from land corresponding to more than 10 minutes flying time at normal cruise speed; or
- (c) Class 2 or 3 when taking off or landing at a heliport where the take-off or approach path is over water,

unless it is equipped with lifejackets equipped with a survivor locator light, for each person on board stowed in an easily accessible position with safety emergency locator transmitter or harness fastened, from the seat or berth of the person for whose use it is provided and an individual infant flotation device, equipped with a survivor locator light, for use by each infant on board.

[Subsidiary]**68. Floating devices for helicopter ditching**

A person shall not fly a helicopter over water at a distance from land corresponding to more than ten minutes at normal cruise speed in the case of Performance Class 1 or 2 helicopters, or flying over water beyond auto rotational or safe forced landing distance from land in the case of Performance Class 3 helicopters, unless the helicopter is equipped with a Permanent or rapidly deployable means of flotation so as to ensure safe ditching of the helicopter.

PART VIII – MISCELLANEOUS SYSTEMS AND EQUIPMENT**69. Seats, safety belts and shoulder harnesses**

(1) A person shall not operate an aircraft in passenger operations unless it is equipped with the following seats, safety belt and shoulder harnesses that meet the airworthiness requirements for type certification of that aircraft—

- (a) a seat or berth with safety belt for each person on board over the age of two years;
- (b) a supplementary loop belt or another restraint device for each infant;
- (c) a berth designed to be occupied by two persons, such as a multiple lounge or divan seat, shall be equipped with an approved safety belt for use by two occupants during en-route flight only;
- (d) a safety harness, which includes shoulder straps and a safety belt which may be used independently, for each flight crew seat;
- (e) a safety harness for each pilot seat which shall incorporate a device which shall automatically restrain the occupant's torso in the event of rapid deceleration; and
- (f) a seat in the passenger compartment for each cabin crew member.

(2) The safety harness referred to in subregulation (1) for each pilot seat shall incorporate a device to prevent a suddenly incapacitated pilot from interfering with the flight controls.

(3) In the case of an aircraft carrying out erect spinning, the Authority may permit a safety belt with one diagonal shoulder harness strap to be fitted if the Authority determines that such restraint is sufficient for carrying out erect spinning in that aircraft, and that it is not reasonably practicable to fit a safety harness in that aircraft.

70. Passenger and pilot compartment doors

(1) An operator shall not operate an aeroplane which is equipped with a flight crew compartment door unless the door is capable of being locked and has means by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) All passenger-carrying aeroplanes of a maximum certificated take-off mass in excess of 45,500 kilograms or with a passenger seating capacity greater than sixty shall be equipped with an approved flight crew compartment door which shall be capable of being locked and unlocked from either pilot's station, that is designed to resist penetration by small firearms, grenade shrapnel and forcible intrusions by unauthorised persons.

(3) In all aeroplanes which are equipped with a flight crew compartment door in accordance with subregulation (2)—

- (a) the door shall be closed and locked from the time all external doors are closed following embarkation to the time the door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and

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- (b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

71. Passenger information signs

An air operator certificate holder shall not operate a passenger-carrying aeroplane unless—

- (a) it is equipped with passenger information sign visible from passenger seats notifying when smoking is prohibited;
- (b) if the pilot in command cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to passengers that the seat belt should be fastened; and
- (c) it is equipped with a sign or placard affixed to each forward bulkhead and each passenger seat back that reads "FASTEN SEAT BELT WHILE SEATED" and "FUNGA MKANDA WAKATI UMEKETI".

72. Public address system

An air operator certificate holder shall not operate a passenger-carrying aeroplane with a maximum approved passenger seating configuration of more than nineteen unless a public address system is installed that—

- (a) operates independently of the interphone systems except for handsets, microphones, selector switches and signalling devices;
- (b) for each required floor level passenger emergency exit which has an adjacent cabin crew seat, has a microphone which is readily accessible to the seated cabin crew member, except that one microphone may serve more than one exit, provided the proximity of the exits allows unassisted verbal communication between seated cabin crew members;
- (c) is capable of operation within ten seconds by a cabin crew member at each of those stations in the compartment from which its use is accessible; and
- (d) is audible and intelligible at all passenger seats, toilets, and cabin crew seats and workstations.

73. Materials for cabin interiors

An operator shall not operate an aeroplane unless the seat cushions in any compartment occupied by crew or passengers other than those on flight crew member seats meet requirements pertaining to fire protection as specified by the Authority.

74. Materials for cargo and baggage compartments

(1) An air operator certificate holder shall not operate a passenger-carrying aeroplane unless, each Class C cargo compartment greater than 200 cubic feet in volume in a transport category has ceiling and sidewall liner panels which are constructed of—

- (a) glass fibre reinforced resin; or
- (b) material which meet the test requirements for flame resistance of cargo compartment liners as prescribed for type certification.

(2) In this Regulation the term "**liner**" includes any design feature, such as a joint or fastener, which would affect the capability of the liner to safely contain fire.

(3) A Class C cargo or baggage compartment is one in which—

- (a) there is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station;

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- (b) there is an approved built-in fire extinguishing or suppression system controllable from the cockpit;
- (c) there is means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers; and
- (d) there are means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment.

75. Power supply, distribution and indication system

(1) An air operator certificate holder shall not operate an aeroplane unless it is equipped with an electrical power supply and distribution system that—

- (a) meets the airworthiness requirements for certification of an aeroplane in the transport category, as specified by the Authority; or
- (b) is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one electrical power source or component of the power distribution system fails, and a means for indicating the adequacy of the electrical power being supplied to required flight instruments.

(2) Engine-driven sources of energy when used shall be on separate engines.

76. Protective circuit fuses

An air operator certificate holder shall not operate an aeroplane in which protective circuit fuses are installed unless there are spare protective circuit fuses available for use in flight equal to at least ten per cent of the number of fuses of each rating or three of each rating whichever is the greater.

77. Aeroplanes in icing conditions

An air operator certificate holder shall not operate an aeroplane in circumstances in which icing conditions are reported to exist or are expected to be encountered, unless the aeroplane is equipped with suitable de-icing or anti-icing devices.

78. Icing detection

(1) An air operator certificate holder shall not operate an aircraft in expected or actual icing conditions at night unless it is equipped with a means to illuminate or detect the formation of ice.

(2) Any illumination that is used on an air operator certificate holder-operated aircraft shall be of a type that shall not cause glare or reflection that would handicap crew members in the performance of their duties.

79. Pitot indication systems

An air operator certificate holder shall not operate an aeroplane equipped with a flight instrument pitot heating system unless the aeroplane is also equipped with an operable pitot heat indication system that complies with the following requirements—

- (a) the indication provided shall incorporate an amber light that is in clear view of a flight crew member; and
- (b) the indication provided shall be designed to alert the flight crew if either the pitot heating system is switched “off” or the pitot heating system is switched “on” and any pitot tube heating element is inoperative.

80. Static pressure system

An air operator certificate holder shall not operate an aeroplane in accordance with instrument flight rules or by night unless the aeroplane is equipped with two independent static pressure systems, except that for propeller-driven aeroplanes with maximum certificated take-off mass of 5,700 kilograms or less, one static pressure system and one alternate source of static pressure is allowed.

81. Windshield wipers

An air operator certificate holder shall not operate an aeroplane with a maximum certificated take-off mass of over 5,700 kilograms, unless it is equipped at each pilot station with a windshield wiper or equivalent means to maintain a clear portion of the windshield during precipitation.

82. Chart holder

An air operator certificate holder shall not operate an aeroplane in accordance with instrument flight rules or by night unless the aeroplane is equipped with a chart holder installed in an easily readable position which can be illuminated for night operations.

83. Cosmic radiation detection equipment

An air operator certificate holder shall not operate an aeroplane above 15,000 m (49,000 feet) unless—

- (a) that aeroplane is equipped with an instrument to measure and indicate continuously the dose rate of total cosmic radiation being received, that is the total of ionising and neutron radiation of galactic and solar origin, and the cumulative dose on each flight; and
- (b) a system of in-board quarterly radiation sampling acceptable to the Authority is established.

84. Seaplanes and amphibians: miscellaneous equipment

An air operator certificate holder shall not operate a seaplane or an amphibian aircraft on water unless it is equipped with—

- (a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the aircraft on water, appropriate to its size, weight and handling characteristics; and
- (b) equipment for making the sound signals prescribed in the Convention on the International Regulation for Prevention of Collision at Sea, 1972 where applicable.

PART IX – GENERAL**85. Possession of certificate, authorisation, etc.**

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

86. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

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(2) Where the Authority or any person authorised by the Authority wishes to test a person referred to in subregulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;
- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug test; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under subregulation (3).

87. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in subregulation (1) shall not engage in any kind of problematic use of substances.

88. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

89. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

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(4) The Authority shall return to the holder the original documents specified in subregulation (2)(b) of this regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

90. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in subregulation (1) shall not exercise the privileges of the certificate or authorisation.

91. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

92. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this subregulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

93. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

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(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in subregulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

94. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

95. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

96. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of subregulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

97. Application of regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other Authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

98. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART X – EXEMPTIONS**99. Requirements for application for exemption**

- (1) A person may apply to the Authority for an exemption from any of these Regulations.
- (2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.
- (3) A request for an exemption shall contain the applicant's—
 - (a) name;
 - (b) physical address and mailing address;
 - (c) telephone number;
 - (d) fax number, if available; and
 - (e) email address, if available.
- (4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

100. Substance of the request for exemption

- (1) An application for an exemption shall contain the following—
 - (a) a citation of the specific requirement from which the applicant seeks exemption;
 - (b) an explanation of why the exemption is needed;
 - (c) a description of the type of operations to be conducted under the proposed exemption;
 - (d) the proposed duration of the exemption;
 - (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
 - (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question; and

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- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 99(2).

Review, Publication and Issue or Denial of the Exemption

101. Initial review by the Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 99 and 100.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in *Kenya Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 68 and 69 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

102. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in subregulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART XI – OFFENCES AND PENALTIES

103. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

104. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART XII – SAVINGS AND TRANSITIONAL PROVISIONS

105. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

106. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

[Subsidiary]

SCHEDULES
FIRST SCHEDULE
[Regulation 41]
FLIGHT DATA RECORDER—INFORMATION TO BE RECORDED

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
2	Pressure altitude	x	x	x	x	-300 m (-1,000 ft) to max. certificated altitude of aircraft + 1,500 m (5,000 ft)	1	+/-30 m to +/-200 m (+/-1,00 ft to +/- 700 ft)
3	Indicated airspeed or calibrated airspeed	x	x	x	x	95 km/h (50 kt) to max V _{so} to 1.2 VD	1	+/-5% +/-3%
27	Air-ground status and each landing gear air-ground sensor when practicable	x	x	—	—	Discrete	1	—
14	Total or outside air temperature	x	x	x	x	Sensor range	2	+/-2°C
4	Heading (Primary crew reference)	—	x	—	—	360°	1	+/-2°
5	Normal acceleration	x	x	x	x	-3 g to +6 g	0,125	+/-1.5% max. range excluding datum error of 5%
17	Lateral acceleration	x	x	—	—	+/-1 g	0.25	+/-1.5% max. range excluding datum error of 5%
16	Longitudinal acceleration	x	x	—	—	+/-1 g	0.25	+/-1.5% max. range excluding datum error of 5%

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
1	Time (UTC when available, otherwise elapsed time)	x	x	x	x	24 hours	4	+/-0.125% per hour
31	Navigation data*: drift angle, wind speed, wind direction, latitude, longitude, groundspeed*	x	x	—	—	As installed	1	As installed
20	Radio altitude	x	x	—	—	-6 m to 750 m (-20 ft to 2,500 ft)	1	+/-0.6 m (+/-2 ft) or +/-3% whichever is greater below 150m (500 ft) and +/-5% above 150 m (500 ft)
	Requirements for Altitude							
6	Pitch altitude	x	x	x	x	+/-75°	1	+/-2%
7	Roll altitude	x	x	x	x	+/-180°	1	+/-2%
—	Yaw or sideslip angle*	—	x	—	—	—	—	—
29	Angle of attack	—	x	—	—	Full range	0.5	As installed
	Requirements for Engine Power							
9	Engine thrust/power: propulsive thrust/power on each engine, cockpit thrust/power lever position	x	x	x	x	Full range	1 (per engine)	+/-2%

[Subsidiary]

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
12	Thrust reverse status*	x	x	x	x	Stowed, in transit, reverse	1 (per engine)	—
—	Engine thrust command*	—	x	—	—	—	—	—
—	Engine thrust target*	—	x	—	—	—	—	—
—	Engine bleed valve position*	—	x	—	—	—	—	—
—	Additional engine parameters*: EPR, N1, indicated vibration level, N2, EGT, TLA, fuel flow, fuel cut-off lever position, N3	—	x	—	—	—	—	—
19	Pitch trim surface position	x	x	—	—	Full range	1	+/-3% unless higher accuracy uniquely required
10	Flaps*: trailing edge flap position, cockpit control selection	x	x	x	x	Full range or each discrete position	2	+/-5% or as pilot's indicator
11	Slats*: leading edge flap (slat) position, cockpit control selection	x	x	x	x	Full range or each discrete position	2	+/-5% or as pilot's indicator
32	Landing gear*: landing gear, gear selector positions	x	x	—	—	Discrete	4	As installed
—	Yaw trim surface position*	—	x	—	—	—	—	—
—	Roll trim surface position*	—	x	—	—	—	—	—
—	Cockpit trim control input position pitch*	—	x	—	—	—	—	—

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
—	Cockpit trim control input position roll*	—	x	—	—	—	—	—
—	Cockpit trim control input position yaw*	—	x	—	—	—	—	—
13	Ground spoiler and speed brake*; Ground spoiler position, ground spoiler selection, speed brake position, speed brake selection	x	x	x	x	Full range or each discrete position	1	+/-2% unless higher accuracy uniquely required
—	De-icing and/or anti-icing systems selection*	—	x	—	—	—	—	—
—	Hydraulic pressure (each system)*	x	x	—	—	—	—	—
—	Fuel quantity*	—	x	—	—	—	—	—
—	AC electrical bus status*	—	x	—	—	—	—	—
—	DC electrical bus status*	—	x	—	—	—	—	—
—	APU bleed valve position*	—	x	—	—	—	—	—
—	Computed centre of gravity*	—	x	—	—	—	—	—
	Requirements for Operation							
24	Master warnings	x	x	—	—	Discrete	1	—
—	Warnings	—	x	—	—	—	—	—

[Subsidiary]

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
18	Primary flight control surface and primary flight control pilot input: pitch axis, roll axis, yaw axis	x	x	—	—	Full range	1	+/-2% unless higher accuracy uniquely required
23	Marker beacon passage	x	x	—	—	Discrete	1	—
25	Each navigation receiver frequency selection: NAV 1 and 2	x	x	—	—	Full range	4	As installed
8	Manual radio transmission keying and Cockpit Voice Recorder/Flight Data Recorder synchronisation reference	x	x	x	x	On-off (one discrete)	1	—
15	Autopilot/auto throttle/AFCS mode and engagement status*	x	x	x	x	A suitable combination of discretes	1	—
—	Selected barometric setting*: pilot, first officer	—	x	—	—	—	—	—
—	Selected altitude (all pilot selectable modes of operation)*	—	x	—	—	—	—	—
—	Selected speed (all pilot selectable modes of operation)*	—	x	—	—	—	—	—
—	Selected Mach (all pilot selectable modes of operation)*	—	x	—	—	—	—	—

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
—	Selected vertical speed (all pilot selectable modes of operation)*	—	x	—	—	—	—	—
—	Selected heading (all pilot selectable modes of operation)*	—	x	—	—	—	—	—
—	Selected flight path (all pilot selectable modes of operation)*: course/DSTRK, path angle	—	x	—	—	—	—	—
—	Selected decision height*	—	x	—	—	—	—	—
—	EFIS display format*: pilot, first officer	—	x	—	—	—	—	—
—	Multifunction/engine/alerts display format*	—	x	—	—	—	—	—
28	GPWS/TAWS/GCAS status*: selection of terrain display mode including pop-up display status, terrain alerts, both cautions and warnings, and advisories, on/off switch position	x	x	—	—	Discrete	—	—
30	Low pressure warning*: hydraulic pressure, pneumatic pressure	—	x	—	—	Discrete	2	—
—	Computer failure*	—	x	—	—	—	—	—
—	Loss of cabin pressure	—	x	—	—	—	—	—

[Subsidiary]

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
—	TCAS/ACAS (traffic alert and collision avoidance system/airborne collision avoidance system)*	—	x	—	—	—	—	—
—	Ice detection*	—	x	—	—	—	—	—
—	Engine warning each engine vibration*	—	x	—	—	—	—	—
—	Engine warning each engine over temperature*	—	x	—	—	—	—	—
—	Engine warning each engine oil pressure low*	—	x	—	—	—	—	—
—	Engine warning each engine over speed*	—	x	—	—	—	—	—
—	Wind shear warning*	—	x	—	—	—	—	—
—	Operational stall protection, stick shaker and pusher activation*	—	x	—	—	—	—	—
—	All cockpit flight control input forces*: control wheel, control column, rudder pedal cockpit input forces	—	x	—	—	—	—	—

FIRST SCHEDULE—continued

S/N	Requirements for Flight Path and Speed	Type of Flight Data Recorder				Measurement Range	Recording Interval (Seconds)	Accuracy Limits (Sensor Input compared to Flight Data Recorder Read-out)
		I	IA	II	IIA			
21	Vertical deviation*: ILS glide path, MLS elevation, GNSS approach path	x	x	—	—	Signal range	1	+/-3%
22	Horizontal deviation*: ILS localiser, MLS azimuth, GNSS approach path	x	x	—	—	Signal range	1	+/-3%
26	DME 1 and 2 distances	x	x	—	—	0-370 km	4	As installed
—	Primary navigation system reference*: GNSS, INS, VOR/DME, MLS, Loran-C, ILS	x	x	—	—	—	—	—
—	Brakes*: left and right brake pressure, left and right brake pedal position	—	x	—	—	—	—	—
—	Date*	—	x	—	—	—	—	—
—	Event Marker*	—	x	—	—	—	—	—
—	Head-up display in use*	—	x	—	—	—	—	—
—	Para-visual display on*	—	x	—	—	—	—	—

[Subsidiary]

SECOND SCHEDULE

[Regulation 104.]

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CIVIL AVIATION (OPERATION OF AIRCRAFT) REGULATIONS, 2001

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CIVIL AVIATION (OPERATION OF AIRCRAFT) REGULATIONS, 2007

[L.N. 31/2007.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Civil Aviation (Operation of Aircraft) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**advisory airspace**” means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

“**aerial work**” means an aircraft operation in which an aircraft is used for specialised services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement;

“**aerodrome**” means a defined area on land or water, including any buildings, installations and equipment, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“**aerodrome operating minima**” means the limits of usability of an aerodrome for—

- (a) take-off, expressed in terms of runway visual range and visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility and runway visual range and decision altitude or height (decision altitude or decision height) as appropriate to the category of the operation;
- (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and runway visual range and decision altitude or height (decision altitude or decision height); and
- (d) landing in non-precision approach and landing operations, expressed in terms of visibility and runway visual range, minimum descent altitude or height (minimum descent altitude or minimum descent height) and, if necessary, cloud conditions;

“**aerodrome traffic zone**” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

“**aeronautical product**” means any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;

“**aeroplane**” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“**air traffic control service**” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft;
 - (ii) on manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

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“air traffic control unit” is a generic term meaning variously an area control centre, approach control unit or aerodrome control tower;

“air traffic service” means variously flight information service, alerting service, air traffic advisory service, or air traffic control service;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface;

“aircraft component” means any component part of an aircraft up to and including a complete powerplant or any operational or emergency equipment;

“aircraft type” means all aircraft of the same basic design;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors (but excluding propellers and rotating airfoils of a powerplant) and landing gear of an aircraft and their accessories and controls;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing; alternate aerodromes include the following—

- (a) take-off alternate – an alternate aerodrome at which an aircraft can land when necessary shortly after take-off and it is not possible to use the aerodrome of departure;
- (b) en-route alternate – an alternate aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en-route;
- (c) extended range operations by turbine-engined aeroplanes en-route alternate – a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en-route in an extended range operations by turbine-engined aeroplanes operation; and
- (d) destination alternate – an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller;

“approach and landing operations using instrument approach procedures” means instrument approach and landing operations classified as follows—

- (a) non-precision approach and landing operations – an instrument approach and landing which utilises lateral guidance but does not utilise vertical guidance;
- (b) approach and landing operations with vertical guidance – an instrument approach and landing which utilises lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations;
- (c) precision approach and landing operations – an instrument approach and landing using precision lateral and vertical guidance with minima as determined by the category of operation;

“appropriate authority”—

- (a) regarding flight over the high seas – means the relevant authority of the State of Registry;

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- (b) regarding flight other than over the high seas – means the relevant authority of the State having sovereignty over the territory being overflown;

“authorised instructor” means a person who—

- (a) when conducting ground training, holds a valid ground instructor licence issued under the Civil Aviation (Personnel Licensing) Regulations;
- (b) when conducting ground training or flight training, holds a current flight instructor rating issued under the Civil Aviation (Personnel Licensing) Regulations; or
- (c) is authorised by the Authority to provide ground training or flight training under the Civil Aviation (Personnel Licensing) and the Civil Aviation (Approved Training Organisations) Regulations;

“authorised person” means any person authorised by the Authority either generally or in relation to a particular case or class of cases, and references to an authorised person includes references to a holder for the time being of any office designated by the Authority;

“Authority” means the Kenya Civil Aviation Authority;

“Category II operations” means, a precision instrument approach and landing with a decision height lower than 60 metres (200 feet), but not lower than 30 metres (100 feet), and a runway visual range not less than 350 metres;

“Category IIIA operations” means, a precision instrument approach and landing with—

- (a) a decision height lower than 30 metres (100 feet) or no decision; and
- (b) a runway visual range not less than 200 metres;

“Category IIIB operations” means, a precision instrument approach and landing with—

- (a) a decision height lower than 15 metres (50 feet) or no decision height; and
- (b) a runway visual range less than 200 metres but not less than 50 metres;

“Category IIIC operations” means a precision instrument approach and landing with no decision height and no runway visual range limitations;

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience, and demonstrated ability to evaluate and certify the knowledge and skills of other pilots;

“commercial air transport” means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire;

“Contracting States” means all States that are parties to the Convention on International Civil Aviation (Chicago Convention);

“co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

“cruise relief pilot” means a flight crew member who is assigned to perform pilot tasks during cruise flight, to allow the pilot-in-command or a co-pilot to obtain planned rest;

“crew member” means a person assigned by an operator to duty on an aircraft during a flight duty period;

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“crew resource management” means a program designed to improve the safety of flight operations by optimising the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and co-ordination;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“critical phases of flight” means those portions of operations involving taxiing, take-off and landing, and all flight operations below 10,000 feet, except cruise flight;

“defined point after take-off” means the point, within the take-off and initial climb phase, before which the performance Class 2 helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“estimated time of arrival”—

- (a) for instrument flight rules means, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome;
- (b) for visual flight rules, means the time at which it is estimated that the aircraft will arrive over the aerodrome;

“evaluator” means a person employed by an approved training organisation who performs tests for licensing, added ratings, authorisations, and proficiency checks that are authorised by the certificate holder's training specification, and who is authorised by the Authority to administer the checks and tests;

“examiner” means any person authorised by the Authority to conduct a proficiency test, a practical test for a licence or rating, or a knowledge test under these Regulations;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“flight duty period” means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight time”—

- (a) for aeroplanes and gliders means the total time from the moment an aeroplane or a glider moves for the purpose of taking off to the moment it finally comes to rest at the end of the flight and it is synonymous with the term “block to block” or “chock to chock” time in general usage which is measured from the time an aeroplane first moves for the purpose of taking off to the moment it finally stops at the end of the flight;
- (b) for a helicopter means the total time from the moment a helicopter rotor blades start turning until the moment a helicopter comes to rest at the end of the flight and the rotor blades are stopped;
- (c) for airships or free balloon the total time from the moment an airship or free balloon first becomes detached from the surface to the moment when it next becomes attached thereto or comes to rest thereon;

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“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“handling agent” means an agency which performs on behalf of the operator some or all of the latter’s functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“helideck” means a heliport located on a floating or fixed offshore structure;

“heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

“inspection” means the examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority;

“instrument approach procedure” means a series of pre-determined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;

“journey log” means a form signed by the pilot-in-command of each flight that records the aircraft’s registration, crew member names and duty assignments, the type of flight, and the date, place, and time of arrival and departure;

“knowledge test” means a test on the aeronautical knowledge areas required for a pilot licence or rating that can be administered in written form or by a computer;

“landing decision point” means the point used in determining landing performance from which, an engine failure occurring at this point, the landing may be safely continued or a balked landing initiated;

“large aeroplane” means an aeroplane having a maximum certified take-off mass of 5,700 kilograms (12,500 pounds) or more;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“line operating flight time” means flight time recorded by the pilot-in-command or co-pilot while in revenue service for an air operator certificate holder;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aeronautical product including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“major modification” means a type design change not listed in the aircraft, aircraft engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product according to non-standard practices;

“master minimum equipment list” means a list established for a particular aircraft type by the organisation responsible for the type design with the approval of the State of design containing items, one or more of which is permitted to be

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unserviceable on the commencement of a flight; the master minimum equipment list may be associated with special operating conditions, limitations or procedures;

“minimum equipment list” means a list approved by the Authority which provides for the operation of the aircraft, subject to specific conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for a particular aircraft type;

“missed approach point” means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

“missed approach procedure” means the procedure to be followed if the approach cannot be continued;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft organisation;

“operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“operations specifications” means a document that contains terms, authorisations, conditions and limitations that facilitate the Authority’s administration of the air operator certificate by ensuring that the authority and the certificate holder have a mutual and clear understanding of how the certificate holder will conduct its operations;

“overhaul” means the restoration of an aircraft or aeronautical product using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of Design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under parts manufacturing authorisation or technical standard order;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“passenger exit seats” means those seats having direct access to an exit, and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit;

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“performance Class 1 helicopter” means a helicopter with performance such that, in case of critical engine failure, is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

“performance Class 2 helicopter” means a helicopter with performance such that, in case of critical engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required;

“performance Class 3 helicopter” means a helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed;

“pilot-in-command” means the pilot designated by the operator, or in the case of general aviation, the owner as being in command and charged with the safe conduct of a flight;

“powerplant” means an engine that is used or intended to be used for propelling aircraft and includes turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

“practical test” means a competency test on the areas of operations for a licence, certificate, rating, or authorisation that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight or in an approved synthetic flight trainer;

“preventive maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations;

“propeller” means a device for propelling an aircraft that has blades on an engine driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines;

“problematic use of substances” means the use of one or more psychoactive substances by aviation personnel in a way that—

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;

“psychoactive substance” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

“rating” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate except as used in **“engine thrust rating”**;

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“required navigation performance” means a statement of the navigation performance necessary for operation within a defined airspace;

“rest period” means any period of time on the ground during which a crew member is relieved of all duties by the operator;

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“runway visual range” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

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

- (a) requires hospitalisation for more than forty-eight hours, commencing within seven days from the date the injury was received;
- (a) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
- (b) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (c) involves injury to any internal organ;
- (d) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (e) involves verified exposure to infectious substances or injurious radiation;

“safety-sensitive personnel”, means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

“small aeroplane” means an aeroplane having a maximum certified take-off mass of less than 5,700 kg (12,500 lbs);

“special visual flight rules” means a controlled visual flight rules traffic authorised by air traffic control to operate within the control zone under meteorological conditions below the visual meteorological conditions or at night;

“State of Design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aircraft, aircraft component or appliance;

“State of Registry” means the Contracting State on whose registry an aircraft is placed;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines, and other psychoactive drugs and chemicals;

“synthetic flight trainer” means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

- (i) a flight simulator, which provides an accurate representation of the cockpit of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc., aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (ii) a flight procedures trainer, which provides a realistic cockpit environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc., aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (iii) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the cockpit environment of an aircraft in flight in instrument flight conditions;

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“take-off decision point” means the point used in determining take-off performance of a Class 1 helicopter from which, an engine failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

“technical instructions” means edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation;

“training program” means a program that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective and may include a core curriculum and a specialty curriculum;

“Vi” means take-off decision speed;

“Vmo” means maximum operating speed;

“V_{so}” means stalling speed or the minimum steady flight speed in landing configuration.

PART II – GENERAL OPERATIONS REQUIREMENTS

Aircraft Requirements

3. Registration markings

A person shall not operate an aircraft registered in Kenya or a foreign-registered aircraft in Kenya airspace unless that aircraft displays the proper markings prescribed in the Civil Aviation (Aircraft Registration and Marking) Regulations.

4. Civil aircraft airworthiness

(1) A person shall not operate an aircraft unless that aircraft is in an airworthy condition.

(2) Subject to subregulation (1), a pilot-in-command shall—

- (a) determine whether an aircraft is in a condition for safe flight; and
- (b) discontinue a flight when an unairworthy mechanical, electrical or structural condition occurs.

5. Special certificate of airworthiness

A person shall not operate an aircraft with a special certificate of airworthiness except as provided in the limitations issued with that certificate in accordance with the Civil Aviation (Airworthiness) Regulations.

6. Aircraft instruments and equipment

A person shall not operate an aircraft unless it is equipped with instruments and equipment appropriate to the type of flight operation conducted and the route being flown and in any case, in compliance with the requirements of the Civil Aviation (Instruments and Equipment) Regulations.

7. Inoperative instruments and equipment

(1) A person shall not commence an aircraft flight with inoperative instruments or equipment installed, except as authorised by the Authority.

(2) A person shall not operate a multi-engine aircraft in commercial air transport with inoperative instruments and equipment installed unless the following conditions are met—

- (a) an approved minimum equipment list for that aircraft is available;

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- (b) the Authority has issued operations specifications authorising operations in accordance with an approved minimum equipment list, and the flight crew shall have direct access at all times prior to flight to all of the information contained in the approved minimum equipment list through printed or other means approved by the Authority in the operations specifications; an approved minimum equipment list, as authorised by the operations specifications, constitutes an approved change to the type design without requiring re-certification;
- (c) the approved minimum equipment list shall—
 - (i) be prepared in accordance with the limitations specified in subregulation (4);
 - (ii) provide for the operation of the aircraft with certain instruments and equipment in an inoperative condition;
- (d) records identifying the inoperative instruments and equipment and the information required by subregulation (2)(c)(ii) shall be available to the pilot; and
- (e) the aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and the operations specifications authorising use of the minimum equipment list.

(3) The Authority may authorise flight operations with inoperative instruments and equipment installed in situations where no master minimum equipment list is available and no minimum equipment list is required for the specific aircraft operation under these Regulations.

(4) The inoperative instruments and equipment referred to in subregulation (2) shall not be—

- (a) part of the visual flight rules day instruments and equipment prescribed in the Civil Aviation (Instruments and Equipment) Regulations;
- (b) required on the aircraft's equipment list or the operations equipment list for the kind of flight operation being conducted;
- (c) required by the Civil Aviation (Instruments and Equipment) Regulations for the specific kind of flight operation being conducted; or
- (d) required to be operational by an airworthiness directive.

(5) The Authority may authorise a person to operate an aircraft with inoperative instruments and equipment where such instruments and equipment are—

- (a) determined by the pilot-in-command not to be a hazard to safe operation;
- (b) deactivated and placarded "Inoperative"; and
- (c) removed from the aircraft, the cockpit control placarded and the maintenance recorded in accordance with the Civil Aviation (Airworthiness) Regulations.

(6) Where deactivation of the inoperative instrument or equipment involves maintenance, it shall be accomplished and recorded in accordance with the Civil Aviation (Airworthiness) Regulations.

(7) The following instruments and equipment shall not be included in the minimum equipment list—

- (a) instruments and equipment that are either specifically or otherwise required by the certification airworthiness requirements and which are essential for safe operations under all operating conditions;

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- (b) instruments and equipment required for operable condition by an airworthiness directive, unless the airworthiness directive provides otherwise; and
- (c) instruments and equipment required for specific operations.

(8) Notwithstanding subregulation (7), an aircraft with inoperative instruments or equipment may be operated under a special flight permit issued under the Civil Aviation (Airworthiness) Regulations.

8. Aircraft flight manual, marking and placard requirements

(1) A person shall not operate an aircraft registered in Kenya unless there is available in the aircraft—

- (a) a current, approved Aeroplane Flight Manual or Rotorcraft Flight Manual; or
- (b) an Operations Manual approved by the Authority for the air operator certificate holder; and
- (c) if no Aeroplane Flight Manual or Rotorcraft Flight Manual exists, approved manual material, markings and placards, or any combination thereof which provide the pilot-in-command with the necessary limitations for safe operation.

(2) A person shall not operate an aircraft within or over Kenya without complying with the operating limitations specified in the approved Aeroplane Flight Manual or Rotorcraft Flight Manual, markings and placards, or as otherwise prescribed by the aircraft's State of Registry.

(3) A person operating an aircraft under these Regulations shall display in the aircraft all placards, listings, instrument markings or combination thereof, containing those operating limitations prescribed by the aircraft's State of Registry for visual presentation.

(4) An AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry.

9. Required aircraft and equipment inspections

(1) Unless otherwise authorised by the Authority, a person shall not operate an aircraft registered in Kenya unless it has had the following inspections—

- (a) an annual inspection within the preceding twelve months;
- (b) a one hundred hour inspection;
- (c) an altimeter and pilot-static system inspection within the preceding twelve months;
- (d) for transponder equipped aircraft, a transponder check within the preceding twelve months;
- (e) for emergency locator transmitter-equipped aircraft, an emergency locator transmitter check within the preceding twelve months.

(2) An aircraft for remuneration or hire operations maintained under a maintenance and inspection programme approved by the Authority, is not required to have a current annual or a one hundred hour inspections in its maintenance records.

10. Documents to be carried on aircraft

(1) A person shall not fly an aircraft unless the aircraft carries documents which are required to be carried on board under the law of the State of Registry.

(2) An aircraft registered in Kenya shall, when in flight, have on board the documents specified in this regulation, except that if the flight is intended to begin and end at the

same aerodrome and does not include passage over the territory of any other State other than Kenya, the documents may be kept at the aerodrome instead of being carried aboard the aircraft.

(3) The documents to be carried in an aircraft are—

- (a) on a flight for the purpose of commercial air transport—
 - (i) the licence in force in respect of the aircraft radio station installed in the aircraft;
 - (ii) the certificate of airworthiness in force in respect of the aircraft;
 - (iii) the licences and certificates of members of the flight crew of the aircraft;
 - (iv) one copy of mass and balance documentation, if any, required with respect to the flight;
 - (v) one copy of the certificate of release to service, if any, in force with respect to the aircraft;
 - (vi) the technical logbook required by these Regulations;
 - (vii) the operations manual, if any, required by these Regulations to be carried on the flight;
 - (viii) aircraft certificate of registration;
 - (ix) aircraft journey logbook;
 - (x) a list of passenger names and points of embarkation and disembarkation, if applicable;
 - (xi) cargo manifest including special loads information if applicable;
 - (xii) a copy of the air operator certificate;
 - (xiii) a noise certificate if required;
 - (xiv) an aeroplane flight manual or rotorcraft flight manual;
 - (xv) a minimum equipment list;
 - (xvi) a Category II or III Manual, as applicable;
 - (xvii) an operational flight plan;
 - (xviii) a filed notice to airmen's briefing documentation;
 - (xix) meteorological information;
 - (xx) maps and charts required for the flight and possible diversions;
 - (xxi) forms for complying with the reporting requirements of the Authority and the air operator certificate holder;
 - (xxii) a list of special situation passengers;
 - (xxiii) a filed air traffic control flight plan;
 - (xxiv) search and rescue information;
 - (xxv) any other document which may be required by the Authority or States concerned with a flight;
- (b) on a flight which includes passage over a territory of any country other than Kenya for the purpose of commercial air transport and aerial work—
 - (i) the documents specified in paragraph (a);
 - (ii) a copy of notified procedure to be followed by pilot-in-command of an intercepted aircraft and the notified visual signals for use by intercepting and intercepted aircraft; and
 - (iii) a general declaration;

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- (c) on a flight for the purpose of aerial work—
 - (i) the licence in force in respect of the aircraft radio station installed in the aircraft;
 - (ii) the certificate of airworthiness in force in respect of the aircraft;
 - (iii) the licences and certificates of members of the flight crew of the aircraft;
 - (iv) the technical logbook required by these Regulations;
 - (v) one copy of the certificate of release to service, if any, in force with respect to the aircraft;
 - (vi) an aircraft certificate of registration; and
 - (vii) any other document required by the Authority;
- (d) on a flight which includes passage over a territory of any country other than Kenya for the purpose of aerial work—
 - (i) the documents specified in paragraph (c); and
 - (ii) a copy of notified procedure to be followed by pilot-in-command of an intercepted aircraft and the notified visual signals for use by intercepting and intercepted aircraft;
- (e) on a flight which includes passage over a territory of any country other than Kenya for the purpose of general aviation—
 - (i) the licence in force in respect of the aircraft radio station installed in the aircraft;
 - (ii) the certificate of airworthiness in force in respect of the aircraft;
 - (iii) the licences of members of the flight crew of the aircraft;
 - (iv) a certificate of registration;
 - (v) a copy of notified procedure to be followed by pilot-in-command of an intercepted aircraft and the notified visual signals for use by intercepting and intercepted aircraft;
 - (vi) a journey logbook;
 - (vii) if it carries passengers, a list of names, places of embarkation and destination; and
 - (viii) if it carries cargo, a manifest and detailed declarations of the cargo;
- (f) for the purpose of a general aviation flight within Kenya—
 - (i) the licence in force in respect of the aircraft radio station installed in the aircraft;
 - (ii) the certificate of airworthiness in force in respect of the aircraft;
 - (iii) the licences and certificates of members of the flight crew of the aircraft;
 - (iv) one copy of the certificate of release to service, if any, in force with respect to the aircraft;
 - (v) the aircraft's certificate of registration;
 - (vi) a noise certificate, if required;
 - (vii) the aeroplane's flight manual or rotorcraft flight manual;
 - (viii) Category II or III Manual, as applicable;
 - (ix) a filed notice to airmen briefing documentation;
 - (x) forms for complying with reporting requirements of the Authority;
 - (xi) the filed air traffic control flight plan; and
 - (xii) any other document required by the Authority.

11. Production of documents

(1) A pilot-in-command shall, after being requested to do so by an authorised person, produce for examination by that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences and certificates of crew members, as applicable; and
- (c) such other documents as required by regulation 10 to be on board the aircraft when in flight.

(2) The operator of an aircraft registered in Kenya shall, after being requested to do so by an authorised person, produce to that person any of the following documents or records requested by that person, being documents or records which are required by or under these Regulations to be in force or to be carried, preserved or made available—

- (a) the licence in force in respect of the aircraft radio station installed in the aircraft;
- (b) the certificate of airworthiness in force in respect of the aircraft;
- (c) the certificate of registration in force with respect to the aircraft;
- (d) the aircraft logbook, engine logbooks and variable pitch propeller logbooks required under these Regulations to be kept;
- (e) the mass and balance documentation, if any, required to be preserved under these Regulations;
- (f) any records of flight time, duty periods and rest periods which are required to be preserved under these Regulations, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (g) any operations manuals or other data required to be made available under these Regulations; and
- (h) the record made by any flight recorder installed under the Civil Aviation (Instrument and Equipment) Regulations.

(3) The holder of a licence or certificate granted or rendered valid under the Civil Aviation (Personnel Licensing) Regulations shall, after being requested to do so by an authorised person, produce to that authorised person, his licence, certificate, including any validation thereof.

(4) Every person required by the Civil Aviation (Personnel Licensing) Regulations to keep a personal flying logbook shall—

- (a) keep such records for a period of not less than two years after the date of the last entry therein; and
- (b) produce it to an authorised person immediately, and in any case not later than fourteen days after being requested to do so.

12. Preservation of documents

(1) Subject to subregulation (2), a person required by these Regulations to preserve any documents or records by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the documents or records as if he had not ceased to be the operator, and in the event of his death the duty to preserve the documents or records shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificate of

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release to service, the logbooks and the mass and balance schedule and any record made by a flight recorder and preserved in accordance with these Regulations which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person, the first-mentioned operator or his personal representative shall deliver to that person upon demand the logbook relating to that engine or propeller.

(4) If any person in respect of whom a record has been kept by the first-mentioned operator in accordance with these Regulations becomes a flight crew member of an aircraft registered in Kenya, engaged in commercial air transport operations in Kenya and operated by another person, the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.

(5) It shall be the duty of the person referred to in subregulations (2), (3) and (4) to deal with the documents or records delivered to him as if he were the first mentioned operator.

13. Insurance

(1) A person shall not fly, or cause or commit any other person to fly an aircraft unless there is in force an insurance policy in respect of third party risks.

(2) The insurance policy for commercial air transport aircraft shall cover insurance in respect of passengers' liability, cargo, baggage and mail risks.

(3) The minimum sum of insurance in respect of any aircraft insured in accordance with subregulation (2) shall be notified by the Authority.

14. Stowaways

A person shall not secrete himself in an aircraft for the purpose of being carried in the aircraft without the consent of either the operator or the pilot-in-command thereof or of any other person entitled to give consent to his being carried in the aircraft.

15. Co-ordination of activities potentially hazardous to civil aircraft

(1) A person shall not carry out activities potentially hazardous to civil aircraft whether flying over Kenya or over the territorial waters of Kenya without approval from the Authority.

(2) Notwithstanding the generality of subregulation (1)—

- (a) a person shall not intentionally project, or cause to be projected, a laser beam or other directed high intensity light at an aircraft in such a manner as to create a hazard to aviation safety, damage to the aircraft or injury to its crew or passengers;
- (b) a person using or planning to use lasers or other directed high-intensity lights outdoors in such a manner that the laser beam or other light beam may enter navigable airspace with sufficient power to cause an aviation hazard, shall provide written notification to the competent authority; and
- (c) a pilot-in-command shall not deliberately operate an aircraft into a laser beam or other directed high-intensity light unless flight safety is ensured.

(3) A person shall not release into the atmosphere any radio active material or toxic chemicals which could affect the safety of aircraft operating within the Kenyan airspace.

16. Power to prohibit or restrict flying or landing or taking off

(1) Where the Authority deems it necessary in the public interest to restrict or prohibit—

- (a) flying over any area of Kenya or along any route therein; or

- (b) landing or take-off at any place in Kenya by reason of—
 - (i) the intended gathering or movement of a large number of persons;
 - (ii) the intended holding of an aircraft race contest or of an exhibition of flying; or
 - (iii) national security or any reason affecting public interest,

the Authority may make orders prohibiting, restricting or imposing conditions on flight by any aircraft, whether or not registered in Kenya, in any airspace over Kenya and by an aircraft registered in Kenya, or in any other airspace, being airspace in respect of which Kenya has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(2) Orders made under this regulation may apply either generally or in relation to any class of aircraft.

(3) It shall be an offence for any person to contravene, permit the contravention of or failure to comply with any orders made hereunder.

(4) If a pilot-in-command becomes aware that he is flying in contravention of any regulation which has been made for any of the reasons referred to in subregulation (1)(b)(iii) he shall, unless otherwise instructed pursuant to subregulation (5), cause the aircraft to leave the area to which the order relates by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(5) The pilot-in-command flying either within an area for which orders have been made for any of the reasons referred to in subregulation (1)(b)(iii) or within airspace notified as a danger area shall forthwith comply with instructions given by radio by the appropriate air traffic services unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

17. Balloons, kites and airships

(1) A person shall not, within Kenya—

- (a) fly a captive balloon or kite at a height of more than 200 feet above the ground level or within 200 feet of any vessel, vehicle or structure;
- (b) fly a captive balloon within an aerodrome traffic zone;
- (c) fly a balloon exceeding 6 feet in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, in controlled airspace;
- (d) fly a kite within an aerodrome traffic zone;
- (e) moor an airship; or
- (f) fly a free balloon at night,

without the permission in writing of the Authority, and in accordance with any conditions subject to which the permission may be granted.

(2) A captive balloon when in flight shall not be left unattended unless it is fitted with a device which ensures automatic deflation if it breaks.

(3) An unmanned free balloon shall be operated in such a manner as to minimise hazards to persons, property or other aircraft.

PART III – AIRCRAFT MAINTENANCE REQUIREMENTS

18. Aircraft maintenance requirements

(1) A registered owner or operator of an aircraft shall be responsible for maintaining that aircraft in an airworthy condition, including compliance with all airworthiness directives.

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(2) A person shall not perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this Part and the Civil Aviation (Airworthiness) Regulations.

(3) A person shall not operate an aircraft for which a manufacturer's maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitations section unless the mandatory replacement times, inspection intervals and related procedures set out in Operations Specifications approved by the Authority under the Civil Aviation (Air Operator Certification and Administration) Regulations or in accordance with an inspection programme have been approved under regulation 21.

19. Maintenance required

(1) This regulation and regulations 20, 21 and 22 do not apply to aircraft maintained in accordance with an approved maintenance programme as required under the Civil Aviation (Airworthiness) Regulations and Civil Aviation (Air Operators Certification and Administration) Regulations.

(2) An owner or operator of an aircraft shall—

- (a) have that aircraft inspected as prescribed in these Regulations, and discrepancies noted and the equipment repaired as prescribed in the Civil Aviation (Airworthiness) Regulations;
- (b) repair, replace, remove, modify, overhaul or inspect any inoperative instruments or equipment at the next required inspection, except when permitted under the provisions of a minimum equipment list or configuration deviation list;
- (c) ensure that a placard has been installed on the aircraft when listed discrepancies include inoperative instruments or equipment; and
- (d) ensure that maintenance personnel make appropriate entries in the aircraft maintenance records indicating the aircraft has been approved for return to service.

20. Inspections: commercial air transport

(1) Except as provided in subregulation (4), a person shall not operate an aircraft unless, within the preceding twelve months, the aircraft has had—

- (a) an annual inspection in accordance with the Civil Aviation (Airworthiness) Regulations and has been approved for return to service by a person authorised under the Civil Aviation (Airworthiness) Regulations;
- (b) an inspection for issuance or renewal of an airworthiness certificate in accordance with the Civil Aviation (Airworthiness) Regulations.

(2) Except as provided in subregulation (4), a person shall not operate an aircraft carrying any person, other than a crew member, for hire or reward or give flight instruction for hire unless within the preceding one hundred hours of time in service the aircraft has undergone an—

- (a) annual or one hundred hour inspection and has been approved for return to service in accordance with the Civil Aviation (Airworthiness) Regulations; or
- (b) inspection for the issuance or renewal of an airworthiness certificate in accordance with the Civil Aviation (Airworthiness) Regulations.

(3) The one hundred hour limitation referred to in subregulation (2) may be exceeded by not more than ten hours while en-route to reach a place where the inspection can be done and the excess time taken to reach a place where the inspection is to be done shall be included in computing of the next one hundred hours of time in service.

(4) The provisions of subregulations (1) and (2) shall not apply to—

- (a) an aircraft that is operating under special certificate of airworthiness or special flight permit;
- (b) an aircraft subject to the requirements of subregulations (1) and (6) of regulation 21;
- (c) a turbine-powered rotorcraft when the operator selects to inspect that rotorcraft in accordance with subregulation (6) of regulation 21.

21. Progressive inspection

(1) A registered owner or operator of an aircraft who intends to use a progressive inspection program shall submit a written request to use the program to the Authority, and shall—

- (a) identify a licensed aircraft maintenance engineer with appropriate type ratings in accordance with the Civil Aviation (Personnel Licensing) Regulations, an approved maintenance organisation appropriately rated in accordance with the Civil Aviation (Approved Maintenance Organisation) Regulations, or the manufacturer of the aircraft to supervise or conduct the progressive inspection;
- (b) provide a current inspection procedures manual available and readily understandable to the pilot and maintenance personnel containing, in detail—
 - (i) an explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;
 - (ii) an inspection schedule, specifying the intervals in hours or days when routine and detailed inspections shall be performed and including instructions for exceeding an inspection interval by not more than ten hours while en-route and for changing an inspection interval because of service experience;
 - (iii) sample routine and detailed inspection forms and instructions for their use; and
 - (iv) sample reports and records and instructions for their use;
- (c) provide enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and
- (d) provide appropriate current technical information for the aircraft.

(2) The frequency and detail of the progressive inspection referred to in subregulation (1) shall provide for the complete inspection of the aircraft within each twelve months and be consistent with the current manufacturer's recommendations, field service experience, and the kind of operation in which the aircraft is engaged.

(3) The progressive inspection schedule shall conform to all applicable aircraft specifications, type data sheets, airworthiness directives and other approved data acceptable to the Authority.

(4) Where the progressive inspection is discontinued, the owner or operator shall immediately notify the Authority in writing, after which the first annual inspection under these Regulations will be due within 12 months after the last complete inspection of the aircraft under the progressive inspection and the one hundred hour inspection under regulation 24(2)(a) shall be due within one hundred hours after that complete inspection.

(5) A complete inspection of the aircraft, for the purpose of determining when the annual and one hundred hour inspections are due, shall be detailed inspection of the

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aircraft and all its components in accordance with the progressive inspection and a routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

(6) The registered owner or operator of a large aircraft, turbojet multi-engine aeroplane, turbo propeller-powered multi-engine aeroplane and turbine powered rotorcraft shall select and use the following programmes for inspection of the aircraft—

- (a) a current inspection programme recommended by the manufacturer;
- (b) a maintenance programme for that make and model of aircraft currently approved by the Authority for use by an air operator certificate holder; or
- (c) any other inspection programme developed by the operator and approved by the Authority.

(7) An owner or operator of a large aeroplane shall include in the selected programme, the name and address of the person responsible for the scheduling of the inspections required by the programme, and provide a copy of the programme to the person performing inspection on the aeroplane.

(8) An aircraft shall not be approved for return to service unless the replacement times for life-limited parts specified in the aircraft specification-type data sheets are complied with and the aircraft, including airframe, engines, propellers, rotors, appliances, and survival and emergency equipment, is inspected in accordance with an inspection programme selected.

(9) A person wishing to establish or change an approved inspection programme shall submit the programme to the Authority for approval and shall in writing, include—

- (a) instructions and procedures for the conduct of inspection for the particular make and model of the aircraft, including necessary tests and checks and these instructions shall set out in detail the parts and areas of the aircraft or aircraft component including survival and emergency equipment required to be inspected; and
- (b) a schedule for the inspections that shall be performed expressed in terms of time in service, calendar time, cycles of operations or any combination of these.

(10) Where an operator changes from one inspection programme to another, the operator shall apply the time in service, calendar times, or cycles of operation accumulated under the previous programme, in determining the time the inspection is due under the new programme.

22. Changes to aircraft maintenance programmes

(1) Where the Authority finds that revisions to an approved inspection programme are necessary for the continued adequacy of the programme, the owner or operator of the aircraft shall, after notification by the Authority, make any changes found to be necessary in the programme.

(2) An owner or operator of an aircraft may petition the Authority to reconsider the requirements contained in the notice, within thirty days after receiving that notice.

(3) Except in the case of an emergency requiring immediate action in the interest of safety, the Authority shall take no action until it is able to make a final decision on the petition to reconsider the notice as submitted by the operator to the Authority.

23. Inspections: all other aircraft

(1) A person shall not operate an aircraft not used in commercial air transport unless within the preceding twelve months, the aircraft has been—

- (a) inspected in accordance with the Civil Aviation (Airworthiness) Regulations and approved for return to service by an authorised person; and
- (b) issued a certificate of airworthiness by the Authority.

(2) A person shall not operate an aircraft for flight instruction, or for compensation, hire or reward unless within the preceding one hundred hours of time in service the aircraft has been inspected in accordance with the Performance Rules of the Civil Aviation (Airworthiness) Regulations and approved for return to service by an authorised person.

24. Maintenance records

The owner or operator of an aircraft shall keep a maintenance record of—

- (a) the entire aircraft which includes—
 - (i) total time in service indicated in hours, calendar time and cycles, as appropriate, of the aircraft and all life limited parts;
 - (ii) current inspection status of the aircraft, including the time since required or approved inspections were last performed;
 - (iii) current empty mass and the location of the centre of gravity when empty;
 - (iv) addition or removal of equipment;
 - (v) type and extent of maintenance and alteration, including the time in service and date;
 - (vi) when work was performed; and
 - (vii) a chronological list of compliance with airworthiness directives issued in accordance with the Civil Aviation (Airworthiness) Regulations, including methods of compliance;
- (b) life-limited products—
 - (i) total time in service;
 - (ii) date of the last overhaul;
 - (iii) time in service since the last overhaul; and
 - (iv) date of the last inspection;
- (c) instruments and equipment, the serviceability and operating life of which are determined by their time in service—
 - (i) records of the time in service as are necessary to determine their serviceability or to compute their operating life; and
 - (ii) date of last inspection.

25. Maintenance records retention

(1) Except for records maintained by an air operator certificate holder, a registered owner or operator of an aircraft shall retain the following records until the work is repeated or superseded by other work of equivalent scope and detail, or for two years after the subject to which they refer has been permanently withdrawn from service—

- (a) records of the maintenance, preventive maintenance, minor modifications, and records of the one hundred hour, annual, and other required or

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approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor, and appliance of an aircraft to include—

- (i) a description or reference to data acceptable to the Authority of the work performed;
 - (ii) the date of completion of the work performed; and
 - (iii) the signature and licence number of the person approving the aircraft for return to service.
- (b) records containing the following information—
- (i) the total time-in-service of the airframe, each engine, each propeller, and each rotor;
 - (ii) the current status of all life-limited aircraft or aeronautical products;
 - (iii) the time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis;
 - (iv) the current inspection status of the aircraft, including the time since the last inspection required by the inspection programme under which the aircraft and its appliances are maintained;
 - (v) the current status of applicable airworthiness directives including, for each, the method of compliance, the airworthiness directive number, and revision date; and if the airworthiness directive involves recurring action, the time and date when the next action is required; and
 - (vi) copies of the forms for each major modification to the airframe and currently installed engines, rotors, propellers, and appliances.
- (2) An owner or operator of an aircraft shall—
- (a) retain a list of defects on the aircraft until the defects are repaired and the aircraft is approved for return to service; and
 - (b) avail all maintenance records required by this regulation to the Authority for inspection.

26. Transfer of maintenance records

An owner or operator who sells or leases an aircraft registered in Kenya shall transfer to the purchaser or lessor, at the time of sale or lease, the records identified in regulations 24 and 25 for that aircraft, in plain language form or in coded form at the election of the purchaser or lessor if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Authority.

PART IV – FLIGHT CREW REQUIREMENTS**27. Composition of flight crew**

(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the State of Registry.

(2) An aircraft registered in Kenya shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the aircraft flight manual.

(3) The number and composition of the flight crew of an aircraft registered in Kenya and flying for the purpose of commercial air transport operations, shall not be less than the number specified in the operator's operations manual.

(4) The flight crew shall include flight crew members in addition to the minimum number specified in the Aircraft Flight Manual or other documents associated with the

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certificate of airworthiness, when necessitated by considerations related to the type of aircraft used, the type of operation involved and the duration of flight between points where flight crews are changed.

(5) An aircraft registered in Kenya and flying for the purpose of commercial air transport operations, having a maximum mass of 5,700 kg or more shall carry not less than two pilots as members of the flight crew thereof.

(6) Without prejudice to the preceding provisions of this regulation, an operator shall ensure that—

- (a) all flight crew members hold an applicable and valid licence acceptable to the Authority and are suitably qualified and competent to conduct the duties assigned to them;
- (b) procedures are established, acceptable to the Authority, to prevent the crewing together of inexperienced flight crew members;
- (c) one pilot amongst the flight crew, qualified as a pilot-in-command is designated as the pilot-in-command who may delegate the conduct of the flight to another suitably qualified pilot; and
- (d) when a dedicated system panel operator is required by the aeroplane or rotorcraft flight manual, the flight crew includes one crew member who holds a flight engineer's licence or is a suitably qualified flight crew member and acceptable to the Authority.

28. Operations under instrument flight rules or at night

(1) A person shall not conduct a single pilot operation under the instrument flight rules or at night unless the operation is approved by the Authority and—

- (a) the flight manual does not require a flight crew of more than one;
- (b) the aeroplane is propeller-driven;
- (c) the maximum approved passenger seating configuration of the aeroplane is not more than nine;
- (d) the maximum certificated take-off mass of the aeroplane is 5,700 kilograms or less;
- (e) the aeroplane is equipped as described in subregulation (3); and
- (f) the pilot has satisfied requirements of experience, training, checking and recency as prescribed by regulation 29.

(2) Notwithstanding the provisions of subregulation (1)(c) the Authority may approve a single pilot operation under instrument flight rules or at night for an aeroplane with a passenger seating configuration of more than nine if the aeroplane, in addition to meeting the requirements of subregulation (1)(a), (b), (d), (e) and (f), is type certificated for operation by a single pilot.

(3) A person conducting a single pilot operation under the instrument flight rules or at night shall ensure that the aeroplane is equipped with—

- (a) a serviceable autopilot that has at least altitude hold and heading select modes;
- (b) a headset with a boom microphone or equivalent; and
- (c) means of displaying charts that enables them to be readable in all ambient light conditions.

(4) A helicopter which has a minimum approved seating configuration of nine and which is flying for the purpose of commercial air transport operations in circumstances where the pilot in command is required to comply with instrument flight rules or which is

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flying by night shall carry not less than two pilots as members of the flight crew thereof unless it is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take-off.

(5) A helicopter described in subregulation (3) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the Authority.

29. Requirements of experience, recency and training for single pilot operations at night or instrument flight rules

(1) A pilot-in-command of a single pilot operation at night or under instrument flight rules shall satisfy the following requirements—

- (a) for operations under instrument flight rules or at night, have accumulated at least 50 hours flight time on the class of aeroplane of which at least 10 hours shall be as pilot-in-command;
- (b) for operations under instrument flight rules, have accumulated at least twenty hours flight time under instrument flight rules on the class of aeroplane, which may form part of the fifty hours flight time in paragraph (a);
- (c) for operations at night, have accumulated at least five hours flight time at night, which may form part of the fifty hours flight time in paragraph (a);
- (d) for operations under instrument flight rules, have acquired recent experience as a pilot engaged in a single pilot operation under instrument flight rules of—
 - (i) at least three instrument flight rules flights, including three instrument approaches carried out during the preceding six months on the class of aeroplane in the single pilot role; or
 - (ii) an instrument flight rules instrument approach check carried out on such an aeroplane during the preceding six months;
- (e) for operations at night, have made at least five take-offs and landings at night on the class of aeroplane in the single pilot role in the preceding six months; and
- (f) for an air operator certificate holder, have successfully completed training programmes that include, in addition to the requirements as specified in the Civil Aviation (Air Operator Certification and Administration) Regulations, passenger briefing with respect to emergency evacuation, autopilot management, and the use of simplified in-flight documentation.

(2) The initial and recurrent flight training and proficiency checks stipulated in these Regulations and the Civil Aviation (Air Operator Certification and Administration) Regulations respectively, shall be performed by the pilot-in-command in the single pilot role on the class of aeroplane in an environment representative of the operation.

30. Pilot authorisation in lieu of a type rating

The Authority may authorise a pilot to operate an aircraft requiring a type rating without a type rating for a period not exceeding sixty days, provided—

- (a) the applicant has demonstrated to the satisfaction of the Authority that an equivalent level of safety can be achieved through the operating limitations on the authorisation;
- (b) the applicant shows that compliance with these Regulations is impracticable for the flight or series of flights;

- (c) the operations—
 - (i) involve only a ferry flight, training to qualify on type or test flight;
 - (ii) are within Kenya, unless, by previous agreement with the Authority, the aircraft is flown to an adjacent Contracting State for maintenance;
 - (iii) are not for compensation or hire unless the compensation or hire involves payment for the use of the aircraft for training; and
 - (iv) involve only the carriage of flight crew members considered essential for the flight.

31. Pilot recent experience: pilot-in-command, co-pilot, cruise relief pilot

(1) An operator shall not assign a pilot-in-command or a co-pilot to operate at the flight controls of an aeroplane during take-off and landing unless that pilot has operated the flight controls for at least three take-offs and landings within the preceding 90 days on the same type of aeroplane or in a synthetic flight trainer approved for that purpose.

(2) An operator shall not assign a pilot to act in the capacity of cruise relief pilot unless, within the preceding 90 days, that pilot has either—

- (a) operated as a pilot-in-command, co-pilot or cruise relief pilot on the same type of aeroplane; or
- (b) carried out flying skill refresher training including normal, abnormal and emergency procedures specific to cruise flight on the same type of aeroplane or in a synthetic flight trainer approved for the purpose, and has practised approach and landing procedures, where the approach and landing procedure practice may be performed as the pilot who is not flying the aeroplane.

(3) An operator shall not assign a pilot to act as pilot-in-command of an aeroplane unless, on the same type of aeroplane within the preceding ninety days, that pilot has made at least three take-offs and landings.

(4) An operator shall not assign a co-pilot to operate at the flight controls during take-off and landing unless, on the same type of aeroplane within the preceding ninety days, that co-pilot has operated the flight controls, as pilot-in-command or as co-pilot, during three take-offs and landings or has otherwise demonstrated competence to act as co-pilot on a synthetic flight trainer approved for the purpose.

32. Pilot-in-command: route and airport qualification

(1) An operator shall not utilise a pilot as pilot-in-command of an aeroplane on a route or route segment for which that pilot is not currently qualified until such pilot has complied with subregulation (2).

(2) The pilot referred to in subregulation (1) shall—

- (a) demonstrate to the operator an adequate knowledge of—
 - (i) the route to be flown, and the aerodromes to be used which shall include knowledge of—
 - (aa) the terrain and minimum safe altitudes;
 - (bb) the seasonal meteorological conditions;
 - (cc) the meteorological, communication and air traffic facilities, services and procedures;
 - (dd) the search and rescue procedures; and
 - (ee) the navigational facilities and procedures, including any long-range navigation procedures, associated with the route along which the flight is to take place;

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- (ii) procedures applicable to flight paths over heavily populated areas and areas of high air traffic density, obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures, and applicable operating minima;
- (b) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument meteorological conditions or instrument meteorological conditions simulated by means approved by the Authority for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground.

(3) A pilot-in-command on a scheduled route shall have made an actual approach into each aerodrome of landing on the route, accompanied by a pilot who is qualified for the aerodrome, as a member of the flight crew or as an observer on the cockpit, unless—

- (a) the approach to the aerodrome is not over difficult terrain and instrument approach procedures and aids available are similar to those with which the pilot is familiar, and a margin to be approved by the Authority is added to the normal operating minima, or there is reasonable certainty that approach and landing can be made in visual meteorological conditions;
- (b) the descent from the initial approach altitude can be made by day in visual meteorological conditions;
- (c) the operator qualifies the pilot-in-command to land at the aerodrome concerned by means of an adequate pilot-in-command pictorial presentation; or
- (d) the aerodrome concerned is adjacent to another aerodrome at which the pilot-in-command is currently qualified to land.

(4) The operator shall maintain a record, sufficient to satisfy the Authority of the qualification of the pilot and of the manner in which such qualification has been achieved.

(5) An operator shall not continue to utilise a pilot as a pilot-in-command on a scheduled route unless, within the preceding twelve months, that pilot has made at least one trip between the terminal points of that route as a pilot member of the flight crew, or as a check pilot, or as an observer on the cockpit.

(6) In the event that more than twelve months elapse in which a pilot has not made such a trip on a scheduled route in close proximity and over similar terrain, prior to again serving as a pilot-in-command on that route, that pilot must qualify afresh in accordance with subregulations (2) and (3).

33. Pilot proficiency checks

(1) An operator shall ensure that piloting technique and the ability to execute emergency procedures is checked in such a way as to demonstrate the pilot's competence and where the operation may be conducted under instrument flight rules, an operator shall ensure that the pilot's competence to comply with such rules is demonstrated to the check pilot of the operator or to the Authority.

(2) The checks referred to in subregulation (1) shall be performed twice within any period of one year, and any two such checks which are similar, and which occur within a period of four consecutive months shall not alone satisfy this requirement.

34. Licences required

(1) A person shall not act as pilot-in-command or in any other capacity as a required flight crew member of an aircraft of—

- (a) Kenyan registry, unless that person carries in his personal possession the appropriate and current licence for that flight crew position for that type of aircraft; or
- (b) foreign registry, unless that person carries in his personal possession a valid and current licence for that type of aircraft issued to them by the State of Registry.

(2) The flight crew for international and domestic operations shall hold a valid radio telephony operator licence or endorsement issued or rendered valid by the State of Registry, authorising operation of the type of radio transmitting equipment to be used.

35. Pilots: qualifications

(1) The pilot-in-command in any general aviation operation shall ensure that the licences of each flight crew member have been issued or rendered valid by the State of Registry, contain the proper ratings, and that all the flight crew members have maintained recency of experience.

(2) A person shall not operate an aircraft in commercial air transport or aerial work unless that person is qualified for the specific operation and in the specific type of aircraft used.

(3) The operator or owner of the aircraft shall ensure that flight crew engaged in civil aviation operations speak and understand the English language.

36. Rating required for instrument flight rules operations

A person shall not act as pilot-in-command of an aircraft under instrument flight rules or instrument meteorological conditions unless—

- (a) in the case of an aeroplane, the pilot holds an instrument rating or an airline transport pilot licence with an appropriate aeroplane category, class, and type rating if required, for the aeroplane being flown; or
- (b) in the case of a helicopter, the pilot holds a helicopter instrument rating or an airline transport pilot licence for helicopters not limited to visual flight rules operations.

37. Special authorisation required for Category II or III operations

(1) A person shall not act as a pilot of an aircraft in a Category II or III operations unless—

- (a) in the case of a pilot-in-command, the person holds a current Category II or III pilot authorisation for that aircraft type; or
- (b) in the case of a co-pilot, the person is authorised by the State of Registry to act in that capacity in that aircraft in Category II or III operations.

(2) An authorisation is not required for individual pilots of an air operator certificate holder which has operations specifications approving Category II or III operations.

38. Recording of flight time

(1) A pilot shall record and keep details of all flights he has flown in a logbook format acceptable to the Authority.

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(2) An air operator certificate holder may record details of flights flown by a pilot in an acceptable computerised format maintained by the air operator certificate holder and shall make the records of all flights operated by the pilot, including differences and familiarisation training, available on request to the pilot concerned.

(3) The record referred to in subregulations (1) and (2) shall contain the following information—

- (a) personal details – name and address of the holder;
- (b) for each flight—
 - (i) name of pilot-in-command;
 - (ii) date (day, month, year) of flight;
 - (iii) place and time of departure and arrival (times (UTC to be block time);
 - (iv) type (aircraft make, model and variant) and registration of aircraft;
 - (v) single engine or multi-engine;
 - (vi) total time of flight; and
 - (vii) accumulated total time of flight;
- (c) for each synthetic flight trainer or flight and navigation procedures trainers session—
 - (i) type and qualification number of training device;
 - (ii) synthetic training device instruction;
 - (iii) date (day, month, year);
 - (iv) total time of session; and
 - (v) accumulated total time;
- (d) pilot function—
 - (i) pilot-in-command;
 - (ii) co-pilot;
 - (iii) dual;
 - (iv) authorised instructor or authorised examiner;
 - (v) a remarks column to give details of specific functions such as student pilot-in-command time, pilot-in-command under supervision time, pilot-in-command instrument flight time;
- (e) operational conditions—
 - (i) night;
 - (ii) instrument flight rules;
- (f) logging of time—
 - (i) pilot-in-command flight time—
 - (aa) the holder of a licence may log as pilot-in-command time all of the flight time during which he is the pilot-in-command;
 - (bb) the applicant for or the holder of a pilot licence may log as pilot-in-command time all solo flight time and flight time as student pilot-in-command provided that such student pilot-in-command time is countersigned by the instructor;
 - (cc) the holder of an instructor rating may log as pilot-in-command all flight time during which he acts as an instructor in an aeroplane;

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- (dd) the holder of an examiner's authorisation may log as pilot-in-command all flight time during which he occupies a pilot's seat and acts as an examiner in an aeroplane;
 - (ee) a co-pilot acting as pilot-in-command under the supervision of the pilot-in-command on an aeroplane on which more than one pilot is required under the certificate of airworthiness of the aeroplane or by these Regulations may log as pilot-in-command under supervision flight time, provided such pilot-in-command time under supervision is countersigned by the pilot-in-command;
 - (ff) where the holder of a licence carries out a number of flights upon the same day returning on each occasion to the same place of departure and the interval between successive flights does not exceed thirty minutes, such series of flights are to be recorded as a single entry;
 - (ii) co-pilot flight time – the holder of pilot licence occupying a pilot seat as co-pilot may log all flight time as co-pilot flight time on an aeroplane on which more than one pilot is required under the certificate of airworthiness of the aeroplane;
 - (iii) cruise relief co-pilot flight time – a cruise relief co-pilot may log all flight time as co-pilot when occupying a pilot's seat;
 - (iv) instruction time – a summary of all time logged by an applicant for a licence or rating as flight instruction, instrument flight instruction, instrument ground time, shall be certified by the appropriately rated or authorised instructor from whom it was received;
 - (v) pilot-in-command under supervision – a co-pilot may log as pilot-in-command under supervision flight time flown as pilot-in-command under supervision, when all of the duties and functions of pilot-in-command on that flight were carried out, such that the intervention of the pilot-in-command in the interest of safety was not required, provided that the method of supervision is acceptable to the Authority.
- (4) Presentation of flight time record shall be as follows—
- (a) the holder of a licence or a student pilot shall without undue delay present his flight time record for inspection upon request by an authorised person; or
 - (b) a student pilot shall carry his flight time record logbook with him on all solo cross-country flights as evidence of the required instructor authorisations.

39. Pilot-in-command and co-pilot currency: take-offs and landings

(1) A person shall not act as pilot-in-command or co-pilot of an aircraft unless within the preceding ninety days that person has—

- (a) made three take-offs and landings as the sole manipulator of the flight controls in an aircraft of the same category and class and if a type rating is required, of the same type;
- (b) for a tailwheel aeroplane, made three take-offs and landings in a tailwheel aeroplane with each landing to a full stop; and
- (c) for night operations, made the three take-offs and landings required by paragraph (a) at night.

(2) A pilot who has not met the recency of experience for take-offs and landings shall satisfactorily complete a re-qualification curriculum acceptable to the Authority.

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(3) The requirements of subregulations (1) and (2) may be satisfied in a synthetic flight trainer approved by the Authority.

40. Pilot currency: instrument flight rules operations

(1) A person shall not act as pilot-in-command under instrument flight rules, or in instrumental meteorological conditions, unless that person has, within the past six months—

- (a) logged at least six hours of instrument flight time including at least three hours in flight in the category of aircraft; and
- (b) completed at least six instrument approaches.

(2) A pilot who has completed an instrument competency check with an authorised person shall be considered to be current for instrument flight rules operations for six months following that check.

41. Pilot currency: general aviation operations

(1) A person shall not act as pilot of an aircraft type certificated—

- (a) for more than one pilot unless, in the preceding twelve months, that person has passed a proficiency check carried out by an authorised person in an aircraft requiring more than one pilot;
- (b) for more than one pilot unless, in the preceding twenty-four months, that person has passed a proficiency check in the type of aircraft to be operated; or
- (c) for a single pilot unless, in the preceding twenty-four months, that person has passed a proficiency check carried out by an authorised person;

(2) The person conducting the proficiency checks as required under subregulation (1) shall ensure that each check duplicates the manoeuvres of the type rating practical test.

(3) A person shall not act as co-pilot of an aircraft type certificated for more than one pilot unless, in the preceding twelve months, that person has—

- (a) an appropriate class and type rating for the aircraft to be flown; and
- (b) logged three take-offs and landings as the sole manipulator of the controls.

42. Pilot privileges and limitations

A pilot shall not conduct flight operations unless the operations are within the privileges and limitations of each licence he holds as specified in the Civil Aviation (Personnel Licensing) Regulations.

PART V – CREW MEMBER DUTIES AND RESPONSIBILITIES**43. Authority and responsibility of the pilot-in-command**

(1) The pilot-in-command of an aircraft shall—

- (a) be responsible for the operations and safety of the aircraft and for the safety of all persons on board, during flight;
- (b) have final authority as to the operation of the aircraft while in command; and
- (c) whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, except that the pilot-in-command may depart from them in emergency circumstances that render such departure absolutely necessary in the interests of safety.

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(2) The provisions of subregulation (1)(c) may be departed from to the extent necessary—

- (a) to avoid immediate danger or in an emergency situation;
- (b) to comply with the law of any State other than Kenya within which the aircraft then is.

(3) If any departure from the provisions of subregulation (1)(c) is made for the purpose of avoiding immediate danger or in an emergency situation, the pilot-in-command shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given without delay, and in any case within ten days thereafter, to the competent authority of the State in whose territory the departure was made with a copy of it to the Authority and in the case of Kenyan aircraft the departure was made over the high seas, to the Authority.

44. Authority of the pilot-in-command

A person in an aircraft registered in Kenya shall obey all lawful commands which the pilot-in-command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

45. Compliance with local regulations

(1) A pilot-in-command shall comply with the relevant laws, regulations and procedures of—

- (a) the State in which the aircraft is operated; and
- (b) the Authority in all instances where such regulations exceed but are not in conflict with those of the State in which the aircraft is operated.

(2) Where an emergency situation which endangers the safety of the aircraft or persons therein necessitates the taking of action which involves a violation of local regulations or procedures, the pilot-in-command shall—

- (a) notify the appropriate local authority of the violation without delay;
- (b) submit a report of the circumstances, if required by the State in which the incident occurs; and
- (c) submit a copy of the report to the State of Registry.

46. Imperilling the safety of persons and property

A person shall not wilfully, recklessly or negligently cause or permit an aircraft to endanger any life or property.

47. Fitness of crew members

(1) A person shall not act as a required crew member at any time when that person is aware of any decrease in the medical fitness which might render him unable to safely and properly execute the duties of a crew member.

(2) The operator and the pilot-in-command shall be responsible for ensuring that a flight is not—

- (a) commenced if any required crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; or
- (b) continued beyond the nearest suitable aerodrome if a flight crew member's capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness or lack of oxygen.

[Subsidiary]**48. Use of narcotics, drugs or intoxicating liquor**

- (1) A person shall not act or attempt to act as a crew member of an aircraft—
 - (a) within eight hours after the consumption of any alcoholic beverage;
 - (b) while under the influence of alcohol; or
 - (c) while using any drug that affects the person's faculties in any way contrary to safety; or
 - (d) while having 0.04 per cent by weight or more alcohol in the blood.

(2) A crew member shall, up to eight hours before or immediately after acting or attempting to act as a crew member, on the request of the Authority, submit to a test to indicate the presence of alcohol or narcotic drugs in the blood.

(3) Where there is a reasonable basis to believe that a person may not be in compliance with this regulation and upon the request of the Authority, that person shall furnish the Authority or authorise any clinic, doctor, or other person to release to the Authority, the results of each blood test taken for presence of alcohol or narcotic substances up to eight hours before or immediately after acting or attempting to act as a crew member.

(4) Any test information provided to the Authority under the provisions of this regulation may be used as evidence in any legal proceedings.

49. Crew member use of seatbelts and shoulder harnesses

(1) A crew member shall, at all times during take-off, landing and while seated at his workstation, fasten his seat belt.

(2) A crew member occupying a station equipped with a shoulder harness shall fasten that harness during take-off and landing, except that the shoulder harness may be unfastened if the crew member cannot perform the required duties with the shoulder harness fastened.

(3) An occupant of a seat equipped with a combined safety belt and shoulder harness shall have the combined safety belt and shoulder harness properly secured during take-off and landing and be able to properly perform assigned duties.

(4) Where there is an unoccupied seat, the safety belt and shoulder harness at that seat if installed, shall be secured so as not to interfere with crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

50. Flight crew members at duty stations

(1) A required flight crew member shall remain in the assigned duty station during take-off and landing and critical phases of flight.

(2) A pilot-in-command shall cause one pilot to remain at the controls of the aircraft at all times while the aircraft is in flight.

- (3) A flight crew member shall remain at his station during all phases of flight unless—
 - (a) absence is necessary for the performance of the flight crew member's duties in connection with the operation;
 - (b) absence is necessary for physiological needs, provided one qualified pilot remains at the controls at all times; or
 - (c) the flight crew member is taking a rest period and a qualified relief flight crew member replaces that crew member at the duty station.

[Subsidiary]

(4) A required flight crew member may leave the assigned duty station if the crew member is taking a rest period, and relief is provided—

- (a) for the assigned pilot-in-command during the en-route cruise portion of the flight by a pilot who holds an airline transport pilot licence and an appropriate type rating, and who is currently qualified as pilot-in-command or co-pilot, and is qualified as pilot-in-command of that aircraft during the en-route cruise portion of the flight; and
- (b) in the case of the assigned co-pilot, by a pilot qualified to act as pilot-in-command or co-pilot of that aircraft during en-route operations.

51. Required crew member equipment

(1) A crew member involved in night operations shall have an electric torch at his station.

(2) A pilot shall have, at his station, all normal, abnormal and emergency procedures checklists.

(3) A pilot shall have, at his station, current and suitable maps, charts, codes and other documents and navigational equipment necessary to cover the route of the proposed flight and any route along which it is reasonable to expect that the flight may be diverted.

(4) A flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses, shall have a spare set of the correcting lenses readily available when performing as a required crew member in commercial air transport.

(5) A cabin crew member shall be required to have an emergency procedures manual for the type of aircraft.

52. Compliance with checklists

A pilot-in-command shall ensure that the flight crew follows the approved checklist procedures when operating the aircraft.

53. Search and rescue information

An operator shall ensure that essential information pertinent to the intended flight concerning search and rescue services is easily accessible in the cockpit.

54. Information on emergency and survival equipment carried

An operator shall ensure that there are available for immediate communication to rescue coordination centres, lists containing information on the emergency and survival equipment carried on board all of the operator's aircraft, which information shall include, as applicable, the number, colour and type of liferafts and pyrotechnics, details of emergency medical supplies, water supplies and the type and frequencies of emergency portable radio equipment.

55. Locking of cockpit compartment door

(1) Where an aircraft is equipped with a cockpit compartment door—

- (a) the door shall be capable of being locked; and
- (b) means shall be provided by which the cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) A pilot-in-command shall ensure that the cockpit compartment door, if installed, is locked at all times during passenger carrying commercial air transport operations, except as necessary to permit access and egress by authorised persons.

[Subsidiary]**56. Admission to the cockpit**

(1) A person shall not admit any person to the cockpit of an aircraft engaged in commercial air transport operations unless the person being admitted is—

- (a) an operating crew member;
- (b) an authorised person responsible for certification, licensing or inspection;
- (c) any person authorised by the Authority with the agreement with the operator; or
- (d) permitted and carried in accordance with instructions contained in the operations manual.

(2) A person shall not admit any person who is not a flight crew member to the cockpit of an aircraft of maximum certificated mass of 5,700 kg or more unless there is a seat available in the passenger compartment for use by the person to be admitted in the cockpit.

(3) A pilot-in-command shall ensure that—

- (a) in the interest of safety, admission to the cockpit does not cause distraction to the flight crew or interfere with the flight's operations; and
- (b) all persons carried in the cockpit are made familiar with the relevant safety procedures.

57. Power to inspect

(1) The pilot-in-command shall give the inspector free and uninterrupted access to the aircraft, including the cockpit, when an inspector from the Authority presents valid aviation safety inspector credentials to the pilot-in-command in order to conduct an inspection.

(2) The pilot-in-command may refuse an inspector access to the cockpit if, in his or her opinion, the safety of the aircraft would thereby be endangered.

58. Duties during critical phases of flight

(1) A flight crew member shall not perform any duties during a critical phase of flight except duties required for the safe operation of the aircraft.

(2) A pilot-in-command shall not permit a flight crew member to engage in any activity during a critical phase of flight which could distract or interfere with the performance of that flight crew member's assigned duties.

59. Microphones

A required flight crew member shall use a boom or throat microphone to intercommunicate and communicate with another flight crew member and air traffic services below the transition level or altitude.

60. Manipulation of the controls: commercial air transport

(1) A pilot-in-command shall not allow an unqualified person to manipulate the controls of an aircraft during commercial air transport operations.

(2) A person shall not manipulate the controls of an aircraft during commercial air transport operations unless that person is qualified to manipulate the controls and is authorised to do so by the air operator certificate holder.

61. Simulated abnormal situations in flight: commercial air transport

A person shall not cause or engage in simulated abnormal or emergency situations or the simulation of instrument meteorological conditions by artificial means during commercial air transport operations.

62. Completion of the technical logbook: commercial air transport

A pilot-in-command shall ensure that all portions of the technical logbook required under the Civil Aviation (Air Operator Certification and Administration) Regulations are completed at the appropriate points before, during and after flight operations.

63. Reporting mechanical irregularities

A pilot-in-command shall ensure that all mechanical irregularities occurring during flight time are—

- (a) reported to the operator at the termination of the flight;
- (b) for general aviation operations, entered in the aircraft logbook and dealt with in accordance with the minimum equipment list or other approved or prescribed procedure; or
- (c) for commercial air transport operations, entered in the technical log of the aircraft at the end of that flight time.

64. Reporting of facility and navigation aid inadequacies

A crew member shall report, without delay, any inadequacy or irregularity of a facility or navigational aid observed in the course of operations to the person responsible for that facility or navigational aid.

65. Reporting of incidents

(1) A pilot-in-command shall submit, without delay, a signed written report to the Authority, of an air traffic incident whenever an aircraft in flight has been endangered by—

- (a) a near collision with another aircraft or object or whenever an aircraft in flight has manoeuvred in response to an ACAS Resolution Advisory;
- (b) faulty air traffic control procedures or lack of compliance with applicable procedures by an air traffic control unit or by the flight crew; or
- (c) a failure of air traffic control unit.

(2) Where a bird constitutes an in-flight hazard or an actual bird strike, the pilot-in-command shall, without delay—

- (a) inform the appropriate air traffic control unit whenever a potential bird hazard is observed; and
- (b) submit to the Authority a written bird strike report after landing.

(3) A pilot-in-command shall inform the appropriate air traffic control unit if the situation permits, when an in-flight emergency occurs involving dangerous goods on board.

(4) A pilot-in-command shall, without delay, submit a report to the local authorities and to the Authority, following an act of unlawful interference.

66. Accident notification

(1) A pilot-in-command shall notify the nearest appropriate authority, by the quickest available means, of any accident involving the aircraft that results in serious injury or death of any person, or substantial damage to the aircraft or property.

(2) The pilot-in-command shall submit a report to the Authority of any accident which occurred while that pilot-in-command was responsible for the flight.

[Subsidiary]**67. Operation of flight recorders**

(1) A pilot-in-command shall ensure that whenever an aircraft has flight recorders installed, the recorders are operated continuously from the instant—

- (a) for a flight data recorder, the aircraft begins the flight until it has completed the landing roll; and
- (b) for a cockpit voice recorder, the initiation of the pre-flight checklist until the end of the securing aircraft checklist.

(2) A pilot-in-command shall not permit a flight recorder to be disabled, switched off or erased during flight, unless necessary to preserve the data for an accident or incident investigation.

(3) In the event of an aircraft accident or incident, the pilot-in-command shall act to preserve the recorded data for subsequent investigation.

68. Crew member oxygen supply

(1) The approximate altitudes in the Standard Atmosphere corresponding to the values of absolute pressure used in this regulation are as follows—

<i>Absolute pressure</i>	<i>Metres</i>	<i>Feet</i>
700 hPa	3 000	10 000
620 hPa	4 000	13 000
376 hPa	7 600	25 000

(2) A person shall commence a flight to be operated at flight altitudes at which the atmospheric pressure in personnel compartments will be less than 700 hPa unless sufficient stored breathing oxygen is carried to supply—

- (a) all crew members and ten per cent of the passengers for any period in excess of thirty minutes that the pressure in compartments occupied by them will be between 700 hPa and 620 hPa; and
- (b) the crew and passengers for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.

(3) A person shall commence a flight to be operated with a pressurised aircraft unless a sufficient quantity of stored breathing oxygen is carried to supply all the crew members and passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurisation, for any period that the atmospheric pressure in any compartment occupied by them would be less than 700 hPa.

(4) In addition to subregulation (3), when an aircraft is operated at flight altitudes at which the atmospheric pressure is less than 376 hPa, or which, if operated at flight altitudes at which the atmospheric pressure is more than 376 hPa and cannot descend safely within four minutes to a flight altitude at which the atmospheric pressure is equal to 620 hPa, there shall be no less than a ten minute supply for the occupants of the passenger compartment.

(5) In no case shall the minimum supply of oxygen on board the aircraft be less than that prescribed by the Authority in the Civil Aviation (Instruments and Equipment) Regulations.

69. Use of oxygen

(1) All flight crew members, when engaged in performing duties essential to the safe operation of an aircraft in flight, shall use breathing oxygen continuously whenever the circumstances prevail for which its supply is as specified in regulation 68.

[Subsidiary]

(2) All flight crew members of pressurized aircraft operating above an altitude where the atmospheric pressure is less than 376 hPa shall have available at the flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.

70. Carriage of dangerous goods

(1) A person shall not carry dangerous goods in an aircraft except—

- (a) with the written permission of the Authority and subject to any condition the Authority may impose in granting such permission; and
- (b) in accordance with the technical instructions for the safe transport of dangerous goods by air issued by the Council of International Civil Aviation Organisation and with any variations to those instructions which the Authority may from time to time notify that Council.

(2) A person shall not take or cause to be taken on board an aircraft or deliver or cause to be delivered for loading thereon, any goods which that person knows or has reasonable cause to know to be dangerous goods without complying with this regulation.

(3) The operator of an aircraft shall, before the flight begins, inform the pilot-in-command of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(4) For the purposes of this regulation, “**dangerous goods**” means the goods classified and listed as dangerous goods in the technical instructions for the safe transport of dangerous goods by air.

(5) This regulation shall be in addition to and not in derogation of regulation 152.

71. Portable electronic devices

A pilot-in-command or any other crew member shall not permit any person to use, nor shall any person use a portable electronic device on board an aircraft that may adversely affect the performance of aircraft systems and equipment unless—

- (a) for instrument flight rules operations other than commercial air transport, the pilot-in-command allows such a device prior to its use; or
- (b) for commercial air transport operations, the air operator certificate holder makes a determination of acceptable devices and publishes that information in the operations manual for the crew members’ use; and
- (c) the pilot-in-command informs passengers of the permitted use.

PART VI – FLIGHT PLANS AND AIR TRAFFIC CONTROL CLEARANCE

Operational Flight Planning and Preparation

72. Pre-flight action

A pilot-in-command of an aircraft registered in Kenya shall satisfy himself before take off—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative cause of action which can be adopted in case the flight cannot be completed as planned;
- (b) that the equipment, including radio apparatus, required by these Regulations to be carried is carried and is in a fit condition for use;

[Subsidiary]

- (c) that the aircraft is in every way fit for the intended flight, and that, where a certificate of release to service is required by the Civil Aviation (Airworthiness) Regulations to be in force, is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of an aeroplane, a rotorcraft or airship, that sufficient fuel, oil and engine coolant, if required, are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of commercial air transport, that the instructions in the operations manual relating to fuel, oil, and engine coolant have been complied with;
- (f) in case of an airship or balloon, that, sufficient ballast if required is carried for the intended flight;
- (g) in the case of an aeroplane, that having regard to the performance of the aeroplane in the condition to be expected on the intended flight, and to any obstacle at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and monitoring a safe height thereafter, and making a safe landing at the place of intended destination; and
- (h) that any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

73. Operation of aircraft on the ground

(1) A person shall not taxi an aeroplane on the movement area of an aerodrome unless he—

- (a) has been authorised by the operator, owner or a designated agent;
- (b) is fully competent to taxi the aircraft;
- (c) is qualified to use the radio if radio communications are required;
- (d) has received instruction from a competent person in respect of aerodrome layout, and where appropriate, information on routes, signs, marking, lights, air traffic control signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aircraft movement at the aerodrome; and
- (e) has been given an air traffic control clearance where appropriate.

(2) A person shall not cause a helicopter rotor to be turned under power unless there is a qualified pilot at the controls properly secured in his seat.

74. Flight into known or expected icing

A person shall not commence a flight—

- (a) in an aircraft or continue to operate an aircraft en-route when icing conditions are expected or encountered, without ensuring that the aircraft is certified for icing operations and has sufficient operational de-icing or anti-icing equipment;
- (b) in an aircraft when frost, ice or snow is adhering to the wings, control surfaces, propellers, engine inlets or other critical surfaces of the aircraft which might adversely affect the performance or controllability of the aircraft; or

[Subsidiary]

- (c) for commercial air transport operations in an aircraft when conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft,

unless the procedures approved for the air operator certificate holder by the Authority are followed to ensure ground de-icing, and anti-icing is accomplished.

75. Aerodrome operating minima

A person shall not operate to or from an aerodrome using aerodrome operating minima lower than those which may be established for that aerodrome by the State in which it is located, unless that State specifically approves that operation.

76. Take-off conditions

Before commencing take-off, a pilot-in-command shall ensure that—

- (a) according to the available information, the weather at the aerodrome and the condition of the runway intended to be used shall allow for a safe take-off and departure; and
- (b) the runway visual range or visibility in the take-off direction of the aircraft is equal to or better than the applicable minimum.

77. Altimeter settings

A person operating an aircraft registered in Kenya shall set the aircraft altimeters to maintain the cruising altitude for flight level reference in accordance with the procedure notified by—

- (a) the State where the aircraft may be; or
- (b) the Aeronautical Information publication.

78. Operation of radio in aircraft

(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the State of Registry, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to subregulations (3) and (4), whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of a flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

(3) A radio watch may be discontinued or continued on another frequency to the extent that a message so permits.

(4) A watch may be kept by a device installed in the aircraft if the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and that station is notified, or in the case of a station situated in a State other than Kenya, otherwise designated as transmitting a signal suitable for that purpose.

(5) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment, in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

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(6) A radio station in an aircraft shall not be operated so as to cause interference, that impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

- (a) emission of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred in subregulation (1).

(7) In any aircraft registered in Kenya, which is engaged on a flight for the purpose of commercial air transport operations, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone, whether for the purpose of radio communication or of intercommunication within the aircraft, whilst the aircraft is flying in controlled airspace below flight level one fifty or is taking off or landing.

(8) An aircraft which is equipped with a radio station having a defect such as to impair the safety of the aircraft shall not undertake any flight until the aircraft has been rendered safe, or if such defect occurs during flight, shall land as soon as possible unless the radio station can be and is speedily rendered safe for flight.

79. Weather reports and forecasts

(1) A pilot-in-command shall before commencing a flight be familiar with all available meteorological information appropriate to the intended flight.

(2) Pre-flight action by a pilot-in-command for a flight away from the vicinity of the place of departure, and for every flight under instrument flight rules, shall include—

- (a) a careful study of available current weather reports and forecasts taking into consideration fuel and oil requirements; and
- (b) an alternative course of action if the flight cannot be completed as planned because of weather conditions.

(3) A pilot-in-command who is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the pilot-in-command to obtain indicates that he will arrive at that aerodrome when the ground visibility is less than eight kilometres or the cloud ceiling is less than 1,500 feet, unless the pilot-in-command has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

80. Weather limitations for visual flight rules flights

A person shall not commence a flight to be conducted in accordance with visual flight rules unless available current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under visual flight rules, shall, at the appropriate time, allow visual flight rules operations.

81. Adequacy of operating facilities

(1) A person shall not commence a flight unless—

- (a) it has been determined by every reasonable means available that the ground or water areas and facilities available and directly required for such

[Subsidiary]

flight and for the safe operation of the aircraft, are adequate, including communication facilities and navigation aids; and

- (b) that person is satisfied that the aerodromes at which the flight is intended to take-off or land and any alternative aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers.

(2) In this regulation “**reasonable** means” denotes use, at the point of departure, of information available to the pilot-in-command either through official information published by the Aeronautical Information Services or readily obtainable from other sources.

82. Diversions decision: engine inoperative

(1) Except as provided in subregulation (2), a pilot-in-command shall land the aircraft at the nearest suitable aerodrome at which a safe landing can be made whenever an engine of an aircraft fails or is shut down to prevent possible damage.

(2) Where not more than one engine of an aeroplane having three or more engines fails, and its rotation stops, the pilot-in-command may proceed to an aerodrome if the pilot in command decides that proceeding to that aerodrome is as safe as landing at the nearest suitable aerodrome after considering the—

- (a) nature of the malfunction and the possible mechanical difficulties that may occur if the flight is continued;
- (b) altitude, mass, and usable fuel at the time of engine stoppage;
- (c) weather conditions en-route and at possible landing points;
- (d) air traffic congestion;
- (e) kind of terrain; and
- (f) familiarity with the aerodrome to be used.

83. Instrument flight rules destination aerodromes

A person shall not commence an instrument flight rules flight unless the available information indicates that the weather conditions at the aerodrome of intended landing and, if required, at least one suitable alternate at the estimated time of arrival, shall be at or above the—

- (a) minimum ceiling and visibility values for the standard instrument approach procedure to be used; or
- (b) minimum operating altitude, if no instrument approach procedure is to be used, that would allow a visual meteorological conditions descent to the aerodrome.

84. Instrument flight rules alternate aerodrome selection criteria

(1) Where alternate minimums are published, a pilot-in-command shall not designate an alternate aerodrome in an instrument flight rules flight plan unless the current available forecast indicates that the meteorological conditions at that alternate at the estimated time of arrival shall be at or above those published alternate minimums.

(2) Where alternate minimums are not published, and if there is no prohibition against using the aerodrome as an instrument flight rules planning alternate, a pilot-in-command shall ensure that the meteorological conditions at that alternate at the estimated time of arrival shall be at or above—

- (a) for a precision approach procedure, a ceiling of at least six hundred feet and visibility of not less than three kilometres; or

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- (b) for a non-precision approach procedure, a ceiling of at least eight hundred feet and visibility of not less than three kilometres.

85. Off-shore alternates for helicopter operations

(1) A person shall not designate an off-shore alternate landing site when it is possible to carry enough fuel to have an on-shore alternate landing site.

(2) The selection of off-shore alternates shall be exceptional cases, the details of which have been approved by the Authority, and shall not include payload enhancement in instrument meteorological conditions.

(3) A person selecting an off-shore alternate landing site shall consider the following—

- (a) until the point of no return, using an on-shore alternate;
- (b) the off-shore alternate may be used only after a point of no return;
- (c) attaining one engine inoperative performance capability prior to arrival at the alternate;
- (d) guaranteeing helideck availability;
- (e) the weather information at the helideck shall be available from a source approved by the Authority; and
- (f) for instrument flight rules operations, an instrument approach procedure shall be prescribed and available.

(4) The landing technique specified in the flight manual following control system failure may preclude the selection of certain helideck as alternate aerodromes.

(5) The mechanical reliability of critical control systems shall be taken into account when determining the suitability and necessity for an off-shore alternate.

86. Take-off alternate aerodromes: commercial air transport operations

(1) A person shall not release or take-off an aircraft without a suitable take-off alternate specified in the flight release if it would not be possible to return to the aerodrome of departure.

(2) An operator shall ensure that each take-off alternate specified shall be located within—

- (a) for two-engine aircraft, one hour flight time at single-engine cruise speed unless the aircraft and crews are authorised for extended range operations by turbine-engined aeroplanes; or
- (b) for three or four-engine aircraft, two hours flight time at single-engine inoperative cruising speed.

(3) All calculations referred under this regulation shall be based on the one-engine-inoperative cruising speed according to the aeroplane flight manual in still air conditions based on the actual take-off mass.

87. Maximum distance from an adequate aerodrome for two-engined aeroplanes without an extended range operations by turbine-engined aeroplanes approval

(1) Unless specifically granted an extended range operations by turbine-engined aeroplanes approval by the authority, an air operator certificate holder shall not operate a two-engined aeroplane over a route which contains a point further from an adequate aerodrome than, in the case of—

- (a) large, turbine engine powered aeroplanes the distance flown in sixty minutes at the one-engine-inoperative cruise speed determined in accordance with subregulation (2) with either—
 - (i) a maximum approved passenger seating configuration of twenty or more; or

- (ii) a maximum take-off mass of 45,360 kg or more;
- (b) reciprocating engine powered aeroplanes—
 - (i) the distance flown in one hundred and twenty minutes at the one-engine-inoperative cruise speed determined in accordance with subregulation (2); or
 - (ii) three hundred nautical miles, whichever is less.

(2) An air operator certificate holder shall determine a speed for the calculation of the maximum distance to an adequate aerodrome for each two-engined aeroplane type or variant operated, not exceeding V_{mo} based upon the true airspeed that the aeroplane can maintain with one-engine-inoperative under the following conditions—

- (a) international standard atmosphere;
- (b) level flight—
 - (i) for turbine engined powered aeroplanes at—
 - (aa) flight level one seventy; or
 - (bb) at the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the aeroplane flight manual, whichever is less;
 - (ii) for propeller driven aeroplanes—
 - (aa) flight level eighty; or
 - (bb) at the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the aeroplane flight manual, whichever is less;
- (iii) maximum continuous thrust or power on the remaining operating engine;
- (iv) an aeroplane mass not less than that resulting from—
 - (aa) take-off at sea-level at maximum take-off mass until the time elapsed since take-off is equal to the applicable threshold prescribed in subregulation (1);
 - (bb) all engines climb to the optimum long range cruise altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in subregulation (1); and
 - (cc) all engines cruise at the long range cruise speed at this altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in subregulation (1).

(3) An air operator certificate holder shall ensure that the following data, specific to each type or variant, is included in the operations manual—

- (a) the one-engine-inoperative cruise speed determined in accordance with subregulation (2); and
- (b) the maximum distance from an adequate aerodrome determined in accordance with subregulations (1) and (2).

(4) The speeds and altitudes specified in this regulation shall only be used for establishing the maximum distance from an adequate aerodrome.

88. Extended range operations with two-engined aeroplanes

(1) An air operator certificate holder shall not conduct operations beyond the threshold distance determined in accordance with regulation 87, unless approved to do so by the Authority.

[Subsidiary]

(2) Prior to conducting an extended range operations by turbine-engined aeroplanes flight, an air operator certificate holder shall ensure that a suitable extended range operations by turbine-engined aeroplanes en-route alternate is available, within either the approved diversion time or a diversion time based on minimum equipment list generated serviceability status of the aeroplane, whichever is shorter.

89. En-route alternate aerodromes: extended range operations by turbine-engined aeroplanes operations

(1) A pilot-in-command shall ensure that the required en-route alternates for extended range operations by turbine-engined aeroplanes are selected and specified in air traffic control flight plans in accordance with the extended range operations by turbine-engined aeroplanes diversion time approved by the Authority.

(2) A person shall not select an aerodrome as an extended range operations by turbine-engined aeroplanes en-route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that during a period commencing one hour before and ending one hour after the expected time of arrival at the aerodrome, the weather conditions shall be at or above the planning minima prescribed in Table 1 and in accordance with the operator's extended range operations by turbine-engined aeroplanes approval.

TABLE 1 – WEATHER CONDITIONS PLANNING MINIMA		
Type of Approach	Planning Minima	
(runway visual range or visibility required & ceiling, if applicable)		
	At least 2 separate approach procedures based on 2 separate aids serving 2 separate runways (See regulation 91(4) above)	At least 2 separate approach procedures based on 2 separate aids serving 1 runway or, at least 1 approach procedure based on 1 aid serving 1 runway
Precision approach Cat. II, III (ILS, MLS)	Precision approach Cat. I minima	Non-precision approach minima
Precision approach Cat. I (ILS, MLS)	Non-precision approach minima	Circling minima or, if not available, non-precision approach minima plus 200 feet per 1000 metres.
Non-precision approach	The lower of non-precision approach minima plus 200 feet per 1000 metres or circling minima	The higher of non-precision approach minima plus 200 feet per 1000 metres or circling minima
Circling approach	Circling Minima	

(3) The forecast weather criteria used in the selection of alternate aerodromes for instrument flight rules flight shall also be used for the selection of extended range operations by turbine-engined aeroplanes alternates.

(4) Runways on the same aerodrome are considered to be separate runways when—

- (a) they are separate landing surfaces which may overlay or cross such that if one of the runways is blocked, it will not prevent the planned type of operations on the other runway; and
- (b) each of the landing surfaces has a separate approach based on a separate aid.

90. Fuel and oil supply

(1) A person shall not commence a flight unless the aircraft carries sufficient fuel and oil including any reserve carried for contingencies to ensure that it can safely complete the flight taking into account both the meteorological conditions and any delays that are expected in flight.

(2) A person computing the fuel and oil required in subregulation (1) shall consider at least the following—

- (a) meteorological conditions forecast;
- (b) expected air traffic control routings and traffic delays;
- (c) for instrument flight rules flight, one instrument approach at the destination aerodrome, including a missed approach;
- (d) the procedures prescribed in the operations manual for loss of pressurisation, where applicable, or failure of one power unit while en-route; and
- (e) any other conditions that may delay the landing of the aircraft or increase fuel and oil consumption.

(3) The fuel and oil carried in order to comply with subregulation (1) shall, in the case of propeller-driven aeroplanes, be at least the amount sufficient to allow the aeroplane—

- (a) when a destination alternate aerodrome is required, either—
 - (i) to fly to the aerodrome to which the flight is planned thence to the most critical, in terms of fuel consumption, alternate aerodrome specified in the operational and air traffic service flight plans and thereafter for a period of forty-five minutes; or
 - (ii) to fly to the alternate aerodrome via any predetermined point and thereafter for forty-five minutes, provided that this shall not be less than the amount required to fly to the aerodrome to which the flight is planned and thereafter for—
 - (aa) forty-five minutes plus fifteen per cent of the flight time planned to be spent at the cruising level; or
 - (bb) two hours,whichever is less;
- (b) when a destination alternate aerodrome is not required—
 - (i) in case of flight under visual flight rules, to fly to the aerodrome to which the flight is planned and thereafter for a period of forty-five minutes; or
 - (ii) where the aerodrome of intended landing is isolated and there is no suitable destination alternate aerodrome to which the flight is planned and thereafter for—
 - (aa) forty-five minutes plus fifteen per cent of the flight time planned to be spent at the cruising level; or
 - (bb) two hours,whichever is less.

(4) The fuel and oil carried in order to comply with subregulation (1) shall, in the case of aeroplanes equipped with turbo-jet engines, be at least the amount sufficient to allow the aeroplane—

- (a) when a destination alternate aerodrome is required, either—
 - (i) to fly to and execute an approach, and a missed approach, at the aerodrome to which the flight is planned, and thereafter—
 - (aa) to fly to the alternate aerodrome specified in the operational and air traffic service flight plans; and then

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- (bb) to fly for thirty minutes at holding speed at 1,500 feet above the alternate aerodrome under standard temperature conditions, approach and land; and
 - (cc) to have an additional amount of fuel sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority; or
 - (ii) to fly to the alternate aerodrome via any predetermined point and thereafter for thirty minutes at 1,500 feet above the alternate aerodrome, due provision having been made for an additional amount of fuel sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority; provided that fuel shall not be less than the amount of fuel required to fly to the aerodrome to which the flight is planned and thereafter for two hours at normal cruise consumption;
- (b) when a destination alternate aerodrome is not required—
- (i) in case of flight under visual flight rules, to fly to the aerodrome to which the flight is planned and additionally—
 - (aa) to fly thirty minutes at holding speed at 1,500 feet above the aerodrome to which the flight is planned under standard temperature conditions; and
 - (bb) to have an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority; and
 - (ii) in case where aerodrome of intended landing is isolated and there is no suitable destination alternate aerodrome, to fly to the aerodrome to which the flight is planned and thereafter for a period of two hours at normal cruise consumption.

(5) (a) The fuel and oil carried in order to comply with subregulation (1) shall, in the case of a helicopter under visual flight rules operations, be at least the amount sufficient to allow the helicopter—

- (i) to fly to the heliport to which the flight is planned;
- (ii) to fly thereafter for a period of twenty minutes at best-range speed plus ten per cent of the planned flight time; and
- (iii) to have an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority.

(b) The fuel and oil carried in order to comply with subregulation (1) shall, in the case of a helicopter under instrument flight rules operations, be at least the amount sufficient to allow the helicopter—

- (i) when an alternate is not required, in flights under visual flight rules, to fly to the heliport to which the flight is planned, and thereafter—
 - (aa) to fly thirty minutes at holding speed at 1,500 feet above the destination heliport under standard temperature conditions and approach and land; and
 - (bb) to have an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority;

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- (ii) when an alternate is required, to fly to and execute an approach, and a missed approach, at the heliport to which the flight is planned, and thereafter—
 - (aa) to fly to the alternate specified in the flight plan; and then
 - (bb) to fly for thirty minutes at holding speed at 1,500 feet above the alternate under standard temperature conditions, approach and land; and
 - (cc) to have an additional amount of fuel sufficient to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority; or
- (iii) when the intended landing is isolated and no suitable alternate heliport is available to fly to the heliport to which the flight is planned and thereafter for a period of two hours at holding speed.

(6) Nothing in this regulation precludes the amendment of a flight plan in flight in order to replan the flight to another aerodrome or heliport take-off.

91. Flight planning: document distribution and retention

(1) A pilot-in-command operating commercial air transport shall complete and sign the following flight preparation documents prior to departure—

- (a) an operational flight plan, including notice to airmen and weather pertinent to the flight planning decisions regarding minimum fuel supply, en-route performance, and destination and alternate aerodromes;
- (b) a load manifest, showing the distribution of the load, centre of gravity, take-off and landing mass and compliance with maximum operating mass limitations, and performance analysis; and
- (c) an applicable technical log page, to accept that the aircraft is fit for the intended flight after the pre-flight inspection has been conducted.

(2) A person shall not commence a flight in commercial air transport unless all flight release documents, specified in the Operations Manual and signed by the pilot-in-command, are retained and available at the point of departure.

(3) A pilot-in-command shall carry a copy of the documents specified in subregulation (1) on the aircraft.

92. Commercial air transport: loading of aircraft

(1) An air operator certificate holder shall not cause or permit an aircraft to be loaded for a flight for the purpose of commercial air transport except under the supervision of a person whom the air operator certificate holder has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

- (a) the load may safely be carried on the flight; and
- (b) any condition subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft are complied with.

(2) The instructions shall indicate the mass of the aircraft prepared for service, that is, the aggregate of the basic mass and the mass of such additional items in or on the aircraft as the operator thinks fit to include, and the instructions shall indicate the additional items included in the mass of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that mass.

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(3) The provisions of subregulation (2) shall not apply in relation to a flight if—

- (a) the aircraft's authorised maximum take-off mass does not exceed 1,150 kg; or
- (b) the aircraft's authorised maximum take-off mass does not exceed 2,730 kg and the flight is not intended to exceed sixty minutes in duration and is either a flight—
 - (i) solely for training persons to perform duties in an aircraft; or
 - (ii) intended to begin and end at the same aerodrome.

(4) An operator of an aircraft shall not cause or permit the aircraft to be loaded in contravention of the instructions set out in subregulation (1).

(5) A person supervising the loading of the aircraft shall, before the commencement of a flight—

- (a) prepare and sign a load sheet in duplicate conforming to the requirements specified in subregulation (7); and
- (b) unless the operator is the pilot-in-command of the aircraft, submit the load sheet for examination by the pilot-in-command of the aircraft who shall, upon being satisfied that the aircraft is loaded in the manner required by subregulation (1), sign his name thereon.

(6) The requirements of subregulation (5) shall not apply where—

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the pilot-in-command of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended destination; or
- (b) as specified in subregulation (3), subregulation (2) does not apply in relation to the flight.

(7) A pilot operating an aircraft shall ensure that one copy of the load sheet shall be carried in the aircraft when so required by these Regulations, until the flights to which the load sheet relates have been completed, and one copy of that load sheet and of the instruction referred to in this regulation shall be preserved by the operator until the expiration of a period of six months thereafter, and shall not be carried in the aircraft.

(8) A load sheet required under subregulation (5) shall contain the following information—

- (a) the nationality and registration marks of the aircraft to which the load sheet relates;
- (b) particulars of the flight to which the load sheet relates;
- (c) the total mass of the aircraft as loaded for the flight;
- (d) the mass of the several items from which the total mass of the aircraft, as so loaded, has been calculated including in particular the mass of the aircraft prepared for service and the respective total mass of the passengers, crew, baggage and cargo intended to be carried on the flight;
- (e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits; and
- (f) at the foot or end of the load sheet, a certificate signed by the person specified in subregulation (1) as responsible for the loading of the aircraft,

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stating that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to that subregulation.

(9) (a) For the purpose of calculating the total mass of the aircraft, the respective total mass of the passengers and crew entered in the load sheet shall be computed from the actual mass of each person, and for that purpose each person shall be separately weighed unless the provisions of subregulations (10), (11), (12), (13), (14) and (15) apply.

(b) When determining the actual mass by weighing, an operator shall ensure that a passenger's personal belongings and hand baggage are included and such weighing shall be conducted immediately prior to boarding and at an adjacent location.

(10) An operator shall compute the mass of passengers and checked baggage using the standard mass values specified in Tables 2 and 3 except where the number of passenger seats available is less than ten.

(11) The standard masses value specified in Tables 2 and 3 include hand baggage and the mass of any infant below two years of age carried by an adult on one passenger seat and an infant occupying separate passenger seat shall be considered as a child for the purpose of this regulation.

(12) In cases where the number of passenger seats available is less than ten, passenger mass may be established by use of a verbal statement by or on behalf of each passenger and adding to it a predetermined constant to account for hand baggage and clothing.

(13) The procedure specifying when to select actual or standard masses and the procedure to be followed when using verbal statements must be included in the operations manual.

(14) On flights where no hand baggage is carried in the cabin or where hand baggage is accounted for separately, six kg may be deducted from the male and female masses in Table 1. Articles such as an overcoat, an umbrella, a small handbag or purse, reading material or a small camera are not considered as hand baggage for the purpose of this regulation.

TABLE 2 – COMPUTATION OF MASS OF PASSENGERS

Passenger seats	1-5	6-9	10-19	20 and more	30 and more
Male	104	96	92	88	84
Female	86	78	74	70	84
Children	35	35	35	35	35

(15) Where the total number of passenger seats available on the aircraft is twenty or more the standard mass values given in Table 3 are applicable for each piece of checked baggage and for aircraft with less than twenty passenger seats the actual mass of checked baggage, determined by weighing, shall be used.

TABLE 3 – COMPUTATION OF MASS OF BAGGAGE

Type of flight	Baggage standard mass
Domestic	11.kgs
Regional	13.kgs
Intercontinental	15.kgs
All others	13.kgs

(16) Where subregulations (10), (11), (12) (13), (14) and (15) apply, the load sheet shall bear a notation to that effect.

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(17) Where subregulations (10), (11), (12) (13), (14) and (15) apply, the pilot-in-command shall, if the standard masses described in regulation 10 appear to be inapplicable or doing so is in the interests of safety of the aircraft, require any or all of the passengers, crew and cargo to actually be weighed for the purpose of the entry to be made in the load sheet.

93. Aircraft loading, mass and balance

A person shall not operate an aircraft unless—

- (a) all loads carried are properly distributed and safely secured and comply with the aircraft limitations; and
- (b) the calculations for the mass of the aeroplane and centre of gravity location indicate that the flight can be conducted safely, taking into account the flight conditions expected.

94. Stowage of baggage and cargo

(1) An operator shall establish procedures to ensure that only such hand baggage that can be adequately and securely stowed, is taken into the passenger cabin.

(2) An operator shall establish procedures to ensure that all baggage and cargo on board, which might cause injury or damage, or obstruct aisles and exits if displaced, is placed in storages designed to prevent its movement.

(3) The procedure referred to in subregulation (2) shall take account of the following—

- (a) each item carried in the cabin shall be stowed only in a location that is capable of restraining it;
- (b) mass limitations placarded on or adjacent to stowages shall not be exceeded;
- (c) underseat stowages shall not be used unless the seat is equipped with a restraint bar and the baggage is of such size that it may adequately be restrained by this equipment;
- (d) items shall not be stowed in toilets or against bulkheads that are incapable of restraining articles against movement forwards, sideways or upwards and unless the bulkheads carry a placard specifying the greatest mass that may be placed there;
- (e) baggage and cargo placed in lockers shall not be of such size that they prevent air traffic controlled doors from being closed securely;
- (f) baggage and cargo shall not be placed where it can impede access to emergency equipment; and
- (g) checks shall be made before take-off, before landing and whenever the fasten seat belts signs are illuminated or it is otherwise so ordered to ensure that baggage is stowed where it cannot impede evacuation from the aircraft or cause injury by falling or other movement, as may be appropriate to the phase of flight.

95. Maximum allowable weights to be considered on all load manifests

A pilot-in-command shall ensure that the maximum allowable mass for a flight does not exceed the maximum allowable take-off mass—

- (a) for the specific runway and conditions existing at the take-off time; and
- (b) considering anticipated fuel and oil consumption that allows compliance with applicable en-route performance, landing mass, and landing distance limitations for destination and alternate aerodromes.

96. Flight release required: commercial air transport

A person shall not commence a—

- (a) flight under a flight following system without specific authority from the person authorised by the air operator certificate holder to exercise operational control over the flight; or
- (b) passenger carrying flight in commercial air transport for which there is a published schedule, unless a qualified person authorised by the air operator certificate holder to perform operational control functions has issued a flight release for that specific operation or series of operations.

97. Operational flight plan: commercial air transport

(1) A person shall not commence a flight unless the operational flight plan has been signed by the pilot-in-command.

(2) A pilot-in-command shall sign the operational flight plan only when he and the person authorised by the operator to exercise operational control have determined that the flight can be safely completed.

(3) The operational flight plan shall include the routing and fuel calculations, with respect to the meteorological and other factors expected, to complete the flight to the destination and all required alternates.

(4) A pilot-in-command signing the operational flight plan shall have access to the applicable flight planning information for fuel supply, alternate aerodromes, weather reports and forecasts and notice to airmen for the routing and destination aerodrome.

(5) A person shall not continue a flight from an intermediate aerodrome without a new operational flight plan if the aircraft has been on the ground more than six hours.

PART VII – AIRCRAFT OPERATING AND PERFORMANCE LIMITATIONS*All Aircraft***98. Aircraft airworthiness and safety precautions**

(1) A pilot-in-command shall not operate an aircraft until satisfied that—

- (a) the aircraft is airworthy, duly registered and that appropriate certificates are aboard the aircraft;
- (b) the instruments and equipment installed in the aircraft are appropriate, taking into account the expected flight conditions; and
- (c) any necessary maintenance has been performed and a certificate of release to service, if applicable has been issued with respect to the aircraft.

(2) A pilot-in-command carrying out commercial air transport operations shall certify by signing the aircraft technical log that they are satisfied that the requirements of subregulation (1) have been met for a particular flight.

99. Performance and operating limitations

A person shall not operate an aircraft that—

- (a) exceeds its designed performance limitations for any operation, as established by the State of Registry; or
- (b) exceeds operating limitations contained in the aeroplane flight manual, the rotorcraft flight manual, or its equivalent.

[Subsidiary]**100. In-flight simulation of abnormal situations**

A person operating an aircraft shall not simulate an abnormal or emergency situation when passengers or cargo are being carried on the aircraft.

101. Test-flight areas

A person shall not operate an aircraft during a test-flight except over open water, or sparsely populated areas having light traffic.

102. Operations in required navigation performance, minimum navigation performance specifications or reduced vertical separation minimum airspace

(1) A person shall not operate an aircraft in defined portions of airspace or on routes where a required navigation performance type has been prescribed, unless—

- (a) the aircraft is provided with navigation equipment which will enable it to operate in accordance with the prescribed required navigation performance type(s); and
- (b) that person is authorised by the State of the Operator for operations in such airspace.

(2) A person shall not operate an aircraft in defined portions of airspace where, based on regional air navigation agreement, minimum navigation performance specifications are prescribed, without a written authorisation issued by the State of the Operator for minimum navigation performance specifications operations.

(3) For flights in defined portions of airspace where minimum navigation performance specifications are prescribed, an aircraft shall be provided with navigation equipment which—

- (a) continuously provides indications to the flight crew of adherence to or departure from track to the required degree of accuracy at any point along that track; and
- (b) has been authorised by the State of the Operator for minimum navigation performance specifications operations concerned.

(4) A person shall not operate an aircraft in defined portions of airspace where, based on regional air navigation agreement, a reduced vertical separation minimum of 300 m (1 000 ft) is applied between FL 290 and FL 410 inclusive, unless—

- (a) authorised by the State of the Operator in the airspace concerned; and
- (b) the aircraft has installed equipment which is capable of—
 - (i) indicating to the flight crew the flight level being flown;
 - (ii) automatically maintaining a selected flight level;
 - (iii) providing an alert to the flight crew when a deviation occurs from the selected flight level. The threshold for the alert shall not exceed ± 90 m (300 ft); and
 - (iv) automatically reporting pressure-altitude.

(5) Prior to granting the reduced vertical separation minimum approval required in subregulation (4) the State of the Operator shall be satisfied that—

- (a) the vertical navigation performance capability of the aircraft satisfies the requirements of the altimetry system performance for operations in reduced vertical separation minimum airspace as prescribed by the Authority;
- (b) the operator has instituted appropriate procedures in respect of continued airworthiness (maintenance and repair) practices and programmes; and

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- (c) the operator has instituted appropriate flight crew procedures for operations in reduced vertical separation minimum airspace.

103. Electronic navigation data management

(1) An operator shall not employ electronic navigation data products that have been processed for application in the air and on the ground unless the State of the Operator has approved the operator's procedures or unless the process applied and the products delivered meets acceptable standards of integrity and such products are compatible with the equipment to which they are intended to be used.

(2) The State of the Operator shall ensure that the operator continues to monitor both process and products.

(3) An operator shall implement procedures that ensure timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.

104. Compliance with visual and electronic glide slopes

(1) A pilot-in-command of an aircraft approaching to land on a runway served by a visual approach slope indicator or precision approach path indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

(2) A pilot-in-command of a turbojet, turbofan, or large aircraft approaching to land on a runway served by an instrument landing system shall fly that aircraft at or above the glide slope from the point of interception of the glide slope to the decision height.

105. Restriction or suspension of operations: commercial air transport

Where a pilot-in-command or an air operator certificate holder knows of conditions, including aerodrome and runway conditions, that are a hazard to safe operations, that pilot-in-command or air operator certificate holder shall restrict or suspend all commercial air transport operations to such aerodromes and runways as necessary until those conditions are corrected or have improved.

106. Continuation of flight when destination aerodrome is temporarily restricted: commercial air transport

A pilot-in-command shall not allow a flight to continue toward any aerodrome of intended landing where commercial air transport operations have been restricted or suspended, unless—

- (a) in the opinion of the pilot-in-command, the conditions that are a hazard to safe operations may reasonably be expected to be corrected or have improved by the estimated time of arrival; or
- (b) there is no safer procedure.

107. Continuation of instrument flight rules flight toward a destination

A pilot shall not continue an instrument flight rules flight toward an aerodrome or heliport of intended landing, unless the latest available meteorological information indicates that the conditions at the aerodrome, or at least one destination alternate aerodrome shall, at the expected time of arrival, be at or above the specified instrument approach minima.

108. Operations of single-engine aircraft

(1) An operator shall ensure that a single-engine aircraft other than turbine-powered, is operated only in conditions of weather and light, and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure.

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(2) In complying with subregulation (1) of this regulation—

- (a) an aircraft shall not be assumed to be flying, with the engine operating within the maximum continuous power condition specified, at an altitude exceeding that which the rate of climb equals 300 feet per minute; and
- (b) the assumed en-route gradient shall be the gross gradient of descent increased by gradient of 0.5%.

109. Operations of single-engine turbine-powered aircraft at night or in instrument meteorological conditions

(1) A person shall not operate a single-engine turbine-powered aircraft at night or in instrument meteorological conditions unless he ensures that—

- (a) the reliability of the turbine engine is to a level of safety intended by these Regulations and the Civil Aviation (Airworthiness) Regulations;
- (b) the maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are as intended by these Regulations and the Civil Aviation (Airworthiness) Regulations; and
- (c) equipment and other requirements for instrument flight rules operations are as stipulated in the Civil Aviation (Instruments and Equipment) Regulations.

(2) All single-engine turbine-powered aircraft operated at night or in instrument meteorological conditions shall have an engine trend monitoring system, and those aircraft for which the individual certificate of airworthiness was first issued on or after 1 January 2007 shall have an automatic trend monitoring system.

110. Instrument flight rules take-off minima for commercial air transport

Unless otherwise authorised by the Authority, a pilot operating an aircraft in commercial air transport operations shall not accept a clearance to take off from an aerodrome under instrument flight rules unless weather conditions are at or above—

- (a) for aircraft, other than helicopters, having two engines or less, one thousand five hundred metres;
- (b) for aircraft having more than two engines, eight hundred meters;
- (c) for helicopters, eight hundred metres.

111. Instrument approach procedures and instrument flight rules landing minima

A person shall not make an instrument approach at an airport except in accordance with instrument flight rules weather minima and instrument approach procedures set out in the air operator certificate holder's operations specifications.

112. Commencing an instrument approach

(1) A pilot shall not continue an approach past the final approach fix, or where a final approach fix is not used, begin the final approach segment of an instrument approach procedure, at any aerodrome unless—

- (a) a source approved by the Authority issues a weather report for that aerodrome; and
- (b) the latest weather report for that aerodrome indicates the visibility to be equal to or more than the visibility minima prescribed for that procedure.

(2) Where a pilot begins the final approach segment of an instrument approach procedure and subsequently receives a weather report indicating below minimum conditions, the pilot may continue the approach to decision height or minimum descent altitude.

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(3) For the purpose of this regulation, the final approach segment begins at the final approach fix or facility prescribed in the instrument approach procedure.

(4) When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound toward the aerodrome on the final approach course within the distance prescribed in the procedure.

113. Instrument approaches to aerodromes

(1) A person operating an aircraft shall use a standard instrument approach procedure prescribed for that aerodrome unless otherwise authorised by the Authority.

(2) For the purpose of this regulation, when the approach procedure being used provides for and requires the use of a decision height or minimum descent altitude, the authorised decision height or minimum descent altitude shall be the highest of the following—

- (a) the decision height or minimum descent altitude prescribed by the approach procedure;
- (b) the decision height or minimum descent altitude prescribed for the pilot-in-command; or
- (c) the decision height or minimum descent altitude for which the aircraft is equipped.

114. Threshold crossing height for precision approaches

An operator shall establish operational procedures designed to ensure that aircraft being used to conduct precision approaches crosses the threshold by a safe margin with the aircraft in the landing configuration and altitude.

115. Operation below decision height or minimum descent altitude

(1) Where a decision height or minimum descent altitude is applicable, a pilot shall not operate an aircraft at any aerodrome or heliport below the authorised minimum descent altitude, or continue an approach below the authorised decision height unless—

- (a) the aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal manoeuvres;
- (b) for commercial air transport operations, a descent rate shall allow touchdown to occur within the touchdown zone of the runway of intended landing;
- (c) the flight visibility is not less than the visibility prescribed in the standard instrument approach being used; and
- (d) at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot—
 - (i) the approach light system, except that the pilot shall not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable;
 - (ii) the threshold or the threshold markings;
 - (iii) threshold lights;
 - (iv) the runway end identifier lights;
 - (v) the visual approach slope indicator system; or precision approach path indicator;
 - (vi) the touchdown zone or touchdown zone markings;

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- (vii) the touchdown zone lights;
- (viii) the runway or runway markings; or
- (ix) the runway lights.

(2) The visual references set out in subregulation (1)(d) shall not apply to Category II and III operations.

(3) The required visual references under Category II and III operations shall be provided in the air operator certificate holder's operations specifications or a special authorisation prescribed by the Authority.

116. Landing during instrument meteorological conditions

A pilot operating an aircraft shall not land that aircraft when the flight visibility is less than the visibility prescribed by the Authority in the standard instrument approach procedure being used.

117. Execution of a missed approach procedure

A pilot operating an aircraft shall immediately execute an appropriate missed approach procedure when either of the following conditions exist—

- (a) whenever the required visual reference criteria is not met in the following situations—
 - (i) when the aircraft is being operated below minimum descent altitude; or
 - (ii) upon arrival at the missed approach point, including a decision height where a decision height is specified and its use is required, and at any time after that until touchdown;
- (b) whenever an identifiable part of the aerodrome is not distinctly visible to the pilot during a circling manoeuvre at or above minimum descent altitude, unless the inability to see an identifiable part of the aerodrome results only from a normal bank of the aircraft during the circling approach.

118. Minimum altitudes for use of an autopilot

(1) Except as provided in subregulations (2), (3) and (4), a person shall not use an autopilot en-route, including climb and descent, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the aircraft flight manual for malfunction of the autopilot under cruise conditions, or less than five hundred feet, whichever is higher.

(2) When using an instrument approach facility, a person shall not use an autopilot at an altitude above the terrain that is less than twice the maximum altitude loss specified in the aircraft flight manual for a malfunction of the autopilot under approach conditions, or less than fifty feet below the approved minimum descent altitude or decision height for the facility, whichever is higher, except—

- (a) when reported weather conditions are less than the basic visual flight rules weather conditions as specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, a person shall not use an autopilot with an approach coupler for instrument landing system approaches at an altitude above the terrain that is less than fifty feet higher than the maximum altitude loss specified in the aircraft flight manual for the malfunction of the autopilot with approach coupler under approach conditions; and
- (b) when reported weather conditions are equal to or better than the basic visual flight rules minima as specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, a person shall not use an autopilot with an approach coupler for instrument landing system approaches at an

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altitude above the terrain that is less than the maximum altitude loss specified in the aircraft flight manual for the malfunction of the autopilot with approach coupler under approach conditions, or fifty feet, whichever is higher.

(3) Notwithstanding subregulation (1) or (2), the Authority shall issue operation specifications to allow the use, to touchdown, of an approved flight control guidance system with automatic capability, in any case in which—

- (a) the system does not contain any altitude loss (above zero) specified in the aircraft flight manual for malfunction of the autopilot with approach coupler; and
- (b) the Authority finds that the use of the system to touchdown will not otherwise affect the safety standards required by this regulation.

(4) Notwithstanding subregulation (1), the Authority shall issue operation specifications to allow the use of an approved autopilot system with automatic capability below the altitude specified in subregulation (1) during the take-off and initial climb phase of flight provided—

- (a) the aircraft flight manual specifies a minimum altitude engagement certification restriction;
- (b) the system is not engaged prior to the minimum engagement certification restriction specified in the aircraft flight manual or an altitude specified by the Authority, whichever is higher; and
- (c) the Authority finds that the use of the system will not otherwise affect the safety standards required by this regulation.

119. Receiver failure

(1) Where an aircraft radio station is unable to establish communication due to receiver failure, that aircraft shall transmit—

- (a) reports at the scheduled times, or positions, on the frequency in use, preceded by the phrase “TRANSMITTING BLIND DUE TO RECEIVER FAILURE”; and
- (b) the intended message, following this by a complete repetition, during this procedure, the aircraft shall also advise the time of its next intended transmission.

(2) An aircraft which is provided with air traffic control service or advisory service shall, in addition to complying with subregulation (1), transmit information regarding the intention of the pilot-in-command with respect to the continuation of the flight of the aircraft.

(3) Where a pilot-in-command is unable to establish communication due to airborne equipment failure he shall, when the aircraft is so equipped, select the appropriate secondary surveillance radar code 7600 to indicate radio failure.

120. Aircraft performance calculations for all aircrafts

(1) An operator shall ensure that the performance data contained in the aeroplane flight manual, rotorcraft flight manual, or other authorised source is used to determine compliance with the appropriate requirements of these Regulations.

(2) When applying performance data, a person performing calculations shall account for the aircraft configuration, environmental conditions, and the operation of any system or systems which may have an adverse effect on performance.

[Subsidiary]**121. General weight and obstruction clearance limitations**

(1) A person shall not commence a flight without ensuring that the maximum take-off mass for the flight does not exceed the maximum take-off mass or maximum landing mass, or any applicable en-route performance or landing distance limitations considering the—

- (a) condition of the take-off and landing areas to be used;
- (b) the gradient of runway to be used for land planes only;
- (c) pressure altitude;
- (d) ambient temperature;
- (e) current and forecast winds; and
- (f) any known conditions, such as atmospheric and aircraft configuration, which may adversely affect performance.

(2) A person shall not commence a flight at a mass that, assuming normal engine operation, cannot safely clear all obstacles during all phases of flight, including all points along the intended en-route path or any planned diversions.

122. Category II and III operations: general operating rules

(1) A person shall not operate an aircraft in a Category II or III operation unless—

- (a) the pilot-in-command and co-pilot of the aircraft hold the appropriate authorisations and ratings prescribed in the Civil Aviation (Personnel Licensing) Regulations;
- (b) each flight crew member has adequate knowledge of, and familiarity with, the aircraft and the procedures to be used; and
- (c) the instrument panel in front of the pilot who is controlling the aircraft has appropriate instrumentation for the type of flight control guidance system that is being used.

(2) Unless otherwise authorised by the Authority, a person shall not operate an aircraft in a Category II or Category III operation unless each ground component required for that operation and the related airborne equipment is installed and operating.

(3) Where the approach procedure being used provides for and requires the use of a decision height or decision altitude, the authorised decision height or decision altitude is the highest of the following—

- (a) the decision height or decision altitude prescribed by the approach procedure;
- (b) the decision height or decision altitude prescribed for the pilot in command; or
- (c) the decision height or decision altitude for which the aircraft is equipped.

(4) Unless otherwise authorised by the Authority, a pilot operating an aircraft in a Category II or Category III approach that provides and requires use of a decision height or decision altitude shall not continue the approach below the authorised decision height unless—

- (a) the aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal manoeuvres, and where that descent rate shall allow touchdown to occur within the touchdown zone of the runway of intended landing;

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- (b) at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot—
 - (i) the approach light system, except that the pilot shall not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable;
 - (ii) the threshold or the threshold markings;
 - (iii) the threshold lights;
 - (iv) the touchdown zone or touchdown zone markings;
 - (v) the touchdown zone lights.

(5) Unless otherwise authorised by the Authority, a pilot operating an aircraft shall immediately execute an appropriate missed approach procedure whenever, prior to touchdown, the requirements of subregulation (4) are not met.

(6) A person operating an aircraft using a Category III approach without decision height shall not land that aircraft except in accordance with the provisions of the letter of authorisation issued by the Authority.

(7) Subregulations (1) to (6) do not apply to operations conducted by air operator certificate holders issued with a certificate under the Civil Aviation (Air Operator Certification and Administration) Regulations.

(8) A person shall not operate an aircraft in a Category II or Category III operation conducted by an air operator certificate holder unless the operation is conducted in accordance with that air operator certificate holder's operation specifications.

123. Category II and Category III: operations manual

(1) Except as provided in subregulation (3), a person shall not operate an aircraft in a Category II or a Category III operation unless—

- (a) there is available in the aircraft a current and approved Category II or Category III manual, as appropriate, for that aircraft;
- (b) the operation is conducted in accordance with the procedures, instructions, and limitations in the appropriate manual; and
- (c) the instruments and equipment listed in the manual that are required for a particular Category II or Category III operation have been inspected and maintained in accordance with the maintenance programme contained in the manual.

(2) An operator shall keep a current copy of each approved manual at its principal base of operations and shall make each manual available for inspection upon request by the Authority.

(3) Subregulations (1) and (2) do not apply to operations conducted by an air operator certificate holder issued a certificate under the Civil Aviation (Air Operator Certification and Administration) Regulations.

(4) An applicant for approval of a Category II or III operations manual or an amendment to an approved Category II operations manual shall submit the proposed manual or amendment to the Authority.

(5) Where the application made under these Regulations is a request for an evaluation programme, the application shall include the following—

- (a) the location of the aircraft and the place where the demonstrations are to be conducted; and

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- (b) the date the demonstrations are to commence at least ten days after filing the application.
- (6) A Category II or III operations manual shall contain—
 - (a) the registration number, make, and model of the aircraft to which it applies;
 - (b) a maintenance programme; and
 - (c) the procedures and instructions related to—
 - (i) recognition of decision height or decision altitude;
 - (ii) use of runway visual range information;
 - (iii) approach monitoring;
 - (iv) the decision region, which is the region between the middle marker and the decision height or decision altitude;
 - (v) the maximum permissible deviations of the basic instrument landing system indicator within the decision region;
 - (vi) a missed approach procedure;
 - (vii) use of airborne low approach equipment;
 - (viii) minimum altitude for the use of the autopilot;
 - (ix) instrument and equipment failure warning systems;
 - (x) instrument failure; and
 - (xi) other procedures, instructions, and limitations that may be found necessary by the Authority.

124. Authorisation for deviation from certain Category II operations

(1) The Authority may authorise deviations from the requirements of regulations 122 and 123 for the operation of small aircraft in Category II operations if the Authority finds that the proposed operation can safely be conducted.

(2) The authorisation specified in subregulation (1) of this regulation does not permit operation of the aircraft carrying persons or property for compensation or hire.

*Aircraft used in Commercial Air Transport***125. General**

(1) Where full compliance with the requirements of these Regulations cannot be shown due to specific design characteristics, including for example, seaplanes, airships, or supersonic aircraft, the operator shall apply approved performance standards that ensure a level of safety not less restrictive than those of relevant requirements of this regulation.

(2) A person shall not operate a multi-engine aircraft used for commercial air transport that is unable to comply with any of the performance limitations of regulations 128 up to 132 inclusive, unless that aircraft is continually operated—

- (a) in daylight;
- (b) in visual flight rules; and
- (c) at a weight that shall allow it to climb, with the critical engine inoperative, at least fifty feet a minute when operating at the minimum en-route altitude of the intended route or any planned diversion, or at 5,000 feet above mean sea level, whichever is higher.

(3) A multi-engine aircraft that does not to comply with subregulation (2)(c) shall, for the purpose of this regulation, be considered as a single engine aircraft.

126. Rules of the air and air traffic control

Every person operating an aircraft shall comply with the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations.

127. Aircraft performance calculations for commercial air transport

(1) A person shall not commence a flight in an aircraft used in commercial air transport without ensuring that the applicable operating and performance limitations required by this regulation can be accurately computed based on the aeroplane flight manual, rotorcraft flight manual, or other data source approved by the Authority.

(2) A person calculating performance and operating limitations for an aircraft used in commercial air transport shall ensure that performance data used to determine compliance with this regulation can, during any phase of flight, accurately account for—

- (a) any reasonably expected adverse operating conditions that may affect aircraft performance;
- (b) one engine failure for aircraft having two engines, where applicable; and
- (c) two engine failure for aircraft having three or more engines, if applicable.

(3) When calculating the performance and limitation requirements of regulations 128 up to 132 inclusive, a person performing the calculation shall, for all engines operating and for inoperative engines, accurately account for—

- (a) in all phases of flight—
 - (i) the effect of fuel and oil consumption on aircraft weight;
 - (ii) the effect of fuel consumption on fuel reserves resulting from changes in flight paths, winds, and aircraft configuration;
 - (iii) the effect of fuel jettisoning on aircraft mass and fuel reserves, if applicable and approved;
 - (iv) the effect of any ice protection system, if applicable and weather conditions require its use;
 - (v) ambient temperatures and winds along intended route and any planned diversion; and
 - (vi) flight paths and minimum altitudes required to remain clear of obstacles;
- (b) during take-off and landing—
 - (i) the condition of the take-off runway or area to be used, including any contaminants, such as water, slush, snow, ice, etc.;
 - (ii) the gradient of runway to be used;
 - (iii) the runway length including clearways and stopways, if applicable;
 - (iv) pressure altitudes at take-off and landing sites;
 - (v) current ambient temperatures and winds at take-off;
 - (vi) forecast ambient temperatures and winds at each destination and planned alternate landing site;
 - (vii) the ground handling characteristics, for example braking action of the type of aircraft; and
 - (viii) landing aids and terrain that may affect the take-off path, landing path, and landing roll.

(4) Where conditions are different from those on which the performance is based, compliance may be determined by interpolation or by computing the effects of changes in the specific variables, if the results of the interpolation or computations are substantially as accurate as the results of direct tests.

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(5) To allow for wind effect, take-off data based on still air may be corrected by taking into account not more than fifty per cent of any reported headwind component and not less than one hundred and fifty per cent of any reported tailwind component.

128. Take-off limitations

(1) A person shall not commence a flight in an aeroplane used in commercial air transport unless the following requirements are met when determining the maximum permitted take-off mass—

- (a) the take-off run shall not be greater than the length of the runway;
- (b) for turbine-engine powered aeroplanes—
 - (i) the take-off distance shall not exceed the length of the runway plus the length of any clearway, except that the length of any clearway included in the calculation shall not be greater than half the length of the runway; and
 - (ii) the accelerate-stop distance shall not exceed the length of the runway, plus the length of any stopway, at any time during take-off until reaching V₁;
- (c) for reciprocating engine powered aeroplanes the accelerate-stop distance shall not exceed the length of the runway at any time during take-off until reaching V₁; and
- (d) where the critical engine fails at any time after the aeroplane reaches V₁, to continue the take-off and clear all obstacles either—
 - (i) by a height of at least 9.1 m (35 ft) vertically for turbine-engine powered aeroplanes or 15.2 m (50 ft) for reciprocating engine powered aeroplanes; and
 - (ii) by at least 60 m (200 ft) horizontally within the aerodrome boundaries and by at least 90 m (300 ft) horizontally after passing the boundaries, without banking more than fifteen degrees at any point on the take-off flight path.

(2) A person shall not commence take-off in a helicopter used in commercial air transport that, in the event of a critical engine failure, cannot—

- (a) for performance class 1 helicopters—
 - (i) at or before the take-off decision point, discontinue the take-off and stop within the rejected take-off area; or
 - (ii) after the take-off decision point, continue the take-off and then climb, clearing all obstacles along the flight path, until a suitable landing site is found; or
- (b) for performance class 2 helicopters—
 - (i) before reaching a defined point after take-off, safely execute a forced landing within the rejected take-off area; or
 - (ii) at any point after reaching a defined point after take-off, continue the take-off and then climb, clearing all obstacles along the flight path, until a suitable landing site is found; or
- (c) for performance Class 3 helicopters—
 - (i) clear the obstacles along its flight path by an adequate margin;
 - (ii) maintain minimum flight altitude; or
 - (iii) on engine failure, permit a safe, forced landing.

129. En-route limitations: all engines operating

(1) A person shall not commence a flight in a reciprocating engine powered aeroplane used in commercial air transport at a weight that does not allow a rate of climb of at least $6.9 V_{so}$ with all engines operating, at an altitude of at least three hundred metres (one thousand feet) above all terrain and obstructions within ten miles of each side of the intended track.

(2) In this regulation the term “ $6.9 V_{so}$ ” means the number of feet per minute obtained by multiplying the aircraft’s minimum steady flight speed by 6.9.

130. En-route limitations: one engine inoperative

(1) An operator shall ensure that the one engine inoperative en-route net flight path data shown in the aeroplane flight manual, appropriate to the meteorological conditions expected for the flight, complies with either subregulation (2) or (3) at all points along the route.

(2) The net flight path referred to in subregulation (1), shall have a positive gradient at one thousand five hundred feet above the aerodrome where the landing is assumed to be made after engine failure, in meteorological conditions requiring the operation of ice protection systems, the effect of their use on the net flight path must be taken into account.

(3) The gradient of the net flight path shall be positive at least one thousand feet above all terrain and obstructions along the route within 9.3 km (5 nm) on either side of the intended track.

(4) The net flight path shall permit the aeroplane to continue flight from the cruise altitude to an aerodrome where a landing can be made in accordance with regulation 132 as appropriate, the net flight path clearing vertically, by at least two thousand feet, all terrain and obstructions along the route within 9.3 km (5 nm) on either side of the intended track in accordance with the following—

- (a) the engine is assumed to fail at the most critical point along the route;
- (b) account is taken of the effects of winds on the flight path;
- (c) fuel jettisoning is permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used; and
- (d) the aerodrome where the aeroplane is assumed to land after engine failure shall meet the following criteria—
 - (i) the performance requirements at the expected landing mass; and
 - (ii) weather reports or forecasts or any combination thereof, and field condition reports indicate that a safe landing can be accomplished at the estimated time of landing.

(5) An operator shall increase the width margins of subregulation (4) to 18.5 kilometres (10 nm) if the navigational accuracy does not meet the ninety-five per cent containment level.

(6) A person shall not commence a flight in commercial air transport helicopter having two engines unless that helicopter can, in the event of the critical engine failing at any point in the en-route phase, continue the flight to the destination or alternate landing site without flying below the minimum flight altitude at any point and clearing all obstacles in the approach path by a safe margin.

131. En-route limitations: three or more engines, two engines inoperative

(1) A person shall not commence take-off in an aeroplane used in a commercial air transport having three or more engines at such a weight where there is no suitable landing aerodrome within ninety minutes at any point along the intended route, with all engines

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operating at cruising power, unless that aircraft can, in the event of simultaneous power failure of two critical engines at the most critical point along that route, continue to a suitable landing aerodrome while complying with the requirements of subregulations (2) to (6).

(2) A two engines inoperative en-route net flight path data shall permit the aeroplane to continue the flight, in the expected meteorological conditions, from the point where two engines are assumed to fail simultaneously, to an aerodrome at which it is possible to land and come to a complete stop when using the prescribed procedure for a landing with two engines inoperative.

(3) The net flight path referred to in subregulation (2) shall clear vertically, by at least two thousand feet all terrain and obstacles along the route within 9.3 km (5 nm), on either side of the intended track.

(4) At altitudes and in meteorological conditions requiring ice protection systems to be operable, the effect of their use on the net flight path data shall be taken into account, and if the navigational accuracy does not meet the ninety-five per cent containment level, an operator shall increase the width margin given above to 18.5 kilometres (10 nm).

(5) The two engines are assumed to fail at the most critical point of that portion of the route where the aeroplane is more than ninety minutes, at the all engines long range cruising speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass are met.

(6) The net flight path shall have a positive gradient at one thousand five hundred feet above the aerodrome where the landing is assumed to be made after the failure of two engines.

(7) Fuel jettisoning in an aeroplane referred to in this regulation is permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

(8) The expected mass of the aeroplane at the point where the two engines are assumed to fail shall not be less than that which would include sufficient fuel to proceed to an aerodrome where the landing is assumed to be made, and to arrive there at least one thousand five hundred feet directly over the landing area and thereafter to fly level for fifteen minutes.

(9) A person shall not commence a flight in a performance Class 1 or performance Class 2 helicopter used in commercial air transport having three or more engines unless that helicopter can, in the event of two critical engines failing simultaneously at any point in the en-route phase, continue the flight to a suitable landing site.

132. Landing limitations

(1) A person shall not commence a flight in an aeroplane used in commercial air operations unless the aeroplane mass on arrival at either the intended destination aerodrome or any planned alternate aerodrome would allow a full stop landing from a point fifty feet above the intersection of the obstruction clearance plane and the runway, and within—

- (a) for turbine engine powered aeroplanes, sixty per cent of the effective length of each runway; and
- (b) for reciprocating engine powered aeroplanes, seventy per cent of the effective length of each runway.

(2) A person determining the landing limit shall ensure that for the purpose of determining the allowable landing weight at the destination aerodrome—

- (a) the aeroplane is landed on the most favourable runway and in the most favourable direction, in still air; or

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- (b) the aeroplane is landed on the most suitable runway considering the probable wind velocity and direction, runway conditions, the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids and terrain.

(3) Where the runway at the landing destination is reported or forecast to be wet or slippery, the landing distance available shall be at least one hundred and fifteen per cent of the required landing distance unless, based on a showing of actual operating landing techniques on wet or slippery runways—

- (a) a shorter landing distance not less than that required by subregulation (1) has been approved for a specific type and model of aeroplane; and
- (b) this information is included in the aircraft flight manual.

(4) A turbine powered transport category aeroplane that would be prohibited from taking off because it cannot meet the requirements of subregulation (1)(a), may take off if an alternate aerodrome is specified that meets all the requirements of subregulation (1).

(5) A person shall not commence a flight in a helicopter used in commercial air transport unless, with all engines operating on arrival at the intended destination landing site or any planned alternate landing, it can clear all obstacles on the approach path and can land and stop within the landing distance available.

(6) A person shall not commence a flight in a helicopter used in commercial air transport unless, in the event of any engine becoming inoperative in the approach and landing phase on arrival at the intended destination landing site or any planned alternate landing the helicopter, can—

- (a) for performance Class 1 helicopters—
 - (i) before the landing decision point, clear all obstacles on the approach path and be able to land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by an adequate margin; or
 - (ii) after the landing decision point, land and stop within the landing distance available;
- (b) for performance Class 2 and performance Class 3 helicopters before reaching a defined point before landing, safely execute a forced landing within the landing distance available.

(7) For purpose of subregulation (1), an “obstruction clearance plane” is a plane—

- (a) sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area;
- (b) where in the plane view, the centreline of the specified area coincides with the centreline of the runway, beginning at the point where the obstruction clearance plane intersects the centreline of the runway and proceeding to a point at least one thousand five hundred feet from the beginning point;
- (c) where the centreline coincides with the take-off path over the ground for the runway (in the case of take-offs) or with the instrument approach counterpart (for landings), or where the applicable one of these paths has not been established, it proceeds consistent with turns of at least a four thousand foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions; and
- (d) which extends laterally two hundred feet on each side of the centreline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway: then it increases uniformly

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to five hundred feet on each side of the centreline at a point one thousand five hundred feet from the intersection of the obstruction clearance plane with the runway; thereafter, it extends laterally five hundred feet on each side of the centreline.

PART VIII – PASSENGER AND PASSENGER HANDLING*All Passenger Carrying Operations***133. Unacceptable conduct**

A person on board an aircraft shall not—

- (a) interfere with a crew member in the performance of that crew member's duties;
- (b) refuse to fasten his seat belt and keep it fastened while the seat belt sign is lighted;
- (c) wilfully, recklessly or negligently act or omit to act—
 - (i) so as to endanger an aircraft or persons and property therein;
 - (ii) so as to cause or permit an aeroplane to endanger any person or property;
- (d) secrete himself nor secrete cargo on board an aircraft;
- (e) smoke while the no-smoking sign is lighted;
- (f) smoke in any aircraft lavatory;
- (g) tamper with, disable or destroy any smoke detector installed in any aircraft lavatory; or
- (h) wilfully, recklessly or negligently imperil the safety of an aircraft or any person on board, whether by interference with any crew member, or by tampering with the aircraft or its equipment, or by disorderly conduct by any other means.

134. Refuelling or defuelling with passengers on board

(1) A pilot-in-command shall not allow an aeroplane to be refuelled or defuelled when passengers are embarking, on board or disembarking unless—

- (a) the aeroplane is manned by qualified personnel ready to initiate and direct an evacuation; and
- (b) two-way communication is maintained between the qualified personnel in the aeroplane and the ground crew supervising the refuelling.

(2) Unless specifically authorised by the Authority, a person shall not allow a helicopter to be refuelled or defuelled when—

- (a) passengers are embarking, on board, or disembarking; or
- (b) the rotors are turning.

135. Passenger seats, safety belts and shoulder harnesses

(1) A pilot-in-command shall ensure that each person on board the aircraft from the age of two years occupies an approved seat or berth with their own individual safety belt and shoulder harness, if installed, properly secured during take-off and landing.

(2) A passenger shall have his seatbelt securely fastened at any other time the pilot-in-command determines it is necessary for safety.

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(3) When cabin crew members are required in a commercial air transport operation, the pilot-in-command may delegate the responsibility specified in subregulation (1) to the cabin crew member, but shall ascertain that the proper briefing has been conducted prior to take-off.

136. Passenger briefing: non-air operator certificate holder aircraft

(1) A pilot-in-command of a non-air operator certificate holder aircraft shall ensure that crew members and passengers are made familiar, by means of an oral briefing or by other means, with the location and use of the following items, if appropriate—

- (a) seat belts;
- (b) emergency exits;
- (c) lifejackets;
- (d) oxygen dispensing equipment; and
- (e) other emergency equipment provided for individual use, including passenger emergency briefing cards.

(2) The pilot-in-command of a non-air operator certificate holder aircraft shall ensure that all persons on board are aware of the locations and general manner of use of the principal emergency equipment carried for collective use.

(3) A pilot-in-command of a non-air operator certificate holder aircraft may delegate the responsibility of briefing passengers under this regulation to any other crew member on board the aircraft, and shall ascertain that the briefing has been conducted prior to take-off.

137. In-flight emergency instruction

(1) The pilot-in-command shall ensure that in an emergency or during flight, all persons on board are instructed in such emergency action as may be appropriate to the circumstances.

(2) A pilot-in-command may delegate the responsibility of briefing passengers under this regulation to any other crew member on board the aircraft, and shall ascertain that the briefing has been conducted prior to take-off.

138. Passenger oxygen: minimum supply and use

A pilot-in-command of an aircraft shall—

- (a) ensure that breathing oxygen and masks are available to passengers in sufficient quantities for all flights at such altitudes where a lack of oxygen might harmfully affect passengers;
- (b) ensure that the minimum supply of oxygen prescribed by the Authority is on board the aircraft; and
- (c) require all passengers to use oxygen continuously at cabin pressure altitudes above fifteen thousand feet.

139. Alcohol or drugs

(1) A person shall not permit any person who appears to be intoxicated or who demonstrates, by manner or physical indications, that that person is intoxicated to—

- (a) board an aircraft; or
- (b) while on board the aircraft be served alcohol.

(2) A person shall not—

- (a) board an aircraft while intoxicated or under the influence of drugs; or

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- (b) while on board the aircraft, be intoxicated or under the influence of drugs.

140. Use of psychoactive substances

(1) A holder of a licence rating or a certificate issued under these Regulations shall not exercise the privileges of the licence, rating or certificate while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(3) The person referred to in subregulations (1) and (2) shall not engage in any kind of problematic use of substances.

*Commercial Air Transport Passenger Carrying Operations***141. Passenger compliance with instructions**

A passenger on a commercial air transport flight shall comply with instructions given by a crew member in compliance with these Regulations.

142. Denial of transportation

An air operator certificate holder may deny transportation to a passenger who—

- (a) refuses to comply with the instructions regarding exit seating restrictions prescribed by the Authority; or
- (b) has a handicap that can be physically accommodated only through causing an obstruction to the safe evacuation of other passengers from the aircraft as provided for in regulation 145.

143. Carriage of persons without compliance with passenger carrying requirements

A pilot-in-command or an operator shall not allow a person to be carried without compliance to the passenger carrying requirements unless there is an approved seat with an approved seat belt for that person, and—

- (a) the seat is so located that the occupant is not in any position to interfere with the flight crew members performing their duties;
- (b) there is unobstructed access from the approved seat to the flight deck or a regular or emergency exit;
- (c) there is a means for notifying that person when smoking is prohibited and when seat belts shall be fastened; and
- (d) that person has been orally briefed by a crew member on the use of emergency equipment and exits.

144. Cabin crew at duty stations

(1) During taxi of an aircraft, a cabin crew member shall remain at his duty station with safety belt and shoulder harness fastened except to perform duties related to the safety of the aircraft and its occupants.

(2) During taxi of an aircraft cabin crew members shall be located as near as practicable to required floor level exits and shall be uniformly distributed throughout the aircraft to provide the most effective egress of passengers in event of an emergency evacuation.

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(3) When passengers are on board a parked aircraft, cabin crew members or another person qualified in emergency evacuation procedures for the aircraft shall be placed in the following manner—

- (a) if only one cabin crew member is required, that cabin crew member shall be located in accordance with the air operator certificate holder's operations manual procedures; or
- (b) if more than one cabin crew member is required, those crew members shall be spaced throughout the cabin to provide the most effective assistance for the evacuation in case of an emergency.

145. Evacuation capability

A pilot-in-command or other person assigned by the air operator certificate holder shall ensure that, when passengers are on board the aircraft prior to movement on the surface, at least one floor-level exit provides for egress of passengers through normal or emergency means.

146. Arming of automatic emergency exits

A person shall not cause an aircraft carrying passengers to be moved on the surface, to take-off or to land unless each automatically deployable emergency evacuation assisting means installed on the aircraft is ready for evacuation.

147. Accessibility of emergency exits and equipment

A person shall not allow carry-on baggage or other items to block access to the emergency exits when the aircraft is moving on the surface, during take-off or landing, or while passengers remain on board.

148. Stops where passengers remain on board

(1) At stops where passengers remain on board the aircraft, the pilot-in-command shall ensure that—

- (a) all engines are shut down;
- (b) at least one floor level exit remains open to provide for the evacuation of passengers if necessary; and
- (c) there is at least one person immediately available who is qualified in the emergency evacuation of the aircraft and who has been identified to the passengers on board as responsible for the passenger safety.

(2) Where refuelling with passengers on board, the pilot-in-command or a designated air operator certificate holder's representative shall ensure that the air operator certificate holder's operations manual procedures are followed.

149. Carriage of persons with reduced mobility

A person shall not allow a person of reduced mobility to occupy seats where his presence could—

- (a) impede the crew in their duties;
- (b) obstruct access to emergency equipment; or
- (c) impede the emergency evacuation of the aircraft.

150. Exit row seating

(1) A pilot-in-command shall ensure that no passenger sits in an emergency exit row if the pilot-in-command determines that it is likely that the passenger would be unable to understand and perform the functions necessary to open an exit and to exit rapidly.

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(2) A pilot-in-command shall ensure that a person is not seated in a passenger exit seat if it is likely that the person—

- (a) lacks sufficient mobility, strength, or dexterity in both arms and hands, and both legs and will be unable to—
 - (i) reach upward, sideways, and downward to the location of emergency exit and exit-slide operating mechanisms;
 - (ii) grasp and push, pull, turn, or otherwise manipulate those mechanisms;
 - (iii) push, shove, pull, or otherwise open emergency exits;
 - (iv) lift out, hold, deposit on nearby seats, or manoeuvre over the seatbacks to the next row objects the size and weight of over-wing window exit doors;
 - (v) remove obstructions of size and weight similar to over-wing exit doors;
 - (vi) reach the emergency exit expeditiously;
 - (vii) maintain balance while removing obstructions;
 - (viii) exit expeditiously;
 - (ix) stabilise an escape slide after deployment; or
 - (x) assist others in getting off an escape slide;
- (b) is less than fifteen years of age or lacks the capacity to perform one or more of the applicable functions listed in this regulation without assistance;
- (c) lacks the ability to read and understand instructions required by this regulation and related to emergency evacuation provided by the air operator certificate holder in printed or graphic form or the ability to understand oral crew commands;
- (d) lacks sufficient visual capacity to perform one or more of the functions specified in paragraphs (a) to (c) without the assistance of visual aids beyond contact lenses or eyeglasses;
- (e) lacks sufficient aural capacity to hear and understand instructions given by cabin crew members, without assistance beyond a hearing aid;
- (f) lacks the ability to adequately impart information orally to other passengers; or
- (g) has a condition or responsibilities, such as caring for small children, that might prevent the person from performing one or more of the functions listed above or a condition that might cause the person harm if he performs one or more of the functions listed above.

(3) Determination as to the suitability of each person permitted to occupy an exit seat shall be made by a cabin crew member.

(4) Where a cabin crew member determines that a passenger assigned to an exit seat would be unable to perform the emergency exit functions, or if a passenger requests a non-exit seat, the cabin crew member shall expeditiously relocate the passenger to a non-exit seat.

(5) In the event of full booking in the non-exit seats, and if necessary to accommodate a passenger being relocated from an exit seat, the cabin crew member shall move a passenger who is willing and able to assume the evacuation functions, to an exit seat.

(6) An air operator certificate holder shall ensure that a ticket agent shall, prior to boarding, assign seats consistent with the passenger selection criteria and the emergency exit functions, to the maximum extent feasible.

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(7) An air operator certificate holder shall ensure that a ticket agent shall make available for inspection by the public at all passenger loading gates and ticket counters at each aerodrome where it conducts passenger operations, written procedures established for making determinations with regard to exit row seating.

(8) A cabin crew member shall include in their passenger briefings a request that a passenger identify himself to allow reseating if that passenger—

- (a) does meet the selection criteria;
- (b) has a non-discernible condition that shall prevent them from performing the evacuation functions;
- (c) may suffer bodily harm as the result of performing one or more of those functions; or
- (d) does not wish to perform emergency exit functions.

(9) A cabin crew member shall include in their passenger briefings a reference to the passenger information cards and the functions to be performed in an emergency.

(10) A passenger shall comply with instructions given by a crew member or other authorised employee of the air operator certificate holder implementing exit seating restrictions.

(11) A pilot-in-command shall not allow taxi or pushback of an aircraft unless at least one required crew member has verified that all exit rows and escape paths are unobstructed and that no exit seat is occupied by a person the crew member determines is likely to be unable to perform the applicable evacuation functions.

(12) In order to comply with this regulation an air operator certificate holder shall—

- (a) establish procedures that address the requirements of this regulation; and
- (b) submit their procedures for preliminary review and approval to the Authority.

(13) The procedures required by this regulation shall not become effective until final approval is granted by the Authority, and approval shall be based solely upon the safety aspects of the air operator certificate holder's procedures.

151. Carriage of munitions of war

(1) A person shall not carry munitions of war on board an aircraft.

(2) A person shall not take or cause to be taken on board an aircraft, or deliver or cause to be delivered for carriage thereon, any goods which that person knows or has reason to believe or suspect to be munitions of war.

(3) For the purpose of this regulation, “**munitions of war**” means such weapons, ammunition, articles, materials or devices as are intended or adapted for use in warfare.

(4) Without prejudice to subregulations (1) and (2), a person shall not carry or have in his charge any weapon on board an aircraft registered in Kenya, provided that a weapon, not being munitions of war, may be carried as passenger's baggage if it is stowed in the part of the aircraft inaccessible to passengers and, in the case of a firearm, it is not loaded.

(5) Nothing in this regulation shall apply to weapons or ammunition taken or carried on board an aircraft if the weapons or ammunition may, under the law of the State in which the aircraft is registered, be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of the persons on board.

[Subsidiary]**152. Prohibition against carriage of weapons**

A person shall not, while on board an aircraft being operated in commercial air transport, carry on or about that person a deadly or dangerous weapon, either concealed or unconcealed.

153. Oxygen for medical use by passengers

(1) An air operator certificate holder shall allow a passenger to carry and operate equipment for the storage, generation or dispensing of medical oxygen only as prescribed by the Authority.

(2) A person shall not smoke, and a crew member shall not allow any person to smoke within ten feet of oxygen storage and dispensing equipment carried for the medical use of a passenger.

(3) A crew member shall not allow any person to connect or disconnect oxygen dispensing equipment to or from an oxygen cylinder while any other passenger is aboard the aircraft.

154. Carry-on baggage

(1) A person shall not allow—

- (a) the boarding of carry-on baggage unless it can be adequately and securely stowed in accordance with the air operator certificate holder's operations manual procedures;
- (b) aircraft passenger entry doors to be closed in preparation for taxiing or pushback unless at least one required crew member has verified that each article of baggage is properly stowed in overhead racks with approved restraining devices or doors, or in approved locations aft of the bulkhead; and
- (c) carry-on baggage to be stowed in a location that would cause that location to be loaded beyond its maximum placard weight limitation.

(2) The stowage locations referred to in subregulation (1)(c) shall be capable of restraining the articles in crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing conditions under which the aircraft was type-certificated.

155. Carriage of cargo in passenger compartments

(1) A person shall not allow the carriage of cargo in the passenger compartment of an aircraft except as prescribed by the Authority.

(2) Cargo may be carried anywhere in the passenger compartment if it is carried in an approved cargo bin that meets the following requirements—

- (a) the bin shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the aeroplane in which the bin is installed, multiplied by a factor of 1.15, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin;
- (b) the maximum weight of cargo that the bin is approved to carry and any instructions necessary to ensure proper weight distribution within the bin shall be conspicuously marked on the bin;
- (c) the bin may not impose any load on the floor or other structure of the aircraft that exceeds the load limitations of that structure;
- (d) the bin shall be attached to the seat tracks or to the floor structure of the aircraft, and its attachment shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the aircraft in which

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the bin is installed, multiplied by either the factor 1.15 or the seat attachment factor specified for the aircraft, whichever is greater, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin;

- (e) the bin may not be installed in a position that restricts access to or use of any required emergency exit, or of the aisle in the passenger compartment;
- (f) the bin shall be fully enclosed and made of material that is at least flame resistant;
- (g) suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions; and
- (h) the bin may not be installed in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

(3) Cargo, including carry-on baggage, may be carried anywhere in the passenger compartment of a small aircraft if it is carried in an approved cargo rack, bin, or compartment installed in or on the aircraft, if it is secured by an approved means, or if it is carried in accordance with each of the following—

- (a) for cargo, it is properly secured by a safety belt or other tie-down having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions, or for carry-on baggage, it is restrained so as to prevent its movement during air turbulence;
- (b) it is packaged or covered to avoid possible injury to occupants;
- (c) it does not impose any load on seats or in the floor structure that exceeds the load limitation for those components;
- (d) it is not located in a position that obstructs the access to, or use of, any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment, or is located in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign or placard, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passengers is provided;
- (e) it is not carried directly above seated occupants;
- (f) it is stowed in compliance with these restrictions during take-off and landing; and
- (g) for cargo-only operations, the cargo is loaded so that at least one emergency or regular exit is available to provide all occupants of the aircraft a means of unobstructed exit from the aircraft if an emergency occurs.

156. Passenger information signs

A pilot-in-command of an aircraft shall turn on required passenger information signs during any movement on the surface, for each take-off and each landing, and when otherwise considered to be necessary.

157. Required passenger briefings: air operator certificate holder

(1) A person shall not commence a take-off unless the passengers are briefed prior to take-off in accordance with the air operator certificate holder's operations manual procedures on—

- (a) smoking limitations and prohibitions;
- (b) emergency exit location and use;
- (c) use of safety belts;

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- (d) emergency floatation means, location and use;
- (e) location and the general manner of use of the principal emergency equipment for collective use;
- (f) fire extinguisher location and operation;
- (g) placement of seat backs;
- (h) if flight is above 12,000 feet above mean sea level, the normal and emergency use of oxygen; and
- (i) the passenger briefing card.

(2) Immediately before or after turning the seat belt sign off, a pilot-in-command shall ensure that the passengers are briefed to keep their seat belts fastened while seated, even when the seat belt sign is off.

(3) Before take-off, the pilot-in-command shall ensure that persons of reduced mobility are personally briefed on the—

- (a) route to the most appropriate exit; and
- (b) time to begin moving to the exit in event of an emergency.

(4) The pilot-in-command operating commercial air transport operations shall ensure that the briefing specified in this regulation contains all the objects approved for the specific operations conducted as included in the relevant operations manual.

(5) The operator shall ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during flight the precaution is considered necessary, all passengers on board an aeroplane shall be secured in their seats by means of seat belts or harnesses provided.

158. Passenger briefing: extended overwater operations

A pilot-in-command shall not commence extended overwater operations unless all passengers have been orally briefed on the location and operations of life preservers, liferafts and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

159. Passenger seat belts

(1) A passenger occupying a seat or berth shall fasten his safety belt and keep it fastened while the sign is lighted or, in aircraft not equipped with such a sign, whenever instructed by a pilot-in-command.

(2) A passenger safety belt shall not be used by more than one occupant during take-off and landing.

(3) At each unoccupied seat, the safety belt and shoulder harness, if installed, shall be secured so as not to interfere with crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

(4) A person who is not two years of age may be held by an adult who is occupying a seat or berth.

(5) A berth, such as a multiple lounge or divan seat, may be occupied by two persons provided it is equipped with an approved safety belt for each person and is used during en-route flight only.

160. Passenger seat backs

(1) A pilot-in-command shall not allow the take-off or landing of an aircraft unless each passenger seat back is in the upright position.

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(2) Exceptions to this requirement shall only be made in accordance with procedures in the air operator certificate holder's operations manual provided the seat back does not obstruct any passenger's access to the aisle or to any emergency exit.

161. Stowage of food, beverage and passenger service

A pilot-in-command shall not allow the movement of an aircraft on the surface, take-off or landing—

- (a) when any food, beverage or tableware furnished by the air operator certificate holder is located at any passenger seat; and
- (b) unless each food and beverage tray and seat back tray table is in the stowed position.

162. Securing of items of mass in passenger compartment

A person shall not allow—

- (a) the take-off or landing of an aircraft unless each item of mass in the passenger cabin is properly secured to prevent it from becoming a hazard during taxi, take-off and landing and during turbulent weather conditions; or
- (b) an aircraft to move on the surface, take-off or land unless each passenger serving cart is secured in its stowed position.

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163. Age restriction

A person shall not serve nor shall any air operator certificate holder use a person as a required pilot on an aircraft engaged in international commercial air transport operations if that person has attained the age of sixty-five years.

164. Pilot-in-command licence requirements: turbojet, turbofan or large aircraft

A pilot shall not act as pilot-in-command of a turbojet, turbofan or large aircraft in commercial air transport operations unless that pilot holds an airline transport pilot licence and a type rating for that aircraft.

165. Pilot-in-command licence requirements: non-turbojet or turbofan small aircraft

A pilot shall not act as pilot-in-command of a non-turbojet or turbofan small aircraft in commercial air transport operations during—

- (a) instrument flight rules operations unless that pilot holds a commercial pilot licence with appropriate category class ratings for the aircraft operated, and an instrument rating and meets the experience requirements for operation; or
- (b) day visual flight rules operations unless that pilot holds a commercial pilot licence with appropriate category and class ratings for the aircraft operated.

166. Pilot-in-command aeronautical experience: small aircraft

An operator shall ensure that—

- (a) A commercial pilot licence holder does not operate as a pilot-in-command certificated in the aircraft flight manual for single pilot operations unless—
 - (i) when conducting passenger carrying operations under visual flight rules outside a radius of fifty nm from an aerodrome of departure, the

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pilot has a minimum of five hundred hours total flight time on aeroplanes or holds a valid instrument rating; or

- (ii) when operating on a multi-engine type under instrument flight rules, the pilot has a minimum of seven hundred hours total flight time on aeroplanes which includes four hundred hours as pilot-in-command of which one hundred hours have been under instrument flight rules including forty hours multi-engine operation;
- (iii) the four hundred hours referred to in subparagraph (ii) may be substituted by hours operating as co-pilot on the basis that two hours co-pilot is equivalent to one hour as pilot-in-command provided that those hours were gained within an established multi-pilot crew system prescribed in the Operations Manual specified in the Civil Aviation (Air Operator Certification and Administration) Regulations;
- (b) in addition to paragraph (a)(ii), when operating under instrument flight rules as a single pilot, requirements prescribed in regulation 28 are satisfied; and
- (c) in multi-pilot crew operations, in addition to paragraph (a), and prior to the pilot operating as pilot-in-command, the command course prescribed in the Operations Manual specified in the Civil Aviation (Air Operator Certification and Administration) Regulations is completed.

167. Co-pilot licence requirements

A pilot shall not act as co-pilot of an aircraft in commercial air transport operations unless that pilot holds—

- (a) a commercial pilot licence with appropriate category class and type ratings for the aircraft operated; and
- (b) an instrument rating.

168. Flight engineer licence requirements

A person shall not act as the flight engineer of an aircraft unless that person holds a flight engineer licence with the appropriate type rating.

169. One pilot qualified to perform flight engineer functions

An air operator certificate holder shall ensure that, on all flights requiring a flight engineer, there is assigned at least one other flight crew member qualified to perform the flight engineer duties in the event the flight engineer becomes incapacitated.

170. Persons qualified in flight release

A person shall not act as a flight operations officer in releasing a scheduled passenger-carrying commercial air transport operation aircraft unless that person holds a flight operations officer licence or an airline transport pilot licence, and is currently qualified by the air operator certificate holder for the operation and type of aircraft used.

171. Company procedures indoctrination

(1) A person shall not serve nor shall an air operator certificate holder use a person as a crew member or flight operations officer unless that person has completed the company procedures indoctrination curriculum approved by the Authority, which shall include a complete review of operations manual procedures pertinent to the crew member of flight operation officer's duties.

(2) An air operator certificate holder shall ensure that all operations personnel are provided with company indoctrination training that covers the following areas—

- (a) air operator certificate holder's organisation, scope of operation, and administrative practices as applicable to crew member assignments and duties;

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- (b) appropriate provisions of Civil Aviation Regulations and other applicable regulations and guidance materials;
- (c) air operator certificate holder policies and procedures;
- (d) applicable crew member manuals; and
- (e) appropriate portions of the air operator certificate holder's operations manual.

(3) An air operator certificate holder shall provide a minimum of forty programmed hours of instruction for basic indoctrination training unless a reduction of the hours of instruction is approved by the Authority.

172. Initial dangerous goods training

(1) An operator or owner of an aircraft shall establish and maintain approved staff training programmes as required by the technical instructions.

(2) An operator or owner not holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in general cargo handling have received training to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 1 of Table 4 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and what requests apply to the carriage of such goods by passengers; and
- (b) crew members, passenger handling staff, and security staff used by an air operator certificate holder to deal with the screening of passengers and their baggage, have received training which covers as a minimum, the areas identified in Column 2 of Table 4 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify them and what requirements apply to the carriage of such goods by passengers.

TABLE 4 – TRAINING: CREW MEMBER AND OTHERS

<i>Areas of Training</i>	<i>Column 1</i>	<i>Column 2</i>
General philosophy	x	x
Limitations on dangerous goods in air transport		x
Package marking and labelling	x	x
Dangerous goods in passengers baggage	x	x
Emergency procedures	x	x

Note: "x" indicates an area to be covered.

(3) An operator or owner holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in the acceptance of dangerous goods have received training and are qualified to carry out their duties which covers as a minimum, the areas identified in Column 1 of Table 5 to a depth sufficient to ensure the staff can take decisions on the acceptance or refusal of dangerous goods offered for carriage by air;
- (b) staff who are engaged in ground handling, storage and loading of dangerous goods have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 2 of Table 5 to a depth sufficient to ensure that an

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awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;

- (c) staff who are engaged in general cargo handling have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 3 of Table 5 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (d) flight crew members have received training which covers as a minimum, the areas identified in Column 4 of Table 5 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and how they should be carried on an aircraft;
- (e) passenger handling staff and security staff used by the operator who deal with the screening of passengers and their baggage and crew members, other than flight crew members, have received training which covers as a minimum, the areas identified in Column 5 of Table 5 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and the requirements that apply to the carriage of such goods by passengers or, more generally, their carriage on an aircraft.

TABLE 5 – TRAINING: STAFF OTHER THAN CREW MEMBERS

<i>Areas of Training</i>	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
General philosophy	x	x	x	x	x
Limitations on dangerous goods in the air transport	x	x		x	x
Classification and list of dangerous goods	x	x		x	
General packing requirements and packing instructions	x				
Packaging specifications marking	x				
Package marking and labelling	x	x	x	x	x
Documentation from the shipper	x				
Acceptance of dangerous goods, including the use of a checklist	x				
Loading, restrictions on loading and segregation	x	x	x	x	
Inspections for damage or leakage and decontamination procedures	x	x			
Provision of information to the pilot-in-command	x	x		x	
Dangerous goods in passengers' baggage	x			x	x
Emergency procedures	x	x	x	x	x

Note: "x" indicates an area to be covered

(4) An operator or owner shall ensure that—

- (a) all staff who require dangerous goods training receive recurrent training at intervals of not longer than two years;

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- (b) the records of dangerous goods training are maintained for all staff trained in accordance with the provisions of this regulation; and
- (c) his handling agent's staff are trained in accordance with the applicable columns of Table 4 or Table 5.

173. Security training programmes

(1) An operator shall establish and maintain an approved security training programme which ensures crew members act in the most appropriate manner to minimise the consequences of acts of unlawful interference which programme shall, as a minimum, include the following elements—

- (a) determination of the seriousness of any occurrence;
- (b) crew communication and coordination;
- (c) appropriate self-defence responses;
- (d) use of non-lethal protective devices assigned to crew members whose use is authorised by the State of the operator;
- (e) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions;
- (g) cockpit procedures to protect the aircraft; and
- (h) aircraft search procedures and guidance on least-risk bomb locations where practicable.

(2) An operator shall establish and maintain a training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

174. Initial crew resource management training

(1) A person shall not serve nor shall an air operator certificate holder use a person as a crew member or flight operations officer unless that person has completed the initial crew resource management curriculum approved by the Authority.

(2) An air operator certificate holder shall ensure that all crew members have crew resource management training as part of their initial and recurrent training requirements.

(3) A crew resource management training program shall include—

- (a) an initial indoctrination or awareness segment;
- (b) a method to provide recurrent practice and feedback; and
- (c) a method of providing continuing reinforcement.

(4) Curriculum topics to be contained in an initial crew resource management training course include—

- (a) communications processes and decision behaviour;
- (b) internal and external influences on interpersonal communications;
- (c) barriers to communication;
- (d) listening skills;
- (e) decision making skills;
- (f) effective briefings;
- (g) developing open communications;

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- (h) inquiry, advocacy, and assertion training;
- (i) crew self-critique;
- (j) conflict resolution;
- (k) team building and maintenance;
- (l) leadership and fellowship training;
- (m) interpersonal relationships;
- (n) workload management;
- (o) situational awareness;
- (p) how to prepare, plan and monitor task completions;
- (q) workload distribution;
- (r) distraction avoidance;
- (s) individual factors; and
- (t) stress reduction.

175. Initial emergency equipment drills

(1) A person shall not serve nor shall any air operator certificate holder use a person as a crew member unless that person has completed the appropriate initial emergency equipment curriculum and drills for the crew member position approved by the Authority for the emergency equipment available on the aircraft to be operated.

(2) A crew member shall accomplish emergency training during the specified training periods, using the items of installed emergency equipment for each type of aeroplane in which that crew member is to serve.

(3) During initial training, a crew member shall perform the following one-time emergency drills—

- (a) protective breathing equipment or fire-fighting drill—
 - (i) locate the source of fire or smoke for an actual or simulated fire;
 - (ii) implement procedures for effective crew co-ordination and communication, including notification of flight crew members about the fire situation;
 - (iii) don and activate installed protective breathing equipment or approved protective breathing equipment simulation device;
 - (iv) manoeuvre in limited space with reduced visibility;
 - (v) effectively use the aircraft's communication system;
 - (vi) identify the class of fire;
 - (vii) select the appropriate extinguisher;
 - (viii) properly remove the extinguisher from the securing device;
 - (ix) prepare, operate and discharge the extinguisher properly; and
 - (x) utilise the correct fire-fighting techniques for type of fire;
- (b) emergency evacuation drill—
 - (i) recognise and evaluate an emergency;
 - (ii) assume the appropriate protective position;
 - (iii) command passengers to assume protective position;
 - (iv) implement crew co-ordination procedures;
 - (v) ensure activation of emergency lights;
 - (vi) assess aircraft condition;

- (vii) initiate evacuation, dependent on signal or decision;
- (viii) command passengers to release their seatbelts and evacuate;
- (ix) assess exit and redirect passengers, if necessary, to open exits, including deploying slides and commanding helpers to assist;
- (x) command the passengers to evacuate at exit and run away from the aircraft;
- (xi) assist special need passengers, such as handicapped, elderly, and persons in a state of panic; and
- (xii) actually exit the aircraft or training device using at least one of the installed emergency evacuation slides.

(4) In an emergency evacuation drill, the crew member may either observe the aircraft exits being opened in the emergency mode and the associated exit slider or aft pack being deployed and inflated, or perform the tasks resulting in the accomplishment of these actions.

(5) A crew member shall accomplish additional emergency drills during initial and recurrent training, including performing the following emergency drills—

- (a) emergency exit drill—
 - (i) correctly pre-flight each type of emergency exit and evacuation slide or slide raft, if part of cabin crew member's assigned duties;
 - (ii) disarm and open each type of door exit in normal mode;
 - (iii) close each type of door exit in normal mode;
 - (iv) arm each type of door exit in emergency mode;
 - (v) open each type of door exit in emergency mode;
 - (vi) use the manual slide inflation system to accomplish or ensure slide or slide raft inflation;
 - (vii) open each type of window exit; and
 - (viii) remove the escape rope and position it for use;
- (b) hand fire extinguisher drill fighting an actual or a simulated fire is not necessary during this drill—
 - (i) pre-flight each type of hand fire extinguisher;
 - (ii) locate the source of fire or smoke and identify class of fire;
 - (iii) select the appropriate extinguisher and remove from securing device;
 - (iv) prepare the extinguisher for use;
 - (v) actually operate and discharge each type of installed hand fire extinguisher;
 - (vi) utilise correct fire-fighting techniques for the type of fire; and
 - (vii) implement procedures for effective crew coordination and communication, including notification of crew members about the type of fire situation;
- (c) emergency oxygen system drill—
 - (i) actually operate portable oxygen bottles, including masks and tubing;
 - (ii) verbally demonstrate operation of chemical oxygen generators;
 - (iii) prepare for use and properly operate an oxygen device, including donning and activation;
 - (iv) administer oxygen to self, passengers, and to those persons with special oxygen needs;

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- (v) utilise proper procedures for effective crew coordination and communication;
 - (vi) activate protective breathing equipment;
 - (vii) manually open each type of oxygen mask compartment and deploy oxygen masks;
 - (viii) identify compartments with extra oxygen masks;
 - (ix) implement immediate action decompression procedures; and
 - (x) reset the oxygen system, if applicable;
 - (d) flotation device drill—
 - (i) don and inflate life vests;
 - (ii) remove and use flotation seat cushions; and
 - (iii) demonstrate swimming techniques using a seat cushion;
 - (e) ditching drill, if applicable, during which ditching drill trainees shall perform the “prior to impact” and “after impact” procedures for a ditching, as appropriate to the specific operator’s type of operation—
 - (i) implement crew coordination procedures, including a briefing with the captain to obtain pertinent ditching information and briefing cabin crew members;
 - (ii) coordinate time-frame for cabin and passenger preparation;
 - (iii) adequately brief passengers on ditching procedures;
 - (iv) ensure the cabin is prepared, including the securing of carry-on baggage, lavatories, and galleys;
 - (v) demonstrate how to properly deploy and inflate slide rafts;
 - (vi) remove, position and attach slide rafts to aircraft;
 - (vii) inflate the rafts;
 - (viii) use escape ropes at overwing exits;
 - (ix) command any helpers to assist;
 - (x) use slides and seat cushions as flotation devices;
 - (xi) remove appropriate emergency equipment from the aircraft;
 - (xii) board rafts properly;
 - (xiii) initiate raft management procedures, such as disconnecting rafts from aircraft, applying immediate first aid, rescuing persons in water, salvaging floating rations and equipment, deploying sea anchor, tying rafts together, and activating or ensuring operation of emergency locator transmitter;
 - (xiv) initiate basic survival procedures, such as removing and utilising survival kit items, repairing and maintaining raft, ensuring protection from exposure, erecting canopy, communicating location, providing continued first aid, and providing sustenance;
 - (xv) use heaving line to rescue persons in the water;
 - (xvi) tie slide rafts or rafts together;
 - (xvii) use life line on edge of slide raft or raft as a handhold; and
 - (xviii) secure survival kit items.
- (6) A crew member shall accomplish additional emergency drill requirements during initial and recurrent training including observing the following emergency drills—
- (a) liferaft removal and inflation drill, if applicable—
 - (i) removal of a liferaft from the aircraft or training device;

- (ii) inflation of a liferaft;
- (b) slide raft transfer drill—
 - (i) transfer each type of slide raft pack from an unusable door to a usable door;
 - (ii) disconnect the slide raft at an unusable door;
 - (iii) redirect passengers to the usable slide raft; and
 - (iv) install and deploy the slide raft at a usable door;
- (c) slide and slide raft deployment, inflation, and detachment drill—
 - (i) engage slide girt bar in floor brackets;
 - (ii) inflate slides with and without quick-release handle, manually and automatically;
 - (iii) disconnect slide from aircraft for use as a flotation device;
 - (iv) arm slide rafts for automatic inflation; and
 - (v) disconnect slide raft from the aircraft;
- (d) emergency evacuation slide drill—
 - (i) open armed exit with slide or slide raft deployment and inflation; and
 - (ii) egress from aircraft via the evacuation slide and run away to a safe distance.

176. Initial aircraft ground training: flight crew

(1) A person shall not serve nor shall an air operator certificate holder use a person as a flight crew member unless that person has completed the initial ground training approved by the Authority for the aircraft type.

(2) Initial aircraft ground training for flight crew members shall include the pertinent portions of the operations manuals relating to aircraft-specific performance, mass and balance, operational policies, systems, limitations, normal, abnormal and emergency procedures on the aircraft type to be used.

(3) An air operator certificate holder shall have an initial aircraft ground training curriculum for the flight crew applicable to the type of operations conducted and aircraft flown.

(4) Instructions shall include at least the following general subjects—

- (a) air operator certificate holder's dispatch, flight release, or operational control or flight following procedures;
- (b) principles and methods for determining mass and balance, and runway limitations for take-off;
- (c) adverse weather recognition and avoidance, and flight procedures which shall be followed when operating in the following conditions—
 - (i) icing;
 - (ii) fog;
 - (iii) turbulence;
 - (iv) heavy precipitation;
 - (v) thunderstorms;
 - (vi) low-level wind shear and microburst; and
 - (vii) low visibility;
- (d) normal and emergency communications procedures and navigation equipment including the air operator certificate holder's communications procedures and air traffic control clearance requirements;

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- (e) navigation procedures used in area departure, en-route, area arrival, approach and landing phases;
- (f) approved crew resource management training;
- (g) air traffic control systems, procedures, and phraseology;
- (h) aircraft performance characteristics during all flight regimes, including—
 - (i) the use of charts, tables, tabulated data and other related manual information;
 - (ii) normal, abnormal, and emergency performance problems;
 - (iii) meteorological and weight limiting performance factors, such as temperature, pressure, contaminated runways, precipitation, climb and runway limits;
 - (iv) inoperative equipment performance limiting factors, such as minimum equipment list or configuration deviation list, inoperative antiskid; and
 - (v) special operational conditions, such as unpaved runways, high altitude aerodromes and drift down requirements.

(5) An air operator certificate holder shall have an initial aircraft ground training curriculum for the flight crew applicable to the type of operations conducted and aircraft flown, including at least the following aircraft systems—

- (a) aircraft—
 - (i) aircraft dimensions, turning radius, panel layouts, cockpit and cabin configurations; and
 - (ii) other major systems and components or appliances of the aircraft;
- (b) powerplants—
 - (i) basic engine description;
 - (ii) engine thrust ratings; and
 - (iii) engine components such as accessory drives, ignition, oil, fuel control, hydraulic, and bleed air features;
- (c) electrical—
 - (i) sources of aircraft electrical power, such as engine driven generators, auxiliary power unit generator, and external power;
 - (ii) electrical buses;
 - (iii) circuit breakers;
 - (iv) aircraft battery; and
 - (v) standby power systems;
- (d) hydraulic—
 - (i) hydraulic reservoirs, pumps, accumulators, filters, check valves, interconnects and actuators; and
 - (ii) other hydraulically operated components;
- (e) fuel—
 - (i) fuel tanks, including location and quantities;
 - (ii) engine driven pumps;
 - (iii) boost pumps;
 - (iv) system valves and crossfeeds;
 - (v) quantity indicators; and
 - (vi) provisions for fuel jettisoning;

- (f) pneumatic—
 - (i) bleed air sources, auxiliary power unit or external ground air; and
 - (ii) means of routing, venting and controlling bleed air via valves, ducts, chambers, and temperature and pressure limiting devices;
- (g) air conditioning and pressurisation—
 - (i) heaters, air conditioning packs, fans, and other environmental control devices;
 - (ii) pressurisation system components such as outflow and negative pressure relief valves; and
 - (iii) automatic, standby, and manual pressurisation controls and annunciations;
- (h) flight controls—
 - (i) primary controls, including yaw, pitch, and roll devices;
 - (ii) secondary controls, including leading or trailing edge devices, flaps, trim, and damping mechanisms;
 - (iii) means of actuation, whether direct or indirect or fly by wire; and
 - (iv) redundancy devices;
- (i) landing gear—
 - (i) landing gear extension and retraction mechanism including the operating sequence of struts, doors, and locking devices, and brake and anti-skid systems, if applicable;
 - (ii) steering, including nose or body steering gear;
 - (iii) bogie arrangements;
 - (iv) air or ground sensor relays; and
 - (v) visual downlock indicators;
- (j) ice and rain protection—
 - (i) rain removal systems; and
 - (ii) anti-icing or de-icing systems affecting flight controls, engines, pitot static probes, fluid outlets, cockpit windows, and aircraft structures;
- (k) equipment and furnishings—
 - (i) exits;
 - (ii) galleys;
 - (iii) water and waste systems;
 - (iv) lavatories;
 - (v) cargo areas;
 - (vi) crew member and passenger seats;
 - (vii) bulkheads;
 - (viii) seating and cargo configurations; and
 - (ix) non-emergency equipment and furnishings;
- (l) navigation equipment—
 - (i) flight directors;
 - (ii) horizontal situation indicator;
 - (iii) radio magnetic indicator;

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- (iv) navigation receivers such as global positioning system, automatic direction finder, very high frequency omni-directional radio range, Omega, long range navigation, area navigation, marker beacon, distance measuring equipment;
- (v) inertial systems such as inertia navigation system and inertia reference;
- (vi) functional displays;
- (vii) fault indications and comparator systems;
- (viii) aircraft transponders;
- (ix) radio altimeters;
- (x) weather radar; and
- (xi) cathode ray tube or computer generated displays of aircraft position and navigation information;
- (m) auto flight system—
 - (i) autopilot;
 - (ii) autothrottles;
 - (iii) flight director and navigation systems;
 - (iv) automatic approach tracking;
 - (v) autoland; and
 - (vi) automatic fuel and performance management systems;
- (n) flight instruments—
 - (i) panel arrangement;
 - (ii) flight instruments, including altitude indicator, directional gyro, magnetic compass, airspeed indicator, vertical speed indicator, altimeters, standby instruments; and
 - (iii) instrument power sources, and instrument sensory sources, such as pitot static pressure;
- (o) display systems—
 - (i) weather radar; and
 - (ii) other cathode ray tube displays, such as checklist, vertical navigation or longitudinal navigation displays;
- (p) communication equipment—
 - (i) very high frequency or high frequency radios;
 - (ii) audio panels;
 - (iii) inflight interphone and passenger address systems;
 - (iv) voice recorder; and
 - (v) aircraft communication addressing and reporting system;
- (q) warning systems—
 - (i) aural, visual, and tactile warning systems, including the character and degree of urgency related to each signal; and
 - (ii) warning and caution annunciator systems, including ground proximity and take-off warning systems;
- (r) fire protection—
 - (i) fire and overheat sensors, loops, modules, or other means of providing visual or aural indications of fire or overheat detection;
 - (ii) procedures for the use of fire handles, automatic extinguishing systems and extinguishing agents; and

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- (iii) power sources necessary to provide protection for fire and overheat conditions in engines, auxiliary power unit, cargo bay or wheel well, cockpit, cabin and lavatories;
- (s) oxygen—
 - (i) passenger, crew, and portable oxygen supply systems;
 - (ii) sources of oxygen such as gaseous or solid;
 - (iii) flow and distribution networks;
 - (iv) automatic deployment systems;
 - (v) regulators, pressure levels and gauges; and
 - (vi) servicing requirements;
- (t) lighting—
 - (i) cockpit, cabin, and external lighting systems;
 - (ii) power sources;
 - (iii) switch positions; and
 - (iv) spare light bulb locations;
- (u) emergency equipment—
 - (i) fire and oxygen bottles;
 - (ii) first aid kits;
 - (iii) liferafts and life preservers;
 - (iv) crash axes;
 - (v) emergency exits and lights;
 - (vi) slides and slide rafts;
 - (vii) escape straps or handles; and
 - (viii) hatches, ladders and movable stairs;
- (v) auxiliary power unit—
 - (i) electric and bleed air capabilities;
 - (ii) interfaces with electrical and pneumatic systems;
 - (iii) inlet doors and exhaust ducts; and
 - (iv) fuel supply.

(6) An air operator certificate holder shall have an initial aircraft ground training curriculum for the flight crew applicable to the type of operations conducted and aircraft flown, including at least the following aircraft systems integration items—

- (a) use of checklist—
 - (i) safety chocks;
 - (ii) cockpit preparation (switch position and checklist flows);
 - (iii) checklist callouts and responses; and
 - (iv) checklist sequence;
- (b) flight planning—
 - (i) performance limitations, including meteorological, weight, minimum equipment list and configuration deviation list items;
 - (ii) required fuel loads;
 - (iii) weather planning, lower than standard take-off minimums or alternate requirements;
- (c) navigation systems—
 - (i) pre-flight and operation of applicable receivers;

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- (ii) onboard navigation systems; and
 - (iii) flight plan information input and retrieval;
- (d) autoflight-autopilot, autothrust, and flight director systems, including the appropriate procedures, normal and abnormal indications, and annunciators;
- (e) cockpit familiarisation—
 - (i) activation of aircraft system controls and switches to include normal, abnormal and emergency switches; and
 - (ii) control positions and relevant annunciators, lights, or other caution and warning systems.

(7) An air operator certificate holder may have separate initial aircraft ground training curricula of varying lengths and subject emphasis which recognise the experience levels of flight crew members approved by the Authority.

177. Initial aircraft ground training: cabin crew

(1) A person shall not serve nor shall an air operator certificate holder use a person as a cabin crew member unless that person has completed the initial ground training approved by the Authority for aircraft type.

(2) Initial aircraft ground training for cabin crew members shall include the pertinent portions of the operations manuals relating to aircraft specific configuration, equipment, normal and emergency procedures for the aircraft types within the fleet.

(3) An air operator certificate holder shall have an initial ground training curriculum for cabin crew members applicable to the type of operations conducted and aircraft flown, including at least the following general subjects—

- (a) aircraft familiarisation—
 - (i) aircraft characteristics and description;
 - (ii) cockpit configuration;
 - (iii) cabin configuration;
 - (iv) galleys;
 - (v) lavatories; and
 - (vi) stowage areas;
- (b) aircraft equipment and furnishings—
 - (i) cabin crew member stations;
 - (ii) cabin crew member panels;
 - (iii) passenger seats;
 - (iv) passenger service units and convenience panels;
 - (v) passenger information signs;
 - (vi) aircraft markings; and
 - (vii) aircraft placards;
- (c) aircraft systems—
 - (i) air conditioning and pressurisation system;
 - (ii) aircraft communication systems (call, interphone and passenger address);
 - (iii) lighting and electrical systems;
 - (iv) oxygen systems (flight crew, observer and passenger); and
 - (v) water system;

- (d) aircraft exits—
 - (i) general information;
 - (ii) exits with slides or slide rafts for pre-flight and normal operation;
 - (iii) exits without slides pre-flight and normal operations; and
 - (iv) window exits;
- (e) crew member communication and co-ordination—
 - (i) authority of pilot-in-command;
 - (ii) routine communication signals and procedures; and
 - (iii) crew member briefing;
- (f) routine crew member duties and procedures—
 - (i) crew member general responsibilities;
 - (ii) reporting duties and procedures for specific aircraft;
 - (iii) pre-departure duties and procedures prior to passenger boarding;
 - (iv) passenger boarding duties and procedures;
 - (v) prior-to-movement-on-the-surface duties and procedures;
 - (vi) prior-to-take-off duties and procedures applicable to specific aircraft;
 - (vii) in-flight duties and procedures;
 - (viii) prior-to-landing duties and procedures;
 - (ix) movement on the surface and arrival duties and procedures;
 - (x) after-arrival duties and procedures; and
 - (xi) intermediate stops;
- (g) passenger handling responsibilities—
 - (i) crew member general responsibilities;
 - (ii) infants, children, and unaccompanied minors;
 - (iii) passengers needing special assistance;
 - (iv) passengers needing special accommodation;
 - (v) carry-on stowage requirements;
 - (vi) passenger seating requirements;
 - (vii) smoking and no-smoking requirements; and
 - (viii) approved crew resource management training.

(4) An air operator certificate holder shall have an initial ground training curriculum for cabin crew members applicable to the type of operations conducted and aircraft flown, including at least the following aircraft specific emergency subjects—

- (a) emergency equipment—
 - (i) emergency communication and notification systems;
 - (ii) aircraft exits;
 - (iii) exits with slides or slide rafts, emergency operation;
 - (iv) slides and slide rafts in a ditching;
 - (v) exits without slides emergency operation;
 - (vi) window exits emergency operation;
 - (vii) exits with tailcones (emergency operation);
 - (viii) cockpit exits emergency operation;
 - (ix) ground evacuation and ditching equipment;
 - (x) first-aid equipment;

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- (xi) portable oxygen systems, oxygen bottles, chemical oxygen generators, protective breathing equipment;
- (xii) fire-fighting equipment;
- (xiii) emergency lighting systems; and
- (xiv) additional emergency equipment;
- (b) emergency assignments and procedures—
 - (i) general types of emergencies specific to aircraft;
 - (ii) emergency communication signals and procedures;
 - (iii) rapid decompression;
 - (iv) insidious decompression and cracked window and pressure seal leaks;
 - (v) fires;
 - (vi) ditching;
 - (vii) ground evacuation;
 - (viii) unwarranted evacuation for example, passenger initiated;
 - (ix) illness or injury;
 - (x) abnormal situations involving passengers or crew members;
 - (xi) unlawful interference;
 - (xii) bomb threat;
 - (xiii) turbulence;
 - (xiv) other unusual situations; and
 - (xv) previous aircraft accidents and incidents;
- (c) aircraft specific emergency drills—
 - (i) emergency exit drill;
 - (ii) hand fire extinguisher drill;
 - (iii) emergency oxygen system drill;
 - (iv) flotation device drill;
 - (v) ditching drill, if applicable;
 - (vi) liferaft removal and inflation drill, if applicable;
 - (vii) slide raft pack transfer drill, if applicable;
 - (viii) slide or slide raft deployment, inflation, and detachment drill, if applicable; and
 - (ix) emergency evacuation slide drill, if applicable.

(5) An air operator certificate holder shall ensure that initial ground training for cabin crew members includes a competence check to determine ability of the crew member to perform assigned duties and responsibilities.

(6) An air operator certificate holder shall ensure that initial ground training for cabin crew members consists of at least the following programmed hours of instruction—

- (a) multi-engine turbine; thirty two hours; and
- (b) multi-engine reciprocating; sixteen hours.

178. Competence checks: cabin crew members

(1) A person shall not serve nor shall an air operator certificate holder use a person as a cabin crew member unless, within the preceding twelve months before that service, that person has passed the competency check approved by the Authority performing the emergency duties appropriate to that person's assignment.

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(2) Evaluators shall conduct competency checks for cabin crew members to demonstrate that the candidate's proficiency level is sufficient to successfully perform assigned duties and responsibilities.

(3) A qualified supervisor or inspector approved by the Authority shall observe and evaluate competency checks for cabin crew members.

(4) Evaluators shall include during each cabin crew member competency check a demonstrated knowledge of—

- (a) emergency equipment: emergency communication and notification systems—
 - (i) aircraft exits;
 - (ii) exits with slides or slide rafts (emergency operation);
 - (iii) slides and slide rafts in a ditching;
 - (iv) exits without slides (emergency operation);
 - (v) window exits (emergency operation);
 - (vi) exits with tail cones (emergency operation);
 - (vii) cockpit exits (emergency operation);
 - (viii) ground evacuation and ditching equipment;
 - (ix) first-aid equipment;
 - (x) portable oxygen systems (oxygen bottles, chemical oxygen generators, protective breathing equipment);
 - (xi) fire-fighting equipment;
 - (xii) emergency lighting systems; and
 - (xiii) additional emergency equipment;
- (b) emergency procedures—
 - (i) general types of emergencies specific to aircraft;
 - (ii) emergency communication signals and procedures;
 - (iii) rapid decompression;
 - (iv) insidious decompression and cracked window and pressure seal leaks;
 - (v) fires;
 - (vi) ditching;
 - (vii) ground evacuation;
 - (viii) unwarranted evacuation, for example that is passenger initiated;
 - (ix) illness or injury;
 - (x) abnormal situations involving passengers or crew members;
 - (xi) turbulence; and
 - (xii) other unusual situations;
- (c) emergency drills—
 - (i) location and use of all emergency and safety equipment carried on the aircraft;
 - (ii) the location and use of all types of exits;
 - (iii) actual donning of a lifejacket where fitted;
 - (iv) actual donning of protective breathing equipment; and
 - (v) actual handling of fire extinguishers;

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- (d) crew resource management—
 - (i) decision making skills;
 - (ii) briefings and developing open communication;
 - (iii) inquiry, advocacy, and assertion training; and
 - (iv) workload management;
- (e) dangerous goods—
 - (i) recognition of and transportation of dangerous goods;
 - (ii) proper packaging, marking, and documentation; and
 - (iii) instructions regarding compatibility, loading, storage and handling characteristics;
- (f) security—
 - (i) unlawful interference; and
 - (ii) disruptive passengers.

179. Initial training: flight operations officer

(1) A person shall not serve nor shall any air operator certificate holder use a person as a flight operations officer unless that person has completed the initial training approved by the Authority.

(2) Aircraft initial flight operations officer training shall include the pertinent portions of the operations manual relating to aircraft specific flight preparation procedures, performance, mass and balance, systems, limitations for the aircraft types within the fleet.

(3) An air operator certificate holder shall provide initial aircraft training for flight operations officers that include instruction in at least the following general dispatch subjects—

- (a) normal and emergency communications procedures;
- (b) available sources of weather information;
- (c) actual and prognostic weather charts;
- (d) interpretation of weather information;
- (e) adverse weather phenomena, such as clear air turbulence, wind shear, and thunderstorms;
- (f) notice to airmen system;
- (g) navigational charts and publications;
- (h) air traffic control and instrument flight rules procedures;
- (i) familiarisation with operational area;
- (j) characteristics of special aerodromes and other operationally significant aerodromes which the operator uses, such as terrain, approach aids, or prevailing weather phenomena;
- (k) joint flight operations officer and group responsibilities; and
- (l) approved crew resource management training for flight operations officers.

(4) An air operator certificate holder shall provide initial aircraft training for flight operations officers that include instruction in at least the following aircraft characteristics—

- (a) general operating characteristics of the air operator certificate holder's aircraft;
- (b) aircraft specific training with emphasis on the following topics—
 - (i) aircraft operating and performance characteristics;

- (ii) navigation equipment;
- (iii) instrument approach and communications equipment; and
- (iv) emergency equipment;
- (c) flight manual training; and
- (d) equipment training.

(5) An air operator certificate holder shall provide initial aircraft training for flight operations officers that include instruction in at least the following emergency procedures—

- (a) assisting the flight crew in an emergency; and
- (b) alerting of appropriate governmental, company and private agencies.

(6) An air operator certificate holder shall ensure that initial ground training for flight operations officers includes a competence check given by an appropriate supervisor or ground instructor that demonstrates the required knowledge and abilities.

180. Initial flight training: flight crew member

(1) A person shall not serve nor shall an air operator certificate holder use a person as a flight crew member unless that person has completed the initial flight training approved by the Authority for the aircraft type.

(2) Initial flight training of a flight crew member shall focus on the manoeuvring and safe operation of the aircraft in accordance with air operator certificate holder's normal, abnormal and emergency procedures.

(3) An air operator certificate holder may have separate initial flight training curriculum which recognise the experience levels of flight crew members approved by the Authority.

(4) Flight training may be conducted in an appropriate aircraft or adequate synthetic flight trainer—

- (a) having landing capability; and
- (b) qualified for training or checking on circling manoeuvres.

(5) An air operator certificate holder shall ensure that pilot initial flight training includes at least the following—

- (a) preparation—
 - (i) visual inspection, and use authorised of pictorial display for aircraft with a flight engineer;
 - (ii) pre-taxi procedures; and
 - (iii) performance limitations;
- (b) surface operation—
 - (i) pushback;
 - (ii) powerback taxi, if applicable to type of operation to be conducted;
 - (iii) starting;
 - (iv) taxi; and
 - (v) pre-take-off checks;
- (c) take-off—
 - (i) normal;
 - (ii) crosswind;
 - (iii) rejected;
 - (iv) power failure after V_1 ; and

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- (v) lower than standard minimum, if applicable to type of operation to be conducted;
- (d) climb—
 - (i) normal; and
 - (ii) one-engine inoperative during climb to en-route altitude;
- (e) en-route—
 - (i) steep turns;
 - (ii) approaches to stalls (take-off, en-route, and landing configurations);
 - (iii) in-flight powerplant shutdown;
 - (iv) in-flight powerplant restart; and
 - (v) high speed handling characteristics;
- (f) descent—
 - (i) normal; and
 - (ii) maximum rate;
- (g) approaches—
 - (i) visual flight rules procedures;
 - (ii) visual approach with fifty per cent loss of power on one engine, (2 engines inoperative on 3-engine aircraft for pilot-in-command only);
 - (iii) visual approach with slat or flap malfunction;
 - (iv) instrument flight rules precision approaches such as instrument landing system normal and instrument landing system with one engine inoperative;
 - (v) instrument flight rules non-precision approaches non-directional radio beacon normal and very high frequency omnidirectional radio range beacon normal;
 - (vi) non-precision approach with one engine inoperative (localiser backcourse procedures, SDF or localiser type directional aid, a global positioning system, tacan and circling approach procedures);
 - (vii) missed approach from precision approach;
 - (viii) missed approach from non-precision approach; and
 - (ix) missed approach with engine failure;
- (h) landings—
 - (i) normal with a pitch mistrim (small aircraft only);
 - (ii) normal from precision instrument approach;
 - (iii) normal from precision instrument approach with most critical engine inoperative;
 - (iv) normal with fifty per cent loss of power on one side (2 engines inoperative on 3-engine aircraft);
 - (v) normal with flap or slat malfunction;
 - (vi) rejected landings;
 - (vii) crosswind;
 - (viii) manual reversion or degraded control augmentation;
 - (ix) short or soft field small aircraft, land amphibian aircraft only; and
 - (x) glassy or rough water, seaplanes only;
- (i) after landing—
 - (i) parking;

- (ii) emergency evacuation; and
 - (iii) docking, mooring, and ramping, seaplanes only;
- (j) other flight procedures during any airborne phase—
 - (i) holding;
 - (ii) ice accumulation on airframe;
 - (iii) air hazard avoidance; and
 - (iv) wind shear or microburst;
- (k) normal, abnormal and alternate systems procedures during any phase—
 - (i) pneumatic or pressurisation;
 - (ii) air conditioning;
 - (iii) fuel and oil;
 - (iv) electrical;
 - (v) hydraulic;
 - (vi) flight controls;
 - (vii) anti-icing and de-icing systems;
 - (viii) autopilot;
 - (ix) flight management guidance systems and automatic or other approach and landing aids;
 - (x) stall warning devices, stall avoidance devices, and stability augmentation systems;
 - (xi) airborne weather radar;
 - (xii) flight instrument system malfunction;
 - (xiii) communications equipment; and
 - (xiv) navigation systems;
- (l) emergency systems procedures during any phase—
 - (i) aircraft fires;
 - (ii) smoke control;
 - (iii) powerplant malfunctions;
 - (iv) fuel jettison;
 - (v) electrical, hydraulic, pneumatic systems;
 - (vi) flight control system malfunction; and
 - (vii) landing gear and flap system malfunction.

(6) An air operator certificate holder shall ensure that flight engineer flight training includes at least the following—

- (a) training and practice in procedures related to the carrying out of flight engineer duties and functions, where this training and practice may be accomplished either in flight or in a synthetic flight trainer; and
- (b) a proficiency check as specified in regulation 188.

181. Initial specialised operations training

(1) A person shall not serve nor shall any air operator certificate holder use a person as a flight crew member unless that person has completed the appropriate initial specialised operations training curriculum approved by the Authority.

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(2) Specialised operations for which initial training curricula shall be developed include—

- (a) low minima operations, including low visibility take-offs and Category II and III operations;
- (b) extended range operations;
- (c) specialised navigation; and
- (d) pilot-in-command right seat qualification.

(3) An air operator certificate holder shall provide initial specialised operations training to ensure that each pilot and flight operations officer is qualified in the type of operation in which that person serves and in any specialised or new equipment, procedures, and techniques, such as—

- (a) Class II navigation—
 - (i) knowledge of specialised navigation procedures, such as required navigation performance, minimum navigation performance specifications and reduced vertical separation minimum; and
 - (ii) knowledge of specialised equipment, such as INS, Loran, Omega;
- (b) CAT II and CAT III operations approaches—
 - (i) special equipment, procedures and practice; and
 - (ii) a demonstration of competency;
- (c) lower than standard minimum take-offs—
 - (i) runway and lighting requirements;
 - (ii) rejected take-offs at or near V_1 with a failure of the most critical engine;
 - (iii) taxi operations; and
 - (iv) procedures to prevent runway incursions under low visibility conditions;
- (d) extended range operations with two turbine engine aeroplanes;
- (e) airborne radar approaches; and
- (f) autopilot instead of co-pilot.

182. Aircraft differences training

(1) A person shall not serve nor shall an air operator certificate holder use a person as a crew member on an aircraft of a type for which a differences curriculum is included in the air operator certificate holder's approved training programme, unless that person has satisfactorily completed that curriculum, with respect to both the crew member position and the particular variant of that aircraft.

(2) An operator shall ensure that a crew member completes—

- (a) differences training which requires additional knowledge and training on an appropriate training device or the aircraft—
 - (i) when operating another variant of an aircraft of the same type or another type of the same class currently operated; or
 - (ii) when changing equipment procedures on types or variants currently operated;
- (b) familiarisation training which requires the acquisition of additional knowledge—
 - (i) when operating another aircraft of the same type; or

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- (ii) when changing equipment procedures on types of variants currently operated.

(3) The operator referred to in subregulation (1) shall specify in the operations manual when such differences training or familiarisation training is required.

(4) An air operator certificate holder shall provide aircraft differences training for flight operations officers when the operator has aircraft variances within the same type of aircraft, which includes at least the following—

- (a) operations procedures—
 - (i) operations under adverse weather phenomena conditions, including clear air turbulence, wind shear, and thunderstorms;
 - (ii) mass and balance computations and load control procedures;
 - (iii) aircraft performance computations, to include take-off mass limitations based on departure runway, arrival runway, and en-route limitations, and also engine-out limitations;
 - (iv) flight planning procedures, to include route selection, flight time, and fuel requirements analysis;
 - (v) dispatch release preparation;
 - (vi) crew briefings;
 - (vii) flight monitoring procedures;
 - (viii) flight crew response to various emergency situations, including the assistance the aircraft flight operations officer can provide in each situation;
 - (ix) minimum equipment list and configuration deviation list procedures;
 - (x) manual performance of required procedures in case of the loss of automated capabilities;
 - (xi) training in appropriate geographic areas;
 - (xii) air traffic control and instrument flight rules procedures, to include ground hold and central flow control procedures; and
 - (xiii) radiotelephony procedures;
- (b) emergency procedures—
 - (i) actions taken to aid the flight crew; and
 - (ii) air operator certificate holder and Authority notification.

183. Use of synthetic flight trainers

A synthetic flight trainer that is used for flight crew member qualification shall—

- (a) be specifically approved by the Authority for the—
 - (i) air operator certificate holder;
 - (ii) type aircraft, including type variations, for which the training or check is being conducted; and
 - (iii) particular manoeuvre, procedure, or flight crew member function involved;
- (b) maintain the performance, functional, and other characteristics that are required for approval;
- (c) be modified to conform with any modification to the aircraft being simulated that results in changes to performance, functional, or other characteristics required for approval;
- (d) be given a daily functional pre-flight check before use;

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- (e) have a daily discrepancy logbook kept by the appropriate instructor or check pilot at the end of each training or check flight; and
- (f) for initial aircraft type training, be qualified for training and checking on the circling manoeuvre.

184. Aircraft and instrument proficiency checks

(1) A person shall not serve nor shall an air operator certificate holder use a person as a pilot flight crew member unless, within the preceding sixth calendar month before that service, that person has passed the proficiency check prescribed by the Authority in the make and model of aircraft on which their services are required.

(2) A person shall not serve nor shall an air operator certificate holder use a person as a pilot in instrument flight rules operations unless, within the preceding sixth calendar month before that service, that pilot has passed the instrument competency check prescribed by the Authority.

(3) A pilot may complete the requirements of subregulations (1) and (2) of this regulation simultaneously in a make and model of the aircraft.

(4) The completion of an approved operator training programme for the particular aircraft type and the satisfactory completion of a pilot-in-command proficiency check, shall satisfy the requirement for an aircraft type rating practical test provided that the proficiency check—

- (a) includes all manoeuvres and procedures required for a type rating practical test; and
- (b) is conducted by an examiner.

(5) Aircraft and instrument proficiency checks for pilot-in-command and co-pilot shall include the following operations and procedures listed in Table 6.

TABLE 6 – INSTRUMENT PROFICIENCY CHECK

<i>Type of Operation or Procedure</i>	<i>Pilot-in-Command or Co-pilot</i>	<i>Notes</i>
<i>Ground Operations</i>		
Preflight inspection	Pilot-in-Command/Co-pilot	
Taxiing	Pilot-in-Command/Co-pilot	Both pilots may take simultaneous credit.
Powerplant checks	Pilot-in-Command/Co-pilot	Both pilots may take simultaneous credit.
<i>Take-offs</i>		
Normal	Pilot-in-Command/Co-pilot	
Instrument	Pilot-in-Command/Co-pilot	
Crosswind	Pilot-in-Command/Co-pilot	
With powerplant failure	Pilot-in-Command/Co-pilot	
Rejected take-off	Pilot-in-Command/Co-pilot	Both pilots may take simultaneous credit. May be waived.
<i>Instrument Procedures</i>		
Area departure	Pilot-in-Command/Co-pilot	May be waived.

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<i>Type of Operation or Procedure</i>	<i>Pilot-in-Command or Co-pilot</i>	<i>Notes</i>
Area arrival	Pilot-in-Command/Co-pilot	May be waived.
Holding	Pilot-in-Command/Co-pilot	May be waived.
Normal ILS approach	Pilot-in-Command/Co-pilot	
Engine-out ILS	Pilot-in-Command/Co-pilot	
Coupled ILS approach	Pilot-in-Command/Co-pilot	Both pilots may take simultaneous credit.
Non-precision approach	Pilot-in-Command/Co-pilot	
Second non-precision approach	Pilot-in-Command/Co-pilot	
Missed approach from an ILS	Pilot-in-Command/Co-pilot	
Second missed approach	PILOT-IN-COMMAND Only	
Circling approach	Pilot-in-Command/Co-pilot	Only when authorised in the Air Operator Certificate Holder's Operations Manual. May be waived.
<i>Inflight Maneuvers</i>		
Steep turns	PILOT-IN-COMMAND Only	May be waived.
Specific flight characteristics	Pilot-in-Command/Co-pilot	
Approaches to stalls	Pilot-in-Command/Co-pilot	May be waived.
Powerplant failure	Pilot-in-Command/Co-pilot	
2 engine inoperative approach (3 and 4 engine aircraft)	Pilot-in-Command/Co-pilot	
Normal landing	Pilot-in-Command/Co-pilot	
Landing from an ILS	Pilot-in-Command/Co-pilot	
Crosswind landing	Pilot-in-Command/Co-pilot	
Landing with engine out	Pilot-in-Command/Co-pilot	
Landing from circling approach	Pilot-in-Command/Co-pilot	Only if authorised in Operations Manual. May be waived.
Normal and non-normal procedures	Pilot-in-Command/Co-pilot	
Rejected landing	Pilot-in-Command/Co-pilot	
2 engine inoperative landing (3 and 4 engine aircraft)	pilot-in-Command Only	
Other events	Pilot-in-Command or Co-Pilot	Examiner's discretion.

(6) Examiners or check pilots may waive certain events on the proficiency check based on an assessment of the pilot's demonstrated level of performance.

(7) The oral and flight phases of a proficiency check shall not be conducted simultaneously.

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(8) When the examiner or check pilot determines that a pilot's performance is unsatisfactory, the examiner or check pilot may terminate the proficiency check immediately.

(9) If the proficiency check must be terminated for mechanical or other reasons, and there are events which still need to be repeated, the examiner or check pilot shall issue a letter of discontinuance, valid for sixty days, listing the specific areas of operation that have been successfully completed.

(10) At least one of the two annual proficiency checks shall be conducted by an examiner while the other proficiency check may be conducted by a check pilot or the Authority.

185. Introduction of new equipment or procedures

A person shall not serve nor shall an air operator certificate holder use a person as a flight crew member when that service would require expertise in the use of new equipment or procedures for which a curriculum is included in the air operator certificate holder's approved training programme, unless that person has satisfactorily completed that curriculum, with respect to both the crew member position and the particular variant of that aircraft.

186. Pilot qualification: recent experience

(1) An air operator certificate holder shall not use any person nor shall a person serve as a required pilot, unless within the preceding ninety days, that person has made at least three take-offs and landings in the aircraft type in which that person is to serve.

(2) The take-offs and landings required by subregulation (1) may be performed in a visual synthetic flight trainer approved by the Authority to include take-off and landing manoeuvres and any person who fails to make the three required take-offs and landings within any consecutive ninety-day period shall re-establish recency of experience as provided in subregulation (3).

(3) In addition to meeting all applicable training and checking requirements of these Regulations, a required flight crew member who has not met the requirements of subregulation (1) shall re-establish recency of experience as follows—

- (a) under the supervision of a check pilot, make at least three take-offs and landings in the type of aircraft in which that person is to serve or if an advanced synthetic flight trainer is used, the requirements of subregulation (4) shall be met;
- (b) the take-offs and landings required in this paragraph shall include—
 - (i) at least one take-off with a simulated failure of the most critical engine;
 - (ii) at least one landing from an instrument landing system approach to the lowest instrument landing system minimum authorised for the certificate holder; and
 - (iii) at least one landing to a full stop.

(4) A required pilot who performs the manoeuvres prescribed in subregulation (3) in a visual synthetic flight trainer shall—

- (a) have previously logged one hundred hours of flight time in the same aircraft type in which the pilot is to serve;
- (b) be observed on the first two landings made in operations under this Part by an approved check pilot who acts as pilot-in-command and occupies a pilot seat and the landings shall be made in weather minima that are not less than those contained in the air operator certificate holder's operation

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specifications for Category I operations, and shall be made within forty-five days following completion of synthetic flight trainer training.

(5) When using a synthetic flight trainer to accomplish any of the requirements of subregulations (1) or (3), a required flight crew member position shall be operated as if in a normal in-flight environment without use of the repositioning features of the synthetic flight trainer.

(6) A check pilot who observes the take-offs and landings prescribed in subregulations (3)(a) and (4) shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this Part and may require any additional manoeuvres that are determined necessary to make this certifying statement.

187. Pilot operating limitations and pairing requirements

(1) Where a co-pilot has fewer than one hundred hours of flight time as co-pilot in operations in the aircraft type being flown, and the pilot-in-command is not an appropriately qualified check pilot, the pilot-in-command shall make all take-offs and landings in the following situations—

- (a) special airports designated by the authority or special airports designated by the air operator certificate holder; and
- (b) in any of the following conditions—
 - (i) the prevailing visibility value in the latest weather report for the airport is at or below 1200 m;
 - (ii) the RUNWAY VISUAL RANGE for the runway to be used is at or below 4,000 feet;
 - (iii) the runway to be used has water, snow, slush or similar conditions that may adversely affect aircraft performance;
 - (iv) the braking action on the runway to be used is reported to be less than “good”;
 - (v) the crosswind component for the runway to be used is in excess of 15 knots;
 - (vi) wind shear is reported in the vicinity of the airport; or
 - (vii) any other condition in which the pilot-in-command determines it to be prudent to exercise the pilot-in-command’s prerogative.

(2) A person shall not conduct operations under the Civil Aviation (Air Operator Certification and Administration) Regulations unless, for that type aircraft, either the pilot-in-command or the co-pilot has at least seventy-five hours of line operating flight time, either as pilot-in-command or co-pilot.

(3) The Authority may, upon application by the air operator certificate holder, authorise exemptions from the requirements of this regulation by an appropriate amendment to the operations specifications in any of the following circumstances—

- (a) a newly certificated air operator certificate holder does not employ any pilots who meet the minimum requirements of this regulation;
- (b) an existing air operator certificate holder adds to its fleet an aircraft type not before proven for use in its operations; or
- (c) an existing certificate holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the aircraft operated from that domicile.

[Subsidiary]**188. Flight engineer proficiency checks**

(1) A person shall not serve nor shall any air operator certificate holder use a person as a flight engineer on an aircraft unless within the preceding twelve calendar months that person has—

- (a) had a proficiency check in accordance with the requirements prescribed by the Authority; or
- (b) fifty hours flight time for the air operator certificate holder as flight engineer in the type aircraft.

(2) Examiners shall during proficiency checks for flight engineers include an oral or written examination of the normal, abnormal, and emergency procedures listed below—

- (a) normal procedures—
 - (i) interior pre-flight;
 - (ii) panel set-up;
 - (iii) fuel load;
 - (iv) engine start procedures;
 - (v) taxi and before take-off procedures;
 - (vi) take-off and climb pressurisation;
 - (vii) cruise and fuel management;
 - (viii) descent and approach;
 - (ix) after landing and securing;
 - (x) crew co-ordination;
 - (xi) situational awareness;
 - (xii) performance computations; and
 - (xiii) anti-ice and de-ice measures;
- (b) abnormal and emergency procedures—
 - (i) troubleshooting;
 - (ii) knowledge of checklist;
 - (iii) ability to perform procedures;
 - (iv) crew coordination;
 - (v) minimum equipment list;
 - (vi) configuration deviation list; and
 - (vii) emergency or alternate operation of aircraft flight systems.

189. Competence checks: flight operations officer

(1) A person shall not serve nor shall any air operator certificate holder use a person as a flight operations officer unless, within the preceding twelve months before that service, that person has passed the competency check, approved by the Authority, performing the flight preparation and subsequent duties appropriate to that person's assignment.

(2) Evaluators of the flight operations officer referred to under subregulation (1) shall conduct competency checks for flight operations officers to demonstrate that the candidate's proficiency level is sufficient to ensure the successful outcome of all dispatch operations.

(3) An authorised person shall observe and evaluate competency checks for flight operations officers.

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(4) Each competency check for flight operations officers shall include—

- (a) an evaluation of all aspects of the dispatch function;
- (b) a demonstration of the knowledge and abilities in normal and abnormal situations; and
- (c) an observation of actual flights being dispatched.

(5) An evaluator of newly hired flight operations officer shall include during initial competency checks, an evaluation of all of geographic areas and types of aircraft the flight operations officer shall be qualified to dispatch.

(6) The authorised person may approve a competency check of representative aircraft types when, in his judgment, a check including all types is impractical or unnecessary.

(7) Evaluators may limit initial equipment and transition competency checks solely to the dispatch of the types of aircraft on which the flight operations officer is qualifying, unless the check is to simultaneously count as a recurrent check.

(8) An evaluator of flight operations officers shall include, during recurrent and requalification competency checks, a representative sample of aircraft and routes for which the flight operations officers maintains current qualification.

(9) A flight operations officer shall not qualify in extended range operations by turbine-engined aeroplanes or other special operations authorised by the Authority unless that flight operations officer submits special operations competency checks to the Authority.

190. Supervised line flying: pilots

(1) A pilot initially qualifying as pilot-in-command shall complete a minimum of ten flights performing the duties of a pilot-in-command under the supervision of a check pilot.

(2) A pilot-in-command transitioning to a new aircraft type shall complete a minimum of five flights performing the duties of a pilot-in-command under the supervision of a check pilot.

(3) A pilot qualifying for duties other than pilot-in-command shall complete a minimum of five flights performing those duties under the supervision of a check pilot.

(4) During the time that a qualifying pilot-in-command is acquiring operating experience, an authorised instructor who is also serving as the pilot-in-command shall occupy a co-pilot station.

(5) In the case of a transitioning pilot-in-command, the check pilot serving as pilot-in-command may occupy the observer's seat if the transitioning pilot has made at least two take-offs and landings in the type aircraft used, and has satisfactorily demonstrated to the authorised instructor that he is qualified to perform the duties of a pilot-in-command for that type of aircraft.

191. Supervised line flying: flight engineers

A flight engineer who has qualified on a new type rating on an aircraft shall perform the functions of a flight engineer for a minimum of five flights under the supervision of a flight instructor or qualified flight engineer approved by the air operator certificate holder and accepted by the Authority.

192. Supervised line experience: cabin crew

A person training as a cabin crew member shall—

- (a) perform the functions of a cabin crew member for a minimum of two flights under the supervision of a cabin crew instructor; and
- (b) not serve as a required crew member.

[Subsidiary]**193. Line observations: flight operations officer**

A person shall not serve nor shall an air operator certificate holder use a person as a flight operations officer unless within the preceding twelve months of that service, that person has observed, in the cockpit, the conduct of two complete flights over routes representative of those for which that person is assigned duties.

194. Route and area checks: pilot qualification

(1) A person shall not serve nor shall an air operator certificate holder use a person as a pilot unless, within the preceding twelve months, that person has passed a route check in which the person satisfactorily performed his assigned duties in one of the types of aircraft he is to fly.

(2) A person shall not perform pilot-in-command duties over a designated special operational area that requires a special navigation system or procedures or in extended range operations by turbine-engined aeroplanes operations unless his competency with the system and procedures has been demonstrated to the air operator certificate holder within the preceding twelve months.

(3) A pilot-in-command of an aircraft shall demonstrate special operational competency by navigation over the route or area as pilot-in-command under the supervision of a check pilot on an annual basis by demonstrating knowledge of—

- (a) the terrain and minimum safe altitudes;
- (b) the seasonal meteorological conditions;
- (c) the search and rescue procedures;
- (d) the navigational facilities and procedures, including any long-range navigation procedures, associated with the route along which the flight is to take place; and
- (e) procedures applicable to flight paths over heavily populated areas of high air traffic density, obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures, and applicable operating minima.

195. Low minimums authorisation: pilot-in-command

Where a pilot-in-command has not completed—

- (a) fifteen flights performing pilot-in-command duties in an aircraft type, including five approaches to landing using Category I or II operations procedures, that pilot-in-command shall not plan for or initiate an instrument approach when the ceiling is less than three feet and the visibility is less than 2000 m; and
- (b) twenty flights performing pilot-in-command duties in an aircraft including five approaches and landing using Category III operations procedures, that pilot-in-command shall not plan for or initiate an approach when the ceiling is less than one hundred feet or the visibility is less than four hundred metres runway visual range.

196. Designated special aerodromes and heliports: pilot-in-command qualification

(1) The Authority may determine that certain aerodromes, due to items such as surrounding terrain obstructions, or complex approach or departure procedures are special airport qualifications and that certain areas or routes, or both require a special type of navigation qualification.

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(2) A person shall not serve nor shall any air operator certificate holder use a person as pilot-in-command for operations at special airport qualifications aerodromes unless within the preceding twelve months the pilot-in-command—

- (a) has been qualified by the air operator certificate holder through a pictorial means acceptable to the authority for that aerodrome or heliport; or
- (b) the assigned co-pilot has made a take-off and landing at that aerodrome or heliport while serving as a flight crew member for the air operator certificate holder.

(3) Designated special airport qualifications aerodrome limitations are not applicable if the operation occurs—

- (a) during daylight hours;
- (b) when the visibility is at least five kilometres; and
- (c) when the ceiling at that aerodrome is at least one thousand feet above the lowest initial approach altitude prescribed for an instrument approach procedure.

197. Recurrent training and checking: flight crew members

(1) An operator shall ensure that—

- (a) a flight crew member undergoes recurrent training specified in subregulation (2) and checking in subregulation (3) and that all such training and checking is relevant to the type or variant of aircraft on which the flight crew member operates; and
- (b) a recurrent training and checking programme is established in the operations manual and approved by the Authority.

(2) The recurrent training referred to in subregulation (1) shall be conducted by the following personnel—

- (a) ground and refresher training – by suitably qualified personnel;
- (b) aeroplane synthetic flight trainer training – by an authorised instructor or in the case of the synthetic flight trainer content schedule, a synthetic flight trainer authorised instructor provided that the authorised instructor or synthetic flight trainer authorised instructor satisfied the operator's experience and knowledge requirements sufficient to instruct on the items specified in the operations manual;
- (c) emergency and safety equipment training – by suitably qualified personnel;
- (d) crew resource management training – by suitably qualified personnel to integrate elements of crew resource management into all phases of recurrent training; and
- (e) modular crew resource management training – by at least one crew resource management trainer acceptable to the Authority who may be assisted by experts in order to address specific areas.

(3) The recurrent checking referred to in subregulation (1) shall be conducted by the following personnel—

- (a) operator proficiency check – by a check pilot or flight engineer authorised by the air operator certificate holder and accepted by the Authority, as appropriate, or, if the check is conducted in a synthetic flight trainer training device, a check pilot or authorised flight engineer as appropriate;
- (b) line checks – by check pilot by the operator and acceptable to the Authority; and

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- (c) emergency and safety equipment checking – by suitably qualified personnel.
- (4) The period of validity of an operator proficiency check shall be—
 - (a) six months in addition to the remainder of the month of issue; or
 - (b) if issued within the final three months of validity of a previous operator proficiency check, extended from the date of issue to six months from the expiry date of that previous operator proficiency check.
- (5) An operator shall ensure that each flight crew member undergoes a line check on the aircraft to demonstrate his competence in carrying out normal line operations described in the operations manual.
- (6) The period of validity of a line check referred to in subregulation (5) shall be—
 - (a) twelve months, in addition to the remainder of the month of issue; or
 - (b) if issued within the final three months of validity of a previous line check, extended from the date of issue to twelve months from the expiry date of that previous check.
- (7) An operator shall ensure that each flight crew member undergoes training and checking on the location and use of emergency and safety equipment carried.
- (8) The period of validity of an emergency and safety equipment check referred to in subregulation (7) shall be—
 - (a) twelve months in addition to the remainder of the month of issue; or
 - (b) if issued within the final three months of validity of a previous emergency and safety check, extended from the date of issue to twelve months from the expiry date of the previous emergency and safety equipment check.
- (9) An operator shall ensure that—
 - (a) elements of crew resource management are integrated into all appropriate phases of the recurrent training; and
 - (b) a flight crew member undergoes specific modular crew resource management training and all major topics of crew resource management training shall be covered over a period not exceeding three years.
- (10) An operator shall ensure that each flight crew member undergoes ground and refresher training at least once every twelve months, if the training is conducted within three months prior to the expiry of the twelve months period, the next ground and refresher training must be completed within twelve months of the original expiry date of the previous ground and refresher training.
- (11) An operator shall ensure that each flight crew member undergoes aircraft training or synthetic flight trainer training at least once every six months, if the training is conducted within three months prior to the expiry of the twelve months period, the next aircraft or synthetic flight trainer training must be completed within six months of the original expiry date of the previous aircraft or synthetic flight trainer training.

198. Recurrent training: cabin crew members

- (1) An operator shall ensure that a cabin crew member undergoes recurrent training, covering the actions assigned to each cabin crew member in normal and emergency procedures and drills relevant to the type or variant of aircraft on which they operate as specified in this regulation.
- (2) An operator shall ensure that the recurrent training and checking programme, approved by the Authority includes theoretical and practical instruction together with individual practice as provided in this regulation.

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(3) The period of validity of recurrent training and the associated checking required by this regulation shall be twelve months in addition to the remainder of three months of issue.

(4) If issued within the final three calendar months of validity of a previous check, the period of validity shall extend from the date of issue to twelve months from the expiry date of that previous check.

(5) An operator shall ensure that recurrent training required under this regulation is conducted by suitably qualified persons.

(6) An operator shall ensure that every twelve months, the programme of practical training includes the following—

- (a) emergency procedures including pilot incapacitation;
- (b) evacuation procedures including crowd control techniques;
- (c) touch-drills by each cabin crew member for opening normal and emergency exits for passenger evacuation;
- (d) the location and handling of emergency equipment, including oxygen systems, and the donning by each cabin crew member of lifejackets, portable oxygen and protective breathing equipment;
- (e) first aid and the contents of the first aid kit;
- (f) stowage of articles in the cabin;
- (g) security procedures;
- (h) incident and accident review; and
- (i) crew resource management.

(7) An operator shall ensure that, at intervals not exceeding three years, recurrent training for cabin crew members also includes—

- (a) the operation and actual opening of all normal and emergency exits for passenger evacuation in an aeroplane or representative training device; and
- (b) demonstration of the operation of all other exits including cockpit windows;
- (c) the training of cabin crew member undergoing realistic and practical training in the use of all fire-fighting equipment, including protective clothing, representative of that carried in the aeroplane and shall include—
 - (i) each cabin crew member extinguishing a fire characteristic of an aeroplane interior fire except that, in the case of Halon extinguishers, an alternative extinguishing agent may be used; and
 - (ii) the donning and use of protective breathing equipment by each cabin crew member in an enclosed, simulated smoke-filled environment;
- (d) use of pyrotechnics, actual or representative devices; and
- (e) demonstration of the use of the liferaft, or slide-raft, where fitted.

(8) An operator shall ensure that all appropriate requirements in these Regulations are included in the training of cabin crew members.

199. Recurrent training: flight operations officers

(1) A person shall not serve nor shall an air operator certificate holder use a person as a flight operations officer unless within the preceding twelve months that person has completed the recurrent ground curricula approved by the Authority.

(2) An air operator certificate holder shall establish and maintain a recurrent training programme, approved by the Authority and established in the air operator certificate holder's operations manual, to be completed annually by each flight operations officer.

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(3) A flight operations officer shall undergo recurrent training relevant to the type or variant of aircraft and operations conducted by the air operator certificate holder.

(4) An air operator certificate holder shall conduct all recurrent training, of flight operations officers, by suitably qualified personnel.

(5) An air operator certificate holder shall ensure that, every twelve months, each flight operations officer receives recurrent training in at least the following—

- (a) aircraft-specific flight preparation;
- (b) emergency assistance to flight crews;
- (c) crew resource management; and
- (d) recognition and transportation of dangerous goods.

(6) An air operator certificate holder may administer each of the recurrent ground and flight training curricula concurrently or intermixed, but shall record completion of each of these curricula separately.

200. Check pilot training

(1) A person shall not serve nor shall an air operator certificate holder use a person as a check pilot in an aircraft or check pilot in a synthetic flight trainer in a training programme unless, with respect to the aircraft type involved, that person has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as pilot-in-command.

(2) An air operator certificate holder shall ensure that initial ground training for check pilots includes—

- (a) check pilot duties, functions, and responsibilities;
- (b) applicable regulations and the air operator certificate holder's policies and procedures;
- (c) appropriate methods, procedures, and techniques for conducting the required checks;
- (d) proper evaluation of student performance including the detection of—
 - (i) improper and insufficient training, and
 - (ii) personal characteristics of an applicant that could adversely affect safety;
- (e) appropriate corrective action in the case of unsatisfactory checks; and
- (f) approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.

(3) Transition ground training for all check pilots shall include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check pilot is in transition.

(4) An air operator certificate holder shall ensure that the initial and transition flight training for check pilots in an aircraft includes—

- (a) training and practice in conducting flight evaluations, from the left and right pilot seats for pilot check pilots in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks;
- (b) the potential results of improper, untimely, or non-execution of safety measures during an evaluation; and
- (c) the safety measures, to be taken from either pilot seat for pilot check pilots, for emergency situations that are likely to develop during an evaluation.

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(5) An air operator certificate holder shall ensure that the initial and transition flight training for check pilots in a synthetic flight trainer includes—

- (a) training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the evaluations checks required by this regulation; and
- (b) training in the operation of synthetic flight trainers to ensure competence to conduct the evaluations required by this regulation.

(6) An air operator certificate holder shall accomplish flight training for check pilot in full or in part in an aircraft, in flight in a synthetic flight trainer, as appropriate.

201. Authorised instructor or synthetic flight trainer and authorised instructor training

(1) A person shall not serve nor shall an air operator certificate holder use a person as an authorised instructor or a synthetic flight trainer authorised instructor in a training programme unless—

- (a) that person has satisfactorily completed initial or transition authorised instructor or a synthetic flight trainer authorised instructor training, as appropriate; and
- (b) within the preceding twenty-four months, that person has satisfactorily conducted instruction under the observation of an authorised person, an air operator certificate holder's check pilot, an authorised flight engineer, as appropriate, or an examiner employed by the air operator certificate holder.

(2) An air operator certificate holder shall accomplish the observation check for a authorised instructor or a synthetic flight trainer authorised instructor, in part or in full, in an aircraft, or a synthetic flight trainer, as appropriate.

(3) An air operator certificate holder shall ensure that initial ground training for an authorised instructor and synthetic flight trainer authorised instructor includes the following—

- (a) the duties, functions, and responsibilities;
- (b) applicable regulations and the air operator certificate holder's policies and procedures;
- (c) appropriate methods, procedures, and techniques for conducting the required checks;
- (d) proper evaluation of trainee performance including the detection of—
 - (i) improper and insufficient training, and
 - (ii) personal characteristics of an applicant that could adversely affect safety;
- (e) appropriate corrective action in the case of unsatisfactory checks;
- (f) approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft;
- (g) except for holders of a flight instructor licence—
 - (i) the fundamental principles of the teaching-learning process;
 - (ii) teaching methods and procedures; and
 - (iii) the instructor-trainee relationship.

(4) An air operator certificate holder shall ensure that the transition ground training for an authorised instructor and synthetic flight trainer authorised instructor includes the

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approved methods procedures and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the authorised instructor is in transition.

(5) An air operator certificate holder shall ensure that the initial and transition flight training for an authorised instructor and synthetic flight trainer authorised instructor includes the following—

- (a) the safety measures for emergency situations that are likely to develop during instruction;
- (b) the potential results of improper, untimely, or non-execution of safety measures during instruction;
- (c) for pilot authorised instructor—
 - (i) inflight training and practice in conducting flight instruction from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence as an instructor; and
 - (ii) the safety measures to be taken from either pilot seat for emergency situations that are likely to develop during instruction; and
- (d) for authorised flight engineer instructor, in-flight training to ensure competence to perform assigned duties.

(6) An air operator certificate holder shall accomplish the flight training requirements for an authorised instructor in full or in part in an aircraft, in flight or in a synthetic flight trainer.

(7) An air operator certificate holder shall ensure that the initial and transition flight training for synthetic flight trainer authorised instructor includes the following—

- (a) training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this regulation, where the training and practice are accomplished in full or in part in a synthetic flight trainer; and
- (b) training in the operation of synthetic flight trainers, to ensure competence to conduct the flight instruction required by this regulation.

202. Authorised instructor qualifications

An air operator certificate holder shall not use a person nor shall any person serve as an instructor in an established training programme unless, with respect to the aircraft type involved, that person—

- (a) holds licences and ratings required to serve as a pilot-in-command or a flight engineer, as applicable;
- (b) has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot-in-command or a flight engineer, as applicable;
- (c) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a pilot-in-command or a flight engineer, as applicable;
- (d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check; and
- (e) holds a Class I medical assessment.

203. Check pilot and authorised flight engineer qualifications

An air operator certificate holder shall not use a person, nor shall any person serve as a check pilot or a flight engineer authorised by the air operator certificate holder and

[Subsidiary]

accepted by the Authority in an established training programme unless, with respect to the aircraft type involved, that person—

- (a) holds the pilot licences and ratings required to serve as a pilot-in-command or a flight engineer as applicable;
- (b) has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot-in-command or a flight engineer as applicable;
- (c) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a pilot-in-command or a flight engineer as applicable;
- (d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check;
- (e) holds Class I or II medical certificate as may be applicable; and
- (f) has been approved by the Authority for the check pilot or authorised flight engineer duties involved as applicable.

204. Check pilot designation

A person shall not serve nor shall any air operator certificate holder use a person as a check pilot for any flight check unless that person has been designated by name for specified function by the Authority within the preceding twelve months.

205. Check pilot authorisations and limitations

(1) A person shall not serve nor shall an air operator certificate holder use a person as a check pilot for any check—

- (a) in an aircraft as a required pilot flight crew member unless that person holds the required pilot licence and ratings and has completed for the air operator certificate holder all applicable training, qualification and currency requirements under these Regulations applicable to the crew position and the flight operations being checked;
- (b) in an aircraft as an observer check pilot unless that person holds the pilot licences and ratings and has completed all applicable training, qualification and line observation requirements under these Regulations applicable to the position and the flight operations being checked; or
- (c) in a synthetic flight trainer unless that person has completed or observed with the air operator certificate holder all training, qualification and line observation requirements under these Regulations applicable to the position and flight operations being checked.

(2) For purposes of subregulation (1), a check pilot is authorised to—

- (a) conduct proficiency or competency checks, line checks, and special qualification checks;
- (b) supervise the re-establishment of landing currency; and
- (c) supervise any initial operating experience requirements prescribed by the Regulations or the Authority.

206. Synthetic flight trainer approval

An air operator certificate holder shall not use a synthetic flight trainer for—

- (a) training or checking unless that synthetic flight trainer has been specifically approved for the air operator certificate holder in writing by the Authority;
- (b) any purpose other than that specified in the Authority's approval.

[Subsidiary]**207. Line qualification: check pilot and instructor**

A person shall not serve nor shall an air operator certificate holder use a person as a check pilot or synthetic flight trainer instructor unless, within the preceding twelve months before that service, that person has—

- (a) flown at least five flights as a required crew member for the type of aircraft involved; or
- (b) observed, in the cockpit, the conduct of two complete flights in the aircraft type to which the person is assigned.

208. Termination of a proficiency, competence or line check

An air operator certificate holder shall not use a crew member or flight operations officer whose check was terminated in commercial air transport operations until the completion of a satisfactory recheck of that crew member or flight operations officer has been carried out.

209. Recording of crew member qualifications

(1) The air operator certificate holder shall record and maintain for each crew member and flight operations officer, a record of each test and check as required by these Regulations.

(2) A pilot may complete the curricula required by these Regulations concurrently or intermixed with other required curricula, but completion of each of these curricula shall be recorded separately.

210. Monitoring of training and checking activities

(1) To enable adequate supervision of its training and checking activities, an air operator certificate holder shall forward to the Authority at least five working days prior to the scheduled activity, the dates, location, reporting times and report of all—

- (a) training for which a curriculum is approved in the air operator certificate holder's training programme; and
- (b) proficiency, competence and line checks.

(2) Failure to provide the information required by subregulation (1) may invalidate the training or check and the Authority may require that it be repeated for observation purposes.

211. Eligibility period

(1) A crew member who is required to take a proficiency check, a test or competency check, or recurrent training to maintain qualification for commercial air transport operations shall complete those requirements at any time during the eligibility period.

(2) The eligibility period is defined as the three month period including the month prior, the month due, and the month after any due date specified by these Regulations.

(3) Completion of the requirement at any time during the period shall be considered as completed in the month due for calculation of the next due date.

PART VIX – FATIGUE OF CREW AND PROTECTION OF FLIGHT CREW FROM COSMIC RADIATION*Fatigue of Crew***212. Application, interpretation and modification**

(1) This Part shall apply to an aircraft registered in Kenya which is—

- (a) engaged on a flight for the purpose of commercial air transport; or
- (b) operated by an air transport undertaking.

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(2) This sub-part, shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or a flying school or a person, who is not an air transport undertaking.

(3) In this Sub-Part, unless the context otherwise requires—

“flight time”, in relation to any person, means all the time spent by that person in an aircraft, whether or not registered in Kenya, other than an aircraft of which the maximum total weight authorised does not exceed 1,600 kg, which is not flying for the purpose of commercial air transport or aerial work, while it is in flight and the person is carried therein as a crew member crew; and in respect of this Part, only in the calculation of flight, flying at night shall be counted at the rate of one and one quarter times the actual flight time;

“duty period”, in relation to any person who flies in an aircraft as a member of the flight crew, means any continuous period throughout which he is, under the provisions of subregulation (4) or (5), to be treated as being on duty:

Provided that where two or more periods which are separated by an interval of less than ten hours, the period starting when the first of those duty periods began and finishing when the last of them ended, shall be treated as constituting a single continuous duty period; and

“rest period”, in relation to any person, means any continuous period no part of which forms part of a duty period of that person.

(4) A person who is employed under a contract of service to fly in an aircraft as a flight crew member shall be treated as being on duty at any time when in the course of that employment he flies in any aircraft whether as a crew member or as a passenger and whether or not the aircraft is such an aircraft as is referred to in subregulation (1) or he is otherwise acting in the course of that employment:

Provided that when he is not flying in an aircraft—

- (a) subject to paragraph (c), he shall not be treated as being on duty during any period in which he is allowed to rest;
- (b) subject to paragraph (c), he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at a particular place to report for duty if required to do so; or
- (c) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if—
 - (i) that place is at an aerodrome; or
 - (ii) that place, not being at an aerodrome, is a place at which his employer requires persons, similarly employed, to be available and adequate facilities for rest are not available for his use while he is required to be so available.

(5) A person who flies in an aircraft as a crew member, otherwise than in the course of his employment under a contract of service to fly, shall be treated as being on duty at any time when, in connection with any business of operating an aircraft, he flies in any aircraft whether as a crew member or as a passenger and whether or not the aircraft is such an aircraft as is referred to in subregulation (1) or does any work.

(6) For the purposes of this Part, references to a person flying in an aircraft as a crew member include references to the operator of the aircraft who himself flies in the aircraft in any such capacity, and references to the work and other duties which a person is required or permitted by an operator to carry out shall in any such case be construed as references to any work carried out by that operator in connection with the management of aircraft or with any business which includes the flying of aircraft.

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(7) Notwithstanding the provisions of this Part, the Authority may, in respect of scheduled services, approve schedules and crew roster programmes where the Authority considers that special circumstances justify an extension of the duty period but in any event the flight time involved shall not exceed fifty per cent of the maximum duty period.

213. Establishment of limits on flight times, flight duty periods and rest periods

(1) Notwithstanding the provisions of regulation 214, an operator of an aircraft to which this regulation applies shall establish for every crew member—

- (a) limits on the aggregate of all that crew member's flight times during every period of twenty-eight consecutive days;
- (b) limits on that crew member's flight duty period; and
- (c) minimum rest periods which that crew member is to have immediately before any duty period in the course of which he makes any flight.

(2) The limits and minimum rest periods referred to in subregulation (1) shall be limits and minimum rest periods which the operator is satisfied, after taking into account the matters mentioned in subregulation (3), are such that, if every crew member observes those limits and has those minimum rest periods, the safety of the aircraft on any flight is not likely to be endangered by reason of any fatigue which may be caused by the work or other duties which the crew members are required or permitted by that operator to carry out; and different limits and different minimum rest periods may be established either for different persons or for different classes of persons and for different circumstances.

(3) The matters which an operator shall take into account in establishing the limits and minimum rest periods referred to in subregulation (1) are, the nature of the work and other duties which a crew member will carry out, and all the circumstances arising out of the carrying out of that work and those duties, which may affect the degree of fatigue from which a crew member may suffer while making a flight in an aircraft to which this regulation applies in any such capacity as is mentioned in subregulation (1) including—

- (a) the type of the aircraft in which the flight will be made;
- (b) the area in which the flight will be made;
- (c) the number of landings which will be made during the course of each flight duty period;
- (d) the amount of night flying during each flight duty period; and
- (e) the number of consecutive occasions on which each crew member will be required to fly for the maximum period permitted under this Part.

(4) No limits or minimum rest periods may be established under subregulation (1) which would require or permit any person to fly in any aircraft at a time when such flying would constitute a contravention of the provisions of regulations 208, 209 and 211, or would require or permit any person to fly in any aircraft as a crew member thereof within the period of one hour immediately preceding the end of the specified time referred to in subregulation (2) of regulation 208 or, when the specified time is twenty-four hours, within the period of two hours immediately preceding the end of the specified time.

(5) An operator of an aircraft to which this regulation applies shall not permit that aircraft to make a flight unless limits and minimum rest periods have been established in accordance with the provisions of this regulation so as to apply to every crew member.

(6) An operator of an aircraft shall take all such steps as are reasonably practicable to ensure that all limits for the time being established by that operator in accordance with the provisions of this regulation are observed, and that no person for whom minimum rest periods are for the time being so established makes any flight in an aircraft, unless immediately before the duty period in the course of which that person makes the flight, the person has had the appropriate rest period so established.

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(7) Notwithstanding anything contained in this regulation, an operator of an aircraft may confer upon the pilot-in-command a discretion to make, or authorise any person to make, a flight in that aircraft in such circumstances that the pilot-in-command or that other person will not observe the limits or will not have had the minimum rest periods established by that operator under this regulation and applicable to the pilot-in-command or that other person.

(8) The discretion set out in subregulation (7) shall not be exercisable unless—

- (a) it appears to the pilot-in-command—
 - (i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that if the flight had been made in accordance with those arrangements each member of the crew would have observed the limits and have had the minimum rest periods established by the operator and applicable to them, and that since those arrangements were made, the flight has been or will be prevented from being made in accordance with those arrangements by reason of circumstances which were not foreseen, as likely to prevent that flight from being so made; or
 - (ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person; and
- (b) the pilot-in-command is satisfied that the safety of the aircraft on that flight will not be endangered if the pilot-in-command or that other person makes that flight.

(9) An operator of an aircraft shall include in every operations manual to be provided under the Civil Aviation (Air Operator Certificate and Administration) Regulations for the use and guidance of the crew members of that aircraft, or in any case where no such manual is required, in a document to be provided for the use and guidance of those members, full particulars of all limits and minimum rest periods for the time being established under these Regulations which may affect any of those members, and of any discretion conferred upon the pilot-in-command of that aircraft under subregulations (7) and (8).

(10) Subject to subregulation (9) and without prejudice to any provision of the Civil Aviation (Air Operator Certification and Administration) Regulations, an operator shall, whenever requested to do so by a person authorised in that behalf by the Authority, furnish that person with a copy of all particulars from time to time included in any such operations manual or document in accordance with the requirements specified in subregulation (9).

214. Maximum flight duty periods for crew member

(1) A person shall not fly in an aircraft as a crew member in the course of any duty period of that person after more than the specified time has elapsed.

(2) In subregulation (1), the expression “**specified time**” means—

- (a) in relation to a pilot, whenever paragraph (b) does not apply, eleven hours; except that, if during the duty period there has been a period of not less than five continuous hours throughout which that person has not flown in any aircraft to which this regulation applies, or performed any duties, this paragraph shall have effect as if twelve hours were substituted for eleven hours;
- (b) in relation to a person who, at all times when that person flies as a pilot in the course of his duty period, is one of two or more persons carried as pilots of an aircraft undertaking—
 - (i) an international flight or service – fifteen hours;

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- (ii) a flight within Kenya – twelve hours,

except that if during the duty period there has been a period of not less than five continuous hours throughout which that person has not flown in any aircraft to which this regulation applies or performed any duties, this paragraph shall have effect as if fifteen hours were substituted for twelve hours and twenty hours were substituted for fifteen hours if that person is one of three or more persons carried as pilots of the aircraft and the following conditions are fulfilled—

- (aa) at least two of the pilots are qualified to act as pilot-in-command in the circumstances both by their respective licences and in accordance with the requirements of regulation 33 (except in respect of their knowledge of the aerodromes of take-off and landing and any alternate aerodromes);
 - (bb) at least one of the pilots is carried in addition to those flight crew members who are required to be carried in the circumstances by or under these Regulations;
 - (cc) one suitable bunk is always available for the use only of pilots; and
 - (dd) each of the pilots has, during the duty period, been afforded opportunities of resting for a reasonable time;
- (c) in relation to a flight engineer – fifteen hours; except that this paragraph shall have effect as if twenty-four hours were substituted for fifteen hours in relation to a person who, at all times when that person flies as a flight engineer in the course of his duty period, is one of two or more persons carried as flight engineers of the aircraft, if the following conditions are fulfilled—
- (i) at least one of the flight engineers is carried in addition to the crew members who are required to be carried in the circumstances by or under these Regulations;
 - (ii) one suitable bunk is always available for the use only of flight engineers; and
 - (iii) each of the flight engineers has, during the duty period, been afforded opportunities of resting for a reasonable time; and
- (d) in relation to a cabin crew – fifteen hours;

which shall apply to a cabin crew member as it applies to a flight engineers.

(3) The maximum total hours associated with the duty periods undertaken by any crew member shall not exceed one hundred and sixty hours during any period of twenty-eight days; except that whenever a crew member exceeds one hundred and twenty hours “non-flying time” that member shall not, because of this, be disqualified from further flying duties providing all other requirements are met.

215. Minimum rest periods for crew members

(1) Notwithstanding regulation 213 a person shall not fly in an aircraft to which this regulation applies as a crew member unless immediately before the duty period in the course of which that person makes that flight the person has had a sufficient rest period, as set out in Table 7.

TABLE 7 – MINIMUM REST PERIODS FOR FLIGHT CREW

<i>Length of immediately preceding duty period</i>	<i>Minimum length of sufficient rest period</i>
Not exceeding 10 hours	11 hours
Exceeding 10 but not exceeding 11 hours	12 hours

<i>Length of immediately preceding duty period</i>	<i>Minimum length of sufficient rest period</i>
Exceeding 11 but not exceeding 12 hours	13 hours
Exceeding 12 but not exceeding 13 hours	14 hours
Exceeding 13 but not exceeding 14 hours	15 hours
Exceeding 14 but not exceeding 15 hours	16 hours
Exceeding 15 but not exceeding 16 hours	17 hours
Exceeding 16 but not exceeding 17 hours	19 hours
Exceeding 17 but not exceeding 18 hours	21 hours
Exceeding 18 but not exceeding 19 hours	23 hours
Exceeding 19 but not exceeding 20 hours	25 hours
Exceeding 20 but not exceeding 21 hours	27 hours
Exceeding 21 but not exceeding 22 hours	29 hours
Exceeding 22 but not exceeding 23 hours	31 hours
Exceeding 23 hours	33 hours

(2) Where a rest period is taken by a crew member at a place which is not within fifty miles of that crew member's ordinary place of residence, it shall be deemed to be a sufficient rest period if it includes a period of eight hours falling between 2200 and 0800 hours local time as set out in Table 8.

TABLE 8 – MINIMUM REST PERIOD – DISTANCE NOT WITHIN FIFTY MILES OF PLACE OF RESIDENCE

<i>Length of immediately preceding duty period</i>	<i>Minimum length of sufficient rest period</i>
Exceeding 10 but not exceeding 11 hours	10 hours
Exceeding 11 but not exceeding 12 hours	12 hours
Exceeding 12 but not exceeding 14 hours	13 hours
Exceeding 14 but not exceeding 17 hours	15 hours
Exceeding 17 but not exceeding 20 hours	16 hours
Exceeding 20 but not exceeding 23 hours	17 hours
Exceeding 23 hours	18 hours

(3) The length of the duty periods established in this regulation are adjusted to allow for duty time before and after a flight or series of flights which make up one duty period.

216. Duty and rest period for flight operations officers

(1) An air operator certificate holder shall not schedule a flight operations officer for more than ten consecutive hours of duty within a twenty-four hour consecutive period, unless that person is given an intervening rest period of at least eight hours at or before the end of the ten hours duty.

(2) An air operator certificate holder shall establish the daily duty period for a flight operations officer so that it includes a time that allows him or her to become thoroughly familiar with existing and anticipated weather conditions along the route before that flight operations officer dispatches any aircraft.

[Subsidiary]**217. Records of flight times and duty periods**

(1) An operator of an aircraft shall not cause or permit any person to fly as a crew member unless the operator has in his possession an accurate and up-to-date record maintained by him or by another operator of aircraft in respect of that person and in respect of the twenty-eight days immediately preceding the flight showing—

- (a) the times of the beginning and end of each flight in any aircraft made by that person as a crew member in the course of any of his duty periods;
- (b) the times of the beginning and end of each duty period of that person in the course of which he made a flight as a crew member;
- (c) the times of the beginning and end of each duty period of that person ending within a period of seventy-two hours immediately preceding the beginning of any duty period of that person in the course of which he made a flight in any aircraft as a crew member; and
- (d) brief particulars of the nature of the work or other duties carried out by that person during each of the crew member's duty periods of which a record is required to be kept under this subregulation.

(2) The Authority may notify the form and manner in which any records required to be kept under subregulation (1) shall be kept and, where the Authority has so notified, the records shall be kept accordingly.

(3) Subject to regulation 12, an operator of an aircraft shall preserve the records referred to in this regulation for a period of at least six months after the end of the flight duty period or rest period to which they relate.

218. Maximum flight times for crew member

(1) A person shall not fly in any aircraft registered in Kenya as a crew member at any time on any day after the aggregate of all his flight times, whether arising from flight in an aircraft or in any other aircraft, during the period of twenty-eight consecutive days expiring at the end of that day amounts to one hundred and five hours or more.

(2) The provisions of subregulation (1) shall not apply—

- (a) to a flight made in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of commercial air transport or aerial work; or
- (b) to a flight made in an aircraft not flying for the purpose of commercial air transport but excluding aerial work if at the time of the flight the aggregate of all the flight times of the person making the flight since the person was last medically examined under these Regulations and found fit does not exceed one hundred and fifty hours.

219. Provision for particular cases

(1) Notwithstanding anything contained in regulations 208, 209 and 211, a person shall be deemed not to have contravened any of the provisions of these Regulations by reason of a flight made at any time by that person or by another person if the first mentioned person proves that—

- (a) it was due to an unavoidable delay in the completion of the flight that the person so flying was flying at that time; and
- (b) the first mentioned person could not reasonably be expected to have foreseen before the flight began that the delay was likely to occur.

(2) Notwithstanding regulations 208, 209 and 211, the pilot-in-command of an aircraft may make, or authorise any other person to make, and that other person if so authorised

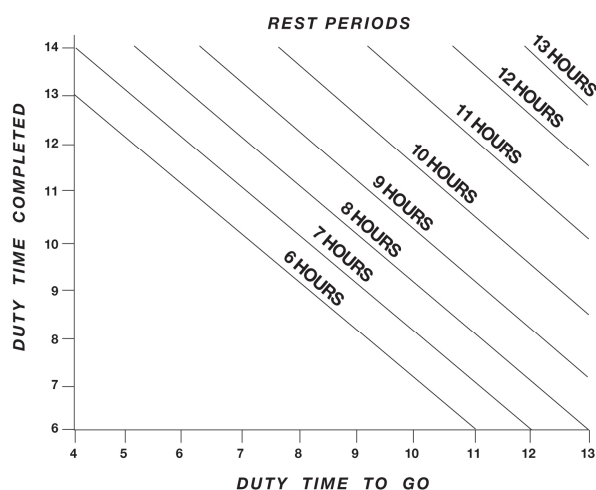
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may make, a flight in that aircraft which he would, but for this subregulation, be prohibited from making by virtue of any provision contained in the regulations 208, 209 and 211, if—

- (a) it appears to the pilot-in-command—
 - (i) that arrangements had been made for the flight to be made with such a crew member so as to begin and end at such times that no crew member would have been prohibited from making the flight in accordance with those arrangements by any provision contained in regulations 208, 209 and 211, and that since those arrangements were made the flight has been or will be prevented from being in accordance with those arrangements by reason of circumstances which were not foreseen as likely to prevent that flight from being so made; or
 - (ii) that the flight is one which ought to be carried out in the interest of the safety or health of any person; and
- (b) the pilot-in-command is satisfied that the safety of the aircraft on that flight will not be endangered if the pilot-in-command or that other person makes that flight.

(3) Where the pilot-in-command or any other person makes a flight in an aircraft which he or that other person is permitted to make under subregulation (2), a report in writing that he or that other person has made that flight, giving full particulars of the circumstances in which it was made and the reasons why the pilot-in-command made that flight or authorised that other person to do so, shall be made as soon as is reasonably practicable by the pilot-in-command to the operator of the aircraft and in any event by the operator to the Authority; and the operator and the pilot-in-command shall furnish the Authority with such further information in his possession relating to the flight and to the circumstances in which it was made as the Authority may require.

(4) Notwithstanding regulations 208, 209, 210 and 211, where a scheduled service has an unavoidable and prolonged delay en-route, subject to the discretion of the pilot-in-command, a reduced rest period may be taken, and such period shall include at least six hours between 2000 and 0600 hours local time and shall be of a duration of not less than that set out in the following graph—



[Subsidiary]**220. Duties of operators to prevent excessive fatigue of crew members**

An operator of an aircraft shall ensure, in respect of each person flying as a crew member of that aircraft, that—

- (a) the period during which that person is required or permitted by that operator to carry out any work or other duties is limited in length and frequency; and
- (b) that person is afforded such period for rest,

that his work and duties are not likely to cause him such fatigue while the person is flying in the aircraft, in respect of flight crew, as may endanger the safety thereof, and in respect of other crew members, as may impair their efficiency to adequately perform their duties in relation to the possible evacuation or control of passengers or the provision of assistance in the event of an emergency situation.

*Protection of a Crew Member from Cosmic Radiation***221. Protection of a crew member from cosmic radiation**

(1) An operator shall take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those crew members who may be exposed to cosmic radiation in excess of 1 millisievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed crew members; and
- (c) inform the workers concerned of the health risks their work involves.

(2) An operator shall ensure that in relation to a pregnant crew member, the conditions of exposure to cosmic radiation when that crew member is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 millisievert during the remainder of the pregnancy.

(3) An operator who is not informed of a pregnancy referred to in subregulation (2) shall not be held liable for any cosmic radiation exposure to the foetus exceeding 1 millisievert.

(4) In this regulation—

- (a) “**highly exposed crew member**” means flight crew members operating in high performance aircraft capable of flying above an altitude of 49,000 feet;
- (b) “**sievert**” means a unit of equivalent or effective dose of one joule per kilogramme; and
- (c) “**year**” means any period of twelve months.

222. Cosmic radiation: records to be kept

The operator of an aircraft registered in Kenya shall, in respect of any flight at an altitude of more than 49,000 feet, keep a record of a total dose of cosmic radiation to which the aircraft and the crew members are exposed during the flight together with the names of the crew members.

PART X – FLIGHT RELEASE: COMMERCIAL AIR TRANSPORT**223. Qualified persons required for operational control functions**

(1) An air operator certificate holder shall designate a qualified person to exercise the functions and responsibilities for operational control of each flight in commercial air transport.

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(2) For passenger-carrying flights conducted on a published schedule, a licensed and qualified flight operations officer or equivalently qualified person shall be on duty at an operations base to perform the air operator certificate holders operational control functions.

(3) For all other flights, the qualified person exercising operational control responsibilities shall be available for consultation prior to, during and immediately following the flight operation.

(4) For all flights, the pilot-in-command shares in the responsibility for operational control of the aircraft and has the situational authority to make decisions regarding operational control issues in-flight.

(5) Where a decision of the pilot-in-command differs from that recommended, the person making the recommendation shall make a record of the associated facts.

224. Functions associated with operational control

The person exercising responsibility for operational control for an air operator certificate holder shall—

- (a) authorise the specific flight operation;
- (b) ensure that an airworthy aircraft properly equipped for the flight is available;
- (c) ensure that qualified personnel and adequate facilities are available to support and conduct the flight;
- (d) ensure that proper flight planning and preparation is made;
- (e) ensure that flight locating and flight following procedures are followed; and
- (f) for scheduled passenger-carrying flights, ensure the monitoring of the progress of the flight and the provision of information that may be necessary to safety.

225. Operational control duties

(1) For passenger-carrying flights conducted on a published schedule, the qualified person performing the duties of a flight operations officer shall—

- (a) assist the pilot-in-command in flight preparation and provide the relevant information required;
- (b) assist the pilot-in-command in preparing the operational and air traffic control flight plans;
- (c) sign the dispatch copy of the flight release;
- (d) furnish the pilot-in-command while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
- (e) in the event of an emergency, initiate the applicable procedures contained in the air operator certificate holder's operations manual.

(2) A qualified person performing the operational control duties shall avoid taking any action that would conflict with the procedures established by—

- (a) air traffic control;
- (b) the meteorological service;
- (c) the communications service; or
- (d) the air operator certificate holder.

[Subsidiary]**226. Contents of a flight release**

The flight release shall contain at least the following information concerning each flight—

- (a) name of company or organisation;
- (b) make, model, and nationality and registration marks of the aircraft being used;
- (c) flight or trip number, and date of flight;
- (d) name of each crew member and the pilot-in-command;
- (e) departure aerodrome, destination aerodromes, alternate aerodromes and route;
- (f) minimum fuel supply;
- (g) a statement of the type of operation, for example instrument flight rules, visual flight rules;
- (h) the latest available weather reports, and forecasts for the destination aerodrome and alternate aerodromes; and
- (i) any additional available weather information that the pilot-in-command considers necessary.

227. Flight release: aircraft requirements

A person shall not issue a flight release for a commercial air transport operation—

- (a) unless the aircraft is airworthy and properly equipped for the intended flight operation; and
- (b) using an aircraft with inoperative instruments and equipment installed, except as specified in the minimum equipment list approved by the Authority.

228. Flight release: facilities and notice to airmen

(1) A person shall not release an aircraft over any route or route segment unless there are adequate communications and navigational facilities in satisfactory operating condition as is necessary to conduct the flight safely.

(2) A flight operation officer shall ensure that the pilot-in-command is provided with all available current reports or information on aerodrome conditions and irregularities of navigation facilities that may affect the safety of the flight.

(3) Where the pilot-in-command is to review the operational flight plan, he shall be provided with all available notice to airmen with respect to the routing, facilities and aerodromes.

229. Flight release: weather reports and forecasts

A person shall not release a flight unless that person—

- (a) is thoroughly familiar with reported and forecast weather conditions on the route to be flown; and
- (b) has communicated all information and reservations he may have regarding weather reports and forecasts to the pilot-in-command.

230. Flight release in icing conditions

A person shall not release an aircraft—

- (a) when in his opinion or that of the pilot-in-command, the icing conditions that may be expected or are met exceed that for which the aircraft is certified and unless the aircraft has sufficient operational de-icing or anti-icing equipment; or

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- (b) any time conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless there is available to the pilot-in-command at the aerodrome of departure adequate facilities and equipment to accomplish the procedures approved for the air operator certificate holder by the authority for ground de-icing and anti-icing.

231. Flight release under visual flight rules or instrument flight rules

A person shall not release a flight under visual flight rules or instrument flight rules unless the weather reports and forecasts indicate that the flight can reasonably be expected to be completed as specified in the flight release.

232. Flight release: minimum fuel supply

A person shall not issue a flight release for a commercial air transport operation unless the fuel supply specified in that flight release is equivalent to or greater than the minimum flight planning requirements of these Regulations, including anticipated contingencies.

233. Flight release: aircraft loading and performance

A person shall not issue a flight release unless that person is familiar with the anticipated loading of the aircraft and is reasonably certain that the proposed operation shall not exceed the—

- (a) centre of gravity limits;
- (b) aircraft operating limitations; and
- (c) minimum performance requirements.

234. Flight release: amendment or re-release en-route

(1) A person who amends a flight release while the flight is en-route shall record that amendment.

(2) A person shall not amend the original flight release to change the destination or alternate aerodrome while the aircraft is en-route unless the flight preparation requirements for routing, aerodrome selection and minimum fuel supply are met at the time of amendment or re-release.

(3) A person shall not allow a flight to continue to an aerodrome to which it has been released if the weather reports and forecasts indicate changes which would render that aerodrome unsuitable for the original flight release.

235. Flight release: requirement for airborne weather radar equipment

A person shall not release a large aircraft carrying passengers under instrument flight rules when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

PART XI – GENERAL**236. Possession of the licence**

(1) A holder of a licence, certificate or authorisation or other document issued by the Authority shall have it in his physical possession or at the work site when exercising the privileges of that licence, certificate, authorisation or such other document.

(2) A flight crew of a foreign registered aircraft shall hold a valid licence, certificate or authorisation and have it in his physical possession or at the work site when exercising the privileges of that licence, certificate or authorisation.

[Subsidiary]**237. Drug and alcohol testing and reporting**

(1) Any person who performs any function related to operation of aircraft under these Regulations may be tested for drug or alcohol usage.

(2) The Authority may prohibit any person who—

- (a) tests positive for drug or alcohol usage;
- (b) refuses to submit to a test; or
- (c) refuses to furnish or to authorise the release of the test results requested by the Authority,

from carrying out the functions related to operation of aircraft.

238. Inspection of licences and certificates

A person who holds a licence, certificate, authorisation or other document required by these Regulations shall present it for inspection upon a request from the Authority or any person authorised by the Authority.

239. Change of name

(1) A holder of a licence, certificate, authorisation or other document issued under these Regulations may apply to change the name on a licence, certificate, authorisation or such other document.

(2) The holder shall include with any such request—

- (a) the current licence, certificate, authorisation or such other document sought to be amended; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the licence, certificate, authorisation or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in subregulation (2)(b) and retain copies thereof and return the replaced licence, certificate or authorisation with the appropriate endorsement.

(5) A licence, certificate, authorisation or other document issued to a person under these Regulations is not transferable.

240. Change of address

(1) A holder of a certificate, or authorisation issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of—

- (a) physical address, at least fourteen days in advance; and
- (b) mailing address upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in subregulation (1) shall not exercise the privileges of the certificate or authorisation.

241. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if the documents are lost or destroyed.

242. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any certificate, approval, permission, exemption or other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate, approval, permission, exemption or other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate, approval, permission, exemption or any other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

243. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled; or
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations; or
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not issue a certificate, document or exemption under these Regulations unless he is authorised to do so by the Authority.

(5) A person shall not issue a certificate referred to in subregulation (4) unless he is satisfied that the statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

244. Reports of violation

(1) A person who knows of a violation of the Civil Aviation Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

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(2) The Authority will determine the nature and type of any additional investigation or enforcement action that may need to be taken.

245. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

246. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of subregulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

247. Application of Regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purpose of such application, the department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

248. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and

in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

249. Flights over any foreign country

(1) The operator or pilot-in-command of an aircraft registered in Kenya (or, if the operator's principal place of business or permanent residence is in Kenya, any other

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aircraft) which is being flown over any foreign State shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to that State.

(2) A person does not contravene subregulation (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in subregulation (1).

(3) The operator or pilot-in-command of an aircraft registered in Kenya (or, if the operator's principal place of business or permanent residence is in Kenya, any other aircraft) which is being flown over any foreign State shall comply with any directions given by the appropriate aeronautical authorities of that State whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to that State,

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene subregulation (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in subregulation (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this regulation “**appropriate aeronautical authorities**” includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign State to issue directions to aircraft flying over that State.

PART XII – EXEMPTIONS

250. Requirement for application

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An applications for an exemption should be submitted at least sixty days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption must contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number if available; and
- (e) e-mail address if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

251. Request for exemption

(1) An application for an exemption must contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;

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- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (h) if the applicant seeks to operate under the proposed exemption outside of Kenya airspace, the application must indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organisation as well as the Regulations pertaining to the airspace in which the operation will occur.

(2) Where the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

Review, Publication and Issue or Denial of the Exemption

252. Initial review by the Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 250 and 251.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the *Gazette*, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 250 and 251 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

253. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

- (a) determination of whether an exemption would be in the public interest;
- (b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a determination of whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and

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- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in subregulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in aeronautical information circular.

PART XIII – OFFENCES AND PENALTIES

254. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

255. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or, the pilot-in-command if not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings for each flight or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings for each flight or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART XIV – SAVINGS AND TRANSITIONAL PROVISIONS

256. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

257. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

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(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE

[Rule 255(2) and (3).]

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CIVIL AVIATION (PERSONNEL LICENSING) REGULATIONS, 2007

[L.N. 34/2007.]

PART 1 – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Personnel Licensing) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accredited medical conclusion” means the conclusion reached by one or more medical experts acceptable to the Authority for the purposes of the case concerned, in consultation with other experts as necessary;

“aeronautical experience” means pilot time obtained in an aircraft, approved synthetic flight trainer for meeting the training and flight time requirements of these Regulations;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“air traffic control service” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft; and
 - (ii) on the manoeuvring area, between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of traffic;

“air traffic control unit” includes an area control centre, approach control unit or aerodrome control tower;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aircraft category” means classification of aircraft according to specified basic characteristics such as aeroplane, rotorcraft, glider and lighter-than-air and powered-lift aircraft;

“aircraft type” means all aircraft of the same basic design;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces including rotors (but excluding propellers and rotating airfoils of a powerplant) and landing gear of an aircraft and their accessories and controls;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller;

“approved maintenance organisation” means an organisation approved to perform specific aircraft maintenance activities by the Authority including the inspection, overhaul, maintenance, repair or modification and release to service of aircraft or aircraft component;

“approved training” means training conducted under curricula and supervision approved by the Authority;

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“authorised instructor” means a person who—

- (a) holds a valid ground instructor licence issued under these Regulations for conducting ground training;
- (b) holds a current flight instructor rating issued under these Regulations for conducting ground training or flight training; or
- (c) is authorised by the Authority to provide ground training, flight training, or other training under these Regulations and the Civil Aviation (Approved Training Organisations) Regulations;

“Authority” means the Kenya Civil Aviation Authority;

“aviation repair specialist” means a person qualified to perform or supervise the maintenance, preventive maintenance, or alteration of aircraft, airframes, aircraft engines, propellers, appliances, components, and parts appropriate to the designated speciality area for which the aviation repair specialist is authorised but only in connection with employment by an approved maintenance organisation;

“balloon” means a non-power-driven lighter-than-air aircraft;

“cabin crew member” means a crew member who performs in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flight crew member;

“Category II operations” means a precision instrument approach and landing with a decision height lower than 60 metres (200 feet), but not lower than 30 metres (10 feet), and a runway visual range not less than 350 metres;

“Category IIIA operations” means a precision instrument approach and landing with—

- (a) a decision height lower than 30 metres (100 feet) or no decision height; and
- (b) a runway visual range not less than 200 metres;

“Category IIIB operations” means a precision instrument approach and landing with—

- (a) a decision height lower than 15 metres (50 feet) or no decision height; and
- (b) a runway visual range less than 200 metres but not less than 50 metres;

“Category IIIC operations” means a precision instrument approach and landing with no decision height and no runway visual range limitations;

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience, and demonstrated ability to evaluate and certify to the knowledge and skills of pilots;

“Contracting State” means a State that is signatory to the Convention on International Civil Aviation (Chicago Convention);

“co-pilot” means a licensed pilot serving in a piloting capacity other than as pilot-in-command, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

“course” means a programme of instruction to obtain a licence, rating, qualification, authorisation, or recurrency required under these Regulations;

“crew resource management” means a programme designed to improve the safety of flight operations by optimising the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and co-ordination;

[Subsidiary]

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“cross-country flight” means any flight during the course of which the aircraft is more than 30 nautical miles from the aerodrome of departure;

“designated medical examiner” means a person qualified and licensed in the practice of medicine, designated by the Authority to conduct medical examinations of fitness of applicants and issue reports for the issue or renewal of the licences or certificates or ratings specified in the Civil Aviation (Personnel Licensing) Regulations;

“evaluator” means a person employed by a certified approved training organisation who performs tests for licensing, added ratings, authorisations, and proficiency checks that are authorised by the certificate holder’s training specification, and who is authorised by the Authority to administer such checks and tests;

“examiner” means any person authorised by the Authority to conduct a pilot proficiency test, a practical test for a licence or rating, or a knowledge test under these Regulations;

“facility” means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight duty period;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight time” means—

- (a) for aeroplanes and gliders, the total time from the moment an aeroplane or a glider moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight and it is synonymous with the term “block to block” or “chock to chock” time in general usage which is measured from the time an aeroplane first moves for the purpose of taking off until it finally stops at the end of the flight;
- (b) for helicopter, the total time from the moment a helicopter rotor blades start turning until the moment a helicopter comes to rest at the end of the flight and the rotor blades are stopped;
- (c) for airships or free balloon, the total time from the moment an airship or free balloon first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“heliport” means an aerodrome or defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters;

“human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;

[Subsidiary]

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;

“instrument time” means time in which cockpit instruments are used as the sole means for navigation and control;

“instrument training” means training which is received from an authorised instructor under actual or simulated instrument meteorological conditions;

“knowledge test” means a test on the aeronautical knowledge areas required for a licence or rating that can be administered in written form or by a computer;

“licensed aircraft maintenance engineer” means a person licensed by the Authority to perform defined maintenance upon aircraft or aircraft components;

“licensed aircraft maintenance engineer course” means a training course for maintenance licence ratings in airframe, powerplant and avionics;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“likely” means with a probability of occurring that is unacceptable to the medical assessor;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“medical assessor” means a physician qualified and experienced in the practice of aviation medicine who evaluates medical reports submitted to the Authority by medical examiners;

“medical certificate or medical assessment” means the evidence issued by the Authority that the licence holder meets specific requirements of medical fitness;

“medical examiner” means a physician with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the Authority to conduct medical examinations of fitness of applicants for licences or ratings for which medical requirements are prescribed;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“pilot-in-command” means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“pilot under supervision” means a co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;

“pilot time” means that time a person—

- (a) serves as a required pilot;
- (b) receives training from an authorised instructor in an aircraft, approved synthetic flight trainer; or

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- (c) gives training as an authorised instructor in an aircraft, approved synthetic flight trainer;

“powered-lift” means a heavier-than-air aircraft capable of vertical take-off, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on non-rotating airfoil(s) for lift during horizontal flight;

“powerplant” means an engine that is used or intended to be used for propelling aircraft, and it includes turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

“practical test” means a competency test on the areas of operations for a licence, certificate, rating, or authorisation that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight, in an approved synthetic flight trainer, or in a combination of these;

“pressurised aircraft” means an aircraft fitted with means of controlling outflow of cabin air in order to maintain maximum cabin altitude of not more than 10,000 feet so as to enhance breathing and comfort of passengers and crew;

“problematic use of substances” means the use of one or more psychoactive substances by aviation personnel in a way that constitutes a direct hazard to the user or endangers the lives, health or welfare of others and causes or worsens an occupational, social, mental or physical problem or disorder;

“proficiency check” means the process of the check pilot administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

“propeller” means a device for propelling an aircraft that has blades on a powerplant-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“psychoactive substance” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

“psychosis” means a mental disorder in which the individual has manifested delusions, hallucinations, grossly bizarre or disorganised behaviour, or other commonly accepted symptoms of this condition; or the individual may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganised behaviour, or other commonly accepted symptoms of this condition;

“rating” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

“repair” mean the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“rest period” means a period free of all restraint, duty or responsibility as specified by the Authority;

“rotorcraft” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

“safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

[Subsidiary]

“significant” means to a degree or of a nature that is likely to jeopardise flight safety;

“solo flight” means a flight on which a student pilot of the aircraft is the sole occupant of the aircraft;

“solo flight time” means flight time during which a student pilot is the sole occupant of the aircraft;

“specific operating provisions” means a document describing the ratings (class or limited) in detail and shall contain reference material and process specifications used in performing repair work, along with any limitations applied to an approved maintenance organisation;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines; and other psychoactive drugs and chemicals;

“substance abuse” means any of the following—

- (a) the use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;
- (b) a verified positive drug test result acquired under an anti-drug programme or internal programme of a State Government; or
- (c) misuse of a substance that the Authority, based on case history and qualified medical judgment relating to the substance involved, finds that it makes the applicant unable to safely perform the duties or exercise the privileges of the licence applied for or held; or may reasonably be expected, for the maximum duration of the medical certificate applied for or held, to make the applicant unable to perform those duties or exercise those privileges;

“substance dependence” means a condition in which a person is dependent on a substance, other than tobacco or ordinary xanthine-containing beverages, as evidenced by increased tolerance; manifestation of withdrawal symptoms; impaired control of use; or continued use despite damage to physical health or impairment of social, personal, or occupational functioning;

“synthetic flight trainer” means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

- (i) a synthetic flight trainer, which provides an accurate representation of the cockpit of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc., aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (ii) a flight procedures trainer, which provides a realistic cockpit environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc., aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (iii) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the cockpit environment of an aircraft in flight in instrument flight conditions;

“training programme” means a programme that consists of course(s), courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum;

[Subsidiary]

“**training time**” means the time spent receiving from an authorised instructor flight training, ground training, or simulated flight training in an approved synthetic flight trainer;

“**V_{mc}**” means minimum control speed with critical engine inoperative.

3. Application

These Regulations shall apply to any person who engages in an operation governed by any part of these Regulations without the appropriate licence, operations specifications, or similar document required as part of the certification.

PART II – LICENCES, CERTIFICATION, RATINGS AND AUTHORISATIONS

4. Licences and certificates

The Authority may issue the following licences and certificates under these Regulations—

- (a) pilot licences, including—
 - (i) student pilot licence;
 - (ii) private pilot licence;
 - (iii) commercial pilot licence;
 - (iv) airline transport pilot licence;
- (b) ground instructor licence;
- (c) flight engineer licence;
- (d) air traffic controller licence;
- (e) aircraft maintenance engineer licence;
- (f) flight operations officer licence;
- (g) flight radio telephony operator licence; and
- (h) cabin crew member certificate.

5. Ratings issued

- (1) The Authority may issue the following ratings for pilots—
 - (a) category ratings in the following aircraft—
 - (i) aeroplane;
 - (ii) rotorcraft;
 - (iii) glider;
 - (iv) lighter-than-air;
 - (b) class ratings in the following aeroplanes—
 - (i) single-engine, land;
 - (ii) single-engine, sea;
 - (iii) multi-engine, land; and
 - (iv) multi-engine, sea;
 - (c) class ratings in the following rotorcraft—
 - (i) helicopters; and
 - (ii) gyroplane;
 - (d) class ratings in the following lighter-than-air aircraft—
 - (i) airship; and

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- (ii) free balloon;
- (e) type ratings in the following aircraft—
 - (i) aircraft certificated for at least two pilots;
 - (ii) any aircraft considered necessary by the Authority;
 - (iii) each type of helicopter;
- (f) instrument ratings in the following aircraft—
 - (i) instrument – aeroplane;
 - (ii) instrument – helicopter.
- (g) night rating;
- (h) flight instructor rating;
- (i) ground instructor ratings—
 - (i) basic;
 - (ii) advanced;
 - (iii) instrument.

(2) The Authority may place the category, class or type rating on a pilot licence when issuing that licence, provided the rating reflects the appropriate category, class, or type of aircraft used to demonstrate skill and knowledge for its issue and the aircraft type is registered in Kenya.

(3) The Authority may issue the following ratings for flight engineers—

- (a) reciprocating engine powered including type rating;
- (b) turbopropeller powered including type rating; and
- (c) turbojet powered including type rating.

(4) The Authority may issue the following ratings for air traffic controllers—

- (a) aerodrome control;
- (b) approach control;
- (c) approach radar control;
- (d) approach precision radar control;
- (e) area control; and
- (f) area radar control.

(5) (a) The Authority may issue the following categories without type ratings for aircraft maintenance engineer licence—

- (i) Category A – aeroplane;
- (ii) Category C – piston engines;
- (iii) Category C – gas turbine engines;
- (iv) Category “A” and “C” – piston engined rotorcraft;
- (v) Category “A” and “C” – turbine engined rotorcraft;
- (vi) Category “A” and “C” – piston engined airship;
- (vii) Category “A” and “C” – turbine engined airship;
- (viii) Category “X” – electrical;
- (ix) Category “X” – instruments;
- (x) Category “X” – automatic pilots – aeroplanes;
- (xi) Category “X” – automatic pilots – rotorcraft;

(xii) Category “X” – compass compensation and adjustments;

(xiii) Category “R” – radio;

(6) The Authority may issue the following type ratings for an aircraft maintenance engineer licence in the following categories but excluding aeroplanes of 13,610 kg (30,000 lb) maximum takeoff mass or greater for which maintenance has to be carried out and certified under company approvals:

(a) Category “A” aeroplanes—

- (i) composite material aeroplanes not exceeding 5700 kg maximum takeoff mass;
- (ii) wooden and combined wood and metal aeroplanes: an aeroplane where the primary structure is manufactured from wood or combinations of wood and metal;
- (iii) unpressurized aeroplanes not exceeding 2730 kg maximum takeoff mass;
- (iv) pressurized aeroplanes not exceeding 2730 kg maximum takeoff mass;
- (v) unpressurised aeroplanes not exceeding 5700 kg maximum takeoff mass;
- (vi) pressurised aeroplanes not exceeding 5700 kg maximum take off mass;
- (vii) unpressurised aeroplanes exceeding 5700 kg maximum takeoff mass;
- (viii) pressurised aeroplanes exceeding 5700 kg maximum takeoff mass;

(b) Category “C” engines—

- (i) diesel engines in aeroplanes;
- (ii) piston engines in aeroplanes excluding diesel engines;
- (iii) gas-turbine engines in aeroplanes not exceeding 22.25 Kilo Newton (5000 lbf) static thrust including where so endorsed the associated auxilliary power unit installations;
- (iv) gas-turbine engines in aeroplanes exceeding 22.25 KN (5000 lbf) static thrust including where so endorsed the associated auxilliary power unit installations;
- (v) propeller turbine engines in aeroplanes including where so endorsed the associated auxilliary power unit installations;

(c) Category “A” and “C” rotorcraft—

- (i) piston-engined rotorcraft;
- (ii) turbine-engined rotorcraft not exceeding 2730 kg maximum takeoff mass;
- (iii) turbine-engined rotorcraft above 2730 kg maximum takeoff mass but below 5700 kg maximum take-off mass;

(d) Category “A” and “C” airship—

- (i) piston-engined airship;
- (ii) turbine-engined airship;

(e) Category “X” – electrical—

- (i) aircraft in which the main generation system output is direct current, including alternators having selfcontained rectifier system, and in which secondary alternators having an individual power rating not exceeding 1.5 KVA may be fitted;

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- (ii) aircraft in which the main generation system output is direct current and which have installed “frequency wild” alternators with an individual power rating exceeding 1.5 KVA for auxiliary services;
- (iii) aircraft in which the main generation system output is “frequency wild” alternating current and direct current power is supplied from transformer rectifier units; and
- (iv) aircraft in which the main generation system output is constant speed drive units, or variable speed constant frequency generator/converter systems, and direct current power is supplied from transformer rectifier units;
- (f) Category “X” – instruments—
 - (i) general aircraft instrument systems but excluding instruments installed on any aircraft which has installed a flight director system;
 - (ii) flight director systems with air driven gyroscopes (altitudes);
 - (iii) flight director systems with electrical driven gyroscopes (altitudes);
- (g) Category “X” – automatic pilots (aeroplane)—
 - (i) non-radio-coupled automatic pilots;
 - (ii) radio-coupled automatic pilots;
- (h) Category “X” – automatic pilots (rotorcraft)—
 - (i) non radio-coupled automatic pilots;
 - (ii) radio-coupled automatic pilots;
- (i) Category “X” – compass: compass compensation and adjustment;
- (j) Category “R” – radio—
 - (i) airborne communication and airborne navigation systems;
 - (ii) airborne radar systems.

6. Authorisations

(1) The Authority may issue the following authorisations under these Regulations—

- (a) Category II operations;
- (b) Category III operations;
- (c) flight examiner;
- (d) flight engineer instructor;
- (e) type rating instructor;
- (f) cabin crew member instructor;
- (g) medical examiner; and
- (h) aviation repair specialist.

(2) The Authority may issue the following classes of aviation repair specialists authorisation—

- (a) propellers;
- (b) computer;
- (c) instrument;
- (d) accessory;
- (e) component;
- (f) welding;

- (g) non-destructive testing; and
- (h) any other authorisation as determined by the Authority.

7. English language proficiency

(1) With effect from 5th March 2008 a holder of a pilot licence, air traffic controller licence, flight engineer licence, flight radiotelephone operator licence shall demonstrate the ability to speak and understand the English language to the level specified in the language proficiency requirements in the First Schedule to these Regulations.

(2) The licensed personnel specified in subregulation (1) who demonstrate proficiency below the expert level (level 6) shall be formally evaluated at intervals in accordance with an individual's demonstrated proficiency level as follows—

- (a) those demonstrating language proficiency at the operational level (level 4) shall be evaluated once every three years; and
- (b) those demonstrating language proficiency at the extended level (level 5) shall be evaluated once every six years.

8. Duration of licences, certificates, ratings and authorisations

(1) The Authority shall issue licences with a specific expiry date except as specifically provided by these Regulations.

(2) Except for an aviation repair specialist authorisation, all authorisations and ratings issued under these Regulations shall be valid for the term issued by the Authority but in any case not more than twelve months.

(3) An aviation repair specialist authorisation issued on the basis of employment with a specified employer, shall be valid for the term of employment of the aviation repair specialist with that employer.

(4) A student pilot licence shall be valid—

- (a) for a holder who is less than forty years of age, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twentyfour months validity of the holder's medical certificate; or
- (b) for a holder who is forty years of age or more, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twelve months validity of the holder's medical certificate.

(5) A private pilot licence with an aeroplane or rotorcraft or glider category rating shall be valid—

- (a) for a holder who is less than forty years of age, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twenty-four months validity of the holder's medical certificate; or
- (b) for a holder who is forty years of age or more, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twelve months' validity of the holder's medical certificate.

(6) A commercial pilot licence with an aeroplane or rotorcraft category rating shall be valid—

- (a) for a holder who is less than forty years of age, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twelve months validity of the holder's medical certificate; or
- (b) for a holder who is forty years of age or more, from the date the licence is issued or renewed by the Authority for a period of the remainder of the six months validity of the holder's medical certificate.

[Subsidiary]

(7) An airline transport pilot licence with an aeroplane or rotorcraft category rating shall be valid—

- (a) for a holder who is less than forty years of age, from the date the licence is issued or renewed by the Authority, for a period of the remainder of the twelve months validity of the holder's medical certificate; or
- (b) for a holder who is forty years of age or more, from the date the licence is issued or renewed by the Authority for a period of the remainder of the six months validity of the holder's medical certificate.

(8) An instrument rating is valid for a period of twelve months from the date of the initial or renewal flight test.

(9) A night rating is valid for a period of twelve months from the date of the initial issue or renewal of the rating.

(10) A flight engineer licence is valid from the date the licence is issued or renewed by the Authority for a period of the remainder of the twelve months validity of the holder's medical certificate.

(11) A flight radiotelephony operator licence is valid for a period of twentyfour months from the date of issue or renewal.

(12) A flight operation officer licence is valid for a period of twelve months from the date of issue or renewal.

(13) A cabin crew member certificate is valid for twelve months from the date of issue or renewal.

(14) An aircraft maintenance engineer licence is valid for a period of twentyfour months from the date of issue or renewal.

(15) A flight instructor rating is valid for a period of twelve months from the date of the instructor flight test or renewal.

(16) A ground instructor licence is valid for a period of twentyfour months from the date of issue or renewal.

(17) An air traffic controller licence shall, in the case of a holder who is—

- (a) less than forty years of age, be valid from the date the licence is issued or renewed for a period of the remainder of twentyfour months' validity of the holder's medical certificate; or
- (b) forty years of age or more, be valid from the date the licence is issued or renewed for a period of the remainder of twelve months' validity of the holder's medical certificate.

9. Validity of licences

(1) A holder of a licence issued under these Regulations shall not exercise the privileges granted by that licence, or by related ratings, unless the holder maintains competency and meets the requirements for recent experience established by the Authority.

(2) The Authority shall ensure that other Contracting States are able to confirm the validity of the licence.

(3) The maintenance of competency of flight crew members engaged in commercial air transport operations may be satisfactorily established by demonstration of skill during proficiency flight checks completed in accordance with these Regulations.

(4) Maintenance of competency may be satisfactorily recorded in the operator's records and in the flight crew member's personal logbook.

[Subsidiary]

(5) A flight crew member may, in lieu of maintaining competency in an aircraft, demonstrate continuing competency in synthetic flight training devices approved by the Authority.

(6) A report of medical fitness obtained in accordance with these Regulations shall be submitted to the Authority at intervals of not more than—

- (a) twenty-four months for the private pilot licence – aeroplane;
- (b) twenty-four months for the private pilot licence – helicopter or gyroplane;
- (c) twenty-four months for the private pilot licence – airship or balloon;
- (d) twenty-four months for the private pilot licence – glider;
- (e) twelve months for the commercial pilot licence – aeroplane;
- (f) twelve months for the commercial pilot licence – helicopter or gyroplane;
- (g) twelve months for the commercial pilot licence – airship or balloon;
- (h) twelve months for the commercial pilot licence – aeroplane;
- (i) twelve months for the commercial pilot licence – helicopter;
- (j) twelve months for the flight engineer licence;
- (k) twenty-four months for the air traffic controller licence; and
- (l) twelve months for the cabin crew certificate.

(7) When a holder of an airline transport pilot licence, aeroplane and helicopter has attained the age of forty years, the twelve month interval period specified in subregulation (6) shall be reduced to six months.

(8) When the holders of the licences specified in subregulation (6) have attained the age of forty years, the twentyfour month interval specified in subregulation (6) for the private pilot licence–aeroplane, helicopter, gyroplane, glider, airship, balloon and air traffic controller licence shall be reduced to twelve months and the twelve month interval specified in subregulation (6) for the commercial pilot licence – aeroplane, helicopter, gyroplane, airship and balloon shall be reduced to six months.

(9) A licence or certificate issued by the Authority shall not be valid unless the holder of the licence or certificate has signed his name on the licence or certificate in ink with the holder's ordinary signature.

10. Decrease in medical fitness

(1) A holder of licence provided for in these Regulations shall not exercise the privileges of his licence and related ratings at any time when the holder is aware of any decrease in his medical fitness which might render the holder unable to safely and properly exercise these privileges.

(2) A licence holder shall inform the Authority of confirmed pregnancy or any decrease in medical fitness of a duration of more than twenty days or which requires continued treatment with prescribed medication or which requires hospital treatment.

(3) The Authority shall suspend the medical certificate of a licence holder during any period in which the Authority becomes aware that the licence holder's medical fitness has, from any cause, decreased to an extent that would have prevented the issue or renewal of the licence holder's medical certificate.

(4) The suspension referenced in subregulation (3) shall continue until the end of the period of the decrease in medical fitness, or until the expiration of the medical certificate, whichever comes first.

[Subsidiary]

(5) A licence holder shall not exercise the privileges of his licence and related ratings during any period in which the holder's medical fitness has, from any cause, decreased to an extent that would have prevented the issue or renewal of the licence holder's medical certificate.

11. Deferral of medical examination

(1) The prescribed re-examination of a licence holder operating in an area distant from designated medical examination facilities may be deferred at the discretion of the Authority, provided that such deferment shall only be made as an exception and shall not exceed—

- (a) a single period of six months in the case of a flight crew member of an aircraft engaged in non-commercial operations;
- (b) two consecutive periods each of three months in the case of a flight crew member of an aircraft engaged in commercial operations, provided that in each case, a favourable medical report is obtained after examination by a medical examiner designated by the Contracting State in which the applicant is situated; or
- (c) a single period not exceeding twelve months in the case of a private pilot where the medical examination is carried out by an examiner designated by the Contracting State in which the applicant is situated.

(2) Where a deferral is granted under subregulation (1)(b) and (c), a report of the medical examination shall be sent to the Authority for the licence to be renewed.

12. Extension of validity of medical certificate

The period of validity of a medical certificate may be extended at the discretion of the Authority, up to forty-five days.

13. Curtailment of privileges of pilots

(1) Subject to subregulations (2) and (3) a person shall not act as a pilot-in-command of an aircraft engaged in international commercial air transport operations if that person has attained the age of sixty years.

(2) A person may act as a pilot-in-command or co-pilot of a multi-crew aircraft engaged in international commercial air transport operations when he has attained the age of sixty years and the other pilot has not attained the age of sixty years.

(3) A person shall not act as a pilot-in-command or co-pilot of an aircraft of maximum certificated take-off mass of over 5,700 kg, engaged in commercial air transport operations within Kenya if that person has attained the age of sixty-five years.

(4) A holder of a pilot licence who has attained the age of sixty-five years shall not act as a pilot of an aircraft engaged in commercial air transport operations.

**PART III – VALIDATION AND CONVERSION OF FOREIGN FLIGHT CREW
LICENCES AND RECOGNITION OF MILITARY QUALIFICATIONS**

14. Validation of licences and ratings issued on the basis of a foreign pilot or Flight Engineer licence

(1) A person who holds a current pilot licence or flight engineer licence issued by another Contracting State may apply for and may be issued a validation certificate with the appropriate ratings, if the applicant—

- (a) is not under an order of revocation or suspension by the country that issued the licence;

[Subsidiary]

- (b) holds a licence that does not contain an endorsement stating that the applicant has not met all of the standards of International Civil Aviation Organisation for that licence;
- (c) does not currently hold a pilot licence issued by the Authority;
- (d) holds a current medical certificate issued by the Contracting State that issued the licence;
- (e) demonstrates the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations; and
- (f) except as the Authority may decide otherwise passes air law, flight rules and procedures examinations.

(2) The Authority may not place upon a certificate of validation privileges beyond those granted by a foreign licence.

(3) A person who receives a certificate of validation under this regulation shall—

- (a) be limited to the privileges placed on the certificate;
- (b) be subject to the limitations and restrictions on the certificate and foreign licence when exercising the privileges of that certificate in an aircraft registered in Kenya; and
- (c) not exercise the privileges of the certificate when the person's foreign licence has been revoked or suspended.

(4) An applicant for a certificate of validation shall use only one foreign licence as a basis for obtaining a certificate of validation.

(5) An applicant for a certificate of validation shall submit to the Authority a foreign licence and medical certificate in the English language or accompanied by an English language translation that has been signed by an official or representative of the foreign aviation authority that issued the foreign licence.

(6) The Authority shall place upon a certificate of validation the foreign licence number and country of issue.

(7) The Authority may render valid a licence issued by a foreign Contracting State for use in private flights subject to passing a flight check out on the relevant class rating.

(8) Subject to subregulation (2), the certificate of validation issued by the Authority shall be valid for a maximum period of three months in the case of operations conducted by an air operator certificate holder.

(9) The Authority shall verify the authenticity of the foreign pilot licence or flight engineer licence and any ratings listed on those certificates before issuing a validation certificate or any ratings on such validation certificate.

15. Recognition of military or former military flight crew qualifications

(1) Except for a rated military, former military pilot or flight engineer who has been removed from flying status for lack of proficiency, or because of disciplinary action involving aircraft operations, a rated military, former military pilot or flight engineer who meets the requirements of this regulation may apply, on the basis of the pilot's or flight engineer's military training, for—

- (a) a private pilot licence, commercial pilot licence or flight engineer licence;
- (b) an aircraft rating in the category and class of aircraft for which that military pilot or flight engineer is qualified;
- (c) an instrument rating with the appropriate aircraft rating for which that military pilot is qualified; and

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- (d) a type rating, if appropriate.

(2) Subject to regulations 16 and 18, the Authority may issue to a rated military or former military pilot or flight engineer an aircraft category, class, or type rating to a flight crew if that flight crew presents documentary evidence that shows satisfactory accomplishment of—

- (a) a military pilot and instrument proficiency check of Kenya in the aircraft type he is rated within twelve months preceding the date of application;
- (b) at least ten hours of pilot-in-command time in that aircraft category, class, or type, if applicable, within the twelve months preceding the date of application;
- (c) a military flight engineer proficiency check in the aircraft type the flight engineer is rated within twelve months preceding the date of application; and
- (d) at least ten hours of flight time in the aircraft type the flight engineer is rated within twelve months preceding the date of application.

(3) A rated military pilot or former rated military pilot may apply for an aeroplane or helicopter instrument rating to be added to the pilot's commercial pilot licence if the pilot has, within the twelve months preceding the date of application—

- (a) passed an instrument proficiency check by the military in the aircraft category and class for the instrument rating sought; and
- (b) received authorisation from the military to conduct instrument flight rules flights on airways in that aircraft category and class for the instrument rating sought.

(4) The Authority shall issue an aircraft type rating only for aircraft types that the Authority has certified for civil operations and are registered in Kenya.

(5) The Authority may accept the following documents as satisfactory evidence of military pilot or flight engineer status—

- (a) an official identification card issued to the pilot or flight engineer by a military force to demonstrate service in the military;
- (b) an original or a copy of a certificate of discharge or release from the military;
- (c) at least one of the following—
 - (i) an order of military flight status as a military pilot or flight engineer; or
 - (ii) an order showing that the applicant graduated from a pilot or flight engineer school and received a rating as a military pilot or flight engineer;
- (d) a certified military logbook or form showing military pilot and flight engineer status and a summary to demonstrate flight time in military aircraft;
- (e) an official record of a military designation as pilot-in-command; or
- (f) an official record of satisfactory accomplishment of an instrument proficiency check within the twelve months before the date of the application.

16. Conversion of Kenya military pilots qualification

(1) A person who holds a current Kenya military pilot Category A, B, C and D qualification may apply and be issued with a private pilot licence or commercial pilot licence with the appropriate ratings, if that person—

- (a) has a licence which is not under an order of revocation or suspension;
- (b) meets the minimum flying experience under these Regulations;

- (c) holds a valid medical certificate issued by Kenya military; and
- (d) demonstrates the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations.

(2) An applicant for a pilot licence under this regulation shall submit to the Authority his personal military flying logbook or any other equivalent document that has been certified by the base commander.

(3) The applicant shall be required to have met the applicable aeronautical experience requirements for the licence or rating sought.

(4) In addition to the requirements of subregulations (1), (2) and (3) the applicant shall be required to pass—

- (a) for a commercial pilot licence—
 - (i) an examination for the Class 1 medical certificate;
 - (ii) a composite paper comprising of air law, meteorology, aircraft general knowledge, flight planning, radio aids, navigation, flight performance and planning, human performance, operational procedures, principles of flight; and
 - (iii) the initial instrument rating flight test if the rating is to be included in the licence;
- (b) for private pilot licence—
 - (i) an examination for a Class 2 medical certificate;
 - (ii) the composite paper comprising of air law, meteorology, aircraft general knowledge, flight planning, radio aids, navigation, flight performance and planning, human performance, operational procedures, principles of flight and radiotelephony knowledge and meteorology.

(5) An applicant for a commercial licence or airline transport pilot licence is not eligible for grant of a licence unless there is an aircraft rating included in either Part I or Part II of the licence for pilot-in-command or co-pilot respectively.

(6) The Authority may consider a military type rating qualification for the purpose of conversion of commercial pilot licence or airline transport pilot licence, if—

- (a) the aircraft type is endorsed and certified in the applicant's military personal logbook;
- (b) the pilot is current on the aircraft type; and
- (c) the type of aircraft is registered in Kenya.

(7) An applicant for conversion who fails the knowledge test in three consecutive attempts shall be disqualified from further testing until a period of one month has elapsed from the date on which the last test was made.

(8) The Authority shall prescribe the minimum passing grade for the knowledge test.

(9) The applicant shall be required to have passed the composite paper for conversion of a Kenya military pilot qualification within a period of six months preceding the date of the application for the licence.

17. Conversion of foreign pilot licences

(1) A person who holds a current pilot licence issued by another Contracting State may apply and be issued an equivalent licence with the appropriate ratings, if the applicant—

- (a) has a licence which is not under an order of revocation or suspension by the country that issued the licence;

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- (b) meets all the International Civil Aviation Organisation standards for that licence;
- (c) holds a valid medical certificate issued by the Contracting State that issued the licence; and
- (d) demonstrates the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations.

(2) An applicant for a pilot licence under this regulation shall submit his licence and medical certificate in the English language or accompanied by an English language translation that has been signed by an official or representative of the foreign authority that issued the licence.

(3) The applicant shall meet the applicable aeronautical experience requirements.

(4) In addition to the requirements of subregulations (1), (2) and (3), the applicant is required to pass—

- (a) for an airline transport pilot licence—
 - (i) an examination for a Class I medical certificate;
 - (ii) a composite paper comprising of air law, meteorology, aircraft general knowledge, flight planning, radio aids, navigation, flight performance and planning, human performance, operational procedures, principles of flight and radiotelephony knowledge; and
 - (iii) an initial instrument rating flight test;
- (b) for a commercial pilot licence—
 - (i) an examination for a Class 1 medical certificate;
 - (ii) the composite paper comprising of air law, meteorology, aircraft general knowledge, flight planning, radio aids, navigation, flight performance and planning, human performance, operational procedures, principles of flight and radiotelephony knowledge; and
 - (iii) the initial instrument rating flight test if the rating is to be included in the licence;
- (c) for a private pilot licence—
 - (i) an examination for a Class 2 medical certificate;
 - (ii) the composite paper comprising of air law, meteorology, aircraft general knowledge, flight planning, radio aids, navigation, flight performance and planning, human performance, operational procedures, principles of flight and radiotelephony knowledge and meteorology;
- (d) for lighter-than-air: as specified in paragraphs (b) or (c) as appropriate and an examination for a Class 2 medical certificate.

(5) An applicant for a commercial pilot licence or airline transport pilot licence shall not be eligible for grant of a licence unless there is included in the licence an aircraft type rating for either pilot-in-command or co-pilot respectively.

(6) The Authority may transfer a type rating from a foreign licence for the purpose of conversion of commercial pilot licence or airline transport pilot licence provided—

- (a) the aircraft type is endorsed on a foreign licence;
- (b) the pilot is current on the aircraft type; and
- (c) the type of aircraft is registered in Kenya.

[Subsidiary]

(7) An applicant for conversion who fails the knowledge test in three consecutive attempts shall be disqualified for further testing until a period of one month has elapsed from the date on which the last test was made.

(8) The Authority shall prescribe the minimum passing grade for the knowledge test.

(9) An applicant for conversion shall be required to have passed the composite paper for conversion of a foreign licence within a period of six months preceding the date of the application for the licence.

(10) The Authority shall verify the authenticity of the foreign licence, ratings and authorisations presented for conversion with the State of issuance.

18. Conversion of flight engineer licence

(1) A person who holds a current flight engineer licence issued by another Contracting State may apply and be issued with an equivalent licence with the appropriate ratings, if that person—

- (a) has a licence which is not under an order of revocation or suspension by the country that issued the licence;
- (b) holds a licence which meets all the International Civil Aviation Organisation standards for that licence;
- (c) holds a valid Class 1 medical certificate issued by the Contracting State that issued the licence; and
- (d) demonstrates the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations.

(2) An applicant for a flight engineer licence pursuant to this regulation shall submit the licence and medical certificate in the English language or accompanied by an English language translation that has been signed by an official or representative of the foreign authority that issued that licence.

(3) The applicant shall meet the applicable aeronautical experience requirements.

(4) In addition to the requirements of subregulations (1), (2) and (3) the applicant shall be required to pass—

- (i) an examination for a Class 1 medical certificate; and
- (ii) the composite paper comprising of Kenya air law, meteorology, aircraft general knowledge, flight performance and planning, human performance, operational procedures, principles of flight and radiotelephony.

(5) The Authority may transfer a type rating from a foreign licence for the purpose of conversion of flight engineer licence if—

- (a) the aircraft type is endorsed on a foreign licence;
- (b) the flight engineer is current on the aircraft type; and
- (c) the type of aircraft is registered in Kenya.

(6) The applicant for conversion who fails the knowledge test on three consecutive attempts shall be disqualified from further testing until a period of one month has elapsed from the date on which the last test was made.

(7) The Authority shall prescribe the minimum passing grade for the knowledge test.

(8) The applicant shall be required to have passed the composite paper for conversion of a foreign licence within a period of six months preceding the date of the application for the licence.

[Subsidiary]

(9) The Authority shall verify the authenticity of the foreign licence, ratings and authorisations presented for conversion with the State of issuance.

**PART IV – VALIDATION, CONVERSION OF FOREIGN AIRCRAFT MAINTENANCE
ENGINEER LICENCES AND RATINGS AND RECOGNITION OF ENGINEER
MILITARY QUALIFICATIONS**

19. Validation of aircraft maintenance engineer licence

(1) A person who holds a current and valid aircraft maintenance engineer licence issued by another Contracting State may apply for and may be issued a certificate of validation with the appropriate rating, if the applicant—

- (a) holds a licence which is not under an order of revocation or suspension by the country that issued the licence;
- (b) holds a licence that does not contain an endorsement stating that the applicant has not met all of the standards of International Civil Aviation Organisation for that licence;
- (c) does not currently hold a licence issued by the Authority; and
- (d) demonstrates the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations.

(2) The Authority may place upon a certificate of validation privileges not beyond those granted by a foreign licence.

(3) A person who receives a certificate of validation under this regulation shall—

- (a) be limited to the privileges placed on the certificate;
- (b) be subject to the limitations and restrictions on the certificate and the foreign aircraft maintenance engineer licence when exercising the privileges of that certificate on an aircraft registered in Kenya; and
- (c) not exercise the privileges of the certificate when the person's foreign licence has been revoked or suspended.

(4) An applicant for a certificate of validation shall present to the Authority the foreign licence and evidence of the experience required by presenting a valid record.

(5) The certificate of validation shall be valid for a maximum of six months, provided the foreign licence or in the case of a continuing licence, the rating remains valid.

(6) An applicant for a certificate of validation shall, unless decided otherwise by the Authority—

- (a) complete a skill test for the relevant ratings in the licence to be validated, relevant to the privileges of the licence held;
- (b) demonstrate to the satisfaction of the Authority the knowledge, relevant to the licence to be validated, of air law; and
- (c) demonstrate to the satisfaction of the Authority the knowledge, relevant to the licence to be validated of—
 - (i) relevant aircraft maintenance principles; and
 - (ii) human performance.

(7) The Authority shall verify the authenticity of the foreign licence, ratings and authorisations presented for validation with the State of issuance.

20. Conversion of foreign aircraft maintenance engineer licence

(1) A person who holds a current aircraft maintenance engineer licence issued by another Contracting State may apply and be issued an equivalent licence with the appropriate ratings, if the applicant—

- (a) has a licence which is not under an order of revocation or suspension by the country that issued the licence;
- (b) holds a licence which meets all the International Civil Aviation Organisation standards for that licence;
- (c) is able to read, speak, write and understand the English language.

(2) An applicant for an aircraft maintenance engineer licence shall submit the licence in the English language or accompanied by an English language translation that has been signed by an official or representative of the foreign authority that issued the licence.

(3) The applicant shall meet the applicable aeronautical experience requirements specified under these Regulations.

(4) In addition to the requirements of subregulations (1), (2) and (3) the applicant shall pass a knowledge test in—

- (a) air law; and
- (b) a composite paper comprising of subjects required for initial issue of a category and rating sought.

(5) The Authority may transfer a type rating from a foreign licence for the purpose of conversion of an aircraft maintenance engineer licence if—

- (a) the aircraft type is endorsed on a foreign licence;
- (b) that applicant is current on the aircraft type; and
- (c) the type of aircraft is registered in Kenya.

(6) An applicant for conversion who fails the knowledge test shall be disqualified from further testing until after a proven practical experience of one month is gained.

(7) The Authority shall prescribe the minimum passing grade for the knowledge test.

(8) An applicant shall be required to have passed the air law and composite paper for conversion of a foreign licence within a period of six months preceding the date of the application for the licence.

(9) The Authority shall verify the authenticity of the foreign licence, ratings and authorisations presented for conversion with the State of issue.

21. Recognition of military aircraft maintenance personnel qualifications

(1) Military aircraft maintenance personnel may apply to the Authority for issue of an aircraft maintenance engineer licence without type rating on the basis of his military qualifications.

(2) The application shall be accompanied by—

- (a) a certificate of discharge from military service;
- (b) evidence of experience of six years in aircraft maintenance of which six months of recency experience must have been acquired within the twelve months preceding the application; and
- (c) a certificate, diploma or such other document showing proof of training in aircraft maintenance.

[Subsidiary]

(3) If the Authority is satisfied that the applicant meets the conditions in subregulation (2), the Authority shall require the applicant to demonstrate the knowledge and skill requirements for an aircraft maintenance engineer licence stipulated in these Regulations.

**PART V – GENERAL REQUIREMENTS: TESTING AND TRAINING FOR PILOT
LICENCES, RATING AND AUTHORISATIONS**

22. Knowledge test, prerequisites and passing grades

(1) An applicant for a knowledge test shall have—

- (a) received an endorsement from an authorised instructor certifying that the applicant has accomplished a ground-training required by these Regulations for the licence or rating sought and is prepared for the knowledge test; and
- (b) proper identification at the time of taking the test that includes the applicant's—
 - (i) photograph;
 - (ii) name;
 - (iii) signature;
 - (iv) date of birth, which shows that the applicant meets or will meet the age requirements of these Regulations for the licence sought before the expiry date of the applicant's knowledge test report; and
 - (v) mailing address.

(2) The Authority shall specify the minimum passing grade for the knowledge test.

(3) The validity of the knowledge test results for an applicant for a pilot licence shall be as follows—

- (a) for private pilot licence – six months after passing the test;
- (b) for commercial pilot licence – eighteen months after passing the test; and
- (c) for airline transport pilot licence – five years after passing the test.

23. Practical tests, prerequisites for flight crew

(1) To be eligible for a practical test, an applicant shall meet all applicable requirements for the licence or rating sought.

(2) If an applicant for a practical test does not—

- (a) complete all increments of a practical test for a licence or rating in one day, that applicant shall complete all remaining increments of the test not more than sixty days after that date; and
- (b) satisfactorily complete all increments of the practical test for a licence or a rating within sixty days after beginning the test, that applicant shall retake the entire practical test, including those increments satisfactorily completed.

(3) Except as provided in subregulation (4), to be eligible for a practical test for a licence or rating issued under these Regulations, an applicant for a practical test shall—

- (a) pass the required knowledge test for the type rating within six months preceding the month the applicant completes the practical test;
- (b) present the knowledge test report at the time of application for the practical test, if a knowledge test is required;
- (c) have satisfactorily accomplished the required training and obtained the aeronautical experience prescribed by these Regulations for the licence or rating sought;

[Subsidiary]

- (d) meet the prescribed age requirement of these Regulations for the issue of the licence or rating sought; and
 - (e) have an endorsement in the applicant's logbook or training record that has been signed by an authorised instructor who certifies that the applicant—
 - (i) has received and logged training time within sixty days preceding the date of application in preparation for the practical test;
 - (ii) is prepared for the required practical test; and
 - (iii) has demonstrated satisfactory knowledge of the subject areas in which the applicant was deficient on the knowledge test.
- (4) An applicant for an airline transport pilot licence may take the practical test for that licence within two years of the expiration of a knowledge test, provided the applicant—
- (a) has been continuously employed as a flight crew member by an air operator certificate holder from the time the knowledge test expired; and
 - (b) has satisfactorily accomplished that air operator certificate holder's approved—
 - (i) pilot-in-command aircraft qualification training programme that is appropriate to the licence; and
 - (ii) qualification training requirements appropriate to the licence and rating sought.

24. Practical tests, general requirements for flight crew

(1) The ability of an applicant for a practical test to hold a pilot licence or rating shall be determined based upon the applicant's ability to safely, during a practical test—

- (a) perform the tasks specified in the areas of operation for the licence or rating sought within the prescribed standards;
- (b) demonstrate mastery of the aircraft with the successful outcome of each task regarding—
 - (i) private pilot licence and commercial pilot licence licence tests; and
 - (ii) airline transport pilot licence and aircraft type rating tests;
- (c) demonstrate sound judgment; and
- (d) demonstrate single-pilot competence if the aircraft is type certified for single-pilot operations.

(2) An applicant who fails to demonstrate competence in any area of operation shall have failed the practical test and is not eligible for a licence or rating sought.

(3) The examiner or the applicant may discontinue a practical test at any time—

- (a) when the applicant fails in one or more of the areas of operation; or
- (b) due to inclement weather conditions, aircraft airworthiness concerns or any other safety-of-flight concern.

(4) If a practical test is discontinued, the Authority may give the applicant credit for those areas of operation already passed, but only if the applicant—

- (a) passes the remainder of the practical test within the sixty-day period after the date the practical test was begun;
- (b) presents to the examiner for the retest the original test report or the discontinuance form prescribed by the Authority as appropriate; and
- (c) satisfactorily accomplishes any additional training needed and obtains the appropriate instructor endorsements, if additional training is required.

[Subsidiary]

(5) The validity of the practical test results for applicants for a pilot licence and type rating shall be six months after passing the test.

25. Practical tests, required aircraft and equipment

(1) Except when permitted to accomplish the entire flight increment of the practical test in an approved synthetic flight trainer, an applicant for a licence or rating issued under these Regulations shall provide an aircraft registered in Kenya for each required test that—

- (i) is of the category, class, and type, applicable to the licence or rating sought; and
- (ii) has a certificate of airworthiness.

(2) An applicant for a practical test shall use an aircraft that has—

- (a) the equipment for each area of operation required for the practical test;
- (b) no prescribed operating limitations that prohibit the aircraft's use in any of the areas of operation required for the practical test;
- (c) except as provided in subregulation (5), at least two pilot stations with adequate visibility for each person to operate the aircraft safely; and
- (d) cockpit and outside visibility adequate to evaluate the performance of the applicant when an additional jump seat is provided for the examiner.

(3) An applicant for a practical test shall use an aircraft, other than a lighter-than-air aircraft, that has engine power controls and flight controls that are easily reached and operable in a conventional manner by both pilots, unless the examiner determines that the practical test can be conducted safely in the aircraft without the controls being easily reached.

(4) An applicant for a practical test that involves manoeuvring an aircraft solely by reference to instruments shall provide an aircraft with—

- (a) an equipment that permits the applicant to pass the areas of operation that apply to the rating sought; and
- (b) a device that prevents the applicant from having visual reference outside the aircraft, but does not prevent the examiner from having visual reference outside the aircraft, and is otherwise acceptable to the Authority.

(5) An applicant may complete a practical test in an aircraft having a single set of controls, if—

- (a) the examiner agrees to conduct the test;
- (b) the test does not involve a demonstration of instrument skills; and
- (c) the proficiency of the applicant can be observed by an examiner who is in a position to observe the applicant.

26. Retesting after failure

(1) An applicant for a knowledge or practical test who fails that test may reapply for the test only after the applicant has received—

- (a) the necessary training from an authorised instructor who has determined that the applicant is proficient to pass the test; and
- (b) an endorsement from an authorised instructor who gave the applicant the additional training.

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(2) An applicant for a flight instructor licence with an aeroplane category rating or, for a flight instructor licence with a glider category rating, who has failed the practical test due to deficiencies in instructional proficiency on stall awareness, spin entry, spins, or spin recovery shall—

- (a) comply with the requirements of subregulation (1) before being retested;
- (b) bring to the retest an aircraft that is of the appropriate aircraft category for the rating sought and is certified for spins; and
- (c) demonstrate satisfactory instructional proficiency on stall awareness, spin entry, spins, and spin recovery to an examiner during the retest.

27. Records of training time

(1) A person who trains under these Regulations shall document and record the following time in a manner acceptable to the Authority—

- (a) training and aeronautical experience used to meet the requirements for a licence, rating, qualification, or authorisation of these Regulations; and
- (b) the aeronautical experience required to show recent flight experience requirements of these Regulations.

(2) For the purposes of meeting the requirements of these Regulations, a person shall enter the following information for each flight or lesson logged—

- (a) general—
 - (i) date;
 - (ii) total flight time;
 - (iii) location where the aircraft departed and arrived, or for lessons in an approved synthetic flight trainer, the location where the lesson occurred;
 - (iv) type and identification of aircraft or approved synthetic flight trainer, as appropriate;
 - (v) the name of a safety pilot, if required by the Civil Aviation (Operation of Aircraft) Regulations; and
 - (vi) the name of the authorised instructor if required;
- (b) type of pilot experience or training—
 - (i) solo;
 - (ii) pilot-in-command;
 - (iii) pilot-in-command under supervision;
 - (iv) co-pilot;
 - (v) flight and ground training received from an authorised instructor; and
 - (vi) training received in an approved synthetic flight trainer from an authorised instructor;
- (c) conditions of flight—
 - (i) day or night;
 - (ii) actual instrument; and
 - (iii) simulated instrument conditions in flight or in an approved synthetic flight trainer.

(3) The pilot time described in this regulation may be used to—

- (a) apply for a licence or rating issued under these Regulations; or
- (b) satisfy the recent flight experience requirements of the Civil Aviation (Operation of Aircraft) Regulations.

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(4) Except for a student pilot acting as pilot-in-command of an airship requiring more than one flight crew member, a pilot may log as a solo flight time only that flight time when the pilot is the sole occupant of the aircraft.

(5) A private or commercial pilot may log pilot-in-command time only for that flight time during which that person is—

- (a) the sole manipulator of the controls of an aircraft for which the pilot is rated; or
- (b) acting as pilot-in-command of an aircraft on which more than one pilot is required; or
- (c) a sole occupant.

(6) An airline transport pilot may log as pilot-in-command time all of the flight time while acting as pilot-in-command of an operation requiring an airline transport pilot licence.

(7) An authorised instructor may log as pilot-in-command time all flight time while acting as an authorised instructor.

(8) A student pilot may log pilot-in-command time when that student pilot—

- (a) is the sole occupant of the aircraft; and
- (b) is undergoing training for a pilot licence or rating.

(9) A person may log co-pilot flight time only for that flight time during which that person—

- (a) is qualified in accordance with the co-pilot requirements of the Civil Aviation (Operation of Aircraft) Regulations, and occupies a crew member station in an aircraft that requires more than one pilot by the aircraft's type certificate; or
- (b) holds the appropriate category, class and instrument rating if an instrument rating is required for the flight, for the aircraft being flown, and more than one pilot is required under the type certification of aircraft.

(10) A person may log instrument flight time only for that flight time when that person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions.

(11) An authorised instructor may log instrument flight time when conducting instrument flight instruction in actual instrument flight conditions.

(12) For the purposes of logging instrument flight time to meet the recent instrument experience requirements of the Civil Aviation (Operation of Aircraft) Regulations, the following information shall be recorded in a person's logbook—

- (i) the location and type of each instrument approach accomplished; and
- (ii) the name of the safety pilot, if required.

(13) A person may be used by an approved synthetic flight trainer to log instrument flight time, provided an authorised instructor is present during the simulated flight.

(14) A person may log training time when that person receives training from an authorised instructor in an aircraft or in an approved synthetic flight trainer.

(15) The training time shall be logged in a logbook and shall—

- (a) be endorsed in a legible manner by the authorised instructor; and
- (b) include a description of the training given, the length of the training lesson, and the instructor's signature, licence number and licence expiry date.

28. Limitations on the use of synthetic flight trainer

A person shall not receive credit for use of any synthetic flight trainer for satisfying any training testing, or checking requirement of this regulation unless the synthetic flight trainer is approved by the Authority for—

- (a) training, testing and checking for which it is used;
- (b) each particular manoeuvre, procedure or crew member function performed; and
- (c) the representation of the specific category and class of aircraft, type of aircraft, particular variation within the type of aircraft or set of aircraft for certain flight training devices.

29. Use of synthetic flight trainers for demonstrations of skill

(1) A synthetic flight trainer used for performing any manoeuvre required during the demonstration of skill for the issue of a flight crew licence or rating shall be approved by the Authority to ensure that the synthetic flight trainer used is appropriate to the task.

(2) To maintain the competence required by these Regulations, a flight crew member, may demonstrate his skills during proficiency flight checks in a synthetic flight trainer approved under subregulation (1).

30. General requirements for pilot licences, ratings and authorisations

(1) The Authority may issue to an applicant who cannot comply with certain eligibility requirements or areas of operations required for the issue of a licence because of physical limitations, or for other reasons, a licence, rating, or authorisation with appropriate limitations for operations only within Kenya if—

- (a) the applicant is able to meet all other certification requirements for the licence, rating, or authorisation sought;
- (b) physical limitation, if any, has been recorded with the Authority on the applicant's medical records; and
- (c) the Authority determines that the applicant's inability to perform the particular area of operation shall not adversely affect safety.

(2) The Authority may remove a limitation placed on a person's licence if that person demonstrates to an examiner or inspector satisfactory proficiency in the area of operation to which the limitation applies, or otherwise shows compliance with conditions to remove the limitation, as applicable.

(3) A person shall not act as the pilot-in-command of an aircraft unless that person holds the appropriate category, class and type rating, if a class rating and type rating is required for the aircraft to be flown, except where the pilot is receiving training for the purpose of obtaining an additional pilot licence or rating while under the supervision of an authorised instructor.

(4) A person shall not act as a pilot of an aircraft that is carrying another person, or is operated for compensation or hire, unless that pilot holds a category, class, and type rating that applies to the aircraft.

(5) Subregulation (4) does not require a category and class rating for an aircraft not type certified as an aeroplane, rotorcraft, glider, or lighter-than-air aircraft.

(6) A person shall not act as pilot-in-command of a complex aircraft, high-performance aircraft, or a pressurised aircraft capable of flying 25,000 feet above mean sea level, or an aircraft that the Authority has determined requires aircraft type specific training unless the person has—

- (a) received and logged ground and flight training from an authorised instructor in the applicable aircraft type, or in an approved synthetic flight trainer that

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is a representative of that aircraft, and has been found proficient in the operation and systems of that aircraft; and

- (b) received an endorsement in the pilot's logbook from an authorised instructor who certifies the person is proficient to operate that aircraft.

(7) A person shall not act as pilot-in-command of a tailwheel aeroplane unless that person has—

- (a) received and logged flight training from an authorised instructor in a tailwheel aeroplane on the manoeuvres and procedures specified in paragraph (b); and
- (b) received an endorsement in the person's logbook from an authorised instructor who is satisfied that the person is proficient in the operation of a tailwheel aeroplane, to include at least normal and crosswind takeoffs and landings, wheel landings (unless the manufacturer has recommended against such landings), and go around procedures.

PART VI – PILOT LICENCES

Student Pilot Licence

31. Eligibility requirements for student pilot licence

(1) To be eligible to receive and log flight instructions, a person must be in possession of a valid student pilot licence.

(2) To be eligible for issue of a student pilot licence, an applicant shall—

- (a) be at least seventeen years of age for a licence other than the operation of a glider, airship or balloon;
- (b) be at least sixteen years of age for the operation of a glider or balloon;
- (c) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations; and
- (d) be in possession of a valid Class 2 medical certificate issued under these Regulations.

32. Solo flight requirements

(1) A holder of a student pilot licence shall not operate an aircraft in a first solo flight unless that student has met the requirements of this regulation.

(2) A student pilot shall pass an aeronautical knowledge test on the following subjects—

- (a) applicable sections of these Regulations and the Civil Aviation (Operation of Aircraft) Regulations;
- (b) airspace structure and procedures for the airport where the student will perform solo flight; and
- (c) flight characteristics and operational limitations for the make and model of aircraft to be flown.

(3) The student's authorised instructor shall—

- (a) administer the test; and
- (b) at the conclusion of the test, review all incorrect answers with the student before authorising that student to conduct a solo flight.

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(4) Prior to conducting a solo flight, a student pilot shall have—

- (a) received and logged flight training for the manoeuvres and procedures of this regulation that are appropriate to the make and model of aircraft to be flown; and
- (b) demonstrated satisfactory proficiency and safety, as judged by an authorised instructor, on the manoeuvres and procedures required by this regulation in the make and model of aircraft or similar make and model of aircraft to be flown.

(5) A student pilot who is receiving training for solo flight shall receive and log flight training for the required manoeuvres and procedures, including the following as applicable, for each category and class rating—

- (a) proper flight preparation procedures, including preflight planning and preparation, engine operation, and aircraft systems;
- (b) taxiing or surface operations, including run-ups;
- (c) takeoffs and landings, including normal and crosswind;
- (d) straight and level flight, and turns in both directions;
- (e) climbs and climbing turns;
- (f) airport traffic patterns;
- (g) radio telephony, airport entry and departure procedures;
- (h) collision avoidance, windshear avoidance, and wake turbulence avoidance;
- (i) descents, with and without turns, using high and low drag configurations;
- (j) flight at various airspeeds from cruise to slow flight;
- (k) stall entries from various flight attitudes and power combinations with recovery initiated at the first indication of a stall, and recovery from a full stall;
- (l) emergency procedures and equipment malfunctions;
- (m) ground reference manoeuvres;
- (n) approaches to a landing area with simulated engine malfunctions;
- (o) slips to a landing; and
- (p) go-arounds.

(6) A holder of student pilot licence who is receiving training for solo flight shall receive and log flight training for the following additional manoeuvres and procedures, as applicable, as indicated for each category and class rating—

- (a) in a multiengine aeroplane—
 - (i) proper flight preparation procedures, including pre-flight planning and preparation, powerplant operation, and aircraft systems;
 - (ii) taxiing or surface operations, including runups;
 - (iii) takeoffs and landings, including normal and crosswind;
 - (iv) straight and level flight, and turns in both directions;
 - (v) climbs and climbing turns;
 - (vi) airport traffic patterns, including entry and departure procedures;
 - (vii) collision avoidance, windshear avoidance, and wake turbulence avoidance;
 - (viii) descents, with and without turns, using high and low drag configurations;
 - (ix) flight at various airspeeds from cruise to slow flight;

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- (x) stall entries from various flight attitudes and power combinations with recovery initiated at the first indication of a stall, and recovery from a full stall;
- (xi) emergency procedures and equipment malfunctions;
- (xii) ground reference manoeuvres;
- (xiii) approaches to a landing area with simulated engine malfunctions; and
- (xiv) go-arounds;
- (b) in a helicopter—
 - (i) approaches to the landing area;
 - (ii) hovering and hovering turns;
 - (iii) simulated emergency procedures, including autorotational descents with a power recovery and power recovery to a hover;
 - (iv) rapid decelerations; and
 - (v) simulated one-engine-inoperative approaches and landings for multiengine helicopter;
- (c) in a gyroplane—
 - (i) approaches to the landing area;
 - (ii) high rates of descent with power on and with simulated power off, and recovery from those flight configurations; and
 - (iii) simulated emergency procedures, including simulated power-off landings and simulated power failure during departures;
- (d) in a glider—
 - (i) the applicable manoeuvres and procedures shown in paragraph (a);
 - (ii) launches, including normal and crosswind;
 - (iii) inspection of towline rigging and review of signals and release procedures;
 - (iv) aerotow, ground tow, or self-launch procedures;
 - (v) procedures for disassembly and assembly of the glider;
 - (vi) slips to a landing;
 - (vii) procedures and techniques for thermalling; and
 - (viii) emergency operations, including towline break procedures;
- (e) in an airship—
 - (i) rigging, ballasting, and controlling pressure in the ballonets, and superheating; and
 - (ii) landings with positive and with negative static trim;
- (f) in a balloon—
 - (i) layout and assembly procedures;
 - (ii) ascents and descents;
 - (iii) landing and recovery procedures;
 - (iv) operation of hot air or gas source, ballast, valves, vents, and rip panels, as appropriate;
 - (v) use of deflation valves or rip panels for simulating an emergency;
 - (vi) the effects of wind on climb and approach angles; and
 - (vii) obstruction detection and avoidance techniques.

33. Privileges and limitations of student pilot licence

(1) A holder of a student pilot licence shall be entitled to fly as a pilot-in-command of an aircraft for the purpose of becoming qualified for a grant or renewal of a pilot's licence.

(2) A holder of a student pilot licence shall not act as pilot-in-command of an aircraft—

- (a) that is carrying a passenger;
- (b) that is carrying property for compensation or hire;
- (c) that is operated for compensation or hire;
- (d) in furtherance of a business;
- (e) on an international flight;
- (f) when the flight cannot be made under visual meteorological conditions as specified under the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations; or
- (g) in a manner contrary to any limitations placed in the pilot's logbook by an authorised instructor.

(3) A holder of a student pilot licence shall not act as a required flight crew member on any aircraft for which more than one pilot is required by the aircraft type certificate or by these Regulations under which the flight is conducted, except when receiving flight training from an authorised instructor on board an airship, and no person other than a required flight crew member is carried on the airship.

(4) A holder of a student pilot licence shall not operate an aircraft in solo flight unless that student pilot has received within the ninety days preceding the date of the flight an endorsement made in the student's logbook from an authorised instructor for the specific make and model of aircraft to be flown.

(5) A holder of a student pilot licence shall not act as a pilot-in-command of an aircraft unless his logbook has been endorsed by an authorised instructor that he is capable of communicating with air traffic control on radiotelephony.

34. Solo flight cross-country requirements

(1) Except as provided in subregulation (4), a holder of a student pilot licence shall meet the requirements of this regulation before—

- (a) conducting a solo cross-country flight, or any flight greater than twentyfive nautical miles from the airport from where the flight originated; or
- (b) making a solo flight and landing at any location other than the airport of origin.

(2) Except as provided in subregulation (4), a student pilot who seeks solo cross-country flight privileges shall—

- (a) have received flight training from an authorised instructor on the manoeuvres and procedures required by this regulation that are appropriate to the make and model of aircraft for which solo cross-country privileges are sought;
- (b) have demonstrated cross-country proficiency on the appropriate manoeuvres and procedures required by this regulation to an authorised instructor;
- (c) have satisfactorily accomplished the pre-solo flight manoeuvres and procedures required by this regulation in the make and model of aircraft or similar make and model of aircraft for which solo cross-country privileges are sought; and

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- (d) comply with any limitations included in the instructor's endorsement that are required by subregulation (5).

(3) A holder of a student pilot licence who seeks solo cross-country flight privileges must have received ground and flight training from an authorised instructor on the cross-country manoeuvres and procedures listed in this regulation that are appropriate to the aircraft to be flown.

(4) A student pilot shall obtain an endorsement from an authorised instructor to make solo flights, subject to the following conditions—

- (a) a student pilot may make solo flights to another airport that is within twenty-five nautical miles from the airport where the student pilot normally receives training if—
 - (i) the authorised instructor who makes the endorsement gave the student pilot flight training at the other airport, and that training included flight in both directions over the route, entering and exiting the traffic pattern, and takeoffs and landings at the other airport;
 - (ii) the student pilot has a current solo flight endorsement in accordance with these Regulations;
 - (iii) the instructor has determined that the student pilot is proficient to make the flight; and
 - (iv) the purpose of the flight is to practice takeoffs and landings at that other airport;
- (b) a student pilot may make repeated specific solo cross-country flights to another airport that is within fifty nautical miles of the airport from which the flight originated, if—
 - (i) the authorised instructor who gave the endorsement gave the student flight training in both directions over the route, including entering and exiting the traffic patterns, takeoffs, and landings at the airport to be used;
 - (ii) the student has current solo flight endorsements in accordance with these Regulations, and
 - (iii) the student has a current solo cross-country flight endorsement in accordance with subregulation (5), except that separate endorsements are not required for each flight made under this paragraph.

(5) Except as specified in subregulation (4) (b), a student pilot shall have a solo cross-country endorsement placed in the student pilot's logbook by the authorised instructor who conducted the training for each make and model aircraft the student will fly on each cross-country flight.

(6) A student pilot who is receiving training for cross-country flight shall receive and log flight training in the following manoeuvres and procedures—

- (a) in an aeroplane or rotorcraft—
 - (i) use of aeronautical charts for visual flight rules navigation using pilotage and dead reckoning with the aid of a magnetic compass;
 - (ii) use of aircraft performance charts pertaining to cross-country flight;
 - (iii) procurement and analysis of aeronautical weather reports and forecasts, including recognition of critical weather situations and estimating visibility while in flight;
 - (iv) recognition, avoidance, and operational restrictions of hazardous terrain features in the geographical area where the student pilot will conduct cross-country flight;

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- (v) use of radios for visual flight rules navigation and two-way communications;
- (vi) climbs at best angle and best rate; and
- (vii) control and manoeuvring solely by reference to flight instruments, including straight and level flight, turns, descents, climbs, use of radio aids, and air traffic control clearances;
- (b) in a glider—
 - (i) the manoeuvres and procedure specified in paragraph (6)(a), as applicable;
 - (ii) landings accomplished without the use of the altimeter from at least two thousand feet above the surface; and
 - (iii) recognition of weather and upper air conditions favourable for cross-country soaring, ascending flight, descending flight, and altitude control;
- (c) in an airship—
 - (i) the manoeuvres and procedures specified in paragraph (6)(a), as applicable;
 - (ii) control of air pressure with regard to ascending and descending flight and altitude control;
 - (iii) control of the airship solely by reference to flight instruments; and
 - (iv) recognition of weather and upper air conditions conducive for the direction of cross-country flight.

35. Renewal requirements for student pilot licence

A holder of a student pilot licence may apply for renewal of the licence if the holder has passed a Class II medical examination.

*Private Pilot Licence***36. Eligibility requirements**

An applicant for a private pilot licence shall—

- (a) be at least seventeen years of age for a licence other than the operation of glider or balloon;
- (b) be at least sixteen years of age for a licence in a glider or balloon;
- (c) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
- (d) receive an endorsement for the knowledge test from an authorised instructor who—
 - (i) conducted the training on the aeronautical knowledge areas listed in regulation 37, that apply to the aircraft category sought; and
 - (ii) certified that the person is prepared for the required knowledge test;
- (e) be in possession of a valid Class 2 medical certificate issued under these Regulations;
- (f) pass the required knowledge test on the aeronautical knowledge areas listed in regulation 37;

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- (g) receive flight training and a logbook endorsement from an authorised instructor who—
 - (i) conducted the training in the areas of operation listed in regulation 38, that apply to the aircraft category and class rating sought; and
 - (ii) certified that the person is prepared for the required practical test;
- (h) meet the aeronautical experience requirements of this Part that apply to the aircraft category and class rating sought before applying for the practical test;
- (i) pass a practical test on the areas of operation listed in regulation 38 that apply to the aircraft category and class rating sought; and
- (j) comply with the appropriate provisions of these Regulations that apply to the aircraft category and class rating sought.

37. Aeronautical knowledge requirement for private pilot licence

(1) Subject to subregulation (2) an applicant for a private pilot licence shall receive and log ground training from an authorised instructor on the aeronautical knowledge areas that apply to the aircraft category and class rating sought.

(2) The aeronautical knowledge areas applicable to any relevant aeroplane category and class rating shall be as follows—

- (a) air law: rules and regulations relevant to the holder of a private pilot licence, rules of the air, appropriate air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) principles of operation of aircraft powerplants, systems and instruments; and
 - (ii) operating limitations of aircraft and powerplants; relevant operational information from the flight manual or other appropriate document.
- (c) flight performance and planning—
 - (i) effects of loading and mass distribution on flight characteristics; mass and balance calculations;
 - (ii) use and practical application of take-off, landing and other performance data;
 - (iii) pre-flight and en-route flight planning appropriate to private operations under visual flight rules; preparation and filing of air traffic services flight plans; appropriate air traffic services procedures; position reporting procedures; altimeter setting procedures; operations in areas of high-density traffic;
- (d) human performance, human performance relevant to the private pilot licence;
- (e) meteorology: application of elementary aeronautical meteorology, use of, and procedures for obtaining, meteorological information, altimetry;
- (f) navigation: practical aspects of air navigation and dead-reckoning techniques; use of aeronautical charts;
- (g) operational procedures—
 - (i) use of aeronautical documentation such as Aeronautical Information publication, Notice to Airmen, aeronautical codes and abbreviations;
 - (ii) appropriate precautionary and emergency procedures, including action to be taken to avoid hazardous weather, wake turbulence and other operating hazards;

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- (h) principles of flight: principles of flight relating to aircraft;
- (i) radiotelephony: radiotelephony procedures and phraseology as applied to visual flight rules operations and action to be taken in case of communication failure.

(3) The aeronautical knowledge areas applicable to any relevant rotorcraft category and class rating shall include all areas covered under subregulation (2) and settling with power, ground resonance, roll over and other operating hazards.

(4) The aeronautical knowledge areas applicable to any relevant lighter-than-air category and class rating shall be as follows—

- (a) air law rules and regulations relevant to the holder of a lighter-than-air category, rules of the air, appropriate air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) principles of operation of lighter-than-air aircraft category systems and instruments;
 - (ii) operating limitations of lighter-than-air aircraft category relevant operational information from the flight manual or other appropriate document; and
 - (iii) physical properties and practical application of gases used in lighter-than-air aircraft category;
- (c) flight performance and planning—
 - (i) effects of loading on flight characteristics; mass and balance calculations;
 - (ii) use and practical application of launching, landing and other performance data, including the effect of temperature; and
 - (iii) pre-flight and en-route flight planning appropriate to operations under visual flight rules, appropriate air traffic services procedures; altimeter setting procedures and operations in areas of high-density traffic;
- (d) human performance: human performance relevant to lighter-than-air aircraft category pilot;
- (e) meteorology: application of elementary aeronautical meteorology, use of, and procedures for obtaining meteorological information and altimetry;
- (f) navigation: practical aspects of air navigation and dead-reckoning techniques and use of aeronautical charts;
- (g) operational procedures—
 - (i) use of aeronautical documentation such as Aeronautical Information publication, Notice to Airmen, aeronautical codes and abbreviations; and
 - (ii) appropriate precautionary and emergency procedures, including action to be taken to avoid hazardous weather, wake turbulence and other operating hazards;
- (h) principles of flight: principles of flight relating to lighter-than-air aircraft category.

38. Flight instruction requirements for private pilot licence

An applicant for a private pilot licence shall receive and log ground and flight training from an authorised instructor on the following areas of operation—

- (a) for all categories and class ratings, as applicable—
 - (i) pre-flight operations, including mass and balance determination, aeroplane inspection and servicing;

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- (ii) aerodrome and traffic pattern operations, collision avoidance precautions and procedures;
 - (iii) control of the aeroplane by external visual reference;
 - (iv) flight at critically slow airspeeds, recognition of, and recovery from, incipient and full stalls;
 - (v) flight at critically high airspeeds, recognition of, and recovery from, spiral dives;
 - (vi) normal and cross-wind take-offs and landings;
 - (vii) maximum performance (shortfield and obstacle clearance) take-offs and short-field landings;
 - (viii) flight by reference solely to instruments, including the completion of a level 180° turn;
 - (ix) cross-country flying using visual reference, dead reckoning and, where available, radio navigation aids;
 - (x) emergency operations, including simulated aeroplane equipment malfunctions; and
 - (xi) operations to, from and transiting controlled aerodromes, compliance with air traffic services procedures, radiotelephony procedures and phraseology;
- (b) for aeroplane category rating, with a multi-engine class rating the areas covered in paragraph (a) and in addition the following requirements—
- (i) emergency operations; including the applicant's knowledge and performance of the following tasks—
 - (aa) emergency descent;
 - (bb) engine failure during take-off before V_{mc};
 - (cc) engine failure after lift-off (simulated);
 - (dd) approach and landing with an inoperative engine (simulated); and
 - (ii) multi-engine operations; including the applicant's knowledge and performance of the following tasks—
 - (aa) manoeuvring with one engine inoperative;
 - (bb) V_{mc} demonstration; and
 - (cc) engine failure during flight (by reference to instruments);
- (c) for rotorcraft category rating with a helicopter class rating the areas covered in paragraph (a) and in addition the following—
- (i) control of the helicopter by external visual reference;
 - (ii) recovery at the incipient stage from settling with power; recovery techniques from low-rotor rpm within the normal range of engine rpm;
 - (iii) ground manoeuvring and run-ups; hovering; take-offs and landings, normal, out of wind and sloping ground;
 - (iv) take-offs and landings with minimum necessary power; maximum performance take-off and landing techniques; restricted site operations; quick stops;
 - (v) cross-country flying using visual reference, dead reckoning and, where available, radio navigation aids, including a flight of at least one hour; and
 - (vi) emergency operations, including simulated helicopter equipment malfunctions; autorotative approach and landing; and

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- (d) for rotorcraft category rating with a gyroplane class rating the areas covered in paragraph (a) and in addition flight at slow airspeeds;
- (e) for glider category rating the following areas—
 - (i) pre-flight operations, including glider assembly and inspection;
 - (ii) techniques and procedures for the launching method used, including appropriate airspeed limitations, emergency procedures and signals used;
 - (iii) traffic pattern operations, collision avoidance precautions and procedures;
 - (iv) control of the glider by external visual reference;
 - (v) flight throughout the flight envelope;
 - (vi) recognition of, and recovery from, incipient and full stalls and spiral dives;
 - (vii) normal and crosswind launches, approaches and landings;
 - (viii) cross-country flying using visual reference and dead reckoning; and
 - (ix) emergency procedures; and
- (f) for light-than-air category and class rating the following areas—
 - (i) pre-flight operations, including balloon assembly, rigging, inflation, mooring and inspection;
 - (ii) techniques and procedures for the launching and ascent, including appropriate limitations, emergency procedures and signals used;
 - (iii) collision avoidance precautions;
 - (iv) control of a free balloon by external visual reference;
 - (v) recognition of, and recovery from, rapid descents;
 - (vi) cross-country flying using visual reference and dead reckoning;
 - (vii) approaches and landings, including ground handling; and
 - (viii) emergency procedures.

39. Aeronautical experience requirements for private pilot licence

(1) An applicant for a private pilot licence with an aeroplane category rating shall have completed—

- (a) for a single-engine class rating for each category rating sought—
 - (i) not less than forty hours of flight time as pilot of aeroplanes, a total of five hours may have been completed in a synthetic flight trainer; and
 - (ii) not less than ten hours of solo flight time under the supervision of an authorised flight instructor, including five hours of solo cross-country flight time with at least one cross-country flight totalling not less than 270 kilometres (150 nautical miles) in the course of which full-stop landings at two different aerodromes shall be made;
- (b) for a multi-engine class rating for each category sought, in addition to the requirements of paragraph (a)—
 - (i) not less than ten hours under the supervision of an authorised flight instructor in the category sought; and
 - (ii) pass a practical skill test on multi-engine aircraft as specified in regulation 38.

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(2) An applicant for a private pilot licence with an rotorcraft category rating shall have completed, for a single-engine rotorcraft type rating—

- (a) not less than forty hours of flight time as pilot of aeroplanes, a total of five hours may have been completed in a synthetic flight trainer; and
- (b) not less than ten hours of solo flight time under the supervision of an authorised flight instructor, including five hours of solo cross-country flight time with at least one cross-country flight totalling not less than 180 kilometres (100 nautical miles) in the course of which landings at two different points shall be made.

(3) An applicant for a private pilot licence with glider category shall have completed—

- (a) not less than six hours of flight time as pilot of gliders including two hours solo flight time during which not less than twenty launches and landings have been performed; and
- (b) if the applicant has logged forty hours of flight time in aeroplanes the applicant shall complete three hours of flight time in a glider, including two hours of solo flight time during which not less than ten launches and landings have been performed.

(4) An applicant for a private pilot licence with a balloon class rating shall have completed sixteen hours which consists of not less than eight training flights in the areas of operation that includes—

- (a) where the training is being performed in a gas balloon—
 - (i) two flights of two hours each that consists of one training flight within sixty days prior to application for the rating on the areas of operation for a gas balloon;
 - (ii) five hours of solo flight in a gas balloon under an authorised instructor; and
 - (iii) one flight involving a controlled ascent to three thousand feet above the launch site;
- (b) where the training is being performed in a balloon with an airborne heater—
 - (i) two flights of one hour each within sixty days prior to application for the rating on areas of operation appropriate to a balloon with an airborne heater;
 - (ii) five hours solo flight in a balloon with an airborne heater under an authorised instructor; and
 - (iii) one flight involving a controlled ascent to three thousand feet above the launch site.

(5) An applicant for a private pilot licence with an airship class rating shall have completed twentyfive hours of flight training in airships on the areas of operation which consists of at least—

- (a) if the privileges of the licence are to be exercised at night, three hours of night flight training in an airship that includes—
 - (i) a cross-country flight of over twenty-five nautical miles total distance; and
 - (ii) five takeoffs and five landings to a full stop, with each landing involving a flight in the traffic pattern, at an airport; and
- (b) five hours of solo flight in an airship with an authorised instructor.

(6) Except for balloons and gliders, an applicant for private pilot licence who has flight time as a pilot in other categories may be credited with ten hours of the total flight time.

40. Privileges and limitations of private pilot licence

(1) Except as provided in subregulations (2) to (7), a holder of a private pilot licence shall not act as a crew member of an aircraft—

- (a) carrying passengers or property for compensation or hire; or
- (b) operated for compensation or hire.

(2) A holder of a private pilot licence may exercise the privileges of a holder of a flight radiotelephone operator licence as prescribed in regulation 123.

(3) A holder of a private pilot licence may, for compensation or hire, act as a crew member of an aircraft in connection with any business or employment if—

- (a) the flight is only incidental to that business or employment; and
- (b) the aircraft does not carry passengers or property for compensation or hire.

(4) A holder of a private pilot licence may act as a crew member of an aircraft used in a passenger-carrying flight sponsored by a charitable organisation described in paragraph (g), and for which the passengers make a donation to the organisation, when the following requirements are met—

- (a) the sponsor of the flight notifies the Authority at least seven days before the event and submits—
 - (i) a signed letter from the sponsor that shows the name of the sponsor, the purpose of the charitable event, the date and time of the event, and the location of the event; and
 - (ii) a photocopy of each crew member's pilot licence, medical certificate and logbook entries that show the pilot has a valid licence and has logged at least two hundred hours of flight time;
- (b) the flight is conducted from a public airport that is adequate for the aircraft to be used, or from another airport that has been approved by the Authority for the operation;
- (c) no acrobatic or formation flights are conducted;
- (d) each aircraft used for the charitable event holds a valid standard certificate of airworthiness;
- (e) each aircraft used for the charitable event is airworthy and complies with the applicable requirements of the Civil Aviation (Operation of Aircraft) Regulations;
- (f) each flight for the charitable event is made during day visual flight rules conditions; and
- (g) the charitable organisation is an organisation identified as such by the appropriate authority of the Government.

(5) A holder of a private pilot licence may be reimbursed for aircraft operating expenses that are directly related to search and rescue operations, if the expenses involve only fuel, oil, airport expenditures, or rental fees, and the operation is sanctioned and under the direction and control of—

- (a) a Government agency; or
- (b) an organisation that conducts search and rescue operations.

(6) A holder of a private pilot licence who is an aircraft salesman and who has logged at least two hundred hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

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(7) A holder of a private pilot licence shall not pay less than the pro rata share of the operating expenses of a flight with passengers, if the expenses involve only fuel, oil, airport expenditures, or rental fees.

(8) Except as provided in subregulations (2) to (7), a holder of a private pilot licence shall, not for compensation or hire, act as a co-pilot of an aircraft that is type certified for more than one pilot.

41. Renewal requirements for private pilot licence

A private pilot licence may be renewed if the holder of the licence has logged the following hours as pilot-in-command on either category, class or type rating sought within the twelve months preceding the date of application for renewal—

- (a) for aeroplane and rotorcraft not less than five hours; and
- (b) for glider or lighter-than-air aircraft not less than three hours.

*Commercial Pilot Licence***42. Eligibility requirements for commercial pilot licence**

An applicant for a commercial pilot licence shall—

- (a) be at least eighteen years of age;
- (b) demonstrate the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
- (c) receive a logbook endorsement from an authorised instructor who—
 - (i) conducted the required ground training on the aeronautical knowledge areas listed in regulation 43, that apply to the aircraft category and class rating sought; and
 - (ii) certified that the person is prepared for the required knowledge test that applies to the aircraft category and class rating sought;
- (d) pass the required knowledge test on the aeronautical knowledge areas listed in regulation 43;
- (e) receive the required training and a logbook endorsement from an authorised instructor who—
 - (i) conducted the training on the areas of operation listed in regulation 44 that apply to the aircraft category and class rating sought; and
 - (ii) certified that the person is prepared for the required practical test;
- (f) be in possession of a Class 1 medical certificate issued under these Regulations;
- (g) meet the aeronautical experience requirements of the applicable provisions of these Regulations that apply to the aircraft category and class rating sought before applying for the practical test;
- (h) pass the required practical test on the areas of operation listed in regulation 45 that apply to the aircraft category and class rating sought;
- (i) hold a private pilot licence issued under these Regulations or meet the requirements of regulation 15, pertaining to military licences; and
- (j) comply with all sections of these Regulations which apply to the aircraft category and class rating sought.

43. Aeronautical knowledge requirements for private pilot licence

(1) Subject to subregulation (2), an applicant for a commercial pilot licence shall receive and record ground training in a manner prescribed by the Authority, from an authorised instructor on the aeronautical knowledge areas that apply to the aircraft category and class rating sought.

(2) The aeronautical knowledge areas applicable to any relevant aircraft category and class rating shall be as follows—

- (a) air law: rules and regulations relevant to the holder of a commercial pilot licence; rules of the air; appropriate air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) principles of operation and functioning of aircraft powerplants, systems and instruments;
 - (ii) operating limitations of appropriate aircraft category and powerplants, relevant operational information from the flight manual or other appropriate document;
 - (iii) use and serviceability checks of equipment and systems of appropriate aircraft category; and
 - (iv) maintenance procedures for airframes, systems and powerplants of appropriate aircraft category;
- (c) flight performance and planning—
 - (i) effects of loading and mass distribution on aircraft handling, flight characteristics and performance, mass and balance calculations;
 - (ii) use and practical application of take-off, landing and other performance data;
 - (iii) pre-flight and en-route flight planning appropriate to operations under visual flight rules;
 - (iv) preparation and filing of air traffic services flight plans and appropriate air traffic services procedures;
- (d) human performance: human performance relevant to the commercial pilot licence;
- (e) meteorology—
 - (i) interpretation and application of aeronautical meteorological reports, charts and forecasts; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight and altimetry; and
 - (ii) aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the moment of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route and landing conditions and hazardous weather avoidance;
- (f) navigation: air navigation, including the use of aeronautical charts, instruments and navigation aids, understanding of the principles and characteristics of appropriate navigation systems and operation of airborne equipment;
- (g) operation procedures—
 - (i) use of aeronautical documentation such as aeronautical information publication, notice to airmen, aeronautical codes and abbreviations;
 - (ii) appropriate precautionary and emergency procedures;

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- (iii) operational procedures for carriage of freight; potential hazards associated with dangerous goods;
- (iv) requirements and practices for safety briefing to passengers, including precautions to be observed when embarking and disembarking from aircraft; and
- (v) night and high altitude;
- (h) principles of flight: principles of flight relating to aircraft;
- (i) radiotelephony: radiotelephony procedures and phraseology as applied to visual flight rules operations, action to be taken in case of communication failure.

(3) The aeronautical knowledge areas applicable to any relevant rotorcraft category and class rating shall include all areas covered under in subregulation (2) in addition to the following areas—

- (i) powerplants; transmissions (power trains);
- (ii) external loads on helicopter handling;
- (iii) settling with power, ground resonance, roll-over and other operating hazards; and
- (iv) operational procedures for carriage of freight including external loads.

(4) The aeronautical knowledge areas applicable to any relevant lighter-than-air category and class rating shall be as follows—

- (a) air law: rules and regulations relevant to the holder of a free balloon pilot licence; rules of the air; appropriate air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) principles of operation of free balloon systems and instruments;
 - (ii) operating limitations of free balloons; relevant operational information from the flight manual or other appropriate document; and
 - (iii) physical properties and practical application of gases used in free balloons;
- (c) flight performance and planning—
 - (i) effects of loading on flight characteristics; mass calculations;
 - (ii) use and practical application of launching, landing and other performance data, including the effect of temperature; and
 - (iii) pre-flight and en-route flight planning appropriate to operations under visual flight rules; appropriate air traffic services procedures and altimeter setting procedures; operations in areas of high-density traffic;
- (d) human performance: human performance relevant to the free balloon pilot;
- (e) meteorology: application of elementary aeronautical meteorology; use of, and procedures for obtaining, meteorological information; altimetry;
- (f) navigation: practical aspects of air navigation and dead-reckoning techniques; use of aeronautical charts;
- (g) operational procedures—
 - (i) use of aeronautical documentation such as Aeronautical Information publication, Notice to Airmen, aeronautical codes and abbreviations;
 - (ii) appropriate precautionary and emergency procedures, including action to be taken to avoid hazardous weather, wake turbulence and other operating hazards;

- (h) principles of flight: principles of flight relating to free balloons.

44. Flight instruction requirements for commercial pilot licence

An applicant for a commercial pilot licence, shall receive and record ground and flight training from an authorised instructor on the following areas of operation that apply to the aircraft category and class rating sought—

- (a) for all categories and class ratings, as applicable—
- (i) pre-flight operations, including mass and balance determination, aircraft inspection and servicing;
 - (ii) aerodrome and traffic pattern operations, collision avoidance precautions and procedures;
 - (iii) control of the aircraft by external visual reference;
 - (iv) flight at critically slow airspeeds; spin avoidance; recognition of, and recovery from, incipient and full stalls;
 - (v) flight at critically high airspeeds; recognition of, and recovery from, spiral dives;
 - (vi) normal and cross-wind take-offs and landings;
 - (vii) maximum performance (shortfield and obstacle clearance) take-offs; short-field landings;
 - (viii) basic flight manoeuvres and recovery from unusual altitudes by reference solely to basic flight instruments;
 - (ix) cross-country flying using visual reference, dead reckoning and radio navigation aids; diversion procedures;
 - (x) abnormal and emergency procedures and manoeuvres; and
 - (xi) operations to, from and transitting controlled aerodromes, compliance with air traffic services procedures, radiotelephony procedures and phraseology;
- (b) in addition to the areas of operation specified in paragraph (a), the applicable areas of operation for a multi-engine class rating as follows—
- (i) emergency operations; including the applicant's knowledge and performance of the following tasks—
 - (aa) emergency descent;
 - (bb) engine failure during take-off before V_{mc} (simulated);
 - (cc) engine failure after lift-off (simulated);
 - (dd) approach and landing with one inoperative engine (simulated);
 - (ee) systems and equipment malfunctions; and
 - (ff) emergency equipment and survival gear;
 - (ii) high altitude operations; including the applicant's knowledge and performance of the following tasks—
 - (aa) supplemental oxygen; and
 - (bb) pressurisation;
 - (iii) multi-engine operations: including the applicant's knowledge and performance of the following tasks—
 - (aa) manoeuvring with one engine inoperative;
 - (bb) V_{mc} demonstration;
 - (cc) engine failure during flight (by reference to instruments); and

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- (dd) instrument approach with one engine inoperative (by reference to instruments);
- (c) for a rotorcraft category rating with a helicopter type rating—
 - (aa) recovery at the incipient stage from settling with power; recovery techniques from low-rotor rpm within the normal range of engine rpm;
 - (bb) ground manoeuvring and run-ups; hovering; take-offs and landings – normal, out of wind and sloping ground; steep approaches;
 - (cc) take-offs and landings with minimum necessary power; maximum performance take-off and landing techniques; restricted site operations; quick stops;
 - (dd) hovering out of ground effect; operations with external load, if applicable; flight at high altitude;
 - (ee) basic flight manoeuvres and recovery from unusual altitudes by reference solely to basic flight instruments; and
 - (ff) abnormal and emergency procedures, including simulated helicopter equipment malfunctions, autorotative approach and landing; and
- (d) for a rotorcraft category rating with a gyroplane class rating: flight at slow airspeeds; and
- (e) for a lighter-than-air category rating with a balloon or airship class rating—
 - (i) fundamentals of instructing;
 - (ii) pre-flight operations, assembly, rigging, inflation, mooring and inspection;
 - (iii) techniques and procedures for the launching and ascent, including appropriate limitations, emergency procedures and signals used;
 - (iv) collision avoidance precautions;
 - (v) control by external visual reference;
 - (vi) recognition of, and recovery from, rapid descents;
 - (vii) cross-country flying using visual reference and dead reckoning;
 - (viii) approaches and landings, including ground handling; and
 - (ix) emergency procedures.

45. Aeronautical experience requirements for commercial pilot licence

(1) An applicant for a commercial pilot licence for aeroplanes shall obtain the following hours of aeronautical experience—

- (a) not less than two hundred hours of flight time, or one hundred and fifty hours if completed during an integrated course of approved training provided for in an Approved Training Organisation under the Civil Aviation (Approved Training Organisation) Regulations, as a pilot of aeroplanes, of which ten hours may have been completed in a synthetic flight trainer;
- (b) in aeroplanes, not less than—
 - (i) one hundred hours as pilot-in-command or, in the case of a course of approved training, 70 hours as pilot-in-command;
 - (ii) twenty hours of cross-country flight time as pilot-in-command including a cross-country flight totalling not less than 540 kilometres (300 nautical miles) in the course of which full-stop landings at two different aerodromes shall be made;
 - (iii) ten hours of instrument instruction time of which not more than five hours may be instrument time in the synthetic flight trainer;

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- (iv) five hours of night flying, including five take-offs and five landings as pilot-in-command;
 - (c) a holder of a pilot licence in another category may be credited towards the two hundred hours of flight time as follows—
 - (i) ten hours as pilot-in-command in a category other than helicopters; or
 - (ii) thirty hours as pilot-in-command holding a private pilot licence on helicopters; or
 - (iii) one hundred hours as pilot-in-command holding a commercial pilot licence on helicopters.
- (2) An applicant for a commercial pilot licence helicopter licence shall have completed—
- (a) not less than one hundred and fifty hours of flight time, or one hundred hours if completed during an integrated course of approved training provided for in an approved training organisation under the Civil Aviation (Approved Training Organisation) Regulations, as a pilot of helicopters, of which ten hours may have been completed in a synthetic flight trainer;
 - (b) not less than—
 - (i) thirty-five hours as pilot-in-command;
 - (ii) ten hours of cross-country flight time as pilot-in-command including a cross-country flight in the course of which full-stop landings at two different points shall be made;
 - (iii) ten hours of instrument instruction time of which not more than five hours may be instrument ground time; and
 - (iv) if the privileges of the licence are to be exercised at night, five hours of night time including five take-offs and five landing patterns as pilot-in-command;
 - (c) the holder of a pilot licence in the helicopter category may be credited towards the one hundred and fifty hours of flight time as follows—
 - (i) twenty hours as pilot-in-command holding a private pilot licence in aeroplanes; or
 - (ii) fifty hours as pilot-in-command holding a commercial pilot licence in aeroplanes;
 - (d) an applicant for a commercial pilot licence (gyroplane) shall have completed—
 - (i) one hundred and fifty hours of flight time as a pilot, including at least one hundred hours in powered aircraft, of which twenty-five hours shall be in gyroplanes;
 - (ii) one hundred hours of pilot-in-command flight time, including at least—
 - (aa) ten hours in gyroplanes; and
 - (bb) three hours in cross-country flight in gyroplanes; and
 - (iii) twenty hours of training on the areas of operation listed in regulation 44, including at least—
 - (aa) five hours of instrument training in an aircraft;
 - (bb) one cross-country flight of at least two hours in a gyroplane in day visual flight rules conditions, consisting of a total straight-line distance of more than fifty nautical miles from the original point of departure; and

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- (iv) ten hours of solo flight in a gyroplane on the areas of operation listed in regulation 44, including at least—
 - (aa) one cross-country flight with landings at a minimum of three points, with one segment consisting of a straight-line distance of at least fifty nautical miles from the original point of departure; and
 - (bb) five hours in night visual flight rules conditions with ten takeoffs and ten landings with each landing involving a flight in the traffic pattern.

(3) An applicant for a commercial pilot licence lighter-than-air (airship category) shall have completed twenty hours of flight training in airships on the areas of operation listed in regulation 44, including—

- (a) one cross-country flight of at least one hour in duration in an airship in day visual flight rules conditions, consisting of a total straight-line distance of more than twenty-five nautical miles from the original point of departure; and
- (b) one cross-country flight of at least one hour in duration in an airship in night visual flight rules conditions consisting of a total straight-line distance of more than twenty-five nautical miles from the original point of departure; and
- (c) ten hours of flight training performing the functions of pilot-in-command with an authorised instructor on the areas of operation listed in regulation 48, including—
 - (i) one cross-country flight with landings at a minimum of three points, with one segment consisting of a straight-line distance of at least twenty-five nautical miles from the original point of departure; and
 - (ii) five hours in night visual flight rules conditions with ten takeoffs and ten landings with each landing involving a flight in the traffic pattern.

(4) An applicant for a commercial pilot licence lighter-than-air (balloon category) shall have completed thirty-five hours which consists of not less than twenty training flights in the areas of operation, that includes—

- (a) for a gas balloon—
 - (i) two training flights of not less than two hours each in the appropriate areas of operation within sixty days prior to application for the rating;
 - (ii) ten hours as pilot-in-command; and
 - (iii) two flights involving a controlled ascent to five thousand feet above the launch site;
- (b) for a balloon with an airborne heater—
 - (i) two training flights of two hours each in the appropriate areas of operation within sixty days prior to application for the rating;
 - (ii) ten hours as pilot-in-command; and
 - (iii) two flights involving a controlled ascent to five thousand feet above the launch site.

46. Privileges and limitations of commercial pilot licence

(1) A holder of a commercial pilot licence may—

- (a) exercise all the privileges of the holder of a private pilot licence as stipulated in regulation 40;
- (b) act as a pilot-in-command and co-pilot in an aircraft engaged in operations other than commercial air transportation;

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- (c) act as a pilot-in-command in commercial air transportation in an aircraft certificated for single pilot operation;
- (d) act as a co-pilot in commercial air transportation in an aircraft required to be operated with a co-pilot;
- (e) exercise all the privileges of the holder of a flight radiotelephone operator licence as stipulated in regulation 123; and
- (f) fly at night.

(2) A holder of a commercial pilot licence may act as pilot-in-command of an aircraft for compensation or hire, including the carriage of persons or property for compensation or hire, provided the pilot is qualified in accordance with the applicable regulations.

(3) A holder of a commercial pilot licence shall not act as a pilot-in-command of an aircraft certificated take-off mass of over 5,700 kilograms.

47. Renewal requirements or commercial pilot licence

A holder of a commercial pilot licence may apply for renewal of the licence if the holder of the licence has logged as pilot-in-command or co-pilot within the six months preceding the date of application for renewal, the following hours—

- (a) for aeroplanes and rotorcraft; not less than six hours and six take-offs and landings; and
- (b) for lighter-than-air; three hours and three launches and landings.

Airline Transport Pilot Licence

48. Eligibility requirements for airline transport licence

To be eligible for an airline transport pilot licence, a person shall—

- (a) be at least twenty one years of age;
- (b) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
- (c) meet at least one of the following requirements—
 - (i) hold a valid and current commercial pilot licence and an instrument rating;
 - (ii) meet the military experience requirements under regulation 15, to qualify for a commercial pilot licence, and an instrument rating if the person is a rated military pilot or former rated military pilot; or
 - (iii) hold either a foreign airline transport pilot licence or a foreign commercial pilot licence and an instrument rating issued by another Contracting State;
- (d) meet the applicable aeronautical experience requirements of this sub-part before applying for the practical test;
- (e) pass a knowledge test on the applicable aeronautical knowledge areas of regulation 49 that apply to the aircraft category and class rating sought; and
- (f) pass the practical test on the applicable areas of operation specified in regulation 49, that apply to the aircraft category and class rating sought; and
- (g) have a valid Class 1 medical certificate issued under these Regulations.

[Subsidiary]**49. Aeronautical knowledge requirements for airline transport licence**

(1) Subject to subregulation (2), an applicant for an airline transport pilot licence, shall receive and record ground training in a manner prescribed by the Authority, on the aeronautical knowledge areas that apply to aeroplane and helicopter aircraft categories.

(2) The aeronautical knowledge areas applicable to aeroplane aircraft category shall be as follows—

- (a) air law: rules and regulations relevant to the holder of an airline transport pilot licence – aircraft; rules of the air; appropriate air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) general characteristics and limitations of electrical, hydraulic, pressurisation and other aircraft systems; flight control systems, including autopilot and stability augmentation;
 - (ii) principles of operation, handling procedures and operating limitations of aircraft powerplants; effects of atmospheric conditions on engine performance; relevant operational information from the flight manual or other appropriate document;
 - (iii) operating procedures and limitations of appropriate aircraft; effects of atmospheric conditions on aircraft performance;
 - (iv) use and serviceability checks of equipment and systems of appropriate aircraft;
 - (v) flight instruments; compasses, turning and acceleration errors; gyroscopilot-in-command instruments, operational limits and precession effects; practices and procedures in the event of malfunctions of various flight instruments; and
 - (vi) maintenance procedures for airframes, systems and powerplants of appropriate aircraft;
- (c) flight performance and planning—
 - (i) effects of loading and mass distribution on aircraft handling, flight characteristics and performance; mass and balance calculations;
 - (ii) use and practical application of take-off, landing and other performance data, including procedures for cruise control;
 - (iii) pre-flight and en-route operational flight planning; preparation and filing of air traffic services flight plans; appropriate air traffic services procedures; altimeter setting procedures;
 - (iv) human performance: human performance relevant to the airline transport pilot aircraft;
- (d) meteorology—
 - (i) interpretation and application of aeronautical meteorological reports, charts and forecasts; codes and abbreviations; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight; altimetry;
 - (ii) aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the movement of pressure systems; the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route and landing conditions;
 - (iii) causes, recognition and effects of engine and airframe icing; frontal zone penetration procedures; hazardous weather avoidance; and

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- (iv) practical high altitude meteorology, including interpretation and use of weather reports, charts and forecasts; jetstreams;
- (e) navigation—
 - (i) air navigation, including the use of aeronautical charts, radio navigation aids and area navigation systems; specific navigation requirements for long-range flights;
 - (ii) use, limitation and serviceability of avionics and instruments necessary for the control and navigation of aircraft;
 - (iii) use, accuracy and reliability of navigation systems used in departure, en-route, approach and landing phases of flight; identification of radio navigation aids; and
 - (iv) principles and characteristics of self-contained and external-referenced navigation systems; operation of airborne equipment;
- (f) operational procedures—
 - (i) interpretation and use of aeronautical documentation such as aeronautical information publication, notice to airmen, aeronautical codes and abbreviations, and instrument procedure charts for departure, en-route, descent and approach;
 - (ii) precautionary and emergency procedures; safety practices associated with flight under instrument flight rules;
 - (iii) operational procedures for carriage of freight and dangerous goods;
 - (iv) requirements and practices for safety briefing to passengers, including precautions to be observed when embarking and disembarking from aircraft; and
 - (v) night and high altitude;
- (g) principles of flight: principles of flight relating to aircraft; subsonic aerodynamics; compressibility effects, manoeuvre boundary limits, wing design characteristics, effects of supplementary lift and drag devices; relationships between lift, drag and thrust at various airspeeds and in different flight configurations;
- (h) radiotelephony: radiotelephony procedures and phraseology; action to be taken in case of communication failure.

(3) The aeronautical knowledge areas applicable to helicopter category rating shall include all areas covered under subregulation (2) and in addition, the following areas—

- (a) helicopter general knowledge—
 - (i) general characteristics and limitations of electrical, hydraulic, and other helicopter systems; flight control systems, including autopilot and stability augmentation;
 - (ii) principles of operation, handling procedures and operating limitations of helicopter powerplants; transmission (power-trains); effects of atmospheric conditions on engine performance; relevant operational information from the flight manual;
 - (iii) operating procedures and limitations of appropriate helicopters; effects of atmospheric conditions on helicopter performance; relevant operational information from the flight manual;
- (b) flight performance and planning—
 - (i) effects of loading and mass distribution, including external loads, on helicopter handling, flight characteristics and performance; mass and balance calculations; and

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- (ii) causes, recognition and effects of engine, airframe and rotor icing; hazardous weather avoidance;
- (c) navigation: use, accuracy and reliability of navigation systems; identification of radio navigation aids;
- (d) operational procedures—
 - (i) interpretation and use of aeronautical documentation such as aeronautical information publication, notice to airmen, aeronautical codes and abbreviations;
 - (ii) precautionary and emergency procedures; settling with power, ground resonance, retreating blade stall, dynamic roll-over and other operating hazards; safety practices associated with flight under visual flight rules;
 - (iii) operational procedures for carriage of freight, including external loads, and dangerous goods; and
 - (iv) requirements and practices for safety briefing to passengers, including precautions to be observed when embarking and disembarking from helicopters;
- (e) principles of flight: principles of flight relating to helicopters;
- (f) radiotelephony: radiotelephony procedures and phraseology as applied to visual flight rules operations; action to be taken in case of communication failure.

50. Flight instruction requirements for airline transport pilot licence

An applicant for an airline transport pilot licence, aeroplanes or helicopters shall have received the flight instruction required for the issue of commercial pilot licence as prescribed in regulation 44; and—

- (a) for an airline transport pilot licence aeroplanes, shall receive the flight instructions required for the issue of the instrument rating prescribed in regulation 66; or
- (b) for an airline transport pilot licence helicopters, if the privileges of instrument rating are to be exercised shall receive the flight instructions required for the issue of the instrument rating prescribed in regulation 66.

51. Aeronautical experience requirements for airline transport pilot licence

(1) An applicant for an airline transport pilot licence, shall have completed in the case of an aeroplane, not less than one thousand five hundred hours of flight time or in the case of a helicopter not less than one thousand hours of flight time of which a maximum of one hundred hours may be obtained in a synthetic flight trainer; out of the one hundred hours, not more than twenty five hours shall have been acquired in a flight procedure trainer or a basic instrument flight trainer.

(2) The applicant shall have completed not less than, in aeroplanes—

- (a) two hundred and fifty hours, either as pilot-in-command, or made up by not less than one hundred hours as pilot-in-command and the necessary additional flight time as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command; provided that the method of supervision employed is acceptable to the Authority;
- (b) two hundred hours of cross-country flight time, of which not less than one hundred hours shall be as pilot-in-command or as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, provided that the method of supervision employed is acceptable to the Authority;

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- (c) for aeroplanes, seventy five hours of instrument time, of which not more than thirty hours may be obtained in the synthetic flight trainer and for helicopter thirty hours of instrument time, of which not more than ten hours may be obtained in the synthetic flight trainer; and
- (d) for aeroplanes one hundred hours and for helicopter fifty hours of night flight as pilot-in-command or as co-pilot.

(3) When the applicant for airline transport pilot licence aeroplanes or rotorcraft has flight time as a pilot of either category, the applicant shall be credited with fifty per cent of the flight time as pilot-in-command towards the flight time of the category sought as required in subregulation (1).

52. Additional aircraft category, class and type ratings

An applicant who holds a valid airline transport pilot licence and seeks additional aircraft category, class and type rating shall—

- (a) meet the applicable eligibility requirements;
- (b) pass a knowledge test on the applicable aeronautical knowledge areas;
- (c) meet the applicable aeronautical experience requirements; and
- (d) pass the practical test on the areas of operation.

53. Privileges and limitations of airline transport licence

(1) A holder of an airline transport pilot licence may—

- (a) exercise all the privileges of a holder of a private pilot licence and commercial pilot licence and instrument rating for aeroplanes as stipulated in regulations 40, 46 and 68;
- (b) act as pilot-in-command and co-pilot in commercial air transport; and
- (c) exercise all the privileges of the holder of a flight radiotelephone operator licence as stipulated in regulation 123.

(2) A holder of an airline transport pilot licence may be authorised to act as a flight instructor, not being a holder of a flight instructor rating, when instructing pilots within an air operator certificate holder's approved training programme in aircraft of the category, class, and type, as applicable, for which the airline transport pilot is rated, and in synthetic flight trainers of those aircraft, and endorse the logbook or other training record of the person to whom training has been given.

(3) A holder of an airline transport pilot licence shall not instruct in an aircraft or in an approved synthetic flight trainer except for the briefing and debriefing sessions—

- (a) for more than eight hours in any twenty four consecutive-hour period; or
- (b) for more than thirty six hours in any seven consecutive-day period.

(4) A holder of an airline transport pilot licence shall not instruct in Category II or Category III operations unless he has been trained and successfully tested under Category II or Category III operations, as applicable.

54. Renewal requirements for airline transport licence

A holder of an airline transport pilot licence may apply for renewal of the licence if the holder of the licence has logged not less than six hours as pilot-in-command or co-pilot and has done six take-offs and landings within the six months preceding the date of application for renewal.

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PART VII – PILOT RATINGS AND AUTHORISATIONS

55. Category rating for pilots

A pilot seeking a category rating shall—

- (a) have received the required training and possess the aeronautical experience prescribed by these Regulations for the aircraft category and, if applicable, class and type rating sought;
- (b) have an endorsement in that pilot's logbook or training record from an authorised instructor that the applicant has been found competent in the following areas, as appropriate to the pilot licence for the aircraft category and, if applicable, class and type rating sought—
 - (i) aeronautical knowledge areas; and
 - (ii) areas of operation; and
- (c) pass the knowledge and practical test that is appropriate to the pilot licence for the aircraft category and, if applicable, the class rating sought.

56. Class ratings for pilots

A pilot seeking an additional class rating—

- (a) shall have an endorsement in that pilot's logbook or training record from an authorised instructor that the applicant has been found competent in the following areas, as appropriate to the pilot licence and for the aircraft class rating sought—
 - (i) aeronautical knowledge area; and
 - (ii) areas of operation;
- (b) shall pass the practical test applicable to the pilot licence for the aircraft class rating sought;
- (c) need not meet the training time requirements prescribed under these Regulations for the aircraft class rating sought; and
- (d) need not take an additional knowledge test, if the applicant holds an aeroplane, rotorcraft or airship category at that pilot licence level.

57. Type ratings

(1) To act as a pilot in command of—

- (a) an aircraft certificated for at least two pilots;
- (b) any aircraft considered necessary by the Authority; or
- (c) each type of helicopter,

a pilot shall hold a type rating for that aircraft.

(2) A person shall not act as a commercial pilot in an aeroplane of which the maximum certificated take-off mass is over 2,300 kilograms unless that person's licence includes an instrument rating.

(3) A pilot seeking an aircraft type rating to be added on a pilot licence, or the addition of an aircraft type rating that is accomplished concurrently with an additional aircraft category or class rating shall—

- (a) have an endorsement in the logbook or training record from an authorised instructor that the applicant has been found competent in the areas of

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operation appropriate to the pilot licence for the aircraft category, class and type rating sought and the applicant has logged—

- (i) for aeroplanes of maximum certificated take-off mass of 5,700 kilograms or below not less than five hours of flight time under the supervision of an authorised flight instructor in the aircraft type sought; and
 - (ii) for aeroplanes of maximum certificated take-off mass of over 5,700 kilograms where training is conducted in a synthetic flight trainer not less than thirty hours of synthetic flight trainer time and three hours of actual flying time in the aircraft type sought;
- (b) pass the flight check-out for the aircraft type rating sought; and
 - (c) pass a knowledge test on the aircraft type on which the rating is sought.

58. Category II and III operations pilot authorisation requirements

(1) An applicant for a Category II or Category III operations pilot authorisation shall—

- (a) hold a pilot licence with an instrument rating or an airline transport pilot licence;
- (b) hold a category and class rating, and type rating, for the aircraft for which the authorisation is sought; and
- (c) complete the practical test requirements.

(2) An applicant for a Category II or Category III operations pilot authorisation shall have at least—

- (a) fifty hours of night flight time as pilot-in-command;
- (b) seventy-five hours of instrument time under actual or simulated instrument conditions that may include not more than—
 - (i) a combination of twenty-five hours of simulated instrument flight time in an approved synthetic flight trainer; or
 - (ii) forty hours of simulated instrument flight time if accomplished in an approved course conducted by an appropriately rated approved training organisation certified under the Civil Aviation (Approved Training Organisations) Regulations; and
- (c) two hundred and fifty hours of cross-country flight time as pilot-in-command.

(3) Upon passing a practical test for a Category II or III operations pilot authorisation, a pilot may renew that authorisation for each type of aircraft for which the pilot holds the authorisation.

(4) The Authority may not renew a Category II or Category III operations pilot authorisation for a specific type aircraft for which an authorisation is held beyond twelve months from the date the applicant passed a practical test in that type of aircraft.

(5) Where the holder of a Category II or Category III operations pilot authorisation passes the practical test for a renewal in the month before the authorisation expires, the Authority will consider that the holder passed it on the date the authorisation expired.

(6) The Authority may issue a Category II or Category III pilot authorisation by way of a letter, as a part of an applicant's instrument rating or pilot licence.

(7) Upon original issue the authorisation shall contain the following limitations—

- (a) for Category II operations, five hundred metres runway visual range and a one hundred and fifty feet decision height; and
- (b) for Category III operations as specified in the authorisation document.

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(8) To remove the limitations on a Category II or Category III pilot authorisation—

- (a) a Category II operations limitation holder may remove the limitation by showing that, within the preceding six months of the date of application to remove the limitation, the holder has made three Category II operations instrument landing system approaches with a one hundred and fifty foot-decision height to a landing under actual or simulated instrument conditions; or
- (b) a Category III operations limitation holder may remove the limitation by showing experience as specified in the authorisation.

(9) An authorisation holder or an applicant for an authorisation may use a synthetic flight trainer if that synthetic flight trainer is approved by the Authority for such use, to meet the experience requirement of subregulation (11), or for the practical test required by these Regulations for a Category II or a Category III operations pilot authorisation, as applicable.

(10) An applicant for the—

- (a) issue or renewal of a Category II operations pilot authorisation; and
- (b) the addition of another type of aircraft to a Category II operations pilot authorisation,

shall pass a practical test.

(11) To be eligible for the practical test for an authorisation under this regulation, an applicant shall—

- (a) meet the requirements of this regulation; and
- (b) if the applicant has not passed a practical test for this authorisation within the twelve months preceding the date of the test—
 - (i) meet the requirements of the Civil Aviation (Operation of Aircraft) Regulations; and
 - (ii) have performed at least six instrument landing system approaches within the six calendar months preceding the date of the test, of which at least three of the approaches shall have been conducted without the use of an approach coupler.

(12) An applicant shall accomplish the approaches specified in subregulation (11)(b)(ii)—

- (a) under actual or simulated instrument flight conditions;
- (b) to the minimum decision height for the instrument landing system approach in the type aircraft in which the practical test is to be conducted, except that the approaches need not be conducted to the decision height authorised for Category II operations;
- (c) to the decision height authorised for Category II operations only if conducted in an approved synthetic flight trainer qualified for Category II operations; and
- (d) in an aircraft of the same category and class and type, as applicable, as the aircraft in which the practical test is to be conducted or in an approved synthetic flight trainer that—
 - (i) represents an aircraft of the same category and class and type, as applicable, as the aircraft in which the authorisation is sought; and
 - (ii) is used in accordance with an approved course conducted by an approved training organisation certified under the Civil Aviation (Approved Training Organisations) Regulations.

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(13) The flight time acquired in meeting the requirements of subregulation (11)(b)(ii) may be used to meet the requirements of subregulation (11)(b)(i).

(14) A Category II operations practical test consists of an oral and flight increment as follows—

- (a) in the case of an oral increment test, the applicant shall demonstrate knowledge of the following—
 - (i) required landing distance;
 - (ii) recognition of the decision height;
 - (iii) missed approach procedures and techniques using computed or fixed altitude guidance displays;
 - (iv) use and limitations of runway visual range;
 - (v) use of visual clues, their availability or limitations, and altitude at which they are normally discernible at reduced runway visual range;
 - (vi) procedures and techniques related to transition from nonvisual to visual flight during a final approach under reduced runway visual range;
 - (vii) effects of vertical and horizontal windshear;
 - (viii) characteristics and limitations of the instrument landing system and runway lighting system;
 - (ix) characteristics and limitations of the flight director system, auto approach coupler, including split axis type if equipped, auto throttle system (if equipped), and other required Category II operations equipment;
 - (x) assigned duties of the co-pilot during Category II approaches, unless the aircraft for which authorisation is sought does not require a co-pilot; and
 - (xi) instrument and equipment failure warning systems;
- (b) in the case of a flight increment test, it shall be conducted in an aircraft of the same category, class, and type, as applicable, as the aircraft in which the authorisation is sought or in an approved synthetic flight trainer that—
 - (i) represents an aircraft of the same category and class, and type, as applicable, as the aircraft in which the authorisation is sought; and
 - (ii) is used in accordance with an approved course conducted by an approved training organisation certificated under the Civil Aviation (Approved Training Organisations) Regulations—
 - (aa) the flight increment referred to in this regulation shall consist of at least two instrument landing system approaches to one hundred feet above including at least one landing and one missed approach;
 - (bb) all approaches performed during the flight increment shall be made with the use of an approved flight control guidance system, except if an approved auto approach coupler is installed, at least one approach shall be hand flown using flight director commands;
 - (cc) if a multi-engine aeroplane with the performance capability to execute a missed approach with one engine inoperative is used for the practical test, the flight increment shall include the performance of one missed approach with an engine, which shall be the most critical engine, if applicable, set at idle or zero thrust before reaching the middle marker;

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- (dd) if an approved multi-engine synthetic flight trainer is used for the practical test, the applicant shall execute a missed approach with the most critical engine, if applicable, failed;
- (ee) for an authorisation for an aircraft that requires a type rating, the applicant shall pass a practical test in co-ordination with a co-pilot who holds a type rating in the aircraft in which the authorisation is sought; and
- (ff) the Authority's inspector or evaluator may conduct oral questioning at any time during a practical test.

(15) The Authority shall require that an applicant passes a practical test for—

- (a) issue or renewal of a Category III operations pilot authorisation; or
- (b) the addition of another type of aircraft to a Category III operations pilot authorisation.

(16) To be eligible for the practical test, an applicant shall—

- (a) meet the requirements of this regulation; and
- (b) if the applicant has not passed a practical test for this authorisation during the twelve calendar months preceding the month of the test, the applicant shall—
 - (i) meet the requirements of the Civil Aviation (Operation of Aircraft) Regulations; and
 - (ii) have performed at least six instrument landing system approaches during the six calendar months preceding the month of the test, of which at least three of the approaches shall have been conducted without the use of an approach coupler.

(17) An applicant shall conduct the approaches specified in subregulation (16)(b)(ii)—

- (a) under actual or simulated instrument flight conditions;
- (b) to the alert height or decision height for the instrument landing system approach in the type of aircraft in which the practical test is to be conducted;
- (c) not necessarily to the decision height authorised for Category III operations;
- (d) to the alert height or decision height, as applicable, authorised for Category III operations only if conducted in an approved synthetic flight trainer; and
- (e) in an aircraft of the same category, class and type, as applicable, as the aircraft in which the practical test is to be conducted or in an approved synthetic flight trainer that—
 - (i) represents an aircraft of the same category and class, and type, as applicable, as the aircraft for which the authorisation is sought; and
 - (ii) is used in accordance with an approved course conducted by an approved training organisation certificated under the Civil Aviation (Approved Training Organisations) Regulations.

(18) An applicant for a Category III operations pilot authorisation shall demonstrate knowledge of the following—

- (a) required landing distance;
- (b) determination and recognition of the alert height or decision height, as applicable, including use of a radio altimeter;
- (c) recognition of and proper reaction to significant failures encountered prior to and after reaching the alert height or decision height, as applicable;

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- (d) missed approach procedures and techniques using computed or fixed altitude guidance displays and expected height loss as they relate to manual go-around or automatic go-around, and initiation altitude, as applicable;
- (e) use and limitations of runway visual range, including determination of controlling runway visual range and required transmissometers;
- (f) use, availability, or limitations of visual cues and the altitude at which they are normally discernible at reduced runway visual range readings including—
 - (i) unexpected deterioration of conditions to less than minimum runway visual range during approach, flare and rollout;
 - (ii) demonstration of expected visual references with weather at minimum conditions;
 - (iii) the expected sequence of visual cues during an approach in which visibility is at or above landing minima; and
 - (iv) procedures and techniques for making a transition from instrument reference flight to visual flight during a final approach under reduced runway visual range;
- (g) effects of vertical and horizontal windshear;
- (h) characteristics and limitations of the instrument landing system and runway lighting system;
- (i) characteristics and limitations of the flight director system auto approach coupler, including split axis type if equipped, auto throttle system, if equipped, and other Category III operations equipment;
- (j) assigned duties of the co-pilot during Category III operations, unless the aircraft for which authorisation is sought does not require a co-pilot;
- (k) recognition of the limits of acceptable aircraft position and flight path tracking during approach, flare, and, if applicable, rollout; and
- (l) recognition of, and reaction to, airborne or ground system faults or abnormalities, particularly after passing alert height or decision height, as applicable.

(19) An applicant for Category III operations pilot authorisation may conduct the practical test in an aircraft of the same category, class and type, as applicable, as the aircraft for which the authorisation is sought, or in an approved synthetic flight trainer that—

- (a) represents an aircraft of the same category and class, and type, as applicable, as the aircraft in which the authorisation is sought; and
- (b) is used in accordance with an approved course conducted by an approved training organisation certificated under the Civil Aviation (Approved Training Organisations) Regulations.

(20) A Category III operations practical test shall consist of at least two instrument landing system approaches to one hundred feet above ground level, including one landing and one missed approach initiated from a very low altitude that may result in a touchdown during the go-around manoeuvre.

(21) An applicant for Category III operations pilot authorisation shall perform all approaches during the practical test with the approved automatic landing system or an equivalent landing system approved by the Authority.

(22) If a multi-engine aircraft with the performance capability to execute a missed approach with one engine inoperative is used for Category III operations pilot

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authorisation practical test, the practical test shall include the performance of one missed approach with the most critical engine, if applicable, set at an idle or zero thrust before reaching the middle or outer marker.

(23) If an approved multi-engine synthetic flight trainer is used for a Category III operations pilot authorisation practical test, the applicant shall execute a missed approach with an engine, which shall be the most critical engine, if applicable, failed.

(24) For a Category III operations pilot authorisation for an aircraft that requires a type rating, the applicant shall pass a practical test in co-ordination with a co-pilot who holds a type rating in the aircraft in which the authorisation is sought.

(25) Subject to the limitations of this regulation, for Category IIIB operations predicated on the use of a fail-passive roll-out control system, the applicant shall execute at least one manual rollout using visual reference or a combination of visual and instrument references, and shall initiate the manoeuvre by a fail-passive disconnect of the roll-out control system—

- (a) after main gear touchdown;
- (b) prior to nose gear touchdown;
- (c) in conditions representative of the most adverse lateral touchdown displacement allowing a safe landing on the runway; and
- (d) in weather conditions anticipated in Category III B operations.

(26) A person authorised by the Authority may conduct an oral test at any time during the Category III operations pilot authorisation practical test.

59. Balloon ratings

Where an applicant for a private pilot licence or commercial pilot licence balloon successful takes a practical test in—

- (a) a balloon with an airborne heater, the Authority shall place upon the pilot licence a limitation restricting the exercise of the privileges of that licence to a balloon with an airborne heater; or
- (b) a gas balloon, the Authority shall place upon the pilot licence a limitation restricting the exercise of the privilege of that licence to a gas balloon.

*Night Rating***60. General eligibility requirements for night rating**

A private pilot licence holder shall not act as a pilot-in-command by night in the aircraft unless a night rating or an instrument rating is included in his licence.

61. Flight instruction requirements for night rating

An applicant for a night rating shall have received five hours dual instruction under a qualified instructor in night flying, five flights as pilot-in-command including five take offs and landings in an aircraft.

62. Privileges and limitations for night rating

A night rating shall entitle a private pilot licence holder to act as a pilot-in-command of an aircraft at night but does not entitle the holder to pilot an aircraft under instrument flight rules conditions.

63. Renewal requirements for night rating

An applicant for a night rating renewal shall have within the immediately preceding six months of the application carried out as pilot-in-command not less than five takeoffs and five landings at night.

*Instrument Rating***64. General eligibility requirements for instrument rating**

(1) A holder of a pilot licence shall not act either as pilot-in-command or as co-pilot of an aircraft under instrument flight rules unless such holder has received an instrument rating appropriate to the aircraft category.

(2) An applicant for an instrument rating shall—

- (a) hold a private pilot licence or commercial pilot licence with an aircraft category and type rating for the instrument rating sought;
- (b) receive a logbook or training record endorsement from an authorised instructor certifying that the person is prepared to take the required practical test;
- (c) pass the required knowledge test on the aeronautical knowledge areas, unless the applicant already holds an instrument rating in another category; and
- (d) pass the required practical test on the areas of operation in—
 - (i) the aircraft category, and type appropriate to the rating sought; or
 - (ii) a synthetic flight trainer or a flight training device appropriate to the rating sought and approved for the specific manoeuvre or procedure performed; and
- (e) be in possession of a valid Class 1 medical certificate issued under these Regulations.

65. Aeronautical knowledge requirements

An applicant for an instrument rating (aeroplanes and helicopters) shall receive and record ground training from an authorised instructor on the following subjects—

- (a) air law: rules and regulations relevant to flight under instrument flight rules; related air traffic services practices and procedures;
- (b) aircraft general knowledge—
 - (i) use, limitation and serviceability of avionics and instruments necessary for the control and navigation of aircraft under instrument flight rules and in instrument meteorological conditions; use and limitations of autopilot; and
 - (ii) compasses, turning and acceleration errors; gyroscopilot-in-command instruments, operational limits and precession effects; practices and procedures in the event of malfunctions of various flight instruments;
- (c) flight performance and planning—
 - (i) pre-flight preparations and checks appropriate to flight under instrument flight rules;
 - (ii) operational flight planning; preparation and filing of air traffic services flight plans under instrument flight rules; altimeter setting procedures;
- (d) human performance: human performance relevant to instrument flight in aircraft;

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- (e) meteorology—
 - (i) application of aeronautical meteorology; interpretation and use of reports, charts and forecasts; codes and abbreviations; use of, and procedures for obtaining, meteorological information; altimetry;
 - (ii) causes, recognition and effects of engine and airframe icing; frontal zone penetration procedures; hazardous weather avoidance;
- (f) navigation—
 - (i) practical air navigation using radio navigation aids;
 - (ii) use, accuracy and reliability of navigation systems used in departure, en-route, approach and landing phases of flight; identification of radio navigation aids;
- (g) operational procedures—
 - (i) interpretation and use of aeronautical documentation such as aeronautical information publication, notice to airmen, aeronautical codes and abbreviations, and instrument procedure charts for departure, en-route, descent and approach;
 - (ii) precautionary and emergency procedures; safety practices associated with flight under instrument flight rules;
- (h) radiotelephony: radiotelephony procedures and phraseology as applied to aircraft operations under instrument flight rules; action to be taken in case of communication failure.

66. Flight instruction requirements for instrument rating

(1) An applicant for an instrument rating shall have twenty hours or more of the instrument flight time required in regulation 67 (2)(b) while receiving and logging dual instruction in aircraft from an authorised flight instructor in an aircraft or approved synthetic flight trainer, on the subjects listed in the regulation 65.

(2) An instructor shall ensure that the applicant has operational experience in at least the following areas to the level of performance required for the holder of an instrument rating—

- (a) pre-flight procedures, including the use of the flight manual or equivalent document; and appropriate air traffic services documents in the preparation of an instrument flight rules flight plan;
- (b) pre-flight inspection, use of checklists, taxiing and pre-take-off checks;
- (c) procedures and manoeuvres for instrument flight rules operation under normal, abnormal and emergency conditions covering at least—
 - (i) transition to instrument flight on take-off;
 - (ii) standard instrument departures and arrivals;
 - (iii) en-route instrument flight rules procedures;
 - (iv) holding procedures;
 - (v) instrument approaches to specified minima;
 - (vi) missed approach procedures; and
 - (vii) landings from instrument approaches;
- (d) in-flight manoeuvres and particular flight characteristics; and
- (e) if appropriate, operation of multi-engine helicopter solely by reference to instruments with one engine inoperative or simulated inoperative.

67. Aeronautical experience and skill requirements for instrument rating

(1) An applicant for an instrument rating shall hold a private pilot licence, a commercial pilot licence or airline transport pilot licence.

(2) An applicant for instrument rating shall have completed not less than—

- (a) fifty hours of cross-country flight time as pilot-in-command of aircraft in categories acceptable to the Authority, of which not less than ten hours shall be in aeroplane or helicopter; and
- (b) forty hours of instrument time aeroplanes or helicopters of which not more than twenty hours or thirty hours where a synthetic flight trainer is used may be instrument ground time under the supervision of an authorised instructor.

(3) If the privileges of the instrument rating are to be exercised on a multi-engine aeroplane, out of the twenty hours specified in regulation 66(1), the applicant must have received fifteen hours of dual instruction in such an aeroplane from an authorised flight instructor.

(4) An applicant shall have demonstrated the ability to perform as pilot-in-command of an aircraft, the procedures and manoeuvres described in regulation 66 with a degree of competency appropriate to the privileges granted to the holder of an instrument rating and to—

- (a) operate the aircraft within its limitations;
- (b) complete all manoeuvres with smoothness and accuracy;
- (c) exercise good judgment and airmanship;
- (d) apply aeronautical knowledge; and
- (e) maintain control of the aircraft at all times in a manner such that the successful outcome of the procedures or manoeuvre is never seriously in doubt.

(5) An applicant shall have demonstrated the ability to operate a multi-engine aeroplane solely by reference to instruments with one engine inoperative, or simulated inoperative, if the privileges of the instrument rating are to be exercised on such aeroplane.

68. Privileges and limitations of instrument rating

(1) A holder of an instrument rating may act as pilot of an aeroplane flying in accordance with instrument flight rules.

(2) To exercise the privileges on a multi-engine aeroplane, the holder shall have complied with the requirements of regulation 69.

69. Renewal requirements for instrument rating

An applicant for renewal of an instrument rating shall pass a flight test either on an aircraft or an approved synthetic flight trainer of an aircraft type rating included in the pilot licence.

*Flight Instructor Rating***70. Eligibility requirements for flight instructor rating**

(1) To be eligible for a flight instructor rating an applicant shall—

- (a) be at least eighteen years of age;

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- (b) hold either a commercial pilot licence or airline transport pilot licence with—
 - (i) an aircraft category and class rating that is appropriate to the flight instructor rating sought; and
 - (ii) an instrument rating, if the person holds a commercial pilot licence and is applying for a flight instructor rating with—
 - (aa) an aeroplane category and multi-engine class rating; and
 - (bb) an instrument rating;
- (c) have received a logbook endorsement from an authorised instructor on the fundamentals of instructing listed in regulation 71 appropriate to the required knowledge test;
- (d) have passed a knowledge test on the areas listed in regulation 71;
- (e) have received a logbook endorsement from an authorised instructor on the areas of operation listed in regulation 73, appropriate to the flight instructor rating sought;
- (f) have passed the required practical test on the areas of operations listed in regulation 73, that is appropriate to the flight instructor rating sought in—
 - (i) an aircraft that is representative of the category and class of aircraft for the aircraft rating sought; or
 - (ii) an approved synthetic flight trainer that is representative of the category and class of aircraft for the rating sought, and used in accordance with an approved course at an approved training organisation certificated under the Civil Aviation (Approved Training Organisations) Regulations;
- (g) have accomplished the following for a flight instructor rating with an aircraft rating, and—
 - (i) received a logbook endorsement from an authorised instructor indicating that the applicant is competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures after receiving flight training in those training areas in an aircraft, as appropriate, that is certificated for spins; and
 - (ii) demonstrated instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures;
- (h) have logged at least fifteen hours as pilot-in-command in the category and class of aircraft that is appropriate to the flight instructor rating sought; and
- (i) have complied with the appropriate sections that apply to the flight instructor rating sought.

(2) For the purpose of the requirement of subregulation (1)(g)(ii), the Authority may accept the endorsement specified in paragraph (g)(i) as satisfactory evidence of instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures for the practical test, provided that the practical test is not a retest as a result of the applicant failing the previous test for deficiencies in those knowledge or skill areas.

(3) If the retest referred in subregulation (2) is the result of deficiencies in the ability of an applicant to demonstrate the requisite knowledge or skill, the applicant shall demonstrate the knowledge and skill to an examiner in an aircraft, as appropriate, that is certificated for spins.

71. Aeronautical knowledge requirements for flight instructor rating

(1) An applicant for a flight instructor rating shall have met the knowledge requirements for the issue of a commercial pilot licence as prescribed in regulation 43 as appropriate.

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(2) In addition to the requirements of subregulation (1) the applicant shall demonstrate a level of knowledge appropriate to the privileges granted to the holder of a flight instructor rating, in the following areas—

- (a) techniques of applied instruction;
- (b) assessment of student performance in those subjects in which ground instruction is given;
- (c) the learning process;
- (d) elements of effective teaching;
- (e) student evaluation and testing, training philosophies;
- (f) training programme development;
- (g) lesson planning;
- (h) classroom instructional techniques;
- (i) use of training aids;
- (j) analysis and correction of student errors;
- (k) human performance relevant to flight instruction; and
- (l) hazards involved in simulating system failures and malfunctions in the air.

72. Aeronautical experience for flight instructor rating

(1) An applicant for a flight instructor rating shall have met the experience requirements for the issue of a commercial pilot licence prescribed in regulation 45.

(2) An applicant for a flight instructor rating shall demonstrate, in the category of aircraft for which flight instructor privileges are sought, the ability to instruct in those areas in which flight instruction is to be given, including pre-flight, post-flight and ground instruction as appropriate.

73. Instruction requirements for flight instructor rating

An applicant for a flight instructor rating shall, under the supervision of an authorised flight instructor—

- (a) have received instruction of not less than twenty hours in flight instructional techniques including demonstration, student practices, recognition and correction of common student errors; and
- (b) have practised instructional techniques in those flight manoeuvres and procedures in which it is intended to provide flight instruction.

74. Trainees records

A holder of a flight instructor rating shall—

- (a) sign the logbook or any other approved record keeping document of each person to whom that instructor has given flight training or ground training;
- (b) maintain a record in a logbook or a separate document that contains the following—
 - (i) the name of each person whose logbook that instructor has endorsed for solo flight privileges, and the date of the endorsement; and
 - (ii) the name of each person that instructor has endorsed for a knowledge test or practical test and a record of the kind of test, the date, and the results; and
- (c) retain the records required by this regulation for three years from the date of giving the flight training or ground training.

[Subsidiary]**75. Additional category for flight instructor rating**

An applicant for an additional category flight instructor rating shall meet the eligibility requirements listed in regulation 70 that apply to the flight instructor rating sought.

76. Privileges of a flight instructor

- (1) A flight instructor shall have the following privileges—
 - (a) to supervise student pilots on solo flights;
 - (b) to carry out flight and ground instructions for the issue or renewal of—
 - (i) a private pilot licence;
 - (ii) a commercial pilot licence;
 - (iii) an instrument rating; and
 - (iv) a flight instructor rating.
- (2) To exercise the privileges in subregulation (1), a flight instructor shall—
 - (a) hold a licence and rating for which instruction is to be given in the appropriate aircraft category;
 - (b) holds a licence and rating necessary to act as the pilot-in-command of the aircraft on which the instruction is to be given; and
 - (c) have the flight instructor privileges entered on the licence.

77. Limitations and qualifications of flight instructor rating

(1) A holder of a flight instructor rating shall observe the limitations and qualifications specified in this regulation.

(2) In any twenty four consecutive hour period, a flight instructor may not conduct more than eight hours of flight training.

(3) A flight instructor shall not conduct flight training in any aircraft for which the flight instructor does not hold—

- (a) a valid pilot licence with the applicable category and class rating and flight instructor rating;
- (b) if appropriate, a type-rating;
- (c) for instrument flight training or for training for a type rating not limited to visual flight rules, an appropriate instrument rating on his pilot licence and flight instructor rating.

(4) A flight instructor shall not endorse—

- (a) a student pilot's logbook for solo flight privileges, unless that flight instructor has—
 - (i) given that student the flight training required for solo flight privileges required under these Regulations;
 - (ii) determined that the student is prepared to conduct the flight safely under known circumstances, subject to any limitations listed in the student's logbook that the instructor considers necessary for the safety of the flight;
 - (iii) given the student pilot training in the make and model of aircraft or a similar make and model of aircraft in which the solo flight is to be flown; and
 - (iv) endorsed the student pilot's logbook for the specific make and model aircraft to be flown;

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- (b) a student pilot's logbook for a solo cross-country flight, unless the flight instructor has determined that—
 - (i) the student's flight preparation, planning, equipment, and proposed procedures are adequate for the proposed flight under the existing conditions and within any limitations listed in the logbook that the instructor considers necessary for the safety of the flight; and
 - (ii) the student has the appropriate solo cross-country endorsement for the make and model of aircraft to be flown;
- (c) a logbook of a pilot for a flight check-out, unless that instructor has conducted a review of that pilot in accordance with the requirements of regulation 28; and
- (d) a logbook of a pilot for an instrument proficiency check, unless that instructor has tested that pilot in accordance with the requirements of Civil Aviation (Operation of Aircraft) Regulations.

(5) A flight instructor shall not give training required for the issue of a licence or rating in a multi-engine aeroplane or helicopter unless that flight instructor has at least five flight hours of pilot-in-command time in the specific make and model of multi-engine aeroplane or helicopter, as appropriate.

(6) A flight instructor shall not provide instruction to a pilot to qualify for a flight instructor rating unless that flight instructor—

- (a) holds an appropriate valid flight instructor rating and has exercised the privileges of that rating within the last twenty-four months;
- (b) has given two hundred hours of flight training as a flight instructor in the relevant aircraft category; and
- (c) in the case of glider rating, has given at least eighty hours of flight training as a flight instructor in gliders.

78. Renewal requirements for flight instructor rating

A flight instructor rating may be renewed if the applicant—

- (a) passes a practical test for—
 - (i) renewal of the flight instructor rating; or
 - (ii) additional flight instructor privilege; or
- (b) presents to the Authority—
 - (i) a record of training students that shows that within twelve months preceding the date of application for renewal of the rating, the flight instructor has endorsed at least five students for a practical test for a licence or rating, and at least eighty per cent of those students passed that test on the first attempt; or
 - (ii) a record that shows that within the preceding twelve months, the flight instructor has performed as a flight instructor or company check pilot and has logged not less than twenty instructional hours;
 - (iii) a certificate showing that the applicant has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, within the ninety days preceding the date of the expiry of the flight instructor rating.

79. Renewal of an expired flight instructor rating

A holder of an expired flight instructor rating shall pass a flight instructor's practical test in order to renew the expired flight instructor rating.

[Subsidiary]*Flight Examiner Authorisation***80. Flight examiner requirements**

(1) A flight examiner shall hold—

- (a) a licence and rating for which he is authorised to conduct skill tests or proficiency checks; and
- (b) appropriate flight instructor ratings for skill tests.

(2) To qualify for a flight examiner's authorisation, a pilot shall have logged one thousand hours of flight time and two hundred hours providing flight instruction.

(3) The ground, flight and synthetic flight training for a flight examiner shall include the subjects listed in regulation 71.

(4) To qualify for a flight examiner's authorisation, a pilot shall have conducted at least one skill test under the observation by the Authority, in the role of an examiner for which authorisation is sought, including briefing, conduct of the skill test, assessment of the applicant to whom the skill test is given, debriefing and recording or documentation.

(5) Subject to compliance with the requirements specified in these Regulations, the privileges of a flight examiner's authorisation are to conduct skill tests and proficiency checks for a licence and ratings.

81. Flight examiner training requirements

(1) Ground training for a flight examiner shall include—

- (a) examiner duties, functions and responsibilities;
- (b) applicable regulations and procedures;
- (c) appropriate methods, procedures and techniques for conducting the required tests and checks;
- (d) proper evaluation of student performance including the detection of—
 - (i) improper and insufficient training; and
 - (ii) personal characteristics of an applicant that could adversely affect safety;
- (e) appropriate corrective action in the case of unsatisfactory tests and checks; and
- (f) approved methods, procedures and limitations for performing the required normal, abnormal and emergency procedures in the aircraft.

(2) Flight training shall include—

- (a) training and practice in conducting flight evaluation from the left and right pilot seats for pilot examiners in the required normal, abnormal and emergency procedures to ensure competence to conduct the flight tests and checks;
- (b) the potential results of improper, untimely or non-execution of safety measures during an evaluation; and
- (c) the safety measures to be taken from either pilot seat for pilot check examiners for emergency situations that are likely to develop during an evaluation.

(3) Flight training for examiners in synthetic flight trainer shall include—

- (a) training and practice in conducting flight checks in the required normal, abnormal and emergency procedures to ensure competence to conduct the evaluations tests and checks required under these Regulations; and

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- (b) training in the operation of synthetic flight trainer to ensure competence to conduct the evaluations required under these Regulations.

PART VIII – LICENCES FOR FLIGHT CREW MEMBERS OTHER THAN PILOTS

*Flight Engineer Licence***82. Licences and ratings required**

A person shall not act as a flight engineer of an aircraft registered in Kenya unless that person holds a flight engineer licence with appropriate ratings.

83. General eligibility requirements for flight engineer licence

An applicant for a flight engineer licence shall—

- (a) be at least eighteen years of age;
- (b) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
- (c) comply with the requirements of these Regulations that apply to the rating sought; and
- (d) possess a valid Class 1 medical certificate issued under these Regulations.

84. Additional aircraft ratings

An applicant for an additional aircraft class, category or type rating flight engineer licence, shall—

- (a) pass the knowledge test and practical test that is appropriate to the class, category or type of aircraft for which an additional rating is sought; and
- (b) satisfactorily complete an approved flight engineer training program that is appropriate to the additional class rating sought.

85. Knowledge requirements for flight engineer licence

(1) An applicant for a flight engineer licence shall pass a knowledge test on the following subjects—

- (a) air law: rules and regulations relevant to the holder of a flight engineer licence, rules and regulations governing the operation of aircraft pertinent to the duties of a flight engineer;
- (b) aircraft general knowledge—
 - (i) basic principles of powerplants, gas turbines or piston engines, characteristics of fuels, fuel systems including fuel control, lubricants and lubrication systems, afterburners and injection systems, function and operation of engine ignition and starter systems;
 - (ii) principles of operation, handling procedures and operating limitations of aircraft powerplants, effects of atmospheric conditions on engine performance;
 - (iii) airframes, flight controls, structures, wheel assemblies, brakes and anti-skid units, corrosion and fatigue life, identification of structural damage and defects;
 - (iv) ice and rain protection systems;
 - (v) pressurization and air-conditioning systems, oxygen systems;
 - (vi) hydraulic and pneumatic systems;

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- (vii) basic electrical theory, electric systems (AC and DC), aircraft wiring systems, bonding and screening;
- (viii) principles of operation of instruments, compasses, autopilots, radio communication equipment, radio and radar navigation aids, flight management systems, displays and avionics;
- (ix) limitations of appropriate aircraft;
- (x) fire protection, detection, suppression and extinguishing systems; and
- (xi) use and serviceability checks of equipment and systems of appropriate aircraft;
- (c) flight performance and planning—
 - (i) effects of loading and mass distribution on aircraft handling, flight characteristics and performance, mass and balance calculations; and
 - (ii) use and practical application of performance data including procedures for cruise control;
- (d) human performance: human performance relevant to the flight engineer;
- (e) operational procedures—
 - (i) principles of maintenance, procedures for the maintenance of airworthiness, defect reporting, pre-flight inspections, precautionary procedures for fuelling and use of external power, installed equipment and cabin systems;
 - (ii) normal, abnormal and emergency procedures; and
 - (iii) operational procedures for carriage of freight and dangerous goods;
- (f) principles of flight: fundamentals of aerodynamics; and
- (g) radiotelephony: radiotelephony procedures and phraseology.

(2) The results of the knowledge test of an applicant for a flight engineer's licence shall be valid for eighteen months after the applicant passes the test.

86. Aeronautical experience requirements for a flight engineer licence

(1) Except as otherwise specified in this regulation, an applicant for a flight engineer licence shall obtain and log the flight time used to satisfy the aeronautical experience requirements of subregulation (2) on an aeroplane on which a flight engineer is required by these Regulations.

(2) An applicant for a flight engineer licence with a type rating shall present, for the type rating sought, satisfactory evidence of one of the following, including the practical experience with the aircraft described in subregulation (1)—

- (a) at least three years of practical experience in aircraft maintenance and at least five hours of flight training in the duties of a flight engineer; or
- (b) graduation from at least a two and half years specialised aeronautical training course in aircraft maintenance and at least six months of practical experience in maintaining aircraft and aircraft engines and at least five hours of flight training in the duties of a flight engineer; or
- (c) a degree in aeronautical or avionics engineering from a college, university or engineering school acceptable to the Authority, at least one year of practical experience in aircraft maintenance and at least five hours of flight training in the duties of a flight engineer; or
- (d) a degree in electrical or mechanical engineering from a college, university or engineering school acceptable to the Authority, at least one year of practical experience in aircraft maintenance and at least five hours of flight training in the duties of a flight engineer; or

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- (e) at least a commercial pilot licence with an instrument rating and at least five hours of flight training in the duties of a flight engineer; or
- (f) at least two hundred hours of flight time in a transport category aeroplane as pilot-in-command or a co-pilot performing the functions of a pilot-in-command under the supervision of a pilot-in-command; or
- (g) not less than one hundred hours of flight time as a flight engineer; or
- (h) within the ninety-day period before the application, successful completion of an approved flight engineer ground and flight course of instruction.

87. Skill requirements for a flight engineer licence

An applicant for a flight engineer licence with a type rating shall—

- (a) pass a practical test on the duties of a flight engineer in the type of aircraft for which a rating is sought or an approved synthetic flight trainer replicating such an aircraft;
- (b) show satisfactorily performance in pre-flight inspection, servicing, starting, pre-take-off and post-landing procedures;
- (c) while in flight, show satisfactorily performance of the normal duties and procedures relating to the aeroplane, aeroplane engines, propellers, if appropriate, systems and appliances; and
- (d) while in flight, in a synthetic flight trainer or in an approved training device, show satisfactorily performance on emergency duties and procedures and recognise and take appropriate action for malfunctions of the aeroplane, engines, propellers, if appropriate, systems and appliances.

88. Privileges of a flight engineer licence

A holder of a flight engineer licence may—

- (a) act as flight engineer of any type of aircraft on which the holder is rated;
- (b) be authorised to act as a flight engineer instructor for issue or renewal of flight engineer licences or ratings; and
- (c) exercise all the privileges of the holder of a flight radiotelephone operator licence specified in regulation 123.

89. Renewal requirements for a flight engineer licence

A holder of a flight engineer licence may apply for renewal of the licence if the holder has logged not less than six hours as flight engineer within the six months preceding the date of application for renewal.

**PART IX – LICENCES, CERTIFICATES, RATINGS AND AUTHORISATIONS FOR
PERSONNEL OTHER THAN FLIGHT CREW MEMBERS**

Air Traffic Controller Licence

90. Required licences and ratings for air traffic controller licence

(1) A person shall not act as an air traffic controller unless that person holds an air traffic controller licence issued under these Regulations.

(2) A licence to act as an air traffic controller include—

- (a) one or more ratings as specified in regulation 5(4) specifying the type of air traffic control service which the holder of the licence is competent to provide; and

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- (b) a list of the places at which, and the type of radar equipment, if any, with the aid of which the licence holder may provide the service.

(3) Where during a continuous period of six months the holder of an air traffic controller licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall cease to be valid for that place at the end of the six months period.

(4) Upon a rating ceasing to be valid as specified for a place, in subparagraph (3) the holder of the air traffic controller licence shall forthwith inform the Authority to that effect and shall forward the licence to the Authority to enable the licence to be endorsed accordingly.

91. General eligibility requirements for an issue for air traffic controller licence

An applicant for an air traffic controller licence shall—

- (a) be at least twenty years of age;
- (b) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations without impediment of speech that would interfere with two-way radio conversation; and
- (c) comply with the knowledge requirements of regulations 92 and 93.

92. Knowledge requirements for air traffic controller licence

(1) An applicant for an air traffic controller licence shall have received and passed an approved training course in air traffic control conducted at an approved training organisation in at least the following subjects—

- (a) air law: rules and regulations relevant to the air traffic controller;
- (b) air traffic control equipment: principles, use and limitations of equipment used in air traffic control;
- (c) general knowledge: principles of flight; principles of operation and functioning of aircraft, powerplants and systems; aircraft performances relevant to air traffic control operations;
- (d) human performance: human performance relevant to air traffic control;
- (e) language: the language or languages nationally designated for use in air traffic control and ability to speak such language or languages without accent or impediment which would adversely affect radio communication;
- (f) meteorology: aeronautical meteorology; use and appreciation of meteorological documentation and information; origin and characteristics of weather phenomena affecting flight operations and safety; altimetry;
- (g) navigation: principles of air navigation; principle, limitation and accuracy of navigation systems and visual aids; and
- (h) operational procedures: air traffic control, communication, radiotelephony and phraseology procedures (routine, non routine and emergency); use of the relevant aeronautical documentation; safety practices associated with flight.

(2) The applicant shall have undergone the actual control of air traffic under the supervision of an appropriately rated air traffic controller and acquired experience for the rating sought as specified in regulation 93.

(3) The applicant shall hold a current Class 3 medical certificate.

(4) The validity of the knowledge test results for an applicant for a air traffic controller licence shall be eighteen months after passing the test.

93. Knowledge requirements for air traffic controller ratings

(1) An applicant for air traffic controller rating shall have demonstrated a level of knowledge appropriate to the privileges granted, in at least the following subjects in so far as they affect the area of responsibility—

- (a) aerodrome control rating—
 - (i) aerodrome layout, physical characteristics and visual aids;
 - (ii) airspace structure;
 - (iii) applicable rules, procedures and source of information;
 - (iv) air navigation facilities;
 - (v) air traffic control equipment and its use;
 - (vi) terrain and prominent landmarks;
 - (vii) characteristics of air traffic;
 - (viii) weather phenomena; and
 - (ix) emergency and search and rescue plans;
- (b) approach control and area control ratings—
 - (i) airspace structure;
 - (ii) applicable rules, procedures and source of information;
 - (iii) air navigation facilities;
 - (iv) air traffic control equipment and its use;
 - (v) terrain and prominent landmarks;
 - (vi) characteristics of air traffic and traffic flow;
 - (vii) weather phenomena; and
 - (viii) emergency and search and rescue plans; and
- (c) approach radar, approach precision radar and area radar control ratings: an applicant shall meet the requirements specified in paragraph (b) in so far as they affect the area of responsibility, and shall have demonstrated a level of knowledge appropriate to the privileges granted, in at least the following additional subjects—
 - (i) principles, use and limitations of radar, other surveillance systems and associated equipment; and
 - (ii) procedures for the provision of approach, precision approach or area radar control services, as appropriate, including procedures to ensure appropriate terrain clearance.

(2) The results of the knowledge test: an applicant for an air traffic controller rating shall be valid for twelve months after the applicant passes the test.

(3) An applicant for air traffic controller rating shall undergo the actual control of air traffic under the supervision of an appropriately rated air traffic controller and acquire experience for the rating sought as follows—

- (a) aerodrome control rating: an aerodrome control service, for a period of not less than ninety hours or one month, whichever is greater, at the unit for which the rating is sought;
- (b) approach control rating: an approach control service, for a period of not less than one hundred and eighty hours or three months, whichever is greater, at the unit for which the rating is sought;
- (c) approach radar control rating: an approach radar control service, for a period of not less than one hundred and eighty hours or three months, whichever is greater, at the unit for which the rating is sought;

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- (d) approach precision radar control rating: not less than two hundred precision approaches of which not more than one hundred shall have been carried out on a radar simulator approved for that purpose by the Authority, not less than fifty of those precision approaches shall have been carried out at the unit and on the equipment for which the rating is sought;
- (e) area control rating: an area control service, for a period of not less than one hundred and eighty hours or three months, whichever is greater, at the unit for which the rating is sought; and
- (f) area radar control rating: an area radar control service, for a period of not less than one hundred and eighty hours or three months, whichever is greater, at the unit for which the rating is sought:

Provided that—

- (i) the experience specified in this subregulation shall have been completed within the six month period immediately preceding application;
- (ii) where the applicant already holds an air traffic controller rating in another category, or the same rating for another unit, the Authority shall determine whether the experience requirement can be reduced, and if so, to what extent; and
- (iii) if the privileges of the approach radar control rating include surveillance radar approach duties, the experience shall include not less than twenty five plan position indicator approaches on the surveillance equipment of the type in use at the unit for which the rating is sought and under the supervision of an appropriately rated approach radar controller.

94. Skill requirements for air traffic controller ratings

(1) An applicant for air traffic controller rating shall have demonstrated, at a level appropriate to the privileges being granted, the skill, judgment and performance required to provide a safe, orderly and expeditious flow of air traffic.

(2) An applicant for a unit rating at an air traffic control unit shall be required to pass a practical test on each area listed in regulation 93 that is applicable to each operating position at the control unit at which the rating is sought.

95. Privileges and limitations for air traffic controller licence

(1) Subject to subregulation (2), a holder of an air traffic controller licence which includes ratings of two or more of the classes specified in subregulation (2) shall not at any one time perform the function specified in respect of more than one of these ratings.

(2) The functions of any one of the following groups of ratings may be exercised at the same time—

- (a) the aerodrome control rating and the approach control rating;
- (b) approach control rating and the approach radar control rating; except that the functions of the approach radar control rating shall not be exercised at the same time as the functions of the approach radar control rating if the service being provided under the approach radar control is a surveillance radar approach terminating at a point less than two nautical miles from the point of intersection of the glide path with the runway, the two functions shall not be exercised at the same time;
- (c) the area control rating and the area radar control rating; or

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- (d) by an aerodrome control tower or area control centre when it is necessary or desirable to combine under the responsibility of one unit of the functions of the approach control service with those of the aerodrome control service or area control service.

96. Privileges of air traffic controller ratings

(1) The privileges of the holder of an air traffic controller licence endorsed with one or more of the undermentioned ratings shall be—

- (a) aerodrome control rating: to provide or to supervise the provision of aerodrome control service for the aerodrome for which the licence holder is rated;
- (b) approach control rating: to provide or to supervise the provision of approach control service for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of the airspace, under the jurisdiction of the unit providing approach control service;
- (c) approach radar control rating: to provide or supervise the provision of approach control service with the use of radar or other surveillance systems for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or of the airspace, under the jurisdiction of the unit providing approach control service; and in case the holder complies with the rating the privileges shall include the provision of surveillance radar approaches;
- (d) approach precision radar control rating: to provide or supervise the provision of precision approach radar service at the aerodrome for which the licence holder is rated;
- (e) area control rating: to provide or supervise the provision of area control service within the control area or portion of the control area, for which the licence holder is rated;
- (f) area radar control rating: to provide or supervise the provision of area control service with the use of radar, within the control area or portion of the control area, for which the licence holder is rated.

(2) Before exercising the privileges indicated in subregulation (1), an air traffic controller licence holder shall be familiar with all pertinent and current information and shall indicate by signing his name indicating the time in universal time co-ordinated in the appropriate air traffic controller log book.

(3) A holder of an air traffic controller licence shall not provide instruction in an operational environment except as authorised in writing by the Authority.

97. Validity of air traffic controller ratings

An air traffic controller rating becomes invalid when an air traffic controller has ceased to exercise the privileges of the rating for a period of six months and shall remain invalid until the controller's ability to exercise the privileges of the rating has been re-established.

98. Maximum working hours

(1) Except in an emergency, a licensed air traffic controller shall not perform any duties for twenty four consecutive hours during each seven consecutive days.

(2) An air traffic controller may not serve or be required to serve—

- (a) for more than ten consecutive hours; or
- (b) for more than ten hours during a period of twenty-four consecutive hours, unless the air traffic controller has had a rest period of at least eight hours at or before the end of the ten hours of duty.

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99. Responsibilities over fatigue

A person holding an air traffic controller licence shall not act as an air traffic controller nor shall an employer allow a licensed controller, if the controller or the employer knows or suspects that the controller is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

100. Prohibition of unlicensed air traffic controllers

(1) An air traffic controller shall not provide any type of air traffic service at any aerodrome at which air traffic control service is required to be provided under the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations or at any other place, not being an aerodrome, at which air traffic control service is provided, whether or not under the direction of the Authority, unless he does so in accordance with the terms of—

- (a) a valid air traffic controller licence granted authorising air traffic controller to provide that type of service at that aerodrome or other places;
- (b) a valid air traffic controller licence so granted which does not authorise air traffic controller to provide that type of service at the aerodrome or other place, he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller licence which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided; or
- (c) the air traffic controller's appointment as an air traffic controller trainee and he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence which authorises him to provide that type of service at any aerodrome or at a place at which air traffic control service is provided:

Provided that the air traffic controller licence shall not be required by any person who acts in the course of his duty as a member of the Kenya military or a visiting force.

(2) A holder of an air traffic controller licence shall not perform any of the functions specified in regulation 96 in respect of a rating at any of the places referred to in subregulation (1) unless—

- (a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which functions are performed; or
- (b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under these Regulations which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided.

(3) Nothing in this regulation shall prohibit a holder of a valid air traffic controller licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

101. Renewal requirements for air traffic controller licence

An air traffic controller licence may be renewed if the holder demonstrates, at a level appropriate to the privileges being renewed, the skill, judgment and performance required to provide a safe, orderly and expeditious control service within the six months preceding the date of application for renewal.

*Ground Instructor Licence***102. Eligibility requirements for ground instructor licence**

- (1) An applicant for a ground instructor licence shall—
- (a) be at least eighteen years of age;
 - (b) demonstrate the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
 - (c) pass a knowledge test on the fundamentals of instructing including—
 - (i) the learning process;
 - (ii) elements of effective teaching;
 - (iii) student evaluation and testing;
 - (iv) course development;
 - (v) lesson planning;
 - (vi) classroom training techniques;
 - (vii) techniques of applied instructions;
 - (viii) use of training aids;
 - (ix) analysis and correction of student errors; and
 - (x) human performance relevant to ground instruction;
 - (d) pass a knowledge test on the aeronautical knowledge areas specified in regulations 37, 43 and 49.
- (2) A ground instructor licence shall be issued with either one of the following ratings—
- (a) basic;
 - (b) advanced; or
 - (c) instrument.
- (3) The knowledge test specified in subregulation (1)(c) is not required if the applicant holds a flight instructor rating issued under these Regulations.
- (4) The results of the knowledge test of an applicant for a ground instructor licence shall be valid for eighteen months after the applicant passes the test.

103. Privileges of ground instructor licence

- (1) A holder of a ground instructor licence may exercise the privileges appropriate to the rating as follows—
- (a) for a holder of a basic ground instructor rating—
 - (i) ground training in the aeronautical knowledge areas required for the issue of a private pilot licence or associated ratings;
 - (ii) ground training required for a private pilot flight check-out; and
 - (iii) a recommendation for a knowledge test required for the issuance of a private pilot licence;
 - (b) for a holder of an advanced ground instructor rating—
 - (i) ground training in the aeronautical knowledge areas required for the issue of any pilot licence or rating;
 - (ii) ground training required for any flight check-out; and
 - (iii) a recommendation for a knowledge test required for the issue of any licence;

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- (c) for a holder of an instrument ground instructor rating—
 - (i) ground training in the aeronautical knowledge areas required for the issue of an instrument rating;
 - (ii) ground training required for an instrument proficiency check; and
 - (iii) a recommendation for a knowledge test required for the issue of an instrument rating.

(2) A person who holds a ground instructor licence shall be authorised, within the limitations of the ratings on the ground instructor licence, to endorse the logbook or other training record of a person to whom the holder has provided the training or recommendation specified in subregulation (1).

104. Requirements for ratings

An applicant for a ground instructor licence is required to hold or have held a commercial pilot licence or airline transport pilot licence as appropriate or pass the following—

- (a) basic ground instructor rating: aeronautical knowledge requirements for commercial pilot licence as prescribed in regulation 43;
- (b) advanced ground instructor rating: aeronautical knowledge requirements for airline transport pilot licence as prescribed in regulation 49;
- (c) instrument ground instructor rating—
 - (i) meet the requirements of either (a) or (b) and in addition the instrument rating knowledge requirements prescribed in regulation 65; and
 - (ii) be a holder of a valid instrument rating.

105. Renewal requirements for ground instructor licence

A holder of a ground instructor licence shall not perform the duties of a ground instructor unless within the twelve preceding months the person has served for three months as a ground instructor.

*Flight Operations Officer Licence***106. General eligibility requirements for flight operations officer licence**

An applicant for a flight operations officer licence shall—

- (a) be at least twenty one years of age;
- (b) demonstrate the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations; and
- (c) comply with the knowledge requirements, experience or training requirements and skill requirements for flight operations officer as contained in these Regulations.

107. Knowledge requirements for flight operations officer licence

(1) An applicant for a flight operations officer licence shall pass a knowledge test covering the following areas—

- (a) air law: rules and regulations relevant to the holder of a flight operations officer licence and appropriate air traffic services practices and procedures;

- (b) aircraft general knowledge—
 - (i) principles of operation of aeroplane powerplants, systems and instruments;
 - (ii) operating limitations of aeroplanes and powerplants; and
 - (iii) minimum equipment list;
- (c) flight performance calculation and planning procedures—
 - (i) effects of loading and mass distribution on aircraft performance and flight characteristics; mass and balance calculations;
 - (ii) operational flight planning, fuel consumption and endurance calculations, alternate airport selection procedures, en-route cruise control and extended range operation;
 - (iii) preparation and filing of air traffic services flight plans; and
 - (iv) basic principles of computer-assisted planning systems;
- (d) human performance: human performance relevant to dispatch duties;
- (e) meteorology—
 - (i) aeronautical meteorology, the movement of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route and landing conditions; and
 - (ii) interpretation and application of aeronautical meteorological reports, charts and forecasts, codes and abbreviations, use of, and procedures for obtaining, and meteorological information;
- (f) navigation: principles of air navigation with particular reference to instrument flight;
- (g) operational procedures—
 - (i) use of aeronautical documentation;
 - (ii) operational procedures for the carriage of freight and dangerous goods;
 - (iii) procedures relating to aircraft accidents and incidents and emergency flight procedures; and
 - (iv) procedures relating to unlawful interference and sabotage of aircraft;
- (h) principles of flight: principles of flight relating to the appropriate category of aircraft; and
- (i) radio communication: procedures for communicating with aircraft and relevant ground stations.

(2) The results of the knowledge test for an applicant for flight operations officer licence shall be valid for eighteen months after the applicant passes the test.

108. Experience or training requirements for flight operations officer licence

(1) An applicant for a flight operations officer licence shall present documentary evidence satisfactory to the Authority that the applicant has the experience or training as follows—

- (a) a total of two years' service in any one or in any combination of the capacities specified in subparagraph (i), (ii), (iii), provided that in any combination of experience the period served in any capacity shall be at least one year—
 - (i) a flight crew member in commercial air transport; or

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- (ii) a meteorologist in an organisation dispatching aircraft in commercial air transport; or
- (iii) an air traffic controller or technical supervisor of flight operations officer or air transportation flight operations systems; or
- (b) at least one year as an assistant in the dispatching or aircraft used in commercial air transport; or
- (c) has satisfactorily completed an approved course training in flight operations.

(2) An applicant shall have served under the supervision of a flight operations officer for at least ninety days within the six months immediately preceding the application.

109. Skill requirements for flight operations officer licence

An applicant for a flight operations officer licence shall demonstrate the ability to—

- (a) make an accurate and operationally acceptable weather analysis from a series of daily weather maps and weather reports;
- (b) provide an operationally valid briefing on weather conditions prevailing in the general neighbourhood of a specific air route;
- (c) forecast weather trends pertinent to air transportation with particular reference to destination and alternates;
- (d) determine the optimum flight path for a given segment and create accurate manual or computer generated flight plans; and
- (e) provide operating supervision and all other assistance to a flight in actual or simulated adverse weather conditions,

as appropriate to the duties of the holder of a flight operations officer licence.

110. Privileges for flight operations officer licence

Subject to compliance with the requirements specified in these Regulations, the privileges of a holder of a flight operations officer licence shall be to serve in that capacity with responsibility for each area for which the applicant meets the requirements specified in the Civil Aviation (Operation of Aircraft) Regulations.

111. Renewal requirements of flight operations officer licence

A flight operations officer licence may be renewed if the holder has performed his duties in the six months preceding the date of application for renewal exercising the privileges of the licence.

*Aircraft Maintenance Engineer***112. General eligibility requirements for aircraft maintenance engineer licence**

(1) An applicant for a grant of an aircraft maintenance engineer licence shall—

- (a) be at least eighteen years of age;
- (b) demonstrate the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations and interpret technical reports and maintenance publications and carry out technical discussions in the English language;
- (c) comply with the knowledge, experience and competency requirements prescribed for the rating sought; and
- (d) pass all of the prescribed examinations for the rating sought, within twelve months preceding the date of filing the application.

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(2) A licensed aircraft maintenance engineer who applies for an additional rating shall meet the requirements of regulation 114.

113. Aeronautical knowledge and skill requirements for aircraft maintenance engineer licence

(1) An applicant for an aircraft maintenance engineer licence shall demonstrate the level of knowledge and skill in the subjects as provided in the Second Schedule to these Regulations.

(2) The knowledge test results for an aircraft maintenance engineer licence shall be valid for twelve months after the applicant passes the test.

114. Experience requirements for licence with or without type rating

(1) Except as specified in subregulation (2), an applicant for the issue or extension of a licence in Categories A, C, X and R shall show confirmed minimum specific periods of aircraft maintenance engineering experience totalling three years.

(2) An applicant for Category X – compass compensation and adjustment shall hold a licence without type ratings in both Categories A and C or X or R and shall have a minimum of six months' engineering experience relating to the maintenance of operating aircraft in the two years preceding the date of application with a minimum of six compass swings.

(3) An applicant shall demonstrate the following minimum experience gained while maintaining operating aircraft and not in component workshops or on static or non-flying aircraft—

- (a) for a Category A or C licence without type rating, twenty-four months relating to airframe for engine maintenance, twelve months of which shall be in the two years immediately preceding the date of application; or
- (b) for any Category R or X licence without type rating (excluding Category X – compass compensation and adjustment), twenty-four months related to avionic systems, twelve months of which shall be in the two years immediately preceding the date of application; and
- (c) six months, within the twelve months referred to in (a) and (b), relevant to the specific licence without type rating for which application is being made.

(4) Where an applicant for Category X electrical holds a valid licence which includes both Category A and Category C licence without type rating subdivisions, the experience in subregulation (3)(b) need not be complied with and the applicant need show only the six months' experience relevant to the licence without type rating required in subregulation (3)(c).

(5) Where an applicant for a licence without type rating in one category holds a valid licence in another category, the experience requirement of subregulation (3)(a) and (3)(b) may be reduced depending on the total practical experience accumulated while holding that licence and training attended but in any case shall demonstrate the experience requirements of subregulation (3)(c), any of the periods specified above may be concurrent.

(6) Subject to subregulation (7), extension of a licence to include a type rating—

- (a) shall not require a period of general experience additional to that required for the relevant licence without type rating, which must be held before a type rating is granted; and
- (b) shall require satisfactory record of experience, gained within the three years before the application, appropriate to the type rating sought.

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(7) An applicant for a type rating from a holder of a licence without type rating which was gained following successful completion of an approved initial course shall show confirmed evidence that he has obtained at least twelve months relevant aircraft engineering experience with an organisation engaged in the maintenance of operational aircraft in addition to that gained during the course.

115. Privileges and limitations of aircraft maintenance engineer licence

(1) Except as specified in subregulations (4) and (5), a holder of an aircraft maintenance engineer licence may perform or supervise the maintenance, preventive maintenance, or modification of, or after inspection, approve for return to service, any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, for which the holder of an aircraft maintenance engineer licence is rated, provide the holder has—

- (a) satisfactorily performed the work at an earlier date;
- (b) demonstrated the ability to perform the work to the satisfaction of the Authority;
- (c) received training acceptable to the Authority on the tasks to be performed; or
- (d) performed the work while working under the direct supervision of a holder of an aircraft maintenance engineer licence or an aviation repair specialist who is appropriately authorised and has—
 - (i) previous experience in the specific operation concerned; or
 - (ii) received training acceptable to the Authority on the task to be performed.

(2) Except as specified in subregulations (4) and (5), a holder of an aircraft maintenance engineer licence with an airframe rating may, after he has performed the inspection required by the Civil Aviation (Operation of Aircraft) Regulations on an airframe or any related part or appliance, approve and return the airframe or any related part or appliance to service.

(3) Except as specified in subregulations (4) and (5), a holder of an aircraft maintenance engineer licence with an engine rating may perform the inspection required by the Civil Aviation (Operation of Aircraft) Regulations on an engine or propeller or any related part or appliance and approve and return the airframe or any related part or appliance to service.

(4) Except as specified in subregulation (5), a holder of an aircraft maintenance engineer licence with a radio, electrical, instruments and compass rating may inspect, repair, maintain, function, test and return to service aircraft radio, electrical, instruments and compass systems and components respectively.

(5) A holder of an aircraft maintenance engineer licence with an airframe, engine or radio, electrical, instruments and compass rating shall not supervise the maintenance, preventive maintenance, or modification of, or approve and return to service, any aircraft, airframe, engine, propeller, appliance, component or part thereof, for which the holder of an aircraft maintenance engineer licence is rated unless the holder has satisfactorily performed the work concerned at an earlier date.

116. Recency and renewal requirement for aircraft maintenance engineer licence

(1) A holder of an aircraft maintenance engineer licence shall apply for renewal of licence at least two months before the expiry period in a form and manner prescribed by the Authority.

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(2) The holder of the licence specified under subregulation (1) must have performed work comparable with that required for the grant of the licence for periods totaling at least six months during the twenty four months preceding the date of the expiry of the licence.

(3) A person who fails to renew his licence after the expiry period may do so within the next twelve months provided that he proves that he has been continuously engaged in practical work for the entire extended period.

(4) A person who does not apply for a renewal within the extended period as provided in subregulation (3) or fails to prove that he has continuously been engaged in practical work during that period will be required to sit for an exam before his licence is renewed.

Aviation Repair Specialist Authorisation

117. Eligibility requirements for aviation repair specialist authorisation

An applicant for an aviation repair specialist authorisation shall—

- (a) be at least eighteen years of age;
- (b) demonstrate the ability to read, speak, write, and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations and interpret technical reports and maintenance publications and carry out technical discussions in the English language;
- (c) be specially qualified to perform maintenance on aircraft or aircraft components appropriate to the job for which the aviation repair specialist was employed;
- (d) be employed for a specific job requiring special qualifications by an approved maintenance organisation certificated under the Civil Aviation (Approved Maintenance Organisation) Regulations;
- (e) be recommended for certification by the aviation repair specialist's employer, to the satisfaction of the Authority, as able to satisfactorily maintain aircraft or components, appropriate to the job for which the aviation repair specialist is employed; and
- (f) either—
 - (i) have at least eighteen months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which the person is to be employed and certificated; or
 - (ii) have completed formal training acceptable to the Authority and specifically designed to qualify the applicant for the job on which the applicant is to be employed.

118. Privileges and limitations

(1) An applicant for an aviation repair specialist authorisation who is employed by an approved maintenance organisation shall be concurrent with the rating issued to the approved maintenance organisation limited to the specific job for which the aviation repair specialist is employed to perform, supervise or approve for return to service.

(2) An applicant for an aviation repair specialist authorisation in respect of airframe, engine, avionics or other systems shall not be issued with that authorisation for purposes of circumventing the process of obtaining an aircraft maintenance engineer licence.

(3) An aviation repair specialist may perform or supervise the maintenance, preventive maintenance or alteration of aircraft, airframes, engines, propellers, appliances, components and parts appropriate to the designated speciality area for which the aviation

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repair specialist is authorised and rated, but only in connection with employment by a maintenance organisation approved under the Civil Aviation (Approved Maintenance Organisation) Regulations.

(4) An aviation repair specialist shall not perform or supervise duties unless the aviation repair specialist understands the current instructions of the employing approved maintenance organisation and the instructions for continued airworthiness, which relate to the specific operations concerned.

119. Display of authorisation

A person who holds an aviation repair specialist authorisation shall keep that authorisation within the immediate area where the person normally exercises the privileges of the authorisation and shall present it for inspection upon the request of the Authority or any other person authorised by the Authority.

120. Surrender of authorisation

A holder of an aviation repair specialist authorisation shall surrender the authorisation to the Authority when it is suspended, revoked or at the time the holder leaves the employment of the approved maintenance organisation.

*Flight Radiotelephony Operator Licence***121. General eligibility requirements for flight radiotelephony operator licence**

(1) Except for a holder of a pilot licence, a person required to use radiotelephone apparatus aboard an aircraft shall hold a flight radiotelephony operator licence.

(2) An applicant for a flight radiotelephony operator licence shall—

- (a) be at least seventeen years of age;
- (b) demonstrate the ability to read, speak, write and understand the English language in accordance with the language proficiency requirements contained in the First Schedule to these Regulations;
- (c) comply with the knowledge and skill requirements, for flight radiotelephone operator as contained in regulation 123; and
- (d) demonstrate a level of knowledge appropriate to the privileges granted to a holder of a flight radiotelephone operator licence.

122. Skill and knowledge requirements for flight radiotelephony operator licence

(1) An applicant for a flight radiotelephony operator licence shall pass a practical and knowledge test covering the following areas—

- (a) the International Civil Aviation Organisation spelling alphabet;
- (b) departure and position reporting;
- (c) obtaining meteorological information;
- (d) transmission and procedures of distress and urgency signals;
- (e) communication techniques and procedures;
- (f) the necessity for brevity in radiotelephony communication and priorities;
- (g) pre-flight briefing;
- (h) classification of directional finding bearing;
- (i) radiotelephony facilities and frequencies available in the flight information region;
- (j) elementary knowledge of the relationship between wavelength and frequency;

- (k) radiotelephony procedures and phraseology; and
- (l) ability to use the radio equipment of the type installed in the aircraft and including the ability to carry out emergency procedures.

(2) The results of the knowledge test of an applicant for a radio telephony operator licence shall be valid for six months after the applicant passes the test.

123. Privileges of a flight radiotelephony operator licence

A holder of a flight radiotelephony operator licence shall have the privilege to use the radiotelephone on board an aircraft.

124. Renewal requirements for flight radiotelephony operator licence

A holder of a flight radiotelephony operator licence may apply for renewal of the licence if the holder has exercised the privileges of the licence in the six months preceding the date of application.

Cabin Crew Member Certificate

125. Required certificate, ratings and qualifications for cabin crew member certificate

- (1) A person shall not act as a cabin crew member unless that person holds—
 - (a) a cabin crew member certificate;
 - (b) a rating for the specific aircraft type or is operating under the supervision of a rated cabin crew for the purpose of qualifying for the rating;
 - (c) the required knowledge for the type of aircraft and operating position;
 - (d) the current Class 2 medical certificate.
- (2) A person undergoing training to qualify for a cabin crew member certificate or rating shall not—
 - (a) form a part of the required minimum number of cabin crew members for that aircraft; and
 - (b) be assigned to an operating position that requires a cabin crew member.
- (3) In this regulation, operating position means a duty station assigned to the cabin crew member for execution of emergency duties.

126. Eligibility requirements for cabin crew member certificate

An applicant for cabin crew member certificate shall—

- (a) be at least eighteen years of age;
- (b) be able to read, speak and understand the English language sufficiently to adequately carry out the responsibilities of a cabin crew member;
- (c) have completed a course of training approved by the Authority; and
- (d) have passed a knowledge test.

127. Knowledge requirements for cabin crew member certificate

(1) An applicant for a cabin crew member certificate shall have demonstrated a level of knowledge appropriate to the privileges granted to the holder of a cabin crew member certificate, in the following subjects—

- (a) fire and smoke training to include—
 - (i) emphasis on the responsibility of cabin crew to deal promptly with emergencies involving fire and smoke and, in particular, emphasis on the importance of identifying the actual source of the fire;

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- (ii) the importance of informing the flight crew immediately, as well as the specific actions necessary for co-ordination and assistance, when fire or smoke is discovered;
 - (iii) the necessity for frequent checking of potential fire-risk areas including toilets and the associated smoke detectors;
 - (iv) the classification of fires and the appropriate type of extinguishing agents and procedures for particular fire situations, the techniques of application of extinguishing agents, the consequences of misapplication, and of use in a confined space; and
 - (v) the general procedures of ground based emergency services at aerodromes;
- (b) water survival training to include the actual donning and use of personal flotation equipment in water by each cabin crew member; before first operating on an aeroplane fitted with liferafts or other similar equipment, training must be given on the use of this equipment, as well as actual practice in water;
- (c) survival training appropriate to the areas of operation such as polar, desert, jungle or sea;
- (d) medical aspects and first aid to include—
 - (i) instruction on first aid and the use of first-aid kits;
 - (ii) first aid associated with survival training and appropriate hygiene; and
 - (iii) the physiological effects of flying and with particular emphasis on hypoxia;
- (e) passenger handling to include the following—
 - (i) advice on the recognition and management of passengers who are, or become, intoxicated with alcohol or are under the influence of drugs or are aggressive;
 - (ii) methods used to motivate passengers and the crowd control necessary to expedite an aeroplane evacuation;
 - (iii) regulations covering the safe stowage of cabin baggage including cabin service items and the risk of the baggage becoming a hazard to occupants of the cabin or otherwise obstructing or damaging safety equipment or aeroplane exits;
 - (iv) the importance of correct seat allocation with reference to aeroplane mass and balance with particular emphasis given on the seating of disabled passengers and the necessity of seating able-bodied passengers adjacent to unsupervised exits;
 - (v) duties to be undertaken in the event of encountering turbulence including securing the cabin;
 - (vi) precautions to be taken when live animals are carried in the cabin;
 - (vii) dangerous goods training as prescribed in Civil Aviation (Operation of Aircraft) Regulations and Civil Aviation (Air Operator Certification and Administration) Regulations; and
 - (viii) security procedures, including the provisions of Civil Aviation (Operation of Aircraft) Regulations and Civil Aviation (Air Operator Certification and Administration) Regulations;
- (f) communication: emphasis shall be placed on the importance of effective communication between cabin crew and flight crew including technique, common language and terminology;

- (g) discipline and responsibilities to include—
 - (i) the importance of cabin crew performing their duties in accordance with the Operations Manual;
 - (ii) continuing competence and fitness to operate as a cabin crew member with special regard to flight and duty time limitations and rest requirements;
 - (iii) an awareness of the aviation regulations relating to cabin crew member and the role of the Authority;
 - (iv) general knowledge of relevant aviation terminology, theory of flight, passenger distribution, meteorology and areas of operation;
 - (v) pre-flight briefing of the cabin crew member and the provision of necessary safety information with regard to their specific duties;
 - (vi) the importance of ensuring that relevant documents and manuals are kept up-to-date with amendments provided by the operator;
 - (vii) the importance of identifying when cabin crew members have the authority and responsibility to initiate an evacuation and other emergency procedures;
 - (viii) the importance of safety duties and responsibilities and the need to respond promptly and effectively to emergency situations; and
- (h) crew resource management to include appropriate provisions of the Civil Aviation (Operation of Aircraft) Regulations in relation to cabin crew member.

(2) The results of the knowledge test of an applicant for a cabin crew member certificate shall be valid for twelve months after the applicant passes the test.

128. Skill requirements for cabin crew member certificate

An applicant for a cabin crew member certificate shall have demonstrated the ability to perform the following procedures as a cabin crew member of an aircraft—

- (a) safety duties and functions which the cabin crew member is assigned to perform in the event of an emergency or in a situation requiring emergency evacuation;
- (b) the use of emergency and life saving equipment required to be carried such as lifejackets, liferafts, evacuation slides, emergency exits, portable fire extinguishers, oxygen equipment and first-aid kits;
- (c) when serving on aeroplanes operated above 10,000 feet, knowledge as regards the effect of lack of oxygen and, in the case of pressurised aeroplanes, as regards physiological phenomena accompanying a loss of pressurisation;
- (d) be aware of other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfilment of the cabin crew member's own duties;
- (e) be aware of the types of dangerous goods which may, and may not, be carried in a passenger cabin and has completed the dangerous goods training programme required by Civil Aviation (Operation of Aircraft) Regulations;
- (f) knowledge about human performance as related to passenger cabin safety duties including flight crew-cabin crew co-ordination.

[Subsidiary]**129. Privileges of cabin crew member certificate**

A holder of a cabin crew member certificate may—

- (a) act as a cabin crew member in aircraft of types specified in the certificate when such aircraft are engaged in commercial transport operations; and
- (b) be authorised to act as a cabin crew member instructor for issue or renewal of cabin crew certificate and aircraft type ratings.

130. Renewal requirements for cabin crew member certificate

A holder of a cabin crew member certificate may apply for renewal if the holder has successfully completed the annual safety and emergency procedure training approved by the Authority every twelve months.

PART X – AVIATION MEDICAL STANDARDS AND CERTIFICATION**131. Medical certificates issued by the Authority**

The Authority may issue classes of medical certificates that are intended to indicate the minimum medical standards as follows—

- (a) Class 1 to applicants for or holders of—
 - (i) commercial pilot licence: aeroplanes and helicopters;
 - (ii) airline transport pilot licence: aeroplanes and helicopters;
 - (iii) flight engineer licence;
- (b) Class 2 to applicants for or holders of—
 - (i) commercial pilot licence: lighter-than-air;
 - (ii) private pilot licence: aeroplanes, helicopters and glider; and
 - (iii) student pilot licence: for all aircraft; and
 - (iv) cabin crew certificate;
- (c) Class 3 to applicants for or holders of air traffic controller licence.

132. Aviation medical examiner, designation and qualifications

(1) The Authority may designate a medical doctor who meets the qualifications specified in subregulation (2) as an aviation medical examiner to conduct medical examinations for fitness of applicants for the issue or renewal of licences or certificates specified in these Regulations.

(2) For a medical doctor to be designated as an aviation medical examiner, that doctor shall—

- (a) be qualified and licensed in the practice of medicine;
- (b) have obtained aviation medicine training at an institution recognised by the Authority;
- (c) demonstrate adequate competence in aviation medicine; and
- (d) have practical knowledge and experience of the conditions in which the holders of licences and ratings carry out their duties.

(3) A medical examiner shall receive refresher training at regular intervals as prescribed by the Authority.

133. Delegation of authority

(1) The Authority may delegate to an aviation medical examiner the authority to—

- (a) accept applications for physical examinations necessary for issue of a medical certificate under these Regulations;

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- (b) examine applicants for and holders of medical certificates to determine whether the applicants meet applicable medical standards; and
- (c) recommend issuance, renewal, denial or withdrawal of medical certificates to an applicant based on meeting or failing to meet applicable medical standards.

(2) The Authority shall use the services of medical assessors to evaluate reports submitted to it by medical examiners.

(3) The Authority shall retain the right to reconsider any action of an aviation medical examiner.

*Medical Certification Procedures***134. Medical records**

(1) An applicant for a medical certificate shall, in a form and manner prescribed by the Authority, sign and furnish the medical examiner with a personally certified statement of medical facts concerning personal, familial and hereditary history that is as complete and accurate as the applicant's knowledge permits.

(2) Where a medical examiner finds that additional medical information or history is needed, the aviation medical examiner shall request the applicant to furnish that information, or authorise any clinic, hospital, physician, or other person to release to the aviation medical examiner, all available information or records concerning that history.

(3) Where an applicant for a medical certificate fails within a reasonable period to provide the requested medical information or history, or fails to authorise the release so requested, the Authority may deny the application as well as suspend, modify or revoke all medical certificates held by the applicant.

(4) Where a medical certificate is suspended or modified under subregulation (3), the suspension or modification remains in effect until—

- (a) the holder provides the requested information, history, or authorisation to the Authority; and
- (b) the Authority determines that the holder meets the medical standards.

135. Aviation medical examiner submission of signed medical evaluation report

(1) A medical examiner who is authorised to conduct a medical examination under regulation 132 shall—

- (a) sign the required report and medical certificate and submit directly to the Authority the full details in the form and manner prescribed by the Authority;
- (b) report to the Authority any individual case where in the aviation medical examiner's judgment, an applicant has failed to meet any requirement that is likely to jeopardise flight safety; and
- (c) having commenced a medical evaluation of an applicant, submit to the Authority the report, whether the evaluation is terminated prior to completion, yielded sub-standard results, or was completed satisfactorily.

(2) If the medical report referred to in subregulation (1) is submitted to the Authority in electronic form, adequate identification of the examiner shall be established.

136. Issue of medical certificate

(1) A medical examiner shall issue the applicable medical certificate to any person who meets the medical standards prescribed in these Regulations, based on medical examination and evaluation of the applicant's history and condition.

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(2) A person to be issued with a medical certificate shall undergo a medical examination based on the physical and mental standards contained in these Regulations.

137. Denial of medical certificate

(1) An applicant for a medical certificate may be denied a certificate if, upon medical examination, the applicant does not meet the physical and mental standards specified in these Regulations.

(2) The denial of the medical certificate is effective—

- (a) the date of the medical evaluation that determined the applicant did not meet the physical and mental standards specified in these Regulations; and
- (b) until such time that the applicant is again determined by the Authority to be fit to exercise the privileges through—
 - (i) an accredited medical conclusion;
 - (ii) a special flight test; or
 - (iii) with respect to a transient condition, until a subsequent satisfactory report is acceptable to the Authority.

(3) An applicant who is denied a medical certificate by an aviation medical examiner may, within thirty days after the date of the denial, apply in writing to the Authority for reconsideration of the denial.

(4) Upon receiving an application for reconsideration, the Authority shall appoint more than one medical examiner to conduct medical examination on the applicant and shall designate one of the medical examiners to be responsible for coordinating the results of the examination, evaluation and findings with regard to medical fitness, and signing the report.

(5) Where the applicant does not apply for reconsideration during the thirty day period after the date of the denial, the Authority shall consider that the applicant has withdrawn the application for a medical certificate.

138. Medical confidentiality

(1) Medical confidentiality shall be respected at all times and all medical reports and records shall be securely held with accessibility restricted to authorised personnel.

(2) When justified by operational considerations, a medical assessor shall determine to what extent pertinent medical information, in addition to the information contained in the medical report submitted under regulation 135, is presented to relevant officials of the Authority.

139. Issue of medical certificate with a limitation

(1) The Authority may issue a medical certificate with a limitation to an applicant who does not meet the applicable standards for a medical certificate if the applicant shows to the satisfaction of the Authority that—

- (a) an accredited medical conclusion indicates that in special circumstances the applicant's failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to jeopardise flight safety; and
- (b) relevant ability, skill, and experience of the applicant and operational conditions have been given due consideration.

(2) The Authority shall issue a medical limitation on a licence when the Authority or an aviation medical examiner determines the safe performance of the licence holder's duties is dependent on compliance with such a limitation.

140. Duration of medical certificate

- (1) A Class 1 medical certificate issued to an applicant who is—
 - (a) under the age of forty years shall be valid for twelve months from the day the medical examination is performed; and
 - (b) forty years of age or more shall be valid for six months from the day the medical examination is performed.
- (2) A Class 2 medical certificate issued to an applicant who is under—
 - (a) the age of forty years shall be valid for twenty four months from the day the medical examination is performed;
 - (b) forty years of age or more shall be valid for twelve months from the day the medical examination is performed.
- (3) A Class 3 medical certificate issued to an applicant who is—
 - (a) under the age of forty years shall be valid for twenty four months from the day the medical examination is performed; and
 - (b) forty years of age or more shall be valid for twelve months from the day the medical examination is performed.

141. Renewal of medical certificate

(1) The requirements for the renewal of a medical certificate shall be the same as those for the initial assessment except where otherwise specifically stated.

(2) When required to obtain or renew correcting lenses, the applicant for medical examination shall advise the aviation medical examiner conducting the medical examination of the new prescription, including revised reading distances—

- (a) for a Class 1 medical certificate, for the visual cockpit tasks relevant to the types of aircraft in which the applicant is likely to function;
- (b) for a Class 2 medical certificate, for the visual cockpit and cabin tasks relevant to the types of aircraft in which the applicant is likely to function; and
- (c) for a Class 3 medical certificate, for the air traffic control duties the applicant is to perform.

142. Prohibition of medical certification

A person shall not hold or be issued with a medical certificate if that person suffers from any disease or disability that could render that person likely to become suddenly unable to either perform assigned duties safely or operate an aircraft safely.

143. Medical requirements

A person shall not hold or be issued a medical certificate if that person—

- (a) has any organic, functional or structural disease, defect or limitation (active, latent, acute or chronic);
- (b) has any wound, injury or sequelae from operation; or
- (c) uses any prescribed or non-prescribed medication or other treatment that, based on the case history and appropriate qualified medical judgment relating to the condition involved, the Authority finds that the medication or treatment—
 - (i) makes the person unable to safely perform the duties or exercise the privileges of the licence or rating applied for or held; or

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- (ii) may reasonably be expected, for the maximum duration of the medical certificate applied for or held, to make the applicant unable to perform the duties or exercise the privileges of the licence or rating.

144. Physical and mental requirements

- (1) An applicant for a medical certificate shall be free from—

- (a) any abnormality, congenital or acquired;
- (b) any active, latent, acute or chronic disability;
- (c) any wound, injury or sequelae from operation; or
- (d) any effect or side-effect of any prescribed or non-prescribed therapeutic diagnostic or preventive medication taken such as would entail a degree of functional incapacity which is likely to interfere with the safe operation of an aircraft or with the safe performance of duties.

(2) An applicant for a medical certificate shall not suffer from any disease or disability which could render the applicant likely to become suddenly unable to perform assigned duties safely and in the case of an applicant for a Class 1 or 2 medical certificate, to operate an aircraft safely.

- (3) An applicant shall have no established medical history or clinical diagnosis of—

- (a) an organic mental disorder;
- (b) a mental or behavioural disorder due to use of psychoactive substances including dependence syndrome induced by alcohol or other psychoactive substances;
- (c) schizophrenia or schizotypal or delusional disorder;
- (d) a mood (affective) disorder;
- (e) a neurotic, stress-related or somatoform disorder;
- (f) a behavioural syndrome associated with psychological disturbances or physical factors;
- (g) a disorder of adult personality or behaviour, particularly if manifested by repeated overt acts;
- (h) mental retardation;
- (i) a disorder of psychological development;
- (j) a behavioural or emotional disorder with onset in childhood or adolescence; or
- (k) a mental disorder not otherwise specified such as might render the applicant unable to safely exercise the privileges of the licence applied for or held.

145. Hearing test requirements

(1) A person holding or being issued a medical certificate shall be required to demonstrate a hearing performance sufficient for the safe exercise of his licence or rating privileges.

(2) An applicant for a medical certificate shall be tested by pure-tone audiometry at first issue of a Class 1 medical certificate not less than once every five years, and of a Class 3 medical certificate not less than once every four years, up to the age of forty years, and thereafter not less than once every two years.

(3) An applicant for a Class 2 medical certificate shall be tested by pure-tone audiometry at first issue and, after the age of fifty years, not less than once every two years.

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(4) Alternatively, other methods providing equivalent results may be used.

(5) At a medical examination where audiometry is not performed, an applicant shall be tested in a quiet room by whispered and spoken voice tests.

146. Issue of medical certificate for persons under oral drugs

A medical certificate may be issued to an applicant where oral drugs are administered under conditions permitting appropriate medical supervision and control and which, according to an accredited medical conclusion, are compatible with the safe exercise of the applicant's licence and rating privileges.

147. Visual requirements: general

(1) A person holding or being issued a medical certificate shall have—

- (a) normally functioning eyes and adnexae;
- (b) normal fields of vision, normal binocular function; and
- (c) no active pathological condition, acute or chronic, nor sequelae of surgery or trauma of the eyes or their adnexae, which is likely to jeopardise flight safety.

(2) A person with reduced stereopsis, abnormal convergence not interfering with near vision, and ocular misalignment where the fusional reserves are sufficient to prevent asthenopia and diplopia shall not be disqualified from being issued a medical certificate.

148. Vision testing requirements

(1) The corrected and uncorrected visual acuity of an applicant for a medical certificate shall be measured and recorded at each examination.

(2) An applicant for a medical examination who uses contact lenses need not have his uncorrected visual acuity measured at each re-examination provided the history of the contact lens prescription is known to the medical examiner.

(3) The test for visual acuity shall comply with the following—

- (a) for a visual acuity test in a lighted room, use a test illumination level of approximately 501x, normally corresponding to a brightness of 30 cd per square metre;
- (b) visual acuity shall be measured by means of a series of optotypes of landolt, or similar optotypes, placed at a distance of six metres from the applicant, or five metres as appropriate.

(4) The Authority may require a separate ophthalmic report before issue of a medical certificate.

(5) The conditions which indicate a need to obtain an ophthalmic report include—

- (a) a substantial decrease in the uncorrected visual acuity;
- (b) any decrease in best corrected visual acuity; and
- (c) the occurrence of eye disease, eye injury or eye surgery.

149. Acceptability of correcting lenses

(1) A person may meet the visual acuity fitness for near or distant vision by using correcting lenses.

(2) Correcting spectacles may be used if—

- (a) not more than one pair of correcting spectacles is used to demonstrate compliance with visual acuity requirements;

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- (b) single-vision near correction lenses (full lenses of one power only, appropriate to reading) are not used for both near and distance vision; and
- (c) in order to read the instruments and a chart or manual held in the hand, and to make use of distant vision through the windscreen without removing the lenses, the spectacles are as appropriate—
 - (i) “lookover”,
 - (ii) bifocal, or
 - (iii) trifocal.

(3) An applicant for a medical examination may use contact lenses to meet the distance vision acuity requirement if the lenses are—

- (a) monofocal;
- (b) non-tinted; and
- (c) well tolerated.

(4) A person issued with a medical certificate that requires correcting lenses or spectacles shall have a limitation placed on the document requiring that person, while exercising the privileges of the licence or certificate, as appropriate to—

- (a) wear the distant-correction lenses at all times;
- (b) have readily available and use the near-correction lenses or spectacles as necessary to accomplish near vision functions; and
- (c) have a second pair of suitable lenses or spectacles (distant or near-correction, as appropriate) available for immediate use.

150. Distance vision requirements

(1) A person issued with a medical certificate shall have a distant visual acuity, with or without correcting lenses of at least—

- (a) 6/9 with binocular visual acuity of 6/6 or better, for a Class 1 medical certificate; or
- (b) 6/12 with binoculars visual acuity of 6/9 or better, for a Class 2 medical certificate;
- (c) 6/9 with binoculars visual acuity of 6/6 or better, for a Class 3 medical certificate.

(2) Uncorrected distance visual acuity is not a limiting factor in being issued with a medical certificate.

(3) An applicant for a medical certificate with a large refractive error shall use contact lenses or high-index spectacle lenses.

(4) Where spectacles are used, high-index lenses are needed to minimise peripheral field distortion.

(5) An applicant for a medical certificate whose uncorrected distant visual acuity in either eye is worse than 6/60 shall provide a full ophthalmic report prior to initial medical evaluation and every five years thereafter.

(6) An applicant for a medical certificate who has undergone surgery affecting the refractive status of the eye shall be free of those sequelae likely to interfere with the safe exercise of the applicant's licence privileges.

151. Near vision requirements

(1) A person issued with a medical certificate shall meet the following minimum visual standards for near visual acuity to read, with or without corrective lenses, an—

- (a) N14 chart or its equivalent at a distance of 100 cm, with “N14” referring to “Times Roman” font; and
- (b) N5 chart at a distance of 30 to 50 cm as selected by the applicant, with “N5” referring to “Times Roman” font.

(2) Where the near vision requirements are met only by the use of near-correction and the applicant also needs distant-correction, both corrections shall be added to a pair of spectacles to be used to meet the requirements.

(3) When required to obtain or renew correcting lenses, an applicant for a medical certificate shall advise the medical examiner of reading distances for the duties the applicant is to perform.

(4) When required to obtain or renew correcting lenses, an applicant for a medical certificate shall advise the medical examiner of reading distances for the visual flight deck tasks relevant to the types of aircraft in which the applicant is likely to function.

152. Colour perception requirements

(1) An applicant for a medical certificate shall demonstrate the ability to perceive readily those colours the perception of which is necessary for the safe performance of duties.

(2) The applicant shall be able to correctly identify a series of pseudoisochromatic plates (tables) in daylight or in artificial light of the same colour temperature such as that provided by Illuminate “C” or “D65” as specified by the International Commission on Illumination.

(3) An applicant failing to obtain a satisfactory score in a test carried out under this regulation may nevertheless be assessed as fit provided the applicant is able to readily and correctly identify aviation coloured lights displayed by means of a recognised colour perception lantern in a special test conducted by the medical examiner.

(4) An applicant for a medical certificate unable to satisfactorily complete the special test provided in subregulation (3)—

- (a) shall only be eligible for a Class 2 medical certificate with the following restriction: “Valid for Day Operations Only”; and
- (b) shall be advised that any sunglasses worn during the exercise of the privileges must be non-polarising and of a neutral grey tint.

153. Ear and related structures

(1) A person shall not hold or be issued a medical certificate if that person—

- (a) possesses any abnormality or disease of the ear or related structures which is likely to interfere with the safe exercise of the applicant’s licence or rating privileges;
- (b) except for Class 3 medical certificate—
 - (i) has disturbance of vestibular function;
 - (ii) has significant dysfunction of the eustachian tubes;
 - (iii) has unhealed perforation of the tympanic membranes; and
 - (iv) has nasal obstruction;

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- (c) has malformation or any disease of the buccal cavity or upper respiratory tract which is likely to interfere with the safe exercise of the applicant's licence and rating privileges.

(2) Except for a Class 3 medical certificate, a single dry perforation of the tympanic membrane need not render a person unfit.

154. Hearing requirements

(1) An applicant for a medical certificate when tested on a pure-tone audiometer shall not have a hearing loss, in either ear separately, of more than 35 dB at any of the frequencies 500, 1000 or 2000 Hz, or more than 50 dB at 3000 Hz.

(2) Except for a Class 2 medical certificate, an applicant with a hearing loss greater than that specified in subregulation (1) may be declared fit provided that the applicant has normal hearing performance against a background noise that reproduces or simulates the masking properties of cockpit noise upon speech and beacon signals.

(3) A person shall not hold or be issued a Class 2 medical certificate if that person is unable to hear an average conversational voice in a quiet room, using both ears, at a distance of two metres from the examiner and with the back turned to the examiner.

155. Cardiovascular: general

(1) A person shall not hold nor be issued a medical certificate if that person has any abnormality of the heart, congenital or acquired, which is likely to interfere with the safe exercise of his licence or rating privileges.

(2) An applicant who has undergone coronary by-pass grafting or angioplasty with or without stenting or other cardiac intervention or who has a history of myocardial infarction or suffers from any other potentially incapacitating cardiac condition shall not hold nor be issued a medical certificate unless the applicant's cardiac condition has been investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of the applicant's licence or rating privileges.

(3) An applicant for a medical certificate with an abnormal cardiac rhythm shall not hold or be issued a medical certificate unless the cardiac arrhythmia has been investigated and evaluated with best medical practice and is assessed not likely to interfere with the safe exercise of the applicant's licence or rating privileges.

156. Blood pressure and circulation

A person shall not hold or be issued a medical certificate if that person has—

- (a) systolic and diastolic blood pressures outside normal limits; or
- (b) a significant functional or structural abnormality of the circulatory system.

157. Electro-cardiography examination

(1) Electro-cardiography shall form part of the heart examination for the first issue of a medical certificate.

(2) Electro-cardiography shall be included in a re-examination of an applicant for a medical certificate over the age of fifty years at least every two years, except for Class 1 medical certificate which shall be annually.

158. Neurological requirements

(1) A person shall not hold or be issued a medical certificate if that person has a medical history or clinical diagnosis of any of the following—

- (a) a progressive or non-progressive disease of the nervous system, the effect of which, is likely to interfere with the safe exercise of the applicant's licence or rating privileges;

- (b) epilepsy; or
- (c) any disturbance of consciousness without satisfactory medical explanation of cause.

(2) A person shall not hold nor be issued a medical certificate if that person has suffered any head injury, the effects of which, are likely to interfere with the safe exercise of the applicant's licence and rating privileges.

159. Respiratory capability

(1) A person shall not hold or be issued a medical certificate if that person has an established medical history or clinical diagnosis of—

- (a) disability of the lungs or any active disease of the structures of the lungs, mediastinum or pleurae likely to result in incapacitating symptoms during normal or emergency operations;
- (b) active pulmonary tuberculosis; and
- (c) asthma causing significant symptoms or likely to cause incapacitating symptoms during normal or emergency operations.

(2) Unless there is an accredited medical conclusion indicating that the use of drugs for control of asthma is not likely to interfere with the safe exercise of the applicant's license or rating privileges, the use of such drug shall be disqualifying.

(3) An applicant with chronic obstructive pulmonary disease shall be assessed as unfit unless the applicant's condition has been investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of the applicant's licence or rating privileges.

(4) An applicant with quiescent or healed lesions which are known to be tuberculous, or are presumably tuberculous in origin, may be assessed as fit.

160. Radiology evaluation

A radiography evaluation shall be accomplished during the initial chest examination of an applicant for medical examination and be conducted as necessary in subsequent medical examinations where there are historical chest cavity issues, symptoms or doubtful clinical cases.

161. Vestibular apparatus

(1) A person shall not hold or be issued a medical certificate if that person has an established medical history or clinical diagnosis of any of the following medical conditions—

- (a) active acute or chronic pathological process of the internal ear or of the middle ear;
- (b) a disease or condition of the middle or internal ear, nose, oral cavity, pharynx, or larynx that—
 - (i) interferes with, or is aggravated by, flying or may reasonably be expected to do so; or
 - (ii) interferes with, or may reasonably be expected to interfere with clear and effective speech communication;
- (c) a disease or condition manifested by, or that may reasonably be expected to be manifested by, vertigo or a disturbance of equilibrium;
- (d) permanent disturbances of the vestibular apparatus; or
- (e) permanent obstruction to eustachian tubes.

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(2) Unless there is an accredited medical conclusion indicating that the condition is not likely to affect the safe exercise of the applicant's licence or rating privileges, the following medical conditions are disqualifying—

- (a) acute or chronic impairment of nasal air entry on either side; or
- (b) serious malformation or serious, acute or chronic affection of the buccal cavity or upper respiratory tract.

162. Bones, muscles and tendons

A person shall not hold or be issued a medical certificate if that person possesses any abnormality of the bones, joints, muscles, tendons or related structures which is likely to interfere with the safe exercise of the applicant's licence or rating privileges.

163. Endocrine system

A person shall not hold or be issued a medical certificate if that person has an established medical history or clinical diagnosis of any metabolic, nutritional or endocrine disorders that are likely to interfere with safe exercise of his licence or rating privileges.

164. Diabetic applicant

A person shall not hold or be issued a medical certificate if that person has an established medical history or clinical diagnosis of—

- (a) insulin treated diabetes mellitus; or
- (b) non-insulin treated diabetes mellitus,

unless the condition is shown to be satisfactorily controlled by diet alone or by diet combined with oral anti-diabetic medication, the use of which is compatible with the safe exercise of that person's licence or rating privileges.

165. Gastrointestinal and digestive tract

(1) A person shall not hold, nor be issued a medical certificate if that person has an established medical history or clinical diagnosis of any of the following medical conditions—

- (a) significant impairment of function of the gastro-intestinal tract or its adnexa;
- (b) sequelae of disease of, or surgical intervention on, any part of the digestive tract or its adnexae, likely to cause incapacitation in flight, in particular, obstruction due to stricture or compression; or
- (c) hernias that might give rise to incapacitating symptoms except for Class 3 medical certificate.

(2) Unless there is an accredited medical conclusion indicating that the effects of the operation are not likely to cause incapacitation in flight, an applicant who has undergone a major surgical operation on the biliary passages of the digestive tract or its adnexa with a total or partial excision or a diversion of any of these organs that may cause incapacity in flight shall not hold, nor be issued a medical certificate.

166. Kidneys and urinary tract

(1) A person shall not hold or be issued a medical certificate if that person has an established medical history or clinical diagnosis of genitor-urinary disease, unless adequately investigated and his condition found unlikely to interfere with the safe exercise of the person's licence or rating privileges.

(2) A urine examination shall form part of the medical examination of an applicant for a medical examination and abnormalities shall be adequately investigated.

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(3) A person shall not hold nor be issued a medical certificate if that person has—

- (a) any sequelae of disease of, or surgical procedures on the kidneys or the genitor-urinary tract, in particular obstructions due to stricture or compression, unless his condition has been investigated and evaluated in accordance with the best medical practice and is assessed not likely to interfere with the safe exercise of that person's licence or rating privileges; or
- (b) undergone nephrectomy unless the condition is well compensated.

167. Lymphatic glands or disease of the blood

An applicant for a medical certificate who has diseases of the blood or the lymphatic system shall be assessed as unfit unless adequately investigated and his condition found unlikely to interfere with the safe exercise of the applicant's licence or rating privileges.

168. Gynaecological conditions

An applicant for a medical certificate who has a gynaecological disorder that is likely to interfere with the safe exercise of the applicant's licence or rating privileges shall be assessed as unfit.

169. Pregnancy

(1) An applicant for a medical certificate who is pregnant shall be assessed as unfit unless obstetrical evaluation and continued medical supervision indicate a low-risk uncomplicated pregnancy.

(2) For an applicant with a low-risk uncomplicated pregnancy evaluated and supervised in accordance with subregulation (1), the certificate shall, in the case of Class 1 and 2 medical certificates be limited to the period from the end of the 12th week to the end of the 26th week of gestation and in the case of Class 3 medical certificate be limited until the end of the 34th week of gestation.

(3) Following confinement or termination of pregnancy the applicant shall not be permitted to exercise the privileges of her licence until she has undergone evaluation in accordance with best medical practice and it has been determined that she is able to safely exercise the privileges of her licence or ratings.

170. Speech defects

An applicant for a medical certificate with stuttering or other speech defects sufficiently severe to cause impairment of speech communication shall be assessed as unfit.

171. Acquired Immuno deficiency Syndrome

(1) An applicant for a medical certificate with acquired immuno deficiency syndrome shall be assessed as unfit.

(2) An applicant for a medical certificate who is seropositive for human immuno deficiency virus shall be assessed as unfit unless full investigation provides no evidence of clinical disease.

PART XI – GENERAL

172. Possession of the licence

(1) A holder of a licence, certificate, authorisation or other document issued by the Authority shall have it in his physical possession or at the work site when exercising the privileges of that licence, certificate, authorisation or such other document.

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(2) A crew member of a foreign registered aircraft shall hold a valid licence, certificate or authorisation, including an appropriate and current medical certificate, issued by the State of Registry and have it in his physical possession or at the work station when exercising the privileges of that licence, certificate or authorisation.

173. Use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in subregulation (1) shall not engage in any kind of problematic use of substances.

174. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring a licence or authorisation prescribed by these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorised by the Authority wishes to test a person referred to in subregulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the licence, certificate or authorisation issued by the Authority.

(3) A person who refuses to submit to a test to indicate the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorise the release of the test results requested by the Authority shall—

- (a) be denied any licence, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to one year from the date of that refusal; or
- (b) have their licence, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

(4) Any person who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall—

- (a) be denied any licence, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to one year after the date of conviction; or
- (b) have their licence, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

175. Inspection of licences, certificates and authorisations

A person who holds a licence, certificate, or authorisation required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

176. Change of name

(1) A holder of a licence, certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the licence, certificate or authorisation and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in subregulation (2)(b) of this regulation and retain copies thereof and return the replaced licence, certificate or authorisation with the appropriate endorsement.

177. Change of address

A holder of a licence, certificate, or authorisation issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

178. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

179. Suspension and revocations for documents

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this subregulation shall, if not otherwise terminated, cease to have effect after twenty eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

180. Use and retention of documents and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;

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- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in subregulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

181. Reports of violation

(1) Any person who knows of a violation of this Act or any rule, regulation or order issued thereunder, shall report it to the Authority.

(2) The Authority will determine the nature and type of any additional investigation or enforcement action that need be taken.

182. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

183. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of subregulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

184. Application of regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for

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management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

185. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART XII – EXEMPTIONS

186. Requirements for application

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An applications for an exemption shall be submitted at least sixty days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption must contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number if available; and
- (e) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

187. Substance of the request for exemption

(1) An application for an exemption must contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;

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- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (h) if the applicant seeks to operate under the proposed exemption outside of Kenya's airspace, an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organisation as well as the Regulations pertaining to the airspace in which the operation will occur.

(2) Where the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

Review, publication and issue or denial of the exemption

188. Initial review by the Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 186 and 187.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in either the Kenya *Gazette*, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 186 and 187 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

189. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that shall be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in subregulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART XIII – OFFENCES AND PENALTIES

190. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

191. Offences and penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) A person who contravenes any provision specified in Part A of the Third Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings for each flight or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) A person who contravenes any provision specified in Part B of the Third Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings for each flight or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) A person who contravenes any provision of these Regulations not being a provision referred to in the Third Schedule to these Regulations, he shall be liable to a fine not exceeding two million shillings, for each offence.

PART XIV – SAVINGS AND TRANSITIONAL PROVISIONS

192. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

193. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, holds a licence, certificate, permit or authorisation, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to hold such licence, certificate, permit or authorisation.

(2) A person who fails to comply with these Regulations within the prescribed period shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings for each offence or to imprisonment for a term not exceeding three years or to both.

[Subsidiary]

SCHEDULES

FIRST SCHEDULE

[Regulation 7.]

LANGUAGE PROFICIENCY REQUIREMENTS

(1) To meet the language proficiency requirements contained in regulation 11, an applicant for a licence or a licence holder shall demonstrate, in a manner acceptable to the Authority, compliance with the holistic descriptors at paragraph (2) and with the Operational Level (Level 4) of the Language Proficiency Rating Scale in paragraph (3).

(2) Holistic descriptors – proficient speakers shall—

- (a) communicate effectively in voice-only (telephone/radiotelephone) and in face-to-face situations;
- (b) communicate on common, concrete and work-related topics with accuracy and clarity;
- (c) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings (e.g. to check, confirm, or clarify information) in a general or work-related context;
- (d) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
- (e) use a dialect or accent which is intelligible to the aeronautical community.

(3) Rating scales—

(a) Operational Level (Level 4)—

- (i) Pronunciation: Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation but only sometimes interfere with understanding.
- (ii) Structure: Basic grammatical structures and sentence patterns are used creatively and are usually well controlled. Errors may occur, particularly in unusual or unexpected circumstances, but rarely interfere with meaning.
- (iii) Vocabulary: Vocabulary range and accuracy are usually sufficient to communicate effectively on common, concrete, and work related topics. Can often paraphrase successfully when lacking vocabulary in unusual or unexpected circumstances.
- (iv) Fluency: Produces stretches of language at an appropriate tempo. There may be occasional loss of fluency on transition from rehearsed or formulaic speech to spontaneous interaction, but this does not prevent effective communication. Can make limited use of discourse markers or connectors. Fillers are not distracting.
- (v) Comprehension: Comprehension is mostly accurate on common, concrete, and work related topics when the accent or variety used is sufficiently intelligible for an international community of users. When the speaker is confronted with a linguistic or situational complication or an unexpected turn of events, comprehension may be slower or require clarification strategies.
- (vi) Interactions: Responses are usually immediate, appropriate and informative. Initiates and maintains exchanges even when dealing with an unexpected turn of events. Deals adequately with apparent misunderstandings by checking, confirming or clarifying.

- (b) Extended Level (Level 5)—
- (i) Pronunciation: Pronunciation, stress, rhythm, and intonation, though influenced by the first language or regional variation, rarely interfere with ease of understanding.
 - (ii) Structure: Basic grammatical structures and sentence patterns are consistently well controlled. Complex structures are attempted but with errors which sometimes interfere with meaning.
 - (iii) Vocabulary: Vocabulary range and accuracy are sufficient to communicate effectively on common, concrete, and work related topics. Paraphrases consistently and successfully. Vocabulary is sometimes idiomatic.
 - (iv) Fluency: Able to speak at length with relative ease on familiar topics, but may not vary speech flow as a stylistic device. Can make use of appropriate discourse markers or connectors.
 - (v) Comprehension: Comprehension is accurate on common, concrete, and work related topics and mostly accurate when the speaker is confronted with a linguistic or situational complication or an unexpected turn of events. Is able to comprehend a range of speech varieties (dialect and/or accent) or registers.
 - (iv) Interactions: Responses are immediate, appropriate, and informative. Manages the speaker/listener relationship effectively.
- (c) Expert Level (Level 6)—
- (i) Pronunciation: Pronunciation, stress, rhythm, and intonation, though possibly influenced by the first language or regional variation, almost never interfere with ease of understanding.
 - (ii) Structure: Both basic and complex grammatical structures and sentence patterns are consistently well controlled.
 - (iii) Vocabulary: Vocabulary range and accuracy are sufficient to communicate effectively on a wide variety of familiar and unfamiliar topics. Vocabulary is idiomatic, nuanced, and sensitive to register.
 - (iv) Fluency: Able to speak at length with a natural, effortless flow. Varies speech flow for stylistic effect, e.g. to emphasise a point. Uses appropriate discourse markers and connectors spontaneously.
 - (v) Comprehension: Comprehension is consistently accurate in nearly all contexts and includes comprehension of linguistic and cultural subtleties.
 - (vi) Interactions: Interacts with ease in nearly all situations. Is sensitive to verbal and non-verbal cues, and responds to them appropriately.

SECOND SCHEDULE

[Regulation 113.]

KNOWLEDGE AND SKILL REQUIREMENTS FOR AIRCRAFT MAINTENANCE ENGINEERS LICENSING

1. The subjects relevant to the knowledge and skill requirements for all licence categories specified in regulation 9(5) are presented in this Schedule in a modular format.
2. The examinations for each category of licence, and its sub-divisions where appropriate, shall be based on a number of the modules as indicated in the module/category relationship set out in the Table below.

[Subsidiary]

3. From the Table it will be noted that the modular arrangements recognise that major areas of the subjects are common to more than one licence category or its sub-divisions. Thus, when an existing licence is to be extended to include another category or sub-division, those modules that have been satisfied by previous examinations may be excluded.

4. Each module is numbered and contains a series of syllabus subject headings. Each subject is then further expanded in more detail against "level numbers" corresponding to Licence Without Type Rating (licence without type rating) and Type Rating (TR). This expansion of detail provides an indication of the degree/level of knowledge, experience, competence and skill in aeronautical engineering required by the Regulations.

5. There are three level numbers and they are defined as follows—

- (a) Level 1: General appreciation of principles and familiarisation of the subject;
- (b) Level 2: Comprehension of principles and salient features with a practical ability to assess operational condition;
- (c) Level 3: Detailed knowledge of all aspects of the subject.

6. In applying the above levels to the subjects which, in particular relate to aircraft, engines, systems and items of equipment, the following aspects shall be taken into account—

- (a) theoretical principles;
- (b) constructional arrangements, functional and design features;
- (c) maintenance practices;
- (d) normal, deteriorated and failed conditions.

continued on page 559

MODULE / CATEGORY RELATIONSHIP

Category Module	A- Aeroplanes	'C' - Engines		'A' & 'C' Rotorcraft		'A' & 'C' Airship		- X -				'R' - Radio	
		Piston	Turbine	Piston	Turbine	Piston	Turbine	instruments	Aeroplane	Automatic Pilots	Compass	Communication & Navigation	Radar
		SUBJECT NUMBERS-		MODEL		MODEL		MODEL		MODEL		MODEL	
Regulations	1	1	1	1	1	1	1	1	1	1	1	1	1
Basic Engineering	2	2	2	2	2	2	2	2	2	2	2	2	2
Digital Functions													
Common	3			3	3	3	3						
4(a)													
4(b)													
Piston Engine	6	6	6	6	6	6	6						
Propellers	7	7	7	7	7	7	7						
Turbine Engine		8	8	8	8	8	8						
Rotorcraft			9	9	9	9	9						
Airship						10	10						
Human Performance	13	13	13	13	13	13	13	13	13	13	13	13	13

[Subsidiary]

Basic	Electrical equipment & System Instruments	Electronic	Gyroscopes	Servo-mechanism	21	22	23	23	24	25	26	30	31	32
Automatic Pilots	Aeroplanes	Common	Rotorcraft	Compass Compensation										
Radio	Communication & Navigation	Radar												

SECOND SCHEDULE—continued

MODULE 1: MODULAR KNOWLEDGE AND SKILL SUBJECTS FOR AIRCRAFT
MAINTENANCE ENGINEER

Syllabus Subject	Level		Details
	WTR	TR	
Maintenance Engineers Licences & Authorisations	2	–	Civil Aviation Regulations requirements
			Responsibilities: by statutory law and by the need to fly aircraft in a satisfactory condition, i.e. common/civil/constitutional law
			Penalties - under statutory law and resulting from civil law suits
			Categories - applicability
			Areas and extent of limitations and privileges within categories
			Overlap of category applicability
			Relevant Airworthiness Notices and other Authority guidance manuals
Aircraft Registrations	1	2	International and national registration requirements
			Registration process
Certificate of Airworthiness	1	2	Issue of Certificate of Airworthiness requirements
			Categories of certificate of airworthiness and purpose of flight
			Prototypes, modified prototypes, series aircraft
			Renewal of certificate of airworthiness requirements and process
Maintenance and Maintenance Records and Certification	1	2	Civil Aviation Regulations requirements and other applicable guidance material issued by the Authority
			Maintenance certification: certificate of release to service
			Duplicate inspections
			Contributory certifications and reliance on other documentation and persons
			Certification - acceptance investigation and judgment procedures
			Modification standards, process and recording
			Maintenance records - relevance of previous records
			Maintenance records - requirement to be kept, preservation and production

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		Details
	WTR	TR	
			Offences in relation to documents and records
			Inspection requirements and Standards' persons authorised
			Build Standards
			Maintenance responsibilities
Aircraft, engine and VP Propeller Logbooks	1	2	Civil Aviation Regulations requirements and other applicable guidance material issued by the Authority
			Authority approval: Light aircraft, large aircraft
			Worksheet; technical log
			Data to be entered in technical logbooks
			Condition reports – e.g. heavy landing checks, defect investigations, NDT and other inspections, mandatory and non-mandatory
			Maintenance checks and inspections
			Cross-reference to other files/records
			Preservation of documents; Civil Aviation Regulations requirements
Technical log	1	2	Civil Aviation Regulations requirements
			Technical Log - Air Operators Certificate requirements
Aircraft Documentation and Requirements	1	2	Type certification and supplemental type certification
			Documents to be carried
			Flight manual - provision of manuals and aircraft performance
			Mass Schedule and aircraft loading
			External, and internal markings and signs, e.g. nationality and registration, no smoking and fasten seat belt, placards and requirements, doors and exits
			Certificate of Airworthiness
			Certificate of Registration
			Air Operators Certificate
			Instrument and Equipments
			Radio Station licence and approval
			Change of ownership
			Aerial work, including parachuting, glider towing, etc - certification

SECOND SCHEDULE—continued

Syllabus Subject	Level		Details
	WTR	TR	
			Exits and break-in markings
Approvals	-	1	Design organisations
	1	2	Approved maintenance organisation
			Maintenance Schedules/programmes
			air operator certificate and AMO interface
			100 hours and annual inspections
			Aircraft parts stores requirements and management
Defect Reporting	1	2	Civil Aviation Regulations requirements
			Reportable occurrences (defects, incidents, accidents)
Authority Requirements	1	2	Manual of Airworthiness Requirements
			Airworthiness Notices
			Foreign airworthiness directives
Manufactures requirements	1	2	Service bulletins, manuals, service letters, etc.
Foreign Authorities requirements	1	2	FAA, CAA (UK), JAR
INTERNATIONAL CIVIL AVIATION ORGANISATION Annexes requirements	1	2	Annexes 1, 6 and 8

MODULE 2: BASIC ENGINEERING PRACTICES

Engineering Drawings and Technical Information	1	2	Drawing details – common practices: plan, elevations, isometric, sections, scale, dimensional and indicating presentation
	2	2	Use, validity control, interpretation
	1	2	Maintenance Manuals, Parts Catalogues, Overhaul Manuals
			Service bulletin and modification data
			Maintenance schedules: approved and otherwise
	2	2	Wiring diagram manuals, Interconnection charts, Schematic diagrams, Symbols
Mathematics	1	–	Simple calculations: measurements, angles, graphs, metric/imperial, volume, forces, moments, centre of gravity
			Transposition of formulae, Powers of numbers, Binary notation, Simple equations, Conversion of units

[Subsidiary]

SECOND SCHEDULE—*continued*

Syllabus Subject	Level		Details
	WTR	TR	
			Resolution of forces
	1	–	Pressure/volume/temperature of gases
			Density, specific gravity, Pressure
			Hydraulics: basic principles, liquids in flow and static conditions
			The atmosphere – density/pressure/temperature/altitude/humidity
			Basic principles of motion, acceleration, centrifugal, centripetal forces, friction
			Basic electrical laws, units, power in circuits, Magnetism, circuit calculation
Hangar/Workshop Common Practices and Tools	1	–	Lubrication methods and application
			Hand tools, simple machine tools
			Go/No Go gauges, fits and clearances
	2	2	Crimping tools, hand and hydraulic
	1	–	Precision measuring instruments, Electrical measuring instruments, Circuit testing methods
	2	–	Torque loading
	1	–	Assessment of in service condition of soldered, brazed and welded joints
	1	–	Inhibiting and corrosion protection
			Painting and paint stripping
	1	–	Metal contamination
			Fire protection and safety in and around the workshop/hangar/aircraft
			Storage and handling
Common Parts	1	2	Control cables and fittings
			Fastening devices – threaded, riveted and swaged
			V-band clamps and couplings
			Locking: parts and methods
			Washers
			Bearings
			Pipes: rigid and flexible
			Keys and key ways
			Worm drive and other types of band clips

SECOND SCHEDULE—continued

Syllabus Subject	Level		Details
	WTR	TR	
Gases and Compounds	1	2	Air, nitrogen, carbon dioxide, oxygen, helium
			Acetylene
			Safety aspects
			Adhesives, oils, greases, sealing compounds, solvent
Basic Electrics	2	–	General principles and practices
	2		Simple circuits AC to DC, DC to AC, AC to ac conversion
	1	2	Ground services ac and dc
			Batteries, application and handling
			Insulators and Insulation, Conductors and conductivity
			Common items used in aircraft applications, e.g. resistors, potentiometers, solenoids
			Transformers, single phase and auto
			Semi-conductors, capacitors, relays
			Micro switches
			Proximity detectors
			Fuses, circuit breakers
			Motors/actuators
			Principles of frequency wild, constant frequency a.c power
	1		Circuit wiring, connectors, crimping, clipping, cable sizes and types, cable looms, harnesses, terminations and disconnects
			Bonding, earthing of aircraft
	1		Static electricity; lightning; static charges; "interference" effects on radio equipment, electrostatic damage protection
Environmental Aspects	1	2	Effects of snow, ice, lightning and turbulence

MODULE 3: CATEGORY "A" COMMON – AEROPLANES, ROTORCRAFT AND AIRSHIPS

Syllabus Subject	2.1.2 level		Detail
	WTR	TR	
Basic Aerofoil Theory	1	2	Lift/thrust/drag/weight

[Subsidiary]

SECOND SCHEDULE—*continued*

Syllabus Subject	2.1.2 level		Detail
	WTR	TR	
			Stalling of an aerofoil
			Induced and parasitic drag
			Boundary layer
			Aerofoil shapes
			Chord/span/aspect ratio
Sub-structures	1	2	Folded metal, sheet metal, extrusions, tubing
			Effect of swaging, lightening holes
			Use of different metals
			Commonly used fasteners and joint methods
			Protective treatments and precautions
			Honeycomb
			Reinforced plastic/epoxy materials, applications
			Floors
			Seats - crew, passenger – “crash” situation
			Aerials, Pitot probes, drain masts, air intakes and similar structural fitments
			Instrument panels and consoles
			Radio equipment racks and stowages
Metals	1	–	Light alloys, iron and steel
	1	2	Titanium
	1	–	Brass, bronze, copper, lead
	1	2	Recognition and general characteristics of metals used
			Application and use of metals
			The purpose of heat treatments
			Use of different heat treated materials
			Anodic treatments
			Corrosion treatments during manufacture
			Identification of corrosion
	2	2	Corrosion treatments during repair
			Fatigue
			Other protective treatments/finishes
Non-destructive Condition – Testing	1	–	Typical uses and display of defects using:

SECOND SCHEDULE—continued

Syllabus Subject	2.1.2 level		Detail
	WTR	TR	
			X-ray/gamma ray, ultrasonic, eddy current, magnetic particle
	2	–	Penetrant leaching
	1	2	Visual probes
			Eyeglass equipment: usefulness, effectiveness of various magnifications
Materials – Non-metal Reinforced Plastics/Epoxy Composites	1	2	Glass, fibre and filament reinforcement
			Materials used
			Cold setting, hot setting systems
			Construction principles used, aircraft applications
			Failure characteristics
			Honeycomb, foam sandwich
Hydraulic	2	–	Simple systems, i.e. powered pump, reverse selection, pressure relief, pressure regulation LP AND HP filters
	1	2	Types of pump
			Differing fluids - mineral/fire resistant
			Control and indication methods
Landing Gear and Brakes	1	2	Wheels, tyres, shock absorbers, castering, steering methods
	2	–	Simple hydraulic brakes, i.e. master cylinder to wheel-brake unit
	1	2	Brake discs and callipers
	1	–	Landing and braking energy conversion
Electrical	1	2	Simpler type systems
	1	2	Batteries, generators, relays, wiring, switch gear
			Voltage control
			Current limiting, circuit protection devices
			Paralleling
			AC from inverters
			Crimping
			Soldered joints
			Control and indications, magnetic indicators and annunciators
Instruments (other than Engines)	1	2	Pitot/static systems and associated instruments

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	2.1.2 level		Detail
	WTR	TR	
			Gyro instruments – vacuum/pressure/electrical
			Pressure and temperature indication
			Position indication
			Compasses
Radio	1	–	VHF communication systems
Safety Equipment	1	2	Fire extinguishers - hand
			Lifejackets
			Liferafts
			Seat belts/harnesses-passenger/crew 3-point, 4-point, inertial, lapstraps
	–	3	Mandatory requirements for upper torso restraint
Ground Handling	1	1	Jacking, trestling, slinging, towing, tie down
			"Servicing" activities
			Storage
			Painting - protective finish/external markings
	1	2	Weighing and centre of gravity determination - weighing report
			Civil Aviation Requirements e.g. Airworthiness Notices, Manual of Airworthiness requirements
			Scale position
			Basic Weight
			Unusable fuel
			Oil and other consumable liquids- quantities
			Role variations
			Hold/seat row/removable equipment
			Station identification
			C of G datum

MODULE 4 (A): CATEGORY "A" – AEROPLANES

Syllabus Subject	WTR	TR	
Theory of Flight and Control	1	2	Stability and control
			Equilibrium

SECOND SCHEDULE—continued

Syllabus Subject	WTR	TR	
			Stalling of the aircraft
			Flaps and slats
			Aerodynamic balance
			Mass balance
			Aileron/elevator/rudder control
			Tab – servo/anti-servo/balance/anti-balance/trim/spring
			Canard/foreplanes
Aircraft Structures	1	2	Main structures – fuselage/wing
			Stressed skin-diaphragms and longerons
			Tubular structures
			Skin, frames, and stiffening
			Wing: spar and rib structures
			Integral fuel tanks
			Load paths
			Empennage
			Windows, doors and hatches
4 Refurbish/Overhaul of Aircraft	1	2	Preparation of the aircraft – cleaning, access dismantling, jacking and trestling, furnishing removal
5			Preparation of inspection reports and establishment of work required
6			Final inspection – preparation of final reports and records/logbook entries
7			Mandatory modifications, Inspections, Service bulletins, Airworthiness Directives applicable to the type rating sought
8 Overhaul/Repair of Parts/Components	1	2	Overhaul data – requirements, documentation, work sheets, inspection stages, testing
9			Use and control of workshop inspection aids including non-destructive test equipment
10			Factors and limitations affecting choice of equipment and methods used
11			Overhaul and testing procedures for component parts of pneumatic, hydraulic, air conditions, oxygen, anti-icing, de-icing, fire extinguishing and rotorcraft transmission systems
12			Assembly procedures and approved repair schemes applicable to major components
13			Engine mounting structures

[Subsidiary]

SECOND SCHEDULE—*continued*

Syllabus Subject	WTR	TR	
14			Inspections necessary before, during and after repair, including checking of alignment and symmetry
			Repair, inspection and testing of tanks, heat
15		175	Exchangers, fuel and oil systems, and all types of control systems relevant to the licence category sought

MODULE 4(B) CATEGORY “A” – AEROPLANES

	Level		
37 Syllabus Subject	WTR	TR	
Theory of Flight and Control	1	2	Transonic effects, swept wings, wing fences, spoilers, high lift devices vortex generators
			High speed stall
			Shock wave
			Speed of sound – mach numbers
			Work turbulence
	–	2	Supersonics – sound waves
			Delta wing forms
			Kinetic heating
			C of G control
	1	2	Active controls – computerised flight
			Management systems – general principle
Aircraft Structures	1	2	Fail-safe application
			Fatigue effects and control
			Wing: box/integral tank construction
			Pressure-loaded skin, bulkheads, windows, windscreens, doors
38			Milling/chemical etch constructed structure
39			Bonded type construction
40			Fasteners – close tolerance
41			Sealing compounds
42			Maintenance programmes – structural survey
43			NDT programmes
44			Large aircraft paint and protective finishing processes
45			Cargo holds

SECOND SCHEDULE—continued

	Level		
	WTR	TR	
46			Venting and draining
47			Sound proofing
48 Materials – Non-metal:			
49 Furnishings	1	1	Upholstery
50			Toilet and galley partitioning
51			Carpets and Curtains
52			Particle boards and plastic laminates
53	1	2	Fire resistance/escape requirements
54			Passenger seats
55			Crew seats – cabin and flight crew
56 Systems:			
57 (1) Flight Control	1	2	Powered controls
58			Spoiler, air/speed brake, lift dump
59			Lift augmentation – LE droop, slats/flaps
60			Flap operating systems – large transport aircraft
61			Flap asymmetric and alternate operation
62			Stall sensing – stick shake
63	–	2	Stick push/nudge
64	–	1	Electronic control system
65	1	1	Fly by wire
(2) Hydraulic	1	2	Variable delivery systems
			Accumulator/cut-out dependent system
			Pressure/volume control
			Pressure-reducing valves
			Fire-resistant fluids – temperature, contamination, compatibility
			Pressurised reservoirs
			Multiple system provision
			Alternate systems – HYRAT/hydraulic motors
			Electrically-powered and air-driven systems
			Leak protection systems – system isolation, “fused” systems, priority control
			Internal leakage – cause and effects – acceptability

[Subsidiary]

SECOND SCHEDULE—continued

	Level		
	WTR	TR	
(3) Landing Gear	1	2	Multiple axles and wheels
			Bogey beams
			Door sequencing
			Main and alternate brake provision
			Anti-skid system-electronic and mechanical-aquaplaning
			Landing gear unsafe protection
			Alternate lowering
			Weight on/weight off sensing
			Fire protection
			Powered steering – retraction self-centring
	–	2	Auto braking
(4) Pneumatic (ATA 36)	1	2	Bleed air pneumatic systems
			Systems supplied
			Bleed air valves
			Mass, flow, pressure and temperature control and indication
			Ducting
			Leak detection
			Alternate supply – APU and ground cart
(5) Ice and Rain Protection	1	2	Mainplane/tail hot air anti-ice systems
			Control and indication
			Leak/overheat-detection/protection
	1	2	Ice detection
			Rain repellent
			Windscreen wipers
			Laminated windscreen heating
			Waste water discharge
			Pilot/static sensors
(6) Environmental and passenger systems—			
6.1 Air Conditioning	1	2	Cabin blower/bleed air supply
			Heat exchangers
			Cold air units/air cycle machines
			Vapour cycle systems

SECOND SCHEDULE—continued

	Level		
	WTR	TR	
			Humidity control systems
			Mass, flow, pressure and temperature control and indication
			Leakage detection and protection
			Ventilation requirements
			Passenger service unit air supply
			Water extraction
			Recirculation
6.2 Pressurisation	1	2	Outflow control – electric, electronic and pneumatic
			Maximum differential and negative pressure control
			Cabin altitude and rate of change
			Emergency dump and manual control
			Ditching
			Cabin altitude and rate of change
			Entrance/access/baggage door sealing and locking, indications and warnings
6.3 Oxygen	1	2	Storage, distribution and charging
			Drop-out system
			Chemical systems
			Therapeutic provision
			Masks – passenger/crew/smoke
	1	3	Bottle checks and precautions
6.4 Toilets, Waste and Water, Galley Services	1	1	Toilets: servicing provision
	1	2	Toilet flushing systems – pump over-heat protection
			Water – washing, hot/cold, potable
			Potable water – health protection
			Pressure control
			Water heating systems – safety provisions
			Waste collection and drainage
			Galleys – refrigerators, food and drink, ice – health protection

[Subsidiary]

SECOND SCHEDULE—*continued*

	Level		
	WTR	TR	
			Lifts, safety factors
			Catering trolleys
6.5 Baggage	1	2	Automatic systems – pallets and containers
			Restraint and securing
			Dangerous goods
6.6 Entertainment and passenger service	1	1	Films, video, television and audio
			Public address
(7) Electrical	1	1	ASE a.c. power generation systems:—
			Control and protection Transformer rectifier units Cables and terminations
			Basic electronics-hardware – printed circuit boards
			Built-in testing provisions
			Static inverters
	–	1	Multiplex – basic principles
	1	1	Logic – basic principles
(8) Instruments	1	1	ADI, HSI representation and ground functioning
			Altitude encoding and transponder systems – general
			Computer inputs
			Centralised air data units
			CRT displays
			Flight recorders – voice recorders
			INS
(9) Equipment, Safety	1	2	Slide, rafts, dinghies
			Portable oxygen
			Loud hailer
			Smoke masks/hoods
			Survival equipment
			Notices/placards

SECOND SCHEDULE—continued

MODULE 6: CATEGORY “C” – PISTON ENGINES IN AEROPLANES, ROTORCRAFT AND AIRSHIPS

Syllabus Subject	Level		
	WTR	TR	
Principles, Terminology, Definitions and Laws	1	2	Normally aspirated and supercharged operation
			Two and four stroke cycles
			Ignition timing, mixture, fuel grade detonation
			Power
			Overhaul periods/continuation in service beyond overhaul recommendation
			Ground running – principles and problems
			Effect of altitude, humidity, temperature, and icing
			Standard atmosphere, pressure altitude
			Fixed and variable pitch propeller effects
			Vibration characteristics and damping
			Type certification
Engine overhaul: General	2	–	Overhaul as a condition control process – its advantages and disadvantages
			Familiarity with the operating environment of piston engines in aircraft
			Sudden stoppage – over-revving, over-boosting, over-heating
			Bogus parts
			Fatigue
			Mandatory reporting
			Fuels and oils – Mogas
Overhaul Process Control	2	–	Facilities: shop layout – stores; work environment; equipment for cleaning, inspection, rework and testing
			Control of precision measuring instruments and equipment
			Work package control and processing
			Acceptability of third party work/ opinions/ reports/recommendations
			e.g. manufactures and their agents/other agencies
			Use of experts and expert opinion
			Use of unskilled labour

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
Constructional Arrangement and Piston Engine General Consideration	1	1	General arrangement – internal
	1	2	General arrangement – external
			Crankcase breathing
			Propeller shaft sealing
			Materials
			Propeller attachment provision
			Power take-off provision
			Cooling
			Cylinders, pistons and valve gear
			Hydraulic tappets
			Camshaft
			Casings, mountings and accessories drive
			Vibration damping
			Crankshaft, balance weights, main bearings
			Auxiliary drives, internal lubrication provisions
			Seals and sealing materials
			Oil coolers and thermostatic valves
			Oil pumps, filtering, pressure control
			Fuel pumps – engine driven
			Ignition and valve timing provision
			Drive pulleys
			Hardness testing, fits and clearances, Dowels and blind holes
			Sequential torque assembly – retorquing requirements
			Tooth patterns and backlash checks
			Contact area checking
			End float clearance, checking and setting
			Bonding and main earthing
Repairs and rectification	1	1	Machining
			Heat treatment
			Anodic treatments
			Plating
			Corrosion treatments

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
	2	2	Protective treatments and finishes
			Surface finishes
			Fits and clearances
			Thread forms
Overhaul activity	1	2	Cylinder and piston assemblies
			Cooling baffles – hottest cylinder
			Main casings
			Rear covers
			Gear trains
			Camshaft and valve operating mechanisms
			Crankshaft, connecting rods – bearings
			Lubrication systems – passages, jets, pumps, pressure relief valves, coolers, thermostatic valves, filters and strainers
			Sealing-slinger rings, and mechanical flow control
			Crank cases, rear covers, sumps
			Engine mounting provisions
			Governor drive provision
			Induction and exhaust manifolds
			Reduction gears, assemblies and housings
			Superchargers/turbochargers
			Carburettor/injection systems
			Hoses and pipes
			Electrical wiring
			Ignition harness
Non-Destructive Testing	2	–	Eddy current/ultrasonic/X-ray/gamma ray/magnetic particle
			Techniques – status and approval
			Approved NDT organisations
			Interpretation of results
			Certification of inspection completion/acceptability of the condition found
Welding/Brazing	2	–	Preparation - fluxes, welding/brazing rods
			Expansion/contraction effects and control
			Hollow parts - internal protection

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Welding methods: gas/arc/resistance welding
			Brazing/hard soldering methods
			Approval of welders
			Inspection of welded/brazed joints
Release, Preservation, Storage and Transportation	2	–	Logbooks: certification, reports, references, recording of parts, limits, concessions, modifications, alternate parts, mandatory modifications and inspections
			Service information leaflets, etc.
			Lifed parts, salvage schemes/oversized parts
			Inhibiting: internal, external, injectors, carburettors, turbochargers
Systems:			
(1) Carburation and induction	1	2	Air intake - normal/alternate - filtering
			Manifolds
			Anti-icing provision
			Float type and injection systems
			Engine driven fuel pumps
			Priming systems
			Mixture/idle cut-off/throttle control
(2) Ignition	1	2	Magnetos
			Ignition harness
			Spark plugs – reach variations, operating temperature – long life
			Switch control
			Timing (internal/external)
			Advancing and retarding mechanisms
			Screening
			Starting aids – impulse couplings and ignition boosting
(3) Starting	1	2	Starter motors – manuals, Bendix, solenoid, pre-engaged – engagement methods
			Non-engagement indication and effects
			Starter relays
			Earth straps
			Cooling
			Effects on battery

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
(4) Fire Protection and Indication	1	2	Extinguishant, bottles, cartridges, life control
			Detection systems and warnings
			Two shot provision
(5) Lubrication	1	2	Wet and dry sump systems
			System arrangement
			Pressure control
			Effects of hot and cold weather
			Filtering
			Straight, detergent, ash dispersant oils
			Engine condition assessment using oil system analysis
			Oil coolers – temperature control valves
			Hoses, rigid pipes, internal passages, splash – oil jet
			Cooling functions of the oil system
(6) Supercharging/ Turbocharging	1	2	Directly driven and exhaust drive superchargers
			Manual and automatic control
			Lubrication and hydraulic power
			Controls and indication
			Automatic control systems
(7) Aircraft Fuel	1	2	Tanks, cells and integral systems
			Fuel tank heating and monitoring
			Venting
			Fuel pumps - electrical
			Fuel grades and quality
			MOGAS
			Water contamination - drains
			Filtering
			Controls and indication
(8) Engine Controls	1	2	Throttle
			Electronic controls
			Mixture
			Propeller
			Alternate air

[Subsidiary]

SECOND SCHEDULE—*continued*

Syllabus Subject	Level		
	WTR	TR	
			Manual controls for turbocharger
(9) Engine Instruments	1	2	Manifold pressure
			Rotational speed
			Pressure and temperature
			Cylinder head temperature
			Exhaust gas temperature
			Electronic Condition Monitoring
(10) Diagnostic Tools	1	2	Equipment
			Use and analysis

MODULE 7: CATEGORY “C” – FIXED AND VARIABLE PITCH PROPELLERS

Syllabus Subject	Level		
	WTR	TR	
Principles, Terminology, Definitions and Laws	1	–	Constant Speeding
			Pitch variation
			Ground and flight functioning characteristics
			Power conversion
			Blade forces: aerodynamic and centrifugal
			Aerofoil aerodynamic principles
			Pitch coarse/fine, high/low, reverse
			Feathering
			Vibration characteristics
			Turbine engine installation propeller systems
Constructional Arrangement	1	2	Pitch change mechanism single/double acting
			CSUs/governors
			Spinners
			Balance control
			Materials
			Diameter – minimum and maximum
			Pitch stops – fixed, centrifugal, manual and electrical
			Protective finishes – contour control
	1	3	Damage acceptance areas

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Cropping
	1	2	Attachment and assembly methods
			Oil transfer – governor/propeller/sump
			Safety visibility
Automatic and Manual Pitch Control Systems	1	2	Pilot control and governor sensing
			Feathering
Ice Protection	1	2	Liquid and electrical systems
Turbine Engine Application	1	2	Auto-feathering
			Synchronising/synchrophasing
			Braking
			Automatic and manually controlled pitch limiting systems
			Beta control
			Permitted balancing

MODULE 8: CATEGORY “C” – TURBINE ENGINES IN AEROPLANES, ROTORCRAFT AND AIRSHIPS

Syllabus Subject	Level		
	WTR	TR	
Principles, Terminology Definitions and Laws	1	2	Gas flow path – temperature, velocity and pressure
			Compression
			Combustion
			Turbine Power extraction
			Effects of atmospheric variations in temperature, density, pressure altitude on engine and on engine/aircraft combination
			Single shaft, two and three shaft engines
			Centrifugal and axial flow compressors
			Fan engines
			By-pass engines
			Water/water methanol injection
			Power turbines
			Surge/compressor stalling

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Propeller turbines
			Gas producers
			APU applications
			Thrust reversal
			Power assessment
Constructional Arrangement	1	2	Casings, shafts, bearings, accessories drive
			Air intakes and compressors
			Combustion section
			Turbines and exhaust
			Materials
			Modular construction
	1	3	Engine inspection capability and condition assessment provision
	1	3	Principles of “condition monitored” and “on condition” maintenance programmes
	–	2	Supersonic flight air intake geometry control systems
Propeller and Shaft Power Provision	1	2	Gas producers
			Reduction gearing
			Power and auxiliary drive
			Rotational speed and power control, safety systems
	1	1	Principles of torque/power/rotational speed in power transmission by rotating shafts
Systems:			
(1) Thrust Reversing	1	2	General arrangements
			Control/interlocks
			Safety features
			Operating systems – hydraulic/pneumatic mechanical
			Turbine and fan applications
(2) APUs	1	2	General arrangements
			Intake and exhausts systems – door operation
			Load control
			Electrical output control and management
			Speed control

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Fuel control
			Safety features
			Ground/flight/altitude-limiting factors
			Mounting
			Fire protection and indication
			Bay cooling
			Ground running
(3) Fuel Control	1	2	Principles – parameters
			Mechanical/electronic control
			Power speed – control and limiting
			Temperature and power factors
			Burners – primary and secondary provision
	–	2	Burners – shaft injection, torch ignition
	1	2	Governor speed sensing
(4) Fuel Systems	1	2	Tanks – cells and integral systems
			Refueling/defuelling, crossfeed, jettison, venting, transfer
			Scavenging – jet pumps
			Boost pumps, backing pumps
			LP/HP valves and control
			Tank selection
			Internal/external pipes, hoses, connectors
			Fuel types
			Static electricity – effects and control
			Leak assessment and control
			Fuel quantity indication – “Level Sticks”
			Water contamination – effects and control
			SG/Density/volume/weight
			Filtering and heating
			Fuel systems in pressurised cabin areas
(5) Water Injection	1	2	Water/water methanol applications
			Sensing, control and safety provision
			Power effects
			Tankage

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Replenishing/dumping
			Pumps
			Effects on fuel control
			Pipes and pipe lines
(6) Lubrication	1	2	Tanks, storage, venting, contents indication
			Pressure/scavenge pumps
			Filters, screens and magnetic plugs/chip detectors
			Pressure/flow control
			Heat exchangers oil/fuel, oil/air
			Sealing-labyrinth seals, carbon seals, etc.
			Overboard drains – drains systems
			Lubrication of mains bearings, accessories and gear trains
			Supply to propeller systems
			Contamination by hydraulic fluid/fuel
			Types of oil
			Internal/external pipes, hoses and passages – effects of heat
			Use of oil for ice protection – intake and fuel control
(7) Cooling, Sealing and Bleed Air Services	1	2	Internal cooling, external cooling, sealing air
			Overboard dump – temperature monitoring
			Off-takes for other services – air conditioning, anti-icing, equipment drive, pressurizing of hydraulic reservoirs, water systems, etc.
			Centrifugal filters
(8) Surge Protection and Airflow Control	1	2	Bleed valves – operating systems
			Variable inlet guide vanes – scheduling, operating systems
			Surge sensing
			“Surge margins”
	–	2	Supersonic flight air intake geometry control
(9) Ice Protection	1	2	Hot air systems – struts and intakes
			Electrical systems – engine and intakes
			Use of oil and air bleeds

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Pressure sensor heating
			Control and indication
(10) Fire Protection	1	2	Fire detection
			Overheat warning
			Fire extinguishing
			Bay and zone isolation
			Fire walls, bulkheads, cladding
			Fire wires, detector units
			Single/dual detection
			Extinguishants
			First and second shot capability
			Warnings and indications – lights, aural warnings, fuse types, squib test
			"Bottle gone" indicators
			Operating systems
			Over pressure
			Cartridges – life control
			Electric and electronic systems
(11) Ignition	1	2	High energy ignition systems
	–	2	Torch ignition
			Glow plug systems
	1	2	Igniter plugs and leads
			Operation inside and outside the starting cycle
(12) Starting	1	2	Starting cycle
			Initiation – HP valves, termination, bleed valves, starter valves, power lever, self sustaining speeds
			Starter motor – electrical, pneumatic, starter/generators – HP air, impingement air
			Clutch provision, overspeed sensing
			Manual operation starter cooling/resting
			Ground power electrical/pneumatic provisions
(13) Controls	1	2	Power/throttle/thrust reverse
			HP/LP valve controls – manual and electric
			Condition control systems
			Propeller control

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Auto control of throttle
			Control runs
	—	1	Electronic control systems
(14) Pods, Pylons, Cowlings and Mountings	1	2	General arrangements
			Services and controls – input/exit
			Materials
			Venting
			Zone demarcation
			Mountings
			Pylon and pod structural features
			Torque, vibration, expansion provisions
			Bay venting
			Cooling air intakes
(15) Electrical	1	2	a.c. generators – CSDs/IDGs
			Starter/generators
			Starter motor high current circuits
			CSDs – principles of operation, disconnect/reconnect, lubrication/hydraulic operation, filters, coolers
(16) Instruments	1	2	Rotational speed indication; a.c. generator and pulse probe systems
			Temperature and pressure systems
			Pressure ratio systems
			Turbine temperature systems
			Instrument system amplifier
			Fuel flow indication
			Torque indication
			Fuel contents/oil contents-electrical and electronic
			Vibration indication
Ground Handling	1	2	Storage and inhibiting
			Spare engine carriage
			Ground running – noise control – power checking
			Functional checks of engine associated services

SECOND SCHEDULE—continued

MODULE 9: CATEGORY “A” & “C”-ROTORCRAFT

Syllabus Subject	Level		
	WTR	TR	
Theory of Flight and Control	1	2	Rotor disc: forces acting, lift, drag centrifugal force, weight, rotor useful force, phase lag; advance angle non-constant speed drive (Hookes Joint) effect
			Articulate/semi-rigid/rigid rotors
			Flapping/dragging/feathering
			Climbing/losing height/horizontal flight
			Main and anti-torque rotors – control inputs – cyclic and collective
			Effects of aircraft speed on rotors
			Directional control
			Translational lift/inflow/ground effect
			Vortex ring effect
			Retreating blade stall
			Reverse flow
			Auto-rotation; auto-rotative force/blade section
			Auto-rotation rev/min
	–	2	Twin rotors
Constructional Arrangements	1	2	Rotorcraft structures, load paths, vibration effects
			Landing gear configurations: skids/wheels/floats
			Fuselages, tail cones, pylons, engine mounts
			Gearbox and transmission mountings
			Doors and windows
Systems:			
(1) Flying Controls	1	2	Collective/cyclic/directional
			Hydraulic
			Rotor heads – main and tail rotor
	1	2	Articulated, rigid, semi-rigid, teetering
			Swash plate/spider control input methods
			Blades: construction and materials; balancing: static, dynamic, spanwise, chordwise
			Tracking: flag and in-flight methods
			Tabs/trailing edge bending
			Vibration – effects and analysis

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			BIM indicators
			Automatic Pilots/Autostabilisers – Control interface
			System components – component replacement and subsequent testing
(2) Ice and Raid Protection	1	2	Windscreen wipers
			Electrically-heated windscreens
(3) Heating and Ventilation	1	2	Exhaust heat exchangers
			Ram air
			Ventilation fans
Transmission systems	1	2	Engines to rotors: shafts, clutches, free wheel units; reduction gearboxes; main transmission/gearboxes, combining gearboxes
			Tail rotor drive: drive shafts, intermediate gearboxes, tail rotor gearboxes
			Lubrication systems: oils, coolers, cooling fans, filters, magnetic plugs, chip detectors, pumps, pressure control
			Universal drive provision
			Splined shafts, type of gears – tooth pattern
			Instrumentation
			Rotor brake systems
Equipment	1	2	Hoists and winches
			External load carrying
			Flotation
			Survival systems
			Specialised role equipments, aerial spraying, cameras
Instruments	1	1	ADI, HIS
			Flight recorders
	1	2	HUMs

MODULE 10: CATEGORY “A” & “C” – AIRSHIPS

Syllabus Subject	Level		
	WTR	TR	
Principles of Lift	1	–	Bodies immersed in fluids

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Gases: free to expand/constant volume/constant temperature/constant pressure
			Mixture of gases in a containing vessel
	2	–	Centre of gravity, centre of buoyancy, static heaviness, static lightness, static trim
●●● Superpressure,			Superpressure, superheat
			superheat
			Porosity
			Equilibrium
			Ballast-shot/water
Theory of Flight and Control	1	–	Aerodynamic lift, aerodynamic balance
			Stability and control
			Free ballooning
			Fins, rudders, elevators
			Tabs: balance/servo/trim/spring
			Powered flying controls
Envelope	2	–	Materials: fabrics, Kevlar
	1	–	Ultra-violet light effects
			Gas-tight membranes
			Ballonets, gases, load curtains, shear curtains, support cables, gas valves, air valves, entry ports, inspection domes, charge adaptors, load patches, handling lines, nose cone
			Charging, purging, porosity checks
			Lightning protection
			Airs systems: ram air scoops, ballonet fans, dampers, transfer fans
Gondola	2	–	Main Structures
			Materials: Kevlar laminate, fibrelam, sandwich panels, metal skin frames and stiffening
	1	–	Moulding/bonding techniques
			Support cables, support cable attachment, bulkheads, equipment attachment
			Furnishings
			Doors, windows and hatches
			Fire protection – skinning

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Lightning protection
Systems:			
(1) Flight control	1	–	Fins, rudders, elevators
			Operating systems and surfaces – manually/ power operated
			Trim operating systems – manual and electric
(2) Ice and Rain Protection	1	–	Windscreen wipers
(3) Heating and Ventilation	1	–	Exhaust heat exchanges
			Ventilation system
(4) Vacuum/Pressure	1	–	Supply and associated system
(5) Landing Gear	1	–	Geometric arrangement
			Structural arrangement
			Castering/pivoting/locking
			Shock absorbers
			Weight sensing/measurement
Ducted Propellers	1	–	Principles of operation
			Propeller forces: aerodynamic/centrifugal
			Pitch variation/control
			Positive/negative vectoring
			Power conversion
			Control systems: electronic control, emergency forward coarse selection
			Balance
			Clutches
			Materials
			Protective finish: contour control, visibility
			Duct pivoting systems: drive and control, motors, limit control, gear boxes, inter- connection, emergency manual
Ground Handling	1	–	Attaching to/releasing from/mast
			Ground power
			Fuelling
			Ballasting
			Helium: charging, purifying, leak testing
			Pressure watch techniques

SECOND SCHEDULE—continued

	Level		
Syllabus Subject	WTR	TR	
			Mooring – mobile/portable
			Engine running
			Hangaring
			Adverse weather

MODULE 13: HUMAN PERFORMANCE

	Level		
Syllabus Subject	WTR	TR	
General	2		The need to take human factors into account
			Incidents attributable to human factors/human error
			"Murphy's" Law
Human Performance and Limitations	2		Vision
			Hearing
			Information processing
			Attention and perception
			Memory
			Claustrophobia and physical access
Social Psychology	1		Responsibility: individual and group motivation and de-motivation
			Peer pressure
			"Culture" issues
			Team working
			Management, supervision and leadership
Factors Affecting Performance	2		Fitness/health
			Stress: domestic and work related
			Time pressure and deadlines
			Workload: overload and underload
			Sleep and fatigue, shiftwork
			Alcohol, medication, drug abuse
Physical Environment	1		Noise and fumes
			Illumination
			Climate and temperature

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Motion and vibration
			Working environment
Tasks	1		Physical work
			Repetitive tasks
			Visual inspection
			Complex systems
Communication	2		Within and between teams
			Work logging and recording
			Keeping up to date, currency
			Dissemination of information
Human Error	2		Error models and theories
			Types of error in maintenance tasks
			Implications of errors (i.e. accidents)
			Avoiding and managing errors
Hazards in the Workplace	2		Recognising and avoiding hazards
			Dealing with emergencies

MODULE 21: BASIC: ELECTRICAL EQUIPMENT AND SYSTEMS

	65.1.1 Level		
	WTR	TR	
Batteries	1	–	Principles of primary and secondary cells
	2	–	Lead-acid types
			Ni-Cad types
	2	3	Methods of charging batteries in aircraft
	2	–	Capacity testing, storage
Direct Current Machines	2	–	Basic laws and principles
			Types and characteristics
			Control
Direct Current Generation	1	2	Voltage regulation
			Control
			Load sharing
			Paralleling
			System layout

SECOND SCHEDULE—continued

	65.1.1 Level		
	WTR	TR	
			Interlock circuits
Power Conversion Equipment	1	2	Static and rotary inverters
			Transformer rectifier units
Fire Protection	1	2	Detection systems
			Fire and overheat warning
			Smoke detectors – principles and applications
			Overheat sensors
			Extinguishing systems
			Warnings
Flight Controls	1	2	Motors and actuators – clutches and brakes
			Limit switches, micro switches and proximity detectors
			Power control units
			Flap motors protection and control
			Trim motors
Fuel Systems	1	2	Boost pumps control and indication
			Jettison systems
			Refuel/defuel systems
			Fuel heaters
			Crossfeed, supply and shut-off valves – normal and emergency
Hydraulic Systems	1	2	Pump control and isolation
			Pressure switches
			Overheat warnings
			Electrically-operated priority valves
			Fluid reservoir components
			Low level warnings
Landing Gear Systems	1	2	Actuation motors – selection and control
			Indication – proximity sensors, micro switches
			Air/ground sensor systems
			Anti-skid systems – operation, control and override
			Automatic braking systems – inputs: control and override
Lighting Systems	1	2	External systems: landing, navigation, anti-collision and inspection, etc.

[Subsidiary]

SECOND SCHEDULE—*continued*

	65.1.1 Level		
	WTR	TR	
			Internal systems: normal and emergency, fluorescent tubes, reading and passenger information systems, multiplex function
Pneumatics	1	2	Control – indication and protection
Engine and Propeller Control	1	2	Fuel control valves
			Temperature and speed limiting systems
			Propeller feathering controls
			Electronic engine control
Starting and Ignition	1	2	System types
			Control
			Principles of operation of high energy ignition units
			Aircraft and engine applications and related systems, e.g. stall warning
Alternating Current Machines	2	–	Basic laws and principles
			Types and characteristics
			Control
Alternating Current Power Generation	1	2	Constant and variable frequency
			Constant speed drive units
			Paralleling
			Load sharing
			Load shedding
			Generator control unit
			Voltage regulation
			Load controller
			Differential protection
			Fault and test panels
			Voltage, frequency and excitation control and protection
Alternating Current Power Distribution Systems	1	2	Bus-bar layouts
			Split and parallel systems
			Transfer relay interlocks
			Emergency conditions
			APU and GPU interlocks
			Warnings

SECOND SCHEDULE—continued

	65.1.1 Level		
	WTR	TR	
			Maintenance panels
Air Conditioning Systems	1	2	Control
			Indication
			Protection
Ice and Rain Protection Systems	1	2	Windscreen heating: control, indication and failure
			Engine/propeller and airframe anti-ice protection: thermal, electrical and pneumatic
			Warnings and indications
			Overhead indications and protection
			Ground operations
			Windscreen wiper, washer and rain repellent systems
			Sensor protection – angle of airflow, pitot head, static plate and temperature probes
			Waster water heaters – thermal anti-icing protection
			Aerial heaters
Auxiliary Power Units	1	2	Starting, control, protection
			Power generation
			Fire protection
Ground Power Supplies	–	2	Interlocks and protection of aircraft supplies
			Control
Centralised Warning and Indication Systems	1	2	Inputs
			Output warnings
			Priority philosophy
Galley/Toilet Services	1	–	Power supply and protection
			Water heating
			Equipment

[Subsidiary]

SECOND SCHEDULE—continued

MODULE 22: BASIC: INSTRUMENTS CATEGORY “X”

Syllabus Subject	Level		
	WTR	TR	
Pitot static Systems and Instruments	1	-	Atmospheric physics, temperature lapse rate, Mach number computation
	2	-	Airspeed indicator, altimeter, vertical speed indicator, and machmeter
			Servo altimeter
	1	2	Pitot probes, static plates and heaters
	2	2	Pipelines and flexible hoses
	1	2	Drain straps, associated equipment
			Altitude and airspeed switches
Rate of Turn and Slip Indication	1	2	Rotor speed; display
Vacuum System	1	-	Sources
	1	2	Control and adjustment
			Indication
Pressure Measurement	1	-	Sensing elements; capsules, bellows, Bourdon tubes, transmitters
			Displays
Temperature Measurement	1	2	Variable resistance
			Thermocouples; compensation; limits and values; servo indicators; control system inputs
Rotational Speed Measurement	1	2	Direct drive indicators; tachogenerator and indicator systems; pulse probe systems
			Displays
Position Measurement	1	2	d.c. and a.c. systems
Quantity Measurement	1	2	Direct reading
	2	2	Electrical and electronic systems
	1	2	Compensation
			Power supplies
Flow Measurement	1	2	Indicators
			Transmitters
			Power supplies
Compasses	1	2	Direct reading compass installation; safe distance
			Flux detectors and remote sensors remote system components
			Heading reference outputs

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
Air Date Computation	2	-	Sensors and inputs
			Signal processor: mechanical, electrical and electronic
			Signal outputs and displays
Reduced Vertical Separation Minima	1	2	Signal sources and interface with other systems
	1	2	Maintenance practices
Flight Path Computation	2	2	Signal sources, radio inputs
	1	2	Modes, computation
			Displays
Electronic Display Systems	1	1	CRT; LED; LCD displays
	1	2	EADI; EHSI; symbol generators
			Control panels
			Comparators and monitors
			Engine indicating and crew alerting systems
			Electronic centralised aircraft monitors
Flight Data Recorders	1	2	Requirements
	1	2	Sensors and inputs
			Cockpit Voice Recorder inputs
			Interface with aircraft systems
			Signal processing
			Entry panels
			Computer principles
			Data recording methods
			Retrieval and verification
	1	1	Readout
	1	2	Failure monitors
Inertial Navigation Systems and Inertial Reference Systems	1	1	Basic principles
			Platform construction
			Computation
	1	2	Displays and interface with aircraft equipment
			Mode selector and CDU
			Failure/fault indicators
			Power supplies and cooling

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
Ground Proximity Warning Systems	2	2	Modes
			Warnings
	1	2	Inputs and interface with other aircraft systems
	1	1	Computation
			Monitors
			Failure indications
Vibration Measurement	1	2	Types of pick up
			Signal conditioning
			Displays
			Alarm levels and warnings
Compass Compensation	1	–	Base survey techniques
			Compass swinging areas
			Aircraft magnetism
			Terrestrial magnetism – variation
			Methods and procedures for swinging compasses
	3	–	Deviation: calculations and effects on a compass
			Compensation and adjustment procedures
Digital Flight Systems	1	1	Flight management systems

MODULE 23: BASIC GYROSCOPES AND SERVOMECHANISMS CATEGORY “X”

Syllabus Subject	Level		
	WTR	TR	
Gyroscopes	1	–	Basic principles
	1	2	Types and methods of operation – vacuum, electrical, or laser
	2	–	Handling care
Electronics	1	2	Transistors
			Biasing, simple circuit arrangements
	1	2	Amplifiers
			Signal amplifiers, feedback
Altitude sensing	1	2	Errors, correction

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Remote gyros, interconnection and transfers
			Limits
Direction sensing	1	2	Errors, compensation
			Remote gyros, interconnection and transfers
Rate sensing	1	2	Alignment
			Rotor speeds
Accelerometers	1	2	Basic principles
Synchros	1	2	CTs, Differential, Torque synchros and resolvers
Servomechanisms	1	2	Rate and position sensing and control
			Integrators
			Response and damping
			Power requirements
			Clutches
			Override and lockout protection
			Null and loop error sensing
			Synchronisation systems
			Force rebalance systems
Digital Techniques	2		Logics – basic gate functions and truth tables
	1		Microprocessors – block diagram
			Digital computing techniques
			Parallel and series operation
			Volatile/non-volatile data storage
		2	Multiplex systems
High Intensity Radiated Fields (HIRF)	1	1	Effect on sensitive systems, principles and methods used to minimize HIRF effects
Fly by Wire	1	1	General principles

MODULE 24: AUTOMATIC PILOTS – AEROPLANES CATEGORY “X”

Syllabus Subject	Level		
	WTR	TR	
Theory of Flight (Fixed Wing)	1	2	Forces on the aircraft
			Stability – dihedral, sweepback, etc.
			Control axis

[Subsidiary]

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Primary control surfaces – operation and effect on the aircraft
			Secondary controls
			Forces during turns
			Functions of trim tabs, balance tabs and servo tables
			High speed buffet and stall conditions
			Auto-pilot control axis
			Auto-stabilisers – wing levellers
			Co-ordinated turns, aileron/rudder cross feed
			Versine generation and application
			Sideslip monitors – Slip and skid in a turn
			Turbulence penetration and the effect on autopilot control
Yaw Dampers	1	2	Dutch Roll phenomenon
			Yaw sensing
			Yaw signal processing
			Synchronisation
			Series and parallel systems
			Cockpit indication
			Aileron/rudder control interaction in turns
			Rudder PCU, LRUs
			Interlocks with autopilot systems
Pitch Trim Systems	1	2	Longitudinal axis stability
			High speed tuck
			Mach No. inputs
Mach Trim	1	2	Mach trim actuators computation
			Connections with aircraft controls
			Warnings
Alpha Trim	1	2	Angle of attack sensing
			Computation
			Interface with other aircraft systems: e.g. N1 computers – stall warning systems
			Flight directors
Auto-Stabilisers	1	2	Trim actuators – control and safety interlocks
			Speed change systems for trim actuators

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Interlocks
			Elevator/stabiliser interaction
C of G Trimmers	1	2	Computation
			Indication
Demand Signals	1	2	Control wheel steering systems
			Touch wheel steering systems
Automatic Throttle Systems	1	2	Control input
			Related engine controls
			Sensors
			Engine coupling units: clutches and servo-motors
			Override and safety considerations
			Modes of operation
			Electronic engine control: microprocessor inputs and control
Automatic Landing Systems	1	2	Principles, requirements and approach categories
			Types of systems operation: dual or triple channel
			System operation on approach
			Monitors and failure conditions
			Roll-out control
			BITE
	1	3	Category downgrade and reinstatement procedures
Digital Flight Systems	1	2	Flight management systems

MODULE 25: AUTOMATIC PILOTS – COMMON – CATEGORY “X”

Syllabus Subject	Level		
	WTR	TR	
Error Signals	1	2	Rate system – errors and control
			Displacement system – errors and control
			Heading and course error inputs
			Radio beam deviation inputs
			Altitude inputs

[Subsidiary]

SECOND SCHEDULE—*continued*

Syllabus Subject	Level		
	WTR	TR	
			CADC/autopilot interface – e.g. q or % adaptation
			Sideslip sensors and monitors
Signal Processing	1	2	Typical channel signal flow path
			Buffer amps
			Input signal modulation
			Summing points
			Signal sensors and switching functions
			Integrators
			Limiters
			Gain programmers
			Dual channel monitors
			Voter systems
Demand Signals	1	2	Mode selectors
			Control display units
			Turn controllers
			Control column transducers
			Command override systems
			Mode compatibility
			Mode annunciators
			Failure and disconnect lights and aural warnings
			Interlocks – pre and post-engage
			Pitch attitude trim
			Roll out/heading-hold, engage
			Synchronisation
			Trim monitors and indicators
			Altitude hold inputs
			Vertical speed control
			Mach/IAS hold
			Altitude acquire or change systems
Command Signal Outputs	1	2	Power control units – line replaceable units
			Solenoid valves
			Transfer valves
			Position sensors

SECOND SCHEDULE—continued

Syllabus Subject	Level		
	WTR	TR	
			Servomotors – construction, interconnection with control runs
			Clutches – torque settings
			Brakes
			Tachogenerators – feedback and damping
			Position feedback – indication
			Torque limiting
			Hardover sensing – disconnection
			Jam detection
			Runway conditions – disconnection
			Pilot override – disconnection

MODULE 26: AUTOMATIC PILOTS – ROTORCRAFT – CATEGORY “X”

Syllabus Subject	65.1.2 level		
	WTR	TR	
Theory of Flight (Rotorcraft)	1	2	Rotor disc: forces, lift, drag, centrifugal force, weight, phase lag
			Articulated/semi-rigid/rigid rotors flapping/dragging/feathering
			Vertical and translational flight
			Main and anti-torque rotors, control inputs cyclic, collective, rudder pedals
			Directional control
			Autorotation
			Forward speed effects
Command Outputs	1	2	Actuators
			Indicators
Trim Systems	1	2	Manual/Automatic
			Indication
Stability Augmentation Systems	1	2	Actuators
			Indicators
			Computation

[Subsidiary]

SECOND SCHEDULE—continued

MODULE 30: COMPASS COMPENSATION

	65.1.3 level		
Syllabus Subject	WTR	TR	
Compass Compensation	2	–	Base survey techniques
			Compass swinging areas
			Aircraft magnetism
			Terrestrial magnetism – variation
			Methods and procedures for swinging compasses
	1	–	Flux valve operation
	3	–	Deviation: calculations and effects on a compass
			Compensation and adjustment procedures
	1	–	Various compass types

MODULE 31: RADIO COMMUNICATION AND NAVIGATION – CATEGORY “R”

	65.1.4 level		
Syllabus Subject	WTR	TR	
Radio Theory	1	–	Propagation of radio waves
			Polarisation
			Radiation patterns
			Transmitters and receivers
			RF Amps, IF Amps
			Oscillators, frequency synthesisers
			Frequency multipliers
			Mixers, detectors, BFO, AGC
			Noise limiters, muting circuits, audio amplifiers
			Modulators, RF power amplifiers matching units
			Filters and tuned circuits
Interference	2	–	Principles and methods used to minimise the effects of conducted and radiated interference
			Methods used to minimise the effects of lightning strikes and static on aerials
Aerials and Feeders	2	–	Diplexers, baluns and matching stubs
			Fixed and variable matching arrangements

SECOND SCHEDULE—continued

	65.1.4 level		
Syllabus Subject	WTR	TR	
			Locations and types of aerals – communication and navigation
			Bandwidth and effective height of an aerial
Communication	2	–	Calculation of standing wave ratio
			Control and monitoring circuits
Audio Systems	2	–	Intercommunication
			Audio mixing and distribution systems
			Public address and entertainment systems
			Headsets and microphones
Cockpit Voice Recorder	2	–	Signal sources
			Control circuitry: hot microphone
			Requirements
VHF/HF Communications	2	–	Airborne installations
VOR/instrument landing system	1	–	Ground station signals
	2	–	Airborne installations
			Control
			Monitors
			Indicators
			Loading
			AFCS and instrument interface
Marker	1	–	Ground installations
	2	–	Airborne systems
Automatic Direction Finding	2	–	Receiver
			Loop and sense aerals and feeders
			Bearing errors and correction devices
			Loop swings
Satellite Communication and Navigation (GPS) Systems	1	–	Airborne installations
			Receiver, computer
	2	–	Displays
			Interface with other systems
Flight Compartment Electronic Display Systems	1	–	EADI; EHSI; symbol generators
			Control panels
			Comparators and monitors

[Subsidiary]

SECOND SCHEDULE—continued

	65.1.4 level		
Syllabus Subject	WTR	TR	
Microwave Landing Systems (TRSB)	1	–	Receiver, computer
			Interface with other systems
RNAV	1	–	Computer
			Interface with other systems
			Indications

MODULE 32: RADAR SYSTEMS – CATEGORY “R”

	65.1.5 level/		
Syllabus Subject	WTR	TR	
Pulse Techniques	1	–	Radar transmitter/receiver
			Pulse modulation
			Peak power, average power
			Duty cycle, pulse shape, pulse width
			Pulse rise time and repetition frequency
			Range accuracy and resolution
			Receiver bandwidth
			Noise
Primary Radar	2	–	Weather radar:
			Control and monitoring circuits
			Indicators; displays
			Scanners; waveguides
	2	–	Doppler:
			Aerials
			Indicators
			Interface with other equipment
	2	–	Radio altimeters:
			Pulse and FM, CW systems
Secondary Radar	2	–	DME:
			Indicators
			Control and monitor circuits
			Interface with other aircraft systems
			ATC Transponders:

SECOND SCHEDULE—continued

Syllabus Subject	65.1.5 level		
	WTR	TR	
			Instrument system interface
			Control and monitor circuits
	1	–	TCAS:
			Indicators
			Control and monitor circuits
			Interface with other aircraft systems

THIRD SCHEDULE

[Regulation 191.]

PENALTIES

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REGULATION 191

Regulation

9	–	Validity of licences.
10	–	Decrease in medical fitness.
13	–	Curtailment of privileges of pilots.
30(3), (4), (6), (7)	–	General requirements for pilot licences, ratings and authorisations.
32(1)	–	Solo flight requirements.
40(1)	–	Privileges and limitations for private pilot licence.
53(3), (4)	–	Privileges and limitations for airline transport pilot licence.
57(2)	–	Type ratings for pilots.
60	–	General eligibility requirements for night rating.
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[Subsidiary]

THIRD SCHEDULE—*continued*

Regulation

118 (4)	–	Privileges and limitations for aviation repair specialist.
119	–	Display of authorisation.
120	–	Surrender of authorisation.
125	–	Required certificate, ratings and qualifications for cabin crew members.
135	–	Aviation medical examiner submission of signed medical evaluation report.
136 (1)	–	Issue of medical certificate.
138 (1)	–	Medical confidentiality.
142 (1), (2)	–	Prohibition of medical certification.
143	–	Medical requirements.
153 (1)	–	Ear and related structures.
155 (1), (3)	–	Cardiovascular: general.
156	–	Blood pressure and circulation.
158	–	Neurological requirements.
159 (1)	–	Respiratory capability.
161 (1)	–	Vestibular apparatus.
162	–	Bones, muscles and tendons.
163	–	Endocrine system.
164	–	Diabetic applicant.
165	–	Gastrointestinal and digestive tract.
166 (1), (3)	–	Kidneys and urinary tract.
175	–	Inspection of licences, certificates and authorisations.
180 (1), (2), (4), (5)	–	Use and retention of documents and records.
181	–	Report of violation.

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REGULATION 191

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**CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION)
REGULATIONS, 2007**

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2. Interpretation.
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5. Application for an air operator certificate.
6. Issuance of air operator certificate.
7. Contents of air operator certificate.
8. Validity and renewal of an air operator certificate.
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15. Company procedures indoctrination.
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19. Inspection of personnel and other records.
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22. Authorized aircraft.
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32. Aircraft operating manual.
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[Subsidiary]**Regulation**

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35. Required cabin crew members.
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37. Cockpit check procedure.
38. Minimum equipment list and configuration deviation list.
39. Performance planning manual.
40. Performance data control system.
41. Aircraft loading and handling manual.
42. Mass and balance data control system.
43. Cabin crew member manual.
44. Passenger briefing cards.
45. Aeronautical data control system.
46. Route guide and aeronautical charts.
47. Weather reporting sources.
48. De-icing and anti-icing programme.
49. Flight supervision and monitoring system.
50. Flight following system for charter flights operations.
51. Communications facilities.
52. Routes and areas of operation.
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55. Safety management

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57. Approval and acceptance of air operator certificate maintenance systems.
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59. Quality system for Maintenance.
60. Maintenance management.
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62. Technical logbook entries.
63. Maintenance records.
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69. Security training programmes.
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Regulation

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- 76. Classification of dangerous goods.
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- 79. Dangerous goods transport document.
- 80. Acceptance of dangerous goods.
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SCHEDULES

FIRST SCHEDULE	–	OPERATIONS MANUAL
SECOND SCHEDULE	–	AIRCRAFT OPERATING MANUAL
THIRD SCHEDULE	–	CABIN CREWMEMBER MANUAL
FOUTH SCHEDULE	–	FLIGHT SAFETY DOCUMENTS SYSTEM
FIFTH SCHEDULE	–	MAINTENANCE CONTROL MANUAL
SIXTH SCHEDULE	–	PENALTIES

**CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION)
REGULATIONS, 2007**

[L.N. 35/2007.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Air Operator Certification and Administration) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**accountable manager**” means the manager who has corporate authority for ensuring that all operations and maintenance activities required by the air operator certificate holder can be financed and carried out to the highest degree of safety standards required by the Authority;

“**aerial work**” means an aircraft operation in which an aircraft is used for specialised services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement;

“**aerodrome**” means a defined area on land or water, including any buildings, installations and equipment, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“**aeronautical product**” means any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;

“**aeroplane**” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“**aircraft component**” means any assembly, item component, part of an aircraft up to and including a complete engine or any operational or emergency equipment;

“**aircraft interchange**” means an arrangement between two air operators in which the aircraft of the first air operator is crewed by the crew of the second operator at an interchange point linking their respective routes where operational control is transferred to the second operator for the period of the interchange;

“**aircraft technical log**” means a document carried on board an aircraft for recording defects and malfunctions discovered during operation and for recording details of all maintenance carried out whilst the aircraft is operating between scheduled visits to the base maintenance facility and also contains operating information relevant to flight safety and maintenance data that the operating crew needs to know;

“**aircraft type**” means all aircraft of the same basic design;

“**airframe**” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of a powerplant, and landing gear of an aircraft and their accessories and controls;

[Subsidiary]

“air operator certificate” means a certificate authorizing an operator to carry out specified commercial air transport operations;

“air traffic control” means a service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure, and en route environments;

“air traffic control facility” means a building holding the persons and equipment responsible for providing air traffic control services;

“approved training organisation” means an organisation established to conduct aviation training courses as approved by the Authority;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller;

“approved maintenance organisation” means an organisation approved to perform specific aircraft maintenance activities by the Authority including the inspection, overhaul, maintenance, repair or modification and release to service of aircraft or aircraft components;

“approved standard” means a manufacturing, design, maintenance, or quality standard approved by the Authority;

“approved training” means training carried out under special curricula and supervision approved by the Authority;

“article” means any item, including but not limited to an aircraft, airframe, engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

“Authority” means the Kenya Civil Aviation Authority;

“avionics” means the electronics and electrical systems on aircraft and spacecraft such as the navigation, communications, flight data and control systems;

“balloon” means a non-power-driven lighter-than-air aircraft;

“cabin crew member manual” means a manual containing procedures, instructions and guidance for use by cabin crew members in the execution of their duties;

“calibration” means a set of operations, performed in accordance with a definite documented procedure, that compares the measurement performed by a measurement device or working standard for the purpose of detecting and reporting or eliminating by adjustment errors in the measurement device, working standard, or aeronautical product tested;

“cargo aircraft” means any aircraft carrying goods or property but not passengers; in this context the following are not considered to be passengers—

a crew member,

an operator's employee permitted by, and carried in accordance with, the instructions contained in the operations manual,

an authorized representative of the Authority, or

a person with duties in respect of a particular shipment on board;

“certificate of release to service” means a certification made by an appropriately licensed or approved person relating to aircraft maintenance work that the work has been completed in a satisfactory manner in accordance with the requirements of the applicable regulations and standards;

[Subsidiary]

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience, and demonstrated ability to evaluate and certify to the knowledge and skills of other pilots;

“Contracting States” means all States that are signatories to the Convention on International Civil Aviation (Chicago Convention);

“course” means a programme of instruction to obtain a licence, rating, qualification, authorisation, or currency;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; any occurrence relating to the transport of dangerous goods which seriously jeopardises an aircraft or its occupants is deemed to constitute a dangerous goods incident;

“dangerous goods transport document” means a document specified by the International Civil Aviation Organization Technical Instructions for the Safe Transportation of Dangerous Goods by Air, and completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods;

“dry lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessee;

“facility” means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“flight duty period” means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight safety documents system” means a set of inter-related documentation established by the operator, compiling and organizing information necessary for flight and ground operations, and comprising, as a minimum, the operations manual and the operator’s maintenance control manual;

“flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“freight container” means an article of transport equipment for radioactive materials, designed to facilitate the transport of such materials, either packaged or unpackaged, by one or more modes of transport;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“ground handling” means services necessary for an aircraft’s arrival at, and departure from, an airport, other than air traffic services;

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“handling agent” means an agency which performs on behalf of the operator some or all of the latter's functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“holdover time” means the estimated time de-icing or anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft; holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“instrument approach” means an approach procedure prescribed by the Authority having jurisdiction over the aerodrome;

“Interchange Agreement” means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft to or from another air operator at an airport for a limited duration;

“journey log” means a form signed by the Pilot-in-command of each flight that records the aircraft's registration, crew member names and duty assignments, the type of flight, and the date, place, and time of arrival and departure;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft components including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“maintenance control manual” means a manual containing procedures, instructions and guidance for use by maintenance and concerned operational personnel in the execution of their duties;

“major modification” means a type design change not listed in the aircraft, engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product according to non-standard practices;

“major repair” means a repair of an aeronautical product that might appreciably affect the structural strength, performance, powerplant, operation flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product using non-standard;

“minimum equipment list” means a list approved by the Authority which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master Minimum Equipment List established for the aircraft type by the aircraft manufacturer, and approved by the State of Design;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

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“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“operator” means a person, organisation or enterprise, engaged in or offering to engage in an aircraft organization;

“operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

“operational flight plan” means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“Operations Specifications” means a document that contains terms, authorisations, conditions and limitations that facilitate the Authority's administration of the air operator certificate by ensuring that the Authority and the certificate holder have a mutual and clear understanding of how the certificate holder will conduct its operations;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and testing in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of Design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Authorisation or Technical Standard Order;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements;

“pilot-in-command ” means the pilot responsible for the operation and safety of the aircraft during flight time;

“pre-flight inspection” means the inspection carried out before flight to insure that the aircraft is fit for the intended flight;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

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“rest period” means a period free of all restraint, duty or responsibility for a flight crew member of an air operator certificate holder conducting commercial air transport operations;

“safety programme” means an integrated set of regulations and activities aimed at improving safety;

“safety management system” means a systematic approach to managing safety, including the necessary organisation structures, accountabilities, policies and procedures;

“satellite approved training organisation” means an approved training organisation at a location other than primary location of the approved training organisation;

“secondary standards” means a standard maintained by comparison with a primary standard;

“signature” means an individual's unique identification used as a means of authenticating a maintenance record entry or maintenance record and may be hand-written, electronic, or any other form acceptable to the Authority;

“State of Design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or the State which approved the design of an aeronautical product or appliance;

“State of Manufacture” means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation; the State of Manufacture may also be the state of design;

“State of Origin” means the state in which dangerous goods were first loaded on an aircraft;

“State of Registry” means the Contracting State on whose registry an aircraft is entered;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines, and other psychoactive drugs and chemicals;

“substance abuse” refers to—

- (a) the use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;
- (b) a verified positive drug test result acquired under an anti-drug programme or internal programme of the Kenya government; or
- (c) misuse of a substance that the Authority, based on case history and qualified medical judgement relating to the substance involved, makes the applicant unable to safely perform the duties or exercise the privileges of the certificate applied for or held, or may reasonably be expected, for the maximum duration of the medical certificate applied for or held, to make the applicant unable to perform those duties or exercise those privileges;

“substance dependence” means a condition in which a person is dependent on a substance, other than tobacco or ordinary xanthine-containing (e.g., caffeine) beverages, as evidenced by increased tolerance; manifestation of withdrawal symptoms; impaired control of use; or continued use despite damage to physical health or impairment of social, personal, or occupational functioning;

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“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the International Civil Aviation Organization;

“technical log” means a document carried on an aircraft that contains information to meet International Civil Aviation Organization requirements; a technical log contains two independent sections: a journey record section and an aircraft maintenance record section;

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective and may include a core curriculum and a specialty curriculum;

“training to proficiency” means the process of the check pilot administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

“unit load device” means any type of aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“wet lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessor;

“working standard” means a calibrated standard that is used in the performance of maintenance or calibrations in any work area for the purpose of forming the basis for product acceptance or for making a finding of airworthiness approval for return to service to an aircraft or aircraft component and may be maintained by comparison with primary standards, secondary standards, reference standards or transfer standards, as appropriate but shall not to be used to test, measure, or calibrate other working standards or measurement devices.

3. Application

- (a) These Regulations shall apply to air operators carrying passengers, cargo or mail for remuneration or hire whose principal place of business or permanent residence is located in Kenya.
- (b) Except where specifically noted, these Regulations shall apply to all commercial air transport operations by air operator certificate holders for which Kenya is the State of the Operator.

PART II – AIR OPERATOR CERTIFICATE

4. Compliance with an air operator certificate

(1) An operator shall not engage in commercial air transport operations unless that operator holds a valid air operator certificate issued by the Authority.

(2) An air operator certificate referred to in sub-regulation (1) shall authorize the operator to conduct commercial air transport operations in accordance with the conditions and limitations that may be specified in the air operator certificate.

(3) The issue of an air operator certificate by the Authority shall be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programmes and maintenance arrangements consistent with the nature and extent of the operations specified.

5. Application for an Air operator certificate

(1) An operator applying to the Authority for an air operator certificate shall submit an application—

- (a) in the form and manner prescribed by the Authority; and

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- (b) containing any other information the Authority requires the applicant to submit.

(2) Except for the Operations Manual specified in regulation 30 and the Maintenance Control Manual specified in regulation 58, which shall be submitted at least ninety days before the date of intended operation, an applicant shall make the application for an initial issue or reissue of an air operator certificate at least sixty days before the date of the intended operation.

6. Issuance of air operator certificate

- (1) The Authority may issue an air operator certificate to an applicant if that applicant—
 - (a) has its principal place of business and is registered in Kenya;
 - (b) meets the applicable regulations and standards for the holder of an air operator certificate;
 - (c) is properly qualified and adequately staffed and equipped to conduct safe operations in commercial air transport and maintenance of the aircraft;
 - (d) holds a valid air service licence issued under the Civil Aviation (Licensing of Air Services) Regulations; and
 - (e) has met any other requirements as specified by the Authority.
- (2) The Authority may reject an application for an air operator certificate if—
 - (a) the applicant does not meet the requirements specified in sub-regulation (1);
 - (b) the applicant previously held an air operator certificate which was revoked;
 - (c) the applicant is not suitable by reason of previous conduct and experience to properly maintain an air operator certificate; or
 - (d) an individual who has previously contributed to the circumstances that caused the revocation of an air operator certificate obtains a substantial ownership in the applicant organization or is employed in a position specified by these Regulations.

7. Contents of air operator certificate

- (1) An air operator certificate shall consist of—
 - (a) a certificate for public display issued by the Authority which shall be displayed to the public; and
 - (b) operation specifications containing the terms and conditions applicable to the certificate.
- (2) The certificate referred to in sub-regulation (1)(a) shall contain—
 - (a) a certificate number specifically assigned to the air operator certificate;
 - (b) the name and location of the main place of business of the air operator certificate holder; and
 - (c) the date of issue and period of validity of the certificates.
- (3) Operation specifications shall contain—
 - (a) a certificate number specifically assigned to the air operator certificate;
 - (b) a description of the type of operations authorized;
 - (c) the type of aircraft authorized for use;
 - (d) the authorized areas of operations; and

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- (e) other special authorisations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations and maintenance conducted by the air operator certificate holder.

8. Validity and renewal of an air operator certificate

(1) An air operator certificate issued by the Authority shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the Authority or—

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (b) an air operator certificate holder surrenders it to the Authority; or
- (c) the Authority establishes that the air operator certificate holder has suspended operations for more than sixty continuous days; or
- (d) the air operator certificate holder notifies the Authority of the suspension of operations.

(2) An air operator certificate which is suspended or revoked shall be returned to the Authority.

(3) An application for renewal of an air operator certificate shall be made on a form prescribed by the Authority not later than sixty days before the certificate expires.

(4) An applicant for an air operator certificate which has expired shall make an initial application.

9. Amendment of an Air operator certificate

(1) The Authority may amend an air operator certificate if—

- (a) the Authority determines that the amendment is necessary for safety in commercial air transport and in the public interest; or
- (b) the air operator certificate holder applies for an amendment, and the Authority determines that the amendment is necessary for safety in commercial air transport and in the public interest.

(2) Where the Authority stipulates in writing that an emergency exists requiring the immediate amendment of the air operator certificate in the public interest with respect to safety in commercial air transportation, the amendment is effective on the date the air operator certificate holder receives notice of the amendment.

(3) An air operator certificate holder shall operate in accordance with the amendment unless the amendment is subsequently withdrawn.

(4) Amendments stipulated by the Authority, other than emergency amendments, shall become effective thirty days after notice is issued to the air operator certificate holder.

(5) Amendments proposed by the air operator certificate holder shall be made at least thirty days prior to the intended date of any operation under that amendment.

(6) A person shall not perform a commercial air transport operation for which an air operator certificate amendment is required, unless that person has received notice of the approval from the Authority.

10. Access for inspection

(1) An air operator certificate holder shall for the purpose of inspection—

- (a) grant the Authority unrestricted access to any of its organisations, facilities and aircraft;

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- (b) ensure that the Authority is granted unrestricted access to any organisation or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services; and
- (c) grant the Authority unrestricted access to the cockpit of an aircraft during flight operations.

(2) An air operator certificate holder shall provide to the Authority a forward observer's seat on the air operator certificate holder's aircraft from which the flight crew's actions and conversations may be easily observed.

(3) Where the seat specified in sub-regulation (2) is not suitable for purposes of inspection, the suitability of the seat location and the ability to monitor crew member actions, conversations and radio communications shall be determined by the Authority.

11. Conducting tests and inspections

(1) The Authority shall conduct surveillance on the air operator certificate holder to ensure continued eligibility to hold an air operator certificate and associated approvals.

(2) An air operator certificate holder shall allow the Authority to conduct tests and inspections, at any time or place, to determine whether the air operator certificate holder is complying with the applicable laws, regulations and the terms and conditions of the air operator certificate.

(3) An air operator certificate holder shall make available at its principal base of operations the current—

- (a) air operator certificate and its operation specifications;
- (b) operations and maintenance manuals; and
- (c) a list that includes the location and individual positions responsible for each record, document and report required to be kept by the air operator certificate holder under the applicable regulations or standards.

(4) Upon failure by an air operator certificate holder to make available to the Authority upon request, any document, certificate or report, the Authority may suspend the air operator certificate or any of its operation specifications.

PART III – AIR OPERATOR CERTIFICATION AND CONTINUED VALIDITY**12. Base of operations**

(1) An air operator certificate holder shall maintain a principal base of operations in Kenya.

(2) An air operator certificate holder shall submit written notification to the Authority, to establish or change the location of a principal base of operation at least thirty days before the proposed change.

13. Management personnel required for commercial air transport operations

(1) An air operator certificate holder shall have an Accountable Manager, acceptable to the Authority, with authority to ensure that all operations and maintenance activities are financed and carried out to the highest safety standards required by the Authority.

(2) When conducting commercial air transport operations, the air operator certificate holder shall have qualified personnel, with proven competency in civil aviation, available and serving in the following positions or their equivalent—

- (a) Director of Operations;
- (b) Chief Pilot;
- (c) Director of Maintenance;

- (d) Quality Manager; and
- (e) Director of Safety.

(3) For the purposes of sub-regulation (2) “**competency in civil aviation**” means that an individual shall have a technical qualification and management experience acceptable to the Authority for the position served.

(4) The Authority may approve positions, other than those listed, if the air operator certificate holder is able to show that it can perform the operation safely under the direction of fewer or different categories of management personnel due to the—

- (a) kind of operations involved;
- (b) number of aircraft used; and
- (c) area of operation.

(5) An air operator certificate holder shall—

- (a) state in the general policy provisions of the Operations Manual required by these Regulations, the duties, responsibilities, and authority of personnel required under sub-regulation (2);
- (b) list in the manual, the names and business addresses of the individuals assigned to those positions; and
- (c) notify the Authority within ten days of any change in personnel or any vacancy in any position listed.

(6) An air operator certificate holder shall make arrangements to ensure continuity of supervision if operations are conducted in the absence of any required management personnel.

(7) Required management personnel shall be contracted to work sufficient hours, to ensure that the management functions of the air operator certificate holder are fulfilled.

(8) A person serving in a required management position for an air operator certificate holder shall not serve in a similar position for any other air operator certificate holder, unless a exemption is issued by the Authority.

14. Qualification of personnel

(1) The Accountable Manager shall possess the following qualifications—

- (a) a background in the management of commercial air transport operations;
- (b) knowledge of the Civil Aviation (Air Operator Certification and Administration) Regulations and other regulations and materials published by the Authority that are applicable to flight operations and aircraft maintenance; and
- (c) knowledge of the operations and aircraft maintenance requirements of the air operator certificate holder.

(2) The minimum qualifications of a Director of Operations are—

- (a) an airline transport pilot licence; and
- (b) three years experience as pilot-in-command in commercial air transport operations of large aircraft.

(3) The minimum qualifications of a chief pilot are—

- (a) an airline transport pilot licence with the appropriate ratings for at least one of the aircraft used in the air operator certificate holder's operations;
- (b) three years experience as pilot-in-command in commercial air transport operations; and

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- (c) a commercial pilot licence with instrument rating in lieu of the airline transport pilot licence if the pilot-in-command requirements for the operations conducted require only a commercial pilot licence;
- (4) The minimum qualifications of a Director of Maintenance are—
 - (a) a licence in maintenance engineering with appropriate airframe, power plant and avionics ratings; and
 - (b) three years experience in maintaining the same category and class of aircraft used by the air operator certificate holder including one year in the capacity of returning aircraft to service.
- (5) The minimum qualifications of Quality Manager are—
 - (a) a technical qualification in the field of aircraft maintenance, or flight or ground operations;
 - (b) at least three years experience in the field of aircraft maintenance, flight or ground operations; and
 - (c) has successfully completed training in a quality management course recognized by the Authority.
- (6) The minimum qualifications for Director of Safety are—
 - (a) a technically qualified person in the field of aircraft maintenance or flight operations;
 - (b) at least five years experience in the field of aircraft maintenance or flight operations; and
 - (c) in a safety management systems course recognized by the Authority
- (7) An air operator certificate holder may approve the employment of a person who does not meet the appropriate qualification or experience if the Authority issues an exemption upon finding that that person has comparable experience and can effectively perform the required management functions.

15. Company procedures indoctrination

(1) A person shall not serve nor shall any air operator certificate holder use a person as a quality manager or a director of maintenance unless that person has completed the company indoctrination curriculum approved by the Authority, which shall include a complete review of the operations manual and maintenance control manual procedures pertinent to their duties.

(2) An air operator certificate holder shall ensure that the Quality Manager and the Director of Maintenance undergo company indoctrination training that covers the following areas—

- (a) air operator certificate holders' organisation, scope of operation and maintenance, and administrative practices as applicable to their assignments and duties;
- (b) appropriate provisions of these Regulations and other applicable regulations and guidance materials;
- (c) air operator certificate holder policies and procedures; and
- (d) appropriate portions of the air operator certificate holder's operations manual and maintenance control manual.

16. Quality system

(1) An air operator certificate holder shall establish a quality system and designate a quality manager to monitor compliance with, and adequacy of procedures required to ensure safe operational practices and airworthy aircraft.

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(2) Compliance monitoring in accordance with sub-regulation (1) shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(3) An air operator certificate holder shall ensure that each quality system established as required by sub-regulation (1) includes a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(4) The quality system, and the quality manager specified in sub-regulation (1), shall be acceptable to the Authority.

(5) An air operator certificate holder shall describe the quality system in all relevant documentation.

(6) Notwithstanding sub-regulation (1), the Authority may accept the appointment of two quality managers, one for operations and one for maintenance, provided that the air operator certificate holder has designated one quality management unit to ensure that the quality system is applied uniformly during the entire operation.

17. Submission and revision of policy and procedure manuals

(1) A person who develops and maintains a manual required by these Regulations shall ensure that the manual—

- (a) includes instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities safely;
- (b) is in a form that is easy to revise and contains a system which allows personnel to determine the current revision status of each manual;
- (c) has a date of the last revision on each revised page;
- (d) is not contrary to any applicable laws of Kenya and the air operator certificate holder's operations specifications; and
- (e) includes a reference to the appropriate civil aviation regulations.

(2) A person shall not implement any policy or procedure for flight operations or airworthiness functions prior to approval or acceptance by the Authority as appropriate.

(3) An air operator certificate holder shall submit the proposed policy or procedure to the Authority at least thirty days prior to the date of intended implementation.

18. Retention and maintenance of personnel and other records

(1) An air operator certificate holder shall maintain current records detailing the qualifications and training of all its employees and the employees of contractors involved in the operational control, flight operations, ground operations and maintenance of the air operator.

(2) An air operator certificate holder shall maintain records for a minimum period of two years for those employees performing crew member or flight dispatch duties in sufficient detail to determine whether the employee meets the experience and qualification requirements for duties in commercial air transport operations.

(3) An air operator certificate holder shall retain the following records for the period specified—

- (a) flight and duty records, two years;
- (b) flight crew records, two years;
- (c) fuel and oil records, three months;
- (d) completed load manifests, six months;
- (e) mass and balance records, six months;

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- (f) dispatch releases, six months;
- (g) flight plans, six months;
- (h) passenger manifests, six months;
- (i) weather reports, six months;
- (j) journey logs, two years; and
- (k) aircraft technical logbook, two years.

19. Inspection of personnel and other records

(1) An air operator certificate holder shall, whenever called upon to do so by an authorized person—

- (a) produce for the inspection of that person all records referred to in regulation 28; and
- (b) furnish to that person all the information that person may require, in connection with the records and produce, for, that person's inspection all log-books, certificates, papers and other documents which that person may reasonably require to examine for the purpose of determining whether the records are complete or of verifying the accuracy of their contents.

(2) An air operator certificate holder shall, at the request of any person in respect of whom that person is required to keep records as specified above, furnish to that person, or to any operator of aircraft for the purpose of commercial air transport by whom that person may subsequently be employed, particulars of any qualifications obtained by such person while in the service of the air operator certificate holder.

20. Flight recorders records

(1) An air operator certificate holder shall retain—

- (a) the most recent flight data recorder calibration, including the recording medium from which this calibration is derived; and
- (b) the flight data recorder correlation for one aircraft of any group of aircraft operated by the air operator certificate holder—
 - (i) that are of the same type;
 - (ii) on which the model flight recorder and its installation are the same; and
 - (iii) on which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

(2) In the event of an accident or incident that requires immediate notification to the Authority, the air operator certificate holder shall remove and keep recorded information from the cockpit voice recorder and flight data recorder for at least sixty days or, if requested by the Authority, for a longer period.

21. Aircraft record

(1) An air operator certificate holder shall maintain a current list of each aircraft it operates and shall send a copy of the list to the Authority, as well as each change to the list, prior to the intended change.

(2) An aircraft of another air operator certificate holder operated under an interchange agreement shall be incorporated in the current list of aircraft required by sub-regulation (1).

22. Authorized aircraft

(1) An air operator certificate holder shall not operate an aircraft in commercial air transport unless that aircraft—

- (a) has an appropriate current airworthiness certificate;
- (b) is in an airworthy condition; and
- (c) meets the applicable airworthiness requirements for the operations the air operator certificate holder intends to carry out, including those related to identification and equipment.

(2) A person shall not operate any specific type of aircraft in commercial air transport unless it has completed satisfactory initial certification, which includes the issuance of an air operator certificate listing that type of aircraft.

(3) A person shall not operate additional or replacement aircraft of a type for which it is currently authorized unless that person can show that the aircraft has been approved by the Authority for inclusion in the air operator certificate holder's fleet.

23. Dry leasing of foreign registered aircraft

(1) An air operator certificate holder may dry-lease a foreign-registered aircraft for commercial air transport as authorized by the Authority.

(2) An air operator certificate holder shall not operate a foreign registered aircraft unless—

- (a) there is in existence a current agreement between the Authority and the State of Registry that, while the aircraft is operated by the Kenya air operator certificate holder, these Regulations governing the issuance of the Kenyan air operator certificate and its operation specification shall apply;
- (b) there is in existence a current agreement between the Authority and the State of Registry that—
 - (i) while the aircraft is operated by the air operator certificate holder, the Airworthiness Regulations of the State of Registry are applicable; or,
 - (ii) if the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Authority under Article 83*bis* of the Chicago Convention, the Civil Aviation (Airworthiness) Regulations shall apply to the extent agreed upon by the Authority and the State of Registry; and
 - (iii) the agreement acknowledges that the Authority shall have unrestricted access to the aircraft at any place and any time.

(3) Pursuant to sub-regulation (2), an air operator certificate holder may operate a foreign registered aircraft for a period not exceeding six consecutive months.

(4) The total number of dry leased aircraft shall be such that an air operator certificate holder will not be predominantly dependent on foreign registered aircraft.

(5) A person who wishes to operate a dry leased aircraft shall provide the Authority with the following information—

- (i) the aircraft type and serial number;
- (ii) the name and address of the registered owner;
- (iii) the State of Registry and registration marks;
- (iv) the Certificate of Airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;

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- (v) the name, address and signature of the lessee who shall be responsible for the operational control of the aircraft under the lease agreement, including a statement that the lessee fully understands the responsibilities under the applicable regulations;
- (vi) a copy of the lease and maintenance agreement;
- (vii) the duration of the lease. and
- (viii) any other information as the Authority deems necessary

(6) A Kenya air operator certificate holder may dry lease an aircraft registered in another contracting State for the purpose of commercial air transportation provided that the following conditions are met—

- (a) the aircraft carries an appropriate airworthiness certificate issued, in accordance with Annex 8, to the Chicago Convention by the State of Registry and meets the aircraft registration and marking requirements of that state;
- (b) the aircraft is of a type design which complies with all of the requirements that would be applicable to that aircraft were it registered in Kenya, including the requirements which shall be met for issuance of a Kenya standard airworthiness certificate including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements;
- (c) the aircraft is maintained according to an approved maintenance programme; and
- (d) the aircraft is operated by a Kenya licensed flight crew employed by the Kenya air operator certificate holder.

(7) An air operator certificate holder operating a dry leased aircraft shall have operational control of that aircraft.

(8) An air operator certificate holder shall provide satisfactory evidence that the aircraft has been deleted from the lessor's air operator certificate before the Authority lists the aircraft on the lessee's air operator certificate.

(9) An air operator certificate holder engaged in the dry leasing of aircraft shall make the dry lease agreement explicit concerning the maintenance programme and minimum equipment list to be followed during the lease period.

(10) Where the lease arrangement is determined to be a dry lease involving aircraft that possess valid certificates of registration and airworthiness issued by the State of the Registry, and the dry lease is acceptable to the Authority, operations specifications shall be developed by the air operator certificate holder containing at least the following—

- (a) the names of the parties to the lease agreement and the duration thereof;
- (b) the nationality and registration marks of each aircraft involved in the agreement;
- (c) the type of aircraft to be used;
- (d) the area of operation; and
- (e) the regulations applicable to the operation.

24. Interchange agreement

(1) An air operator certificate holder shall not interchange aircraft with another air operator certificate holder without the approval of the Authority.

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(2) Prior to operating an aircraft under an interchange agreement, the air operator certificate holder shall show that—

- (a) the procedures for the interchange operation conform with safe operating practices;
- (b) the required crew members and flight operations officers meet approved training requirements for the aircraft and equipment to be used and are familiar with the communications and dispatch procedures to be used;
- (c) the maintenance personnel meet the approved training requirements for the aircraft and equipment, and are familiar with the maintenance procedures to be used;
- (d) the flight crew members and flight operations officers meet approved appropriate route and airport qualifications;
- (e) the aircraft to be operated is essentially similar to the aircraft of the air operator certificate holder with whom the interchange is effected; and
- (f) the arrangement of flight instruments and controls that are critical to safety are essentially similar, unless the Authority determines that the air operator certificate holder has adequate training programmes to ensure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarisation.

(3) An air operator certificate holder operating an aircraft under an interchange agreement shall include the pertinent provisions and procedures of the agreement in its manuals.

(4) An air operator certificate holder shall—

- (a) amend its operations specifications to reflect an interchange agreement; and
- (b) comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while it has operational control of that aircraft.

25. Wet-leasing of aircraft

(1) A holder of an air operator certificate issued under these Regulations may enter into a wet-lease arrangement with another air operator subject to the approval of the Authority and any terms, conditions or limitations imposed by the Authority.

(2) Where a holder of an air operator certificate issued under these Regulations enters into a wet lease arrangement, the air operator certificate holder shall maintain operational control of the leased aircraft and crew and shall demonstrate how it will maintain operational control to the satisfaction of the Authority.

(3) The air operator certificate holder shall apply to the Authority for approval of the wet lease and shall, in support of its application for approval, provide the Authority with the following information—

- (i) the aircraft type and serial number;
- (ii) the name and address of the registered owner;
- (iii) the details of the crew members;
- (iv) the State of Registry and registration marks;
- (v) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;

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- (vi) the name, address and signature of the air operator certificate holder responsible for the operational control of the aircraft under the lease agreement, including a statement that the air operator certificate holder fully understands the responsibilities under the applicable regulations;
- (vii) a copy of the lease and maintenance agreement;
- (viii) the duration of the lease; and
- (ix) any other information the Authority deems necessary.

(4) The operations specifications of an air operator certificate holder engaged in a wet lease operation shall contain the following information—

- (a) the names of the parties to the agreement and the duration of the agreement;
- (b) the make, model, series, serial number, nationality and registration marks of each aircraft referred to in the agreement;
- (c) the kind of operation;
- (d) the expiration date of the lease agreement;
- (e) a statement specifying the party deemed by the Authority to have operational control; and
- (f) any other information, condition, or limitation the Authority deems necessary.

26. Emergency evacuation demonstration

(1) An air operator certificate holder shall not use an aircraft type and model with a total seating capacity of forty-four and above in commercial air transport passenger-carrying operations unless the holder of the operator certificate has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in ninety seconds or less.

(2) The full capacity actual demonstration referred to in sub-regulation (1) may not be required, if the air operator certificate holder applies to the Authority for an exemption with evidence that—

- (a) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator; and
- (b) there is an engineering analysis, which shows that an evacuation is still possible within the ninety second standard, if the air operator certificate holder's aircraft configuration differs with regard to number of exits or exit type or number of cabin crew member or location of the cabin crew member.

(3) Where an air operator certificate holder requests for a exemption under sub-regulation (2) and the exemption is approved, the air operator certificate holder shall conduct a partial emergency evacuation and ditching evacuation, observed by the Authority, that demonstrates the effectiveness of the air operator certificate holder's crew members emergency training and evacuation procedures.

(4) Where a full capacity demonstration is not required, an air operator certificate holder shall not use an aircraft type and model in commercial air transport passenger-carrying operations unless the air operator certificate holder has first demonstrated to the Authority that its available personnel, procedures and equipment shall provide sufficient open exits for evacuation in fifteen seconds or less.

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(5) An air operator certificate holder shall not use an aircraft in extended overwater operations unless the air operator certificate holder has first demonstrated to the Authority that it has the ability and equipment to efficiently carry out its ditching procedures.

(6) An air operator certificate holder shall apply to the Authority for approval to conduct the emergency evaluation demonstration at least thirty days before the intended date of the emergency evacuation demonstration.

(7) Cabin crew members to be used in the emergency evacuation demonstrations shall—

- (a) be selected at random by the Authority;
- (b) have completed the air operator certificate holder's Authority approved training programme for the type and model of aircraft; and
- (c) have passed the drills and competence check on the emergency equipment and procedures.

(8) To conduct a partial emergency evacuation demonstration, the air operator certificate holder's assigned cabin crew members of the air operator certificate holder shall, using the air operator certificate holder's line operating procedures—

- (a) demonstrate the opening of fifty percent of the required floor-level emergency exits and fifty percent of the required non-floor-level emergency exits, whose opening by a cabin crew member is defined as an emergency evacuation duty and deployment of fifty percent of the exit slides, selected by the Authority; and
- (b) prepare for use those exits and slides within fifteen seconds.

(9) To conduct the ditching evacuation demonstration, the air operator certificate holder's assigned cabin crew members shall—

- (a) demonstrate their knowledge and use of each item of required emergency equipment;
- (b) prepare the cabin for ditching within six minutes after the intention to ditch is announced;
- (c) remove each life raft from storage, one of which as selected by the Authority shall be launched and properly inflated or one slide life raft properly inflated; and
- (d) enter the raft, which shall include all required emergency equipment, and completely set it up for extended occupancy.

27. Demonstration flights

(1) An air operator certificate holder shall not operate an aircraft type in commercial air transport unless the air operator certificate holder first conducts demonstration flights to the satisfaction of the Authority.

(2) An air operator certificate holder shall not operate an aircraft in a designated special area or using a specialised navigation system unless the air operator certificate holder conducts demonstration flights to the satisfaction of the Authority.

(3) The demonstration flights required under sub-regulation (1) shall be conducted in accordance with the regulation applicable to the type of operation and aircraft type used.

(4) An air operator certificate holder shall conduct demonstration flights for each type of aircraft, including aircraft materially altered in design, and for each kind of operation the air operator certificate holder intends to conduct.

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(5) An air operator certificate holder shall conduct demonstration flights of at least—

- (a) one hundred total hours of flight time, unless the Authority determines that a satisfactory level of proficiency has been demonstrated in fewer hours;
- (b) five hours of night time, if night flights are to be authorized;
- (c) five instrument approach procedures under simulated or actual instrument weather conditions, if instrument flight rules flights are to be authorized; and
- (d) entry into a representative number of en-route airports, as determined by the Authority.

(6) A person shall not carry passengers in an aircraft during demonstration flights, except those required to make the demonstration flight and those designated by the Authority.

(7) The Authority shall determine the necessity and extent of demonstration flights for those air operator certificate holders operating aircraft of less than 5,700 kilograms.

28. Facilities

(1) An air operator certificate holder shall maintain operational and airworthiness support facilities at the air operator certificate holders' principal base of operation, appropriate for the area and type of operation.

(2) An air operator certificate holder shall arrange appropriate ground handling facilities necessary to ensure the safe servicing and loading of its aircraft at each airport used.

29. Operations schedule

(1) In establishing flight operations schedules, an air operator certificate holder shall—

- (a) allow enough time for the proper servicing of aircraft at intermediate stops; and
- (b) consider the prevailing winds en route and cruising speed for the type of aircraft.

(2) The cruising speed referred to in sub-regulation (1) shall not be more than that resulting from the specified cruising output of the engines.

PART IV – AIR OPERATOR CERTIFICATE FLIGHT OPERATIONS MANAGEMENT**30. Operations manual**

(1) An air operator certificate holder shall issue to the crew members and persons assigned operational control functions, an operations manual as set out in the First Schedule to these Regulations.

(2) The operations manual referred to in sub-regulation (1) shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date, and all amendments or revisions shall be issued to all personnel that are required to use the operations manual.

(3) An air operator certificate holder shall submit to the Authority a copy of the air operator certificate holder's entire operations manual for the time being in force or of such parts thereof as the Authority may specify.

(4) An air operator certificate holder shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or cargo carried therein, and of the safety, efficiency or regularity of air navigation.

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(5) The operations manual issued under sub-regulation (1) shall contain the overall, general company policies and procedures regarding the flight operations it conducts.

(6) An air operator certificate holder shall prepare and keep current an operations manual which contains the air operator certificate holders procedures and policies for the use and guidance of its personnel.

(7) An air operator certificate holder shall issue the operations manual, or pertinent portions, together with all amendments and revisions, to all personnel that are required to use it.

(8) An air operator certificate holder shall not provide for use of its personnel in commercial air transport any operations manual or its part which has not been reviewed and found acceptable or approved for the air operator certificate holder by the Authority.

(9) An air operator certificate holder shall ensure that the contents and structure of the operations manual are in accordance with these Regulations and includes at least those subjects designated by the Authority that are applicable to the air operator certificate holder's area and type of operations.

(10) The operations manual may be published in parts, as a single document, or as a series of volumes,

(11) an air operator certificate holder may design an operations manual to be more restrictive than the authority's requirements.

31. Training programmes

(1) An air operator certificate holder shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the relationship of such duties to the operation as a whole.

(2) An air operator certificate holder shall have training programmes approved by the Authority containing the general training, checking, standardization and record keeping policies specified in the First Schedule to these Regulations.

(3) An air operator certificate holder shall have a training curriculum approved by the Authority prior to using the training curriculum for the purpose of qualifying a crew member, or person performing operational control functions, for duties in commercial air transport.

(4) An air operator certificate holder shall submit to the Authority any revision to an approved training programme, and shall receive approval of the revision from the Authority before that revision is effected.

(5) The training programmes specified in sub-regulation (2) shall be described in detail either in the operations or in a training manual which would form part of the operations manual but may be issued as a separate volume.

32. Aircraft operating manual

(1) A holder or applicant for an air operator certificate shall submit a proposed aircraft operating manual for each type and variant of aircraft operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft for approval by the Authority.

(2) An aircraft operating manual shall—

- (a) be based on the aircraft manufacturer's data for the specific aircraft type and variant operated by the air operator certificate holder and shall include specific operating parameters, details of the aircraft systems and of the check lists to be used applicable to the operations of the air operator certificate holder that are approved by the Authority;

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- (b) be designed so as to observe human factors principles; and
- (c) be issued to the flight crew members and persons assigned operational control functions to each aircraft operated by the air operator certificate holder.

(3) A holder or applicant for an air operator certificate shall submit and maintain an aircraft operating manual containing as a minimum the information specified in the Second Schedule to these Regulations.

33. Air operator certificate holder's journey log

(1) An air operator certificate holder shall maintain a journey log containing the following information for each flight—

- (a) aircraft nationality and registration marks;
- (b) date of the flight;
- (c) names of crew members;
- (d) duty assignments of crew members;
- (e) place of departure;
- (f) place of arrival;
- (g) time of departure;
- (h) time of arrival;
- (i) duration of flight;
- (j) purpose of flight;
- (k) incidents, and observations, if any; and
- (l) signature of the pilot-in-command.

(2) The Authority may waive the requirement of sub-regulation (1) if the relevant information is available in the aircraft technical logbook referred to in regulation 61.

(3) An air operator certificate holder shall ensure that all entries in the journey log are made concurrently and are permanent in nature.

34. Designation of pilot-in-command

An air operator certificate holder shall, for each commercial air transport operation, designate in writing, one pilot as the pilot-in-command.

35. Required cabin crew members

(1) An air operator certificate holder shall schedule, and the pilot-in-command shall ensure that the minimum number of required cabin crew members are on board passenger-carrying flights.

(2) The number of cabin crew members may not be less than the minimum prescribed by the Authority in the air operator certificate holders' operations provisions or the following, whichever is greater—

- (a) in the case of an aircraft with a total seating capacity of twenty to fifty passengers, one cabin crew member;
- (b) in the case of an aircraft with a total seating capacity of not more than two hundred, the number of cabin crew members carried on the flight shall be not less than one cabin crew member for every fifty, or a fraction of fifty passengers carried;

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- (c) in the case of an aircraft with a total seating capacity of more than two hundred, the number of cabin crew members carried on the flight shall be not less than half the number of the main exits in the aircraft, and in addition, when more than two hundred passengers are carried, one additional cabin crew member for every twenty-five, or a fraction of twenty-five, of the passengers above two hundred.

(3) Where the number of cabin crew members specified in sub-regulation (2), calculated in accordance with that sub-regulation exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this Regulation if the number of cabin crew members carried is equal to the number of main exits in the aircraft.

(4) Where passengers are on board a parked aircraft, the minimum number of cabin crew members shall be half of the number required for the flight operation, but in any case a minimum of one cabin crew member or another person qualified in the emergency evacuation procedures for the aircraft.

(5) Where one-half of the cabin crew members specified in sub-regulation (1) would result in a fractional number, the tally of requisite cabin crew members may be rounded down to the next whole number.

(6) Notwithstanding the provisions of this Regulation, the Authority may direct an air operator certificate holder to include among the crew, whenever the aircraft is flying for the purpose of commercial air transport operations, at least one cabin crew members notwithstanding that the aircraft may be carrying fewer than twenty passengers.

36. Carriage of special situation passengers

An air operator certificate holder shall not allow the transportation of special situation passengers except—

- (a) as otherwise provided in the air operator certificate holder's operations manual procedures; and
- (b) with the knowledge and concurrence of the pilot-in-command.

37. Cockpit check procedure

(1) An air operator certificate holder shall issue to each flight crew member and make available on each aircraft at each flight crew member position, the cockpit checklist procedures approved by the Authority appropriate for the type and variant of aircraft.

(2) An air operator certificate holder shall ensure that the approved cockpit checklist procedures referred to in sub-regulation (1)—

- (a) include each item necessary for flight crew members to check for safety before starting engines, taking off, or landing, and for engine and systems abnormalities and emergencies;
- (b) are designed so that a flight crew member shall not need to rely upon their memory for items to be checked; and
- (c) are readily available in the cockpit of each aircraft and the flight crew shall be required to follow them when operating the aircraft

38. Minimum equipment list and configuration deviation list

(1) An air operator certificate holder shall provide for the use of the flight crew members, maintenance personnel, and persons assigned operational control functions during the performance of their duties, minimum equipment list approved by the Authority.

(2) The minimum equipment list shall be specific to the aircraft type and variant and shall contain the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment or instruments.

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(3) An air operator certificate holder may provide for the use of flight crew, maintenance personnel and persons assigned operational control functions during the performance of their duties a configuration deviation list specific to the aircraft type if one is provided and approved by the state of design.

(4) The operations manual of an air operator certificate holder shall contain the procedures acceptable to the Authority for operations in accordance with the configuration deviation list requirements.

39. Performance planning manual

(1) An air operator certificate holder shall provide for the use of the flight crew members and persons assigned operational control functions during the performance of their duties, a performance planning manual acceptable to the Authority.

(2) The performance planning manual shall be specific to the aircraft type and variant and shall contain adequate performance information to accurately calculate the performance in all normal phases of flight operation.

40. Performance data control system

(1) An air operator certificate holder shall have a system approved by the Authority, for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that the air operator certificate holder uses.

(2) The system specified in sub-regulation (1) approved by the Authority shall provide current obstacle data for departure and arrival performance calculations.

41. Aircraft loading and handling manual

(1) An air operator certificate holder shall provide for the use of the flight crew members, ground handling personnel and persons assigned operational control functions during the performance of their duties, an aircraft handling and loading manual acceptable to the Authority.

(2) The loading manual shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

42. Mass and balance data control system

An air operator certificate holder shall have a system, approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated by that air operator certificate holder.

43. Cabin crew member manual

(1) An air operator certificate holder shall issue to the cabin crew member for use during the performance of their duties, a cabin crew member manual acceptable to the Authority.

(2) The cabin crew member manual referred to in sub-regulation 1) shall contain the operational policies and procedures applicable to cabin crew members and the carriage of passengers.

(3) An air operator certificate holder shall issue to a cabin crew member a manual specific to the aircraft type and variant, containing at least the information set out in the Third Schedule to these Regulations as well as details of normal, abnormal and emergency procedures and the location and operation of emergency equipment.

(4) The manuals specified in sub-regulation (3) may be combined into one manual for use by the cabin crew member.

44. Passenger briefing cards

(1) An air operator certificate holder shall carry on each passenger-carrying aircraft, in convenient locations for the use of each passenger, printed briefing cards supplementing the oral briefing and containing—

- (a) diagrams and methods of operating the emergency exits;
- (b) other instructions necessary for use of the emergency equipment; and
- (c) information regarding the restrictions and requirements associated with sitting in an exit seat row.

(2) An air operator certificate holder shall ensure that each card contains information that is pertinent only to the type and variant of aircraft used for that flight.

(3) An air operator certificate holder shall, at each exit seat, provide passenger information cards that include the following information in English and Kiswahili languages—

- (a) functions required of a passenger in the event of an emergency in which a crew member is not available to assist—
 - (i) locate the emergency exit;
 - (ii) recognise the emergency exit opening mechanism;
 - (iii) comprehend the instructions for operating the emergency exit;
 - (iv) operate the emergency exit;
 - (v) assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;
 - (vi) follow oral directions and hand signals given by a crew member;
 - (vii) stow or secure the emergency exit door so that it will not impede use of the exit;
 - (viii) assess the condition of an escape slide, activate the slide, and stabilise the slide after deployment to assist others in getting off the slide;
 - (ix) pass expeditiously through the emergency exit; and
 - (x) assess, select, and follow a safe path away from the emergency exit;
- (b) a requirement that a passenger identify themselves to allow reseating if that passenger—
 - (i) cannot perform the emergency functions stated in the information card;
 - (ii) has a condition that will prevent that passenger from performing the functions;
 - (iii) may suffer bodily harm as the result of performing one or more of those functions;
 - (iv) does not wish to perform those functions; or
 - (v) lacks the ability to read, speak, or understand the language or the graphic form in which instructions are provided by the air operator certificate holder;
- (c) a statement that whenever a crew member identifies a passenger who does not meet the requirements specified in paragraph (b), the crew member shall reseat the passenger.

45. Aeronautical data control system

(1) An air operator certificate holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current aeronautical data for each route and airport used.

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(2) An air operator certificate holder shall provide the following aeronautical data for each airport used—

- (a) airports—
 - (i) facilities;
 - (ii) navigational and communications aids;
 - (iii) construction affecting takeoff, landing, or ground operations; and
 - (iv) air traffic service facilities;
- (b) runways, clearways, and stopways—
 - (i) dimensions;
 - (ii) surface;
 - (iii) marking and lighting systems; and
 - (iv) elevation and gradient;
- (c) displaced thresholds—
 - (i) location;
 - (ii) dimensions; and
 - (iii) takeoff or landing or both;
- (d) obstacles—
 - (i) those affecting takeoff and landing performance computations; and
 - (ii) controlling obstacles;
- (e) instrument flight procedures—
 - (i) departure procedure;
 - (ii) approach procedure; and
 - (iii) missed approach procedure; and
- (f) special information—
 - (i) runway visual range measurement equipment; and
 - (ii) prevailing winds under low visibility conditions.

46. Route guide and aeronautical charts

(1) An air operator certificate holder shall provide for the use of the flight crew members and persons assigned operational control function during the performance of their duties, a route guide and aeronautical charts approved by the Authority.

(2) The route guide and aeronautical charts shall be current and appropriate for the proposed types and areas of operations to be conducted by the air operator certificate holder.

47. Weather reporting sources

(1) An air operator certificate holder shall use sources approved by the Authority for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

(2) Where an air operator certificate holder carries out passenger carrying operations on a published schedule, the air operator certificate holder shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect safety of flight on each route to be flown and airport to be used.

(3) An air operator certificate holder may use the following sources of weather reports for flight planning or controlling flight movement—

- (a) the Kenya Meteorological Agency;

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- (b) a Kenya -operated automated surface observation stations, so long as the station reports all required items for a complete surface aviation weather report;
- (c) a Kenya-operated supplemental aviation weather reporting station;
- (d) observations made by aerodrome control towers;
- (e) a Kenya-contracted weather observatory;
- (f) any active meteorological office operated by a foreign state which subscribes to the standards and practices contained in the Chicago convention and the annexes thereunder;
- (g) for flight operations which use military airports as departure, destination, alternate or diversion airports, any military weather reporting sources approved by the Authority;
- (h) near-real time reports such as pilot reports, radar reports, radar summary charts, and satellite imagery reports made by commercial weather sources or other sources specifically approved by the Authority; or
- (i) an air operator certificate holder operated and maintained weather reporting system approved by the Authority.

48. De-icing and anti-icing programme

(1) An air operator certificate holder planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to stick on to the aircraft shall—

- (a) use only aircraft adequately equipped for such conditions;
- (b) ensure flight crew is adequately trained for such conditions; and
- (c) have an approved ground de-icing and anti-icing programme.

(2) Contents of the ground de-icing and anti-icing programme shall include a detailed description of—

- (a) the method used to determine that conditions are such that frost, ice, or snow may reasonably be expected to stick on to the aircraft and that ground de-icing and anti-icing operational procedures shall be effected;
- (b) the person responsible for deciding that ground de-icing and anti-icing operational procedures shall be effected;
- (c) the procedures for implementing ground de-icing and anti-icing operational procedures; and
- (d) the specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground de-icing and anti-icing operational procedures are in effect.

(3) The air operator certificate holder's programme shall include procedures for flight crew members to increase or decrease the determined holdover time in changing conditions.

(4) The holdover time shall be supported by data acceptable to the Authority.

(5) Where the maximum holdover time is exceeded, takeoff shall be prohibited unless at least one of the following conditions exists—

- (a) a pre-takeoff contamination check is conducted outside the aircraft within five minutes prior to beginning take-off to determine that the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's programme, are free of frost, ice or snow;

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- (b) it is otherwise determined by an alternate procedure, approved by the Authority and in accordance with the air operator certificate holder's approved programme, that the wings, control surfaces, and other critical surfaces are free of frost, ice or snow; or
- (c) the wings, control surfaces, and other critical surfaces are de-iced again and a new holdover time is determined.

49. Flight supervision and monitoring system

(1) An air operator certificate holder who conducts scheduled operations shall have an adequate system approved by the Authority for proper dispatching and monitoring of the progress of the scheduled flights.

(2) The dispatch and monitoring system shall have enough dispatch centres, adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(3) Where an air operator certificate holder conducts scheduled operations, the air operator certificate holder shall provide enough qualified operations officers at each dispatch centre to ensure proper operational control of each flight.

50. Flight following system for charter flights operations

(1) An air operator certificate holder who conducts charter flight operations shall have a system for providing flight preparation documents and determining the departure and arrival times of its flights at all airports approved by the Authority.

(2) The systems specified in sub-regulation (1) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

(3) An air operator certificate holder shall have an approved flight following system established and adequate for the proper monitoring of each flight, considering the operations to be conducted

(4) The centres established by an air operator certificate holder for flight following shall be located at points necessary to ensure—

- (a) the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions; and
- (b) that the pilot-in-command is provided with all the information necessary for the safety of the flight.

(5) An air operator certificate holder conducting charter operations may arrange to have flight following facilities provided by persons other than the air operator certificate holder's employees, but in such a case the air operator certificate holder continues to be primarily responsible for the operational control of each flight.

(6) An air operator certificate holder conducting charter operations using a flight following system shall ensure that the system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight to—

- (a) the flight crew of each aircraft; and
- (b) the persons designated by the air operator certificate holder to perform the function of operational control of the aircraft.

(7) An air operator certificate holder conducting charter operations shall show that the personnel required to perform the function of operational control are able to perform their duties.

51. Communications facilities

(1) An air operator certificate holder's aircraft shall have two-way radio communications with all air traffic service facilities along the routes and alternate routes to be used.

(2) An air operator certificate holder who conducts scheduled operations shall have rapid and reliable radio communications with all flights over its entire route structure under normal operating conditions.

52. Routes and areas of operation

(1) An air operator certificate holder may conduct operations only along the routes and within areas for which—

- (a) ground facilities and services, including meteorological services, provided are adequate for the planned operation;
- (b) the performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
- (c) the equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
- (d) appropriate and current maps and charts are available;
- (e) where a two-engine aircraft is used, adequate airports are available with the time and distance limitations; and
- (f) where a single-engine aircraft is used, surfaces are available which permit a safe forced landing to be executed in the event of engine failure.

(2) A person shall not conduct commercial air transport operations on any route or area of operation unless the operations are in accordance with any restrictions imposed by the Authority.

53. Enroute navigational facilities

(1) An air operator certificate holder shall not operate on a proposed route or area that does not have non visual ground aids—

- (a) available over the route for navigating aircraft within the degree of accuracy required for air traffic control; and
- (b) located to allow navigation to any regular, provisional, refuelling, or alternate airport, within the degree of accuracy necessary for the operation involved.

(2) Non visual ground aids shall not be required for—

- (a) visual flight rules operations; or
- (b) operations on route segments where the use of celestial or other specialised means of navigation is approved by the Authority.

54. Flight safety documents system

(1) An operator shall establish a flight safety documents system, for the use and guidance of operational personnel.

(2) Guidelines on the development and organization of a flight safety documents system are provided in the Fourth schedule to these Regulations.

55. Safety management

(1) An air operator certificate holder operating an aircraft registered in Kenya flying for the purpose of commercial air transport shall establish and maintain a safety management system approved by the Authority.

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(2) The safety management system referred to in sub-regulation (1) shall—

- (a) identify actual and potential safety hazards;
- (b) ensure that remedial action necessary to maintain an acceptable level of safety is implemented; and
- (c) provide for continuous monitoring and regular assessment of the safety level achieved.

(3) An air operator certificate holder operating an aeroplane registered in Kenya with an authorized maximum total weight of more than 27,000 kilograms flying for the purpose of commercial air transport shall include a flight data monitoring programme as part of its safety management system.

(4) A flight data analysis programme shall be non-punitive and contain adequate safeguards to protect the source of the data.

PART V – AIR OPERATOR CERTIFICATE MAINTENANCE REQUIREMENTS

56. Maintenance responsibility

(1) An air operator certificate holder shall ensure the airworthiness of its aircraft and the serviceability of both operational and emergency equipment by—

- (a) carrying out preflight inspections;
- (b) correcting any defect or damage affecting safe operation of the aircraft to an approved standard, taking into account the minimum equipment list and configuration deviation list if available for the aircraft type;
- (c) carrying out maintenance on the aircraft in accordance with the approved operator's aircraft maintenance programme;
- (d) analysing the effectiveness of the air operator certificate holder's approved aircraft maintenance programme;
- (e) effecting the provisions of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and
- (f) carrying out modifications in accordance with an approved standard and establishing an embodiment policy for non-mandatory modifications.

(2) An air operator certificate holder shall ensure that the certificate of airworthiness for each aircraft operated under these Regulations remains valid in respect of—

- (a) the requirements specified in sub-regulation (1);
- (b) the expiry date of the certificate of airworthiness; and
- (c) any other maintenance condition specified in the certificate of airworthiness.

(3) An air operator certificate holder shall ensure that the requirements specified in sub-regulation (1) are performed in accordance with procedures approved by or acceptable to the Authority.

(4) An air operator certificate holder shall ensure that the maintenance, preventive maintenance and modification of its aircraft or aircraft component are performed in accordance with its maintenance control manual or current instructions for continued airworthiness, and applicable civil aviation regulations.

(5) An air operator certificate holder may make an arrangement with another person for the performance of any maintenance, preventive maintenance or modifications but shall remain responsible for all work performed under the arrangement.

57. Approval and acceptance of air operator certificate maintenance systems

(1) Except for pre-flight inspections, an air operator certificate holder shall not operate an aircraft—

- (a) registered in Kenya unless it is maintained and released to service by an approved maintenance organisation approved in accordance with the Civil Aviation (Approved Maintenance Organization) Regulations;
- (b) of foreign registry unless it is maintained and released to service in accordance with a system approved by the State of Registry and is acceptable to the Authority.

(2) The State of Registry may transfer to the Authority, under an agreement entered into pursuant to Article 83*bis* of Chicago Convention, some or all its responsibility in respect of aircraft registered by that State but operating in Kenya.

58. Maintenance control manual

(1) An air operator certificate holder shall provide to the Authority, and to the State of Registry of an aircraft, if different from the Authority, the air operator certificate holder's maintenance control manual and subsequent amendments, for the use and guidance of maintenance and operational personnel concerned, containing details of the organisation's structure including—

- (a) details of the accountable manager and director of maintenance responsible for the maintenance system as required by regulation 13;
- (b) procedures to be followed to satisfy the maintenance responsibility required under regulation 56, except where the air operator certificate holder is an approved maintenance organisation, and the quality functions specified in regulation 16 are such procedures that may be included in the approved maintenance organisation procedures manual;
- (c) procedures for the reporting of failures, malfunctions, and defects in accordance with the Civil Aviation (Airworthiness) Regulations to the Authority, State of Registry and the State of Design within seventy two hours of discovery;
- (d) items that warrant immediate notification to the Authority by telephone, telex or fax, with a written follow-on report as soon as possible but no later than within seventy two hours of discovery, which are—
 - (i) primary structural failure,
 - (ii) control system failure,
 - (iii) fire in the aircraft,
 - (iv) engine structure failure, or
 - (v) any other condition considered an imminent hazard to safety.

(2) An air operator certificate holder's maintenance control manual shall contain the following information which may be issued in separate parts—

- (a) a description of the administrative agreements between the air operator certificate holder and an approved maintenance organisation;
- (b) a description of the maintenance procedures and the procedures for completing and signing the certificate of release to service;
- (c) a description of the procedures to ensure each aircraft an air operator certificate holder operates is in an airworthy condition;
- (d) a description of the procedures to ensure that the operational emergency equipment for each flight is serviceable;

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- (e) the names and duties of the person or persons required to ensure that all maintenance is carried out in accordance with the maintenance control manual;
- (f) a reference to the maintenance programme required under regulation 66;
- (g) a description of the methods for completion and retention of the operator's maintenance records required under regulation 63;
- (h) a description of the procedures for monitoring, assessing and reporting maintenance and operational experience for all aircraft 5,700 kilograms and above maximum certificated take-off mass;
- (i) a description of the procedures for obtaining and assessing continued airworthiness information and implementing any resulting actions for all aircraft 5,700 kilograms and above maximum certificated take-off mass, from the organisation responsible for the type design, and shall implement such actions considered necessary by the State of Registry;
- (j) a system of ensuring that any fault, malfunctions, defects and other occurrences that cause or might cause adverse effects on the continuing airworthiness of aeroplanes 5,700 kilograms and above and helicopters 3,180 kilograms and above maximum certificated take-off mass shall be transmitted to the organization responsible for the type design of that aeroplane or helicopter;
- (k) a description of the procedures for implementing mandatory continuing airworthiness information as required in regulation 56;
- (l) a description of establishing and maintaining a system of analysis and continued monitoring of the performance and efficiency of the maintenance programme in order to correct any deficiency in that programme;
- (m) a description of aircraft types and models to which the manual applies;
- (n) a description of procedures for ensuring that unservice abilities affecting airworthiness are recorded and rectified; and
- (o) a description of the procedures for advising the State of Registry and the state of the operator of significant in- service occurrences.

(3) An air operator certificate holder shall not provide for use of its personnel in commercial air transport, or part of a maintenance control manual that has not been reviewed and approved by the Authority.

(4) An air operator certificate holder or an applicant for an air operator certificate shall submit and maintain a maintenance control manual containing at least the information set out in the Fifth Schedule to these Regulations.

59. Quality system for maintenance

(1) An air operator certificate holder, approved as maintenance organisation, may carry out the requirements specified in regulation 56.

(2) An air operator certificate holder shall employ a person or a group of persons, acceptable to the Authority, to ensure that all maintenance is carried out on time to an approved standard such that the maintenance requirements of Regulation 56 and requirements of the air operator certificate holder's maintenance control manual are satisfied, and to ensure the functioning of the quality system.

(3) An air operator certificate holder shall provide suitable office accommodation at appropriate locations for the personnel specified in sub-regulation (2).

(4) Where an air operator certificate holder is not an approved maintenance organisation, the air operator certificate holder shall make arrangements with an approved maintenance organisation to carry out the requirement specified in regulation 56.

(5) The arrangement made pursuant to sub-regulation (4) shall be in the form of a written maintenance contract between the air operator certificate holder and the approved maintenance organisation detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

60. Maintenance management

(1) For maintenance purposes, an air operator certificate holder's quality system required under regulation 16 shall—

- (a) include at least the following functions—
 - (i) monitoring that the activities specified in regulation 56 are being performed in accordance with the accepted procedures;
 - (ii) ensure that all contracted maintenance is carried out in accordance with the contract;
 - (iii) monitoring the continued compliance with the requirements of these Regulations; and
 - (iv) monitoring compliance with, and adequacy of, procedures required to ensure safe maintenance practices, airworthy aircraft and aircraft components; and
- (b) include a quality assurance programme that contains procedures designed to verify that all maintenance operations are being conducted in accordance with all applicable requirements, standards and procedures.

(2) The Compliance monitoring referred to in sub-regulation (1) shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(3) Where an air operator certificate holder is also an approved maintenance organisation, the air operator certificate holder's quality management system may be combined with the requirements of an approved maintenance organisation and submitted for approval and acceptance to the Authority, and State of Registry for aircraft not registered in Kenya.

(4) An air operator certificate holder shall establish a plan acceptable to the Authority indicating when and how often the activities as required in regulation 60 may be monitored.

(5) Reports shall be made upon completion of monitoring of activities including details of discrepancies of non-compliance with procedures or requirements.

(6) The feedback part of the system shall specify the person responsible for rectifying discrepancies and non-compliance in each particular case, the procedure to be followed if rectification is not completed within appropriate time scales, and a system of reporting to the accountable manager.

(7) To ensure effective compliance with this Regulation, an air operator certificate holder or an applicant for an air operator certificate shall carry out—

- (a) product sampling, the part inspection of a representative sample of the aircraft fleet;
- (b) defect sampling, the monitoring of defect rectification performance;
- (c) concession sampling, the monitoring of any concession not to carry out maintenance on time;
- (d) on time maintenance sampling, the monitoring of when flying hours, calendar time and flight cycles, of the aircraft and the components are brought in for maintenance; and
- (e) sample reports of unairworthy conditions and maintenance errors on aircraft and components.

[Subsidiary]**61. Technical logbook**

(1) An air operator certificate holder shall ensure that every aircraft registered in Kenya used for commercial air transport or aerial work maintains a technical logbook.

(2) The following particulars shall be entered in the technical logbook—

- (a) a title page with the name and address of the operator, the aircraft type, and registration marks;
- (b) details relating to the current certificate of release to service;
- (c) details relating to the next inspection on the approved maintenance schedule;
- (d) a section containing sector record pages, each page being serially numbered with the operator's name printed thereon and having a provision for recording the following—
 - (i) aircraft type, serial number and registration marks;
 - (ii) date, place and time of take-off and landing;
 - (iii) particulars of any defect experienced on the aircraft;
 - (iv) the fuel and oil quantities on arrival and quantities uplifted in each tank;
 - (v) a certificate of release to service in respect of any work performed for the purpose of rectifying defects;
 - (vi) the running total of flying hours, such that the hours to the next scheduled inspection can be easily determined; and
 - (vii) provision for pre-flight and daily inspection signatures;
- (e) a readily identifiable section containing a record of deferred defects with serially numbered pages and the operator's name printed thereon including a provision for recording the following—
 - (i) a cross-reference for each deferred defect such that the original defect together with brief related details can be clearly identified in the sector record section;
 - (ii) the original date of occurrence of the deferred defect, together with brief related details;
 - (iii) a cross-reference for each deferred defect such that the action in respect of such deferred defect can be clearly identified in the sector record section.
- (f) the number of landings, flight pressure cycles or engine cycles as specified for that aircraft; and
- (g) any other details as the Authority may require.

(3) The technical log and any subsequent amendment shall be approved by the Authority.

62. Technical logbook entries

(1) At the end of every flight, the pilot-in-command shall enter, sign and date the following information in a technical logbook—

- (a) the times when the aircraft took off and landed; and
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect.

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(2) Notwithstanding sub-regulation (1), in the case of a number of consecutive flights each of which begins and ends—

- (a) within the same period of twenty- four hours;
- (b) at the same aerodrome except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as the pilot-in-command, the pilot-in-command may, except where he becomes aware of a defect during an earlier flight, make the entries in a technical logbook at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical logbook a person signing a maintenance release in respect of that defect shall enter the release in the technical logbook in such a position as to be readily identifiable with the defect to which it relates.

(4) An air operator certificate holder shall have in the approved Operations Manual a procedure for keeping adequate copies of the technical logbook to be carried on board the aircraft in a place readily accessible to each flight crew member.

63. Maintenance records

(1) An air operator certificate holder shall ensure that a system has been established to keep the following records, in a form acceptable to the Authority—

- (a) the total time in service in hours, calendar time and cycles, as appropriate, of the aircraft and all its life-limited components;
- (b) the current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs to the aircraft and its major components;
- (d) the time in service in hours, calendar time and cycles, as appropriate, since last overhaul of the aircraft or its components subject to mandatory overhaul life;
- (e) the current aircraft status of compliance with the maintenance programme;
- (f) the detailed maintenance records to show that all requirements for signing of a certificate of release to service have been met; and
- (g) technical logbook records.

(2) An air operator certificate holder shall ensure that—

- (a) the records specified in sub-regulation (1)(a) to (e) are kept for a minimum period of ninety days after the unit to which they refer has been permanently withdrawn from service;
- (b) the records referred to in sub-regulation (1)(f) are kept for a minimum of two years after the signing of the certificate of release to service;
- (c) the records referred to in sub-regulation (1)(g) are retained for twenty four months after the date of the last entry;
- (d) in the event of temporary change of operator, the records specified in sub-regulation (1) are made available to the new operator; and
- (e) when an aircraft is permanently transferred from one operator to another operator, the records specified in sub-regulation (1) are also transferred.

[Subsidiary]**64. Release to service or maintenance section records of the technical logbook**

(1) An air operator certificate holder shall not operate an aircraft unless it is maintained and released to service by an organisation approved in accordance with the Civil Aviation (Approved Maintenance Organisation) Regulations acceptable to the State of Registry.

(2) The certificate of release to service shall be issued in accordance with the air operator certificate maintenance control manual procedures.

(3) An air operator certificate holder shall not operate an aircraft after release under sub-regulation (1) unless an appropriate entry is made in accordance with the air operator certificate maintenance control manual procedures acceptable to the Authority.

(4) An air operator certificate holder shall give a copy of the certificate of release to service for the aircraft to the pilot-in-command or ensure that an entry noting the release is made in the technical logbook.

65. Modification or repairs to aircraft

(1) All modifications or repairs to an aircraft shall be made in compliance with the airworthiness requirements acceptable to the State of Registry.

(2) An air operator certificate holder shall—

- (a) establish procedures to ensure that records supporting compliance with the airworthiness requirements are retained;
- (b) ensure that major repair or major modification is carried out in accordance with technical data approved by the Authority;
- (c) promptly, upon completion of a major modification or major repair, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller or appliance of an aircraft operated by the air operator certificate holder; and
- (d) submit a copy of each report of a major modification to the Authority and keep a copy of each report of a major repair available for inspection.

66. Aircraft maintenance programme

(1) An air operator certificate holder shall submit in aircraft maintenance programme for its aircraft and any subsequent amendment to the Authority for approval.

(2) In the case of the foreign registered aircraft the maintenance programme shall be approved by the State of Registry and may be subsequently accepted by the Authority.

(3) In addition to the requirement of a maintenance programme for aircraft operated by an air operator certificate holder, an aircraft with maximum takeoff mass above 13,310 kilograms shall include a reliability programme in the maintenance programme.

(4) Where a determination is made by the Authority under sub-regulation (3), an air operator certificate holder shall provide the procedures and information in the maintenance control manual.

(5) An air operator certificate holder shall ensure that each aircraft is maintained in accordance with the approved maintenance programme which shall include—

- (a) maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilisation of the aircraft;
- (b) where applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b); and

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- (d) where applicable, condition monitoring and reliability programme, descriptions for aircraft systems, components and engines.

(6) The Authority may amend any operation specifications issued to an air operator certificate holder to permit deviation from those provisions of this Part that would prevent the return to service and use of airframe components, engines, appliances, and spare parts because the airframe components, engines, appliances and spare parts have been maintained, altered, or inspected by persons employed outside Kenya who do not hold a Kenya maintenance engineer's licence.

(7) An air operator certificate holder who is granted authority under this deviation shall provide for surveillance of facilities and practices to assure that all work performed on the airframe components, engines, appliances and spare parts specified in sub-regulation (6) is accomplished in accordance with an air operator certificate holder's maintenance control manual.

(8) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

(9) The maintenance programme shall be based on maintenance programme information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable information, documentation or experience.

(10) A person shall not provide for use of its personnel in commercial air transport a maintenance programme or portion thereof which has not been reviewed and approved for the air operator certificate holder by the Authority.

(11) Approval of an air operator certificate holder's maintenance programme and any subsequent amendments shall be noted in the Operations Specifications.

(12) An air operator certificate holder shall have an inspection programme and a programme covering other maintenance, preventive maintenance, and modifications to ensure that—

- (a) maintenance, preventive maintenance and modifications are performed in accordance with an air operator certificate holder's maintenance control manual; and
- (b) each aircraft released to service is airworthy and has been properly maintained for operation.

67. Preventive, maintenance and modifications

An air operator certificate holder may make arrangements with an appropriately rated approved maintenance organisation for the performance of maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof as provided in its maintenance programme and maintenance control manual.

PART VI – AIR OPERATOR CERTIFICATE SECURITY MANAGEMENT

68. Security requirements

An air operator certificate holder shall ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of the Kenya, for the protection of aircraft, facilities and personnel from unlawful interference.

69. Security training programmes

(1) An air operator certificate holder shall establish and maintain an approved security training programme which ensures crew members act in the most appropriate manner to minimize the consequences of acts of unlawful interference.

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(2) The security training programme specified in sub-regulation (1) shall, as a minimum include—

- (a) determination of the seriousness of any occurrence;
- (b) crew communication and co-ordination;
- (c) appropriate self-defense responses;
- (d) use of non-lethal protective devices assigned to crew members whose use is authorized by the Authority;
- (e) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions;
- (g) flight procedures to protect the aircraft; and
- (h) aircraft search procedures and guidance on least-risk bomb locations where practicable.

(3) An air operator certificate holder shall establish and maintain a training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aeroplane so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

70. Reporting acts of unlawful interference

Following an act of unlawful interference on board an aircraft the pilot-in-command or, in the pilot-in-command's absence, the air operator certificate holder shall submit, without delay, a report of the act to the designated local authority and the Authority.

71. Aircraft search procedure checklist

(1) An air operator certificate holder shall ensure that there is on board the air operator certificate holder's aircraft, a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aircraft may be the object of an act of unlawful interference.

(2) The checklist referred to in sub-regulation (1) shall be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aircraft.

72. Security of the flight crew compartment

(1) Where an aircraft is equipped with a flight crew compartment door, the door shall be capable of being locked, and means shall be provided by which cabin crew members can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) An air operator certificate holder shall ensure that all passenger carrying aircraft of a maximum certificated take-off mass in excess of 45500 kilograms or with a passenger seating capacity of greater than sixty shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms, fire and grenade shrapnel, to resist forcible intrusions by unauthorized persons, and be capable of being locked and unlocked from either pilot's station.

(3) Where an aircraft is equipped with a flight crew compartment door in accordance with sub-regulation (2)—

- (a) the door shall be closed and locked from the time all external doors are closed following embarkation until such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and

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- (b) means shall be provided for monitoring from the cockpit, the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

PART VII – AIR OPERATOR CERTIFICATE DANGEROUS GOODS MANAGEMENT

73. Approval to transport dangerous goods

An air operator certificate holder shall not transport dangerous goods unless that air operator certificate holder has obtained approval to do so from the Authority and in compliance with the requirements specified in regulation 74.

74. Compliance with Technical Instructions

(1) An air operator certificate holder shall comply with the provisions contained in the International Civil Aviation Organization Technical Instructions on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside Kenya.

(2) Where dangerous goods are to be transported outside Kenya, the air operator certificate holder shall review and comply with the appropriate variations notified by Contracting States contained in Attachment 3 to the Technical Instructions.

(3) Articles and substances which would otherwise be classified as dangerous goods are excluded from the provisions of this Part, to the extent specified in the Technical Instructions, provided they are—

- (a) required to be on board the aircraft for operating reasons;
- (b) carried as catering or cabin service supplies;
- (c) carried for use in flight as veterinary aid or as a humane killer for an animal; or
- (d) carried for use in flight for medical aid for a patient, provided that—
 - (i) gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
 - (ii) drugs, medicine and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
 - (iii) equipment containing wet cell batteries is kept and, when necessary, secured in an upright position to prevent spillage of the electrolyte; and
 - (iv) proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the pilot-in-command in the interests of safety; or
 - (v) they are carried by passengers or crew members.

(4) Articles and substances intended as replacements for those specified in sub-regulation (3)(a) may be transported on an aircraft as specified in the Technical Instructions.

75. Limitations on the transport of dangerous goods

(1) An air operator certificate holder shall take reasonable measures to ensure that articles and substances that are specifically identified by name or generic description in the Technical Instructions as being forbidden for transport under any circumstances are not carried on any aircraft.

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(2) An air operator certificate holder shall take reasonable measures to ensure that articles and substances or other goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances are transported only when—

- (a) they are exempted by the Contracting States concerned under the provisions of the Technical Instructions; or
- (b) the Technical Instructions indicate they may be transported under an approval issued by the State of Origin of the goods.

76. Classification of dangerous goods

An air operator certificate holder shall take all reasonable measures to ensure that articles and substances are classified as dangerous goods as specified in the Technical Instructions.

77. Packing

An air operator certificate holder shall take all reasonable measures to ensure that dangerous goods are packed as specified in the Technical Instructions.

78. Labelling and marking

(1) An air operator certificate holder shall take reasonable measures to ensure that packages, overpacks and freight containers are labelled and marked as specified in the Technical Instructions.

(2) Where dangerous goods are carried on a flight which takes place wholly or partly outside Kenya, the air operator certificate holder shall ensure that labelling and marking are in the English and Kiswahili languages.

79. Dangerous goods transport document

(1) Except where otherwise specified in the Technical Instructions, an air operator certificate holder shall ensure that, dangerous goods are accompanied by a dangerous goods transport document.

(2) Where dangerous goods are carried on a flight which takes place wholly or partly outside Kenya, an air operator certificate holder shall ensure that the English and Kiswahili languages are used for the dangerous goods transport document.

80. Acceptance of dangerous goods

(1) An air operator certificate holder shall not accept dangerous goods for transport unless the package, overpack or freight container has been inspected in accordance with the acceptance procedures as stipulated in the Technical Instructions.

(2) An air operator certificate holder or its handling agent shall use an acceptance check list which shall—

- (a) allow for all relevant details to be checked; and
- (b) be in such form as may allow for the recording of the results of the acceptance check by manual, mechanical or computerised means.

81. Inspection for damage, leakage or contamination

An air operator certificate holder shall ensure that—

- (a) packages, overpacks and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a unit load device, as specified in the Technical Instructions;

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- (b) a unit load device is not loaded on an aircraft unless it has been inspected as required by the Technical Instructions and found free from any evidence of leakage from, or damage to, the dangerous goods contained therein;
- (c) leaking or damaged packages, overpacks or freight containers are not loaded on an aircraft;
- (d) any package of dangerous goods found on an aircraft and which appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organisation;
- (e) after removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and
- (f) packages, overpacks and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or from a unit load device and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed shall be inspected for damage or contamination.

82. Removal of contamination

An air operator certificate holder shall ensure that—

- (a) any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and
- (b) an aircraft which has been contaminated by radioactive materials is immediately taken out of service and not returned until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

83. Loading restrictions

An air operator certificate holder shall ensure that—

- (a) dangerous goods are not carried in an aircraft cabin occupied by passengers or in the cockpit, unless otherwise specified in the Technical Instructions;
- (b) dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the Technical Instructions; and
- (c) packages of dangerous goods bearing the “Cargo Aircraft Only” label are carried on cargo aircraft and loaded as specified in the Technical Instructions.

84. Provision of information

(1) An air operator certificate holder shall ensure that—

- (a) information is provided to enable ground staff to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and
- (b) where applicable, the information referred to in paragraph (a) is also provided to the handling agent.

(2) An air operator certificate holder shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods which they are forbidden from transporting on board an aircraft and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods.

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(3) An air operator certificate holder shall ensure that information is provided in the operations manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.

(4) An air operator certificate holder shall ensure that the pilot-in-command is provided with written information on dangerous goods carried on board the aircraft in the manner and form specified in the Technical Instructions.

(5) An air operator certificate holder that is involved in an aircraft incident or accident shall—

- (a) as soon as possible, inform the Authority and the appropriate authority of the State in which the aircraft incident or accident occurred of any dangerous goods carried; and
- (b) on request by the Authority, provide any information required to minimise the hazards created by any dangerous goods carried.

85. Training programmes

(1) An air operator certificate holder shall establish, maintain, and have approved by the Authority, staff training programmes, as required by the Technical Instructions.

(2) An air operator certificate holder not holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in general cargo handling have received training to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 1 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and what requests apply to the carriage of such goods by passengers; and
- (b) crew members, passenger handling staff, and security staff used by an air operator certificate holder to deal with the screening of passengers and their baggage, have received training which covers as a minimum, the areas identified in Column 2 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify them and what requirements apply to the carriage of such goods by passengers.

TABLE 1

Areas of Training	Column 1	Column 2
General philosophy	X	X
Limitations on dangerous goods in air transport		X
Package marking and labelling	X	X
Dangerous goods in passengers baggage	X	X
Emergency procedures	X	X

Note: 'X' indicates an area to be covered.

(3) An air operator certificate holder holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in the acceptance of dangerous goods have received training and are qualified to carry out their duties which covers as a

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minimum, the areas identified in Column 1 of Table 2 to a depth sufficient to ensure the staff can take decisions on the acceptance or refusal of dangerous goods offered for carriage by air;

- (b) staff who are engaged in ground handling, storage and loading of dangerous goods have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 2 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (c) staff who are engaged in general cargo handling have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 3 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (d) flight crew members have received training which covers as a minimum, the areas identified in Column 4 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and how they should be carried on an aircraft; and
- (e) passenger handling staff and security staff used by the operator who deal with the screening of passengers and their baggage and crew members, other than flight crew members, have received training which covers as a minimum, the areas identified in Column 5 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and the requirements that apply to the carriage of such goods by passengers or, more generally, their carriage on an aircraft.

TABLE 2

<i>Areas of Training</i>	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
General philosophy	X	X	X	X	X
Limitations on dangerous goods in the air transport	X	X		X	X
Classification and list of dangerous goods	X	X		X	
General packing requirements and packing instructions	X				
Packaging specifications marking	X				
Package marking and labelling	X	X	X	X	X
Documentation from the shipper	X				
Acceptance of dangerous goods, including the use of a checklist	X				
Loading, restrictions on loading and segregation	X	X	X	X	
Inspections for damage or leakage and decontamination procedures	X	X			

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Areas of Training	Column 1	Column 2	Column 3	Column 4	Column 5
Provision of information to the PIC	X	X		X	
Dangerous goods in passengers' baggage	X			X	X
Emergency procedures	X	X	X	X	X

Note: "X" indicates an area to be covered

(4) An air operator certificate holder shall ensure that—

- (a) all staff who require dangerous goods training receive recurrent training at intervals of not longer than two years;
- (b) the records of dangerous goods training are maintained for all staff trained in accordance with the provisions of this Regulation; and
- (c) the handling agent's staff are trained in accordance with the applicable column of Table 1 or Table 2.

86. Dangerous goods incident and accident reports

An air operator certificate holder shall report to the Authority—

- (a) dangerous goods incidents and accidents; and
- (b) undeclared or misdeclared dangerous goods discovered in the cargo or passenger baggage within seventy two hours of the incident, accident or discovery unless exceptional circumstances prevent such reporting within the time stipulated.

PART VIII – GENERAL

87. Possession of the certificate, authorisation e.t.c.

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

88. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;

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- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub regulation (3).

89. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

90. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

91. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof;

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

92. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

[Subsidiary]**93. Replacement of documents**

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

94. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

95. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

96. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

97. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

98. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

99. Application of regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

100. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

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PART IX – EXEMPTIONS

101. Requirements for application for exemption

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number, if available; and
- (e) email address, if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

102. Substance of the request for exemption

(1) An application for an exemption shall contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 101(2).

*Review, Publication and Issue or Denial of the Exemption***103. Initial review by the Authority**

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 101 and 102.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in Kenya *Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 101 and 102 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

104. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART X – OFFENCES AND PENALTIES

105. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

106. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Sixth Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Sixth Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

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(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART XI – SAVINGS AND TRANSITIONAL PROVISIONS

107. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

108. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

FIRST SCHEDULE

[Regulation 30(1) and 31(2).]

An operations manual shall include each item set forth below which is applicable to the specific operation, unless otherwise approved by the Authority.

OPERATIONS MANUAL

(A) GENERAL**1.0 INTRODUCTION**

- 1.1 Purpose and scope of manuals
- 1.2 A statement that the manual complies with all applicable Authority regulations and requirements and with the terms and conditions of the applicable Air operator certificate.
- 1.3 A statement that the manual contains operational instructions that are to be complied with by the relevant personnel in the performance of their duties.
- 1.4 List of manuals comprising operations manual
- 1.5 A list and brief description of the various operations manual parts, their contents, applicability and use.
- 1.6 Manuals to be carried on aircraft
- 1.7 Responsibility for manual content
- 1.9 Responsibility for manual amendment
- 1.10 List of effective pages
- 1.11 Distribution of manuals and amendments

2.0 MANAGEMENT ORGANIZATION

- 2.1 A description of the organisational structure including the general company organisation and operations department organisation. The relationship between

the operations department and the other departments of the company. In particular, the subordination and reporting lines of all divisions, departments etc., which pertain to the safety of flight operations, shall be shown.

- 2.2 Director of Operations-duties and responsibility;
- 2.3 Chief Pilot-duties and responsibility;
- 2.4 Director of Maintenance-duties and responsibility;
- 2.5 Quality Manager-duties and responsibility; and
- 2.6 Director of Safety-duties and responsibility.
- 2.7 Flying hours for management personnel
- 2.8 A description of the system for supervision of the operation by the AIR OPERATOR CERTIFICATE holder shall be listed. This description shall show how the safety of flight operations and the qualifications of personnel involved in all such operations are supervised and monitored. In particular, the procedures related to the following items shall be described—
 - (a) Competence of operations personnel; and
 - (b) Control, analysis and storage of records, flight documents, additional information, and safety related data.
- 2.9 A description of any system for promulgating information which may be of an operational nature but is supplementary to that in the operations manual. The applicability of this information and the responsibilities for its promulgation shall be included
- 2.10 A description of the main aspects of the flight safety programme including—
 - (a) Programmes to achieve and maintain risk awareness by all persons involved in flight operations; and
 - (b) Evaluation of accidents and incidents and the promulgation of related information.
- 2.11 A description of the objectives, procedures and responsibilities necessary to exercise operational control with respect to flight safety.
- 2.12 A description of the quality system adopted.

(B) AIRCRAFT OPERATING INFORMATION

1.0 CREW TO BE CARRIED

- 1.1 Composition of crew
- 1.2 Minimum flight crew
- 1.3 Minimum number of cabin crew
- 1.4 Carriage of navigator
- 1.5 Carriage of flight engineer
- 1.6 Crew licenses
- 1.7 For the flight crew, operation on more than one type rating or variant.

2.0 DUTIES OF FLIGHT CREW AND OTHER CREWMEMBER STAFF

- 2.1 Designation of pilot-in-command
- 2.2 Authority of pilot-in-command
- 2.3 Duties of crew members
- 2.4 Briefing of passengers
- 2.5 Necessity of pilots to remain at controls
- 2.6 Co-pilot handling of the aircraft
- 2.7 Refuelling duties/responsibilities
- 2.8 Loading by flight crew

[Subsidiary]**3.0 DUTIES AND RESPONSIBILITIES OF FLIGHT OPERATIONS OFFICER AND OTHER PERSONNEL**

- 3.1 The general principles of mass and centre of gravity including—
- (a) The policy for using either standard and/or actual masses;
 - (b) The method for determining the applicable passenger, baggage and cargo mass;
 - (c) The applicable passenger and baggage masses for various types of operations and aircraft type;
 - (d) General instruction and information necessary for verification of the various types of mass and balance documentation in use;
 - (e) Last minute changes procedures; and
 - (g) Seating policy/procedures.
- 3.2 A description of the handling procedures to be used when allocating seats and embarking and disembarking passengers and when loading and unloading the aircraft. Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, shall also be given. Handling procedures shall include—
- (a) Sick passengers and persons with reduced mobility;
 - (b) Permissible size and weight of hand baggage;
 - (c) Loading and securing of items in the aircraft;
 - (d) Special loads and classification of load compartments (i.e., dangerous goods, live animals, etc.);
 - (e) Positioning of ground equipment;
 - (f) Operation of aircraft doors;
 - (g) Safety on the ramp, including fire prevention, blast and suction areas;
 - (h) Start-up, ramp departure and arrival procedures;
 - (i) Servicing of aircraft;
 - (j) Documents and forms;
 - (k) Multiple occupancy of aircraft seats.
- 3.3 Procedures to ensure that persons who appear to be intoxicated or who demonstrate by manner or physical indications that they are under the influence of alcohol or drugs, except medical patients under proper care, are refused embarkation.
- 3.4 A description of the de-icing and anti-icing policy and procedures for aircraft on the ground. These shall include descriptions of the types and effects of icing and other contaminants on aircraft while stationary, during ground movements and during take-off. In addition, a description of the fluid types used shall be given including—
- (a) Proprietary or commercial names;
 - (b) Characteristics;
 - (c) Effects on aircraft performance;
 - (d) Precautions during usage.
- 3.5 Specifications for the operational flight plan

4.0 COCKPIT MANAGEMENT

- 4.1 Pre-flight action by pilot-in-command
- 4.2 Departure and approach briefing
- 4.3 Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved
- 4.4 Procedures covering—
 - (a) Cabin preparation for flight, inflight requirements and preparation for landing including procedures for securing cabin and galleys.
 - (b) Procedures to ensure that passengers are seated where, in the event that an emergency evacuation is required, they may best assist and not hinder evacuation from the aircraft;
 - (c) Procedures to be followed during passenger embarkation and disembarkation; and
 - (d) Procedures for fuelling with passengers on board, embarking, or disembarking.
 - (e) Smoking on board.
 - (f) Use of portable electronic equipment and cellular telephones
- 4.5 The contents, means and timing of passenger briefing.
- 4.6 Succession to command.
- 4.7 Normal duties.
- 4.8 Flight crew – division of duties and procedures during night and IMC instrument approaches and landing operations.
- 4.9 Flight crew – procedures to be followed in event of incapacitation. Examples of the types of incapacitation and the means for recognising them shall be included.
- 4.10 Flight crew – acknowledgement of calls during take-off and landing;
- 4.11 Flight crew – querying of deviations from flight plan;
- 4.12 Flight crew – consumption of alcohol, narcotics and drugs;
- 4.13 Flight crew – wearing of harness for take-off and landing;
- 4.14 Flight crew – simulation of emergencies not permitted when carrying passengers;
- 4.15 Crew members – physiological factors;
- 4.16 Operation of radio in aircraft;
- 4.17 Radio checking procedure;
- 4.18 Altimeter checking procedure;
- 4.19 Operation of flight data recorder.
- 4.20 Procedures for the use of cosmic or solar radiation detection equipment and for recording its readings including actions to be taken in the event that limit values specified in the operations manual are exceeded. In addition, the procedures, including ATC procedures, to be followed in the event that a decision to descend or re-route is taken.
- 4.21 All Weather Operations
- 4.22 Use of the Minimum Equipment List and Configuration Deviation List
- 4.23 Procedures and limitations for—
 - (a) Training flights;
 - (b) Test flights;

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- (c) Delivery flights,
 - (d) Ferry flights;
 - (e) Demonstration flights; and
 - (f) Positioning flights, including the kind of persons who may be carried on such flights.
- 4.24 Rules of the air including the ground/air visual codes for use by survivors, description and use of signal aids;
- 4.25 Emergency evacuation procedures;
- 4.26 Procedures in event of pressurization failure.
- 4.27 Procedure for use of ground-air visual signal code by survivors

5.0 FLIGHT TIME LIMITATIONS

- 5.1 Definitions of—
- (a) Flight time;
 - (b) Duty period;
 - (c) Flying duty period;
 - (d) Split duty;
 - (e) Positioning;
 - (f) Standby duty;
 - (g) Rest period;
 - (h) Time-off;
 - (i) Day;
 - (j) Local daylight;
 - (k) Local time;
- 5.2 Requirement of scheme to regulate flight times;
- 5.3 Maximum duty period – two pilot crew- aeroplane;
- 5.4 Maximum duty period – single pilot crew- aeroplane;
- 5.5 Maximum duty period – two pilot crew- helicopter;
- 5.6 Maximum duty period – single pilot crew- helicopter;
- 5.7 Particular cases—
- (a) Extension of duty period by in-flight relief;
 - (b) Split duty;
 - (c) Positioning (dead-heading);
 - (d) Standby duty;
 - (e) Travelling time;
 - (f) Pilot-in-command's discretion to extend flying duty period.
- 5.8 Minimum rest periods;
- 5.9 Pilot-in-command's discretion to reduce rest period;
- 5.10 Cumulative duty and flying hours—
- (a) Maximum weekly duty hours;
 - (b) Maximum monthly duty hours;

- (c) Maximum monthly flying hours;
- (d) Maximum monthly annual flying hours.

5.11 Duty cycles and time-off duty—

- (a) Normal duty cycles;
- (b) Short breaks away from base;
- (c) Time off at base.

5.12 Records to be maintained for each crewmember.

5.13 Scheme for regulation of flight times for cabin crew.

5.14 Responsibilities of all crewmembers.

6.0 ADMINISTRATION

6.1 General requirements for air operator certificate;

6.2 Application for air operator certificate;

6.3 Requirement for air transport licence;

6.4 Form of certificate;

6.5 Renewal of certificate;

6.6 Variation of certificate;

6.7 Revocation of certificate;

6.8 Exits and break-in markings;

6.9 Drunkenness in aircraft;

6.10 Smoking in aircraft;

6.11 Imperilling safety of aircraft;

6.12 Stowaways;

6.13 Carriage of livestock;

6.14 Carriage of dangerous goods;

6.15 Carriage of weapons of war;

6.16 Carriage of unauthorized persons;

6.17 A description of security policies and procedures for handling and reporting crime on board such as unlawful interference, sabotage, bomb threats, and hijacking.

6.18 Security instructions and guidance of a non-confidential nature which shall include the authority and responsibilities of operations personnel.

6.19 A description of preventative security measures and training. (Note: Parts of the security instructions and guidance may be kept confidential.)

6.20 Vehicle ferry operations;

6.21 Provision of navigation flight plan forms;

6.22 Provision of pilot-in-command's brief;

6.23 Provision of operations library;

6.24 Filing airmiss reports;

6.25 Procedures for the handling, notifying and reporting of accidents and occurrences. This section shall include—

- (a) Definitions of accidents and occurrences and the relevant responsibilities of all persons involved;

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- (b) The descriptions of which company departments, Authorities or other institutions have to be notified by which means and in which sequence in case of an accident;
- (c) Special notification requirements in the event of an accident or occurrence when dangerous goods are being carried;
- (d) A description of the requirements to report specific occurrences and accidents;
- (e) The forms used for reporting and the procedure for submitting them to the Authority shall also be included; and
- (f) If the air operator certificate holder develops additional safety related reporting procedures for its own internal use, a description of the applicability and related forms to be used.

6.26 Allowable deficiencies;

6.27 Use of flight plans;

6.28 Use of technical log;

6.29 Method of deferring defects approved by the Authority;

6.30 Carriage of Authority Inspectors.

7.0 STANDARD AND EMERGENCY CHECKLISTS

7.1 Drills and checks to be listed in full in the operative manual;

7.2 Checks required prior to take-off;

7.3 Checks required prior to landing;

7.4 Checking/setting V_{ref} ;

7.5 Check of safety altitude before descent;

7.6 Emergency drill—items to be covered;

7.7 Checklists for two pilot crews;

7.8 Checklist for flight engineers;

7.9 Checklist for single pilot crews;

7.10 Instruction that checklist must be used;

7.11 Requirement for cabin crew to be issued with individual copies of emergency evacuation duties.

7.12 Instructions on the use of autopilot and auto throttle in IMC

8.0 FUEL FLIGHT PLANNING AND RECORDS

8.1 Flight planning formula;

8.2 Island reserve;

8.3 Rules for replanning in flight;

8.4 Effect on fuel consumption of use of ancillary equipment;

8.5 Effect on fuel consumption of engine or system failures;

8.6 Fuel consumption records in flight (every hour);

8.7 Records of uplift and fuel states;

8.8 Retention of fuel records—

- (a) Technical logs; and
- (b) In-flight records.

- 8.9 Retention of fuel records and navigation logs;
- 8.10 Refuelling with passengers on board – special instructions;
- 8.11 Fumes in aircraft;
- 8.12 Jettisoning fuel – special precaution

(C) AREAS, ROUTES AND AERODROMES

1.0 ROUTE OPERATING INFORMATION

- 1.1 Company policy on—
 - (a) Flights on and off airways;
 - (b) Nomination of alternate aerodromes (heliports);
 - (c) Operation of VFR flights; and
 - (d) Cancellation of IFR flight plans.
- 1.2 Details of air operator certificate area of operations;
- 1.3 Details of navigation area restrictions;
- 1.4 Procedure or visual signals on intercept
- 1.5 Details of radio area restrictions;
- 1.6 Definition of public transport;
- 1.7 Flight plan/navigation forms – items to be provided for—
 - (a) to be retained for six months; and
 - (b) Exceptions to the above requirement.
- 1.8 Use of prepared navigational flight plans;
- 1.9 Where relevant Long range and ETOPS procedures
- 1.10 Navigation log forms for use by navigators;
- 1.11 Radio equipment required to be carried;
- 1.12 Operation of radio in aircraft;
- 1.13 Procedure for pilot-in-command observing an accident
- 1.14 Radio failure procedures;
- 1.15 Minimum safe altitudes and methods of determining the MSA;
- 1.16 Procedures for operating above 15000 m (49000ft);
- 1.17 Terrain clearance following loss of engine(s);
- 1.18 Minimum aerodrome facilities for approach and landing
- 1.19 Methods for determining aerodrome operating minima;
- 1.20 Documents to be carried on commercial air transport aircraft;
- 1.21 Details of aircraft library and navigation bag;
- 1.22 Flying staff instructions or notices—
 - (a) Operational;
 - (b) Technical;
 - (c) Administration; and
 - (d) Time limit after issue.
- 1.23 Requirement to carry life rafts;
- 1.24 Provision and use of oxygen;

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- 1.25 Briefing of passengers in use of oxygen;
- 1.26 Noise abatement procedures;
- 1.27 Allowable deficiencies—guidance to pilots-in-command.
- 1.28 Procedures for operating in, and/or avoiding, and reporting potentially hazardous atmospheric conditions including—
 - (a) Thunderstorms;
 - (b) Icing conditions;
 - (c) Turbulence,
 - (d) Windshear;
 - (e) Jet stream;
 - (f) Volcanic ash clouds;
 - (g) Heavy precipitation;
 - (h) Sand storms;
 - (i) Mountain waves; and
 - (j) Significant temperature inversions.
- 1.29 Procedure for familiarization with areas, routes and aerodromes
- 1.30 The following operating restrictions—
 - (a) Cold weather operations
 - (b) Take-off and landing in turbulence
 - (c) Low-level wind shear operations
 - (d) Cross-wind operations (including tail wind components)
 - (e) High temperature operations
 - (f) High altitude operations.

2.0 AERODROME OPERATING MINIMA

- 2.1 Operating minima to be included for every airfield used regularly in respect of take-off, landing and visual manoeuvring;
- 2.2 Runways NOT to be used to be clearly indicated;
- 2.3 Conditions for commencing a flight and departure contingency procedures;
- 2.4 Conditions for commencing or continuing an approach;
- 2.5 Stabilized approach procedures and limitations on high rates of descend near the surface
- 2.6 Definitions of—
 - (a) Decision height;
 - (b) Approach to landing;
 - (c) Circling approach procedures; and
 - (d) RVR, etc.
 - (e) Stabilized approach
- 2.7 Minima for pilots-in-command with limited experience on type;
- 2.8 Take-off and landing when an RVR is reported;
- 2.9 Take-off and landing when RVR is reported from more than one position on the runway;
- 2.10 Instructions concerning landing in shallow fog;

- 2.11 Alternate for each intended destination to be specified;
- 2.12 General guidance concerning selection of alternate aerodrome;
- 2.13 Guidance concerning selection of 'return' alternate;
- 2.14 Instructions concerning the use of return alternate – weather below landing minima;
- 2.15 Minima for aerodromes without approach aids;
- 2.16 Special minima for non-public transport flights;
- 2.17 Special rules for aircraft with performance category C, D or E;
- 2.18 Calculation of in-flight visibility for manoeuvring;
- 2.19 Relationship between RVR and DH;
- 2.20 Conversion of reported MET visibility to RVR; and
- 2.21 Explanatory material on the decoding of MET forecasts and MET reports relevant to the area of operations, including the interpretation of conditional expressions.

3.0 PERFORMANCE DATA

- 3.1 Simplified Regulated Take-off Mass (RTOM) or landing mass data;
- 3.2 Calculation of V_{NO} , V_{Ne} , etc.;
- 3.3 Calculation of V_1 , V_2 and V_{ref} ;
- 3.4 En-route performance, limitations;
- 3.5 Flights over water;
- 3.6 Effect on performance of take-off procedures at particular aerodromes
- 3.7 Effect of noise abatement requirements;
- 3.8 Abnormal pressurization affecting performance;
- 3.9 Definitions of—
 - (a) Landing distance;
 - (b) Take-off distance; and
 - (c) Emergency distance, etc.
- 3.10 Factors arising from runway surface conditions—
 - (a) Water;
 - (b) Snow and slush;
 - (c) Ice; and
 - (d) Grass.
- 3.11 Minimum strip width after snow clearance;
- 3.12 Cross-wind limitations;
- 3.13 Maximum wind velocity – light aircraft;
- 3.14 Airworthiness or flight manual approval for above;
- 3.15 Flight manual performance figures;
- 3.16 Compliance with any special handling instructions NOT specified in Certificate of Airworthiness or Flight Manual;
- 3.17 Ferry flights with one engine inoperative;
- 3.18 Handling techniques – one engine inoperative;

[Subsidiary]

3.19 Weather and route limitations; and

3.20 Fuel consumption.

4.0 TECHNICAL INFORMATION

4.1 Airframe leading particulars;

4.2 Simplified description of systems;

4.3 System pressures;

4.4 Fuel system;

4.5 Flying controls, etc.;

4.6 Airframe limitations—

(a) V_{NO} ;

(b) V_{NE} ; and

(c) $V_{MO/MMO}$, etc.;

4.7 Engine – basic details;

4.8 Engine limitations;

4.9 Engine handling procedures;

4.10 Approved types of—

(a) Fuel;

(b) Oil;

(c) Coolant;

(d) Hydraulic fluid;

(e) Water/methanol;

(f) Anti-icing fluid, etc.;

4.11 Replenishment of all systems;

4.12 Refuelling or de-fuelling;

4.13 Operating instructions – all systems;

4.14 Electrical;

4.15 Hydraulic;

4.16 Brakes;

4.17 Anti-icing;

4.18 Oxygen, etc.;

4.19 Radio equipment – general description;

4.20 Radio equipment – operating instructions;

4.21 Operating instructions for—

(a) Auto-pilot;

(b) Flight director system;

(c) Flight recorder; and

(d) Special navigation equipment, etc.

4.22 Pre-flight inspections by crew;

4.23 Abnormal drills—

(a) Inverter failure;

(b) Flight systems failures, etc.;

- 4.24 Aircraft handling techniques—
 - (a) following loss of engine;
 - (b) in turbulence; and
 - (c) on slippery surfaces, etc.;
- 4.25 Safety precautions (no smoking);
- 4.26 Operation with defective fuel tank;
- 4.27 Method of use of oxygen.

(D) TRAINING

1.0 Training Syllabi And Checking Programmes

1.1 General Requirements

Training syllabi and checking programmes for all operations personnel assigned to operational duties in connection with the preparation and/or conduct of a flight shall be developed to meet the respective requirements of the Authority. An air operator certificate holder may not use, nor may any person serve in a required crewmember capacity or operational capacity unless that person meets the training and currency requirements established by the Authority for that respective position.

1.2 Flight Crew

The training syllabi and checking programmes for flight crew members shall include—

- (a) A written training programme acceptable to the Authority that provides for initial, transition, difference, and recurrent training, as appropriate, for cockpit crewmembers for each type of aircraft flown by that crewmember. This written training programme shall include both normal and emergency procedures training applicable for each type of aircraft flown by the crewmember.
- (b) Adequate ground and flight training facilities and properly qualified instructors required to meet training objectives and needs.
- (c) A current list of approved training materials, equipment, training devices, simulators, and other required training items needed to meet the training needs for each type and variation of aircraft flown by the air operator certificate holder.
- (d) Adequate numbers of ground, flight, and check pilots to ensure adequate training and flight testing of flight crew members.
- (e) A record system acceptable to the Authority to show compliance with appropriate training and currency requirements.

1.3 Cabin Crew

The training syllabi and checking programmes for cabin crew members shall include—

- (a) Basic initial ground training covering duties and responsibilities.
- (b) Appropriate Authority rules and regulations.
- (c) Appropriate portions of the air operator certificate holder's operating manual.
- (d) Appropriate emergency training as required by the Authority and the air operator certificate holder's operating manual.
- (e) Appropriate flight training.

[Subsidiary]

- (f) Appropriate recurrent, upgrade, or difference training, as required, to maintain currency in both type and any variance the crew member may be required to work in.
- (g) Maintain a training record system acceptable to the Authority to show compliance with all required training.

1.4 All Aircraft Crew

A written training programme shall be developed for all aircraft crew members in the emergency procedures appropriate to each make and model of aircraft flown in by the crew member. Areas shall include—

- (a) Instruction in emergency procedures, assignments, and crew co-ordination.
- (b) Individual instruction in the use of onboard emergency equipment such as fire extinguishers, emergency breathing equipment, first aid equipment and its proper use, emergency exits and evacuation slides, and the aircraft's oxygen system including the use of portable emergency oxygen bottles. Cockpit crewmembers shall also practice using their emergency equipment designed to protect them in case of a cockpit fire or smoke.
- (c) Training shall also include instruction in potential emergencies such as rapid decompression, ditching, fire fighting, aircraft evacuation, medical emergencies, hijacking, and disruptive passengers.
- (d) Scheduled recurrent training to meet Authority requirements.

1.5 All Operations Personnel

The training syllabi and checking programmes for all operations personnel shall include—

- (a) Training in the safe transportation and recognition of all dangerous goods permitted by the Authority to be shipped by air. Training shall include the proper packaging, marking, labelling, and documentation of dangerous articles and magnetised materials.
- (b) All appropriate security training required by the Authority.
- (c) A method of providing any required notification of an accident or incident involving dangerous good.

1.6 Operations Personnel Other Than Aircraft Crew

Operations personnel other than aircraft crew (e.g., flight operations officer, handling personnel etc.), a written training programme shall be developed that pertains to their respective duties. The training programme shall provide for initial, recurrent, and any required upgrade training.

2.0 Procedures for Training and Checking**2.1 Proficiency Checking Procedure**

Procedures to be applied in the event that personnel do not achieve or maintain the required standards.

2.2 Procedures Involving the Simulation of Abnormal or Emergency Situations

Procedures to ensure that abnormal or emergency situations requiring the application of part or all of abnormal or emergency procedures, and simulation of IMC by artificial means, are not simulated during commercial air transportation flights.

3.0 Document Retention

3.1 Documentation To Be Stored And Storage Periods

An air operator certificate holder shall retain all documentation required by appropriate Authority or the Authority of a foreign country in which the air operator certificate holder is operating for the time specified by the respective Authority or for the time period needed to show compliance with appropriate regulations or this operations manual, whichever is longer.

SECOND SCHEDULE

[Regulation 32(3).]

AIRCRAFT OPERATING MANUAL

1.0 General Information and Units of Measurement

1.1 General Information (e.g. aircraft dimensions), including a description of the units of measurement used for the operation of the aircraft type concerned and conversion tables.

2.0 Limitations

2.1 Certification and Operational Limitations

A description of the certified limitations and the applicable operational limitations including—

- (a) Certification status;
- (b) An approved-passenger seating configuration for each aircraft type including a pictorial presentation;
- (c) Types of operation that are approved (e.g. IFR/VFR, CAT II/III, flights in known icing conditions etc.);
- (d) Crew composition;
- (e) Operating within mass and centre of gravity limitations;
- (f) Speed limitations;
- (g) Flight envelopes;
- (h) Wind limits including operations on contaminated runways;
- (i) Performance limitations for applicable configurations;
- (j) Runway slope;
- (k) Limitations on wet or contaminated runways;
- (l) Airframe contamination; and
- (m) Post landing

3.0 Operating Procedures

3.1 Normal Procedures

The normal procedures and duties assigned to the crew, the appropriate checklists, the system for use of the checklists and a statement covering the necessary co-ordination procedures between flight and cabin crew. The following normal procedures and duties shall be included—

- (a) Pre-flight;

[Subsidiary]

- (b) Pre-departure and loading;
- (c) Altimeter setting and checking;
- (d) Taxi, Take-Off and Climb;
- (e) Noise abatement;
- (f) Cruise and descent;
- (g) Approach, landing preparation and briefing;
- (h) VFR approach;
- (i) Instrument approach;
- (j) Visual approach and circling;
- (k) Missed approach;
- (l) Normal landing;
- (m) Post landing; and
- (n) Operation on wet and contaminated runways.

3.2 Specific Cockpit Procedures

- (a) Determining airworthiness of aircraft
- (b) Obtaining flight release
- (c) Initial cockpit preparation
- (d) Standard operating procedures
- (e) Cockpit discipline
- (f) Standard call-outs
- (d) Communications
- (e) Flight safety
- (f) Push-back and towing procedures
- (g) Taxi guidelines and ramp signals
- (h) Take-off and climb out procedures
- (i) Choice of runway
- (j) Take-off in limited visibility
- (k) Take-off in adverse weather
- (l) Use and limitations of weather radar
- (m) Use of landing lights
- (n) Monitoring of flight instruments
- (o) Power settings for take-off
- (p) Malfunctions during take-off
- (q) Rejected take-off decision
- (r) Climb, best angle, best rate
- (s) Sterile cockpit procedures
- (t) En route and holding procedures
- (u) Cruise control
- (v) Navigation log book
- (w) Descent, approach and landing procedures

- (x) Standard call-outs
- (y) Reporting maintenance problems
- (z) How to obtain maintenance and service en route

3.3 Abnormal and Emergency Procedures

The manual shall contain a listing of abnormal and emergency procedures assigned to crew members with appropriate check-lists that include a system for use of the check-lists and a statement covering the necessary co-ordination procedures between flight and cabin crew. The following abnormal and emergency procedures and duties shall be included—

- (a) Crew incapacitation;
- (b) Fire and smoke drills;
- (c) Unpressurised and partially pressurised flight;
- (d) Exceeding structural limits such as overweight landing;
- (e) Exceeding cosmic radiation limits;
- (f) Lightning strikes
- (g) Distress communications and alerting ATC to emergencies;
- (h) Engine failure;
- (i) System failures;
- (j) Guidance for diversion in case of serious technical failure;
- (k) Ground proximity warning;
- (l) TCAS warning;
- (m) Windshear; and
- (n) Emergency landing/ditching.
- (o) Aircraft evacuation
- (p) Fuel Jettisoning and Overweight Landing—
 - General considerations and policy
 - Fuel jettisoning procedures and precautions
- (q) Emergency Procedures—
 - Emergency descent
 - Low fuel
 - Dangerous goods incident or accident
- (r) Interception procedures
- (s) Emergency signal for cabin attendants
- (t) Communication Procedures
- (u) Radio listening watch

4.0 Performance Data

4.1 Performance data shall be provided in a form in which it can be used without difficulty.

4.2 Performance material which provides the necessary data to allow the flight crew to comply with the approved aircraft flight manual performance requirements shall be included to allow the determination of—

- (a) Take-off climb limits – Mass, Altitude, Temperature;

[Subsidiary]

- (b) Take-off field length (dry, wet, contaminated);
- (c) Net flight path data for obstacle clearance calculation or, where applicable, take-off flight path;
- (d) The gradient losses for banked climb outs;
- (e) En route climb limits;
- (f) Approach climb limits;
- (g) Landing climb limits;
- (h) Landing field length (dry, wet, contaminated) including the effects of an inflight failure of a system or device, if it affects the landing distance;
- (i) Brake energy limits; and
- (j) Speeds applicable for the various flight stages (also considering wet or contaminated runways).

4.3 Supplementary Performance Data

Supplementary data covering flights in icing conditions. Any certified performance related to an allowable configuration, or configuration deviation, such as anti-skid inoperative, shall be included.

4.4 Other Acceptable Performance Data

If performance data, as required for the appropriate performance class, is not available in the approved AFM, then other data acceptable to the Authority shall be included. Alternatively, the operations manual may contain cross-reference to the approved data contained in the AFM where such data is not likely to be used often or in an emergency.

4.5 Additional Performance Data

Additional performance data where applicable including—

- (a) All engine climb gradients;
- (b) Drift-down data;
- (c) Effect of de-icing/anti-icing fluids;
- (d) Flight with landing gear down;.
- (e) For aircraft with three or more engines, one engine inoperative ferry flights; and
- (f) Flights conducted under the provisions of a configuration deviation list.

5.0 Flight Planning**5.1 Flight Planning Data**

Data and instructions necessary for pre-flight and inflight planning including factors such as speed schedules and power settings. Where applicable, procedures for engine(s) out operations, ETOPS and flights to isolated airports shall be included.

5.2 Fuel Calculations

The method for calculating fuel needed for the various stages of flight.

6.0 Mass And Balance**6.1 Calculating Mass and Balance**

Instructions and data for the calculation of mass and balance including—

- (a) Calculation system (e.g. Index system);

[Subsidiary]

- (b) Information and instructions for completion of mass and balance documentation, including manual and computer generated types;
- (c) Limiting mass and centre of gravity of the various versions;
- (d) Dry operating mass and corresponding centre of gravity or index.

7.0 Loading

7.1 Loading Procedures

Procedures and provisions for loading and securing the load in the aircraft.

7.2 Loading Dangerous Goods

The operations manual shall contain a method to notify the PIC when dangerous goods is loaded in the aircraft.

8.0 Survival And Emergency Equipment Including Oxygen

8.1 List of Survival Equipment to be Carried

A list of the survival equipment to be carried for the routes to be flown and the procedures for checking the serviceability of this equipment prior to take-off. Instructions regarding the location, accessibility and use of survival and emergency equipment and its associated check list(s) shall also be included.

8.2 Oxygen Usage

The procedure for determining the amount of oxygen required and the quantity that is available. The flight profile, number of occupants and possible cabin decompression shall be considered. The information provided shall be in a form in which it can be used without difficulty.

8.3 Emergency Equipment Usage

A description of the proper use of the following emergency equipment—

- (a) Life jackets
- (b) Life rafts
- (c) Medical kits/first aid kits
- (d) Survival kits
- (e) Emergency locator transmitter
- (f) Visual signalling devices
- (g) Evacuation slides
- (h) Emergency lighting

9.0 Emergency Evacuation Procedures

9.1 Instructions for Emergency Evacuation

Instructions for preparation for emergency evacuation including, crew co-ordination and emergency station assignment.

9.2 Emergency Evacuation Procedures

A description of the duties of all members of the crew for the rapid evacuation of an aircraft and the handling of the passengers in the event of a forced landing, ditching or other emergency.

[Subsidiary]

10.0 Aircraft Systems

10.1 Aircraft Systems

A description of the aircraft systems, related controls and indications and operating instructions.

11.0 Route and Airport Instructions and Information (optional for this manual)

11.1 Instructions and Information

Instructions and information relating to communications, navigation and airports including minimum flight levels and altitudes for each route to be flown and operating minima for each airport planned to be used, including—

- (a) Minimum flight level/altitude;
- (b) Operating minima for departure, destination and alternate airports;
- (c) Communication facilities and navigation aids;
- (d) Runway data and airport facilities;
- (e) Approach, missed approach and departure procedures including noise abatement procedures;
- (f) Communications-failure procedures;
- (g) Search and rescue facilities in the area over which the aircraft is to be flown;
- (h) A description of the aeronautical charts that shall be carried on board in relation to the type of flight and the route to be flown, including the method to check their validity;
- (i) Availability of aeronautical information and MET services;
- (j) En route COM/NAV procedures, including holding;
- (k) Airport categorisation for flight crew competence qualification.

THIRD SCHEDULE

[Regulation 43(3).]

CABIN CREWMEMBER MANUAL

1.0 General

- 1.1 Manual record of revision sheet and effective list of pages
- 1.2 How to use the manual
- 1.3 Where to obtain revisions
- 1.4 How to revise the manual
- 1.5 Cabin crewmembers' responsibilities regarding the manual

2.0 Organization

- 2.1 Duties and responsibilities of each airline employee
- 2.2 Focal points for all company procedural and training manuals

3.0 Government Regulations and Requirements and Related Company Policies

- 3.1 Routine/normal operating procedures

4.0 Passenger Handling

- 4.1 Handicapped and disabled passengers
- 4.2 Interference
- 4.3 Current security procedures
- 4.4 Carriage of assist animals versus carriage of pets (company policy)

5.0 General Emergency Procedures**5.1 Decompression****5.2 Procedures for planned and unplanned evacuation on land and in water**

- (a) Cabin preparation
- (b) Securing of cabin and galley
- (c) Review of passenger safety procedures and survival equipment
- (d) Brace positions
- (e) Able-bodies passenger briefing and procedures

5.3 Brace Positions for Passengers and Crew

- (a) Forward and aft seats
- (b) High and low density seating

5.4 Abnormal Procedures

- (a) Engine torching
- (b) Passenger initiation of evacuation
- (c) Passenger reporting of unsafe conditions of aircraft or other passengers

5.5 Turbulence**6.0 First Aid**

- 6.1 Illness and Injuries
- 6.2 Symptoms
- 6.3 Immediate Treatment
- 6.4 Universal Precautions
- 6.5 Bloodborne Pathogens
- 6.6 Use of Medical Equipment and First Aid Equipment

7.0 Aircraft Specific Sections

(This should include one section for each type of aircraft to include differences within the same type of aircraft).

7.1 Description of Particular Aircraft from Nose to Tail

- (a) Description
- (b) Operation
- (c) Pre-flight of all equipment, including passenger convenience item through emergency equipment, stowage areas and placarding.

[Subsidiary]**7.2 Reporting Procedures of Inoperative Equipment and Emergencies Procedures Specific to Each Aircraft Type****8.0 International Rules/Regulations/Paperwork**

FOURTH SCHEDULE

[Regulation 54(2).]

FLIGHT SAFETY DOCUMENTS SYSTEM

1. Introduction

1.1 The guidelines in this Schedule address the major aspects of an operator's flight safety documents system development process, with the aim of ensuring compliance with these Regulations.

1.2 The guidelines are based not only upon scientific research, but also upon current best industry practices, with an emphasis on a high degree of operational relevance.

2. Organization

2.1 A flight safety documents system shall be organized according to criteria, which ensure easy access to information, required for flight and ground operations contained in the various operational documents comprising the system and which facilitate management of the distribution and revision of operational documents.

2.2 Information contained in a flight safety documents system shall be grouped according to the importance and use of the information, as follows—

- (a) time critical information, e.g., information that can jeopardize the safety of the operation if not immediately available;
- (b) time sensitive information, e.g., information that can affect the level of safety or delay the operation if not available in a short time period;
- (c) frequently used information;
- (d) reference information, e.g., information that is required for the operation but does not fall under b) or c) above; and
- (e) information that can be grouped based on the phase of operation in which it is used.

2.3 Time critical information shall be placed early and prominently in the flight safety documents system.

2.4 Time critical information, time sensitive information, and frequently used information shall be placed in cards and quick-reference guides.

3. Validation

A flight safety documents system shall be validated before deployment, under realistic conditions. Validation shall involve the critical aspects of the information use, in order to verify its effectiveness. Interactions among all groups that can occur during operations shall also be included in the validation process.

4. Design

4.1 A flight safety documents system shall maintain consistency in terminology and in the use of standard terms for common items and actions.

[Subsidiary]

4.2 Operational documents shall include a glossary of terms, acronyms and their standard definition, updated on a regular basis to ensure access to the most recent terminology. All significant terms, acronyms and abbreviations included in the flight documents system shall be defined.

4.3 A flight safety documents system shall ensure standardization across document types, including writing style, terminology, use of graphics and symbols, and formatting across documents. This includes a consistent location of specific types of information, consistent use of units of measurement and consistent use of codes.

4.4 A flight safety documents system shall include a master index to locate, in a timely manner, information included in more than one operational document.

Note.— The master index must be placed in the front of each document and consist of no more than three levels of indexing. Pages containing abnormal and emergency information must be tabbed for direct access.

4.5 A flight safety documents system shall comply with the requirements of the operator's quality system, if applicable.

5. Deployment

Operators shall monitor deployment of the flight safety documents system, to ensure appropriate and realistic use of the documents, based on the characteristics of the operational environment and in a way which is both operationally relevant and beneficial to operational personnel. This monitoring shall include a formal feedback system for obtaining input from operational personnel.

6. Amendment

6.1 Operators shall develop an information gathering, review, distribution and revision control system to process information and data obtained from all sources relevant to the type of operation conducted, including, but not limited to, the State of the Operator, State of design, State of Registry, manufacturers and equipment vendors.

Note. — Manufacturers provide information for the operation of specific aircraft that emphasizes the aircraft systems and procedures under conditions that may not fully match the requirements of operators. Operators shall ensure that such information meets their specific needs and those of the local authority.

6.2 Operators shall develop an information gathering, review and distribution system to process information resulting from changes that originate within the operator, including—

- (a) changes resulting from the installation of new equipment;
- (b) changes in response to operating experience;
- (c) changes in an operator's policies and procedures;
- (d) changes in an operator certificate; and
- (e) changes for purposes of maintaining cross fleet standardization.

Note.— Operators shall ensure that crew co-ordination philosophy, policies and procedures are specific to their operation.

6.3 A flight safety documents system shall be reviewed—

- (a) on a regular basis (at least once a year);
- (b) after major events (mergers, acquisitions, rapid growth, downsizing, etc.);
- (c) after technology changes (introduction of new equipment); and
- (d) after changes in safety regulations.

[Subsidiary]

6.4 Operators shall develop methods of communicating new information. The specific methods shall be responsive to the degree of communication urgency.

Note.— As frequent changes diminish the importance of new or modified procedures, it is desirable to minimize changes to the flight safety documents system.

6.5 New information shall be reviewed and validated considering its effects on the entire flight safety documents system.

6.6 The method of communicating new information shall be complemented by a tracking system to ensure currency by operational personnel. The tracking system shall include a procedure to verify that operational personnel have the most recent updates.

FIFTH SCHEDULE

[Regulation 58(4).]

MAINTENANCE CONTROL MANUAL

1. Each air operator certificate applicant and air operator certificate holder shall submit and maintain a maintenance control manual containing at least the information set forth below.

2. The manual may be put together in any subject order and subjects combined so long as all applicable subjects are covered.

1.0 Administration and Control of the Maintenance Control Manual**1.1 Introduction**

- (a) A statement that the manual complies with all applicable Authority regulations and requirements and with the terms and conditions of the applicable Air operator certificate.
- (b) A statement that the manual contains maintenance and operational instructions that are to be complied with by the relevant personnel in the performance of their duties.
- (c) A list and brief description of the various Maintenance Control Manual parts, their contents, applicability and use.
- (d) Explanations and definitions of terms and words used in the manual.

1.2 System of Amendment and Revision

- (a) A Maintenance Control Manual shall describe who is responsible for the issuance and insertion of amendments and revisions.
- (b) A record of amendments and revisions with insertion dates and effective dates is required.
- (c) A statement that hand-written amendments and revisions are not permitted except in situations requiring immediate amendment or revision in the interest of safety.
- (d) A description of the system for the annotation of pages and their effective dates.
- (e) A list of effective pages and their effective dates.
- (f) Annotation of changes (on text pages and as practicable, on charts and diagrams).
- (g) A system for recording temporary revisions.

[Subsidiary]

- (h) A description of the distribution system for the manuals, amendments and revisions.
- (i) A statement of who is responsible for notifying the Authority of proposed changes and working with the Authority on changes requiring Authority approval.

2.0 General Organisation

2.1 Corporate commitment by the air operator certificate

2.2 General information:

- (a) Brief description of organization
- (b) Relationship with other organizations
- (c) Fleet composition Type of operation
- (d) Line station locations

2.3 Maintenance management personnel:

- (a) Accountable Manager
- (b) Nominated Postholder
- (c) Maintenance co-ordination
- (d) Duties and responsibilities
- (e) Organization chart(s)
- (f) Manpower resources and training policy

2.4 Notification procedure to the Authority regarding changes to the maintenance arrangements locations, personnel, activities, or approval.

3.0 Maintenance Procedures

3.1 Aircraft logbook utilization and MEL application

3.2 Aircraft maintenance programme development and amendment.

3.3 Time and maintenance records, responsibilities, retention

3.4 Accomplishment and control of mandatory continued airworthiness information (Airworthiness Directives)

3.5 Analysis of the effectiveness of the maintenance programme

3.6 Non mandatory modification embodiment policy

3.7 Major modification standards

3.8 Defect reports

- (a) Analysis
- (b) Liaison with manufacturers and Regulatory Authorities
- (c) Deferred defect policy

3.9 Engineering activity

3.10 Reliability programmes

- (a) Airframe

[Subsidiary]

- (b) Propulsion
- (c) Components

3.11 Pre flight inspection

- (a) Preparation of aircraft for flight
- (b) Sub contracted Ground Handling functions
- (c) Security of Cargo and Baggage loading
- (d) Control of refuelling, Quantity/Quality
- (e) Control of snow, ice, dust and sand contamination to an approved aviation standard.

3.12 Aircraft weighing**3.13 Flight test procedures****3.14 Sample of documents, tags and forms used****3.15 Appropriate portions of the air operator certificate holder's operations manual**

SIXTH SCHEDULE

[Regulation 106.]

PENALTIES
**PART A – PROVISIONS REFERRED TO IN SUB-REGULATION (2) OF
REGULATION 106**
Regulation

- 9 – Amendment of an air operator certificate.
- 10 – Access for inspection.
- 11 – Conducting tests and inspections.
- 17 – Submission and revision of policy and procedure manuals
- 18 – Retention and maintenance of personnel and other records.
- 19 – Inspection of personnel and other records.
- 20 – Flight recorders records.
- 23 – Dry leasing of foreign registered aircraft.
- 35 – Required cabin crewmembers
- 36 – Carriage of special situation passengers.
- 52 – Routes and areas of operation
- 53 – Enroute navigational facilities.
- 56 – Maintenance responsibility
- 57 – Approval and acceptance of air operator certificate maintenance systems.
- 64 – Release to service or maintenance section records of the technical log.
- 66 – Aircraft maintenance programme.
- 74 – Compliance with Technical Instructions.
- 75 – Limitations on the transport of dangerous goods.
- 76 – Classification of dangerous goods
- 77 – Packing.
- 78 – Labelling and marking.

SIXTH SCHEDULE—*continued*

Regulation

- 79 – Dangerous goods transport document.
- 80 – Acceptance of dangerous goods.
- 81 – Inspection for damage, leakage or contamination.
- 82 – Removal of contamination.
- 83 – Loading restrictions.
- 84 – Provision of information.
- 86 – Dangerous goods incident and accident reports
- 87 – Possession of certificate, authorization, e.t.c.,
- 88 – Drug and alcohol testing and reporting.
- 90 – Inspection of certificates of registration.

PART B – PROVISIONS REFERRED TO IN SUB-REGULATION (3) OF
REGULATION 106

Regulation

- 4 – Compliance with an air operator certificate.
 - 22 – Authorized aircraft.
 - 73 – Approval to transport dangerous goods.
 - 95 – Use and retention of certificates and records.
-

**CIVIL AVIATION (RULES OF THE AIR AND AIR TRAFFIC CONTROL)
REGULATIONS, 2007**

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REGULATIONS, 2007**

[L.N. 36/2007]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its altitude, an abnormal altitude, or an abnormal variation in speed;

“advisory airspace” means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aerodrome control tower” means a unit established to provide air traffic control service to aerodrome traffic;

“aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

“aerodrome traffic zone” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

“aeronautical information publication” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

“aeronautical mobile service” means a mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate;

“aeronautical station” means a land station in the aeronautical mobile service which in certain instances, may be located, for example, on board a ship or on a platform at sea;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“airborne collision avoidance system” means an aircraft system based on secondary surveillance radar transponder signals which operates independently of ground based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with secondary surveillance radar transponders;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface;

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

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“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on instrument flight rules flight plans;

“air traffic control clearance” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

“air traffic control service” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft; and
 - (ii) on maneuvering area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

“air traffic control unit” means an area control centre, approach control unit or aerodrome control tower;

“air traffic service” means flight information service, alerting service, air traffic advisory service, or air traffic control service;

“air traffic services airspaces” means airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

“air traffic services reporting office” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

“air traffic services route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“air traffic services unit” includes an air traffic control unit, flight information centre or air traffic services reporting office;

“airway” means a control area or a portion thereof established in the form of a corridor;

“alerting service” means a service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing and includes the following—

- (a) take-off alternate; an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;
- (b) en route alternate; an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;
- (c) extended range operation by turbine-engined aeroplanes en route alternate; a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en route in an extended range operation by turbine-engined aeroplanes operation; and
- (d) destination alternate; an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

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“anti-collision light” means a flashing red or flashing white light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

“approach control service” means air traffic control service for arriving or departing controlled flights;

“approach control unit” means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

“appropriate air traffic services authority” means the relevant authority designated by the State responsible for providing air traffic services in the airspace concerned;

“appropriate authority”—

- (a) in relation to flight over the high seas, means the relevant authority of the State of Registry;
- (b) in relation to flight other than over the high seas, means the relevant authority of the State having sovereignty over the territory being overflown;

“apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

“area control centre” means a unit established to provide air traffic control service to controlled flights in control areas under its jurisdiction;

“area control service” means air traffic control service for controlled flights in control areas;

“Authority” means the Kenya Civil Aviation Authority;

“automatic dependent surveillance” means a surveillance technique in which aircraft automatically provide, via a data link, data derived from on-board navigation and position-fixing systems, including aircraft identification, four dimensional position and additional data as appropriate;

“ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6 000 metres (20 000 feet) covering more than half the sky;

“changeover point” means the point at which an aircraft navigating on an air traffic services route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft;

“clearance limit” means the point to which an aircraft is granted an air traffic control clearance;

“competent authority” in relation to Kenya, means the Authority and, in relation to any other State, the authority responsible under the law of that State for promoting the safety of civil aviation;

“control area” means a controlled airspace extending upwards from a specified limit above the earth;

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

“controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;

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“controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification and covers air traffic services airspace Classes A, B, C, D and E as described in these Regulations;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“cruising level” means a level maintained during a significant portion of a flight;

“current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;

“danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

“data link communications” means a form of communication intended for the exchange of messages via a data link;

“estimated off-block time” means the estimated time at which the aircraft will commence movement associated with departure;

“estimated time of arrival”—

- (a) for instrument flight rules flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if on navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome;
- (b) for visual flight rules flights means the time at which it is estimated that the aircraft will arrive over the aerodrome;

“expected approach time” means the time at which air traffic control expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing;

“filed flight plan” means the flight plan as filed with an air traffic services unit by the pilot or a designated representative, without any subsequent changes;

“flight” means in the case of—

- (a) an aeroplane or glider, from the moment it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (b) an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

“flight information centre” means a unit established to provide flight information service and alerting service;

“flight information region” means an airspace of defined dimensions within which flight information service and alerting service are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;

“flight plan” means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;

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“flight visibility” means the visibility forward from the cockpit of an aircraft in flight;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain, fixed under given conditions of flight;

“ground visibility” means the visibility at an aerodrome, as reported by an accredited observer;

“heading” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“height” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power driven rotors on substantially vertical axis;

“instrument approach procedure” means a series of pre-determined manoeuvres by reference to flight instruments, with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply and is classified as follows—

- (a) on-precision approach procedure – an instrument approach procedure which utilizes lateral guidance but does not utilize vertical guidance;
- (b) approach procedure with vertical guidance – an instrument approach procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations;
- (c) precision approach procedure – an instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation;

“instrument flight rules flight” means a flight conducted in accordance with the instrument flight rules;

“instrument meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“level” means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

“manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

“movement area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

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“overtaking aircraft” means an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, so that it is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft’s left (port) or right (starboard) navigation lights;

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“pilot-in-command” means the pilot designated by the operator, or in the case of general aviation, the owner as being in command and charged with the safe conduct of a flight;

“pressure-altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;

“prohibited area” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

“radiotelephony” means a form of radio communication primarily intended for the exchange of information in the form of speech;

“repetitive flight plan” means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by air traffic services units;

“reporting point” means a specified geographical location in relation to which the position of an aircraft can be reported;

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“runway-holding position” means a designated position intended to protect—

- (a) a runway;
- (b) an obstacle limitation surface; or
- (c) an instrument landing system or microwave landing system critical area or sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

“safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

“secondary surveillance radar” means a surveillance radar system which uses interrogators and transponders;

“signal area” means an area on an aerodrome used for the display of ground signals;

“simulated instrument flight” means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft;

“special visual flight rules” means a controlled visual flight rules traffic authorized by air traffic control to operate within the control zone under meteorological conditions below the visual meteorological conditions or at night;

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“taxiing” means movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including—

- (a) aircraft stand taxilane – a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) apron taxiway – a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) rapid exit taxiway – a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;

“total estimated elapsed time”—

- (a) for instrument flight rules flights means the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome;
- (b) for visual flight rules flights means the estimated time required from take-off to arrive over the destination aerodrome;

“track” means the projection on the earth’s surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“visibility” for aeronautical purposes means the greater of—

- (a) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background;
- (b) the greatest distance at which lights in the vicinity of 1000 candelas can be seen and identified against an unlit background;

“visual flight rules flight” means a flight conducted in accordance with the visual flight rules;

“visual meteorological conditions” means meteorological conditions expressed in terms of visibility distance from cloud, and ceiling, equal to or better than specified minima.

PART II – GENERAL FLIGHT RULES

3. Compliance with the rules of the air and air traffic control

(1) Every person and every aircraft, including State aircraft shall comply with these Regulations.

(2) Subject to the provisions of sub-regulation (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, these Regulations.

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(3) The pilot-in-command of an aircraft shall be responsible for the operation of the aircraft in accordance with these Regulations, except that he may depart from them in the interest of safety to the extent necessary—

- (a) to avoid immediate danger or in an emergency situation;
- (b) to comply with the law of any State other than Kenya within which the aircraft then is.

(4) If any departure from these Regulations is made for the purpose of avoiding immediate danger or in an emergency situation, the pilot-in-command shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given without delay, and in any case within ten days thereafter, to the competent authority of the State in whose territory the departure was made with a copy of it to the Authority and the State of the operator, and in the case of a Kenyan aircraft, if the departure was made over the high seas, to the Authority.

(5) Nothing in these Regulations shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

(6) The Authority may, for the purpose of promoting the safety of aircraft, make rules as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of aircraft which the Authority may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such rules.

*Protection of Persons and Property***4. Negligent or reckless operation of aircraft**

A person shall not operate an aircraft wilfully, negligently or recklessly in a manner so as to endanger life or property.

5. Low flying

(1) Subject to the provisions of sub-regulations (2) and (3)—

- (a) a person shall not fly an aircraft, other than a helicopter, over any congested area of a city, town or settlement below—
 - (i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or
 - (ii) a height of 1,000 feet above the highest fixed object within 600 metres of the aircraft,whichever is the higher;
- (b) a person shall not fly a helicopter below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit;
- (c) except with the permission in writing of the Authority and in accordance with any condition therein specified, a person shall not fly a helicopter over a congested area of a city, town or settlement below a height of 1,000 feet above the highest fixed object within 600 metres of the helicopter;
- (d) a person shall not fly an aircraft—
 - (i) over, or within one thousand metres of any assembly in the open air of more than one thousand persons assembled for the purpose of witnessing or participating in any organised event, except with the

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permission in writing of the Authority and in accordance with any conditions therein specified and with the consent in writing of the organizers of the event; or

- (ii) below such height as would enable it to land clear of the assembly in the event of the failure of a power unit or if such an aircraft is towing a banner the height shall be calculated on the basis that the banner shall not be dropped within one thousand metres of the assembly:

Provided that where a person is charged with an offence under these Regulations by reason of a contravention of this sub-regulation, it shall be a good defence to prove that the flight of the aircraft over, or within one thousand metres of the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly; and

- (e) an aircraft shall not fly less than 500 feet above ground or water.

(2) (a) The provisions of sub-regulation (1)(d) and (e) shall not apply to an aircraft which is being used for police purposes;

(b) the provisions of sub-regulation (1)(e) shall not apply to an aircraft which is being used for aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating provisions of the Civil Aviation (Aerial Work) Regulations.

(c) the provisions of sub-regulation (1)(d) and (e) shall not apply to the flight of an aircraft over or within 1,000 metres of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race contest or an exhibition of flying, if the aircraft is taking part in such a race, contest or exhibition or is engaged in a flight arranged by, or made with the consent in writing of, the organisers of the event, and the races, contest, exhibition or flight is approved by the Authority.

(d) the provisions of sub-regulation (1)(a) shall not apply to—

- (i) an aircraft while it is landing or taking off in accordance with normal aviation practice; or
- (ii) a glider while it is hill-soaring.

(3) Nothing in this Regulation shall prohibit any aircraft from—

- (a) taking off, landing or practising approaches to landing; or
- (b) flying for the purpose of checking navigational aids or procedures in accordance with normal aviation practice at a licensed or certificated aerodrome in Kenya or at any aerodrome in any other State; or
- (c) flying in such a manner as may be necessary for the purpose of saving life:

Provided that in the case of practising approaches to landing, such practising is confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(4) The provisions of this Regulation shall not apply to any captive balloon or kite.

6. Formation flights

A person shall not fly an aircraft in a formation flight except by pre-arrangement among the pilots-in-command of the aircraft taking part in the flight and, for a formation flight in controlled airspace, in accordance with the conditions prescribed by the appropriate air traffic services authority, which conditions shall include—

- (a) the formation operates as a single aircraft with regard to navigation and position reporting;

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- (b) separation between aircraft in the flight shall be the responsibility of the flight leader and the pilots-in-command of the other aircraft in the flight and shall include periods of transition when aircraft are manoeuvring to attain their own separation within the formation flight and during join-up and break-away; and
- (c) a distance not exceeding 1 kilometre (0.5 nautical miles) laterally and longitudinally and 30 metres (100 feet) vertically from the flight leader shall be maintained by each aircraft.

7. Unmanned free balloons

(1) A person who operates an unmanned free balloon shall operate the balloon in such a manner as to minimize hazards to person, property or other aircraft and in accordance with the conditions specified in this Regulation.

(2) Unmanned free balloons shall be classified as—

- (a) light: an unmanned free balloon which carries a pay load of one or more packages with a combined mass of less than 4 kilograms, unless qualifying as a heavy balloon under this paragraph;
- (b) medium: an unmanned free balloon which carries a pay load of two or more packages with a combined mass of 4 kilograms or more but less than 6 kilograms unless qualifying as a heavy balloon under this paragraph;
- (c) heavy: an unmanned free balloon which carries a pay load which—
 - (i) has a combined mass of 6 kilograms or more; or
 - (ii) includes a package of 3 kilograms or more; or
 - (iii) includes a package of 2 kilograms or more with an area density of more than 13 grams per square centimetre; or
 - (iv) uses a rope or other device for suspension of the pay load that requires an impact force of 230 newtons or more to separate the suspended pay load from the balloon, and the “area density” referred to in sub-paragraph (iii) shall be determined by dividing the total mass in grams of the pay load package by area, in square centimetres, of its smallest surface.

(3) An unmanned free balloon shall—

- (a) not be operated without the permission of the Authority;
- (b) not be operated across the territory of another State without the appropriate authorization from that other State unless it is a light balloon used exclusively for meteorological purposes which is operated in a manner prescribed by the Authority;
- (c) be operated in accordance with conditions specified by the Authority while being flown over Kenyan territory;
- (d) be operated in such a manner as to minimize hazards to persons, property or other aircraft;
- (e) not be operated in such a manner that the impact of the balloon or any part thereof, including its pay load, with the surface of the earth would create a hazard to persons or property not connected with the operation;
- (f) where equipped with a trailing antenna that requires a force of more than 230 newtons to break it at any point, not be operated unless the antenna has coloured pennants or streamers that are attached at not more than fifteen metre intervals, and the authorisation referred to in paragraph (b) shall be obtained prior to the launching of the balloon if there is a reasonable expectation when planning the operation that the balloon may

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drift into airspace over the territory of another State, and the authorization may be obtained for a series of balloon flights or for a particular type of recurring flight such as atmospheric research balloon flights.

(4) A medium or heavy unmanned free balloon shall not be released in a manner that may cause it to fly lower than 300 m (1,000 feet) over the congested area of cities, towns, or settlements or an open air assembly of persons not associated with the operation.

(5) A heavy unmanned free balloon shall not be operated—

- (a) over the high seas without prior co-ordination with the appropriate air traffic services authority;
- (b) without authorization from the appropriate air traffic services authority at or through any level below 18,000 metres (60,000 feet) pressure altitude at which—
 - (i) there are clouds or other obscuring phenomena of more than four oktas coverage; or
 - (ii) the horizontal visibility is less than 8 kilometres (5 miles);
- (c) unless—
 - (i) it is equipped with at least two pay load flight termination devices or systems, whether automatic or operating independently of each other;
 - (ii) in the case of polyethylene zero-pressure balloons at least two method systems, devices or combination thereof that function independently of each other are employed for terminating the flight of the balloon services;
 - (iii) the balloon envelope is equipped with either a radar reflective device or radar reflective material that will present an echo to surface radar operating in the 200MHz to 2700MHz frequency range or the balloon is equipped with such other devices as shall permit continuous tracking by the operator beyond the range of ground-based radar;
- (d) in an area where ground-based secondary surveillance radar equipment is in use, unless it is equipped with a transponder, with altitude reporting capability, which is continuously operating on an assigned code or which can be turned on when necessary by the tracking station;
- (e) below 18,000 metres (60,000 feet) pressure-altitude between sunset and sunrise or such other period between sunset and sunrise, corrected to the altitude of operation, as may be prescribed by the appropriate air traffic services authority unless the balloon and its attachments and pay load, whether or not they become separated during the operation, are lighted;
- (f) below 18,000 metres (60,000 feet) pressure-altitude between sunset and sunrise where it is equipped with a suspension device, other than a highly conspicuous coloured open parachute, more than 15 metres long, unless the suspension device is coloured in alternate bands of highly conspicuous colours or has coloured pennants attached.

(6) The operator of a heavy unmanned free balloon shall activate the appropriate termination devices required under sub-regulation (5)(c)—

- (a) when it becomes known that weather conditions are less than those prescribed for the operation;
- (b) if a malfunction or any other reason makes further operation hazardous to air traffic or to persons or property on the surface; or
- (c) prior to unauthorized entry into the airspace over another State's territory.

[Subsidiary]

(7) (a) Early notification of the intended flight of a medium or heavy unmanned free balloon shall be made to the appropriate air traffic services unit not less than seven days before the date of the intended flight and shall include such of the following information as may be required by the appropriate air traffic services unit—

- (i) balloon classification and identification;
- (ii) balloon flight identification or project code name;
- (iii) secondary surveillance radar services code or non-directional radio beacon frequency as applicable;
- (iv) the operator's name and telephone number;
- (v) launch site;
- (vi) estimated time of launch or time of commencement and completion of multiple launches, if multiple launches;
- (vii) expected direction of ascent;
- (viii) cruising level (pressure altitude);
- (ix) the estimated elapsed time to pass 18,000 metres (60,000 feet) together with the estimated location;
- (x) the estimated date and time of termination of the flight and the planned location of the impact or recovery area;

(b) in the case of balloons carrying out flights of long duration, as a result of which the date and time of termination of the flight and the location of the impact cannot be forecast with accuracy, the term "long duration" shall be used;

(c) where the operation consists of continuous launchings, the time to be included is the estimated time at which the first and last launchings in the series will reach the appropriate level (for example, 122136Z-130330Z);

(d) if there is to be more than one location of impact or recovery, each location is to be listed together with the appropriate estimated time of impact, and, where there is to be a series of continuous impacts, the time to be included is the estimated time of the first and last series (for example, 070330Z-072300Z);

(e) any changes in the pre-launch information notified in accordance with paragraph (a) shall be forwarded to the air traffic service unit concerned not less than six hours before the estimated time of launch or in the case of solar or cosmic disturbances investigations involving a critical time element, not less than thirty minutes before the estimated time of the commencement of the operation.

(8) Immediately after a medium or heavy unmanned free balloon is launched, the operator shall give the appropriate air traffic service unit the following information—

- (a) balloon flight identification;
- (b) launch site;
- (c) actual time of launch;
- (d) estimated time at which 18,000 metres (60,000 feet) pressure-altitude shall be passed, or the estimated time at which the cruising level shall be reached if at or below 18,000 metres (60,000 feet) and the estimated location;
- (e) any changes to the information previously given under sub-regulation (6)(a).

(9) The operator shall notify the appropriate air traffic service unit immediately the operator knows that the intended flight of a medium or heavy unmanned free balloon previously notified in accordance with paragraph (6)(a) has been cancelled.

[Subsidiary]

(10) The operator of a heavy unmanned free balloon—

- (a) operating at or below 18,000 metres (60,000 feet) pressure-altitude shall monitor the flight path of the balloon and forward reports of the balloon's position as requested by the air traffic service unit and unless the air traffic service unit require reports of the balloon's position at more frequently intervals the operator shall record the position every two hours;
- (b) operating above 18,000 metres (60,000 feet) pressure-altitude shall monitor the flight progress of the balloon and forward a report of the balloon's position as requested by the air traffic service unit and unless the air traffic service unit require reports of the balloon's position at more frequent intervals the operator shall record the position every twenty-four hours,

and if the position cannot be recorded in accordance with paragraph (a) or (b) the operator shall immediately notify the appropriate air traffic service unit, which notification shall include the last recorded position and shall thereafter notify the appropriate air traffic service unit when the tracking of the balloon is re-established.

(11) An operator shall, one hour before the beginning of the planned descent of a heavy unmanned free balloon, forward to the appropriate air traffic service unit the following information regarding the balloon—

- (a) its current geographical position;
- (b) the current level (pressure-altitude);
- (c) the forecast time of penetrating of 18,000 metres (60,000 feet) pressure-altitude, if applicable; and
- (d) the forecast time and location of ground impact.

(12) The operator of a heavy or medium unmanned free balloon shall notify the appropriate air traffic service unit when the operation has ended.

8. Acrobatic flight

(1) A person shall not operate an aircraft in acrobatic flight except under conditions prescribed by the Authority and as indicated by relevant information, advice or clearance from the appropriate air traffic service unit.

(2) A person shall not operate an aircraft—

- (a) in acrobatic flight—
 - (i) over any city, town or settlement;
 - (ii) over an open air assembly of persons;
 - (iii) below an altitude of 1,500 feet above the surface; or
 - (iv) when the flight visibility is less than five kilometres; or
- (b) in manoeuvres exceeding a bank of sixty degrees or pitch of thirty degrees from level flight attitude unless all occupants of the aircraft are wearing parachutes packed by a qualified parachute rigger in the past twelve months.

9. Right-hand traffic rule

A person flying an aircraft within Kenya in sight of the ground and following a road, railway, canal or coastline, or any other line of landmark, shall keep such road, railway, canal, coastline, or other line of landmark on his left.

10. Prohibited and restricted areas

A person shall not operate an aircraft in a prohibited area or a restricted area, the particulars of which have been duly published, except in accordance with the conditions of the restrictions or by permission of the Government of Kenya.

11. Flights over game parks, game reserves and national parks

A person shall not operate an aircraft except for the purpose of take-off or landing below 1,500 feet, above ground level when operating the aircraft over game parks, game reserves and national parks.

12. Cruising levels

(1) Cruising levels at which a flight or a portion of a flight is to be conducted shall be in terms of—

- (a) flight levels, for flights at or above the lowest usable flight level or, where applicable, above the transition altitude;
- (b) altitudes, for flights below the lowest usable flight level or, where applicable, at or below the transition altitude.

(2) Subject to sub-regulation (5), in order to comply with instrument flight rules, an aircraft when in level flight at or above 1,000 feet over land or water within controlled airspace shall be flown at a level appropriate to its magnetic track as specified in regulation 78.

(3) Subject to sub-regulation (5), in order to comply with instrument flight rules, an aircraft when in level flight at or above 1,000 feet over land or water outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with Table 1.

(4) Except where otherwise indicated in air traffic control clearances or specified by the Authority, visual flight rules flights in level cruising flight when operated at or above 1,000 feet from the ground or water shall be conducted at a flight level appropriate to its magnetic track in accordance with Table 1.

(5) The level of flight shall be measured by an altimeter set according to the system notified, or in the case of flight over a State other than Kenya, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

(6) An aircraft may be flown in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

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[Subsidiary]

TABLE 1 – TABLE OF CRUISING LEVELS – NON-REDUCED VERTICAL SEPARATION MINIMA AIRSPACE

(b) in other areas:		TRACK*											
		From 000 degrees to 179 degrees**						From 180 degrees to 359 degrees**					
FL	IFR Flights Altitude	IFR Flights Altitude		VFR Flights Altitude		IFR Flights Altitude		IFR Flights Altitude		VFR Flights Altitude		IFR Flights Altitude	
		Metres	Feet	FL	Metres	Feet	FL	Metres	Feet	FL	Metres	Metres	Feet
0							0						
10	300		1000				20	600	2000				
30			3000	35	1050	3500	40	1200	4000	45	1350		
50	1500		7000	55	1700	5500	60	1850	6000	65	2000		
70	2150		7000	75	2300	7500	80	2450	8000	85	2600		
90	2750		9000	95	2900	9500	100	3050	10000	105	3200		1 500
110	3350		11000	115	3500	11500	120	3650	12000	125	3800		12 500
130	3950		13000	135	4100	13500	140	4250	14000	145	4400		14 500
150	4550		15000	155	4700	15500	160	4900	16000	165	5050		16 500
170	5200		17000	175	5350	17500	180	5500	18000	185	5650		18 500
190	5800		19000	195	5950	19500	200	6100	20000	205	6250		20 500
210	6400		21000	215	6550	21500	220	6700	22000	225	6850		22 500
230	7000		23000	235	7150	23500	240	7300	24000	245	7450		24 500
250	7600		25000	255	7750	25500	260	7900	26000	265	8100		26 500
270	8250		27000	275	8400	27500	280	8550	28000	285	8700		28 500
290	8850		29000	300	9150	30000	310	9450	31000	320	9750		32 000
330	10050		33000	340	10350	34000	350	10650	35000	360	10950		36 000
370	11300		37000	380	11600	35000	390	11900	39000	400	12200		40 000
410	12500		41000	420	12800	42000	430	13100	43000	440	13400		44 000

TABLE 1—continued

TRACK*										
From 000 degrees to 179 degrees**					From 180 degrees to 359 degrees**					
FL	IFR Flights Altitude		VFR Flights Altitude		FL	IFR Flights Altitude		VFR Flights Altitude		FL
	Metres	Feet	Metres	Feet		Metres	Feet	Metres	Feet	
450	13700	45000	14000	46000	470	14350	47000	14650	48 000	
490	14950	49000	15250	50000	510	15550	51000	15850	52 000	
etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	

* Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to these areas as may be prescribed appropriate ATS authorities, grid tracks as determined by a records of lines parallel to the Greenwich Meridian superimposed on stereographic chart in which the direction towards the North Pole is employed as the grid North.

** Except where on the basis of regional air navigation agreements from 090 to 269 degrees and from 270 to 089 degrees accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.

[Subsidiary]**13. Dropping, spraying, towing and parachute descents**

A person shall not—

- (a) drop any article, substance or spray any substance from the aircraft in flight;
- (b) tow an aircraft or other object; or
- (c) make a parachute descent other than an emergency descent,

except in accordance with conditions prescribed by the Authority and as indicated by relevant information, advice and clearance from the appropriate air traffic service unit.

14. Proximity to other aircraft

A person shall not operate an aircraft in such proximity to other aircraft as to create a collision hazard.

15. Right-of-way rules in air operations

(1) The pilot-in-command of an aircraft that has the right-of-way shall maintain the aircraft's heading and speed, but nothing in this Regulation shall relieve the pilot-in-command from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories provided by airborne collision avoidance system equipment, as will best avert collision.

(2) A pilot operating an aircraft shall maintain vigilance so as to see and avoid other aircraft, and where this Regulation gives another aircraft the right-of-way, the pilot shall give way to that aircraft and shall not pass over, under, or ahead of it unless well clear and taking into account the effect of aircraft wake turbulence.

(3) An aircraft in distress has the right-of-way over all other air traffic.

(4) When two aircraft are converging at approximately the same level, the aircraft that has the other on its right shall give way, except as follows—

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons;
- (d) power-driven aircraft shall give way to aircraft which are seen to be towing other aircraft or objects.

(5) An aircraft towing or refueling other aircraft has the right-of-way over all other engine-driven aircraft, except aircraft in distress.

(6) Where two aircraft are approaching head-on or nearly so, and there is danger of collision, each pilot shall alter course to the right.

(7) An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(8) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher level shall give way to aircraft at the lower level, but the latter shall not take advantage of this rule to cut in front of another which is in the final stages of an approach to land, or to overtake that aircraft:

Provided that—

- (a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and

[Subsidiary]

- (b) when the pilot-in-command of an aircraft is aware that another aircraft is making an emergency landing, the pilot-in-command shall give way to that aircraft, and notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so;
- (c) power-driven heavier-than-air aircraft shall give way to gliders.

16. Right-of-way rules in ground operations

(1) This Regulation shall apply to aeroplanes and vehicles on the movement area of a land aerodrome.

(2) Notwithstanding any air traffic control clearances, it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) Emergency vehicles proceeding to the assistance of aircraft in distress shall be afforded priority over all other surface movement traffic.

- (4) (a) Aircraft and vehicles shall give way to aircraft which are taking off or landing;
- (b) vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing;
- (c) vehicles which are not towing aircraft shall give way to aircraft; and
- (d) vehicles shall give way to other vehicles towing aircraft.

(5) Subject to the provisions of sub-regulation (4) and of regulation 20(4), in case of danger of collision between two aircraft—

- (a) when two aircraft are approaching head-on or approximately so, each aircraft shall stop or where practicable alter its course to the right so as to keep well clear;
- (b) when the two aircraft are on converging course, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;
- (c) an aircraft which is being overtaken shall have the right-of-way, and the overtaking aircraft shall keep out of the way of the other aircraft by altering its course to the left until that other aircraft has been passed and is clear, notwithstanding any change in the relative position of the two aircraft;
- (d) an aircraft taxiing on the manoeuvring area of an aerodrome shall give way to aeroplanes taking off or about to take-off.

(6) Subject to the provisions of sub-regulation (4)(b) a vehicle shall—

- (a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle; and
- (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

17. Right-of-way rules in water operations

(1) A person operating an aircraft on the water shall, in so far as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right-of-way by this Regulation.

(2) Where aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right-of-way.

(3) Where aircraft, or an aircraft and a vessel, are approaching head-on, or nearly so, each shall alter its course to the right to keep well clear.

[Subsidiary]

(4) An aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear.

(5) When aircraft, or an aircraft and a vessel, approach in a manner that involves a risk of collision, each aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.

18. Lights to be displayed by aircraft

(1) For the purposes of this Regulation the following terms shall have the following meanings—

(a) **“angles of coverage”**—

- (i) angle of coverage A is formed by two intersecting vertical planes making angles of 70 degrees to the right and 70 degrees to the left respectively, looking aft along the longitudinal axis to a vertical plane passing through the longitudinal axis;
- (ii) angle of coverage F is formed by two intersecting vertical planes making angles of 110 degrees to the right and 110 degrees to the left respectively, looking forward along the longitudinal axis to a vertical plane passing through the longitudinal axis;
- (iii) angle of coverage L is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aeroplane, and the other 110 degrees to the left of the first, when looking forward along the longitudinal axis;
- (iv) angle of coverage R is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aeroplane, and the other 110 degrees to the right of the first, when looking forward along the longitudinal axis;

(b) **“horizontal plane”** – the plane containing the longitudinal axis and perpendicular to the plane of symmetry of the aeroplane;

(c) **“longitudinal axis of the aeroplane”** – a selected axis parallel to the direction of the flight at a normal cruising speed, and passing through the centre of gravity of the aeroplane;

(d) **“making way”** – an aeroplane on the surface of the water is “making way” when it is under way and has a velocity relative to the water;

(e) **“under command”** – an aeroplane on the surface of the water is “under command” when it is able to execute manoeuvres as required by the Convention on the International Regulations for Prevention of Collisions at Sea, 1972 for the purpose of avoiding other vessels;

(f) **“under way”** – an aeroplane on the surface of the water is “under way” when it is not aground or moored to the ground or to any fixed object on the land or in the water;

(g) **“vertical planes”** – planes perpendicular to the horizontal plane;

(h) **“visible”** – visible on a dark night with a clear atmosphere.

(2) An aircraft when in flight shall be equipped with the following navigation lights as illustrated in Figure 1—

- (a) a red light projected above and below the horizontal plane through angle of coverage L;
- (b) a green light projected above and below the horizontal plane through angle of coverage R; and

[Subsidiary]

- (c) a white light projected above and below the horizontal plane rearward through angle of coverage A.

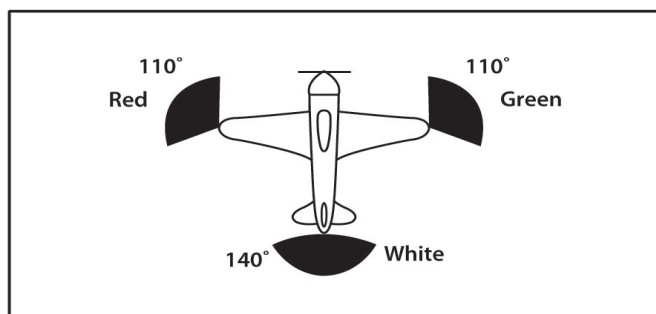


Figure 1

(3) The following lights shall be displayed on the water in each of the following circumstances—

- (a) when under way, appearing as steady unobstructed lights, as illustrated in Figure 2—
- (i) a red light projected above and below the horizontal through angle of coverage L;
 - (ii) a green light projected above and below the horizontal through angle of coverage R;
 - (iii) a white light projected above and below the horizontal through angle of coverage A; and
 - (iv) a white light projected through angle of coverage F:
- Provided that—
- (aa) the lights described in (3)(a)(i), (ii) and (iii) shall visible at a distance of at least 3.7 kilometres (2 nautical miles); and
 - (bb) the light described in (3)(a)(iv) should be visible at distance of 9.3 kilometres (5 nautical miles) when fitted to an aeroplane of 20 metres or more in length or visible at a distance of 5.6 kilometres (3 nautical miles) when fitted to an aeroplane of less than 20 metres in length;

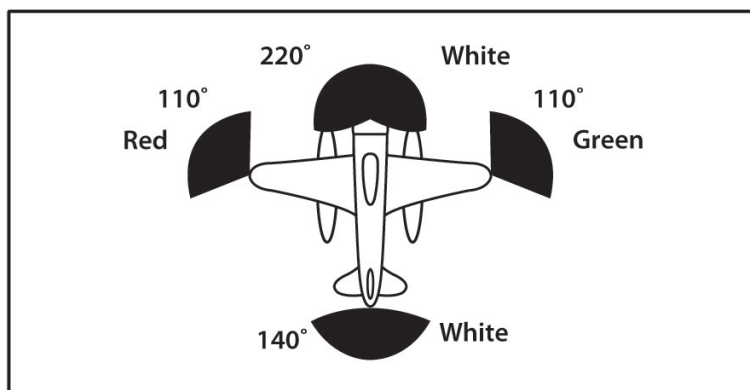


Figure 2

- (b) when towing another vessel or aeroplane, appearing as steady unobstructed lights, as illustrated in Figure 3—
- (i) the lights described in (3)(a);

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- (ii) a second light having the same characteristics as the light described in (3)(a)(iv) and mounted in a vertical line at least 2 metres above or below it; and
- (iii) a yellow light having otherwise the same characteristics as the light described in (3)(a)(iii) and mounted in a vertical line at least 2 metres above it;

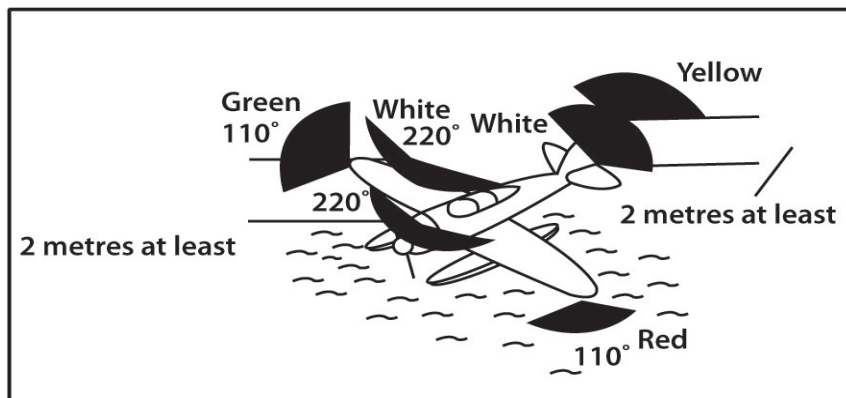


Figure 3

- (c) when being towed, appearing as steady unobstructed lights, the lights described in (3)(a)(i) to (iii);
- (d) when not under command and not making way, as illustrated in Figure 4, two steady red lights placed where they can best be seen, one vertically over the other and not less than 1 m apart, and of such a character as to be visible all around the horizon at a distance of at least 3.7 kilometres (2 nautical miles);

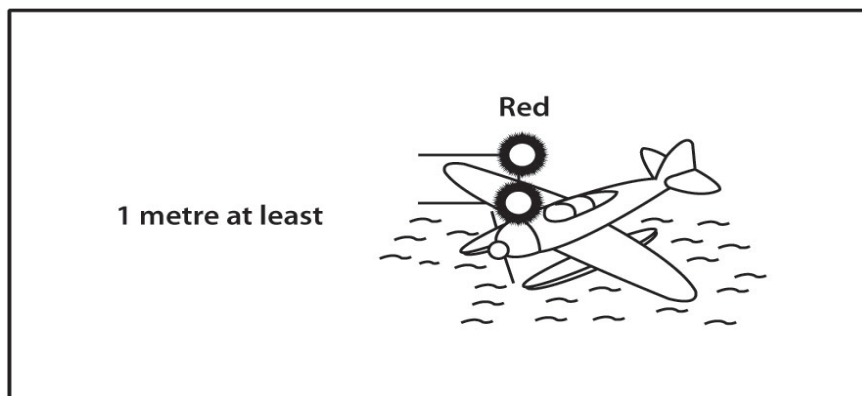


Figure 4

- (e) when making way but not under command, as illustrated in Figure 5, the lights described in (3)(d) plus the lights described in (3)(a)(i) to (iii):

Provided that the display of lights prescribed in (3)(d) and (3)(e) shall be taken by other aircraft as signals that the aeroplane showing them is not under command and cannot therefore get out of the way and are not signals aeroplanes in distress and requiring assistance;

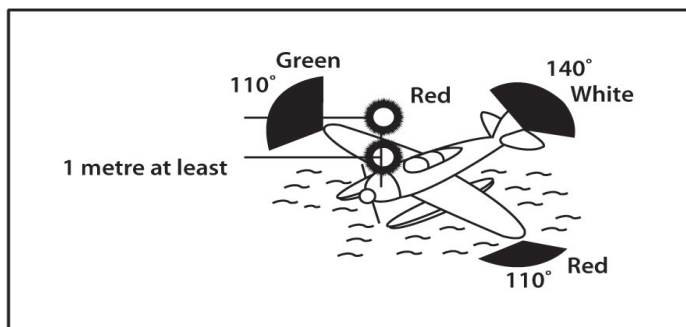


Figure 5

(f) when at anchor—

- (i) if less than 50 metres in length, where it can best be seen, a steady white light, as illustrated in Figure 6, visible all around the horizon at a distance of at least 3.7 kilometres (2 nautical miles);

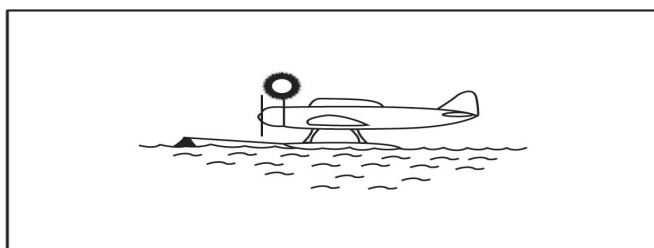


Figure 6

- (ii) if 50 metres or more in length, where they can best be seen, a steady white forward light and a steady white rear light, as illustrated in Figure 7, both visible all around the horizon at a distance of at least 5.6 kilometres (3 nautical miles);

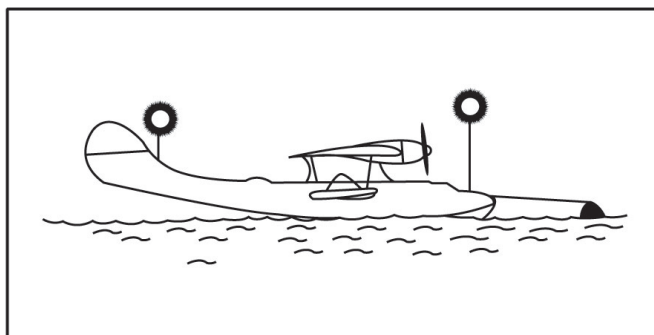


Figure 7

- (iii) if 50 metres or more in a span steady white light on each side, as illustrated in Figures 8 and 9, to indicate the maximum span and visible, so far as practicable, all around the horizon at a distance of at least 1.9 kilometres (1 nautical miles);

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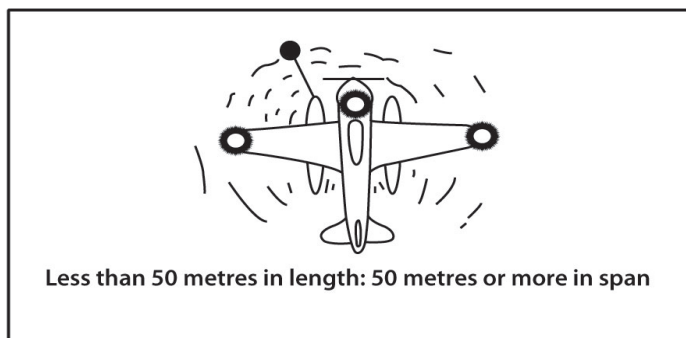


Figure 8

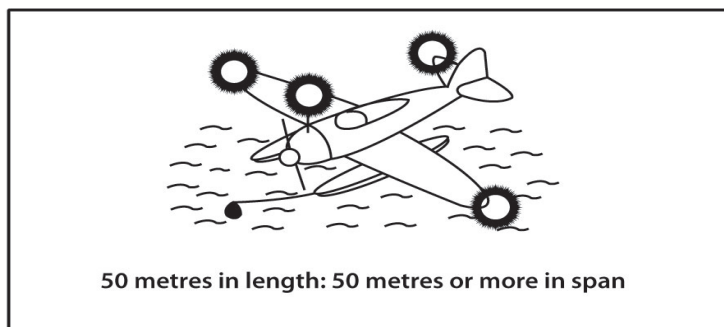


Figure 9

- (g) when aground, the lights prescribed in (3)(f) and in addition two steady red lights in vertical line, at least 1 metre apart so placed as to be visible all around the horizon.

19. Failure of lights by night

In the event of the failure of any light which is required by these Regulations to be displayed at night, if the light cannot be immediately repaired or replaced the pilot-in-command shall not depart from the aerodrome and, if in flight, shall land as soon as in his opinion he can safely do so, unless authorized by the appropriate air traffic control unit to continue the flight.

20. Conditions for lights to be displayed by an aircraft

(1) Except as provided by sub-regulation (5), a pilot-in-command when operating an aircraft during the period from sunset to sunrise or any other period which may be prescribed by the Authority shall display—

- (a) anti-collision lights intended to attract attention to the aircraft; and
- (b) navigation lights intended to indicate the relative path of the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights.

(2) Except as provided by sub-regulation (5), from sunset to sunrise or during any other period prescribed by the Authority—

- (a) all aircraft moving on the movement area of an aerodrome shall display navigation lights intended to indicate the relative path of the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights;

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- (b) unless stationary and otherwise adequately illuminated, all aircraft on the movement area of an aerodrome shall display lights intended to indicate the extremities of their structure;
- (c) all aircraft operating on the movement area of an aerodrome shall display lights intended to attract attention to the aircraft; and
- (d) all aircraft on the movement area of an aerodrome whose engines are running shall display lights which indicate that fact.

(3) Except as provided by sub-regulation (5), all aircraft in flight and fitted with anti-collision lights to meet the requirement of sub-regulation (1)(a) shall display such lights also outside the period specified in sub-regulation (1).

(4) Except as provided by sub-regulation (5), all aircraft—

- (a) operating on the movement area of an aerodrome and fitted with anti-collision lights to meet the requirement of sub-regulation (2)(c); or
- (b) on the movement area of an aerodrome and fitted with lights to meet the requirement of sub-regulation (2)(d),

shall display such lights also outside the period specified in sub-regulation (2).

(5) A pilot-in-command shall be permitted to switch off or reduce the intensity of any flashing lights fitted to meet the requirements of sub-regulations (1), (2), (3) and (4) if they do or are likely to—

- (a) adversely affect the satisfactory performance of duties; or
- (b) subject an outside observer to harmful dazzle.

21. Balloons, kites, airships, gliders and parascending parachutes

(1) A person shall not—

- (a) fly a captive balloon or kite at a height of more than 200 feet above the ground level or within 200 feet of any vessel, vehicle or structure;
- (b) fly a captive balloon within 3 nautical miles of an aerodrome;
- (c) fly a balloon exceeding 6 feet in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, in controlled airspace;
- (d) fly a kite within 3 nautical miles of an aerodrome;
- (e) moor an airship;
- (f) fly a free balloon at night; or
- (g) launch a glider or parascending parachute by winch and cable or by ground tow to a height of more than 60 metres above ground level,

without the permission in writing of the Authority, and in accordance with any conditions subject to which the permission may be granted.

(2) A captive balloon when in flight shall not be left unattended unless it is fitted with a device which ensures automatic deflation if it breaks.

22. Captive balloons and kites

(1) A person flying a captive balloon or kite at night at a height exceeding 200 feet above the surface shall ensure that the captive balloon or kite displays lights as follows—

- (a) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candelas and showing in all directions, the white light being placed not less than fifteen feet or more than thirty feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite;

[Subsidiary]

- (b) on the mooring cable, at intervals of not more than 1,000 feet measured from the group of lights referred to in paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base;
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measured at least 80 feet, one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights, the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 200 feet above the surface shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches wide.

(3) A kite flown in the circumstances referred to in sub-regulation (2) shall have attached to its mooring cable either—

- (a) tubular streamers as specified in sub-regulation (2); or
- (b) at intervals of not more than 300 feet measured from the lowest part of the kite, not less than thirty streamers of thirty two inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

23. Airships

(1) Except as provided in sub-regulation (2), an airship while flying at night shall display the following steady lights—

- (a) a white light of at least five candelas showing through angles of 110 degrees from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candelas showing to the starboard side through an angle of 110 degrees from dead ahead in the horizontal plane;
- (c) a red light of at least five candelas showing to the port side through an angle of 110 degrees from dead ahead in the horizontal plane; and
- (d) a white light of at least five candelas showing through angles of 70 degrees from dead ahead astern to each side in the horizontal plane.

(2) A person flying an airship at night shall ensure that the airship displays, if it is not under command, or has its engines voluntarily stopped, or is being towed, the following steady lights—

- (a) the white lights referred to in sub-regulation (1)(a) and (1)(d);
- (b) two red lights, each of at least five candelas and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least twenty five feet below the control car; and
- (c) if an airship is making way but not otherwise, the green and red lights referred to in sub-regulation (1)(b) and (1)(c):

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in sub-regulation (1).

[Subsidiary]

(3) An airship, while moored within Kenya by night, shall display the following lights—

- (a) when moored to a mooring mast, at or near the rear, a white light of at least five candelas showing in all directions; and
- (b) a white light of at least five candelas showing through angles of 70 degrees from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has its engines voluntarily stopped, or is being towed, shall display two black balls suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car.

(5) For the purpose of this Regulation—

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Regulations;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

24. Anti-collision light

(1) When operating by day, an aircraft fitted with an anti-collision light shall display such light in flight.

(2) An aircraft shall display, when stationary on the apron by day or night with engines running, a red anti-collision light when fitted.

(3) When operating by night all aircraft shall display anti-collision lights, intended to attract attention to the aircraft.

(4) When operating an anti-collision light, the light shall be a flashing or rotating red light which shall show in all directions within 30 degrees above and 30 degrees below the horizontal plane of the aircraft.

(5) In the event of a failure of anti-collision light when flying by day, an aircraft may continue to fly provided that the lights are repaired at the earliest practicable opportunity.

25. Simulated instrument flight conditions

(1) A person shall not operate an aircraft in simulated instrument flight conditions unless—

- (a) that aircraft has fully functioning dual controls;
- (b) a qualified pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument conditions; and
- (c) the safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which the observer's field of vision adequately supplements the vision of the safety pilot.

(2) A person shall not engage in simulated instrument flight conditions during commercial air transport operations.

26. Practice instrument approaches

An aircraft shall not carry out instrument approach practices when flying in visual meteorological conditions unless—

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and

[Subsidiary]

- (b) if the flight is not being carried out in simulated instrument flight conditions, an observer approved by the Authority is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

27. Aerodromes not having air traffic control units

(1) A person shall not fly within a zone which the pilot-in-command knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome which does not have an air traffic control unit, except for the purpose of taking off, landing or observing the signals in the signals area with a view to landing, and an aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) A pilot-in-command flying in the zone referred to in sub-regulation (1) or moving on such an aerodrome shall—

- (a) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;
- (b) make all turns to the left unless ground signals indicate otherwise; and
- (c) take-off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) A person shall not land an aircraft on a runway at such an aerodrome unless the runway is clear of other aircraft.

(4) Where take-offs and landings are not confined to a runway—

- (a) an aircraft when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take-off, and if such aircraft is obliged to turn, it shall turn to the left after the pilot-in-command of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (b) an aircraft about to take-off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take-off.

(5) An aircraft after landing shall move clear of the landing area in use as soon as it is possible to do so.

28. Aerodromes having air traffic control units

(1) A pilot-in-command shall not fly the aircraft within a zone which the pilot-in-command knows or ought reasonably to know to be the aerodrome having an air traffic control unit except for the purpose of taking off, landing or observing the signals area with a view to landing, unless the pilot-in-command has the permission of the appropriate air traffic control unit.

(2) A pilot-in-command flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;
- (b) not taxi, take-off or land except with the permission of the air traffic control unit; and

[Subsidiary]

- (c) comply with the provisions of regulation 20 as if the aerodrome did not have an air traffic control unit, unless the pilot-in-command has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.

29. Operations on or in the vicinity of a controlled aerodrome

(1) A person shall not operate an aircraft to, from, through, or on an aerodrome having an operational control tower unless two-way communication is maintained between that person and the control tower.

(2) When arriving at an aerodrome, a pilot-in-command shall establish communications required by sub-regulation (1), prior to four nautical miles from the aerodrome, when operating from the surface up to and including 2,500 feet.

(3) When departing from an aerodrome, a pilot-in-command shall establish communications with the control tower prior to taxi.

(4) A person shall not, at any aerodrome with an operating control tower, operate an aircraft on a runway or taxiway or take-off or land an aircraft, unless an appropriate clearance has been received from the air traffic control unit.

(5) A clearance to “taxi to”—

(a) the take-off runway—

- (i) is not a clearance to cross or taxi on to that runway; and
- (ii) authorises the pilot-in-command to cross other runways during the taxi to the assigned runway;

(b) any other point on the aerodrome is a clearance to cross all runways that intersect the taxi route to the assigned point.

(6) If the radio fails or two-way communication is lost, a pilot-in-command may continue a visual flight rules flight operation and land if—

- (a) the weather conditions are at or above basic visual flight rules minimums; and
- (b) clearance to land is received by light signals.

(7) During instrument flight rules operations, the two-way communications failure procedures prescribed in regulation 58 shall apply.

30. Access to and movement in the manoeuvring area

(1) A person shall not enter the manoeuvring area of an aerodrome or drive a vehicle on the manoeuvring area of an aerodrome without the permission of the aerodrome control tower in the case of a controlled aerodrome, or in the case of an uncontrolled aerodrome, the person in charge of the aerodrome, and in accordance with any conditions subject to which that permission may have been granted.

(2) A person shall not move, or move a vehicle on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purpose of this Regulation may be granted either in respect of persons or vehicles generally or in respect of any particular person or vehicle or any class of persons or vehicles.

Flight Plans

31. Pre-flight action

(1) A pilot-in-command shall, before commencing a flight, be familiar with all available information appropriate to the intended operation.

[Subsidiary]

(2) Pre-flight action by a pilot-in-command, for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules, shall include—

- (a) a careful study of available current weather reports and forecasts taking into consideration fuel requirements; and
- (b) an alternative course of action if the flight cannot be completed as planned.

(3) A pilot-in-command who is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the pilot-in-command to obtain indicates that he will arrive at that aerodrome when the ground visibility is less than eight kilometres or the cloud ceiling is less than 1,500 feet, unless the pilot-in-command has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

32. Flight plan

Except as authorized by the Authority a person shall not commence a flight if he has not filed a flight plan.

33. Submission of a flight plan

(1) Information relating to an intended flight or portion of a flight, to be provided to air traffic services units, shall be in the form of a flight plan.

(2) A pilot-in-command shall, prior to operating one of the following, file a flight plan for—

- (a) any flight, or portion thereof, to be provided with air traffic control service;
- (b) any instrument flight rules flight within advisory airspace;
- (c) any flight within or into designated areas, or along designated routes, when so required by the appropriate air traffic services authority to facilitate the provision of flight information, alerting and search and rescue services;
- (d) any flight within or into designated areas, or along designated routes, when so required by the appropriate air traffic services authority to facilitate co-ordination with appropriate military units or with air traffic control units in adjacent states in order to avoid the possible need for interception for the purpose of identification;
- (e) any flight across international borders; and
- (f) any flight departing from an aerodrome manned by the Authority.

(3) A pilot-in-command shall submit a flight plan before departure to the appropriate air traffic services reporting office or during flight, transmit to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of a repetitive flight plan.

(4) Unless otherwise prescribed by the Authority, a pilot-in-command shall submit a flight plan to the appropriate air traffic services unit—

- (a) at least sixty minutes before departure and shall be valid for sixty minutes for instrument flight rules flights or one hundred and twenty minutes for visual flight rules flights; or
- (b) if submitted during flight, at a time which shall ensure its receipt by the appropriate air traffic control unit at least ten minutes before the aircraft is estimated to reach the—
 - (i) intended point of entry into a control area or advisory airspace; or
 - (ii) point of crossing an airway or advisory route.

[Subsidiary]

(5) Where a Through Flight Plan, containing such particulars as may be notified is submitted to and accepted by an air traffic services unit in respect of a flight through a number of intermediate aerodromes, this Regulation shall be deemed to have been satisfied in respect of each sector of the flight.

(6) An air traffic control unit may exempt the pilot-in-command from the requirements of this Regulation in respect of an intended flight which is to be made in a notified local flying area and in which the aircraft will return to the aerodrome of departure without making an intermediate landing.

(7) In order to comply with the instrument flight rules, before an aircraft either takes off from a point within any controlled airspace, or enters any controlled airspace, or in other circumstances prescribed for this purpose, the pilot-in-command shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(8) The pilot-in-command after he has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves that controlled airspace.

34. Contents of a flight plan

(1) A person filing an instrument flight rules or visual flight rules flight plan shall include in it the following information—

- (a) aircraft identification;
- (b) flight rules and type of flight;
- (c) number and type of aircraft and wake turbulence category;
- (d) equipment;
- (e) departure aerodrome;
- (f) estimated off-block time;
- (g) cruising speed;
- (h) cruising level;
- (i) route to be followed;
- (j) destination aerodrome and total estimated elapsed time;
- (k) alternate aerodrome;
- (l) fuel endurance;
- (m) total number of persons on board;
- (n) emergency and survival equipment; and
- (o) other information.

(2) A flight plan submitted under these Regulations shall contain information, as applicable—

- (i) on relevant items up to and including an alternate aerodrome regarding the whole route or the portion thereof for which the flight plan is submitted; and
- (ii) on all other items when so prescribed by the Authority or when otherwise deemed necessary by the person submitting the flight plan.

35. Changes to a flight plan

(1) Where a change occurs to a flight plan submitted for an instrument flight rules flight or a visual flight rules flight operated as a controlled flight, the pilot-in-command shall report that change as soon as practicable to the appropriate air traffic services unit.

[Subsidiary]

(2) In the case of a visual flight rules flight other than that operated as a controlled flight, the pilot-in-command shall report significant changes to a flight plan as soon as practicable to the appropriate air traffic services unit.

(3) Any information submitted prior to departure regarding fuel endurance or total number of persons carried on board, if incorrect at the time of departure, constitutes a significant change to the flight plan and as such shall be reported.

36. Closing a flight plan

(1) A pilot-in-command shall make a report of arrival in person or by radio or via data link to the appropriate air traffic services unit at the earliest possible moment after landing at the destination aerodrome, unless air traffic control automatically closes the flight plan.

(2) When a flight plan has been submitted only in respect of a portion of a flight, other than the remaining portion of a flight to destination, the pilot-in-command shall, when required, close it by an appropriate report to the relevant air traffic services unit.

(3) When no air traffic services unit exists at the arrival aerodrome, the pilot-in-command shall contact the nearest air traffic services unit to close the flight plan immediately after landing and by the quickest means available.

(4) When communication facilities at the arrival aerodrome are known to be inadequate and alternate arrangements for the handling of arrival reports on the ground are not available, the pilot-in-command shall immediately prior to landing, transmit to the appropriate air traffic services unit, a message comparable to an arrival report, where such a report is required.

(5) The transmission referred to in sub-regulation (4) shall normally be made to the aeronautical station serving the air traffic services unit in charge of the flight information region in which the aircraft is operated.

(6) A pilot-in-command shall include the following elements of information in his arrival reports—

- (a) aircraft identification;
- (b) departure aerodrome;
- (c) destination aerodrome, in the case of a diversionary landing;
- (d) arrival aerodrome; and
- (e) time of arrival.

(7) A pilot-in-command of an aircraft who has caused notice of the aircraft's intended arrival at any aerodrome to be given to the air traffic services unit or other authority at that aerodrome shall ensure that the air traffic services unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of forty-five minutes or more.

*Signals***37. Universal aviation signals**

(1) Where a signal is given or displayed, or whenever any marking specified in regulations 42, 43 and 44 is displayed by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, the signal shall, when given or displayed in Kenya, have the meaning assigned to it, and no other signals likely to be confused with them shall be used.

(2) Upon observing or receiving any of the signals specified in sub-regulation (1), a pilot-in-command shall take such action as may be required by the interpretation of the signal specified in these Regulations.

[Subsidiary]

(3) A signalman shall be responsible for providing standard marshalling signals to an aircraft in a clear and precise manner using the signals shown in these Regulations.

(4) A person shall not guide an aircraft unless that person is trained, qualified and approved by the relevant appropriate authority to carry out the functions of a signalman.

(5) A signalman shall wear a distinctive fluorescent identification vest to allow the flight crew to identify that he is the person responsible for the marshalling operation.

(6) Daylight-fluorescent wands, table-tennis bats or gloves shall be used for all signaling by all participating ground staff during daylight hours, while illuminated wands shall be used at night or in low visibility.

(7) None of the provisions in these Regulations shall prevent the use by an aircraft in distress of any means at its disposal to attract attention and make known its position.

38. Distress signals

The following signals, used either together or separately, mean that grave and imminent danger threatens, and immediate assistance is requested—

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group SOS (••• — — — ••• in the Morse Code);
- (b) a radiotelephony distress signal consisting of the spoken word MAYDAY;
- (c) a distress message sent via data link which transmits the intent of the word MAYDAY;
- (d) rockets or shells showing red lights, fired one at a time at short intervals;
- (e) a parachute flare showing a red light.

39. Urgency signals

(1) The following signals, used either together or separately, mean that an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance—

- (a) the repeated switching on and off of the landing lights; or
- (b) the repeated switching on and off of the navigation lights in such manner as to be distinct from flashing navigation lights.

(2) The following signals, used either together or separately, mean that an aircraft has a very urgent message to transmit concerning the safety of a ship, aircraft or other vehicle, or of some person on board or within sight—

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group XXX;
- (b) a signal sent by radiotelephony consisting of the spoken words PAN, PAN;
- (c) an urgency message sent via data link which transmits the intent of the words PAN, PAN.

40. Aircraft interception and interception signals

(1) When an aircraft is intercepted by a military or government aircraft, a pilot-in-command of that aircraft shall comply with the command of the intercepting aircraft, by interpreting and responding to visual signals as shown in Table 2.

(2) The intercepting aircraft shall interpret visual signals from an intercepted aircraft as shown in Table 3.

[Subsidiary]

TABLE 2

Signals Initiated by Intercepting Aircraft

<i>Series</i>	<i>INTERCEPTING Aircraft Signals</i>	<i>Meaning</i>	<i>INTERCEPTED Aircraft Responds</i>	<i>Meaning</i>
1	DAY or NIGHT – Rocking aircraft and flashing navigational lights at irregular intervals (and landing lights in the case of a helicopter) from a position slightly above and ahead of, and normally to the left of, the intercepted aircraft (or to the right if the intercepted aircraft is a helicopter) and, after acknowledgement, a slow level turn, normally to the left, (or to the right in the case of a helicopter) on the desired heading.	You have been intercepted. Follow me.	DAY or NIGHT – Rocking aircraft. Flashing navigational lights at irregular intervals and following.	Understood, will comply.
	Note 1. – Meteorological conditions or terrain may require the intercepting aircraft to reverse the positions and direction of turn given above in Series 1.			
	Note 2. – If the intercepted aircraft is not able to keep pace with the intercepting aircraft, the latter is expected to fly a series of race-track patterns and to rock the aircraft each time it passes the intercepted aircraft.			
2	DAY or NIGHT – An abrupt break-away manoeuvre from the intercepted aircraft consisting of a climbing turn of 90 degrees or more without crossing the line of flight of the intercepted aircraft.	You may proceed.	DAY or NIGHT – Rocking the aircraft.	Understood, will comply.
3	DAY or NIGHT – Lowering landing gear (if fitted), showing steady landing lights and overflying runway in use or, if the intercepted aircraft is a helicopter, overflying the helicopter landing area. In the case of helicopters, the intercepting helicopter makes a landing approach, coming to hover near to the landing area.	Land at this aerodrome.	DAY or NIGHT – Lowering landing gear (if fitted), showing steady landing lights and following the intercepting aircraft and, if, after overflying the runway in use or helicopter landing area, landing is considered safe, proceeding to land.	Understood, will comply.

TABLE 3

Signals Initiated by Intercepted Aircraft and Responses by Intercepting Aircraft

Series	INTERCEPTED Aircraft Signals	Meaning	INTERCEPTING Aircraft Responds	Meaning
4	DAY or NIGHT – Raising landing gear (if fitted) and flashing landing lights while passing over runway in use or helicopter landing area at a height exceeding 300 m (1,000 ft) but not exceeding 600 m (2,000 ft)(in the case of a helicopter, at a height exceeding 50 m (170 ft) but not exceeding 100 m (330 ft) above the aerodrome level, and continuing to circle runway in use or helicopter landing area. If unable to flash landing lights, flash any other lights available.	Aerodrome you have designated is inadequate.	DAY or NIGHT – If it is desired that the intercepted aircraft follow the intercepting aircraft to an alternate aerodrome, the intercepting aircraft raises its landing gear (if fitted) and uses the Series 1 signals prescribed for intercepting aircraft.	Understood, follow me.
			If it is decided to release the intercepted aircraft. The intercepting aircraft uses the Series 2 signals prescribed for intercepting aircraft.	I understand, you may proceed.
5	DAY or NIGHT – Regular switching on and off of all available lights but in such a manner as to be distinct from flashing lights.	Cannot comply.	DAY or NIGHT – Use Series 2 signals prescribed for intercepting aircraft.	Understood.
6	DAY or NIGHT – Irregular flashing of all available lights.	In distress.	DAY or NIGHT – Use Series 2 signals prescribed for intercepting aircraft.	Understood.

41. Visual signals to warn an unauthorized aircraft entering notified airspace

A pilot-in-command shall take such remedial action as may be necessary, when by day or night, a series of projectiles is discharged from the ground at intervals of ten seconds, each showing, on bursting, red and green lights or stars indicating to an unauthorized aircraft that it is flying in or about to enter a restricted, prohibited or danger area.

42. Signals for aerodrome traffic

(1) An aerodrome control tower shall use and a pilot shall obey the lights and pyrotechnic signals shown in Table 4 and illustrated in Figure 10.

(2) A pilot shall acknowledge aerodrome control tower signals as follows—

(a) when in flight—

- (i) during the hours of daylight by rocking the aircraft's wings, except that this signal shall not be expected on the base and final legs of the approach;
- (ii) during the hours of darkness by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights;

[Subsidiary]

- (b) when on the ground—
- (i) during the hours of daylight by moving the aircraft's ailerons or rudder; and
 - (ii) during the hours of darkness by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

(3) An aerodrome authority shall use the visual ground signals as shown in Figures 11 to 20 during the situations indicated therein.

TABLE 4

Light and Pyrotechnic Signals from Aerodrome Control

Light		From aerodrome control tower to—	
		Aircraft in flight	Aircraft on the ground
Directed towards aircraft concerned	Steady green	• Cleared to land	Cleared for take-off
	Steady red	• Give way to other aircraft and continue circling	Stop
	Series of green flashes	• Return for landing*	Cleared to taxi
	Series of red flashes	• Aerodrome unsafe, do not land	Taxi clear of landing area in use
	Series of white flashes	• Land at this aerodrome and proceed to apron*	Return to starting point on the aerodrome
Red pyrotechnic		Notwithstanding any previous instructions, do not land for the time being	

* Clearances to land and to taxi will be given in due course.

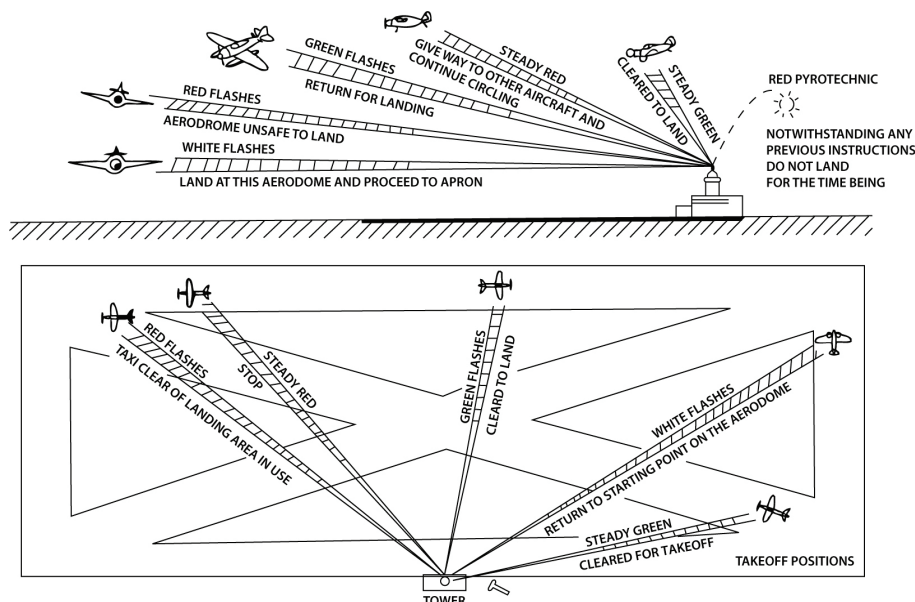


Figure 10 – Light and Pyrotechnic Signals from Aerodrome Control

(a)



Figure 11

prohibition of landing – a horizontal red square panel with yellow diagonals, as shown in Figure 11 when displayed in a signal area indicates that landings are prohibited and that the prohibition is liable to be prolonged;

(b)

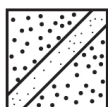


Figure 12

need for special precautions while approaching or landing – a horizontal red square panel with one yellow diagonal, as shown in Figure 12 when displayed in a signal area indicates that owing to the bad state of the manoeuvring area, or for any other reason, special precautions must be observed in approaching to land or in landing;

(c)



Figure 13



Figure 14

use of runways and taxiways—

- (i) a horizontal white dumb-bell, as shown in Figure 13 when displayed in a signal area indicates that aircraft are required to land, take-off and taxi on runways and taxiways only;
- (ii) the same horizontal white dumb-bell as in Figure 13 but with a black bar placed perpendicular to the shaft across each circular portion of the dumb-bell, as shown in Figure 14 when displayed in a signal area indicates that aircraft are required to land and take-off on runways only, but other manoeuvres need not be confined to runways and taxiways;

(d)



Figure 15

closed runways or taxiways – crosses of a single contrasting colour, yellow or white, as shown in Figure 15, displayed horizontally on runways and taxiways or parts thereof indicate an area unfit for movement of aircraft;

(e)



Figure 16



Figure 17

directions for landing or take-off—

- (i) a horizontal white or orange landing T, as shown in Figure 16, indicates the direction to be used by aircraft for landing and take-off, which shall be in a direction parallel to the shaft of the T towards the cross arm and when used at night, the landing T is either illuminated or outlined in white coloured lights;

[Subsidiary]

- (ii) a set of two digits, as shown in Figure 17, displayed vertically at or near the aerodrome control tower indicates to aircraft on the manoeuvring area the direction for take-off, expressed in units of 10 degrees to the nearest 10 degrees of the magnetic compass;

(f)

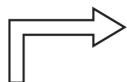


Figure 18

right-hand traffic – when displayed in a signal area, or horizontally at the end of the runway or strip in use, a right-hand arrow of conspicuous colour, as shown in Figure 18 indicates that turns are to be made to the right before landing and after take-off:

(g)



Figure 19

air traffic services reporting office – the letter C displayed vertically in black against a yellow background, as shown in Figure 19 indicates the location of the air traffic services reporting office;

(h)



Figure 20

glider flights in operation – a double white cross displayed horizontally, as shown in Figure 20 in the signal area indicates that the aerodrome is being used by gliders and that glider flights are being performed;

(i)



Figure 21

helicopter operations - a white letter H displayed horizontally as shown in Figure 21 indicates that helicopters shall take-off and land within the designated area.

43. Marshalling signals – signalman to a pilot

(1) The marshalling signals shown in Figures 22 to 56 shall be used from a signalman to a pilot of an aircraft.

(2) The signals are designed for use by the signalman, with hands illuminated as necessary to facilitate observation by the pilot, and facing the aircraft in a position—

- (a) for fixed-wing aircraft, the signalman shall be positioned forward of the left-wing tip within view of the pilot and;
- (b) for helicopters, where the signalman can best be seen by the pilot.


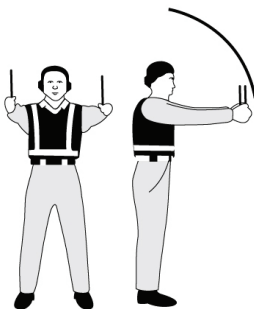


(3) The meaning of the relevant signals remains the same if bats, illuminated wands or torchlights are held.

(4) The aircraft engines are numbered, for the signalman facing the aircraft, from right to left (that is No. 1 engine being the port outer engine).

[Subsidiary]

(5) Signals marked with an asterisk are designed for use to hovering helicopters.

(6) Prior to using the signals, as shown in Figures 22 to 56 the signalman shall ascertain that the area within which an aircraft is to be guided is clear of objects which the aircraft might otherwise strike.

 <p>Figure 22</p>	<p>Wingwalker/guide</p> <p>Raise right hand above head level with wand pointing up; move left-hand wand pointing down toward body.</p> <p><i>Note—This signal provides an indication by a person positioned at the aircraft wing tip, to the pilot/marshaller/push-back operator, that the aircraft movement on/off a parking position would be unobstructed.</i></p>
 <p>Figure 23</p>	<p>Identify gate</p> <p>Raise fully extended arms straight above head with wands pointing up.</p>
 <p>Figure 24</p>	<p>Proceed to next signalman or as directed by tower/ground control</p> <p>Point both arms upward; move and extend arms outward to sides of body and point with wands to direction of next signalman or taxi area.</p>
 <p>Figure 25</p>	<p>Straight ahead</p> <p>Bend extended arms at elbows and move wands up and down from chest height to head.</p>

[Subsidiary]

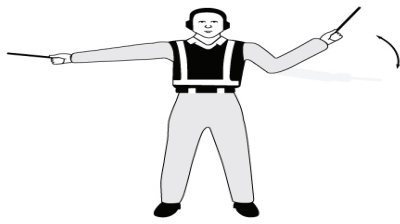


Figure 26

Turn left (from pilot's point of view)

With right arm and wand extended at a 90-degree angle to body, make "come ahead" signal with left hand. The rate of signal motion indicates to pilot the rate of aircraft turn.



Figure 27

Turn right (from pilot's point of view)

With left arm and wand extended at a 90-degree angle to body, make "come ahead" signal with right hand. The rate of signal motion indicates to pilot the rate of aircraft turn.



Figure 28

Normal stop

Fully extend arms and wands at a 90-degree angle to sides and slowly move to above head until wands cross.

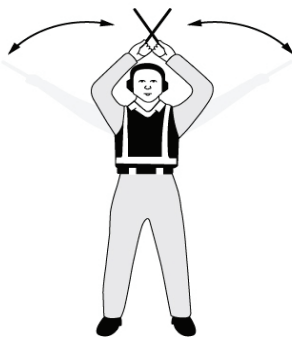


Figure 29

Emergency stop

Abruptly extend arms and wands to top of head, crossing wands.

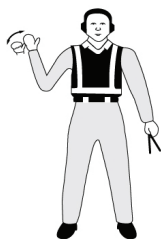


Figure 30

Set brakes

Raise hand just above shoulder height with open palm. Ensuring eye contact with flight crew, close hand into a fist. **Do not** move until receipt of "thumbs up" acknowledgement from flight crew.

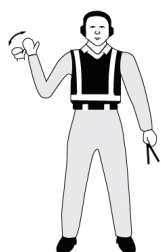


Figure 31

Release brakes

Raise hand just above shoulder height with hand closed in a fist. Ensuring eye contact with flight crew, open palm. **Do not** move until receipt of "thumbs up" acknowledgement from flight crew.



Figure 32

Chocks inserted

With arms and wands fully extended above head, move wands in a "jabbing" motion until wands touch. **Ensure** acknowledgement is received from flight crew.

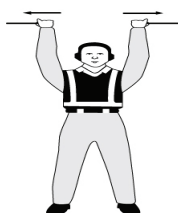


Figure 33

Chocks removed

With arms and wands fully extended above head, move wands outward in a "jabbing" motion. **Do not** remove chocks until authorized by flight crew.

[Subsidiary]

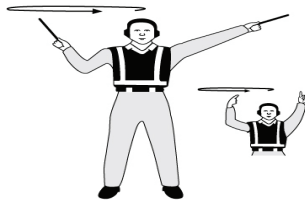


Figure 34

Start engine(s)

Raise right arm to head level with wand pointing up and start a circular motion with hand; at the same time, with left arm raised above head level, point to engine to be started.

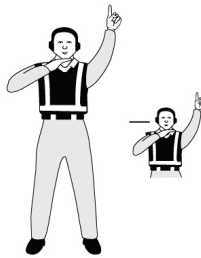


Figure 35

Cut engines

Extend arm with wand forward of body at shoulder level; move hand and wand to top of left shoulder and draw wand to top of right shoulder in a slicing motion across throat.

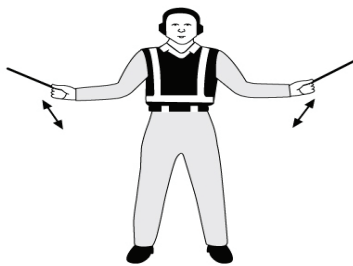


Figure 36

Slow down

Move extended arms downwards in a “patting” gesture, moving wands up and down from waist to knees.

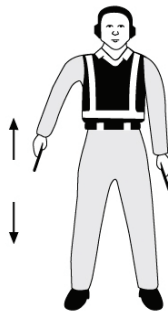


Figure 37

Slow down engine(s) on indicated side

With arms down and wands toward ground, wave either *right* or *left* wand up and down indicating engine(s) on *left* or *right* side respectively should be slowed down.

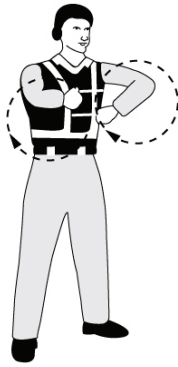


Figure 38

Move back

With arms in front of body at waist height, rotate arms in a forward motion. To stop rearward movement, use signal 6a or 6b.

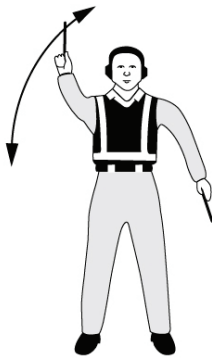


Figure 39

Turns while backing (for tail to starboard)

Point left arm with wand down and bring right arm from overhead vertical position to horizontal forward position, repeating right-arm movement.

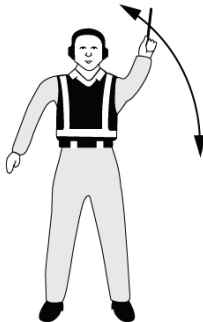
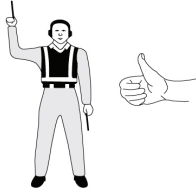
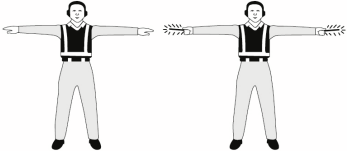
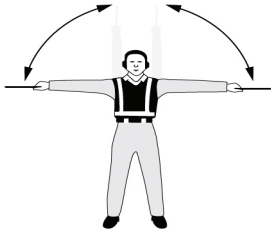
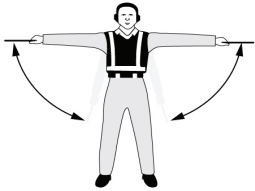
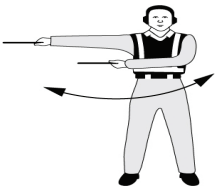


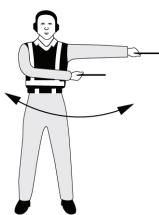
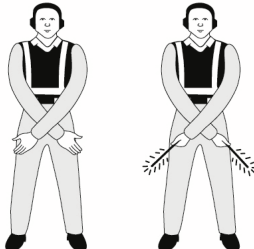
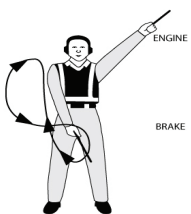
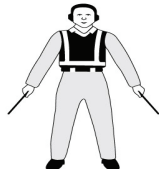
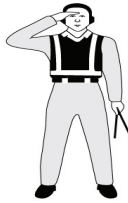
Figure 40

Turns while backing (for tail to port)

Point right arm with wand down and bring left arm from overhead vertical position to horizontal forward position, repeating left-arm movement.

[Subsidiary]

 <p>Figure 41</p>	<p>Affirmative/all clear</p> <p>Raise right arm to head level with wand pointing up or display hand with "thumbs up"; left arm remains at side by knee.</p> <p><i>Note.—This signal is also used as a technical/servicing communication signal.</i></p>
 <p>Figure 42</p>	<p>*Hover</p> <p>Fully extend arms and wands at a 90-degree angle to sides.</p>
 <p>Figure 43</p>	<p>*Move upwards</p> <p>Fully extend arms and wands at a 90-degree angle to sides and, with palms turned up, move hands upwards. Speed of movement indicates rate of ascent.</p>
 <p>Figure 44</p>	<p>*Move downwards</p> <p>Fully extend arms and wands at a 90-degree angle to sides and, with palms turned down, move hands downwards. Speed of movement indicates rate of descent.</p>
 <p>Figure 45</p>	<p>*Move horizontally left (from pilot's point of view)</p> <p>Extend arm horizontally at a 90-degree angle to right side of body. Move other arm in same direction in a sweeping motion.</p>

 <p>Figure 46</p>	<p>*Move horizontally right (from pilot's point of view)</p> <p>Extend arm horizontally at a 90-degree angle to left side of body. Move other arm in same direction in a sweeping motion.</p>
 <p>Figure 47</p>	<p>*Land</p> <p>Cross arms with wands downwards and in front of body.</p>
 <p>Figure 48</p>	<p>Fire</p> <p>Move right-hand wand in a "fanning" motion from shoulder to knee, while at the same time pointing with left-hand wand to area of fire.</p>
 <p>Figure 49</p>	<p>Hold position/stand by</p> <p>Fully extend arms and wands downwards at a 45-degree angle to sides. Hold position until aircraft is clear for next manoeuvre.</p>
 <p>Figure 50</p>	<p>Dispatch aircraft</p> <p>Perform a standard salute with right hand and/or wand to dispatch the aircraft. Maintain eye contact with flight crew until aircraft has begun to taxi.</p>

[Subsidiary]



Figure 51

Do not touch controls (technical/servicing communication signal)

Extend right arm fully above head and close fist or hold wand in horizontal position; left arm remains at side by knee.

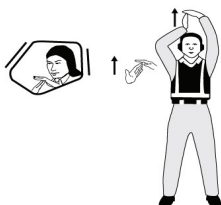


Figure 52

Connect ground power (technical/servicing communication signal)

Hold arms fully extended above head; open left hand horizontally and move finger tips of right hand into and touch open palm of left hand (forming a "T"). At night, illuminated wands can also be used to form the "T" above head.

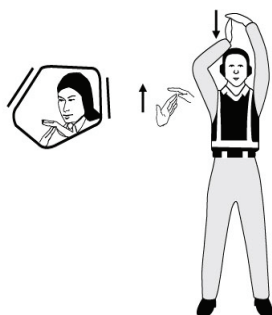


Figure 53

Disconnect power (technical/servicing communication signal)

Hold arms fully extended above head with finger tips of right hand touching open horizontal palm of left hand (forming a "T"); then move right hand away from the left. **Do not** disconnect power until authorized by flight crew. At night, illuminated wands can also be used to form the "T" above head.

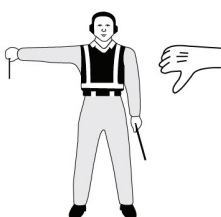
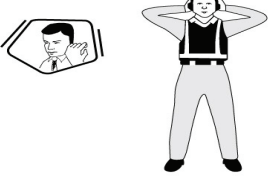
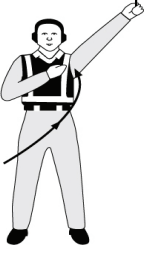


Figure 54

Negative (technical/servicing communication signal)

Hold right arm straight out at 90 degrees from shoulder and point wand down to ground or display hand with "thumbs down"; left hand remains at side by knee.

 <p>Figure 55</p>	<p>Establish communication via interphone (technical/servicing communication signal)</p> <p>Extend both arms at 90 degrees from body and move hands to cup both ears.</p>
 <p>Figure 56</p>	<p>Open/close stairs (technical/servicing communication signal)</p> <p>With right arm at side and left arm raised above head at a 45-degree angle, move right arm in a sweeping motion towards top of left shoulder.</p> <p><i>Note—This signal is intended mainly for aircraft with the set of integral stairs at the front.</i></p>

44. Marshalling signals – pilot to a signalman

A pilot shall use the signals shown in Table 5 when communicating with a signalman on the ground—

TABLE 5

Marshalling Signals Pilot to Ground Signalman

<i>Description of signal</i>	<i>Meaning of signal</i>
(a) Raise arm and hand with fingers extended horizontal in front of face, then clench fist	Brakes engaged.
(b) Raise arm with fist clenched horizontally in front of face, then extend fingers.	Brakes released.
(c) Arms extended palms facing outwards, move hands inwards to cross in front of face.	Insert chocks.
(d) Hands crossed in front of face, palms facing outwards, move arms outwards.	Remove chocks.
(e) Raise the number of fingers on the hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left, for example No. 1 engine shall be the port outer engine, No. 2 engine shall be the port inner engine, No. 3 engine shall be the starboard inner engine and No. 4 engine shall be the starboard outer engine.	Ready to start to engine.

[Subsidiary]*Time***45. Time**

(1) A pilot-in-command flying an aircraft shall use Co-ordinated Universal Time which shall be expressed in hours and minutes and, when required, seconds of the twenty-four hour day beginning at midnight.

(2) A pilot-in-command shall obtain a time check prior to operating a controlled flight and at such other times during the flight as may be necessary, such time check shall be obtained from an air traffic services unit unless other arrangements have been made by the operator or by the Authority.

(3) Wherever time is utilized in the application of data link communications, it shall be accurate to within one second of Co-ordinated Universal Time.

*Air Traffic Control Service***46. Air traffic control clearances**

(1) A pilot-in-command shall not commence a flight in an aircraft unless he has obtained an air traffic control clearance prior to operating a controlled flight, or a portion of a flight as a controlled flight.

(2) A pilot-in-command shall request air traffic control clearance referred to in sub-regulation (1) through the submission of a flight plan to an air traffic control unit.

(3) Where a pilot-in-command has requested a clearance involving priority, that pilot-in-command shall submit a report explaining the necessity for such priority, if requested by the appropriate air traffic control unit.

(4) A person operating an aircraft on a controlled aerodrome shall not taxi on the manoeuvring area without clearance from the aerodrome control tower and shall comply with any instructions given by that unit.

(5) The pilot-in-command of an aircraft shall fly in conformity with the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless the pilot-in-command—

- (a) is able to fly in uninterrupted visual meteorological conditions for so long as he remains in controlled airspace; and
- (b) has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with visual flight rules and has requested that unit to cancel his instrument flight rules flight plan:

Provided that if an emergency arises which requires an immediate deviation from an air traffic control clearance, the pilot-in-command of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

47. Potential re-clearance in flight

(1) If prior to departure, a pilot-in-command anticipates that depending on fuel endurance and subject to re-clearance in flight, a decision may be taken to proceed to a revised destination aerodrome, he shall notify the appropriate air traffic control units by the insertion in the flight plan of information concerning the revised route, where known, and the revised destination.

(2) The intent of sub-regulation (1) is to facilitate a re-clearance to a revised destination, normally beyond the filed destination aerodrome.

48. Adherence to air traffic control clearances

(1) A pilot-in-command shall, except as provided for in regulation 46 and 50, adhere to the current flight plan or the applicable portion of a current flight plan submitted for a controlled flight unless a request for a change has been made and clearance obtained from the appropriate air traffic control unit, or unless an emergency situation arises which necessitates immediate action by the pilot-in-command, in which event as soon as circumstances permit, after such emergency authority is exercised, the appropriate air traffic control unit shall be notified of the action taken and that this action has been taken under emergency authority.

(2) Sub-regulation (1) does not prohibit a pilot-in-command from cancelling an instrument flight rules clearance when operating in visual meteorological conditions or cancelling a controlled flight clearance when operating in airspace that does not require controlled flight.

(3) When operating in airspace requiring controlled flight, a pilot-in-command shall not operate contrary to air traffic control instructions, except in an emergency.

(4) A pilot-in-command who deviates from an air traffic control clearance or instructions in an emergency, shall notify air traffic control of that deviation as soon as possible.

49. Route to be flown

(1) Unless otherwise authorized or directed by the appropriate air traffic control unit, a pilot-in-command of a controlled flight shall, in so far as practicable—

- (a) when on an established air traffic services route, operate along the defined centre line of that route; or
- (b) when on any other route, operate directly between the navigation facilities or points defining that route.

(2) A pilot-in-command shall notify the appropriate air traffic control unit of any deviation from the requirements in sub-regulation (1).

(3) A pilot-in-command of a controlled flight operating along an air traffic services route defined by reference to very high frequency omnidirectional range shall change over for primary navigation guidance from the facility behind the aircraft to that ahead of it at, or as close as operationally feasible to, the change-over point, where established.

50. Air traffic control clearance – inadvertent changes

(1) A pilot-in-command of an aircraft shall take the following action in the event that a controlled flight inadvertently deviates from its current flight plan—

- (a) if the aircraft is off-track, the pilot-in-command shall adjust the heading of the aircraft to regain track as soon as practicable;
- (b) the pilot-in-command shall inform the appropriate air traffic control unit if the average true airspeed at cruising level between reporting points varies from that given in the flight plan or is expected to vary by plus or minus five per cent of the true airspeed; and
- (c) the pilot-in-command shall notify the appropriate air traffic control unit and give a revised estimated time given as soon as possible if the time estimate for the next applicable reporting point, flight information region boundary, or destination aerodrome, whichever comes first, is found to be in error in excess of three minutes from that notified to air traffic control unit, or such other period of time as is prescribed by the appropriate air traffic services authority or on the basis of air navigation regional agreements.

[Subsidiary]

(2) In addition to sub-regulation (1), when an Automatic Dependent Surveillance agreement is in place, air traffic service unit shall be informed automatically via data link whenever changes occur beyond the threshold values stipulated by the Automatic Dependent Surveillance event contract.

51. Air traffic control clearance – intended changes

A pilot-in-command requesting for air traffic control clearance changes shall include the following information in the request—

- (a) for change of cruising level—
 - (i) aircraft identification;
 - (ii) requested new cruising level and cruising speed at this level; and
 - (iii) revised time estimates, when applicable, at subsequent flight information region boundaries;
- (b) for change of route—
 - (i) destination unchanged—
 - (aa) aircraft identification;
 - (bb) flight rules;
 - (cc) description of new route of flight including related flight plan data beginning with the position from which requested change of route is to commence;
 - (dd) revised time estimates; and
 - (ee) any other pertinent information;
 - (ii) destination changed—
 - (aa) aircraft identification;
 - (bb) flight rules;
 - (cc) description of revised route of flight to revised destination aerodrome including related flight plan data, beginning with the position from which requested change of route is to commence;
 - (dd) revised time estimate;
 - (ee) alternate aerodrome; and
 - (ff) any other relevant information.

52. Position reports

(1) A pilot of a controlled flight shall report to the appropriate air traffic control unit, as soon as possible—

- (a) the time and level of passing each designated compulsory reporting point, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by air an traffic control unit need be reported, together with any other required information, unless exempted from this requirement by the appropriate air traffic control unit under conditions specified by the Authority;
- (b) any unforecasted weather conditions encountered; and
- (c) any other information relating to the safety of flight, such as hazardous weather or abnormal radio station indications.

(2) A pilot of a controlled flight shall make position reports in relation to additional points when requested by the appropriate air traffic control unit.

[Subsidiary]

(3) In the absence of designated reporting points, a pilot of a controlled flight shall make position reports at intervals prescribed by the Authority or specified by the appropriate air traffic control unit.

(4) A pilot-in-command of a controlled flight providing position information to the appropriate air traffic control unit via data link communications shall only provide voice position reports when requested.

(5) A pilot of a controlled flight shall, except when landing at a controlled aerodrome, advise the appropriate air traffic control unit as soon as the flight ceases to be subject to air traffic control service.

53. Air traffic control clearances for visual flight rules flights

A pilot of a visual flight shall comply with the provisions of regulations 46, 47, 48, 50, 51, 52 and 58 when—

- (a) operated within Classes B, C and D airspace;
- (b) forming part of aerodrome traffic at controlled aerodromes; or
- (c) operated as special visual flight rules.

54. Visual flight rules flight within designated areas

A pilot-in-command operating a visual flight rules flight within or into areas, or along routes, designated by the Authority in accordance with regulation 33 sub-regulation (2)(c) or (d) shall maintain continuous air-ground voice communication watch on the appropriate communication channel of, and report its position as necessary to, the air traffic services unit providing flight information service.

55. Weather deterioration below visual meteorological conditions

A pilot-in-command of a visual flight rules flight operated as a controlled flight shall, when it becomes evident that flight in visual meteorological conditions in accordance with its current control flight plan will not be practicable—

- (a) request an amended clearance enabling the aircraft to continue in visual meteorological conditions to its destination or to an alternative aerodrome, or to leave the airspace within which an air traffic control clearance is required;
- (b) if no clearance can be obtained in accordance with paragraph (a), continue to operate in visual meteorological conditions and notify the appropriate air traffic control unit of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome;
- (c) if operating within a control zone, request authorisation to operate as a special visual flight rules; or
- (d) request clearance to operate in instrument flight rules, if currently rated for instrument flight rules operations.

56. Operation under instrument flight rules in controlled airspace malfunction reports

(1) A pilot-in-command of an aircraft operated in controlled airspace under instrument flight rules shall report as soon as practical to air traffic control unit any malfunctions of navigation, approach, or communication equipment occurring in flight.

(2) In each report specified in sub-regulation (1), the pilot-in-command shall include—

- (a) the aircraft identification;
- (b) the equipment affected;

[Subsidiary]

- (c) the degree to which the capability of the pilot to operate under instrument flight rules in the air traffic control system is impaired; and
- (d) the nature and extent of assistance desired from air traffic control unit.

57. Communications

(1) A person operating an aircraft as a controlled flight shall maintain a continuous air-ground voice communication watch on the appropriate radio frequency of, and establish two-way communication as required, with, the appropriate air traffic control unit.

(2) Automatic signalling devices may be used to satisfy the requirement to maintain a continuous listening watch, if authorized by the Authority.

58. Communication failure – air-to-ground

(1) Where a pilot-in-command has been unable to establish contact with an aeronautical ground station in order to comply with regulation 57 the pilot-in-command shall attempt to establish communications with the appropriate air traffic control unit using all other available means.

(2) Where an aircraft forms part of the aerodrome traffic at a controlled aerodrome, the pilot-in-command shall keep a watch for such instructions as may be issued by visual signals.

(3) Where an aircraft is equipped with secondary surveillance radar transponder, the pilot-in-command shall select Mode A, Code 7600.

(4) If a pilot-in-command is unable to establish communication in accordance with sub-regulation (1) and is in visual meteorological conditions, he shall—

- (a) continue to fly in visual meteorological conditions, land at the nearest suitable aerodrome and report his arrival by the most expeditious means to the appropriate air traffic control unit;
- (b) if considered advisable, complete an instrument flight rules flight in accordance with sub-regulation (5).

(5) If a pilot-in-command is unable to establish communication in accordance with sub-regulation (1) and is in instrument meteorological conditions or when the pilot-in-command of an instrument flight rules flight considers it inadvisable to complete the flight in accordance with sub-regulation (4)(a), the pilot-in-command shall—

- (a) in airspace where radar is not used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of twenty minutes following the pilot-in-command's failure to report the aircraft's position over a compulsory reporting point and thereafter adjust level and speed in accordance with the filed flight plan;
- (b) in airspace where radar is used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of seven minutes following—
 - (i) the time the last assigned level or minimum flight altitude is reached; or
 - (ii) the time the transponder is set to Mode A, Code 7600; or
 - (iii) the pilot-in-command's failure to report the aircraft's position over a compulsory reporting point;

whichever is later, and thereafter adjust level and speed in accordance with the filed flight plan;

[Subsidiary]

- (c) when being radar vectored or having been directed by air traffic control to proceed offset using area navigation without a specified limit, rejoin the current flight plan route no later than the next significant point, taking into consideration the applicable minimum flight altitude;
- (d) proceed according to the current flight plan route to the appropriate designated navigation aid or fix serving the destination aerodrome and, when required to ensure compliance with paragraph (e) below, hold over this aid or fix until commencement of descent;
- (e) commence descent from the navigation aid or fix specified in sub-paragraph (d) at, or as close as possible to the expected approach time last received and acknowledged or, if no expected approach time has been received and acknowledged, at or as close as possible to the estimated time of arrival resulting from the current flight plan;
- (f) complete a normal instrument approach procedure as specified for the designated navigation aid or fix; and
- (g) land, if possible, within thirty minutes after the estimated time of arrival specified in sub-paragraph (e) or the last acknowledged expected approach time, whichever is later;
- (h) if unable to land as specified in paragraph (g), the pilot-in-command shall not approach and land visually and shall leave the vicinity of the aerodrome and any associated controlled airspace at the specified altitude and on the specified route, and if no altitude or route is specified the pilot-in-command shall fly at the last assigned altitude or minimum sector altitude, whichever is the higher, and avoid areas of dense traffic, then he shall either—
 - (i) fly to an area in which flight may be continued in visual meteorological conditions and land at a suitable aerodrome there; or (if this is not possible);
 - (ii) select a suitable area in which to descend through cloud, fly visually to a suitable aerodrome and land as soon as practicable.

59. Communication failure – ground-to-air

(1) Where an aeronautical station has been unable to establish contact with a pilot-in-command after calls on the frequencies on which the pilot-in-command is believed to be listening, the station shall—

- (a) request other aeronautical stations to render assistance by calling the pilot-in-command and relaying traffic information, if necessary;
- (b) request pilot-in-command's of other aircraft on the route to attempt to establish communication with the aircraft and relay traffic information, if necessary.

(2) The provisions of sub-regulation (1) shall also be applied—

- (a) on request of the air traffic service unit concerned;
- (b) when an expected communication from a pilot-in-command has not been received within a time period such that the occurrence of a communication failure is suspected.

(3) The time period referred to in sub-regulation (2)(b) shall be prescribed by the Authority.

(4) Where the attempts specified in sub-regulation (1) fail, the aeronautical station shall transmit messages addressed to the pilot-in-command, other than messages containing air traffic control clearances, by blind transmission on the frequency on which the pilot-in-command is believed to be listening.

[Subsidiary]*Unlawful Interference and Interception of Aircraft***60. Unlawful interference**

(1) A pilot-in-command of an aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of this fact, any significant circumstances associated therewith and any deviation from the current flight plan necessitated by the circumstances, in order to enable the air traffic services unit to give priority to the aircraft and to minimize conflict with other aircraft.

(2) A pilot-in-command shall, when and if possible, operate the secondary surveillance radar Mode A, Code 7500 to indicate that the aircraft is being subjected to unlawful interference or secondary surveillance radar Mode A, Code 7700 to indicate that it is threatened by grave and imminent danger and requires immediate assistance.

(3) When an air traffic service unit knows or believes that an aircraft is being subjected to unlawful interference, no reference shall be made in air traffic services air-ground communications to the nature of the emergency unless it has first been referred to in communications from the aircraft involved and it is certain that such reference will not aggravate the situation.

61. Interception of civil aircraft

(1) Interception of civil aircraft shall—

- (a) be undertaken only as a last resort;
- (b) if undertaken, be limited to determining the identity of the aircraft, unless it is necessary to return the aircraft to its planned track, direct it beyond the boundaries of national airspace, guide it away from a prohibited, restricted or danger area or instruct it to effect a landing at a designated aerodrome;
- (c) not be undertaken for practice of interception of civil aircraft;
- (d) ensure that navigational guidance and related information will be given to an intercepted aircraft by radiotelephony, whenever radio contact can be established; and
- (e) ensure that, in the case where an intercepted civil aircraft is required to land in the territory overflown, the aerodrome designated for the landing is suitable for the safe landing of the aircraft type concerned.

(2) A pilot-in-command of a civil aircraft, when intercepted shall immediately—

- (a) follow the instructions given by the intercepting aircraft, interpreting and responding to visual signals in accordance with the specifications in regulation 40;
- (b) notify, if possible, the appropriate air traffic service unit;
- (c) attempt to establish radio communication with the intercepting aircraft or with the appropriate intercept control unit, by making a general call on the emergency frequency 121.5 MHz, giving the identity of the intercepted aircraft and the nature of the flight, and if no contact has been established and if practicable, repeating this call on the emergency frequency 243 MHz;
- (d) if equipped with secondary surveillance radar transponder, select Mode A, Code 7700, unless otherwise instructed by the appropriate air traffic service unit.

(3) If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by visual signals, the pilot-in-command of the intercepted aircraft shall request immediate clarification while continuing to comply with the visual instructions given by the intercepting aircraft.

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(4) If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by radio, the pilot-in-command of the intercepted aircraft shall request immediate clarification while continuing to comply with the radio instructions given by the intercepting aircraft.

(5) In intercepting a civil aircraft, the intercepting aircraft shall take due account of the performance limitations of civil aircraft, the need to avoid flying in such proximity to the intercepted aircraft that a collision hazard may be created and the need to avoid crossing the intercepted aircraft's flight path or to perform any other manoeuvre in such a manner that the wake turbulence may be hazardous, particularly if the intercepted aircraft is a light aircraft.

(6) Pilots of intercepting aircraft equipped with a secondary surveillance radar transponder shall suppress the transmission of pressure-altitude information (in Mode C replies or in the AC field of Mode S replies) within a range of at least 37 km (20 NM) of the aircraft being intercepted in order to prevent the airborne collision avoidance system in the intercepted aircraft from using resolution advisories in respect of the interceptor, while the airborne collision avoidance system traffic advisory information will remain available.

(7) If radio contact is established during interception but communication in a common language is not possible, attempts shall be made to convey instructions, acknowledgement of instructions and essential information by using the phrases and pronunciations in Table 6 and transmitting each phrase twice—

TABLE 6

PHRASES AND PRONUNCIATIONS USED DURING INTERCEPTION

Phrases for use by INTERCEPTING aircraft			Phrases for use by INTERCEPTED aircraft		
Phrase	Pronunciation ¹	Meaning	Phrase	Pronunciation ¹	Meaning
CALL SIGN	<u>KOL</u> SA-IN	What is your call sign?	CALL SIGN (call sign) ²	<u>KOL</u> SA-IN (call sign)	My call sign is (call sign)
FOLLOW	<u>FOL</u> -LO	Follow me	WILCO Will comply	<u>VILL</u> -KO	Understood
DESCEND	DEE- <u>SEND</u>	Descend for landing	CAN NOT	<u>KANN</u> NOTT	Unable to comply
YOU LAND	<u>YOU</u> <u>LAAND</u>	Land at this aerodrome	REPEAT	REE- <u>PEET</u>	Repeat your instruction
PROCEED	PRO- <u>SEED</u>	You may proceed	AM LOST	<u>AM</u> <u>LOSST</u>	Position unknown
			MAYDAY	<u>MAYDAY</u>	I am in distress
			HIJACK ³	<u>HI-JACK</u>	I have been hijacked
			LAND (place name)	LAAND (place name)	I request to land at (place name)
			DESCEND	DEE-SEND	I require descent
1. In the second column, syllables to be emphasized are underlined.					
2. The call sign required to be given is that used in radiotelephony communications with air traffic services units and corresponding to the aircraft identification in the flight plan.					
3. Circumstances may not always permit, nor make desirable, the use of the phrase "HIJACK".					

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*Miscellaneous***62. Reporting of hazardous conditions**

A pilot-in-command shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic service unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

63. Altimeter settings

A person operating an aircraft registered in Kenya shall set the aircraft, altimeters to maintain the cruising altitude for flight level reference in accordance with the procedure notified by—

- (a) the State where the aircraft may be; or
- (b) the Aeronautical Information Publication.

64. Classification of airspace

Air traffic services airspace classification in Kenya is shown in the Aeronautical Information Publication and classified and designated in accordance with Table 7.

TABLE 7

CLASSIFICATION OF AIR TRAFFIC SERVICES AIRSPACES

<i>Class</i>	<i>Type of flight</i>	<i>Separation provided</i>	<i>Service provided</i>	<i>Speed limitation*</i>	<i>Radio communication requirement</i>	<i>Subject to an ATC clearance</i>
A	IFR Only	All aircraft	Air traffic control service	Not applicable	Continuous two-way	Yes
B	IFR	All aircraft	Air traffic control service	Not applicable	Continuous two-way	Yes
	VFR	All aircraft	Air traffic control	Not applicable	Continuous two-way	Yes
C	IFR	IFR from IFR IFR from VFR	Air traffic control service	Not applicable	Continuous two-way	Yes
	VFR	VFR from IFR	(1) Air traffic control service for separation from IFR; (2) VFR/VFR traffic information (and traffic avoidance advice on request)	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	Yes

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Class	Type of flight	Separation provided	Service provided	Speed limitation*	Radio communication requirement	Subject to an ATC clearance
D	IFR	IFR from IFR	Air traffic control service, traffic information about VFR flights (and traffic avoidance advice on request)	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	Yes
	VFR	Nil	IFR/VFR and VFR/VFR traffic information (and traffic avoidance advice on request)	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	Yes
E	IFR	IFR from IFR	Air traffic control service and, as far as practical, traffic information about VFR flights	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	Yes
	VFR	Nil	Traffic information as far as practical	250 kt IAS below 3,050 m (10 000 ft) AMSL	No	No
F	IFR	IFR from IFR as far as practical	Air traffic advisory service; flight information service	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	No
	VFR	Nil	Flight information service	250 kt IAS below 3,050 m (10 000 ft) AMSL	No	No
G	IFR	Nil	Flight information service	250 kt IAS below 3,050 m (10 000 ft) AMSL	Continuous two-way	No
	VFR	Nil	Flight information	250 kt IAS below 3,050 m (10 000 ft) AMSL	No	No
<ul style="list-style-type: none"> When the height of the transition altitude is lower than 3 050 m (10 000 ft) AMSL, FL 100 should be used in lieu of 10 000 ft. 						

65. Authority of pilot-in-command of an aircraft

The pilot-in-command shall have final authority as to the disposition of the aircraft while in command.

66. Weather limitations for visual flight rules flights

A person shall not commence a flight to be conducted in accordance with visual flight rules unless available current meteorological reports, or a combination of current reports

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and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under visual flight rules, shall, at the appropriate time, allow visual flight rules operations.

67. Flight in Class A airspace

A pilot-in-command shall, in relation to flights in visual meteorological conditions in Class A airspace, comply with regulations 42 and 48 as if the flights were instrument flight rules flights but shall not elect to continue the flight in compliance with the visual flight rules for the purposes of regulation 42.

68. Co-ordination of activities potentially hazardous to aircraft

(1) A person shall not carry out activities potentially hazardous to aircraft whether flying over Kenya or over the territorial waters of Kenya without approval from the Authority.

(2) Notwithstanding the generality of sub-regulation (1)—

- (a) a person shall not intentionally project, or cause to be projected, a laser beam or other directed high intensity light at an aircraft in such a manner as to create a hazard to aviation safety, damage to the aircraft or injury to its crew or passengers;
- (b) a person using or planning to use lasers or other directed high-intensity lights outdoors in such a manner that the laser beam or other light beam may enter navigable airspace with sufficient power to cause an aviation hazard shall provide written notification to the competent authority;
- (c) a pilot-in-command shall not deliberately operate an aircraft into a laser beam or other directed high-intensity light unless flight safety is ensured. This may require mutual agreement by operator of the laser emitter or light source, the pilot-in-command and the competent authority.

(3) A person shall not release into the atmosphere any radio active material or toxic chemicals which could affect the safety of aircraft operating within the Kenyan airspace.

PART III – VISUAL FLIGHT RULES**69. Visual meteorological conditions**

Except when operating a special visual flight rules flight, a person shall conduct a visual flight rules flight so that the aircraft is flown in conditions of visibility and distance from clouds equal to or greater than those specified in Table 8.

TABLE 8

VISUAL METEOROLOGICAL CONDITIONS VISIBILITY AND DISTANCE FROM CLOUD MINIMA

<i>Altitude band</i>	<i>Airspace class</i>	<i>Flight visibility</i>	<i>Distance from cloud</i>
At and above 3 050 m (10 000 ft) AMSL	A*B C D E F G	8 km	1,500 m horizontally 300 m (1,000 ft) vertically
Below 3050 m (10000 ft) AMSL, and above 900 m (3 000 ft) AMSL, or above 300m (1 000 ft) above terrain, whichever is the higher	A*B C D E F G	5 km	1,500 m horizontally 300 m (1,000 ft) vertically

<i>Altitude band</i>	<i>Airspace class</i>	<i>Flight visibility</i>	<i>Distance from cloud</i>
At and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher	A* B C D E	5 km	1,500 m horizontally 300 m (1,000 ft) vertically
	F G	5 km	Clear of cloud and with the surface in sight

* The visual meteorological conditions minima in Class A airspace are included for guidance to pilots and do not imply acceptance of visual flight rules flights in Class A airspace.

70. Visual flight rules within a control zone

A pilot-in-command of a visual flight rules flight shall not take-off or land at an aerodrome within a control zone, or enter the aerodrome traffic zone or traffic pattern when—

- (a) the ceiling is less than 450 metres (1,500 ft); or
- (b) the ground visibility is less than 5 kilometres,

except when a clearance is obtained from an air traffic control unit.

71. Minimum safe visual flight rules altitudes

Except when necessary for take-off or landing, or except by permission from the Authority, a visual flight rules flight shall not be flown—

- (a) over congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 1,000 feet above the highest obstacle within a radius of 600 metres from the aircraft;
- (b) elsewhere than specified in paragraph (a), at a height less than 500 feet above the ground or water.

72. Choice of visual flight rules or instrument flight rules

(1) Subject to regulation 67 a person shall fly an aircraft in accordance with visual flight rules or instrument flight rules, provided that—

- (a) an aircraft flying at night shall be flown in accordance with the instrument flight rules, or, in a control zone, in accordance with the instrument flight rules or the provisions of the proviso to paragraph (b) of regulation 73;
- (b) irrespective of meteorological conditions, the pilot-in-command shall, when operating within the Nairobi Flight Information Region at or above flight level 150 and within airways irrespective of flight level, fly in accordance with instrument flight rules.

(2) Unless authorized by an appropriate air traffic services authority, a person shall not operate an aircraft in visual flight rules—

- (a) above flight level 145; or
- (b) at supersonic or transonic speeds.

73. Visual flight rules outside and within controlled airspace

A pilot-in-command flying an aircraft—

- (a) outside controlled airspace shall remain at least 1,500 m horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km;
- (b) Provided that below 1,000 feet above ground or water this sub-regulation shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface in a flight visibility of not less than 1.5 km;

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- (c) within controlled airspace shall remain at least 1,500m horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km:

Provided that in a control zone, in the case of a special visual flight rules flight, the aircraft shall remain clear of cloud and in sight of the ground or water and shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

74. Changing from visual flight rules to instrument flight rules

A pilot-in-command operating in visual flight rules who wishes to change to instrument flight rules shall—

- (a) if a flight plan was submitted, communicate the necessary changes to be effected to the current flight plan; or
- (b) when so required by provisions of regulation 33, submit a flight plan to the appropriate air traffic control unit and obtain a clearance prior to proceeding to operate in instrument flight rules when in controlled airspace.

PART IV – INSTRUMENT FLIGHT RULES**75. Aircraft equipment**

A pilot-in-command shall ensure an aircraft is equipped with suitable instruments and with navigation equipment appropriate to the route to be flown.

76. Instrument flight rules flights in controlled airspace

A pilot-in-command of an aircraft operating an instrument flight rules flight in controlled airspace shall—

- (a) be flown at a cruising level, or, if authorized to employ cruise climb techniques between two levels or above a level, selected from—
 - (i) Table 9 in areas where, on the basis of regional air navigation agreements and in accordance with conditions specified therein, a vertical separation minimum of 1000 ft is applied between flight level 290 and flight level 410 inclusive;
 - (ii) Table 1 in other areas;
 - (iii) a modified table of cruising levels, when so prescribed in accordance with Table 9 for flight above FL410;except that the correlation of levels to track prescribed therein shall not apply whenever otherwise indicated in air traffic control clearances or specified by the Authority in the Aeronautical Information Publication;
- (b) comply with the provisions of regulations 46, 47, 48, 50, 51, 52 and 57.

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TABLE 9

*Table of Cruising Levels – Reduced Vertical
Separation Minima Airspace*

- (a) In areas where, on the basis of regional air navigation agreements and in accordance with conditions specified therein a vertical separation minimum (VSM) of 300 m (1,000 ft) is applied between FL 290 and FL 410 inclusive:*

TRACK**											
From 000 degrees to 179 degrees***						From 180 degrees to 359 degrees***					
IFR Flights Altitude			VFR Flights Altitude			IFR Flights Altitude			VFR Flights Altitude		
FL	Metres	Feet	FL	Metres	Feet	FL	Metres	Feet	FL	Metres	Feet
-90			—	—	—	0			—	—	—
10	300	1000	—	—	—	20	600	2000	—	—	—
30	900	3000	35	1050	3500	40	1200	4000	45	2350	4500
50	1500	5000	55	1700	5500	60	1850	6000	65	2000	6500
70	2150	7000	75	2300	7500	80	2450	8000	85	2600	8500
90	2750	9000	95	2900	9500	100	3050	10000	105	3200	10500
110	3350	11000	115	3500	11500	120	3650	12000	125	3300	12500
130	3950	13000	135	4100	13500	140	4250	14000	145	4400	14500
150	4550	15000	155	4700	15500	160	4900	16000	165	5050	16500
170	5200	17000	175	5350	17500	180	5500	18000	185	5650	18500
190	5800	19000	195	5950	19500	200	6100	20000	205	6250	20500
210	6400	21000	215	6550	21500	220	6700	22000	225	6810	22500
230	7000	23000	235	7150	23500	240	7300	24000	245	7450	24500
250	7600	25000	255	7750	25500	260	7900	26000	265	8100	26500
270	8250	27000	275	8400	27500	280	8550	28000	285	8700	28500
290	8850	29000				300	9150	30000			
310	9450	31000				320	9750	32000			
330	10050	33000				340	10350	34000			
350	10650	35000				360	10950	36000			
370	11300	37000				380	11600	38000			
390	11900	39000				400	12200	40000			
410	12500	41000				430	13100	43000			
450	13700	45000				470	14350	47000			
490	14950	49000				510	15550	51000			
etc.	etc.	etc.				etc.	etc.	etc.			

* Except when, on the basis of regional air navigation agreements, a modified table of cruising levels based on a nominal vertical separation minimum of 300m (1,000 ft) is prescribed for use under specified conditions, by aircraft operating above FL 410 within designated portions of the airspace.

** Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be proscribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar chart in which the direction towards the North Pole is employed as the grid North.

*** Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 039 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.

[Subsidiary]**77. Instrument flight rules flights outside controlled airspace**

A pilot-in-command operating an instrument flight rules flight outside a controlled airspace—

- (a) shall fly at a cruising level selected from Table 1, except when otherwise specified by the Authority for flight at or below 1,000 ft above mean sea level;
- (b) but within or into areas, or along routes specified in regulation 33 sub-regulation (2)(c) or (d) shall maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary with air traffic services unit providing flight information services;
- (c) shall report position as specified in regulation 53 for controlled flights.

78. Minimum flight altitudes for instrument flight rules operations

(1) Except when necessary for take-off or landing, an instrument flight rules flight shall be flown at a level which is not below the minimum flight altitude established by the Authority of the State whose territory is overflown, or, where no such minimum has been established—

- (a) for flights over high terrain or in mountainous areas, at a level which is at least 600 metres (2,000 feet) above the highest obstacle located within 8 kilometres of the estimated position of the aircraft; and
- (b) elsewhere than as specified in paragraph (a), at a level which is at least 300 metres (1,000 feet) above the highest obstacle located within eight kilometres of the estimated position of the aircraft.

(2) If unable to communicate with air traffic control and there is need to climb to clear an obstacle to determine climb for obstacle clearance, a pilot shall climb to a higher minimum instrument flight rules altitude immediately after passing the point beyond which that minimum altitude applies.

79. Change from instrument flight rules flight to visual flight rules flight

(1) A pilot electing to change from instrument flight rules flight to visual flight rules flight shall notify the appropriate air traffic control unit specifically that the instrument flight rules flight is cancelled and then communicate the changes to be made to the current flight plan.

(2) Where a pilot operating under instrument flight rules is flying in or encounters visual meteorological conditions, the pilot shall not cancel the instrument flight rules flight unless it is anticipated, and intended, that the flight shall be continued for a reasonable period of time in uninterrupted visual meteorological conditions.

PART V – GENERAL**80. Problematic use of psychoactive substances**

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

81. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

82. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

83. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

84. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

85. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

[Subsidiary]**86. Use and retention of certificates and records**

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

87. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that needs to be taken.

88. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

89. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

90. Application of regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

91. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of any aircraft registered in Kenya, shall apply to such persons and crew wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VI – OFFENCES AND PENALTIES**92. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

93. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

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(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the First Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART VII – SAVINGS AND TRANSITIONAL PROVISIONS**94. Savings**

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

95. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE

[Regulation 93.]

PENALTIES**PART A – PROVISIONS REFERRED TO IN PARAGRAPH (2) OF REGULATION 93****Regulation**

- 5 – Low flying.
- 6 – Formation flights.
- 7 – Unmanned free balloons.
- 8 – Acrobatic flight.
- 10 – Prohibited areas and restricted areas.
- 11 – Flights over game parks, game reserves and national parks.
- 13 – Dropping, spraying, towing and parachute descents.
- 14 – Proximity to other aircraft.
- 16 – Right-of-way rules in ground operations.
- 17 – Right-of-way rules in water operations.
- 21 – Balloons, kites, airships, gliders and parascending parachutes.
- 22 – Captive balloons and kites.
- 23 – Airships.
- 24 – Anti-collision light.
- 25 – Simulated instrument flight conditions.
- 26 – Practice instrument approaches.
- 27 – Aerodromes not having air traffic control units.
- 28 – Aerodromes having air traffic control units.
- 29 – Operations on or in the vicinity of a controlled aerodrome.

SCHEDULE—*continued*

Regulation

- 30 – Access to and movement in the manoeuvring area.
- 32 – Flight plan.
- 36 – Closing a flight plan.
- 37 – Universal aviation signals.
- 40 – Aircraft interception and interception signals.
- 42 – Signals for aerodrome traffic.
- 46 – Air traffic control clearances.
- 48 – Adherence to air traffic control clearances.
- 49 – Route to be flown.
- 55 – Weather deterioration below visual meteorological conditions.
- 57 – Communications.
- 61 – Interception of civil aircraft.
- 63 – Altimeter settings.
- 66 – Weather limitations for visual flight rules.
- 67 – Flight in Class A airspace.
- 69 – Visual meteorological conditions.
- 70 – Visual flight rules within a control zone.
- 71 – Minimum safe visual flight rules altitudes.
- 72 – Choice of visual flight rules or instrument flight rules.
- 73 – Visual flight rules outside and within controlled airspace.
- 74 – Changing from visual flight rules to instrument flight rules.
- 77 – Instrument Flight rules flights outside controlled airspace.
- 78 – Minimum flight altitudes for instrument flight rules operations.
- 79 – Change from instrument flight rules flight to visual flight rules flight.

PART B – PROVISIONS REFERRED TO IN PARAGRAPH (3) OF REGULATION 93

Regulation

- 68 – Co-ordination of activities potentially hazardous to civil aircraft.
 - 80 – Problematic use of psychoactive substances.
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**CIVIL AVIATION (APPROVED MAINTENANCE ORGANISATION)
REGULATIONS**

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[Subsidiary]**CIVIL AVIATION (APPROVED MAINTENANCE ORGANISATION)
REGULATIONS, 2007**

[L.N. 39 of 2007.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Approved Maintenance Organisation) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**accountable manager**” means the manager who has corporate authority for ensuring that all maintenance activities required by the owner or operator of an aircraft are financed and carried out to the standard required by the Authority;

“**aeronautical product**” means any aircraft, engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;

“**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“**aircraft component**” means any assembly item component, part of an aircraft up to and including a complete powerplant or any operational or emergency equipment;

“**aircraft type**” means all aircraft of the same basic design;

“**airframe**” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of a powerplant), and landing gear of an aircraft and their accessories and controls;

“**airworthiness data**” means any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured;

“**appliance**” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller;

“**approved continuous maintenance program**” means a maintenance program approved by the State of registry;

“**approved data**” means technical information approved by the Authority;

“**approved maintenance organisation**” means an organisation approved by the Authority to perform specific aircraft maintenance activities;

“**approved standard**” means a manufacturing, design, maintenance, or quality standard approved by the Authority;

“**article**” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

“**Authority**” means the Kenya Civil Aviation Authority;

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“calibration” means a set of operations, performed in accordance with a definite documented procedure, that compare the measurement performed by a measurement device or working standard for the purpose of detecting and reporting or eliminating by adjustment errors in the measurement device, working standard, or component tested;

“certificate of release to service” means a document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority;

“certifying staff” means personnel authorised by the approved maintenance organisation in accordance with a procedure acceptable to the Authority to certify aircraft or aircraft components for release to service;

“composite” means structural materials made of substances, including, but not limited to, wood, metal, ceramic, graphite, boron, epoxy, plastic, fibre reinforced built-in strengthening agents that may be in the form of filaments, foils, powders, or flakes, of a different material;

“composite structure” means a type of aircraft structure made of plastic resins reinforced with strong light weight filaments;

“computer system” means any electronic or automated system capable of receiving, storing, and processing external data, and transmitting and presenting such data in a usable form for the accomplishment of a specific function;

“contracting State” means a State that is signatory to the Convention on International Civil Aviation (Chicago Convention);

“facility” means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“housing” means buildings, hangars, and other structures to accommodate the necessary equipment and materials of a maintenance organisation that—

- (a) provide working space for the performance of maintenance, preventive maintenance, or modifications for which the maintenance organisation is certificated and rated;
- (b) provide structures for the proper protection of aircraft, airframes, aircraft engines, propellers, appliances, components, parts, and subassemblies thereof during disassembly, cleaning, inspection, repair, modification, assembly, and testing; and
- (c) provide for the proper storage, segregation, and protection of materials, parts, and supplies;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“major modification” means a type design change not listed in the aircraft, aircraft engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product according to non-standard practices;

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“major repair” means a repair of an aeronautical product that might appreciably affect the structural strength, performance, powerplant, operation flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product using non-standard practices;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and re-assembly; and testing in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the state of design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Authorisation or Technical Standard Order;

“powerplant” means an engine that is used or intended to be used for propelling aircraft, and it includes turbo, superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

“preventive maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations;

“rating” means an authorisation entered on, or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

“specific operating provisions” means a document describing the ratings in detail and containing or referencing material and process specifications used in performing repair work, along with any limitations applied to the maintenance organisation;

“State of design” means the contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aircraft or aircraft component or appliance;

“State of manufacture” means the contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all supplemental type certificates, test flown and approved for operation; the State of manufacture may or may not also be the State of design;

“State of registry” means the contracting State on whose registry an aircraft is registered.

3. Application

These Regulations shall apply to all persons operating or maintaining Kenya registered aircraft, wherever operated or maintained.

PART II – CERTIFICATION

4. Certificate and specific operating provisions

(1) A person shall not operate as an approved maintenance organisation without or in violation of an approved maintenance organisation certificate issued under these Regulations.

(2) An approved maintenance organisation may perform maintenance, preventive maintenance, or modifications on an aircraft, airframe, engine, propeller, appliance, component or its part only for which it is rated and within the limitations placed in its specific operating provisions.

- (3) An approved maintenance organisation certificate shall consist of—
- (a) a certificate issued by the Authority; and
 - (b) specific operating provisions accepted by the Authority containing the terms and conditions applicable to the approved maintenance organisation.
- (4) An approved maintenance organisation certificate shall contain—
- (a) a certificate number specifically assigned to the approved maintenance organisation;
 - (b) the name and location of the main place of business of the approved maintenance organisation; and
 - (c) the date of issue and period of validity of the certificate; and
 - (d) ratings issued to the approved maintenance organisation.
- (5) The approved maintenance organisation certificate shall be in the form prescribed by the Authority.
- (6) Specific operating provisions of an approved maintenance organisation shall contain—
- (a) a certificate number specifically assigned to the approved maintenance organisation;
 - (b) class or limited ratings issued in detail, including special approvals and limitations issued;
 - (c) date issued or revised; and
 - (d) signatures of the accountable manager and authorised person of the Authority.
- (7) The certificate issued to an approved maintenance organisation shall be displayed in the premises for inspection by the public and the Authority.

5. Advertising

(1) An approved maintenance organisation shall not advertise as a certificated approved maintenance organisation unless an approved maintenance organisation certificate has been issued to that organisation.

(2) A certificated approved maintenance organisation shall not make any statement, either in writing or orally, about itself that is false or is designed to mislead any person.

(3) When the advertising of an approved maintenance organisation indicates that it is certificated, the advertisement shall clearly state the approved maintenance organisation's certificate number.

6. Application for an approved maintenance organisation certificate

An applicant for an approved maintenance organisation certificate shall submit the following to the authority at least ninety days before the intended day of operations—

- (a) an application in a form and in a manner prescribed by the Authority;
- (b) the applicant's Maintenance Procedures Manual in duplicate;
- (c) a list of the maintenance functions to be performed for it, under contract, by another approved maintenance organisation;
- (d) a list of all approved maintenance organisation certificates and ratings pertinent to those certificates issued by any contracting State other than Kenya; and
- (e) any additional information the Authority requires the applicant to submit.

[Subsidiary]**7. Issue of an approved maintenance organisation certificate**

An applicant shall be issued an approved maintenance organisation certificate if after inspection, the Authority finds that the applicant—

- (a) meets the requirements for the holder of an approved maintenance organisation specified under these Regulations; and
- (b) is properly and adequately equipped for the performance of maintenance of aircraft or aircraft component for which it seeks approval.

8. Validity and renewal of certificate

(1) A certificate issued to an approved maintenance organisation shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the authority or—

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (b) the approved maintenance organisation surrenders it to the authority; or
- (c) the approved maintenance organisation suspends operations for more than one hundred and eighty continuous days.

(2) A person issued with an approved maintenance organisation certificate shall, upon suspension or revocation of the certificate, return the certificate to the authority.

(3) An application for renewal of an approved maintenance organisation certificate shall be made in a form prescribed by the Authority at least sixty days before the certificate expires.

(4) Where a request for renewal is made after the expiry of an approved maintenance organisation certificate, the applicant shall meet the initial application requirements provided for in regulation 6.

9. Continued validity of approval

Unless the approved maintenance organisation certificate has previously been surrendered, superseded, suspended, revoked or has expired the continued validity of the certificate depends on the approved maintenance organisation—

- (a) remaining in compliance with these Regulations; and
- (b) granting the Authority access to the organisation's facilities to determine continued compliance with these Regulations.

10. Changes to the approved maintenance organisation and certificate amendments

(1) An approved maintenance organisation shall notify the authority of any proposal to carry out any changes to enable the Authority to determine compliance with these Regulations and to amend if necessary, the approved maintenance organisation certificate.

(2) An approved maintenance organisation shall not effect the following changes without the prior approval of the Authority—

- (a) the name of the approved maintenance organisation;
- (b) the location of the approved maintenance organisation;
- (c) additional locations of the approved maintenance organisation;
- (d) the accountable manager;
- (e) any of the management personnel specified in the approved maintenance organisation's Maintenance Procedural Manual;

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- (f) the facilities, equipment, tools, material, procedures, work scope and certifying staff that could affect the approval; and
- (g) ratings held by the approved maintenance organisation.

(3) Unless the Authority determines that the approval should be suspended, the Authority may prescribe the conditions under which the approved maintenance organisation may operate during the changes.

(4) An approved maintenance organisation certificate may be suspended by the Authority if changes in the items listed under sub-regulation (2) have been made by the approved maintenance organisation without notifying the Authority.

(5) An application for the amendment of an existing approved maintenance organisation certificate shall be made in a form and in a manner prescribed by the Authority, and where applicable, the approved maintenance organisation shall submit the required amendment to the Maintenance Procedures Manual to the Authority for approval.

11. Ratings of the approved maintenance organisation

The following ratings may be issued to an approved maintenance organisation certificated under these Regulations—

- (a) Airframe ratings—
 - (i) Class 1: composite construction of small aircraft;
 - (ii) Class 2: composite construction of large aircraft;
 - (iii) Class 3: all-metal construction of small aircraft; or
 - (iv) Class 4: all-metal construction of large aircraft;
- (b) Powerplant ratings—
 - (i) Class 1: reciprocating engines of 400 horsepower or less;
 - (ii) Class 2: reciprocating engines of more than 400 horsepower;
 - (iii) Class 3: turbine engines;
- (c) Propeller ratings—
 - (i) Class 1: all fixed pitch and ground adjustable propellers of wood, metal, or composite construction;
 - (ii) Class 2: all other propellers, by make;
- (d) Radio ratings—
 - (i) Class 1: communication equipment: any radio transmitting equipment or receiving equipment, or both, used in aircraft to send or receive communications in flight, regardless of carrier frequency or type of modulation used; including auxiliary and related aircraft interphone systems, amplifier systems, electrical or electronic inter-crew signalling devices, and similar equipment; but not including equipment used for navigation of the aircraft or as an aid to navigation, equipment for measuring altitude or terrain clearance, other measuring equipment operated on radio or radar principles, or mechanical, electrical, gyroscopic, or electronic instruments that are a part of communications radio equipment;
 - (ii) Class 2: navigational equipment: any radio system used in aircraft for en route or approach navigation, except equipment operated on radar or pulsed radio frequency principles, but not including equipment for measuring altitude or terrain clearance or other distance equipment operated on radar or pulsed radio frequency principles;
 - (iii) Class 3: radar equipment: any aircraft electronic system operated on radar or pulsed radio frequency principles;

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- (e) Instrument ratings—
 - (i) Class 1: mechanical: any diaphragm, bourdon tube, aneroid, optical, or mechanically driven centrifugal instrument that is used on aircraft or to operate aircraft, including tachometers, airspeed indicators, pressure gauges, drift sights, magnetic compasses, altimeters, or similar mechanical instruments;
 - (ii) Class 2: electrical: any self-synchronous and electrical indicating instruments and systems, including remote indicating instruments, cylinder head temperature gauges, or similar electrical instruments;
 - (iii) Class 3: gyroscopic: any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy, including automatic pilot control units, turn and bank indicators, directional gyros, and their parts, and flux gate and gyrosyn compasses;
 - (iv) Class 4: electronic: any instruments whose operation depends on electron tubes, transistors, or similar devices including capacitance type quantity gauges, system amplifiers, and engine analysers;
- (f) Computer systems rating—
 - (i) Class 1: aircraft computer systems;
 - (ii) Class 2: powerplant computer systems; and
 - (iii) Class 3: avionics computer systems;
- (g) Accessory ratings—
 - (i) Class 1: mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation, including aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts and hydraulic servo units;
 - (ii) Class 2: electrical accessories that depend on electrical energy for their operation, and generators, including starters, voltage regulators, electric motors, electrically driven fuel pumps magnetos, or similar electrical accessories;
 - (iii) Class 3: electronic accessories that depend on the use of an electron tube transistor, or similar device, including supercharger, temperature, air conditioning controls, or similar electronic controls;
 - (iv) Class 4: auxiliary power unit that may be installed on aircraft as self-contained units to supplement the aircraft's engines as a source of hydraulic, pneumatic, or electrical power.

12. Limited ratings to approved maintenance organisation

(1) Whenever the Authority finds it appropriate, it may issue a limited rating to an approved maintenance organisation that maintains or alters only a particular type of airframe, powerplant, propeller, radio, instrument, computer or accessory, or parts thereof, or performs only specialised maintenance requiring equipment and skills not ordinarily found in an approved maintenance organisation with ratings as specified in regulation 11.

(2) A rating issued under sub-regulation (1) may be limited to—

- (a) a specific model aircraft, engine, or constituent part, or to any number of parts made by a particular manufacturer;
- (b) airframes, engines, propellers, instruments, computers, radio equipment, and accessories of a particular make and model;
- (c) landing gear components;

- (d) floats, by make;
- (e) non-destructive inspection, testing, and processing;
- (f) emergency equipment;
- (g) rotor blades, by make and model;
- (h) aircraft fabric work; and
- (i) any other purpose for which the Authority finds the applicant's request appropriate.

(3) A specialised service rating may be issued to an approved maintenance organisation to perform specific maintenance or processes and the specific operating provisions of the approved maintenance organisation shall identify the specification used in performing specialised services which may be—

- (a) a civil or military specification that is currently used by industry and approved by the Authority; or
- (b) a specification developed by the approved maintenance organisation and approved by the Authority.

13. Approved maintenance organisation capability

(1) Except for functions that are contracted out, each certificated approved maintenance organisation shall provide equipment and material to ensure that the functions listed in this Regulation as appropriate to the class or limited rating held or applied for, are performed as required.

(2) For an airframe rating, Classes 3 and 4, the functions with respect to—

- (a) the metal skin and structural components are—
 - (i) repairing and replacing of steel tubes and fittings using the proper welding techniques, when appropriate;
 - (ii) applying anti-corrosion treatment to the interior and exterior of parts;
 - (iii) performing simple machine operations;
 - (iv) fabricating steel fittings;
 - (v) repairing and replacing metal skin;
 - (vi) repairing and replacing alloy members and components;
 - (vii) assembling and aligning components using jigs or fixtures;
 - (viii) making up forming blocks or dies; and
 - (ix) repairing or replacing ribs;
- (b) wood structure are—
 - (i) splicing wood spars;
 - (ii) repairing ribs and spars;
 - (iii) aligning interior of wings;
 - (iv) repairing or replacing plywood skin;
 - (v) applying treatment against wood decay;
- (c) fabric covering are repair of fabric surfaces;
- (d) aircraft control systems are—
 - (i) repairing and replacing of control cables;
 - (ii) rigging of complete control system;
 - (iii) replacing and repairing all control system components;
 - (iv) removing and installing control system units and components;

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- (e) aircraft systems are—
 - (i) replacement and repair of landing gear hinge-point components and attachments;
 - (ii) maintaining elastic shock absorber units;
 - (iii) conducting landing gear retraction cycle tests;
 - (iv) maintaining electrical position indicating and wiring systems;
 - (v) repair and fabrication of fuel, pneumatic, hydraulic, and oil lines;
 - (vi) diagnosing electrical and electronic malfunctions;
 - (vii) repair and replacement of electrical wiring and electronic data transmission lines;
 - (viii) installation of electrical and electronic equipment;
 - (ix) performing a bench check of electrical and electronic components, not to be confused with the more complex functional test after repair or overhaul;
- (f) assembly operations are—
 - (i) assembly of aircraft components or parts, such as landing gear, wings, and controls;
 - (ii) rigging and aligning aircraft components, including the complete aircraft and control system;
 - (iii) installation of powerplants;
 - (iv) installation of instruments and accessories;
 - (v) assembly and installation of cowlings, fairings, and panels;
 - (vi) maintenance and installation of windshields and windows;
 - (vii) maintenance and installation of windshields and panels;
 - (viii) jacking or hoisting of complete aircraft;
 - (ix) balance of flight control surfaces;
- (g) non-destructive inspection and testing using dye penetrants and magnetic, ultrasonic, radiographic, fluorescent, or holographic inspection techniques;
- (h) inspection of metal structures are the inspection of metal structures using appropriate inspection equipment to perform the inspections required on an aircraft.

(3) For an airframe rating Classes 1 and 2, in addition to having the capability to perform the appropriate functions specified for Class 1, 2, 3 or 4 airframe ratings, an approved maintenance organisation holding a Class 1 or 2 airframe rating for composite aircraft shall have the following equipment—

- (a) an autoclave capable of providing positive pressure and temperature consistent with materials used;
- (b) a circulating oven with vacuum capability storage equipment, such as freezer, refrigerator, and temperature-control cabinets or other definitive storage areas;
- (c) honeycomb core cutters;
- (d) non-destructive inspection equipment such as x-ray, ultrasonic, or other types of acoustic test equipment as recommended by the manufacturer;
- (e) cutting tools, such as diamond or carbide saws or router bits, suitable for cutting and trimming composite structures;
- (f) scales adequate to ensure proper proportioning by mass of epoxy adhesive and resins;

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- (g) mechanical pressure equipment such as vacuum bagging or sand bags, as appropriate;
 - (h) thermocouple probes necessary to monitor cure temperatures;
 - (i) hardness testing equipment using heat guns that are thermostatically controlled for curing repairs; and
 - (j) appropriate inspection equipment to perform inspection of composite structures as recommended by the manufacturer and as required for inspection of an aircraft under these Regulations.
- (4) For a powerplant rating, Class 1 and 2, the functions with respect to—
- (a) maintenance and alteration of powerplants, including replacement of parts are—
 - (i) performing chemical and mechanical cleaning;
 - (ii) performing disassembly operations;
 - (iii) replacing bushings, bearings, pins, and inserts;
 - (iv) performing heating operations that may involve the use of recommended techniques that require controlled heating facilities;
 - (v) performing chilling or shrinking operations;
 - (vi) removing and replacing studs;
 - (vii) inscribing or affixing identification information;
 - (viii) painting powerplants and components;
 - (ix) applying anti-corrosion treatment for parts;
 - (b) inspection of all parts, using appropriate inspection aids are—
 - (i) determining precise clearances and tolerances of all parts;
 - (ii) inspecting alignment of connecting rods, crankshafts, and impeller shafts;
 - (c) accomplishment of routine machine work are—
 - (i) ream inserts, bushings, bearings, and other similar components;
 - (ii) reface valves;
 - (d) accomplishment of assembly operations are—
 - (i) performing valve and ignition-timing operations;
 - (ii) fabricating and testing ignition harnesses;
 - (iii) fabricating and testing rigid and flexible fluid lines;
 - (iv) preparing engines for long or short term storage;
 - (v) hoist engines by mechanical means.
- (5) For a powerplant rating Class 3, in addition to having the capability to perform the appropriate functions as required for Class 1 and 2 powerplant ratings, an approved maintenance organisation holding a Class 3 powerplant rating shall have the following equipment—
- (a) testing equipment;
 - (b) surface treatment anti-gallant equipment;
 - (c) functional and equipment requirements recommended by the manufacturer; and
 - (d) appropriate inspection equipment.
- (6) For propeller rating Class 1 the functions are—
- (a) removing and installing propellers;

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- (b) maintaining and altering propellers, including installation and replacement of parts—
 - (i) replacing bladed tipping;
 - (ii) refinishing wood propellers;
 - (iii) making wood inlays;
 - (iv) refinishing plastic blades;
 - (v) straightening bent blades within repairable tolerances;
 - (vi) modifying blade diameter and profile;
 - (vii) polishing and buffing;
 - (viii) performing painting operations;
 - (c) inspecting components using appropriate inspection aids—
 - (i) inspecting propellers for conformity with manufacturer's drawings and specifications;
 - (ii) inspecting hubs and blades for failures and defects using all visual aids, including the etching of parts;
 - (iii) inspecting hubs for wear of splines or keyways or any other defect;
 - (d) balancing propellers—
 - (i) testing for proper track on aircraft;
 - (ii) testing for horizontal and vertical unbalance using precision equipment.
- (7) For propeller rating Class 2 the functions are—
- (a) removing and installing aircraft propellers, which may include installation and replacement of parts—
 - (i) performing all functions listed under Class 1 propellers when applicable to the make and model of propeller in this class;
 - (ii) properly lubricating moving parts;
 - (iii) assembling complete propeller and subassemblies using special tools when required;
 - (b) inspecting components using appropriate inspection aids for those functions listed for Class 1 propellers under paragraphs (b) and (c) when applicable to the make and model of the propeller being worked on;
 - (c) repairing or replacing components or parts—
 - (i) replacing blades, hubs or any of their components;
 - (ii) repairing or replacing anti-icing devices;
 - (iii) removing nicks or scratches from metal blades;
 - (iv) repairing or replacing electrical propeller components;
 - (d) balancing propellers, including those functions listed for Class 1 propellers under sub-regulation (6)(d) when applicable to the make and model of the propeller being worked on;
 - (e) testing propeller pitch-changing mechanism—
 - (i) testing hydraulically operated propellers and components;
 - (ii) testing electrically operated propellers and components.
- (8) For radio rating Class 1, 2 and 3, the functions are—
- (a) performing physical inspection of radio systems and components by visual and mechanical inspection;

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- (b) performing electrical inspection of radio systems and components by means of appropriate electrical or electronic test equipment;
- (c) checking aircraft wiring, antennas, connectors, relays, and other associated avionics components to detect installation faults;
- (d) checking engine ignition systems and aircraft accessories to determine sources of electrical interference;
- (e) checking aircraft power supplies for adequacy and proper functioning;
- (f) removing, repairing, and replacing aircraft antennas;
- (g) measuring transmission line attenuation;
- (h) measuring radio component values such as inductance, capacitance, and resistance;
- (i) determining waveforms and phase in avionics equipment when applicable;
- (j) determining proper aircraft radio antenna, lead-in, and transmission-line characteristics and determining proper locations for the type of radio equipment to which the antenna is connected;
- (k) determining the operational condition of radio equipment installed in aircraft by using appropriate portable test apparatus;
- (l) testing all types of transistors: solid-state, integrated circuits, or similar devices in equipment appropriate to the class rating;
- (m) testing radio indicators.

(9) For radio rating Class 1, in addition to having the capability to perform the functions listed in sub-regulation (8)—

- (a) testing and repairing headsets, speakers, and microphones;
- (b) measuring radio transmitter power output;
- (c) measuring modulation values, noise, and distortion in communication equipment.

(10) For radio rating Class 2, in addition to having the capability to perform the functions listed in sub-regulation (8)—

- (a) testing and repairing headsets;
- (b) testing speakers;
- (c) measuring loop antenna sensitivity by appropriate methods;
- (d) calibrating to approved performance standards any radio navigational equipment, en route and approach aids, or similar equipment, as appropriate to this rating.

(11) For radio rating Class 3, in addition to having the capability to perform the functions listed in sub-regulation (8), measuring transmitter power output.

(12) For computer systems rating Class 1, 2 and 3 the functions are to—

- (a) maintain computer systems in accordance with manufacturer's specifications, test requirements, and recommendations;
- (b) remove, maintain, and replace computer systems in aircraft;
- (c) inspect, test, and calibrate computer system equipment, including software.

(13) For instrument rating Class 1 the functions are to—

- (a) diagnose instrument malfunctions on the following instruments—
 - (i) rate-of-climb indicators;
 - (ii) altimeters;

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- (iii) airspeed indicators;
 - (iv) vacuum indicators;
 - (v) oil pressure gauges;
 - (vi) hydraulic pressure gauges;
 - (vii) de-icing pressure gauges;
 - (viii) pitot-static tubes;
 - (ix) direct indicating compasses;
 - (x) accelerometers;
 - (xi) direct indicating tachometers;
 - (xii) direct reading fuel quantity gauges;
 - (b) inspect, test, and calibrate the instruments listed in paragraph (a) on and off the aircraft, as appropriate.
- (14) For instrument rating Class 2 the functions are to—
- (a) diagnose instrument malfunctions of the following instruments—
 - (i) tachometers;
 - (ii) synchroscope;
 - (iii) electric temperature indicators;
 - (iv) electric resistance-type indicators;
 - (v) moving magnet-type indicators;
 - (vi) warning units (oil and fuel);
 - (vii) selsyn systems and indicators;
 - (viii) self-synchronous systems and indicators;
 - (ix) remote indicating compasses;
 - (x) quantity indicators;
 - (xi) avionics indicators;
 - (xii) ammeters;
 - (xiii) voltmeters;
 - (xiv) frequency meters;
 - (b) inspect, test, and calibrate instruments listed in paragraph (a) on and off the aircraft, as appropriate.
- (15) For instrument rating Class 3 the functions are to—
- (a) diagnose instrument malfunctions of the following instruments—
 - (i) turn and bank indicators;
 - (ii) directional gyros;
 - (iii) horizon gyros;
 - (iv) auto pilot control units and components;
 - (b) inspect, test, and calibrate instruments listed in paragraph (a) of this Regulation on and off the aircraft, as appropriate.
- (16) For instrument rating Class 4 the functions are to—
- (a) diagnose instrument malfunctions of the following instruments—
 - (i) capacitance-type quantity gauge;
 - (ii) laser gyros;
 - (iii) other electronic instruments;

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- (b) inspect, test, and calibrate instruments listed in paragraph (a) on and off the aircraft, as appropriate.

(17) For accessory rating Class 1, 2, 3 and 4, the approved maintenance organisation shall perform the following functions in accordance with the manufacturer's specifications and recommendations—

- (a) diagnose accessory malfunctions;
- (b) maintain and alter accessories, including installing and replacing parts;
- (c) inspect, test, and calibrate accessories on and off the aircraft as appropriate.

14. Sub-contracted maintenance functions

(1) An approved maintenance organisation may sub-contract its maintenance functions to another approved maintenance organisation.

(2) An approved maintenance organisation may sub-contract maintenance functions to a maintenance organisation which is not approved by the Authority provided that the approved maintenance organisation—

- (a) is approved for work which is to be sub-contracted and has the capability to assess the competence of the sub-contractor;
- (b) shall retain responsibility for quality control and release of the sub-contracted activities, including the appropriate airworthiness requirements; and
- (c) has the necessary procedures for the control of the sub-contracted activities, together with the terms for the personnel responsible the management.

PART III – HOUSING, FACILITIES, EQUIPMENT AND MATERIALS

15. General requirements

An approved maintenance organisation shall have personnel, facilities, equipment, and materials in quantity and quality that meet the standards specified under these Regulations.

16. Housing and facility requirements

(1) An approved maintenance organisation shall provide housing and facilities as appropriate for all planned work ensuring, in particular, protection of the facilities from weather.

(2) The working environment in an approved maintenance organisation shall be appropriate for the task carried out and shall not impair the effectiveness of personnel.

(3) Office accommodation shall be appropriate for the management of planned work including, in particular, the management of quality, planning, and technical records.

(4) Specialised workshops and bays shall be segregated as appropriate to ensure that environmental and work area contamination is unlikely to occur.

(5) Storage facilities shall be provided for parts, equipment, tools and materials.

(6) Storage conditions shall be provided with security for serviceable parts, segregation of serviceable parts from unserviceable parts, and for prevention of deterioration of and damage to stored items.

(7) For ongoing maintenance of aircraft, aircraft hangars shall be available and large enough to accommodate aircraft during maintenance activities.

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(8) Where the hangar specified in sub-regulation (7) is not owned by the approved maintenance organisation, it shall—

- (a) provide evidence to the Authority that it is authorised to use the hangar;
- (b) demonstrate sufficiency of hangar space to carry out planned base maintenance by preparing a projected aircraft hangar visit plan relative to the maintenance program;
- (c) update the aircraft hangar visit plan on a regular basis;
- (d) ensure that aircraft component maintenance and aircraft component workshops are large enough to accommodate the components on planned maintenance;
- (e) ensure that aircraft hangar and aircraft component workshop structures prevent the ingress of rain, hail, ice, snow, wind and dust;
- (f) ensure that workshop floors are sealed to minimise dust generation; and
- (g) demonstrate access to hangar accommodation for usage during adverse weather for minor scheduled work or lengthy defect rectification.

(9) Aircraft maintenance staff shall be provided with an area where they may study maintenance instructions and complete maintenance records in a proper manner.

(10) Hangars used to house aircraft together with office accommodation shall be such as to ensure a clean, effective and comfortable working environment by ensuring that—

- (a) temperatures are maintained at a comfortable level;
- (b) dust and any other airborne contamination are kept to a minimum and not permitted to reach a level in the work task area where visible aircraft or component surface contamination is evident;
- (c) lighting is such as to ensure each inspection and maintenance task can be carried out; and
- (d) noise levels are not permitted to rise to the point of distracting personnel from carrying out inspection tasks and where it is impractical to control the noise source, such personnel shall be provided with the necessary personal equipment to stop excessive noise causing distraction during inspection tasks.

(11) Where a particular maintenance task requires the application of specific environmental conditions different from those specified in sub-regulation (10), such conditions shall be observed and specific conditions shall be identified in the approved maintenance instructions.

(12) Where the working environment for line maintenance deteriorates to an unacceptable level with respect to temperature, moisture, hail, ice, snow, wind, light, dust or other airborne contamination particular maintenance or inspection tasks shall be suspended until satisfactory conditions are re-established.

(13) For both base and line maintenance, where dust or other airborne contamination results in visible surface contamination, all susceptible systems shall be sealed until acceptable conditions are re-established.

(14) Storage facilities for serviceable aircraft components shall be clean, well-ventilated and maintained at an even, dry temperature to minimise the effects of condensation.

(15) Manufacturer and standards recommendations shall be followed for specific aircraft components.

(16) Storage racks shall provide sufficient support for large aircraft components so that the component is not distorted.

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(17) All aircraft components, wherever practicable, shall remain packaged in protective material to minimise damage and corrosion during storage.

17. Equipment, tools and material

(1) An approved maintenance organisation shall have available the necessary equipment, tools, and material to perform the approved scope of work, and these items shall be under full control of the approved maintenance organisation.

(2) Equipment and tools shall be available at all times except in the case of any tool or equipment that is so rarely needed that its permanent availability is not necessary.

(3) The Authority may exempt an approved maintenance organisation from possessing specific tools and equipment for maintenance or repair of an aircraft or aircraft component specified in the approved maintenance organisation's certificate, if the tools and equipment can be acquired temporarily, by prior arrangement, and be under full control of the approved maintenance organisation when needed to perform required maintenance or repairs.

(4) The Authority may not amend the approval to delete the aircraft or aircraft component on the basis that it is a temporary situation and there is a formal agreement from the approved maintenance organisation to re-acquire tools, equipment, or other items before performing any maintenance or repair.

(5) An approved maintenance organisation shall control all applicable tools, equipment, and test equipment used for product acceptance or for making a finding of airworthiness.

(6) An approved maintenance organisation shall ensure that all applicable tools, equipment, and test equipment used for product acceptance or for making a finding of airworthiness are calibrated to ensure correct calibration to a standard acceptable to the Authority and traceable to national or international standards.

(7) An approved maintenance organisation shall keep all records of calibrations and the standards used for calibration.

(8) Except as provided in sub-regulation (6), in the case of foreign manufactured tools, equipment, and test equipment, the standard provided by the country of manufacture may be used if approved by the Authority.

(9) Where the manufacturer specifies a particular tool, equipment or test equipment, that tool, equipment, or test equipment shall be used unless the manufacturer has identified the use of an equivalent.

(10) Except as provided in sub-regulation (9), a tool, equipment, or test equipment other than those recommended by the manufacturer shall be acceptable based on at least the following—

- (a) the approved maintenance organisation shall have a procedure in the Maintenance Procedures Manual if it intends to use equivalent tools, equipment, or test equipment other than that recommended by the manufacturer;
- (b) the approved maintenance organisation shall have a program to include—
 - (i) a description of the procedures used to establish the competence of personnel that make the determination of equivalency of tools, equipment, or test equipment;
 - (ii) conducting and documenting the comparison made between the specification of the tool, equipment or test equipment recommended by the manufacturer and the equivalent tool, equipment, or test equipment proposed;

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- (iii) ensuring that the limitations, parameters, and reliability of the proposed tool, equipment, or test equipment are equivalent to the manufacturer's recommended tools, equipment, or test equipment; and
- (iv) ensuring that the equivalent tool, equipment, or test equipment is capable of performing the appropriate maintenance function, all normal tests, or calibrations, and checking all parameters of the aircraft or aircraft component undergoing maintenance or calibration; and the approved maintenance organisation shall have full control of the equivalent tool, equipment, or test equipment through an ownership, lease or other legal arrangement.

(11) An approved maintenance organisation approved for base maintenance shall have sufficient aircraft access equipment and inspection platforms or docking to ensure that an aircraft is properly inspected.

(12) The approved maintenance organisation shall have a procedure to inspect or service and, where appropriate, calibrate tools, equipment, and test equipment on a regular basis and indicate to users that an item is within any inspection or service or calibration time limit.

(13) The approved maintenance organisation shall have a procedure to ensure that if it uses a standard (primary, secondary or transfer standard) for performing calibration, that standard cannot be used to perform maintenance.

(14) A clear system of labelling all tooling and testing equipment shall be used to give information on when the next inspection or service or calibration is due, and where the item is unserviceable for a reason that is not obvious.

(15) A clear system of labelling all tooling and testing equipment shall be used to give information on when such tooling, equipment and test equipment is not used for product acceptance or for making a finding of airworthiness.

(16) A register shall be maintained for all calibrated tools, equipment and test equipment together with a record of calibrations and standards used.

(17) Inspection, service, or calibration on a regular basis shall be in accordance with the equipment manufacturers' instructions except where the approved maintenance organisation can show by results that a different time period is appropriate in a particular case and is acceptable to the Authority.

PART IV – ADMINISTRATION

18. Approved maintenance organisation personnel and training requirements

(1) An approved maintenance organisation shall appoint a manager or group of persons acceptable to the Authority, whose responsibilities shall include ensuring that the approved maintenance organisation is in compliance with these Regulations.

(2) A person appointed as manager under sub-regulation (1) shall represent the maintenance management structure of the approved maintenance organisation, and shall be responsible for all functions specified in these Regulations.

(3) A manager shall be directly responsible to an accountable manager who shall be acceptable to the Authority.

(4) An approved maintenance organisation shall employ sufficient personnel to perform maintenance functions in accordance with the approved maintenance organisation certificate.

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(5) The competence of personnel of an approved maintenance organisation involved in maintenance shall be established in accordance with a procedure and to a standard acceptable to the Authority.

(6) A person signing a certificate of release to service shall be qualified in accordance with the Civil Aviation (Personnel Licensing) Regulations as appropriate for the work performed and be acceptable to the Authority.

(7) The maintenance personnel and the certifying staff shall meet the qualification requirements and receive initial and continuation training to their assigned tasks and responsibilities in accordance with a program acceptable to the Authority.

(8) The training program established by the approved maintenance organisation shall include training in knowledge and skills related to human performance, including co-ordination with other maintenance personnel and flight crew.

(9) An approved maintenance organisation's functions shall be allocated to individual managers or combined in any number of ways, dependent upon the size of the approved maintenance organisation.

19. Management personnel required for approved maintenance organisation

(1) An approved maintenance organisation shall have an accountable manager acceptable to the Authority, who shall have corporate authority for ensuring that all the necessary resources are available to support the approved maintenance organisation.

(2) An approved maintenance organisation shall have qualified personnel with proven competence in civil aviation, available and serving in the following positions or their equivalent—

- (a) base maintenance manager;
- (b) line maintenance manager;
- (c) workshop manager;
- (d) quality manager.

(3) For the purpose of sub-regulation (2) “**competence in civil aviation**” means that an individual has a technical qualification and management experience acceptable to the Authority for the position served.

(4) The Authority may approve positions, other than those specified in sub-regulation (2) if the approved maintenance organisation is able to show that it can perform the approved functions safely under the direction of fewer or different categories of management personnel due to the size of the approved maintenance organisation.

(5) An approved maintenance organisation shall make temporary arrangements to ensure continuity of supervision of its functions if maintenance of an aircraft is conducted in the absence of any required management personnel.

(6) A person serving in a required management position in an approved maintenance organisation shall not serve in a similar position in any other approved maintenance organisation unless approved to do so by the Authority.

20. Qualification and responsibility of personnel

(1) An accountable manager shall have—

- (a) experience in the management of aircraft maintenance organisations;
- (b) knowledge of the Civil Aviation (Approved Maintenance Organisation) Regulations and other regulations and materials published by the Authority that are applicable to aircraft maintenance; and
- (c) a thorough knowledge of the organisation's maintenance procedures.

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(2) When authorised by the Authority, an accountable manager may delegate all or part of his responsibility in writing to another person in a management position within the organisation.

(3) A base maintenance manager shall, depending upon the scope of approval of an approved maintenance organisation, be responsible for ensuring that all maintenance carried out in the hangar is carried out in accordance with an approved maintenance schedule or programme.

(4) A base maintenance manager shall—

- (a) be a licensed maintenance engineer with appropriate ratings in airframe and engines or avionics;
- (b) have at least five years' experience in maintaining the same category of aircraft including one year in the capacity of returning aircraft to service;
- (c) have received type training on every aircraft maintained within the approved scope of the approved maintenance organisation; and
- (d) have attended a management or supervisory course recognised by the Authority.

(5) A line maintenance manager shall be responsible for ensuring that all maintenance required to be carried out on the line, including line defect rectification, is performed to the required standards, and any corrective action resulting from quality compliance monitoring.

(6) A line maintenance manager shall—

- (a) be a licensed maintenance engineer with appropriate airframe, powerplant or avionics ratings;
- (b) have at least five years' experience in maintaining the same category of aircraft including one year in the capacity of returning aircraft to service; and
- (c) have attended a management or supervisory course recognised by the Authority.

(7) A workshop manager shall be responsible for ensuring that all work on aircraft components in the workshop and any corrective action resulting from quality compliance monitoring is performed to the required standards.

(8) A workshop manager shall—

- (a) be a licensed maintenance engineer with appropriate airframe, engines or avionics ratings;
- (b) have at least five years' experience in maintaining components for the same category of aircraft including one year in the capacity of returning components to service; and
- (c) have attended a management or supervisory course recognised by the Authority.

(9) A quality manager shall be responsible for monitoring the approved maintenance organisation's compliance with these Regulations, and requesting remedial action as necessary by the base maintenance manager, line maintenance manager, workshop manager or the accountable manager, as appropriate.

(10) A quality manager shall—

- (a) be a licensed maintenance engineer with appropriate airframe and engine or avionics ratings;
- (b) have at least five years' experience in the field of aircraft maintenance; and
- (c) have attended a quality management course recognised by the Authority.

21. Man-hours

(1) An approved maintenance organisation shall have a production man-hours plan showing that it has sufficient man-hours for the intended work.

(2) Where an approved maintenance organisation is certified for base maintenance, the man-hours plan shall relate to the aircraft hangar visit plan.

(3) Man-hours plans shall be regularly updated.

(4) Work performed on any aircraft registered outside Kenya shall be taken into account where it impacts upon the production man-hours plan.

(5) Quality monitoring compliance functions relating to man-hours shall be sufficient to meet the requirement of rest and duty limitations for persons performing maintenance functions.

22. Assessment of personnel

(1) Planners, aircraft maintenance engineers, mechanics, supervisors and certifying staff of an approved maintenance organisation shall be assessed for competence by using on-the-job evaluation or by examination relevant to their particular role within the approved maintenance organisation before unsupervised work is permitted.

(2) The assessment specified in sub-regulation (1) shall be based on job description for each post and shall establish that—

- (a) planners are able to interpret maintenance requirements into maintenance tasks, and have an appreciation that they have no authority to deviate from the aircraft maintenance program;
- (b) aircraft maintenance engineers and mechanics are able to carry out maintenance tasks to any standard specified in the maintenance instructions and will notify supervisors of mistakes requiring rectification to re-establish required maintenance standards;
- (c) supervisors are able to ensure that all required maintenance tasks are carried out and where not done or where it is evident that a particular maintenance task cannot be carried out to the maintenance instructions, then such problems will be reported to and agreed upon by the quality department of the approved maintenance organisation; and
- (d) certifying staff are able to determine when an aircraft or an aircraft component is or is not ready for release to service.

(3) Planners, supervisors, and certifying staff, shall demonstrate knowledge of approved maintenance organisation procedures relevant to their particular role.

23. Training of certifying staff

(1) Initial and continuing training of certifying staff shall be performed by an approved maintenance organisation or a training organisation selected by the approved maintenance organisation.

(2) An approved maintenance organisation shall establish the curriculum and standards for training of personnel and establish pre-qualification standards intended to ensure that the trainee has a reasonable chance of successfully completing any course.

(3) The training programme, training facilities and the curriculum to train certifying staff specified in sub-regulation (2) shall be approved by the Authority.

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(4) The training programme submitted to the Authority under sub-regulation (3) shall include—

- (a) details of the number of personnel who will receive initial training to qualify as certifying staff over specified time periods; and
- (b) for maintenance personnel and certifying staff of the approved maintenance organisation, training in knowledge and skills related to live performance including co-ordination with other maintenance personnel and flight crew.

(5) All trained personnel shall be examined at the end of each training course.

(6) All certifying staff of an approved maintenance organisation shall undergo initial training that covers—

- (a) basic engineering theory relevant to the scope of work performed by the approved maintenance organisation;
- (b) specific information on the actual aircraft type on which the person is intended to become a certifying person including the impact of repairs and system or structural defects; and
- (c) company procedures relevant to the certifying staff's tasks.

(7) All certifying staff of an approved maintenance organisation who have undergone initial training shall undertake continuous training in changes in approved maintenance organisation procedures and changes in the standard of aircraft or aircraft component maintained.

24. Rest and duty limitations for persons performing maintenance functions in an approved maintenance organisation

(1) A person shall not—

- (a) assign maintenance functions on an aircraft to another person unless that person has had a minimum rest period of eight hours prior to the beginning of duty;
- (b) perform maintenance functions for aircraft unless that person had a minimum rest period of eight hours prior to the beginning of duty.

(2) A person shall not—

- (a) schedule a person performing maintenance functions on an aircraft for more than twelve consecutive hours of duty; or
- (b) perform maintenance functions for aircraft for more than twelve consecutive hours of duty.

(3) In situations involving unscheduled aircraft unserviceability, a person performing maintenance functions for aircraft may be continued on duty for—

- (a) up to sixteen consecutive hours; or
- (b) twenty hours in twenty-four consecutive hours.

(4) Following unscheduled duty periods, the person performing maintenance functions on an aircraft shall have a mandatory rest period of ten hours.

(5) An approved maintenance organisation shall relieve the person performing maintenance functions from all duties for twenty-four consecutive hours during any seven consecutive day period.

25. Record of certifying staff

(1) An approved maintenance organisation shall maintain a roster of all certifying staff, which shall include details of the scope of their authorisation and the certifying staff shall be notified in writing of the scope of that authorisation.

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(2) An approved maintenance organisation shall keep the following minimum information on record in respect of each member of the certifying staff—

- (a) name;
- (b) date of birth;
- (c) basic training;
- (d) type training;
- (e) continuation training;
- (f) experience;
- (g) qualifications relevant to the approval;
- (h) scope of the authorisation;
- (i) date of first issue of the authorisation;
- (j) expiration date of the authorisation, where appropriate; and
- (k) identification number of the authorisation.

(3) Records of certifying staff shall be controlled by the approved maintenance organisation's quality department.

(4) The number of persons authorised to access the records system shall be limited to minimise the possibility of records being altered in an unauthorised manner and to limit confidential records from becoming accessible to unauthorised persons.

(5) A member of the certifying staff shall, on request be given reasonable access to their records.

(6) The Authority may investigate the records system for initial and continued approval, or when the Authority has cause to doubt the competence of a member of the certifying staff.

(7) An approved maintenance organisation shall keep the record of a member of the certifying staff for at least two years following the date on which that member ceases to be an employee of the approved maintenance organisation or upon withdrawal of the member's authorisation.

(8) A member of the certifying staff shall, upon request, be furnished with a copy of their record on leaving the approved maintenance organisation.

(9) The authorisation document issued to a member of the certifying staff under this Regulation shall be in a style that makes its scope clear to certifying staff and the Authority that may be required to examine the document and where codes are used to define scope, an interpretation document shall be readily available.

(10) A member of the certifying staff shall be required to carry the authorisation document at all times and shall produce it on request from the Authority.

PART V – APPROVED MAINTENANCE ORGANISATION OPERATING RULES

26. Approved maintenance organisation Maintenance Procedures Manual

(1) An approved maintenance organisation shall provide a Maintenance Procedures Manual for use by maintenance personnel.

(2) An approved maintenance organisation Maintenance Procedures Manual and any subsequent amendments to the Manual shall be approved by the Authority prior to use.

(3) An approved maintenance organisation Maintenance Procedures Manual shall specify the scope of work required of the approved maintenance organisation in order to satisfy the relevant requirements for an approval of an aircraft or aircraft component for return to service.

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(4) An approved maintenance organisation Maintenance Procedures Manual and any other manual it identifies shall—

- (a) include instructions and information necessary to allow the personnel to perform their duties and responsibilities with a high degree of safety;
- (b) be in a form that is easy to revise and contain a system which allows personnel to determine current revision status;
- (c) have the date of the last revision printed on each page containing the revision;
- (d) not be contrary to any laws of Kenya or the approved maintenance organisation's operations specifications; and
- (e) include a reference to appropriate civil aviation regulations.

(5) Without prejudice to the preceding provisions of this Regulation, an approved maintenance organisation Maintenance Procedures Manual shall contain the following information—

- (a) a statement signed by the accountable manager confirming that the approved maintenance organisation Maintenance Procedures Manual and any associated manuals define the approved maintenance organisation's compliance with this Regulation and will be complied with at all times;
- (b) a list which describes the duties and responsibilities of the management personnel and the matters on which they may deal directly with the Authority on behalf of the approved maintenance organisation;
- (c) a procedure to establish and maintain a current list of the titles and names of the approved maintenance organisation's management personnel accepted by the Authority;
- (d) an organisation chart showing associated chains of responsibility of the management personnel;
- (e) a procedure to establish and maintain a current roster of certifying staff;
- (f) a description of the procedures used to establish the competence of maintenance personnel;
- (g) a general description of manpower resources;
- (h) a description of the method used for the completion and retention of the maintenance records;
- (i) a description of the procedure for preparing the certificate of release to service and the circumstances under which the certificate of release to service is to be signed;
- (j) a description, when applicable, of additional procedures for complying with an air operator certificate holder's maintenance procedures and requirements;
- (k) a description of the procedures for complying with the service information reporting requirement specified in regulation 34;
- (l) a description of the procedure for receiving, amending and distributing within the maintenance organisation all necessary airworthiness data from the type certificate holder or the type design organisation;
- (m) a general description of the facilities located at each physical address specified in the approved maintenance organisation's certificate;
- (n) a general description of the approved maintenance organisation's scope of work relevant to the extent of approval;

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- (o) the notification procedure for the approved maintenance organisation to use when requesting the approval of changes to the organisation of the approved maintenance organisation from the Authority;
- (p) the amendment procedure for the approved maintenance organisation Maintenance Procedures Manual, including submission to the Authority;
- (q) the approved maintenance organisation's procedures, acceptable to the Authority, to ensure manual good maintenance practices and compliance with the requirements in these Regulations;
- (r) the approved maintenance organisation's procedures to establish and maintain an independent quality system to monitor compliance with the adequacy of the procedures to ensure good quality maintenance practices and airworthy aircraft and aircraft components; compliance monitoring shall include a feedback system, acceptable to the Authority, to the management personnel of an approved maintenance organisation specified in regulation 19, and ultimately to the accountable manager to ensure, where necessary, corrective action; and such feedback system shall be acceptable to the Authority;
- (s) approved maintenance organisation procedures for self-evaluations, including methods and frequency of such evaluations, and procedures for reporting results to the accountable manager for review and action;
- (t) a list of operators, if appropriate, to which the approved maintenance organisation provides an aircraft maintenance service;
- (u) a list of organisations performing maintenance on behalf of the approved maintenance organisation; and
- (v) a list of the approved maintenance organisation's line maintenance locations and procedures, if applicable.

(6) The list of personnel and certifying staff specified in sub-regulation (5)(b) and (e) may be separate from the approved maintenance organisation Maintenance Procedures Manual, but shall be kept current and available for review by the Authority when requested.

(7) Approved maintenance organisation personnel shall be familiar with those parts of the manuals that are relevant to the maintenance work they perform.

(8) An approved maintenance organisation shall specify in the approved maintenance organisation Maintenance Procedures Manual who should amend the manual, particularly in the case where the manual consists of several parts.

(9) The quality manager of an approved maintenance organisation shall be responsible for—

- (a) monitoring the amendment of the approved maintenance organisation Maintenance Procedures Manual, including associated procedures manuals; and
- (b) submitting proposed amendments to the Authority, unless the Authority has agreed, by a procedure stated in the amendment section of the procedures manual, that some defined class of amendments may be incorporated without approval by the Authority.

(10) An approved maintenance organisation Maintenance Procedures Manual shall address four main areas—

- (a) the management procedures covering the parts previously specified;
- (b) the maintenance procedures covering all aspects of how aircraft components may be accepted from outside sources and how aircraft will be maintained to the required standard;

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- (c) the quality system procedures, including the methods of qualifying mechanics, inspection, certifying staff and quality audit personnel; and
- (d) contracted air operator certificate holder procedures and paperwork.

(11) An approved maintenance organisation Maintenance Procedures Manual shall be in a format set out in the First Schedule of these Regulations.

27. Maintenance procedures and independent quality system

(1) An approved maintenance organisation shall establish maintenance procedures acceptable to the Authority to ensure good maintenance practices and compliance with all relevant requirements in these Regulations, such that aircraft and aircraft components may be properly released to service.

(2) The maintenance procedures established under sub-regulation (1) shall—

- (a) cover all aspects of maintenance activity and describe standards to which the approved maintenance organisation intends to work;
- (b) take into account the aircraft and aircraft component design and approved maintenance organisation standards; and
- (c) address the provisions and limitations of these Regulations.

(3) An approved maintenance organisation shall establish an independent quality system, acceptable to the Authority, to monitor compliance with and adequacy of the procedures and providing a system of inspection to ensure that all maintenance is properly performed.

(4) The compliance monitoring specified in sub-regulation (3) shall include a feedback system to the designated manager or group of persons directly responsible for the quality system and ultimately to the accountable manager to ensure, as necessary, corrective action.

(5) The quality system established under sub-regulation (3)—

- (a) may be an independent system under the control of the quality manager that evaluates the maintenance procedures and the correctness of the equivalent safety case process; and
- (b) shall include a procedure to initially qualify and periodically perform audits on persons performing work on behalf of the approved maintenance organisation.

(6) An approved maintenance organisation's quality system shall be—

- (a) sufficient to review all maintenance procedures as described in the Maintenance Procedures Manual in accordance with an approved program once a year for each aircraft type maintained; and
- (b) indicate when audits are due, when they are completed, and establish a system of audit reports which can be reviewed by the Authority on request.

(7) The audit system established under sub-regulation (6)(b) shall clearly establish a means by which audit reports containing observations about non-compliance or poor standards are communicated to the accountable manager.

28. Capability list

(1) An approved maintenance organisation shall prepare and retain a current capability list approved by the Authority.

(2) An approved maintenance organisation shall not perform maintenance, preventive maintenance, or modifications on an article until the article has been listed on the capability list in accordance with these Regulations.

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(3) A capability list specified in sub-regulation (2) shall identify each article by make and model, part number, or other nomenclature designated by the article's manufacturer.

(4) An article may be listed on the capability list only if the article is within the scope of the ratings and classes of the approved maintenance organisation's certificate, and only after the approved maintenance organisation has performed a self-evaluation in accordance with regulation 26(5)(s).

(5) An approved maintenance organisation shall perform the self-evaluation described in sub-regulation (4) to determine that the maintenance organisation has all of the facilities, equipment, material, technical data, processes, housing, and trained personnel in place to perform the work on the article as required by this Regulation.

(6) If an approved maintenance organisation makes a determination under sub-regulation (5), it may list the article on the capability list.

(7) The document of the evaluation described in sub-regulation (4) shall be signed by the accountable manager and must be retained on file by the approved maintenance organisation.

(8) Upon listing an additional article on its capability list, the approved maintenance organisation shall send a copy of the list to the Authority.

(9) The capability list of an approved maintenance organisation shall be available on the premises of an approved maintenance organisation for inspection by the public and the Authority.

(10) The self-evaluations of an approved maintenance organisation shall be available on the premises of an approved maintenance organisation for inspection by the Authority.

(11) An approved maintenance organisation shall retain a capability list and self-evaluation for two years from the date the capability list and self-evaluation are accepted by the accountable manager.

29. Approved maintenance organisation privileges

(1) An approved maintenance organisation shall only carry out the following tasks as permitted by and in accordance with the approved maintenance organisation Maintenance Procedures Manual—

- (a) maintain an aircraft or aircraft components for which it is rated at the locations identified in the approval certificate;
- (b) maintain any aircraft for which it is rated at any location subject to the need for such maintenance arising from unserviceability of the aircraft;
- (c) describe the activities in support of a specific air operator certificate holder where that air operator certificate has requested the service of the approved maintenance organisation at locations other than the location identified on the approved maintenance organisation certificate, and the approved maintenance organisation has been rated to maintain the aircraft of that specific air operator certificate holder at the requested location in the approved maintenance organisation operation provisions approved by the Authority; and
- (d) issue a certificate of release to service in respect of paragraphs (a), (b) and (c) upon completion of maintenance in accordance with limitations applicable to the approved maintenance organisation.

(2) An approved maintenance organisation may maintain or alter any article for which it is rated at a place other than the approved maintenance organisation location if—

- (a) the function would be performed in the same manner as when performed at the approved maintenance organisation and in accordance with this Part; or

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- (b) all necessary personnel, equipment, material, and technical or approved standards are available at the place where the work is to be done; and the Maintenance Procedures Manual of the station specified approved procedures governing work to be performed at that place other than the location of the approved maintenance organisation.

30. Approved maintenance organisation limitations

An approved maintenance organisation may maintain an aircraft or aircraft component for which it is approved when all necessary housing, facilities, equipment, tools, material, approved technical data and certifying staff are available.

31. Certificate of release to service

(1) A certificate of release to service shall be issued by a member of the certifying staff when that member is satisfied that all required maintenance of the aircraft or aircraft component has been properly carried out by the approved maintenance organisation in accordance with the maintenance procedures specified in the Maintenance Procedures Manual.

(2) An aircraft component, which has been maintained off the aircraft, requires the issue of a certificate of release to service for such maintenance and another certificate of release to service in regard to being installed properly on the aircraft.

(3) A certificate of release to service shall contain—

- (a) basic details of the maintenance carried out;
- (b) the date the maintenance was completed; and
- (c) the identity, including the authorisation reference, of the approved maintenance organisation and the member of the certifying staff issuing the certificate.

(4) A certificate of release to service is required—

- (a) before flight at the completion of any package of maintenance scheduled by the approved aircraft maintenance program on the aircraft, whether such maintenance took place as base or line maintenance or not;
- (b) before flight at the completion of any defect rectification, while the aircraft operates between scheduled maintenance; and
- (c) at the completion of any maintenance on an aircraft component when off the aircraft.

(5) A certificate of release to service shall contain the following statement – “Certifies that the work specified was carried out in accordance with current regulations and in respect of that work the aircraft or aircraft component is considered ready for release to service”.

(6) A certificate of release to service shall reference the data specified in the manufacturer's or operator's instructions or the aircraft maintenance program which itself may cross-reference to a manufacturer's instruction in a maintenance manual, service bulletin, or other maintenance-related document.

(7) Where instructions include a requirement to ensure that a dimension or test figure is within a specific tolerance as opposed to a general tolerance, the dimension or test figure shall be recorded unless the instruction permits the use of GO or NO GO gauges and, it shall not be sufficient to state that the dimension or the test figure is within tolerance.

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(8) When extensive maintenance has been carried out on an aircraft, it is acceptable for the certificate of release to service to summarise the maintenance as long as there is a cross-reference to the work-pack containing full details of maintenance carried out.

(9) The date that maintenance was carried out on an aircraft shall include when the maintenance took place relative to any life or overhaul limitation in terms of date, flying hours, cycles, landings or some other relevant value as appropriate.

(10) Dimensional information shall be retained in the work-pack record.

(11) The person issuing the certificate of release to service shall use a full signature and certification stamp.

(12) Where a computer release to service system is used, the Authority must be satisfied that the person who issued the electronic certificate of release to service is authorised to issue the certificate.

32. Maintenance records

(1) An approved maintenance organisation shall record, in a form acceptable to the Authority, all details of work carried out.

(2) An approved maintenance organisation shall provide a copy of each certificate of release to service to the aircraft operator, together with a copy of any specific maintenance data used for repairs or modifications carried out.

(3) An approved maintenance organisation shall retain a copy of all detailed maintenance records and any associated maintenance data for two years from the date the aircraft or aircraft component to which the work relates was released from the approved maintenance organisation.

(4) A person who maintains, performs preventive maintenance, rebuilds, or modifies an aircraft or aircraft component shall—

- (a) make an entry in the maintenance record of that equipment showing—
 - (i) a description and reference to data acceptable to the Authority of work carried out;
 - (ii) the date of completion of the work carried out;
 - (iii) the name of the person performing the work if other than the person specified in this Regulation;
 - (iv) that the work performed on the aircraft or aircraft component has been performed satisfactorily, and the signature, certificate number, and kind of certificate held by the person approving the work; and
 - (v) the authorised signature, which constitutes the approval for return to service, the approved maintenance organisation certificate number and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;
- (b) in addition to the entry specified in paragraph (a), enter on a form the major repairs and major modification executed by the person performing the work, in the manner prescribed by the Authority.

(5) A person shall not describe in any required maintenance entry or form an aircraft or aeronautical component as being overhauled unless—

- (a) using methods, techniques and practices acceptable to the Authority, it has been disassembled, cleaned, inspected as permitted, repaired as necessary, and reassembled; and

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- (b) it has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under a technical service order.

(6) A person shall not describe in any required maintenance entry or form, an aircraft or other aircraft components as being rebuilt unless it has been—

- (a) disassembled, cleaned, inspected as permitted;
- (b) repaired as necessary; and
- (c) reassembled and tested to the same tolerances and limits as a new item, using either new parts or used parts that either conform to new part tolerances and limits, or to approved oversized or undersized dimensions.

(7) A person shall not issue a certificate of release to service for any aircraft or aircraft component that has undergone maintenance, preventive maintenance, rebuilding, or modification unless—

- (a) the appropriate maintenance record entry specified in sub-regulation (4) has been made; and
- (b) the major repair and major modification form specified in sub-regulation (4) authorised by or furnished by the Authority has been executed in a manner prescribed by the Authority.

(8) If a repair or modification results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data shall be appropriately revised and set out as prescribed by the Authority.

(9) A person approving or disapproving for return to service an aircraft or aircraft component, after any inspection performed in accordance with this Regulation, shall make an entry in the maintenance record of that equipment containing the following information—

- (a) the type of inspection and a brief description of the extent of the inspection;
- (b) the date of the inspection and aircraft's total time in service;
- (c) the authorised signature, an approved maintenance organisation certificate number, and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;
- (d) if the aircraft is found to be airworthy and approved for return to service, the following or a similarly worded statement – “I certify that this aircraft has been inspected in accordance with (insert type of inspection) inspection and was determined to be in airworthy condition”;
- (e) if the aircraft is not approved for return to service because of needed maintenance, non-compliance with the applicable specifications, airworthiness directives, or other approved data, the following or a similarly worded statement – “I certify that this aircraft has been inspected in accordance with (insert type of inspection) inspection and a list of discrepancies and unairworthy items dated (insert date) has been provided for the aircraft owner or operator”; and
- (f) if an inspection is conducted under an inspection program provided for in this Regulation, the entry shall identify the inspection program accomplished, and contain a statement that the inspection was performed in accordance with the inspections and procedures for that particular program.

(10) If the person performing any inspection required by this Regulation finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives, or other approved data upon which that aircraft airworthiness depends, that person shall give the owner or lessee a signed and dated list of those discrepancies.

33. Airworthiness data

(1) An approved maintenance organisation shall have airworthiness data appropriate to support the maintenance work performed on the aircraft or aircraft component from the Authority, the design organisation or any other approved design organisation in the State of manufacture or State of design, as appropriate.

(2) Maintenance documents include, but are not limited to—

- (a) the Civil Aviation (Approved Maintenance Organisation) Regulations;
- (b) associated advisory material;
- (c) airworthiness directives;
- (d) manufacturers' maintenance manuals;
- (e) repair manuals;
- (f) supplementary structural inspection documents;
- (g) service bulletins;
- (h) service letters;
- (i) service instructions;
- (j) modification leaflets;
- (k) aircraft maintenance programs;
- (l) NDT Manuals; and
- (m) Airworthiness Notices issued by the Authority.

(3) The Authority may classify data from another authority or organisation as mandatory and may require the approved maintenance organisation to hold such data.

(4) Where the approved maintenance organisation modifies airworthiness data specified in sub-regulations (1) and (2) to a format or presentation more useful for its maintenance activities, the approved maintenance organisation shall submit to the Authority an amendment to the Maintenance Procedures Manual for any such proposed modifications for acceptance.

(5) All airworthiness data used by the approved maintenance organisation shall be kept current and made available to all personnel who require access to that data to perform their duties.

(6) A procedure shall be established to monitor the amendment status of all data and maintain a check that all amendments are being received by being a subscriber to any document amendment scheme.

(7) Airworthiness data shall be made available in the work area in close proximity to the aircraft or aircraft components being maintained and for supervisors, mechanics, and certifying staff to refer to.

(8) Where a computer system is used to maintain airworthiness data, the number of computer terminals shall be sufficient in relation to the size of the work program to enable easy access, unless the computer system can produce paper copies.

(9) Where a microfilm or microfiche reader-printers are used to maintain airworthiness data, a similar requirement as specified in sub-regulation (8) shall apply.

[Subsidiary]**34. Reporting of unairworthy conditions**

(1) An approved maintenance organisation shall report to the Authority, and to the aircraft design organisation of the State of design any identified condition that could present a serious hazard to the aircraft.

(2) A report made under sub-regulation (1), shall be made in a form prescribed by the Authority and contain all pertinent information about the condition known to the approved maintenance organisation.

(3) Where the approved maintenance organisation is contracted by an air operator certificate holder to carry out maintenance, that approved maintenance organisation shall report to the air operator certificate holder any condition affecting the aircraft or aircraft component.

(4) A report required to be made under this Regulation, shall be made as soon as practicable, but in any case within three days of the approved maintenance organisation identifying the condition to which the report relates.

35. Inspections

(1) An approved maintenance organisation shall allow the authority unlimited access to inspect the approved maintenance organisation and any of its contract maintenance facilities at any time to determine compliance with these Regulations.

(2) Arrangements for maintenance, preventive maintenance, or modifications by a contractor shall include provisions for inspections of the contractor by the Authority.

(3) The Authority shall inspect an approved maintenance organisation at least once a year.

36. Performance standards

(1) An approved maintenance organisation that performs any maintenance, preventive maintenance, or modifications for an air operator certificate holder certificated under the Civil Aviation (Air Operator Certification and Administration) Regulations, having an approved maintenance programme or an approved continuous maintenance programme shall perform that work in accordance with the air operator certificate holder's manuals.

(2) Except as provided in sub-regulation (1), each approved maintenance organisation shall perform its maintenance and modification operations in accordance with the applicable standards in the Civil Aviation (Airworthiness) Regulations.

(3) An approved maintenance organisation shall maintain, in current condition, all manufacturer's service manuals, instructions, and service bulletins that relate to the articles that it maintains or modifies.

(4) An approved maintenance organisation with an avionics rating shall comply with those requirements of these Regulations that apply to electronic systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating and test apparatus, shop equipment, performance standards, test methods, modifications, and calibrations that conform to the manufacturer's specifications or instructions, approved specification, and if not otherwise specified, in accordance with good practices of the aircraft avionics industry.

PART VI – GENERAL**37. Possession of certificate, authorisation, etc.**

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

38. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorised by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;
- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub-regulation (3).

39. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

40. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

41. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

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(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

42. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

43. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

44. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

45. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or

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- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

46. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

47. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

48. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

49. Application of Regulations to Government and visiting forces etc.

(1) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

(2) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(3) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

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50. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VII – EXEMPTIONS**51. Requirements for application for exemption**

- (1) A person may apply to the Authority for an exemption from any of these Regulations.
- (2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.
- (3) A request for an exemption shall contain the applicant's—
 - (a) name;
 - (b) physical address and mailing address;
 - (c) telephone number;
 - (d) fax number, if available; and
 - (e) e-mail address, if available.
- (4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

52. Substance of the request for exemption

- (1) An application for an exemption shall contain the following—
 - (a) a citation of the specific requirement from which the applicant seeks exemption;
 - (b) an explanation of why the exemption is needed;
 - (c) a description of the type of operations to be conducted under the proposed exemption;
 - (d) the proposed duration of the exemption;
 - (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
 - (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;

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- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 68(2).

Review, Publication and Issue or Denial of the Exemption

53. Initial review by the Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 68 and 69.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in *Kenya Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 68 and 69 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and refiles it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

54. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

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PART VIII – OFFENCES AND PENALTIES

55. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

56. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART IX – SAVINGS AND TRANSITIONAL PROVISIONS

57. Savings

All valid licences, certificates, permits or authorisations issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

58. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULES

FIRST SCHEDULE

MAINTENANCE PROCEDURES FORMAT

PART 1 – MANAGEMENT

- 1.1 Corporate commitment by the accountable manager
- 1.2 Management personnel
- 1.3 Duties and responsibilities of the management personnel
- 1.4 Management Organisation Chart
- 1.5 List of certifying staff. Note: A separate document may be referenced
- 1.6 Manpower resources
- 1.7 General description of the facilities at each address intended to be approved
- 1.8 Organisation's intended scope of work
- 1.9 Notification procedure to the Authority regarding changes to the organisation's activities/approval/location/personnel
- 1.10 Manual amendment procedures

PART 2 – MAINTENANCE PROCEDURES

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CIVIL AVIATION (AIRWORTHINESS) REGULATIONS, 2007

[L.N. 40 of 2007.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Airworthiness) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**acceptable**” means the Authority has reviewed the method, procedure, or policy and has neither objected to nor approved its proposed use or implementation;

“**aeronautical product**” means any aircraft, aircraft engine, propeller or subassembly, appliance, material, part, or component to be installed thereon;

“**aircraft**” means any machine that derives support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“**aircraft component**” means any component part of an aircraft up to and including a complete engine or any operational or emergency equipment;

“**aircraft type**” means all aircraft of the same basic design;

“**airframe**” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of a engine), and landing gear of an aircraft and their accessories and controls;

“**airworthy**” means an aircraft or aeronautical product is in fit and safe state for flight and is in conformity with its type design;

“**appliance**” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

“**approved**” means accepted by the appropriate authority as suitable for a particular purpose;

“**approved by the Authority**” means approved by the Authority directly or in accordance with a procedure approved by the Authority;

“**approved maintenance programme**” means a maintenance programme approved by the State of registry;

“**approved data**” means technical information approved by the Authority;

“**approved maintenance organisation**” means an organisation approved to perform specific aircraft maintenance activities by the Authority;

“**article**” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

“**Authority**” means the Kenya Civil Aviation Authority;

“**balloon**” means a non-power-driven, lighter-than-air aircraft;

“calendar day” means the period of elapsed time using Co-ordinated Universal Time or local time, that begins at midnight and ends 24 hours later in the next midnight;

“certificate of release to service” means a document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority;

“dry lease” means a lease of an aircraft without crew;

“engine” means a unit used or intended to be used for aircraft propulsion, consisting of at least those components and equipment necessary for functioning and control, but excludes the propeller (if applicable);

“facility” means a physical plant, including land, buildings, and equipment, which provide the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“flight time aeroplanes” means the total time from the moment an aeroplane first moves for the purpose of taking-off until the moment it comes to rest at the end of the flight;

“flight time helicopters” means the total time from the moment the helicopter blades start turning until the moment the helicopter finally comes to rest at the end of the flight and the rotor blades are stopped;

“glider” means a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“Maintenance Control Manual” means a manual containing procedures, instructions and guidance for use by maintenance and concerned operational personnel in the execution of their duties;

“maintenance programme” means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

“major modification” means a type design change not listed in the aircraft, aircraft engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product according to non-standard practices;

“major repair” means a repair of an aeronautical product that might appreciably affect the structural strength, performance, powerplant, operation flight characteristics or other qualities affecting airworthiness or environmental characteristics or that will be embodied in the product using non-standard practices;

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“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques and practices acceptable to the Authority, including disassembly, cleaning and inspection as permitted, repair as necessary, and reassembly; and testing in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Authorisation or Technical Standard Order;

“prescribed” means the Authority has issued written policy or methodology which imposes either a mandatory requirement, if the written policy or methodology states “shall,” or a discretionary requirement if the written policy or methodology states “may”;

“preventive maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations;

“propeller” means a device for propelling an aircraft that has blades on an engine driven shaft and that when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation; it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engine;

“rating” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

“rebuild” means the restoration of an aircraft or aircraft component by using methods, techniques, and practices acceptable to the Authority, when it has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled, and tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits;

“repair” means restoration of an aeronautical product to an airworthy condition and to ensure that the aircraft continues to comply with the design aspects of the airworthiness requirements used for the issue of a type certificate for that aircraft type after the aircraft has been damaged or subjected to wear;

“signature” means an individual's unique identification used as a means of authenticating any record entry or a maintenance record; a signature may be hand-written, electronic or any other form acceptable to the Authority;

“specific operating provisions” means a document describing the ratings, Class and/or Limited, in detail and containing or referencing material and process specifications used in performing repair work, along with any limitations applied to the approved maintenance organisation;

“standard” means an object, artefact, tool, test equipment, system or experiment that stores, embodies, or otherwise provides a physical quantity which serves as the basis for measurement of the quantity; it also includes a document describing the operations and processes that must be performed in order for a particular end to be achieved;

“State of design” means a contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aeronautical product or appliance;

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“State of manufacture” means a contracting State under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation; the State of manufacture may or may not also be the State of design;

“State of registry” means a contracting State on whose registry an aircraft is entered.

3. Application

These Regulations shall apply to all persons operating or maintaining the following—

- (a) a Kenya registered aircraft, wherever operated;
- (b) an aircraft registered in another contracting State that is operated by a person licensed by Kenya, and is maintained in accordance with the standards of the aircraft State of registry, wherever that maintenance is performed; and
- (c) an aircraft of other contracting States operating in Kenya.

PART II – AIRCRAFT AND COMPONENT ORIGINAL CERTIFICATION AND SUPPLEMENTAL TYPE CERTIFICATES

4. Acceptance of type certificate

(1) The Authority may accept a type certificate or equivalent document issued by a State of design in respect of an aircraft or aircraft component if—

- (a) the type certificate or equivalent document was issued based on an airworthiness code recognised by the Authority; or
- (b) the design, materials, construction equipment, performance and maintenance of aircraft or aircraft component technical evaluation against a recognised airworthiness code has been carried out by the Authority and has been found to—
 - (i) meet the required standards of the recognised airworthiness code; or
 - (ii) has complied with any recommendations required by the Authority.

(2) Upon acceptance of the type certificate by the Authority, the Authority may, prior to issuing a standard or restricted certificate of airworthiness, require the applicant to comply with any additional requirements prescribed by the Authority.

(3) In this Regulation, recognised airworthiness code means standards relating to the design, materials, construction equipment, performance and maintenance of an aircraft or aircraft component issued by the States of design and accepted and prescribed by the Authority.

5. Acceptance of production

The Authority shall only accept an application for the production of aircraft or an aircraft component if the Authority is satisfied that—

- (a) the work to be undertaken conforms to specified design as approved by the State of design;
- (b) there is in place a suitable arrangement with the holder of a type certificate which ensures satisfactory co-ordination between production and design; and
- (c) there are acceptable arrangements for oversight by the State of design.

[Subsidiary]

6. Issue of supplemental type certificate

(1) A person who alters a product by introducing a major modification in type design, not great enough to require a new application for a type certificate shall apply for a supplemental type certificate to the regulatory agency of the State of design that approved the type certificate for that product, or to the State of registry of the aircraft.

(2) An application for the supplemental type certificate shall be made in the prescribed form and manner.

PART III – CERTIFICATES OF AIRWORTHINESS

7. Application of certificate of airworthiness

(1) An owner or an agent of the owner of an aircraft registered in Kenya may apply to the Authority for a certificate of airworthiness for that aircraft.

(2) An applicant for a certificate of airworthiness shall apply in the prescribed form.

8. Certificate of airworthiness to be in force

A person shall not fly an aircraft unless there is in force in respect of that aircraft, a certificate of airworthiness, a restricted certificate of airworthiness or a special flight permit duly issued or rendered valid under the law of the State of registry and any conditions subject to which the certificate was issued or rendered valid are complied with.

9. Classifications of certificates of airworthiness

The certificates of airworthiness shall be classified as follows—

- (a) a certificate of airworthiness;
- (b) a restricted certificate of airworthiness in the form of a restricted certificate;
- (c) a special flight permit; and
- (d) an export certificate of airworthiness.

10. Amendment of certificates of airworthiness

The Authority may amend or modify any type of certificate of airworthiness issued under these Regulations upon application by an operator or on the Authority's own initiative.

11. Surrender of certificate of airworthiness

An owner of an aircraft who sells the aircraft shall surrender the certificate of airworthiness, restricted certificate of airworthiness or special flight permit—

- (a) to the buyer upon sale of the aircraft within Kenya; or
- (b) to the Authority in the case of an aircraft sold outside Kenya.

12. Validity of a certificate of airworthiness

(1) A certificate of airworthiness or restricted certificate of airworthiness issued under these Regulations is valid for twelve months from the date of issue unless—

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, extends, suspends, revokes or otherwise terminates the certificate; or
- (c) the aircraft owner or operator surrenders the certificate to the Authority.

(2) A special flight permit shall be valid for the period specified in the permit.

[Subsidiary]

(3) A certificate of airworthiness or restricted certificate of airworthiness issued in respect of an aircraft shall cease to be in force if—

- (a) the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft is maintained or if any part of the aircraft or such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) the aircraft or any of its equipment is not maintained as required by the maintenance programme or schedule approved by the Authority in relation to that aircraft;
- (c) an inspection or modification classified as mandatory by the Authority applicable to the aircraft or of any such equipment as aforesaid, has not been completed to the satisfaction of the Authority; or
- (d) the aircraft or any equipment of the aircraft sustains damage and the damage is ascertained during inspection which affects the airworthiness of the aircraft.

13. Aircraft identification

An applicant for a certificate of airworthiness, a restricted certificate of airworthiness or special flight permit shall show that the aircraft is properly registered and marked and has identification plates affixed to the aircraft.

14. Issue of certificates of airworthiness

(1) A certificate of airworthiness shall be issued for an aircraft in the specific category and model designated by the State of design in the type certificate.

(2) The Authority shall issue a certificate of airworthiness if—

- (a) the applicant presents evidence to the Authority that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to the applicable airworthiness directives of the State of manufacture or design;
- (b) the aircraft has been inspected in accordance with the performance rules of these Regulations for inspections and found airworthy by persons authorised by the Authority to make such determinations;
- (c) the Authority finds, after an inspection, that the aircraft conforms to type design and is in condition for safe operation;
- (d) the aircraft when operated in accordance with the requirements specified in the Flight Manual or equivalent document for the aircraft, conforms to the approved type specifications specified in the approved type certificate or equivalent document;
- (e) the maintenance determined by the Authority as a prerequisite for issue of a standard certificate of airworthiness has been carried out and certified by a person acceptable to the Authority in accordance with these Regulations; and
- (f) the results of flying trials, and such other tests of the aircraft as the Authority may require, are complied with.

(3) The Authority may issue a certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as the Authority considers fit.

(4) A certificate of airworthiness shall specify one of the following categories as are, in the opinion of the Authority, appropriate to the aircraft operation—

- (a) commercial air transport (passenger);

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- (b) commercial air transport (cargo);
- (c) general aviation; or
- (d) aerial work.

(5) A certificate of airworthiness shall be issued subject to the condition that the aircraft shall be flown only for the following purposes—

- (a) commercial air transport (passenger): any purpose;
- (b) commercial air transport (cargo): any purpose other than commercial air transport of passengers;
- (c) aerial work: any purpose other than commercial air transport or general aviation;
- (d) general aviation: any purpose other than commercial air transport or aerial work.

(6) The Authority may, in the process of issuing a certificate of airworthiness, demand that reports be furnished by a person qualified to furnish such reports.

15. Airworthiness directives and service bulletins

(1) A person shall not operate an aircraft or aircraft components to which an airworthiness directive applies except in accordance with the requirements of an airworthiness directive.

(2) Upon registration of an aircraft in Kenya, the Authority shall notify the State of design of the registration of the aircraft in Kenya, and request that the Authority receive all airworthiness directives relating to that aircraft, airframe, aircraft engine, propeller, appliance or component.

(3) Where the State of design considers that a condition in an aircraft, airframe, engine, propeller, appliance or component is unsafe as shown by the issue of an airworthiness directive by that State, such directives shall apply to a Kenya registered aircraft of the type identified in that airworthiness directive.

(4) Where a manufacturer identifies a service bulletin as mandatory, such bulletin shall apply to a Kenya registered aircraft of the type identified in that bulletin.

(5) The Authority may identify manufacturer's service bulletins and other sources of data or develop and prescribe inspections, procedures and limitations for mandatory compliance pertaining to affected aircraft in Kenya.

(6) A person shall not operate a Kenya registered aircraft to which this Regulation applies, except in accordance with the applicable directives and bulletins.

16. Issue of restricted certificates of airworthiness

(1) The Authority may issue a restricted certificate of airworthiness to an aircraft that does not qualify for a certificate of airworthiness, including microlite, amateur and kit built aircraft, an aircraft used for air races, aircraft flying for exhibition purpose and a kite.

(2) An aircraft in respect of which a restricted certificate of airworthiness has been issued shall be subject to operating limitations within Kenya and shall not make international flights.

(3) The Authority shall issue specific operating limitations for each restricted certificate of airworthiness.

17. Issue of special flight permits

The Authority may issue a special flight permit for an aircraft that is capable of safe flight but unable to meet applicable airworthiness requirements for the purpose of—

- (a) flying to a base where weighing, painting, repairs, modifications, maintenance, or inspections are to be performed or to a point of storage;
- (b) flying for the purpose of experimenting with or testing the aircraft including its engines and equipment;
- (c) flying for the purpose of qualifying for the issue, renewal or validation of certificate of airworthiness or restricted certificate of airworthiness and the approval of a modification of the aircraft;
- (d) delivering or exporting the aircraft;
- (e) evacuating aircraft from areas of impending danger; or
- (f) operating at mass in excess of the aircraft's maximum certified take-off mass for flight beyond normal range over water or land areas where adequate landing facilities or appropriate fuel are unavailable with the excess mass limited to additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

18. Export certificate of airworthiness

(1) An owner or an agent of the owner of an aircraft registered in Kenya may apply to the Authority for an export certificate of airworthiness for that aircraft.

(2) An application for an export certificate of airworthiness shall be made in the prescribed form at least fourteen days before the intended date of export of the aircraft out of Kenya.

(3) The Authority shall issue an export certificate of airworthiness if—

- (a) the applicant submits a statement of compliance with the full intent of the approved maintenance programme or schedule;
- (b) the applicant submits a statement of compliance with the mandatory airworthiness directives and service bulletins applicable to the aircraft and its equipment;
- (c) the aircraft has been inspected within the preceding fourteen days in accordance with the performance rules of these Regulations and is found airworthy by persons authorised by the Authority to make such determination;
- (d) the maintenance determined by the Authority as a prerequisite for issue of the export certificate of airworthiness has been carried out and certified by a person acceptable to the Authority in accordance with these Regulations;
- (e) the result of test flights, and such other tests as the Authority may determine are complied with;
- (f) historical records establish the production, modification and maintenance standard of the aircraft; and
- (g) a weight and balance report with a loading schedule, where applicable, for each aircraft in accordance with the applicable regulations is furnished to the Authority.

(4) An export certificate of airworthiness shall not be used for the purpose of flight but may be used for confirmation of recent satisfactory review of the airworthiness status of the aircraft.

[Subsidiary]

(5) Any extension or variations granted to an aircraft in accordance with an approved maintenance programme or schedule shall be automatically revoked before issue of the export certificate of airworthiness.

19. Conditions on the special flight permit

(1) A person shall not fly an aircraft on a special flight permit unless that person has complied with the provisions of this Regulation.

(2) A person who flies an aircraft on a special flight permit referred to under regulation 17 shall ensure that—

- (a) the flight is made under the supervision of a person approved by the Authority for such flight, subject to any additional conditions which may be specified in the permit;
- (b) a copy of the special flight permit is carried on board the aircraft at all times when the aircraft is operating under the conditions of the special flight permit;
- (c) the aircraft registration markings assigned to the aircraft are displayed;
- (d) no persons or property are carried on board for hire or reward;
- (e) only persons essential for the safe operation of the aircraft are carried on the aircraft and are advised of the contents of the special flight permit;
- (f) the aircraft is operated only by flight crew holding appropriate type ratings or validations with sufficient experience to appreciate the reasons for the aircraft non-compliance to the prescribed airworthiness standards;
- (g) the flight is conducted in accordance with applicable flight operating rules and procedures of the States of the intended routing;
- (h) the routing is such that areas of heavy air traffic, areas of heavy human concentration of a city town or settlement or any other areas where the flight might create hazardous exposure to persons or property are avoided;
- (i) the flight is performed in accordance to the performance limitations prescribed in the Aircraft Flight Manual and any other limitation that the Authority may impose on such flight;
- (j) all flights are conducted prior to the expiry date of the special flight permit or at any other time the Authority specifies in writing; and
- (k) the aircraft shall not depart for the flight on a special flight permit unless the aircraft has on board authorisations from the States of intended routing.

(3) The operator of an aircraft flying on a special flight permit shall inform the States on the conditions of the aircraft and intended flight and shall obtain the consent of the States before the intended flight of the aircraft.

(4) The Authority shall require a properly executed maintenance endorsement statement in the aircraft permanent record by an authorised person stating that the aircraft has been inspected and found to be safe for the intended flight.

20. Certificate of fitness for flight

(1) A person shall not fly an aircraft for the purpose of flight testing after repair, modification or maintenance unless that aircraft has been issued with a maintenance endorsement statement.

(2) The maintenance endorsement statement referred to in sub-regulation (1) shall constitute a certificate of fitness for flight.

(3) A certificate of fitness for flight—

- (a) shall be issued by an appropriate qualified person in accordance with these Regulations and the Civil Aviation (Personnel Licensing) Regulations;
- (b) is the basis under which the Authority may issue a special flight permit under regulation 17 for the purpose of allowing the aircraft to be ferried;
- (c) may be used as a basis to flight test an aircraft after repair, modifications or maintenance as long as the aircraft does not make an international flight; and
- (d) is not, for purpose of these Regulations, an airworthiness certificate.

PART IV – CONTINUING AIRWORTHINESS OF AIRCRAFT AND AIRCRAFT COMPONENTS

21. Responsibility for maintenance

(1) An owner or operator of an aircraft shall be responsible for maintaining the aircraft in an airworthy condition by ensuring that—

- (a) all maintenance which affects airworthiness is performed as prescribed by the State of registry;
- (b) maintenance personnel make appropriate entries in the aircraft maintenance records certifying that the aircraft is airworthy;
- (c) the certificate of release to service is completed to the effect that the maintenance work performed has been completed satisfactorily and in accordance with the prescribed methods including an approved maintenance schedule for air operator certificate holders as approved by the Authority; and
- (d) in the event that there are open discrepancies, the certificate of release to service includes a list of the uncorrected maintenance items which are made a part of the aircraft permanent records.

(2) In the event that an aircraft registered in Kenya is continuously operated outside Kenya for a period exceeding thirty days, the owner or operator of the aircraft shall be responsible for maintaining the aircraft in an airworthy condition and ensuring that—

- (a) notice in a form prescribed by the Authority, is given to the Authority prior to the aircraft undertaking such operations; and
- (b) arrangements acceptable to the Authority for ongoing inspection and oversight of the airworthiness of that aircraft are made.

22. Continuing airworthiness information

An operator of an aircraft shall—

- (a) monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide the information as prescribed by the Authority and report through a specified system; and
- (b) obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design and implement resulting actions considered necessary in accordance with a procedure acceptable to the Authority.

23. Compliance with the manufacturer's instructions

An aircraft registered in Kenya shall not engage in commercial air transport operations, unless—

- (a) the aircraft, including its engines, equipment and radios has been maintained in accordance with the approved maintenance programme and the maintenance procedures recommended by the aircraft manufacturer;

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- (b) a certificate of release to service has been completed and signed by a licensed aircraft maintenance engineer to certify that all maintenance work has been completed satisfactorily and in accordance with the approved maintenance programme and procedures; and
- (c) there is an approved Flight Manual available in the aircraft for the use of the flight crew, containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the specified regulations relating to performance and for the safe operation of the aircraft, except that if the aircraft has a maximum take-off certificated mass of 5,700 kilograms or less, the limitations may be made available by means of placards or other documents approved by the Authority.

24. Reporting of failures, malfunctions and defects

(1) An owner or operator of an aircraft shall report to the Authority any failures, malfunctions, or defects that may result in at least one of the following—

- (a) fires during flight and whether the related fire warning system was properly operated;
- (b) fires during flight not protected by a related fire warning system;
- (c) false fire warning during flight;
- (d) an engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;
- (e) an aircraft component that causes accumulation or circulation of smoke, vapour, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;
- (f) engine shutdown during flight because of flameout;
- (g) engine shutdown during flight when external damage to the engine or aircraft structure occurs;
- (h) engine shutdown during flight due to foreign object ingestion or icing;
- (i) shutdown during flight of more than one engine;
- (j) a propeller feathering malfunction or inability of the system to control overspeed during flight;
- (k) a fuel or fuel-dumping system malfunction that affects fuel flow or causes hazardous leakage during flight;
- (l) an uncommanded landing gear extension or retraction, or opening or closing of landing gear doors during flight;
- (m) a brake system components malfunction that result in loss of brake actuating force when the aircraft is in motion on the ground;
- (n) aircraft structure damage that requires major repair;
- (o) failure or malfunction of any flight control system, flap, slat or spoiler;
- (p) any excessive unscheduled removals of essential equipment on account of defects;
- (q) cracks, permanent deformation, or corrosion of aircraft structure, if more than the maximum acceptable to the manufacturer or the Authority;
- (r) aircraft components or systems malfunctions that result in taking emergency action during flight, except action to shut down an engine;

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- (s) emergency evacuation systems or components including all exit doors, passenger emergency evacuating lighting systems, or evacuation equipment that are found defective, or that fail to perform the intended functions during an actual emergency or during training, testing, maintenance, demonstration, or inadvertent deployments;
 - (t) each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected technical difficulties or malfunctions;
 - (u) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure;
 - (v) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a specific operation of the aircraft;
 - (w) the number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed; or
 - (x) the number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed.
- (2) A report required under this Regulation shall—
- (a) be made within three days after determining that the failure, malfunction, or defect required to be reported has occurred; and
 - (b) include as much of the following information as is available and applicable—
 - (i) type and registration mark of the aircraft;
 - (ii) name of the operator;
 - (iii) aircraft serial number;
 - (iv) where the failure, malfunction, or defect is associated with an article approved under a Technical Standard Order Authorisation, the article serial number and model designation, as appropriate;
 - (v) where the failure, malfunction or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate;
 - (vi) product model;
 - (vii) identification of the part, component, or system involved, including the part number; and
 - (viii) the nature of the failure, malfunction, or defect.

(3) The Authority shall, upon receipt of the report specified in sub-regulation (2) for aircraft registered in Kenya, submit the report to the State of design.

(4) The Authority shall, upon receipt of the report specified in sub-regulation (2) for foreign registered aircraft operating in Kenya, submit the report to the State of registry and the State of design.

PART V – AIRCRAFT MAINTENANCE AND INSPECTION

25. Persons authorised to perform maintenance, preventive maintenance and modification

(1) A person shall not perform any task defined as maintenance on an aircraft or aircraft components, except as provided in this Regulation.

(2) The following persons are authorised to perform maintenance, preventive maintenance and modification—

- (a) a pilot licensed by the Authority;

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- (b) a person performing maintenance under the supervision of a licensed aircraft maintenance engineer;
- (c) a licensed aircraft maintenance engineer; and
- (d) an approved maintenance organisation.

(3) A pilot licensed by the Authority may perform preventive maintenance on an aircraft of certificated maximum take-off mass of 5,700 kg or less owned or operated by that pilot so long as the aircraft is not listed for use by an air operator certificate holder and the pilot has attended a maintenance course on the type of aircraft.

(4) A pilot licensed by the Authority operating a balloon listed for use by an air operator certificate holder may perform maintenance, preventive maintenance and modification on balloons, provided that pilot has been trained on the appropriate balloon maintenance.

(5) A person working under the supervision of a licensed aircraft maintenance engineer may perform the maintenance, preventive maintenance, or modifications that the licensed aircraft maintenance engineer is authorised to perform if the supervising licensed aircraft maintenance engineer—

- (a) personally observes the work being done to the extent necessary to ensure that it is being done properly; and
- (b) is readily available, in person, for consultation.

(6) A licensed aircraft maintenance engineer may perform or supervise the maintenance or modification of an aircraft or aircraft component for which he is rated in accordance with the Civil Aviation (Personnel Licensing) Regulations.

(7) An approved maintenance organisation may perform aircraft maintenance within the limits specified by the Authority.

(8) A manufacturer who is the holder of an approved maintenance organisation certificate may—

- (a) rebuild or alter any aircraft component manufactured by that manufacturer under a type or production certificate;
- (b) rebuild or alter any aircraft component manufactured by that manufacturer under a Technical Standard Order Authorisation, a Parts Manufacturer Approval by the State of design, or product and process specification issued by the State of design; and
- (c) perform any inspection required by the Civil Aviation (Operation of Aircraft) Regulations on aircraft that the manufacturer manufactures, while currently operating under a production certificate or under a currently approved production inspection system for such aircraft.

26. Personnel authorised to approve for return to service

(1) Except as authorised by the Authority, a person shall not approve an aircraft, airframe, engine, propeller, appliance, or component for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or modification.

(2) The following persons are authorised to approve an aircraft, airframe, engine, propeller, appliance or component for return to service—

- (a) a pilot licensed by the Authority who may return his aircraft to service after performing authorised preventive maintenance provided he has successfully completed an approved maintenance course on the type of aircraft;
- (b) a licensed aircraft maintenance engineer who may approve aircraft and aircraft components for return to service after the licensed aircraft maintenance

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engineer has performed, supervised, or inspected its maintenance subject to the limitations specified in the Civil Aviation (Personnel Licensing) Regulations;

- (c) an approved maintenance organisation that may approve aircraft and aircraft components for return to service as provided in the operations specific operating provisions approved by the Authority.

27. Persons authorised to perform inspections

(1) Except as authorised by the Authority, a person shall not perform the inspections required by the Civil Aviation (Operation of Aircraft) Regulations for aircraft and aircraft components prior to or after the aircraft has undergone maintenance, preventive maintenance, rebuilding, or modification.

(2) The following persons are authorised to carry out inspections required under these Regulations—

- (a) a licensed aircraft maintenance engineer who may conduct the required inspections of aircraft and aircraft components for which the licensed aircraft maintenance engineer is rated and current; or
- (b) an approved maintenance organisation that may perform the required inspections of aircraft and aircraft components as provided in the specific operating provisions approved by the Authority.

28. Preventive maintenance: limitations

Preventive maintenance on an aircraft is limited to the following—

- (a) removal, installation and repair of landing gear tires;
- (b) replacing elastic shock absorber cords on landing gear;
- (c) servicing landing gear shock struts by adding oil, air, or both;
- (d) servicing landing gear wheel bearings, such as cleaning and greasing;
- (e) replacing defective safety wiring or cotter keys;
- (f) lubrication not requiring disassembly other than removal of non-structural items such as cover plates, cowlings, and fairings;
- (g) making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces;
- (h) replenishing hydraulic fluid in the hydraulic reservoir;
- (i) refinishing decorative coating of fuselage, wings, tail group surfaces excluding balanced control surfaces, fairings, cowlings, landing gear, cabins, or cockpit interiors when removal or disassembly of any primary structure or operating system is not required;
- (j) applying preservative or protective material to components where no disassembly of any primary structure or operating system is involved and where such coating is not prohibited or is not contrary to good practices;
- (k) repairing upholstery and decorative furnishings of the cabin or cockpit when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft;
- (l) making small simple repairs to fairings, non-structural cover plates, cowlings, and small patches and reinforcements not changing the contour so as to interfere with proper airflow;
- (m) replacing side windows where that work does not interfere with the structure of any operating system such as controls and electrical equipment;

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- (n) replacing safety belts;
- (o) replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system;
- (p) troubleshooting and repairing broken circuits in landing light wiring circuits;
- (q) replacing bulbs, reflectors, and lenses of position and landing lights;
- (r) replacing wheels and skis where no mass and balance computation is involved;
- (s) replacing any cowling not requiring removal of the propeller or disconnection of flight controls;
- (t) replacing or cleaning spark plugs and setting of spark plug gap clearance;
- (u) replacing any hose connection except hydraulic connections;
- (v) replacing prefabricated fuel lines;
- (w) cleaning fuel and oil strainers;
- (x) replacing and servicing batteries;
- (y) replacement or adjustment of non-structural fasteners incidental to operations; and
- (z) the installation of anti-misfuelling devices to reduce the diameter of fuel tank filler openings provided the specific device has been made a part of the aircraft type certificate data by the aircraft manufacturer, the manufacturer has provided appropriately approved instructions acceptable to the Authority for the installation of the specific device, and installation does not involve the disassembly of the existing filler opening.

29. Performance rules: maintenance

(1) A person performing maintenance, preventive maintenance, or modification on an aircraft or aircraft component shall use the methods, techniques, and practices prescribed in—

- (a) the current manufacturer's Maintenance Manual or instructions for continued airworthiness issued by its manufacturer; and
- (b) additional methods, techniques and practices required by the Authority, or methods, techniques and practices approved by the Authority where the manufacturer's documents are not available.

(2) A person shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices.

(3) If the involved manufacturer recommends special equipment or test apparatus, the person performing maintenance shall use that equipment or apparatus, or its equivalent acceptable to the Authority.

(4) A person performing maintenance, preventive maintenance, or modification on an aircraft or aircraft component shall do that work in such a manner, and use materials of such a quality, that the condition of the aircraft or aircraft component worked on will be at least equal to its original or properly altered condition with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness.

(5) The methods, techniques, and practices contained in an air operator certificate holder's Maintenance Control Manual and, maintenance programme, as approved by the Authority, constitutes an acceptable means of compliance with the requirements of this Regulation.

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(6) The methods, techniques, and practices contained in an approved maintenance organisation Maintenance Procedures Manual as approved by the Authority, constitute an acceptable means of compliance with the requirements of this Regulation.

30. Inspection performance rules: inspection

(1) A person performing an inspection required by the Authority shall—

- (a) perform the inspection so as to determine whether the aircraft or portion of the aircraft under inspection meets all applicable airworthiness requirements; and
- (b) if there is an inspection program required or accepted for the specific aircraft being inspected, perform the inspection in accordance with the instructions and procedures specified in the inspection program.

(2) A person performing an inspection required on a rotorcraft shall inspect, in accordance with the Maintenance Manual or instructions for continued airworthiness, the systems which shall include, but not limited to—

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;
- (c) the main rotor and centre section or the equivalent area; and
- (d) the auxiliary rotor on helicopters.

(3) A person performing an inspection shall use a checklist while performing the inspection, which—

- (a) may be of the person's own design, one provided by the manufacturer of the equipment being inspected, or one obtained from another source; and
- (b) shall include the scope and detail of the items prescribed or approved by the Authority.

(4) A person approving a reciprocating-engine-powered aircraft for return to service after an inspection shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer's recommendations of—

- (a) power output (static and idle revolutions per minute);
- (b) magnetos;
- (c) fuel and oil pressure; and
- (d) cylinder and oil temperature.

(5) A person approving a turbine-engine-powered aircraft for return to service shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer's recommendations.

(6) A person performing an inspection shall, before that inspection, thoroughly clean the aircraft and aircraft engine and remove or open all necessary inspection plates, access doors, fairings, and cowlings.

(7) A person performing an inspection shall inspect, where applicable, the following components—

- (a) fuselage and hull group—
 - (i) fabric and skin for deterioration, distortion, other evidence of failure, and defective or insecure attachment of fittings;
 - (ii) systems and components for improper installation, apparent defects, and unsatisfactory operation;

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- (b) cabin and cockpit group—
 - (i) generally for uncleanness and loose equipment that might foul the controls;
 - (ii) seats and safety belts - for poor condition and apparent defects;
 - (iii) leakage;
 - (iv) instruments – for poor condition, mounting, marking, and where practicable for improper operation;
 - (v) flight and engine controls – for improper installation and improper operation;
 - (vi) batteries for improper installation and improper charge;
 - (vii) all systems for improper installation, poor general condition, apparent and obvious defects, and insecurity of attachment;
- (c) engine and nacelle group—
 - (i) engine section for visual evidence of excessive oil, fuel, or hydraulic leaks, and sources of such leaks;
 - (ii) studs and nuts for improper torquing and obvious defects;
 - (iii) internal engine for cylinder compression and for metal particles or foreign matter on screens and sump drain plugs, if there is weak cylinder compression, for improper internal condition and improper internal tolerances;
 - (iv) engine mount – for cracks, looseness of mounting, and looseness of engine to mount;
 - (v) flexible vibration dampeners – for poor condition and deterioration;
 - (vi) engine controls for defects, improper travel, and improper safetying;
 - (vii) lines, hoses, and clamps for leaks, improper condition, and looseness;
 - (viii) exhaust stacks for cracks, defects, and improper attachment;
 - (ix) accessories for apparent defects in security of mounting;
 - (x) all systems for improper installation, poor general condition, defects, and insecure attachment;
 - (xi) cowling for cracks and defects;
- (d) landing gear group—
 - (i) all units for poor condition and insecurity of attachment;
 - (ii) shock absorbing devices for improper oleo fluid level;
 - (iii) linkages, trusses, and members for undue or excessive wear, fatigue, and distortion;
 - (iv) retracting and locking mechanism for improper operation;
 - (v) hydraulic lines for leakage;
 - (vi) electrical system for chafing and improper operation of switches;
 - (vii) wheels for cracks, defects, and condition of bearings;
 - (viii) tires for wear and cuts;
 - (ix) brakes for improper adjustment;
 - (x) floats and skis for insecure attachment and obvious or apparent defects;
- (e) wing and centre section assembly for—
 - (i) poor general condition;
 - (ii) fabric or skin deterioration;

- (iii) distortion;
 - (iv) evidence of failure; and
 - (v) insecurity of attachment;
- (f) complete empennage assembly for—
 - (i) poor general condition;
 - (ii) fabric or skin deterioration;
 - (iii) distortion;
 - (iv) evidence of failure;
 - (v) insecure attachment;
 - (vi) improper component installation; and
 - (vii) improper component operation;
- (g) propeller group—
 - (i) propeller assembly, for cracks, nicks, binds, and oil leakage;
 - (ii) bolts, for improper torquing and lack of safety;
 - (iii) anti-icing devices, for improper operations and obvious defects; and
 - (iv) control mechanisms, for improper operation, insecure mounting, and restricted travel;
- (h) avionics and instrument group—
 - (i) avionics and instrument equipment, for improper installation and insecure mounting;
 - (ii) wiring and conduits, for improper routing, insecure mounting, and obvious defects;
 - (iii) bonding and shielding, for improper installation and poor condition;
 - (iv) antenna including trailing antenna – for poor condition, insecure mounting, and improper operation;
- (i) electronic/electrical group—
 - (i) wiring and conduits, for improper routing, insecure mounting, and obvious defects;
 - (ii) bonding and shielding, for improper installation and poor condition;
- (j) each installed miscellaneous item that is not otherwise covered by this listing or has instructions for continued airworthiness, for improper installation and improper operation.

31. Airworthiness limitation performance rules

A person performing an inspection or other maintenance specified in an airworthiness limitations section of a current manufacturer's Maintenance Manual, or instructions for continued airworthiness, shall perform the inspection or other maintenance in accordance with that section, or in accordance with specific operating provisions approved by the Authority.

32. Aircraft mass Schedule

(1) An aircraft in respect of which a certificate of airworthiness is issued under these Regulations shall be weighed, and the position of the aircraft's centre of gravity determined, at such times and in such manner as the Authority may require or approve in the case of that aircraft.

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(2) Upon the aircraft being weighed, the owner or operator of the aircraft shall prepare a mass schedule showing—

- (a) the basic mass of the aircraft, namely the mass of the empty aircraft together with the mass of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the mass schedule, or such other mass as may be approved by the Authority in the case of that aircraft; or
- (b) the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic mass or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) The mass schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purpose of this Regulation.

PART VI – AIRCRAFT NOISE CERTIFICATION

33. Requirement of noise certification

An aircraft to which this Regulation applies shall not land or take-off in Kenya unless there is in force a noise certificate issued or rendered valid by the competent authority in which the aircraft is registered.

34. Issue, suspension, revocation of aircraft noise certificate

(1) An aircraft included in the classification defined for noise certification purpose set out in Part A of the First Schedule to these Regulations shall be issued with a noise certificate or a suitable statement attesting noise certification contained in another document approved by the State of registry and required by that State to be carried in the aircraft.

(2) The noise certificate referred to in sub-regulation (1) shall be issued or validated by the Authority on the basis of satisfaction evidence that the aircraft complies with the requirements which are at least equal to the applicable standards specified in Annex 16 Volume 1 to the Chicago Convention.

(3) The document attesting noise certification of an aircraft shall provide information in accordance with Part B of the First Schedule to these Regulations.

(4) The Authority shall—

- (a) suspend or revoke the noise certificate of aircraft on the civil aircraft register if the aircraft ceases to comply with the applicable noise standards; and
- (b) not reinstate or grant a new noise certificate unless the aircraft is found on re-assessment to comply with the applicable noise standards.

PART VII – MAINTENANCE RECORDS AND ENTRIES

35. Certificate of release to service records

(1) Pursuant to the terms and conditions specified in the Civil Aviation (Air Operator Certification and Administration) Regulations, a certificate of release to service shall be maintained by an air operator certificate holder in duplicate.

(2) A certificate of release to service issued shall—

- (a) be effective from the date of issue;
- (b) cease to be effective upon expiration of the period, calendar days or flight time, whichever is earlier as specified in the maintenance schedule; and

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- (c) be kept on board the aircraft and the original be kept by the operator as approved by the Authority.

36. Technical logbook

(1) A technical logbook shall be kept in respect of every aircraft registered in Kenya in respect of which a certificate in either commercial air transport or aerial work category is in force.

(2) Technical logbook entries on defects which affect the airworthiness and safe operation of the aircraft shall be made as specified in the Civil Aviation (Air Operator Certification and Administration) Regulations.

(3) Upon rectification of any defect which has been entered in the technical logbook in accordance with sub-regulation (2) a person issuing a certificate of release to service under the Civil Aviation (Approved Maintenance Organisation) Regulations in respect of that defect shall enter that certificate in the technical logbook.

37. Aircraft, engine and propeller logbooks

(1) In addition to any other logbooks required by or under these Regulations, the following logbooks shall be kept in respect of aircraft registered in Kenya—

- (a) an aircraft logbook;
- (b) a separate logbook in respect of each engine fitted in the aircraft; and
- (c) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.

(2) The logbooks specified in sub-regulation (1) shall include the particulars respectively specified in the Second Schedule to these Regulations and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kilograms, shall be of a type approved by the Authority.

(3) An entry in a logbook other than such an entry as is referred to in paragraph 2 (d)(i) or 2 (d)(ii) of the Second Schedule to these Regulations shall be made as soon as practicable after the occurrence to which it relates, but not more than seven days after the expiration of the certificate of release to service, in force in respect of the aircraft at the time of the occurrence.

(4) An entry in a logbook, being such an entry as is referred to in paragraph 2(d)(i) or 2(d)(ii) of the Second Schedule to these Regulations shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(5) Entries in the logbook may refer to other documents which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of this Regulation to be part of the logbook.

(6) It shall be the duty of the operator of every aircraft in respect of which logbooks are required to be kept to keep the logbooks or cause them to be kept in accordance with this Regulation.

(7) Subject to this Regulation, every logbook shall be preserved by the operator of the aircraft for two years after the aircraft, the engine or the variable pitch propeller as the case may be, has been destroyed or has been permanently removed from use.

38. Records of maintenance

(1) A person who performs maintenance on an aircraft or aircraft component shall, when the work is performed satisfactorily, make an entry in the maintenance record of that equipment as follows—

- (a) a description or reference to data acceptable to the Authority of work performed;

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- (b) the completion date of the work performed; and
- (c) the name, signature and licence number of the person approving the work.

(2) The signature required by sub-regulation (1)(c) shall constitute the approval for return to service only for the work performed.

(3) A person working under the supervision of a licensed aircraft maintenance engineer shall not perform any inspection required under the Civil Aviation (Operation of Aircraft) Regulations or any inspection performed after a major repair or modification.

(4) A person performing the work referred to in sub-regulation (1) shall enter records of major repairs and major modifications, in the prescribed form set out in the Third Schedule.

(5) A person performing a major repair or major modification shall—

- (a) execute the appropriate form prescribed by the Authority in duplicate;
- (b) give a signed copy of that form to the aircraft owner or operator; and
- (c) forward a copy of that form to the Authority, in accordance with the instructions of the Authority, within forty-eight hours after the aircraft or aircraft component is approved for return to service.

(6) An approved maintenance organisation which performs a major repair or modification shall—

- (a) use the aircraft owner or operator's work order upon which the repair is recorded;
- (b) give the aircraft owner or operator a signed copy of the work order and retain a duplicate copy for at least one year from the date of approval for return to service of the aircraft or aircraft component;
- (c) give the aircraft owner or operator a certificate of release to service signed by an authorised representative of the approved maintenance organisation and incorporating the following information—
 - (i) identity of the aircraft or aircraft component—
 - (aa) the make, model, serial number, nationality and registration marks, and location of the repaired area of an aircraft; and
 - (bb) the manufacturer's name, name of the part, model, and serial numbers (if any) of an aircraft component; and
 - (ii) a statement that the aircraft or aircraft component was repaired, overhauled and inspected in accordance with these Regulations and is approved for the return to service;
 - (iii) a statement that pertinent details of repair are on file at the approved maintenance organisation; and
 - (iv) the order number and date of the order number; and
- (d) submit the signature of the authorised representative, the name and address of the approved maintenance organisation and approved maintenance organisation certificate number.

39. Records of overhaul and rebuilding

(1) A person shall not record in any required maintenance entry or form, an aircraft or aircraft component as being overhauled unless the aircraft or aircraft component has been—

- (a) disassembled, cleaned, inspected as permitted, repaired as necessary, and reassembled using methods, techniques, and practices acceptable to the Authority; and

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- (b) tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance manufacturing approval.

(2) A person shall not record in any required maintenance entry or form, an aircraft or aircraft component as being rebuilt unless the aircraft or aircraft component has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled, and tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits.

40. Approval for return to service

A person shall not approve for return to service any aircraft or aircraft component that has undergone maintenance, preventive maintenance, rebuilding, or modification unless—

- (a) the appropriate maintenance record entry has been made in accordance with these Regulations;
- (b) the major repair or major modification form specified in the Third Schedule of these Regulations has been executed in the manner prescribed by the Authority; and
- (c) if a major repair or major modification results in any change in the aircraft operating limitations or flight data contained in the approved Aircraft Flight Manual, those operating limitations or flight data are appropriately revised and set out as prescribed.

41. Content, form, and disposition of records for inspections

(1) A person approving the return to service of an aircraft or aircraft component after any inspection performed in accordance with the Civil Aviation (Operation of Aircraft) Regulations, shall make an entry in the maintenance record of that equipment containing the following information—

- (a) type of inspection and a brief description of the extent of the inspection;
- (b) date of inspection;
- (c) aircraft total time and cycles in service;
- (d) signature, the licence number held by the person approving return to service the aircraft or aircraft component;
- (e) if the aircraft is found to be airworthy and approved for return to service, the person shall include a statement certifying that the aircraft has been inspected in accordance with the type of work and was determined to be in an airworthy condition;
- (f) if the aircraft is not approved for return to service because the aircraft needs maintenance, non-compliance with the applicable specifications, airworthiness directives, or other approved data, a statement that the aircraft has been inspected in accordance with inspection and a dated list of discrepancies and unairworthy items has been provided to the aircraft owner or operator; and
- (g) if an inspection is conducted under an inspection program provided for in the Civil Aviation (Operation of Aircraft) Regulations, the person performing the inspection shall make an entry identifying the inspection program accomplished, and containing a statement that the inspection was performed in accordance with the type of inspections and procedures for that particular program.

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(2) A person performing any inspection required in the Civil Aviation (Operation of Aircraft) Regulations who finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives or other approved data upon which the aircraft's airworthiness depends, shall give the owner or operator a signed and dated list of those discrepancies.

PART VIII – GENERAL**42. Possession of the certificate, authorisation, etc.**

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

43. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorised by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;
- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub-regulation (3).

44. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

45. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

46. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

47. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

48. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

49. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

[Subsidiary]**50. Use and retention of certificates and records**

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

51. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

52. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

53. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

54. Application of Regulations to Government and visiting forces etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

55. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART IX – OFFENCES AND PENALTIES**56. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

57. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the First Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

[Subsidiary]

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART X – SAVINGS AND TRANSITIONAL PROVISIONS

58. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

59. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULES

FIRST SCHEDULE

[Regulation 34(1) and (3).]

PART A – AIRCRAFT NOISE CERTIFICATION CLASSIFICATIONS

Classifications as per ICAO Annex 16 Volume 1 to the Chicago Convention—

Annex Chapter	Details
2.	Subsonic jet aeroplanes – Application for certificate of airworthiness for the prototype accepted before 6th October 1977.
3.	(a) Subsonic jet aeroplanes – Application for certificate of airworthiness for the prototype accepted on or after 6th October 1977 and before 1st January 2007. (b) Propeller-driven aeroplanes over 5,700 kilograms – Application for certificate of airworthiness for the prototype accepted on or after 1st January 1985 and before 17th November 1988. (c) Propeller-driven aeroplanes over 8,618 kilograms – Application certificate of airworthiness for the prototype accepted on or 17th November 1988 and before 1st January 2007.
4.	1. Supersonic aeroplanes – Application for certificate of airworthiness for the prototype accepted on or after 1st January 2007. 2. Propeller-driven aeroplanes over 8,618kg – Application for certificate of airworthiness for the prototype accepted on or after 1st January 2007.
5.	Propeller-driven aeroplanes over 5,700kg – Application for certificate of airworthiness for the prototype accepted before 1st January 1985.
6.	Propeller-driven aeroplanes not exceeding 8,618kg – Application for certificate of airworthiness for the prototype accepted before 17th November 1988.

FIRST SCHEDULE—*continued*

Annex	Details
Chapter	

- | | |
|-----|--|
| 7. | Propeller-driven STOL aeroplane. |
| 8. | Helicopters. |
| 9. | Installed auxiliary power unit (APU) and associated power systems during ground operations. |
| 10. | Propeller-driven aeroplanes not exceeding 8,618 kilograms – Application for certificate of airworthiness for the prototype or derived version accepted on or after 17th November 1988. |
| 11. | Helicopters not exceeding 3,175 kilograms maximum certificated take-off mass. |
| 12. | Supersonic aeroplanes. |
| 13. | Tilt-rotor aircraft. |

**PART B – INFORMATION TO BE INCLUDED IN THE DOCUMENT ATTESTING
NOISE CERTIFICATION**

(1) The following information shall be included on the document attesting noise certification of an aircraft—

- (a) State of registry, nationality and registration marks;
- (b) manufacturer's serial number;
- (c) manufacturer's type and model designation, engine type or model, propeller;
- (d) type and model (if applicable);
- (e) statement of any additional modifications incorporated for the purposes of compliance with the applicable noise certification standards;
- (f) the maximum mass at which compliance with the applicable noise certification standards has been demonstrated. Only one maximum take-off and landing pair shall be certificated for each individual aircraft;
- (g) for aeroplanes for which application for certification of the prototype was submitted on or after 6th October 1977, and for helicopters for which application for certification of the prototype was submitted on or after 1st January 1985: the average noise level at the reference point for which compliance with the applicable standards has been demonstrated to the satisfaction of the certificating authority;
- (h) the Chapter of Annex 16 Volume 1, according to which the aircraft was certificated;
- (i) the height above the runway at which thrust or power is reduced following full thrust or power take-off.

(2) The information stated under sub-paragraphs (a) to (h) of paragraph (1) shall also be included in the Aircraft Flight Manual.

(3) Under sub-paragraph (h) of paragraph (1), a note shall be added stating the thrust or power cut back height relates to the noise certification demonstration procedure and is not intended for use in normal operations.

[Subsidiary]

SECOND SCHEDULE

[Regulation 37(2), (3), and (4).]

AIRCRAFT, ENGINE AND PROPELLER LOGBOOKS

1. Aircraft

The following entries shall be included in the aircraft logbook—

- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of construction of the aircraft;
- (b) the nationality and registration marks of the aircraft;
- (c) the name and address of the operator of the aircraft;
- (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-off and landings on that day;
- (e) particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) particulars of any defects occurring in the aircraft or in any equipment required to be carried in it by or under these Regulations, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by regulation 10(2) and (3) of these Regulations; and
- (g) particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid;
- (h) provided that entries shall not be required to be made under sub-paragraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine logbook

The following entries shall be included in the engine logbook—

- (a) the name of the constructor, type of engine, the number assigned to it by the constructor and the date of the construction of the engine;
 - (b) the nationality and registration marks of each aircraft in which the engine is fitted;
 - (c) the name and address of the operator of each such aircraft;
 - (d) either—
 - (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-off and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;
 - (e) particulars of all maintenance work done on the engine;
 - (f) particulars of any defects occurring in the engine, and of the rectification of such defects, including reference to the relevant entries in the technical log required by regulation 10(2) and (3) of these Regulations; and
 - (g) particulars of all overhauls, repairs, replacement and modifications relating to the engine or any of its accessories.
-

THIRD SCHEDULE
[Regulations 38(4) and 40.]

MAJOR REPAIRS AND MODIFICATION FORM

5.1 MAJOR REPAIR AND MODIFICATION (Airframe, Engine, Propeller or Appliance)	Kenya
	For KCAA Use Only
	Office Identification

INSTRUCTIONS: Print or type all entries. See the Civil Aviation (Airworthiness) Regulation 38 and 40

1. Aircraft	Make	Model
	Serial Number	Nationality and Registration Mark
2. Owner	Name (As shown on registration certificate)	Address (As shown on registration certificate)

3. For Authority Use Only

4. Unit Identification				5. Type	
Unit	Make	Model	Serial Number	Repair	Modification
Airframe					
Engine					
Propeller					
Appliance	Type				
	Manufacture				

6. Conformity Statement		
A. Organisation Name and Address	B. Kind of Licence/Organisation	C. Certificate/Licence Number
	<input type="checkbox"/> Licensed (LAME) <input type="checkbox"/> A <input type="checkbox"/> C or <input type="checkbox"/> X or R	(For an AMO include the appropriate ratings issued for the major repair or modification)
	<input type="checkbox"/> Approved Maintenance Organisation	
	<input type="checkbox"/> Manufacturer	
D. I certify that the repair and/or modification made to the unit(s) identified in item 4 above and described on the reverse or attachments hereto have been made in accordance with the requirements of the Civil Aviation (Airworthiness) Regulations and that the information furnished herein is true and correct to the best of my knowledge.		

[Subsidiary]

THIRD SCHEDULE—*continued*

7. Approval for Return to Service				
Pursuant to the authority given persons specified below, the unit(s) identified in item 4 was inspected in the manner prescribed by the Kenya Civil Aviation Authority and is				
<input type="checkbox"/> APPROVED <input type="checkbox"/> REJECTED				
BY	<input type="checkbox"/> TCAA Inspector	<input type="checkbox"/> Inspection Authorisation		<input type="checkbox"/> Other (Specify)
	<input type="checkbox"/> Maintenance Organisation	<input type="checkbox"/> Other		
Date of Approval or Rejection		Certificate or Designation Number		Signature of Authorised Individual

FOURTH SCHEDULE

[Regulation 57.]

PENALTIES

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REGULATION 57

Regulation

- 6 – Issue of supplemental type certificate
- 8 – Certificate of airworthiness to be in force.
- 15 – Airworthiness directives and service bulletins.
- 20(1) – Certificate of fitness for flight.
- 22 – Continuing airworthiness information
- 23 – Compliance with the manufacturer's instructions.
- 24 – Reporting of failures, malfunctions, and defects.
- 29 – Performance rules: maintenance.
- 30 – Performance rules: inspection.
- 31 – Airworthiness limitation performance rules.
- 33 – Requirements of noise certification.
- 35 – Keeping of maintenance release records.
- 36 – Technical log entries.
- 37 – Aircraft, engine and propeller logbooks
- 38 – Records of maintenance.
- 39 – Records of overhaul and rebuilding.
- 40 – Approval for return to service.
- 52 – Enforcement of directions.

PART B – PROVISIONS REFERRED TO IN SUB-REGULATION (3) OF
REGULATION 57

Regulation

- 19 – Conditions on the special flight permit.
- 21 – Responsibility for maintenance.

FOURTH SCHEDULE—*continued*

Regulation

- 25 – Persons authorised to perform maintenance, preventive maintenance and modification.
 - 26 – Personnel authorised to approve for return to service.
 - 27 – Persons authorised to perform inspections.
 - 32 – Aircraft mass schedule
 - 50 – Use and retention of certificates and records.
-

[Subsidiary]**CIVIL AVIATION (COMMERCIAL AIR TRANSPORT OPERATIONS BY FOREIGN AIR OPERATOR IN AND OUT OF KENYA) REGULATIONS, 2007**

ARRANGEMENT OF REGULATIONS

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30. Certificate suspension and revocations.
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SCHEDULE – PENALTIES

[Subsidiary]**CIVIL AVIATION (COMMERCIAL AIR TRANSPORT OPERATIONS BY FOREIGN AIR OPERATOR IN AND OUT OF KENYA) REGULATIONS, 2007**

[L.N. 41/2007]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Commercial Air Transport Operations by Foreign Air Operator in and out of Kenya) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**aerodrome**” means a defined area on land or water, including any buildings, installations and equipment, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“**aeroplane**” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“**article**” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product or part;

“**Authority**” means the Kenya Civil Aviation Authority;

“**authorized person**” means any person authorized by the Authority either generally or in relation to a particular case or class of cases, and includes references to the holder of any office designated by the Authority;

“**balloon**” means a non-power-driven, lighter-than-air aircraft;

“**certificate of release to service**” means a document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority;

“**commercial air transport operation**” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“**crew member**” means a person assigned by the operator to duty on an aircraft during a flight duty period;

“**flight crew member**” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“**flight plan**” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“**flight time**” means the total time from the moment an aircraft first moves under its own power for the purpose of taking-off until the moment it comes to rest at the end of the flight;

“**foreign air operator**” means any operator, not being a Kenyan air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations in and out of Kenya, whether on a scheduled or charter basis;

[Subsidiary]

“foreign authority” means the civil aviation authority that issues and oversees the air operator certificate of the foreign operator;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

“Operations Manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“operations specifications” means a document containing authorisations, conditions, limitations, and other provisions with which an air operator must comply;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Authorisation or Technical Standard Order;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“pilot in command” means the pilot in command;

“pre-flight information bulletin” means a presentation of current notice to airmen information of operational significance, prepared prior to flight;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“repair” means the restoration of an aircraft and aircraft component to a serviceable condition in conformity with an approved standard;

[Subsidiary]

“standard” means an object, artefact, tool, test equipment, system, or experiment that stores, embodies, or otherwise provides a physical quantity, which serves as the basis for measurement of the quantity and it includes a document describing the operations and process that must be performed in order for a particular end to be achieved;

“State of design” means the contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aeronautical product or appliance;

“State of operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“State of registry” means the contracting State on whose registry an aircraft is entered;

“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the International Civil Aviation Organisation;

“technical logbook” means a document carried on an aircraft that contains information to meet International Civil Aviation Organisation requirements; a technical logbook contains two independent sections – a journey record section and an aircraft maintenance record section;

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum.

3. Application

These Regulations shall apply to the operation of any civil aircraft in and out of Kenya for the purpose of commercial air transportation operations by any foreign air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than the Authority.

PART II – GENERAL OPERATION REQUIREMENTS

4. Compliance requirements

A foreign air operator shall not operate an aircraft in and out of Kenya in commercial air transport operations contrary to the requirements of—

- (a) these Regulations;
- (b) the Civil Aviation (Instruments and Equipment) Regulations, the Civil Aviation (Operation of Aircraft) Regulations, and the Civil Aviation (Airworthiness) Regulations, as applicable;
- (c) standards contained in Parts I or III of International Civil Aviation Organisation Annex 6, as applicable; and
- (d) any other requirements the Authority may specify.

5. Authority to inspect

A foreign air operator shall not, while in Kenya, hinder or obstruct any person authorized by the Authority from boarding a foreign registered aircraft operated for commercial air transport at any time without prior notice to inspect the documents and manuals required by these Regulations.

6. Operations specifications

A foreign air operator shall conduct its operations in accordance with operations specifications or equivalent document issued by the state of operator and acceptable to the Authority.

7. Certificate of airworthiness and certificate of registration

A foreign air operator may operate an aircraft in and out of Kenya—

- (a) if that aircraft has a valid certificate of airworthiness and certificate of registration issued or validated by the State of registry and displays the nationality and registration markings of that State; and
- (b) in accordance with the limitations on maximum certificated mass prescribed for that aircraft and that operation by the State of design.

8. Air traffic control rules and procedures

(1) A pilot in command of a foreign registered aircraft shall comply with the rules of the air and air traffic control specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations.

(2) A foreign air operator shall establish procedures to ensure that each of its pilots complies with the requirements of sub-regulation (1), and shall check the ability of each of the pilots to operate safely according to applicable rules and procedures.

PART III – DOCUMENTS**9. Foreign air operator aircraft technical logbook**

A foreign air operator shall use an aircraft technical logbook containing the following information for each aircraft—

- (a) information about each flight necessary to ensure continued flight safety;
- (b) the current certificate of release to service or an equivalent document;
- (c) the current maintenance statement giving the aircraft maintenance status of what next scheduled and out of phase maintenance is due, unless the Authority agrees to the maintenance statement being kept elsewhere;
- (d) all outstanding deferred defects that affect the operation of the aircraft; and
- (e) any necessary guidance instructions on maintenance support arrangement.

10. Foreign air operator aircraft journey logbook

(1) A foreign air operator shall maintain a journey logbook containing information on each flight, which shall include—

- (a) aircraft nationality and registration marks;
- (b) date of the flight;
- (c) names of crew members;
- (d) duty assignments of crew members;
- (e) place of departure;
- (f) place of arrival;
- (g) time of departure;
- (h) time of arrival;
- (i) duration of flight;
- (j) purpose of flight;

[Subsidiary]

- (k) incidents, and observations, if any; and
- (l) signature of the pilot-in-command.

(2) The Authority may waive the requirement of sub-regulation (1) if the relevant information is available in the aircraft technical log referred to in regulation 9.

(3) A foreign air operator shall ensure that all entries in the journey log are made concurrently and are permanent in nature.

11. Operations Manual to be carried

A foreign air operator shall ensure that the following manuals are on board the aircraft on each flight—

- (a) the current parts of the Operations Manual relevant to the duties of the crew;
- (b) the current parts of the Operations Manual which are required for the conduct of a flight which shall be easily accessible to the crew; and
- (c) the approved Aircraft Flight Manual, Rotorcraft Flight Manual, or Aircraft Operating Manual.

12. Documents and additional information to be carried on board the aircraft

(1) A foreign air operator shall ensure that, the following documents are carried on each flight—

- (a) the aircraft certificate of registration;
- (b) the aircraft certificate of airworthiness;
- (c) the appropriate licences for each member;
- (d) the aircraft journey or technical logbook;
- (e) the aircraft radio station licence;
- (f) in the case of a passenger carrying aircraft, a list of the names of the passengers and places of embarkation and destination;
- (g) in the case of a cargo aircraft, a manifest and detailed declarations of the cargo;
- (h) the loadsheets;
- (i) the copy of an operator certificate and attachments;
- (j) the insurance certificate;
- (k) the certificate of release to service or equivalent document;
- (l) the operational flight plan;
- (m) the pre-flight information bulletin;
- (n) current maps and charts for the area of operation;
- (o) a copy of applicable operations specifications; and
- (p) a notification of special loads including dangerous goods.

(2) The Authority may specify other documents and information to be carried on board in addition to those referred to in sub-regulation (1).

13. Access to and production of documentation, manuals and records

(1) A foreign air operator shall—

- (a) give an authorized person access to any documents, manuals and records which are related to flight operations and maintenance; and

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- (b) produce all such documents, manuals and records, when requested to do so by the Authority, within fourteen days.

(2) A pilot-in-command of an aircraft operated by a foreign air operator shall, when requested to do so by an authorized person, produce to that person the documentation, manuals and records required to be carried on board an aircraft.

14. Preservation and production of flight recorded data

(1) Following an aircraft accident, or incident, or when the Authority so directs, a foreign air operator shall preserve the original recorded data of the flight for a period of sixty days unless otherwise directed by the investigating authority.

(2) The recorded data referred to in sub-regulation (1) shall be produced when the Authority or investigating authority so requires.

PART IV – PERFORMANCE

15. Computation of passenger and baggage mass

(1) A foreign air operator shall compute the mass of passengers and checked baggage to be carried on an aircraft using the—

- (a) actual weighed mass of each person and the actual weighed mass of baggage; or
- (b) standard mass values specified by the appropriate authority of the State of registry.

(2) The Authority may require a foreign registered air operator to produce evidence validating any standard mass values used.

16. Approach and landing conditions

Before initiating an approach to land, the pilot-in-command of an aircraft operated by a foreign air operator shall determine that, according to the information available—

- (a) weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
- (b) in the case of a missed approach, the aircraft is able to meet the performance requirements contained in the Operations Manual.

17. Aircraft security

A foreign air operator shall—

- (a) ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of the State of the operator and those of Kenya;
- (b) establish and use a security programme approved by the appropriate authority of the State of the operator and accepted by the Authority;
- (c) ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives or other dangerous devices;
- (d) ensure that the flight crew compartment door, if installed, on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorized access, and is closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons;

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- (e) establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur; and
- (f) following an act of unlawful interference on board an aircraft the pilot-in-command or, in their absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the appropriate authority in the State of the operator.

18. Unauthorized carriage

A foreign air operator shall take measures to ensure that a person does not conceal himself or cargo on board an aircraft.

19. Reporting of accidents and incidents

A foreign air operator or the pilot-in-command shall report to the Authority accidents and incidents occurring while operating in the Kenyan airspace within seventy-two hours of the accident, incident or discovery of the accident or incident unless exceptional circumstances prevent such reporting within the time stipulated.

PART V – CARRIAGE OF DANGEROUS GOODS, WEAPONS AND MUNITIONS OF WAR**20. Carriage of dangerous goods by air**

A foreign air operator shall—

- (a) not offer or accept for transportation dangerous goods as defined by the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods by air in and out of Kenya unless the operator has—
 - (i) been authorized to do so by the state of the operator and approved by the Authority; and
 - (ii) conducted the required personnel training;
- (b) properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods programme as approved by the State of the operator;
- (c) stated in the operations specifications required in regulation 6 whether or not that operator has been authorized to accept dangerous goods by the State of operator; and
- (d) provided a copy of its dangerous goods programme to the Authority where the foreign air operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme by the State of the operator.

21. Carriage of weapons and munitions of war

A foreign air operator conducting commercial air transport operations in and out of Kenya shall—

- (a) not transport weapons and munitions of war by air unless an approval to do so has been granted by the State of operator, State of origin, States over which the aircraft overflies and at the State of destination;

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- (b) ensure that weapons and munitions of war are—
 - (i) stowed in the aircraft in a place which is inaccessible to the passengers during flight; and
 - (ii) unloaded in case of firearms, unless, before the commencement of the flight, an approval has been granted by all States which the aircraft originate, overfly and land that such weapons and munitions of war may be carried in circumstances that differ in part or in total from those specified in this sub-paragraph; and
- (c) ensure that the pilot-in-command is notified before the flight begins of the details and location on board the aircraft of any weapons and munitions of war that are intended to be carried.

22. Carriage of sporting weapons and ammunition

(1) A foreign air operator conducting commercial air transportation operations to Kenya shall take all necessary measures to ensure that any sporting weapons intended to be carried by the aircraft are reported to the Authority.

(2) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—

- (a) stowed in the aircraft in a place which is inaccessible to passengers during flight unless the Authority has determined that compliance is impractical and has approved other procedures; and
- (b) unloaded in the case of firearms or other weapons that contain ammunitions.

(3) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger's checked baggage, if the carriage is approved by the Authority.

PART VI – GENERAL

23. Possession of certificate, authorisation, etc.

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

24. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;

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- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub-regulation (3).

25. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

26. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

27. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

28. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

29. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

30. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

31. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

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32. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

33. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

34. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

35. Application of Regulations to Government and visiting forces etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

36. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and

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- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VII – EXEMPTIONS

37. Requirements for application for exemption

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number, if available; and
- (e) e-mail address, if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

38. Substance of the request for exemption

(1) An application for an exemption shall contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 37(2).

(4) If the applicant is not a citizen or legal resident of Kenya, the application must specify a Kenyan agent for service.

[Subsidiary]*Review, Publication and Issue or Denial of the Exemption***39. Initial review by the Authority**

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 37 and 38.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in *Kenya Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 37 and 38 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

40. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART VIII – OFFENCES AND PENALTIES**41. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

42. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following

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provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART IX – SAVINGS AND TRANSITIONAL PROVISIONS

43. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

44. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE

[Rule 42.]

PENALTIES

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- | | |
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| 8 | Air traffic control rules and procedures |
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- 13 Access to and production of documentation, manuals and records
- 14 Preservation and production of flight recorded data
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**CIVIL AVIATION (AIRCRAFT REGISTRATION AND MARKING)
REGULATIONS, 2007**

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[Subsidiary]**CIVIL AVIATION (AIRCRAFT REGISTRATION AND MARKING) REGULATIONS**

[L.N. 42/2007]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Aircraft Registration and Marking) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**aeroplane**” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“**aircraft**” means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“**airship**” means a power-driven lighter-than-air aircraft;

“**Authority**” means the Kenya Civil Aviation Authority;

“**balloon**” means a non-power-driven lighter-than-air aircraft;

“**commercial air transport**” means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire;

“**Contracting State**” means a State that is a signatory to the Convention on International Civil Aviation;

“**fireproof material**” means a material capable of withstanding heat as well or better than steel when the dimensions in both cases are appropriate for the specific purpose;

“**glider**” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“**gyroplane**” means a heavier-than-air aircraft, deriving its lift in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

“**heavier-than-air aircraft**” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“**helicopter**” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“**lighter-than-air aircraft**” means an aircraft supported chiefly by its buoyancy in the air;

“**ornithopter**” means a heavier-than-air aircraft supported in flight chiefly by reactions of the air on planes to which a flapping motion is imparted;

“**rotorcraft**” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

“**sea plane**” means an aeroplane equipped with floats or other devices enabling it to land and take-off from the surface of water.

PART II – AIRCRAFT REGISTRATION REQUIREMENTS

3. Operation of aircraft

(1) A person shall not operate an aircraft, classified in the First Schedule to these Regulations, within or fly over Kenya unless—

- (a) where the aircraft is eligible for registration under the laws of Kenya, the aircraft has been registered by its owner in accordance with these Regulations and the Authority has issued a certificate of aircraft registration for that aircraft which shall be carried aboard that aircraft for all operations; or
- (b) it is registered in—
 - (i) a contracting State; or
 - (ii) a State in relation to which there is in force an agreement between the Government of Kenya and the Government of that State which makes provisions for the flight over Kenya of an aircraft registered in that State.

(2) Subject to this Regulation, an aircraft shall not be registered or continue to be registered in Kenya where—

- (a) the aircraft is registered outside of Kenya;
- (b) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or to any share therein;
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Kenya; or
- (d) the aircraft does not qualify to be issued with a certificate of airworthiness as specified in the Civil Aviation (Airworthiness) Regulations.

(3) A person shall not operate or fly an aircraft unless it bears painted thereon or affixed thereto, in the manner required by the law of the State in which it is registered, the nationality and registration marks required by that law.

(4) An aircraft shall not bear any marks which purport to indicate that the aircraft is—

- (a) registered in a State in which it is not in fact registered; or
- (b) a State aircraft of a particular State if it is not in fact such an aircraft unless the appropriate authority of that State has sanctioned the bearing of such marks.

(5) The Authority shall be responsible for the registration of aircraft in Kenya and shall maintain a register of all aircraft registered in Kenya and shall record in it the particulars specified in regulation 6.

(6) The Authority may update the register referred to in sub-regulation (5).

4. Eligibility for registration

(1) An aircraft is eligible for registration if it is—

- (a) owned by a citizen of Kenya, an individual citizen of a foreign State who is lawfully admitted for residency in Kenya, a corporation lawfully organised and doing business under the laws of Kenya, or a Government entity of Kenya; and
- (b) not registered under the laws of any foreign country.

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(2) The following persons shall be qualified to be the owners of a legal or beneficial interest in an aircraft registered in Kenya, or a share therein—

- (a) the Government of Kenya;
- (b) a citizen of Kenya or a person *bona fide* resident in Kenya;
- (c) such other person as the Authority may approve, on condition that the aircraft is not used for commercial air transport, flying training or aerial work and such other conditions as the Authority may specify;
- (d) a body corporate—
 - (i) established under the laws of Kenya; or
 - (ii) established under and subject to the laws of such country as the Authority may approve.

(3) If an unqualified person residing or having a place of business in Kenya is entitled as owner to a legal or beneficial interest in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly registered, may register the aircraft in Kenya and that person shall not cause or permit the aircraft while it is registered in pursuance of this sub-regulation to be used for the purpose of commercial air transport operations or aerial work.

(4) If an aircraft is leased or is the subject of a lease, charter or hire purchase agreement to a person qualified under sub-regulation (2), the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the names of the parties to the charter or hire purchase agreement upon being satisfied that the aircraft may otherwise remain so registered during the continuation of the lease, charter or hire-purchase agreement.

5. Application for registration of aircraft

(1) A person who wishes to register an aircraft in Kenya shall submit an application for aircraft registration to the Authority for registration on a form prescribed by the Authority.

(2) Each application shall—

- (a) certify as to the citizenship of the applicant;
- (b) show evidence identifying ownership; and
- (c) be signed in ink.

(3) The application for aircraft registration shall be submitted with the prescribed fee to the Authority.

(4) An application for the registration of an aircraft in Kenya may be made by, or on behalf of the owner of the aircraft:

Provided that—

- (a) the applicant is legally entitled to the aircraft;
- (b) a written notice is submitted to the Authority identifying the person making the application on behalf of the owner;
- (c) in case of a body corporate, a written notice identifying an officer of the body corporate and the address of the officer who may be served with documents, including the registration certificate issued by the Authority;
- (d) where the aircraft is imported with previous registration of a foreign country, a statement issued by the authority responsible for registration of aircraft in that country stating when the registration was cancelled.

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(5) The application for registration of an aircraft shall contain the following information—

- (a) a description of the aircraft that identifies it by reference to its manufacturer, its type and model as designated by its manufacturer, and the serial number given to it by its manufacturer;
- (b) if the aircraft has previously been registered in Kenya or anywhere else, particulars of the registration, including any registration mark given to the aircraft as a result of the registration;
- (c) particulars of the registration mark, if it has been reserved for the aircraft;
- (d) the name and address of each person who holds a property interest in the aircraft and a description of the person's property interest;
- (e) the name and address of the registered owner if different from that specified in paragraph (d);
- (f) the physical station where the aircraft will be stationed;
- (g) the name and signature of the applicant; and
- (h) the date of the application.

6. Registration of aircraft

Upon receiving an application for the registration of an aircraft and being satisfied that the aircraft may be registered, the Authority shall register the aircraft, and shall include the following particulars in the register and on the certificate of registration of the aircraft—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (c) the name of the manufacturer and the manufacturer's designation of the aircraft;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of a lease agreement or financial arrangement, the names and addresses of lessee and lessor or as the case may be, the financier; and
- (f) conditions with regard to which it is registered.

7. Certificate of registration

(1) The Authority shall furnish to the person or persons in whose name or names the aircraft is registered (in this Regulation referred to as the "registered owner") a certificate of registration, which shall include the particulars specified in regulation 6 and the date on which the certificate was issued.

(2) Subject to regulation 4, if at any time after an aircraft has been registered in Kenya an unqualified person becomes entitled as owner to a legal or beneficial interest in the aircraft or share therein, or the ownership of that aircraft is transferred to a person not qualified under the provisions of regulation 4, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority for cancellation.

8. Change of registration or ownership particulars

(1) A person registered as the owner of an aircraft registered in Kenya shall notify the Authority of—

- (a) any change in the particulars which were furnished to the Authority upon application being made for the registration of the aircraft;

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- (b) the destruction of the aircraft or its permanent withdrawal from use; and
- (c) in the case of an aircraft registered under regulation 4(4), the termination of the lease, charter or hire-purchase agreement.

(2) A person who becomes the owner of an aircraft registered in Kenya shall inform the Authority in writing.

(3) The Authority may, where it appears necessary or appropriate, or for purposes of updating the register in accordance with regulation 3(6), correct or amend the particulars entered on the register.

(4) For purposes of this Regulation, reference to the registered owner of the aircraft includes, in the case of a deceased person, his legal representative and in the case of a body corporate which has been dissolved, its successor.

9. Deregistration

(1) The Authority may deregister or cancel the registration of an aircraft under the following circumstances—

- (a) upon application by the registered owner for purposes of registering the aircraft in another State or for any other purpose; or
- (b) upon the destruction of the aircraft or its permanent withdrawal from use.

(2) The Authority shall, before deregistering an aircraft in accordance with this Regulation, require the registered owner of the aircraft to—

- (a) return the certificate of registration of the aircraft to the Authority;
- (b) settle any liens or encumbrances attached to the aircraft;
- (c) remove all nationality and registration marks assigned to the aircraft; and
- (d) comply with any other conditions the Authority may specify.

PART III – NATIONALITY AND REGISTRATION MARKS**10. Marking and manner of affixation**

(1) A person shall not operate an aircraft registered in Kenya unless it displays nationality and registration marks in accordance with the requirements of these Regulations.

(2) The marks used to identify the nationality of Kenya shall conform to the requirements specified in regulation 11 followed by a series of numbers or letters assigned by the Authority.

(3) Unless otherwise authorized by the Authority, a person shall not place on any aircraft a design, mark, or symbol that modifies or confuses the nationality and registration marks.

(4) The marks used on an aircraft shall not be so similar to international marks as to be confused with the International Five Letter Code of Signals or Distress Codes.

(5) Permanent marking of aircraft nationality and registration shall—

- (a) be painted on the aircraft or affixed by other means ensuring a similar degree of permanence;
- (b) have no ornamentation;
- (c) contrast in colour with the background;
- (d) be legible; and
- (e) be kept clean and visible at all times.

(6) The side marks for lighter-than-air aircraft shall be so located as to be visible both from the sides and from the ground.

11. Display of marks

(1) An owner of an aircraft registered in Kenya shall display on that aircraft the nationality mark "5Y" followed by the registration of the aircraft consisting of three roman capital letters assigned by the Authority, with a hyphen placed between the nationality mark and the registration mark.

(2) If, because of the aircraft configuration it is not possible to mark the aircraft in accordance with these Regulations, the owner may apply to the Authority for a different procedure.

12. Location of marks

A person shall not operate a heavier-than-air aircraft unless the aircraft is marked as follows—

- (a) aircraft with fixed wing—
 - (i) the marks shall be located on the lower surface of the port wing of the aircraft unless they extend across the lower surfaces of both of the wings of the aircraft and shall as far as possible, be located equidistant from the leading and trailing edges of the wing or wings with the top of the letters, and number, comprising the marks, towards the leading edge of the wing or wings;
 - (ii) where an aircraft has more than one set of wings, the mark shall be placed on the lower wing or the lower set of wings, as the case requires;
 - (iii) the marks shall also appear either on the fuselage, or equivalent structure, of the aircraft or on the vertical tail surface of the aircraft, and shall be on each side of the fuselage or equivalent structure between the wings and the tail surfaces;
 - (iv) the marks on the vertical tail surfaces shall be on each side of the vertical tail surface of an aircraft with a single vertical surface, and shall be on each of the out board sides of the outer vertical surfaces of the tail structure of an aircraft with multi-vertical surface structure;
- (b) rotorcraft—the marks shall be located horizontally on both the port and starboard sides—
 - (i) on the fuselage;
 - (ii) on the engine cowling;
 - (iii) on the tank or tanks;
 - (iv) on the tail boom; or
 - (v) on any other external surface approved by the Authority;
- (c) lighter-than-air aircraft—
 - (i) spherical balloon: the marks shall appear in two places diametrically opposite and shall be located near the maximum horizontal circumference of the balloon;
 - (ii) non-spherical balloon: the marks shall appear on each side and shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cable;
 - (iii) airship: the marks shall appear on each side of the hull of the airship and also on the upper surface on the line of symmetry and they shall be located lengthwise near the maximum cross-section of the airship;

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- (iv) all lighter-than-air-aircraft: the side marks on all lighter-than-air aircraft shall be visible both from the sides and from the ground.

13. Measurement of marks

(1) A person shall not operate an aircraft unless the aircraft is marked with the number and letters comprising one or more marks of equal height.

(2) The width of each letter and number, except the letter “l” and the number “1” and the length of each hyphen shall be two-thirds the height of a letter or number.

(3) The letters, numbers and hyphens shall be—

- (a) formed by solid lines with thickness of one-sixth of the height of the marks; and
- (b) of a colour that is a clear contrast to the colour of the background to the marks.

(4) Each letter, or number, shall be separated from a letter, a number or hyphen, which precedes or follows it, by a space of not less than one quarter of the width of a character except the letter “l” and the number “1”.

(5) In the case of a lighter-than-air aircraft, the length of the marks shall be at least fifty centimetres.

(6) The marks on a balloon shall be vertical.

(7) In the case of a fixed wing heavier-than-air aircraft—

- (a) the wing marks shall be at least fifty centimetres in height;
- (b) the marks on the fuselage or equivalent structure shall be at least thirty centimetres in height without visually interfering with the outlines of the fuselage or equivalent structure; and
- (c) the marks on the vertical tail surface shall be at least thirty centimetres in height with a clearance of five centimetres from leading and trailing edge of the tail surface.

(8) In the case of a rotorcraft—

- (a) the marks shall be at least thirty centimetres in height; or
- (b) if the surface area of that part of the rotorcraft on which the marks are to be located is insufficient to enable compliance with this paragraph, as high as possible;
- (c) the marks shall leave a clearance of five centimetres from the edge of that part of the rotorcraft on which the marks are located and shall not interfere with the outlines of the rotorcraft.

(9) The marks on an aircraft shall be vertical or sloping at the same angle being an angle of not more than thirty degrees to the vertical axis.

14. Types of characters for nationality and registration marks

A person shall not operate an aircraft unless the aircraft is marked with capital letters in Roman characters without ornamentation and Arabic numbers without ornamentation and a hyphen shall be considered character.

15. Deviations for size and location of marks

(1) Where either one of the surfaces authorized for displaying required marks is large enough for display of marks meeting the size requirements of these Regulations and the other is not, the registered owner shall place full-size marks on the larger surface.

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(2) Where neither surface is large enough for full-size marks, the Authority may approve marks as large as practicable for display on the larger of the two surfaces.

16. Removal of marks

When an aircraft that is registered in Kenya is sold, the holder of the certificate of registration shall upon deregistration remove, before its delivery to the purchaser, all nationality and registration marks of Kenya, unless the purchaser is a citizen or other legal entity specified in regulation 4(1).

17. Identification plate required

The owner of an aircraft shall affix to each aircraft registered under the laws of Kenya an identification plate—

- (a) containing the aircraft type, model, serial number, nationality and registration marks;
- (b) made of fireproof metal or other fireproof material of suitable physical properties; and
- (c) secured to the aircraft in a prominent position, near the main entrance, or, in the case of a free balloon, affixed conspicuously to the exterior of the payload.

PART IV – GENERAL

18. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

19. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

20. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement therefor.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

21. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and

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- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

22. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

23. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

24. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

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(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

25. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

26. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

27. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

28. Application of regulations to Government and visiting forces etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

29. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and

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- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART V – OFFENCES AND PENALTIES**30. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

31. Penalties

(1) If any provision of these Regulations, or orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Second Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART VI – SAVINGS AND TRANSITIONAL PROVISIONS**32. Savings**

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

33. Transitional provision

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out aircraft operations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings for each offence or to imprisonment for a term not exceeding three years or to both.

SCHEDULES

FIRST SCHEDULE

[Rule 3 (1).]

CLASSIFICATION OF AIRCRAFT

Table I. Classification of aircraft

AIRCRAFT	Lighter-than-air aircraft	Non-power-driven: balloon	Free balloon	Spherical free balloon	
				Non-spherical free balloon	
		Power-driven	Captive balloon	Spherical captive balloon	
				Non-spherical captive balloon ¹	
			Airship	Rigid airship	
				Semi-rigid airship	
	Heavier-than-air aircraft	Non-power-driven	Glider Kite ⁴	Non-rigid airship	
				Land glider	
		Power-driven	Aeroplane	Sea glider ²	
				Landplane ³	
				Seaplane ²	
				Amphibian ²	
				Gyroplane	Land gyro plane ³
		Power-driven	Rotorcraft		Sea gyroplane ²
					Amphibian gyroplane ²
					Land helicopter ³
				Helicopter	Sea helicopter
					Amphibian helicopter ²
			Ornithopter	Land ornithopter ³	
				Sea ornithopter ²	
				Amphibian ornithopter ²	

1. Generally designated "kite-balloon".

2. "Float" or "boat" may be added as appropriate.

3. Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land").

4. For the purpose of completeness only.

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SECOND SCHEDULE

[Rule 31]

PENALTIES

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PART B – PROVISIONS REFERRED TO IN SUB-REGULATION (3) OF REGULATION
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| 3 | Operation of aircraft. |
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**CIVIL AVIATION (APPROVED TRAINING ORGANIZATIONS)
REGULATIONS, 2007****ARRANGEMENT OF REGULATIONS****PART I – PRELIMINARY***Regulation*

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6. Validity of certificate.
7. Inspection.
8. Renewal of certificate.
9. Suspension or revocation of certificate.
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12. Location of principal business office.
13. Satellite approved training organisations.
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16. Flight crew training courses.
17. Personnel.
18. Training programme and approval.
19. Training aircraft.
20. Synthetic flight trainers.
21. Aerodrome and sites.
22. Training facilities.

**PART IV – TRAINING FOR LICENCES AND RATINGS FOR AIRCRAFT
MAINTENANCE ENGINEERS, AIR TRAFFIC CONTROLLERS AND FLIGHT
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23. Training courses for licenses and ratings for aircraft maintenance engineers, air traffic controllers and flight operation officers.
24. Personnel.
25. Training programme and approval.
26. Training facilities, equipment and material for aircraft maintenance engineer courses.
27. Training facilities, equipment and material for air traffic controllers or flight radio telephony operator.
28. Training facilities, equipment and material for flight operations officers or cabin crew members.
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30. Problematic use of psychoactive substances.
31. Inspection of certificate of registration.
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[Subsidiary]**CIVIL AVIATION (APPROVED TRAINING ORGANIZATIONS) REGULATIONS**

[L.N. 43/2007]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Approved Training Organizations) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accountable manager” means the manager who has corporate authority for ensuring that all training commitments can be financed and carried out to the standard required by the Authority and any additional requirements defined by the approved training organization and who may delegate, in writing, to another person within the organisation, the day to day management but not the overall approval management responsibility;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“approved training” means training conducted under curricula and supervision approved by the Authority;

“approved training organization” means an organization approved by the Authority to perform approved training as specified in these Regulations and operating under the supervision of the Authority;

“Authority” means the Kenya Civil Aviation Authority;

“procedures manual” means a manual containing procedures, instructions and guidance for use by personnel of the approved training organization in the execution of their duties in meeting the requirements of the certificate;

“quality manager” means the manager, acceptable to the Authority, responsible for the management of the quality system, monitoring function and requesting corrective actions;

“quality system” means the documented organisational procedures and policies, the internal audit of those policies and procedures and the management review and recommendation for quality improvement;

“satellite approved training organisation” means an approved training organisation at a location other than primary location of the approved training organisation;

“synthetic flight trainer” means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

- (i) a flight simulator, which provides an accurate representation of the cockpit of a particular aircraft type to the extent that the mechanical, electrical, electronic, aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

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- (ii) a flight procedures trainer, which provides a realistic cockpit environment, which simulates instrument responses, simple control functions of mechanical, electrical, electronic, and other aircraft systems, and the performance and flight characteristics of aircraft of a particular class; or
- (iii) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the cockpit environment of an aircraft in flight in instrument flight conditions;

“training manual” means a manual containing the training goals, objective, standards syllabi, and curriculum for each phase of the approved training course;

“training specifications” means a document issued to an approved training organization certificate holder by the Authority that specifies training program requirements and authorizes the conduct of training, checking, and testing with any limitations thereof.

PART II – CERTIFICATION AND LOCATION REQUIREMENTS

3. Requirements for an approved training organisation certificate

(1) A person, other than—

- (a) an air operator certificate or approved maintenance organisation certificate holder conducting training of its own personnel under the Civil Aviation (Air Operator Certification and Administration) Regulations and the Civil Aviation (Approved Maintenance Organisation) Regulations respectively; and
- (b) an operator with an approved training programme in its Operations Manual under the Civil Aviation (Operation of Aircraft) Regulations,

shall not hold himself out as or operate an approved training organisation without, or in violation of, an approved training organisation certificate and training specifications issued under these Regulations.

(2) A person shall not conduct training, testing or checking in synthetic flight trainers without, or in violation of, the certificate and training specifications required under these Regulations.

(3) The Authority shall issue to an approved training organisation that meets the requirements of these Regulations an approved training organisation certificate and training specifications for providing courses for flight crew licences and ratings and for courses for personnel other than flight crew members, as approved by the Authority.

(4) A holder of an approved training organisation certificate shall, at all times, display that certificate in a place in the school that is normally accessible to the public and that is not obscured.

4. Evaluation and checking

Where the Authority has authorized an approved training organization to conduct the testing required for the issue of a licence or rating, the testing shall be conducted by personnel authorized by the Authority or designated by the training organization in accordance with criteria approved by the Authority.

5. Application for issuance or amendment of an approved training organisation certificate

(1) An applicant for an approved training organisation certificate and training specifications, or for an amendment to an approved training organisation certificate and training specifications, shall apply at least ninety days before the beginning of any proposed training.

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(2) An applicant for an approved training organisation certificate shall submit an application in the form and manner prescribed by the Authority.

(3) An application submitted under sub-regulation (2) shall contain the following information—

- (a) a statement showing that the minimum qualification requirements for each management position are met;
- (b) a description of the minimum qualifications and ratings for each instructor;
- (c) a statement acknowledging that the applicant may notify the Authority within ten working days of any change made in the assignment of persons in the required management or instructors positions;
- (d) the proposed training specifications requested by the applicant;
- (e) a description of the training equipment that the applicant proposes to use including the aircraft, the synthetic flight trainers and any special equipment used for each phase of training;
- (f) a list of the aerodromes or sites at which training flights originate, if applicable, and a description of the applicant's training facilities, equipment and qualifications of personnel to be used;
- (g) a training program, including manuals, curricula, outlines, courseware, procedures and documentation to support the requirements in regulations 16, 17 and 20; and
- (h) a description of a record-keeping system that will identify and document the details of training, qualification, and licensing of students, instructors, and evaluators;
- (i) a description of quality control measures proposed;
- (j) a method of demonstrating the applicant's qualification and ability to provide training for a licence or rating in fewer than the minimum hours prescribed in the Civil Aviation (Personnel Licensing) Regulations if the applicant proposes to do so; and
- (k) a statement of compliance showing how the applicant has met all applicable requirements in these Regulations.

(4) An approved training organisation shall submit a manual establishing procedures acceptable to the Authority to ensure compliance with all relevant requirements of these Regulations and the procedures shall include a quality system which meets the requirements specified in regulation 10.

(5) An applicant for an approved training organisation certificate shall ensure that the facilities and equipment described in the application are—

- (a) available for inspection and evaluation prior to approval; and
- (b) in place and operational at the location of the approved training organisation prior to the issue of a certificate under these Regulations.

(6) The Authority shall after inspection, issue to an applicant who meets the requirements of these Regulations and is approved by the Authority—

- (a) an approved training organisation certificate containing—
 - (i) the name and location of an approved training organisation;
 - (ii) the date of issue and period of validity of the certificate;
 - (iii) the authorized locations of operations; and
 - (iv) training courses for the following categories, as applicable, flight crew training, training for personnel other than flight crew and other training as approved by the Authority;

- (b) training specifications containing—
 - (i) authorization for the approved training organisation;
 - (ii) the type of training authorized, including approved training courses;
 - (iii) the rating, category, class and type of aircraft, or parts of the aircraft, that may be used for training, testing and checking;
 - (iv) for each synthetic flight trainer that may be used for training, testing and checking, the make, model and series of aircraft being simulated, the qualification level and the identification number assigned by the Authority;
 - (v) any aircraft, or part of the aircraft, approved for training, as appropriate;
 - (vi) the staff required to perform and meet the requirements of these Regulations; and;
 - (vii) any other items the Authority may require or approve.

(7) The Authority shall refuse to issue an approved training organisation certificate if it finds that the applicant does not comply with the approval requirements of these Regulations.

(8) The Authority may amend an approved training organisation certificate or the training specifications—

- (a) on the Authority's own initiative; or;
- (b) upon application by the certificate holder.

(9) A training organisation located outside Kenya may apply for an approved training organisation certificate, to provide training leading to a licence issued by the Authority provided the requirements of these Regulations are met.

6. Validity of certificate

An approved training organisation certificate issued or renewed under these Regulations shall be valid for twelve months from the date of issue or renewal, unless—

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, suspends, revokes or otherwise terminates the certificate; or
- (c) the approved training organisation surrenders it to the Authority.

7. Inspection

(1) The Authority may, at any time, inspect the facilities, records, personnel and equipment of an approved training organisation certificate holder to determine the approved training organisation's ongoing compliance with these Regulations.

(2) The Authority shall conduct inspections at least once a year.

(3) After the inspection specified in sub-regulation (1), the Authority shall notify an approved training organisation certificate holder shall be notified in writing, of any deficiencies found during the inspection.

(4) The Authority shall also conduct inspections under sub-regulation (1) on the applicant for, or on the holder of an approved training organisation certificate based outside Kenya.

(5) An inspection carried out under this Regulation shall focus on—

- (a) adequacy of, and qualifications of staff;
- (b) validity of instructors' licences, ratings and logbooks;

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- (c) training aircraft: registration, associated documents and maintenance records;
- (d) synthetic flight trainers: qualification and approval;
- (e) facilities: library, classrooms, training equipment, adequacy to the courses being conducted and the number of students;
- (f) documentation: documents related to the courses, updating system, training and operations manuals;
- (g) training records and checking forms;
- (h) flight instruction including pre-flight briefing, actual flight debriefing for approved training organisations for flight crew training;
- (i) examination: management and control;
- (j) instruction program for personnel other than flight crew; and
- (k) quality assurance system.

8. Renewal of certificate

(1) An approved training organisation may apply for renewal of its approved training organisation certificate at least thirty days before the certificate expires date in order to ensure continuity of the training, provided the approved training organisation meets the requirements prescribed in these Regulations.

(2) The Authority shall inspect an approved training organisation that applies for a renewal to ensure that the approved training organisation meets the requirements prescribed in these Regulations.

9. Suspension or revocation of certificate

The Authority shall suspend or revoke an approved training organisation certificate, if the Authority establishes that the certificate holder has not met, or no longer meets the requirements of these Regulations.

10. Certificate holder responsibilities

A holder of an approved training organisation certificate shall—

- (a) ensure that the facilities and working environment of the approved training organisation are appropriate for the tasks to be performed;
- (b) ensure that it has the necessary technical data, equipment, training devices and material to conduct the courses for which it is approved;
- (c) not make a substantial change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance; and
- (d) maintain the records required by these Regulations in facilities adequate for that purpose.

11. Quality system for approved training organisation

(1) An approved training organisation shall establish a quality system acceptable to the Authority which includes—

- (a) an independent audit procedure to monitor training standards;
- (b) the integrity of knowledge examinations and practical assessments; and
- (c) compliance with the adequacy of procedures.

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(2) The management of the quality system specified in sub-regulation (1), shall include feedback of the independent audit findings to the approved training organisation senior management personnel and ultimately to the accountable manager to ensure, corrective action, as necessary.

(3) The quality system specified in sub-regulation (1) shall meet the requirements set out in the First Schedule to these Regulations.

12. Location of principal business office

An applicant for, or holder of an approved training organisation certificate shall establish and maintain a principal business office that is physically located at the address shown on the certificate.

13. Satellite approved training organisations

(1) A holder of an approved training organisation certificate may conduct training in accordance with a training program approved by the Authority at a satellite approved training organisation if—

- (a) the facilities, equipment, personnel and course content of the satellite approved training organisation meet the applicable requirements;
- (b) the instructors at the satellite approved training organisation are under the direct supervision of management personnel of the principal approved training organisation; and
- (c) the approved training organisation certificate holder's training specifications reflect the name and address of the satellite approved training organisation and the approved training courses offered at the satellite approved training organisation.

(2) The Authority shall issue training specifications which prescribe the operations required and authorized at each satellite approved training organisation.

(3) An approved training organisation may sub-contract certain activities to any other organisations subject to the approval of the Authority.

(4) The ultimate responsibility for the training provided by the satellite approved training organisation remains with the approved training organisation.

(5) An approved training organisation and a satellite approved training organisation shall execute a written agreement defining the safety and quality-related services to be provided and that the satellite approved training organisation's safety related activities relevant to the agreement shall be included in the approved training organisation's Quality Assurance Programme.

14. Changes requiring notice to the Authority

(1) An approved training organisation shall notify the Authority of any change of the following within thirty days of the change—

- (a) the accountable manager;
- (b) the quality manager;
- (c) the instructional staff; and
- (d) the housing, training facilities, and equipment, procedures;
- (e) training programs and work scope that could affect the approval.

(2) The Authority may prescribe the conditions under which an approved training organisation may operate during the period the changes as specified in sub-regulation (1) occur unless the Authority determines that the approval shall be suspended.

[Subsidiary]**15. Training manual and procedures manual**

(1) An applicant or a holder of an approved training organisation certificate shall prepare and maintain a training manual and procedures manual containing information and 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 training manual and procedures manual set out in the Second Schedule to these Regulations.

(2) An approved training organisation may combine the training manual and procedures manual.

(3) An approved training organisation shall ensure that the training manual and the procedures manual are amended as necessary to keep the information contained therein up to date.

(4) Copies of all amendments to the training manual and the procedures manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.

PART III – TRAINING FOR FLIGHT CREW LICENCES AND RATINGS**16. Flight crew training courses**

The Authority may approve, as provided in the training specifications, the following courses of instruction to an applicant for, or a holder of an approved training organisation certificate, provided the applicant meets the requirements of the Civil Aviation (Personnel Licensing) Regulations and these Regulations—

- (a) private pilot licence course;
- (b) commercial pilot licence course;
- (c) instrument rating course;
- (d) commercial pilot licence or instrument rating-multi-engine or crew resource management integrated course;
- (e) airline transport pilot licence course;
- (f) flight engineer licence course;
- (g) flight navigator licence course;
- (h) class rating course;
- (i) type rating course;
- (j) crew resource management course;
- (k) flight instructor course;
- (l) instructor course for additional type or class ratings;
- (m) instructor course for synthetic flight training;
- (n) refresher courses;
- (o) Category II and III operations;
- (p) extended range operations by turbine-engined aeroplanes;
- (q) human factors;
- (r) safety management systems; and
- (s) any other course the Authority may approve.

17. Personnel

(1) An applicant for an approved training organisation certificate shall satisfy the Authority that there shall be on its staff—

- (a) an accountable manager;

- (b) a quality manager;
- (c) a head of training;
- (d) a chief flight instructor, as applicable;
- (e) a chief ground instructor as applicable; and
- (f) an adequate number of ground and flight instructors relevant to the courses provided.

(2) An instructor to carry out flight training in an appointed training organization shall hold an instructor rating or authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations relevant to the instruction given.

(3) An approved training organisation shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities and that the training program for instructional personnel established by the approved training organisation shall include training in knowledge and skills related to human performance.

(4) The responsibilities and qualifications of the management personnel employed in an approved training organisation shall be as specified in the Third Schedule to these Regulations.

(5) The Authority may approve positions, other than those listed, if the approved training organisation is able to show that it can conduct the training to a high training standard under the direction of fewer or different categories of management personnel due to the—

- (a) kind of training conducted;
- (b) number of students; and
- (c) locations of training.

18. Training program and approval

(1) An applicant for, or a holder of an approved training organisation certificate, shall apply to the Authority for training program approval.

(2) An applicant for, or holder of an approved training organisation certificate shall develop a training program for each type of course offered which shall include—

- (a) a breakdown of flying and theoretical knowledge instruction in either a week-by-week or phase presentation, a list of standard exercises and a curriculum summary; in particular, synthetic flight training and theoretical knowledge instruction shall be phased in such a manner as to ensure that students shall be able to apply to flying exercises the knowledge gained on the ground;
- (b) minimum aircraft and flight training equipment requirements for each proposed program;
- (c) minimum instructor qualifications for each proposed program; and
- (d) a program for initial training and continuing training of each instructor employed to instruct in a proposed program.

(3) The content and sequence of the training program shall be acceptable to the Authority.

19. Training aircraft

(1) A holder of an approved training organisation certificate shall provide an adequate fleet of training aircraft appropriate to the courses of training for flight crew licences and ratings and the aircraft provided shall be fitted with duplicated primary flight controls for use by the instructor and the student and shall not have swing-over flight controls.

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(2) The fleet provided under sub-regulation (1) shall include—

- (a) as appropriate to the course of training, aeroplanes suitable for demonstrating stalling and spin avoidance;
- (b) helicopters, as appropriate to the course of training, suitable for auto-rotation demonstration; and
- (c) aircraft suitably equipped to simulate instrument meteorological conditions and suitably equipped for instrument flight training and testing.

20. Synthetic flight trainers

An applicant for, or holder of an approved training organisation certificate—

- (a) providing synthetic flight training, shall satisfy the Authority that suitably equipped synthetic flight trainers are provided having regard to the number of students and organization of courses; and
- (b) shall show that each synthetic flight trainer used for training, testing and checking will be or is specifically qualified and approved by the Authority for—
 - (i) each manoeuvre and procedure for the make, model and series of aircraft, set of aircraft, or aircraft type simulated, as applicable; and
 - (ii) each training program or training course in which the synthetic flight trainer is used, if that program or course is used to satisfy any requirement of these Regulations.

21. Aerodrome and sites

(1) An applicant for, or a holder of an approved training organisation certificate that intends to conduct or conducts flight training shall show that it has continuous use of an airport and sites for helicopter training at which training flights originate and that the airport has an adequate runway and other necessary equipment.

(2) A base aerodrome and any alternative base aerodrome at which flying training is being conducted shall have at least the following facilities—

- (a) at least one runway or take-off area that allows training aircraft to make a normal take-off or landing at the maximum take-off or maximum landing mass authorized, and touch down auto-rotation as appropriate—
 - (i) under calm wind of not more than five knots conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;
 - (ii) clearing all obstacles in the take-off flight path by at least fifty feet;
 - (iii) with the power-plant operation and the landing gear and flap operations (if applicable) recommended by the manufacturer; and
 - (iv) with a smooth transition from lift-off to the best rate of climb speed without exceptional piloting skills or techniques;
- (b) have a wind direction indicator that is visible at ground level from the ends of each runway;
- (c) have adequate runway electrical lighting if used for night training;
- (d) have a traffic direction indicator when—
 - (i) the airport does not have an operating control tower; and
 - (ii) traffic and wind advisories are not available; and
- (e) sites available for—
 - (i) confined area operation training;

- (ii) simulated engine off auto-rotation; and
- (iii) sloping ground operation.

22. Training facilities

(1) An applicant for, or a holder of an approved training organisation certificate shall, subject to the determination by the Authority, have facilities appropriate for the maximum number of students expected to be taught at any time.

(2) The minimum facilities referred to in sub-regulation (1), shall be—

- (a) for flight operations—
 - (i) an operation room;
 - (ii) a flight planning room;
 - (iii) adequate briefing rooms; and
 - (iv) an office for the instructors;
- (b) for knowledge instructions—
 - (i) classroom accommodation;
 - (ii) suitable demonstration equipment;
 - (iii) a radio telephony training and testing facility;
 - (iv) a library; and
 - (v) an office for instructors.

(3) A holder of an approved training organisation certificate shall not make substantial change in facilities, equipment or material that have been approved for a particular training program unless that change is approved by the Authority in advance.

PART IV – TRAINING FOR LICENCES AND RATINGS FOR AIRCRAFT MAINTENANCE ENGINEERS, AIR TRAFFIC CONTROLLERS AND FLIGHT OPERATION OFFICERS

23. Training courses for licences and ratings for aircraft maintenance engineers, air traffic controllers and flight operation officers

The Authority may approve the following courses of instruction to an applicant for, or holder of an approved training organisation certificate, provided the applicant meets the requirements of the Civil Aviation (Personnel Licensing) Regulations—

- (a) aircraft maintenance engineers basic course;
- (b) airframe rating, powerplant rating, avionics rating course;
- (c) air traffic controller licence course;
- (d) training for ratings for air traffic controller licences;
- (e) flight operation officer course;
- (f) flight radio telephony operator course; and
- (g) cabin crew member course.

24. Personnel

(1) An approved training organisation shall satisfy the Authority that an adequate number of qualified and competent staff are employed as follows—

- (a) an accountable manager;
- (b) a quality control manager;
- (c) a head of training; a

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- (d) a chief instructor; and
- (e) an adequate number of instructors relevant to the courses provided, qualified in accordance with the requirements of the Civil Aviation (Personnel Licensing) Regulations.

(2) An approved training organisation shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities of the training program established by the training organization and shall include training in knowledge and skills related to human performance.

(3) The personnel specified in this Regulation shall submit their credentials to the Authority and shall show that they have relevant qualifications and satisfactory experience related to approved training as appropriate in accordance with the Third Schedule to these Regulations.

25. Training program and approval

- (1) An applicant for, or a holder of an approved training organisation certificate shall—
 - (a) apply to the Authority for an approval of a training program;
 - (b) ensure that each training program submitted to the Authority for approval meets the applicable requirements; and
 - (c) indicate in the application—
 - (i) the courses which are part of the program; and
 - (ii) the requirements of the Civil Aviation (Personnel Licensing Regulations) which may be satisfied.

(2) Where the Authority finds that the approved training programme does not meet the applicable requirements, it shall require the holder to revise the training programme.

26. Training facilities, equipment and material for aircraft maintenance engineer courses

(1) An applicant for, or a holder of an approved training organisation certificate that intends to conduct or conducts aircraft maintenance engineer courses shall have suitable facilities, as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time and the ratings sought, as follows—

- (a) an enclosed adequately equipped classroom;
- (b) a well equipped library;
- (c) workshops, equipment, tools, adequate supply of materials, special tools and similar articles for the rating sought;
- (d) adequate office facilities; and
- (e) secure storage facilities for examination papers and training records.

(2) An applicant for, or holder of an approved training organisation certificate with approved licensed maintenance engineer courses shall have and maintain the adequate instructional equipment appropriate to the rating sought.

(3) A holder of an approved training organisation certificate shall not make any change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training organisation certificate to conduct aircraft maintenance engineer courses shall ensure that the tools, equipment, materials, and instructional equipment required by sub-regulations (1) and (2) are in satisfactory working condition for instructional and practice purposes.

27. Training facilities, equipment and material for air traffic controllers or flight radio telephony operator

(1) An applicant for, or holder of, an approved training organisation certificate to train air traffic controllers or flight radio telephony operators shall have facilities determined by the Authority, as appropriate for the maximum number of students expected to be taught at any time and the ratings sought, as follows—

- (a) an enclosed adequately equipped classroom;
- (b) well equipped library;
- (c) well designed simulators appropriate for the rating sought;
- (d) adequate office accommodation for instructors;
- (e) control desk or console where applicable;
- (f) International Civil Aviation Organization approved syllabus for rating being sought; and
- (g) secure storage facilities for examination papers and training records.

(2) An applicant for, or a holder of, an approved training organisation certificate with air traffic controllers or flight radio telephony operator courses shall maintain instructional equipment as is appropriate to the rating sought.

(3) A holder of an approved training organisation certificate to train air traffic controllers or flight radio telephony operators shall not make any change in facilities, equipment, simulators or materials that have been approved for a particular training unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training organisation certificate to train air traffic controllers or flight radio telephony operators shall ensure that the equipment, materials, and simulators required by sub-regulations(1) and (2) are in satisfactory working condition for instructional and practice purposes.

28. Training facilities, equipment and material for flight operations officers or cabin crew members

(1) An applicant for, or holder of an approved training organisation certificate to train flight operations officers or cabin crew members shall have facilities, determined by the Authority, as appropriate for the maximum number of students expected to be taught at any time, as follows—

- (a) adequate enclosed classroom;
- (b) flight operations facilities, including—
 - (i) an operations room;
 - (ii) a flight planning room; and
 - (iii) an office for the instructors;
- (c) suitable demonstration equipment and cabin mockups;
- (d) suitable radio telephony training and testing facility (for flight operations officer training only);
- (e) a library; and
- (f) secure storage facilities for examination papers and training records.

(2) An applicant for, or a holder of an approved training organisation certificate for flight operations officers or cabin crew members courses shall have and maintain instructional equipment appropriate for the training sought.

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(3) A holder of an approved training organisation certificate shall not make a substantial change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training organisation certificate to train flight operations officers or cabin crew members shall ensure that the equipment and materials, required by sub-regulations (1) and (2) are in satisfactory working condition for instructional and practice purposes.

29. Advertising limitations

(1) An approved training organisation shall not—

- (a) conduct or advertise to conduct any training, testing, or checking that is not approved by the Authority if that training is designed to satisfy any requirement of these Regulations;
- (b) make any statement relating to its approved training organisation certification and training specifications that is false or designed to mislead any person; or
- (c) advertise that the approved training organisation is certified unless it clearly differentiates between courses that have been approved under these Regulations and courses that have not been approved under these Regulations.

(2) An approved training organisation whose certificate has been surrendered, suspended, revoked, or terminated shall promptly—

- (a) remove all indications, including signs, wherever located, that the approved training organisation was certified by the Authority; and
- (b) notify all advertising agents, and advertising media employed by the approved training organisation to cease all advertising indicating that the approved training organisation is certified by the Authority.

PART V – GENERAL**30. Problematic use of psychoactive substances**

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

31. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

32. Possession of certificate, authorization, etc.

(1) A holder of a licence, certificate or authorisation issued by the Authority shall have that licence, certificate or authorisation in his physical possession or at the work site when exercising the privileges of the licence, certificate or authorisation.

(2) A flight crew of a foreign registered aircraft shall hold a valid licence, certificate or authorisation and have that licence, certificate or authorisation in his physical possession or at the work site when exercising the privileges of the licence, certificate or authorisation.

33. Drug and alcohol testing and reporting

(1) A person who performs any function requiring the Authority's approval may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate of the approved training organisation that employs that person.

(3) In determining whether to suspend or revoke the certificate of the approved training organisation, the Authority shall consider all relevant factors, including—

- (a) whether the approved training organisation had knowledge of the drug or alcohol use;
- (b) whether the approved training organisation encourage the person to refuse the drug or alcohol test;
- (c) whether the approved training organisation dismissed the person who failed or refused the drug test; or
- (d) the position that person held in the approved training organisation.

(4) The Authority shall require the approved training organisation to show cause why that person should not be dismissed from the employment of the approved training organisation.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the approved training organisation.

(6) The Authority may suspend or revoke the certificate of an approved training organisation that refuses to dismiss from its employment a person convicted under sub-regulation (4).

34. Inspection of licences and certificates

A person who holds a licence, certificate, or authorisation required by these Regulations shall present it for inspection upon a request from the Authority or any national or local law enforcement officer.

35. Change of name

(1) A holder of a licence, certificate or authorisation issued under these Regulations may apply to change the name on a license or certificate.

(2) The holder shall include with any such request—

- (a) the current license or certificate; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the licence, certificate or authorisation and issue a replacement thereof.

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(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) and retain copies thereof and return the replaced licence, certificate or authorisation with the appropriate endorsement.

36. Change of address

(1) A holder of a certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of—

- (a) physical address, at least fourteen days in advance;
- (b) mailing address upon the change.

(2) A person who fails to notify the Authority of the change of physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate.

37. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

38. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any certificate, approval, permission, exemption or other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate, approval, permission, exemption or other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate, approval, permission, exemption or any other document, has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

39. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled; or
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations; or
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant issue renewal or variation of any such certificate, approval, permission or exemption or other document.

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(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is competent, qualified and authorized to do so under these Regulations.

(5) A person shall not issue any certificate of the kind referred to in sub-regulation (4) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

40. Record keeping

(1) A holder of an approved training organisation certificate shall have a system to maintain and retain the following records for a minimum period of ten years from the date of completion of training—

- (a) details of training given to individual students;
- (b) detailed and regular progress reports from instructors including assessments, and regular progress tests and examinations;
- (c) trainee information, including, names, course, certificates held, expiry dates of medical certificates and if applicable, ratings.

(2) An approved training organisation shall maintain a system for recording the qualifications and training of instructional and examining staff, where appropriate.

(3) Records of qualifications and training of instructors and examiners shall be retained for a minimum period of ten years after the instructor or examiner ceases to perform a function for the training organization.

(4) An approved training organisation shall submit training records and reports as required by the Authority.

(5) The format of the student training records shall be specified in the Training Manual.

41. Reports of violation

(1) Any person who knows of a violation of the Civil Aviation Act, or any regulations or orders issued thereunder, shall report it to the Authority.

(2) The Authority will determine the nature and type of any additional investigation or enforcement action that need be taken.

42. Enforcement of directions

A person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

43. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test,

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inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

44. Application of regulations to Government and visiting forces etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other Authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

45. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VI – EXEMPTIONS**46. Requirements for application**

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption must contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;

- (d) fax number if available; and
- (e) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

47. Substance of the request for exemption

(1) An application for an exemption must contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (h) if the applicant seeks to operate under the proposed exemption outside of Kenya's airspace, an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organisation as well as the regulations pertaining to the airspace in which the operation will occur.

(2) Where the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

Review, publication and issue or denial of the exemption

48. Initial review by Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 46 and 47.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the Kenya *Gazette* for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 46 and 47 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

[Subsidiary]**49. Evaluation of request**

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART VII – OFFENCES AND PENALTIES**50. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

51. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or, the pilot in command is not the person who contravened that provision he shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Fourth Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings for each offence and/or each flight or to imprisonment for a term not exceeding one year, or to both.

(3) Any person who contravenes any provision specified in Part B of the Fourth Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings for each offence and/or each flight or to imprisonment for a term not exceeding three years or to both.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Fourth Schedule to these Regulations, he or she shall be liable to a fine not exceeding two million shillings, for each offence.

PART VIII – SAVINGS AND TRANSITIONAL PROVISIONS

52. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

53. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out aviation related training, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both, for each offence.

SCHEDULES
FIRST SCHEDULE

[Regulation 11(3).]

QUALITY SYSTEM*Approved Training Organisation-Quality System***1. Interpretation**

In this Schedule—

“**quality**” means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs;

“**quality audit**” means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

“**quality assurance**” means all those planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given requirements, including the ones specified by the approved training organisation in relevant manuals;

“**quality manual**” means the document containing the relevant information pertaining to the approved training organisation’s quality system and quality assurance programme;

“**small approved training organisation**” means an approved training organisation with capacity to train a maximum of fifty students.

2. The quality system of an approved training organisation for training for licences and ratings shall address the following five elements—

- (a) determination of the organization’s training policy, training and flight safety standards;

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- (b) determination and establishment of assignment of responsibility, resources, organization and operational processes, which will make allowance for policy and training and flight safety standards;
- (c) follow up system to ensure that policy, training and flight safety standards are complied with;
- (d) registration and documentation of deviations from policy, training and flight safety standards together with necessary analysis, evaluations and correction of such deviations; and
- (e) evaluation of experiences and trends concerning policy, training and flight safety standards.

3. Requirements for a Quality System**(1) Purpose of a Quality System—**

the implementation and employment of a Quality System will enable the approved training organisation to monitor compliance with the relevant parts of the Procedures Manual and the Training Manual, and any other standards as established by the approved training organisation or the Authority, to ensure safe and efficient training.

(2) Quality Policy and Strategy—

- (a) the approved training organisation shall describe how it formulates, deploys, and reviews its policies and strategies and turns them into plans and actions, a formal written quality policy statement shall be established as a commitment by the accountable manager as to what the quality system is intended to achieve. The quality policy shall reflect the achievement and continued compliance with relevant parts of the procedures manual and the training manual together with any additional standards specified by the approved training organisation or the Authority;
- (b) the accountable manager will have overall responsibility for the quality system including the frequency, format and structure of the internal management evaluation activities.

(3) Quality System—

- (a) the quality system of the approved training organisation shall ensure compliance with and the adequacy of training activities conducted;
- (b) the approved training organisation will specify the basic structure of the quality system applicable to all training activities conducted;
- (c) the quality system will be structured according to the size of the approved training organisation and the complexity of the training to be monitored.

(4) Scope—

a quality system will address the following—

- (a) leadership;
- (b) policy and strategy;
- (c) processes;
- (d) the relevant provisions of Civil Aviation (Personnel Licensing) Regulations and these Regulations;
- (e) additional standards and training procedures as stated by the approved training organisation;
- (f) the organizational structure of the approved training organisation;
- (g) responsibility for the development, establishment and management of the quality system;

- (h) documentation, including manuals, reports and records;
 - (i) quality assurance programme;
 - (j) the required financial, material and human resources;
 - (k) training requirements; and
 - (l) customer satisfaction.
- (5) Feedback System—
- the quality system will include a feedback system to ensure that corrective actions are both identified and promptly addressed. The feedback system also specifies who is required to rectify discrepancies and non-compliance in each particular case, and the procedure to be followed if corrective action is not completed within an appropriate timescale.
- (6) Documentation—
- (a) relevant documentation includes the relevant part(s) of the training and procedures manual, which may be included in a separate quality manual;
 - (b) in addition, the relevant document also includes the following—
 - (i) quality policy;
 - (ii) terminology;
 - (iii) specified training standards;
 - (iv) a description of the organization;
 - (v) the allocation of duties and responsibilities;
 - (vi) training procedures to ensure regulatory compliance;
 - (vii) quality assurance programme.
- (7) Quality Assurance Programme—
- (a) the quality assurance programme includes all planned and systematic actions necessary to provide confidence that all training are conducted in accordance with all applicable requirements, standards and procedures;
 - (b) the quality assurance programme describes—
 - (i) schedule of the monitoring process;
 - (ii) audit procedures;
 - (iii) reporting procedures;
 - (iv) follow-up and corrective action procedures;
 - (v) recording system;
 - (vi) the training syllabus; and
 - (vii) document control;
 - (c) the quality assurance programme of the approved training organisation shall identify the persons within the approved training organisation who have the experience, responsibility and authority to—
 - (i) perform quality inspections and audits as part of ongoing quality assurance;
 - (ii) identify and record any concerns or findings, and the evidence necessary to substantiate such concerns or findings;
 - (iii) initiate or recommend solutions to concerns or findings through designated reporting channels;
 - (iv) verify the implementation of solutions within specific timescales; and
 - (v) report directly to the quality manager.

[Subsidiary]**(8) Quality Inspections—**

- (a) the primary purpose of a quality inspection is to observe a particular event, action or document, etc., in order to verify whether established training procedures and requirements are followed during the accomplishment of that event and whether the required standard is achieved;
- (b) typical subject areas for quality inspections are—
 - (i) all training courses covered under these Regulations;
 - (ii) maintenance;
 - (iii) technical standards; and
 - (iv) training standards.

(9) Audits—

- (a) an audit is a systematic, and independent comparison of the way in which a training is being conducted against the way in which the published training procedures say it should be conducted;
- (b) an audit includes at least the following quality procedures and processes—
 - (i) an explanation of the scope of the audit;
 - (ii) planning and preparation;
 - (iii) gathering and recording evidence; and
 - (iv) analysis of the evidence;
- (c) the various techniques that make up an effective audit are—
 - (i) interviews or discussions with personnel;
 - (ii) a review of published documents;
 - (iii) the examination of an adequate sample of records;
 - (iv) the witnessing of the activities which make up the training; and
 - (v) the preservation of documents and the recording of observations.

(10) Auditors—

- (a) the approved training organisation must decide, depending on the complexity of the training, whether to make use of a dedicated audit team or a single auditor. In any event, the auditor or audit team shall have relevant training and/or operational experience;
- (b) the responsibilities of the auditors will be clearly defined in the relevant documentation.

(11) Auditor's independence—

- (a) auditors shall not have any day-to-day involvement in the area of the operation or maintenance activity which is to be audited. An approved training organisation may, in addition to using the services of full-time dedicated personnel belonging to a separate quality department, undertake the monitoring of specific areas or activities by the use of part-time auditors;
- (b) an approved training organisation whose structure and size does not justify the establishment of full-time auditors may undertake the audit function by the use of part-time personnel from within its own organization or from an external source under the terms of an agreement acceptable to the Authority;
- (c) in all cases the approved training organisation will develop suitable procedures to ensure that persons directly responsible for the activities to be audited are not selected as part of the auditing team. Where external auditors are used, it is essential that any external specialist is familiar with the type of training conducted by the approved training organisation.

(12) Audit scope—

approved training organisations are required to monitor compliance with the Training and Procedures Manuals they have designed to ensure safe and efficient training. In doing so they should as a minimum, and where appropriate, monitor—

- (a) organization;
- (b) plans and objectives;
- (c) training procedures;
- (d) flight safety;
- (e) manuals, logs and records;
- (f) flight and duty time limitations;
- (g) rest requirements and scheduling;
- (h) aircraft maintenance and operations interface;
- (i) maintenance programmes and continued airworthiness;
- (j) maintenance accomplishment.

(13) Monitoring and corrective action—

- (a) the primary aim of monitoring within the quality system is to investigate and judge its effectiveness, thereby ensuring that defined policies and training standards are complied with continuously, monitoring activity is based upon quality inspections, audits, corrective action and follow-up, the approved training organisation shall establish and publish a quality procedure to monitor regulatory compliance on a continuing basis, the objective of this monitoring activity is eliminating the causes of unsatisfactory performance;
- (b) any non-compliance identified shall be communicated to the manager responsible for taking corrective action or, if appropriate, the accountable manager; such non-compliance shall be documented to support further investigation, to determine the cause, and to enable the development of recommendations of appropriate corrective actions;
- (c) the quality assurance programme shall include procedures to ensure that corrective actions are developed in response to findings, these quality procedures will allow for the monitoring of corrective actions to verify their effectiveness and that they have been completed, organizational responsibility and accountability for the implementation of corrective action resides with the department cited in the report identifying the finding, the accountable manager will have the ultimate responsibility for ensuring, through the quality manager(s), that corrective action has re-established compliance with the standard required by the Authority and any additional requirements established by the approved training organisation.

(14) Corrective action—

- (a) subsequent to the quality inspection or audit, the approved training organisation will determine—
 - (i) the seriousness of any findings and any need for immediate corrective action;
 - (ii) the origin of the finding;
 - (iii) what corrective actions are required to ensure that the non-compliance does not recur;
 - (iv) a schedule for corrective action;

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- (v) the identification of individuals or departments responsible for implementing corrective action; and
- (vi) allocation of resources by the accountable manager, where appropriate;
- (b) the quality manager will—
 - (i) verify that corrective action is taken by the manager responsible in response to any finding of non-compliance;
 - (ii) verify that corrective action includes the elements outlined in paragraph (16) above;
 - (iii) monitor the implementation and completion of corrective action;
 - (iv) provide management with an independent assessment of corrective action, implementation and completion; and
 - (v) evaluate the effectiveness of corrective action through the follow-up process.

(15) Management Evaluation—

- (a) a management evaluation is a comprehensive, systematic documented review by the management of the quality system, training policies and procedures;
- (b) a management evaluation considers the results of quality inspections, audits and any other relevant indicators, as well as the overall effectiveness of the management organization in achieving stated objectives, a management evaluation also identifies and corrects trends, and prevents, where possible, future non-conformities, conclusions and recommendations made as a result of an evaluation should be submitted in writing to the responsible manager for action;
- (c) the responsible manager is an individual who has the Authority to resolve issues and take action, the accountable manager will decide upon the frequency, format, and structure of internal management evaluation activities.

(16) Recording—

- (a) accurate, complete and readily accessible records documenting the result of the quality assurance programme are to be maintained by the approved training organisation, records are essential to enabling an approved training organisation to analyze and determine the root causes of non-conformity, so that areas of non-compliance can be identified and subsequently addressed;
- (b) the following records are to be retained for a period of 5 years—
 - (i) audit schedules;
 - (ii) quality inspection and audit reports;
 - (iii) responses to findings;
 - (iv) corrective action reports;
 - (v) follow-up and closure reports; and
 - (vi) management evaluation reports.

(17) Quality Assurance Responsibility for Satellite Approved Training Organisations—

the approved training organisation will ensure that the satellite approved training organisation has the necessary authorisations or approvals, and commands the necessary resources and competence to undertake the tasks: If the approved training organisation requires the satellite approved training organisation to conduct activity which exceeds the satellite approved training

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organisation's authorisation or approval, the approved training organisation is responsible for ensuring that the satellite approved training organisation's quality assurance takes account of such additional requirements.

(18) Quality System Training—

- (a) correct and thorough training is essential to optimise quality in every organization, in order to achieve significant outcomes of such training the approved training organisation will ensure that its staff understands the objectives as laid down in the quality manual;
- (b) those responsible for managing the quality system are to receive training covering—
 - (i) an introduction to the concept of quality system;
 - (ii) quality management;
 - (iii) concept of quality assurance;
 - (iv) quality manuals;
 - (v) audit techniques;
 - (vi) reporting and recording; and
 - (vii) the way in which the quality system will function in the approved training organisation;
- (c) time must be provided to train every individual involved in quality management and for briefing the remainder of the employees. The allocation of time and resources is to be governed by the size and complexity of the operation concerned;
- (d) sources of training—

quality management courses are available from the various national or international institutions, and an approved training organisation may consider whether to rely on such institutions in training those personnel likely to be involved in the management of Quality Systems. Organizations with sufficient, appropriately-qualified staff may consider whether to carry out in-house training.

(19) Quality Systems for small approved training organisation—

- (a) the requirement to establish and document a quality system, and to employ a quality manager applies to all approved training organisations;
- (b) complex quality systems may be inappropriate for small approved training organisations and the clerical effort required to draw up manuals and quality procedures for a complex system may stretch their resources. An approved training organisation will tailor its quality system to suit the size and complexity of its training and allocate resources accordingly;
- (c) small approved training organisations may develop a quality assurance programme that employs a checklist, the checklist must have a supporting schedule that requires completion of all checklist items within a specified timescale, together with a statement acknowledging completion of a periodic review by top management, an occasional independent overview of the checklist contents and achievement of the quality assurance should be undertaken;
- (d) the small approved training organisation may decide to use internal or external auditors or a combination of the two, in these circumstances, external specialists and or qualified organisations may perform the quality audits on behalf of the quality manager;
- (e) if the independent quality audit function is conducted by external auditors, the audit schedule will be described in the relevant documentation; and

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- (f) whatever arrangements are made, the main approved training organisation retains the ultimate responsibility for the quality system and especially the completion and follow-up of corrective actions.

SECOND SCHEDULE

[Regulation 15(1).]

**APPROVED TRAINING ORGANISATION TRAINING MANUAL AND PROCEDURES
MANUAL CONTENTS****TRAINING MANUAL****1. General**

The Training Manual for approved training courses shall include the following—

- (a) a list and description of all volumes in the training manual;
- (b) a list of effective pages and revision pages;
- (c) corporate commitment statement;
- (d) a list of management staff;
- (e) responsibilities and qualifications of management staff;
- (f) organisation chart;
- (g) description of facilities, equipment and data;
- (h) type of approved training courses and the capability lists;
- (i) amendment of training manual;
- (j) number of instructors; and
- (k) notification procedure to Authority.

2. Pilot training

The Training Manual for use at an approved training organisation conducting approved training courses for pilots shall include the following—

- (a) the training plan—
 - (i) aim of the course—

a statement of what the student is expected to do as a result of the training, the level of performance, and the training constraints to be observed;
 - (ii) pre-entry requirements—

minimum age, educational requirements including language, and medical requirements;
 - (iii) credits for previous experience—

to be obtained from the Authority before training begins;
 - (iv) training curricula—

the single engine flying curriculum, the multi-engine flying curriculum, the synthetic flight training curriculum and the theoretical knowledge training curriculum;
 - (v) the time scale and scale in weeks—

for each curriculum—arrangements of the course and the integration of curricula time;

- (vi) training program—

the general arrangements of daily and weekly programs for flying, ground and synthetic flight training; bad weather constraints, program constraints in terms of maximum student training times (flying, theoretical knowledge, synthetic) e.g. per day or week or month, restrictions in respect of duty periods for students, duration of dual and solo flights at various stages, maximum flying hours in any day or night, maximum number of training flights in any day or night and minimum rest period between duty period for students;
- (vii) training records—

rules for security of records and documents, attendance records, the form of training records to be kept, persons responsible for checking records and students' log books, the nature and frequency of records checks, standardisation of entries in training records and rules concerning log book entries;
- (viii) safety training—

individual responsibilities, essential exercises, frequency of emergency drills, frequency of dual checks at various stages and requirement before first solo day or night or navigation;
- (ix) checks and tests—

flying-progress checks and skill tests, knowledge: progress tests and knowledge tests, authorization for test, rules concerning refresher training before retest, test reports and records, procedures for test paper preparation, type of question and assessment, standard required for 'pass', procedure for question analysis and review and for raising replacement papers, test resit procedures;
- (x) training effectiveness—

individual responsibilities, general assessment, liaison between departments, identification of unsatisfactory progress individual students, actions to correct unsatisfactory progress, procedure for changing instructors, maximum number of instructor changes per student; internal feedback system for detecting training deficiencies, procedure for suspending a student from training; discipline, reporting and documentation;
- (xi) standards and level of performance at various stages—

individual responsibilities, standardization requirements and procedures, application of test criteria;
- (b) briefing and air exercises—
 - (i) air exercise—

a detailed statement of the content specification of all the air exercises to be taught, arranged in the sequence to be flown with main and sub-titles;
 - (ii) air exercise reference list—

an abbreviated list of the exercises referred to sub-paragraph (i) giving only main and sub-titles for quick reference, and preferably in flip-card form to facilitate daily use by instructors;
 - (iii) course structure—phase of training—

a statement of how the course will be divided into phases, indication of how the air exercises referred to in sub-paragraph (ii) will be divided between the phases and how they will be arranged to ensure that they are completed in the most suitable learning sequence and that

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essential emergency exercises are repeated at the correct frequency, also, the curriculum hours for each phase and for groups of exercises within each phase shall be stated and when progress tests are to be conducted, etc.;

- (iv) course structure integration of curricula—
the manner in which theoretical knowledge, synthetic flight training and flying training will be integrated so that as the flying training exercises are carried out students will be able to apply the knowledge gained from the associated theoretical knowledge instruction and synthetic flight training;
- (v) student progress—
the requirement for student progress including a brief but specific statement of what a student is expected to be able to do and the standard of proficiency the student must achieve before progressing from one phase of air exercise training to the next, include minimum experience requirements in terms of hours, satisfactory exercise completion, as necessary before significant exercises, such as night flying;
- (vi) instructional methods—
the requirements, particularly in respect of pre and post-flying briefing, adherence to curricula and training specifications and authorisation of solo flights;
- (vii) progress tests—
the instructions given to examining staff in respect of the conduct and document of all progress tests;
- (viii) glossary of terms—
definition of significant terms as necessary;
- (ix) appendices—
samples of progress report forms, progress test report forms, skill test report forms, certificates of experience, competence, etc. as required, issued by an approved training organisation.
- (c) synthetic flight training-structure generally as in (b);
- (d) knowledge instruction- structure generally as in (b) with a training specification and objectives for each subject. Individual lesson plans to include mention of the specific training aids available for use.

3. Training other than for Pilots

The Training Manual for use by an approved training organisation conducting approved training courses other than pilots training shall include the following—

- (a) the course plan—
 - (i) the objectives and learning outcomes;
 - (ii) pre-entry requirements: minimum age, educational requirements including language, and medical requirements as applicable for training sought;
 - (iii) a list showing each subject and the topics covered in the subject;
 - (iv) a description of the examination or assessment methods and the examination or assessment criteria;
 - (v) a description of—
 - (a) methods in which training is conducted (for example: lecture, computer-based training, simulators or practical training); and
 - (b) available equipment and data necessary for training;

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- (vi) a description of the facilities including classroom, laboratory and workshop necessary to deliver the training;
 - (vii) a list showing the prerequisites, if any, for each subject;
 - (viii) credits for previous experience to be obtained from the Authority before training begins;
 - (ix) a statement showing the number of hours of training that are necessary for each topic and for the whole course;
 - (x) the minimum and maximum student attendance requirements for each subject and description of the way in which students' attendance is checked and recorded;
 - (xi) for each subject, a copy of—
 - (a) the course notes that are to be given to student; and
 - (b) any examination paper or examinations question bank that is to be used;
 - (xii) a list showing the units of competency that must be completed for each course;
- (b) training—
- (i) organisation of courses and course schedules;
 - (ii) preparation of courses material;
 - (iii) preparation of classroom equipment;
 - (iv) preparation of workshops, simulation media and equipment;
 - (v) method of conducting knowledge and practical training;
 - (vi) retention of records of training conducted;
 - (vii) rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of record checks; and standardisation of entries in training records;
 - (viii) use of locations other than location for which the approved training organisation is approved;
 - (ix) conduct of basic practical training;
- (c) examinations—
- (i) organisation and conduct of examinations;
 - (ii) security of examination materials;
 - (iii) preparation of examination rooms;
 - (iv) marking and record of examinations;
 - (v) storage and retention of examination records;
 - (vi) examination or assessment at satellite locations;
 - (vii) preparation, control and issue of training course records;
 - (viii) storage of course material and equipment; and
 - (ix) prevention, investigation and reporting of examination or assessment misconduct;
- (d) certification—
- (i) course transcript; and
 - (ii) certificates

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PROCEDURES MANUAL

The Procedures Manual for approved training courses shall include the following:

1. General

- (a) A list and description of all volumes in the procedure manual;
- (b) a list of effective pages and revision pages;
- (c) corporate commitment statement;
- (d) a list of management staff;
- (e) responsibilities and qualifications of management staff;
- (f) organisation chart;
- (g) description of facilities, equipment and data;
- (h) type of approved training courses and the capability lists;
- (i) amendment of procedures manual and training manual;
- (j) number of instructors;
- (k) notification procedure to Authority.

2. Pilot training

- (a) A list and description of all volumes in the procedures manual—
 - (i) administration (function and management);
 - (ii) schedules of responsibilities for all management and administrative staff;
 - (iii) student discipline and disciplinary action;
 - (iv) approval/authorization of flights;
 - (v) preparation of flying programme (restriction of numbers of aircraft in poor weather);
 - (vi) control of training aircraft;
 - (vii) responsibilities of pilot-in-command;
 - (viii) carriage of passengers;
 - (ix) aircraft documentation;
 - (x) retention of documents;
 - (xi) flight crew qualification records,;
 - (xii) renewal of licences and medical certificates;
 - (xiii) flying duty period and flight time limitations for flying instructors;
 - (xiv) flying duty period and flight time limitations for students;
 - (xv) rest periods for flying instructors;
 - (xvi) rest periods for students;
 - (xvii) pilots' log books;
 - (xviii) flight planning; and
 - (xix) safety covering general equipment, radio listening watch, hazards, accidents and incidents (including reports) and safety pilots;
- (b) technical—
 - (i) aircraft descriptive notes;
 - (ii) aircraft handling (including checklists, limitations, aircraft maintenance and technical logs, in accordance with relevant requirements, etc.);
 - (iii) emergency procedures;

- (iv) radio and radio navigation aids;
- (v) minimum equipment list; and
- (vi) configuration deviation list;
- (c) route—
 - (i) performance (legislation, take-off, route, landing, etc.);
 - (ii) flight planning (fuel, oil, minimum safe altitude, navigation equipment, etc.);
 - (iii) loading (loadsheets, mass, balance, limitations);
 - (iv) weather minima (flying instructors);
 - (v) weather minima (students-at various stages of training); and
 - (vi) training routes/areas;
- (d) staff training—
 - (i) appointments of persons responsible for standards or competence of flying staff;
 - (ii) initial training;
 - (iii) refresher training;
 - (iv) standardization training;
 - (v) proficiency checks;
 - (vi) upgrading training; and
 - (vii) staff standards evaluation;
- (e) quality management system—
 - (i) the procedure for quality control of training;
 - (ii) the procedures used to audit examination and competency assessment system;
 - (iii) the procedures used to analyse the results of any examination or assessment;
 - (iv) the procedures used to rectify deficiencies identified by analysis in sub-paragraph (iii);
 - (v) the procedure used for conducting periodic reviews including information on review timetable;
 - (vi) the procedure for maintenance of instructors' skills and qualifications;
 - (vii) the procedure used for recording instructors' qualification; and
 - (viii) the procedures to assess compliance and adequacy of the procedures.

3. Training other than for Pilots

- (a) Training and examination procedures—
 - (i) courses organization procedures;
 - (ii) the procedures used to develop or acquire documents for training and examinations;
 - (iii) the procedures used to prepare and use of equipment for theory and basic practical training;
 - (iv) the procedures for conducting knowledge and practical training;
 - (v) training record storage and retention procedures;
 - (vi) procedures for conducting examinations and practical skill assessments;
 - (vii) procedures for marking of examinations and recording the results;

[Subsidiary]

- (viii) procedures for storage of examination records;
 - (ix) the procedures for storage of course material and equipment used for instruction;
 - (x) procedures to prevent, investigate and report to Authority any examination or assessment misconduct;
- (b) quality management system—
 - (i) the procedure for quality control of training;
 - (ii) the procedures used to audit examination and competency assessment system;
 - (iii) the procedures used to analyse the results of any examination or assessment;
 - (iv) the procedures used to rectify deficiencies identified by analysis in subparagraph (iii);
 - (v) the procedure used for conducting periodic reviews including information on review timetable;
 - (vi) the procedure for maintenance of instructors' skills and qualifications;
 - (vii) the procedure used for recording instructors' qualification;
 - (viii) the procedures to assess compliance and adequacy of the procedures;
- (c) appendices—
 - (i) samples of documents and forms used;
 - (ii) syllabus of each training course;
- (d) staff training—
 - (i) appointments of persons responsible for standards or competence of training staff;
 - (ii) initial training;
 - (iii) refresher training;
 - (iv) standardization training;
 - (v) proficiency checks;
 - (vi) upgrading training; and
 - (vii) staff standards evaluation.

THIRD SCHEDULE

[Regulations 17(4) and 24(3).]

**APPROVED TRAINING ORGANISATION MANAGEMENT PERSONNEL
RESPONSIBILITIES AND QUALIFICATIONS**
PART A – GENERAL FOR ALL APPROVED TRAINING ORGANISATIONS
1. Accountable manager

- (1) The accountable manager—
 - (a) is the chief executive and corporate authority for ensuring that all training commitments are financed and carried out to the standard required by the Authority and any additional requirements defined by the aviation training organisation; and
 - (b) may delegate in writing to another person within the organisation, the day-to-day management but not the overall approval management responsibility.

[Subsidiary]

(2) The accountable manager shall possess the following qualifications—

- (a) a background in the management of training organizations;
- (b) knowledge of the Civil Aviation (Approved Training Organisation) Regulations and the Regulations and other materials published by the Authority that are applicable to the courses taught by the approved training organisation; and
- (c) a thorough understanding of the organization and training program of the approved training organisation.

2. Quality manager

(a) The quality manager shall—

- (i) have the primary role to verify, by monitoring activities in the field of training, that the standards required by the Authority, and any additional requirements as established by the approved training organisation are being carried out properly;
 - (ii) be responsible for ensuring that the quality assurance programme is properly implemented, maintained and continuously reviewed and improved;
 - (iii) have direct access to all parts of the approved training organisation's organization; and
 - (iv) in the case of small approved training organisations, the posts of the head of training and the quality manager may be combined;
- (b) in the case that the posts of the head of training and the quality manager are combined the quality audits shall be conducted by an independent personnel;
- (c) the minimum qualifications for quality manager are—
- (i) a technically qualified person in at one field of training to be conducted;
 - (ii) at least three years experience in the training to be conducted;
 - (iii) must have successfully completed a training in quality management recognized by the Authority.

PART B – FLIGHT CREW TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of flying training, synthetic flight training and theoretical knowledge instruction and for supervising the progress of individual students; and
- (b) had extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Chief Flight Instructor

The Chief Flight Instructor shall—

- (a) be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) hold the ratings related to the flying training courses conducted;

[Subsidiary]

- (d) hold a flight instructor rating for at least one of the types of aircraft used on the course; and
- (e) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

3. Flight and Synthetic Flight Instructors

- (a) The Flight Instructor shall hold—
 - (i) a professional pilot licence and ratings related to the flying training courses conducted;
 - (ii) a flight instructor rating on the types of aircraft used on the course; and
 - (iii) an instrument rating instructor endorsement if he is to conduct instrument rating training.
- (b) A Synthetic Flight Instructor shall—
 - (i) be a holder or have held a professional pilot licence; and
 - (ii) possess an authorization from the Authority.

4. Chief Ground Instructor

The Chief Ground Instructor shall—

- (a) be responsible for the supervision of ground instructors and for the standardisation of all ground instruction;
- (b) hold a ground instructor's licence in the field he is to give instructions;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

5. Ground Instructors

A Ground Instructor shall—

- (a) hold a ground instructor's licence in the field he is to give instructions;
- (b) have good interpersonal and communication skills;
- (c) be technically competent and a person of integrity; and
- (d) have received training in the teaching and instructional techniques.

6. Flight Engineer Instructors

A Flight Engineer Instructor shall—

- (a) hold a flight engineer licence and ratings related to the training courses to be conducted;
- (b) hold an authorisation from the Authority on the course to be conducted; and
- (c) hold an authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations if he is to conduct training in synthetic flight trainer.

PART C – AIRCRAFT MAINTENANCE ENGINEERING TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of engineering training, that includes practical and theoretical knowledge instruction and for supervising the progress of individual students;
- (b) or had an aircraft maintenance engineer licence and extensive experience in training aircraft maintenance engineers and possess a sound managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Chief Aircraft Maintenance Engineering Instructor

The Chief Aircraft Maintenance Engineering Instructor shall—

- (a) be responsible for the supervision of instructions and for the standardisation of all engineering instructions; and
- (b) shall hold an aircraft maintenance engineer licence with ratings related to the courses to be conducted;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

3. Aircraft Maintenance Engineering Instructor

An Aircraft Maintenance Engineering Instructor shall—

- (a) hold an aircraft maintenance engineer licence with ratings related to the courses to be conducted; and
- (b) have received training in the teaching and instructional techniques.

PART D – AIR TRAFFIC CONTROL TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of air traffic services training in both, theoretical and simulator training, and for supervising the progress of individual students;
- (b) had extensive experience in training techniques and managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Air Traffic Control Chief Instructor

The Air Traffic Control Chief Instructor shall—

- (a) have had extensive experience in training techniques in the field of air traffic control;

[Subsidiary]

- (b) be responsible for the supervision of the instructors and for the standardisation of all theoretical and simulator instructions;
- (c) hold all the air traffic control ratings related to the air traffic control courses conducted;
- (d) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Air Traffic Control Instructor

An Air Traffic Control Instructor shall—

- (a) hold an air traffic control licence with ratings related to the air traffic control courses to be conducted; and
- (b) have received training in the teaching and instructional techniques.

PART E – FLIGHT OPERATIONS OFFICER TRAINING**1. Head of Training**

The Head of Training shall—

- (a) have overall responsibility for ensuring satisfactory integration of flight operations training in both, theoretical and practical training, and for supervising the progress of individual students; and
- (b) had extensive experience in training techniques and managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Flight Operations Chief Instructor

The Chief Instructor shall—

- (a) hold or held a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations;
- (c) be responsible for the supervision of all instructors and for the standardisation of all the instruction;
- (d) have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Flight Operations Instructor

The Flight Operations Instructor shall—

- (a) hold a Flight Operations Officer's Licence; or
 - (b) possess experience and training requirements for flight operations officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations; and have received training in the teaching and instructional techniques.
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FOURTH SCHEDULE

[Regulation 51.]

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CIVIL AVIATION (PARACHUTE OPERATIONS) REGULATIONS, 2007

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CIVIL AVIATION (PARACHUTE OPERATIONS) REGULATIONS, 2007

[L.N. 44/2007.]

PART 1 – PRELIMINARY

1. Citation

These Regulations shall be cited as the Civil Aviation (Parachute Operations) Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**altimeter**” means a visually read instrument for measuring height throughout descent;

“**approved parachute**” means a parachute manufactured under a type certificate or a Technical Standard Order (C-23 series);

“**automatic activation device**” means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity, or combination thereof;

“**drop zone**” means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop;

“**freefall**” means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist’s discretion or automatically, or, in the case of an object, is activated automatically;

“**jumper**” means an experienced parachute jumper who may make descents without the supervision of an instructor;

“**jump master**” means an experienced jumper certified as capable of supervising students in aircraft and on static line and free fall jumps;

“**main parachute**” means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute;

“**object**” means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent;

“**parachute drop**” means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent;

“**parachute jump**” means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent;

“**parachute operation**” means the performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop, the parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot;

“**parachute rigger**” means a person who is authorized to pack, maintain or alter any parachute in conformity with manufacturer’s instructions;

[Subsidiary]

“parachutist” means a person who intends to exit an aircraft while in flight using a single harness, dual parachute system to descend to the surface;

“passenger parachutist” means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting the aircraft while in flight using the forward harness of a dual harness tandem parachute system to descend to the surface;

“pilot chute” means a small parachute used to initiate and/or accelerate deployment of a main or reserve parachute;

“ram-air parachute” means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram-air entering through specially designed openings in the front of the canopy to form a gliding airfoil;

“reserve parachute” means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk;

“single-harness, dual parachute system” means the combination of a main parachute, approved reserve parachute, and approved single person harness and dual-parachute container, this parachute system may have an operational automatic activation device installed;

“static line jump” means a parachute jump where there is static line attached to the aircraft and which the jump master activates manually to deploy the student's parachute after exit from the aircraft;

“student jumper” means a parachute jumper who is only allowed to make descents under the supervision of an instructor;

“tandem master” means experienced jump master trained in tandem operation who is in control of the passenger and tandem parachute equipment;

“tandem parachute operation” means a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending to the surface from an aircraft in flight;

“tandem parachute system” means the combination of a main parachute, approved reserve parachute, and approved harness and dual parachute container, and a separate approved forward harness for a passenger parachutist which parachute system shall have an operational automatic activation device installed.

3. Application

These Regulations shall apply to—

- (a) parachute operations other than—
 - (i) emergency parachute descents; and
 - (ii) parachute descents which are not from aircraft; and
- (b) parachute equipment; and
- (c) parachute maintenance.

PART II – PARACHUTE PERSONNEL

Parachute Jumping

4. Eligibility requirements

- (1) An applicant for a parachute jumping authorisation shall—
 - (a) be at least eighteen years of age;

- (b) be able to read, speak and understand English;
- (c) demonstrate a level of knowledge appropriate to the privileges granted to a holder of a parachute jumping authorisation; and
- (d) comply with the provisions of these Regulations that apply to the parachute jumping authorisation sought.

(2) In addition to the requirements of sub-regulation (1), an applicant for a tandem master authorisation shall hold a Class 2 Medical Certificate.

5. Authorisation types

The Authority may issue the following types of parachute jumping authorisations—

- (a) student jumper;
- (b) jumper;
- (c) jump master; or
- (d) tandem master.

6. Skill requirements

An applicant for—

- (a) a jumper authorisation shall have logged not less than twenty-five jumps and have demonstrated to the Authority his competency in the following areas—
 - (i) parachute packing;
 - (ii) obtaining meteorological information;
 - (iii) spotting the drop location from the aircraft;
 - (iv) hand signal communication techniques and procedures; and
 - (v) pre-flight briefing and dirt diving;
- (b) a jump master authorisation shall have—
 - (i) successfully completed a jump master's course;
 - (ii) made five hundred freefall jumps; and
 - (iii) satisfactorily completed a post course of jump mastering ten students under supervision of an authorized instructor;
- (c) a tandem master authorisation shall be an experienced jump master, trained in tandem operation and is in control of the passenger and tandem parachute equipment.

General Operation Requirements

7. Conditions of authorisation

(1) A holder of a parachute jumping authorisation shall maintain a parachuting logbook of the jumps he has made.

(2) A jumper or event organiser shall ensure that parachute jumping is made only at locations approved by the Authority.

(3) Prior to each descent, a jumper or event organiser shall obtain permission from the air traffic control unit responsible for the area of the operation.

(4) In a location where there is no air traffic control unit, the jumper or event organiser shall obtain permission from the area control centre responsible for the area of the operation.

[Subsidiary]**8. Descent requirements**

(1) A parachute jumper shall not make or attempt to make a parachute descent unless he is wearing two airworthy parachutes from exit to activation.

(2) All reserve parachutes shall be inspected and packed by an authorized parachute rigger not more than four months preceding each jump.

(3) The main parachute may be packed by either the jumper or the parachute rigger.

(4) The minimum altitude from which descents are to be made shall be such that the main canopy is duly opened at an altitude of not less than two thousand feet above ground level.

9. Aircraft used for parachute jumping

Parachute descents shall be made only from aircraft types that have been authorized by the Authority.

10. Pilot experience and training requirements

(1) A pilot of an aircraft to be used for parachute jumping shall—

- (a) be a qualified pilot and have a minimum of two hundred hours of pilot in command time; and
- (b) demonstrate competence to the Authority by performing at least one drop of parachute jumpers.

(2) The demonstration referred to in sub-regulation (1)(b) shall be conducted under supervision of an experienced parachuting pilot who is present in the aircraft during the check flight to ascertain the competence in the dropping operation.

11. Validity and renewal requirements

(1) A parachute jump master and tandem master authorisation shall be valid for a period of twelve months from the date of issue or renewal.

(2) A holder of a parachute jump master and tandem master authorisation may apply for renewal of the authorisation if the holder has jump mastered ten static line students and five free fall students within the six months preceding the date of application for renewal.

(3) A student and jumper authorisation shall not require renewal.

12. Visiting foreign parachuting jumpers

(1) A holder of a parachute jump master and tandem master authorisation may apply for renewal of the authorisation if the holder has jump mastered ten static line students and five free fall students within the six months preceding the date of application for renewal.

(2) A person who holds a parachute jumping authorisation issued by another contracting State and who wishes to engage in parachute jumping in Kenya may apply to the Authority for recognition and acceptance of his qualification.

(3) Where the Authority recognises an authorisation submitted under sub-regulation (1), the holder shall be exempted from regulations 4 to 13 of these Regulations.

(4) A holder of an authorisation under this Regulation shall not be engaged in instructing students in parachute jumping or tandem operations.

*Parachute Rigger***13. Parachute rigger authorisation requirements**

An applicant for a parachute rigger authorisation shall—

- (a) apply to the Authority in the prescribed form;
- (b) be at least eighteen years of age; and
- (c) be able to read, speak, write and understand English.

14. Issue of parachute rigger authorisation

Where the Authority is satisfied that an applicant for a parachute rigger authorisation under regulation 13 meets the requirements for issue of such authorisation, the Authority may issue the authorisation.

15. Restrictions and limitations of parachute rigger authorisation

(1) A person shall not pack, maintain or modify any personnel-carrying parachute intended for emergency use in connection with an aircraft registered in Kenya unless that person holds an appropriate authorisation of the type issued under these Regulations.

(2) Except as provided for by sub-regulation (3), a person shall not pack, maintain or modify any main parachute of a dual parachute pack to be used for intentional jumping from a civil aircraft registered in Kenya unless that person has an appropriate parachute rigger authorisation issued under these Regulations.

(3) A person who does not hold an appropriate parachute rigger authorisation may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

16. Experience, knowledge and skill requirements

Except as provided in regulation 18, an applicant for a parachute rigger authorisation shall—

- (a) present evidence satisfactory to the Authority of having packed at least twenty parachutes of each type for which the applicant seeks authorisation in accordance with the manufacturer's instructions and under the supervision of an authorized parachute rigger holding an authorisation for that type or a person holding an appropriate military rating; and
- (b) provide the Authority with evidence of having passed a knowledge and practical test, to the satisfaction of the Authority by demonstrating the ability to pack and maintain one type of parachute for which he seeks authorisation.

17. Authorisation requirements for current or former military parachute rigger

Notwithstanding regulation 13, the Authority may issue to an applicant a parachute rigger authorisation if he passes a knowledge test on the Regulations pertaining to parachute and parachute rigging and presents satisfactory documentary evidence that the applicant—

- (a) is an employee or former employee of the Kenya Military and within the twelve months preceding the date of application for an authorisation has performed duties as a parachute rigger; and
- (b) has the experience required by regulation 16.

[Subsidiary]**18. Performance standards**

A holder of a parachute rigger authorisation shall not—

- (a) pack, maintain or modify a parachute unless he is authorized for that type;
- (b) pack a parachute that is not safe for emergency use;
- (c) pack a parachute that has not been thoroughly dried and aired;
- (d) alter a parachute in a manner that is not specifically authorized by the Authority or the manufacturer;
- (e) pack, maintain or modify a parachute in any manner that deviates from procedures approved by the Authority or the manufacturer of the parachute; or
- (f) exercise the privileges of the authorisation unless he understands the current manufacturer's instructions for the operation involved and has performed duties under the authorisation for at least ninety days within the preceding twelve months or demonstrated to the Authority the ability to perform those duties.

19. Records to be kept by parachute rigger

(1) A holder of a parachute rigger authorisation shall keep a record of the packing, maintenance and modifications of parachute duties he has performed or supervised.

(2) An authorized parachute rigger who packs a parachute shall enter on the parachute packing record attached to the parachute, the date and place of the packing, a notation of any defects found during any inspection, and shall sign that record with name and authorisation number.

(3) The record required by sub-regulation (1) shall contain, with respect to each parachute worked on, a statement of—

- (a) type and make;
- (b) serial number;
- (c) the name and address of the owner or user of the parachute;
- (d) the kind and extent of the work performed;
- (e) the date when, and the place where the work was performed; and
- (f) the results of any drop tests made with it.

(4) A person who makes a record under sub-regulation (1) shall keep that record for at least two years after the date the record is made.

20. Privileges of parachute rigger authorisation

A holder of a parachute rigger authorisation may—

- (a) pack, maintain or modify any type of parachute for which he is authorized; and
- (b) supervise other persons in packing, maintaining or modifying any type of parachute for which the holder of authorisation is authorized.

21. Validity and renewal requirements of parachute rigger authorisation

(1) A parachute rigger authorisation shall be valid for a period of twenty-four months from the date of issue or renewal.

(2) A holder of a parachute rigger authorisation may apply for renewal of the authorisation if the holder has packed at least thirty-six reserve parachutes within the twelve months preceding the date of application for renewal.

PART III – PARACHUTE OPERATIONS CERTIFICATE

22. Certificate requirements

- (1) A person shall not conduct parachute operations unless that person—
 - (a) holds a parachute operations certificate;
 - (b) complies with the privileges and limitations of the authorisation referred to in regulations 15 and 20;
 - (c) complies with operational standards and procedures contained in the Parachute Operations Manual approved by the Authority; and
 - (d) complies with the currency requirements determined by the Authority.
- (2) A person shall not conduct parachute operations unless there is available for that person's use a Parachute Operations Manual approved by the Authority.
- (3) In this Part, “**person**” includes an association, organisation or club.

23. Application for parachute operations certificate

- (1) An applicant for a parachute operations certificate shall complete and submit an application form prescribed by the Authority which shall include the following information—
 - (a) the radius of the drop zone around the target expressed in nautical miles;
 - (b) the location of the centre of the drop zone in relation to the nearest airport, town or city;
 - (c) each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exit the aircraft;
 - (d) the name, address, and telephone number of the person who requests the authorisation or gives notice of the parachute operation; and
 - (e) the name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.
- (2) The Authority may issue a parachute operations certificate if an applicant meets the requirements of these Regulations.

24. Amendment of a parachute operations certificate

- (1) A parachute operations certificate may be amended—
 - (a) by the Authority on the Authority's own initiative; or
 - (b) upon application by the holder of that authorisation.
- (2) A holder of an authorisation shall submit an application to amend an authorisation by completing a form prescribed by the Authority.
- (3) An applicant for an amendment under this Regulation shall file the application to amend an authorisation before the date of the proposed commencement of that operation.
- (4) The Authority shall grant a request to amend an authorisation if it determines that it is in the interest of flight safety or in public interest.

25. Validity of a parachute operations certificate

- (1) A parachute operations certificate shall be valid for the period specified in the certificate from the date of issue but in any case for not more than twelve months, unless—
 - (a) a shorter period is specified by the authority;

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- (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (c) the certificate holder surrenders it to the Authority; or
- (d) the certificate holder suspends operations.

(2) The holder of a certificate that is suspended or revoked shall return it to the Authority.

26. Parachute Operations Manual

(1) A parachute operations certificate holder shall issue to a parachutist and persons assigned parachute operational functions, an Operations Manual which shall contain at least the following—

- (a) introduction and common abbreviations;
- (b) basic safety requirements;
- (c) student training syllabus;
- (d) skills programme;
- (e) formation parachuting rules;
- (f) artistic events;
- (g) canopy formation;
- (h) camera persons;
- (i) tandem operations;
- (j) extra ordinary activities;
- (k) wing suits;
- (l) jump master certification course syllabus;
- (m) rigging rules;
- (n) drop zone and landing area operating procedures;
- (o) briefings for new jumpers; and
- (p) miscellaneous forms.

(2) The Operations Manual referred to in sub-regulation (1) shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date, and all such amendments or revisions shall be issued to all personnel that are required to use the Operations Manual.

(3) A parachute operations certificate holder shall submit to the Authority a copy of the authorisation holder's entire Operations Manual for the time being in force or of such parts thereof as the Authority may specify.

(4) A parachute operations certificate holder shall make such amendments or additions to the Operations Manual as the Authority may require for the purpose of ensuring the safety of parachute jumpers and parachute passengers carried, efficiency or regularity of air navigation.

27. Designation of a safety and training personnel

A parachute operations certificate holder shall, designate for each drop zone operation, in writing, safety and training personnel who shall be in charge of all operations and shall have the following minimum qualifications—

- (a) be a qualified experienced jump master with a minimum of one thousand free fall jumps and at least two years' experience in parachute operations; and

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- (b) must have successfully completed a training in safety and parachute operating procedures recognised by the Authority.

PART IV – OPERATING RULES

28. Use of drugs or alcohol

A person shall not engage in parachute jumping, and a pilot in command of an aircraft shall not allow a person to engage in parachute jumping from that aircraft, if that person is or appears to be under the influence of—

- (a) alcohol; or
- (b) any drug that affects that person's faculties in any way contrary to safety.

29. Hazard

A person shall not make a parachute descent if such descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

30. Exit from an aircraft

A person shall not exit from an aircraft to make a parachute descent unless authorized to do so by—

- (a) the pilot in command; or
- (b) a person nominated by the pilot in command for that purpose.

31. Minimum parachute activation altitude

A person making a parachute descent shall activate the main parachute at a height of not less than 2,500 feet above ground level, except—

- (a) a student parachutist, who shall activate the main parachute at a height of not less than 3,000 feet above ground level; or
- (b) a tandem jump master carrying out a tandem parachute descent, who shall activate the main parachute at a height of not less than 5,000 feet above ground level.

32. Parachute drop zone

All parachute descents, except emergency and display parachute descents shall be made within a parachute drop zone designated by the parachute operations certificate holder and approved by the Authority.

33. Parachute landing area

(1) A person making a parachute descent shall land on a parachute landing area designated by the parachute operations certificate holder and approved by the Authority.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes if the parachute landing area is located clear of—

- (a) any movement area in use;
- (b) the strip area of any runway in use;
- (c) a taxiway which is in use; and
- (d) the approach and take-off areas of any runway or heliport in use.

(3) A person shall not make a parachute descent into water unless—

- (a) the parachute landing area has a clearly defined perimeter; and

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- (b) adequate arrangements have been made to retrieve that person.

34. Ground signal

A person shall not make a parachute descent unless a ground signal, consisting of a white circle with an attached cone pointing into the wind is displayed or a sensitive and conspicuous, calibrated windsock is used.

35. Controlled airspace

A person shall not make a parachute descent in a controlled airspace unless that person—

- (a) obtains an air traffic control clearance; and
- (b) descends in accordance with that clearance.

36. Descents onto manned aerodromes

A person shall not make a parachute descent onto an aerodrome unless that person—

- (a) has prior approval from the owner or operator of the aerodrome;
- (b) obtains clearance from the air traffic control unit at the aerodrome; and
- (c) lands within the parachute landing area.

37. Descents onto unmanned aerodromes

A person shall not make a parachute descent onto an unmanned aerodrome unless that person—

- (a) has prior approval from the owner or operator of the aerodrome;
- (b) observes other aerodrome traffic operating within the parachute descent zone for the purpose of avoiding collision;
- (c) conforms with or avoids the pattern of traffic formed by other aircraft operating within the parachute descent zone at the aerodrome; and
- (d) lands within the parachute landing area.

38. Descents within restricted areas

A person shall not make a parachute descent within a restricted area unless that person has prior approval of the controlling authority specified for that area.

39. Visibility and clearance from cloud

(1) Except as provided in sub-regulation (2), a person shall not make a parachute descent unless that person remains clear of cloud.

(2) A person shall not make a parachute descend through cloud in a controlled airspace unless that person has obtained an air traffic control clearance to do so.

40. Descents from higher altitudes

(1) A person shall not make a parachute descent from an unpressurised aircraft unless—

- (a) when between altitudes of 10,000 feet above mean sea level and 13,000 feet above mean sea level for longer than thirty minutes, use supplementary oxygen until immediately prior to exiting the aircraft; and
- (b) when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level, use supplementary oxygen until immediately prior to exiting the aircraft.

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(2) A person shall not make a parachute descent from a pressurised aircraft when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level unless he uses supplementary oxygen during the period from immediately prior to depressurisation to immediately prior to exiting the aircraft.

(3) A person shall not make a parachute descent from altitudes above 13,000 feet above mean sea level unless he has satisfactorily completed a training course for high altitude descents.

(4) A person shall not make a parachute descent from altitudes above 20,000 feet above mean sea level unless he uses supplementary oxygen from immediately prior to depressurisation, or from immediately after disconnection from any aircraft mounted supplementary oxygen system, until descent below an altitude of 13,000 feet above mean sea level.

41. Parachute operations over or into a congested area or an open-air assembly of persons

A person shall not conduct a parachute jumping operation, and no pilot in command of an aircraft shall allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town, or settlement, or an open-air assembly of persons unless an approval for that parachute jumping operation has been issued under these Regulations.

PART V – PARACHUTE EQUIPMENT AND FACILITIES**42. Parachutes**

(1) A person or tandem pair shall not make a parachute descent unless equipped with a main parachute that complies with the technical standards order of the parachute manufacturer.

(2) A person or tandem pair shall not make a parachute descent unless equipped with a reserve parachute assembly which—

- (a) complies with the technical standards of a parachute organisation; and
- (b) has been inspected, re-packed and certified as airworthy within the previous six months by a parachute rigger in accordance with the technical standards of a parachute organisation.

(3) A tandem rider shall not make a parachute descent unless he wears a harness which—

- (a) complies with the technical standards of a parachute organisation; and
- (b) is properly secured to a marching tandem master harness.

43. Altimeter

A person or tandem pair shall not make a free-fall descent of more than ten seconds unless—

- (a) he is equipped with, and uses a serviceable altimeter of a type suitable for parachuting; and
- (b) prior to take-off, he zeros the altimeter to the parachute landing area height.

44. Automatic activation devices

A person or tandem pair shall not make a parachute descent unless he is equipped with an automatic activation device on the reserve parachute, that has been—

- (a) certified as compatible with the reserve parachute assembly on the parachute assembly packing record by a parachute rigger authorized by the parachute organisation or institution designated by the Authority;

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- (b) calibrated in accordance with the manufacturer's operating instructions;
- (c) set to operate the reserve parachute at a minimum height above the parachute landing area—
 - (i) for an individual parachute descent, 1,000 feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and
 - (ii) for a tandem parachute descent, 2,000 feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;
- (d) inspected by the parachute rigger in accordance with the manufacturer's instructions; and
- (e) check-calibrated within the previous six months.

45. Safety equipment

(1) A person shall not make a parachute descent into water unless he wears suitable floatation equipment capable of supporting his head clear of the water.

(2) A student parachutist shall not make a parachute descent within 1 nautical mile of a water hazard unless he wears suitable floatation equipment capable of supporting his head clear of the water.

(3) A student parachutist shall not make a parachute descent unless he wears a serviceable, rigid, protective helmet of a type approved by the parachute organisation.

(4) A tandem pair shall not make a parachute descent unless equipped with protective head gear approved by the parachute organisation.

PART VI – PARACHUTE MAINTENANCE**46. Facilities and equipment requirements**

A holder of a parachute rigger authorisation shall not exercise the privileges of his authorisation unless he has at least the following facilities and equipment available—

- (a) a smooth surface;
- (b) suitable housing that is adequately lighted and ventilated for drying and airing parachutes;
- (c) enough packing tools and other equipment to pack and maintain the types of parachutes serviced; and
- (d) adequate housing facilities to perform applicable duties and to protect tools and equipment.

47. Airworthiness and safety directives

A person who intends to use a parachute for jumping shall ensure that the parachute complies with—

- (a) applicable airworthiness directives issued by the Authority;
- (b) applicable safety directives issued by the parachute operations certificate holder; and
- (c) mandatory modifications or instructions issued by the manufacturer.

48. Parachute serviceability

(1) A person who finds a parachute assembly to be unserviceable or not airworthy shall have the assembly—

- (a) re-inspected and returned to a serviceable and airworthy condition; or
- (b) withdrawn from service.

(2) A person shall not return to service a parachute assembly that has been marked as unserviceable until it has been re-inspected and returned to serviceable and airworthy condition before use.

49. Modification and repair

A person shall not use a parachute, or harness and container system that has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless it is re-inspected and re-assessed by a parachute rigger in accordance with the technical standards order of the manufacturer.

50. Parachute assembly check

(1) Except as provided by provisions of sub-regulations (2) and (3), a person shall not make a parachute descent unless he has checked the state of serviceability of the parachute assembly by—

- (a) reference to the assembly packing record for the parachute assembly;
- (b) a comprehensive external check;
- (c) checking that all the equipment is properly set to operate;
- (d) ensuring that no item being carried will interfere with the proper functioning of the parachute assembly; and
- (e) ensuring that the seal is not broken or interfered with.

(2) A person authorized by the parachute organisation to directly supervise the descent of a student parachutist shall inspect the equipment being worn by the student in accordance with sub-regulation (1).

(3) A tandem master shall inspect the equipment being worn by a tandem passenger in accordance with sub-regulation (1).

51. Seal

(1) An authorized parachute rigger shall have a seal with an identifying mark and a seal press prescribed by the Authority.

(2) After packing a parachute, the parachute rigger shall seal the pack with the seal referred to sub-regulation (1) in accordance with the manufacturer's recommendation for that type of parachute.

52. Parachute records

(1) An owner of a parachute assembly shall maintain a permanent record which shall be kept in the assembly at all times, in—

- (a) a logbook; or
- (b) a separable log page, approved by the parachute operations certificate holder.

(2) The owner of a parachute assembly referred to in sub-regulation (1) shall make the record available for inspection when required by an authorized officer, inspector or authorized person.

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53. Access for inspection

A holder of a parachute operations certificate shall for the purpose of inspection to determine compliance with applicable regulations and requirements—

- (a) grant the Authority unrestricted access to any of its organisations, facilities and aircraft; and
- (b) ensure that the Authority is granted unrestricted access to any organisation or facilities that it has contracted for services associated with parachute operations and maintenance.

PART VII – GENERAL**54. Possession of the certificate, authorisation, etc.**

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

55. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;
- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub-regulation (3).

56. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

57. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

58. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

59. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

60. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

61. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty-eight days.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

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(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

62. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

63. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

64. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

65. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document,

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including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

66. Application of Regulations to Government and visiting forces etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

67. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VIII – EXEMPTIONS

68. Requirements for application for exemption

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;

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- (d) fax number, if available; and
- (e) e-mail address, if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

69. Substance of the request for exemption

(1) An application for an exemption shall contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 68 (2).

Review, publication and issue or denial of the exemption

70. Initial review by the Authority

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 68 and 69.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in Kenya *Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 68 and 69 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

71. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;

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- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART IX – OFFENCES AND PENALTIES

72. Contravention of Regulations

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

73. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART X – SAVINGS AND TRANSITIONAL PROVISIONS

74. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

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75. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE

[Rule 73.]

PENALTIES**PART A – PROVISIONS REFERRED TO IN SUB-REGULATION (2) OF REGULATION 73**

Regulation

7	Conditions of authorisation.
8	Descent requirements.
9	Aircraft used for parachute jumping.
10	Pilot experience and training requirements.
12 (3)	Visiting foreign parachuting jumpers.
24	Amendment of a parachute operations certificate.
25	Validity of a parachute operations certificate.
26	Parachute operations Manual.
27	Designation of a safety and training personnel.
29	Hazard.
30	Exit from an aircraft.
31	Minimum parachute activation altitude.
32	Parachute drop zone.
33	Parachute landing area.
34	Ground signal.
35	Controlled airspace.
36	Descents onto manned aerodromes.
37	Descents onto unmanned aerodromes.
39	Visibility and clearance from cloud.
40	Descents from higher altitudes.
41	Parachute operations over or into a congested area or an open-air assembly of persons.
42	Parachutes.
43	Altimeter.
44	Automatic activation devices.
45	Safety equipment.
46	Facilities and equipment requirements.

SCHEDULE—*continued*

Regulation

- 48 Parachute serviceability.
- 49 Modification and repair.
- 50 Parachute assembly check.
- 52 Parachute records.
- 53 Access for inspection.
- 54 Possession of the certificate, authorisation, etc.
- 57 Inspection of licences and certificates.
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CIVIL AVIATION (AERIAL WORK) REGULATIONS, 2007

[L.N. 45/2007.]

PART 1 – PRELIMINARY**1. Citation**

These Regulations shall be cited as the Civil Aviation (Aerial Work) Regulations, 2007.

2. Interpretation

In these Regulations unless the context otherwise requires—

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its altitude, an abnormal altitude, or an abnormal variation in speed;

“aerial work” means an aircraft operation in which an aircraft is used for specialised services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement;

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) used or intended to be used either wholly or in part for the arrival, departure and surface movement of an aircraft;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“agricultural air operator certificate” means a certificate authorising an agricultural operator to carry out specified agricultural operations;

“agricultural aircraft operation” means the operation of an aircraft for the purpose of—

- (a) dispensing any economic poison; and
- (b) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, powerplant, or propeller;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“air traffic control” means a service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure, and en route environments;

“air traffic control facility” means a building holding the persons and equipment responsible for providing air traffic control services and includes airport tower, approach control, area control;

“article” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

[Subsidiary]

“Authority” means the Kenya Civil Aviation Authority;

“banner” means an advertising medium supported by a temporary framework attached externally to the aeroplane and towed behind the aeroplane;

“commercial agricultural air operator certificate” means a certificate authorising a person to carry out specified agricultural operations for compensation and hire;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“drug trafficking” means carriage by an aircraft of narcotic drugs, marijuana and other depressant or stimulant drugs or substances;

“economic poison” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plants or animal life or viruses, except viruses on or in living human beings or other animals, which Kenya shall declare to be a pest, and use as a plant regulator, defoliant or desiccant;

“exhibition of flying” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertisement open to the public;

“facility” means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“flight training” means training, other than ground training, received from an authorized instructor in flight in an aircraft;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise, and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft during flight time;

“powerplant” means an engine that is used or intended to be used for propelling aircraft including turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

[Subsidiary]

“private agricultural air operator certificate” means a certificate authorising a person to carry out specified private agricultural operations;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“rotorcraft” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

“rotorcraft load combinations” means configurations for external-loads carried by rotorcraft—

- (a) Class A — external-load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo;
- (b) Class B — external-load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations;
- (c) Class C — external-load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation;
- (d) Class D — external-load suspended from the rotorcraft for the carriage of persons;

“special certificate of airworthiness” means a certificate issued to an aircraft which does not qualify for an issue of a standard certificate of airworthiness;

“standard” means an object, aircraft, tool, test equipment, system, or experiment that stores, embodies, or otherwise provides a physical quantity, which serves as the basis for measurement of the quantity. It also includes a document describing the operations and processes that shall be performed in order for a particular end to be achieved;

“standard certificate of airworthiness” means a certificate of airworthiness issued by the Authority on the basis of satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements;

“State of Design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aircraft component or appliance;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines, and other psychoactive drugs and chemicals; and

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It shall include a core curriculum and a specialty curriculum.

3. Application

These Regulations shall apply to all persons carrying the following operations—

- (a) agricultural operations;
- (b) rotorcraft external-load operations;
- (c) glider and banner towing operations; and

[Subsidiary]

- (d) aircraft operations for game viewing, vehicle traffic and sports, sight-seeing, television and movie, aerial photography and aerial survey.

PART II – AGRICULTURAL AIR OPERATIONS**4. Certificate required**

(1) Except as provided in sub-regulations (2) and (3), a person shall not conduct agricultural air operations without, or in violation of, an agricultural air operator certificate issued under these Regulations.

(2) An operator that complies with this Part when conducting agricultural air operations using a rotorcraft with external dispensing equipment shall not require a rotorcraft external-load operator certificate issued under Part IV of these Regulations, except when dispensing water on forest fires.

(3) Operations to dispense water on forest fires by rotorcraft external-load means shall be conducted only under Part IV of these Regulations.

5. Application for agricultural air operator certificate

An applicant for an agricultural air operator certificate shall complete and submit an application in the prescribed form to the Authority.

6. Amendment of agricultural air operator certificate

(1) An agricultural air operator certificate may be amended by the Authority—

- (a) on the Authority's own initiative; or
- (b) upon application by the holder of that certificate.

(2) A holder of the certificate shall submit an application to amend an agricultural air operator certificate by completing a form prescribed by the Authority.

(3) An applicant for an amendment under this Regulation shall file the application to amend a certificate at least thirty days before the date that it proposes the amendment shall become effective, unless the Authority approves a shorter filing period.

(4) The Authority shall grant a request to amend a certificate if it determines that it is in the interest of flight safety or in public interest.

7. Certification requirement

(1) Except as provided by sub-regulation (2), the Authority may issue—

- (a) a private agricultural air operator certificate to an applicant who meets the requirements of this Part for that certificate;
- (b) a commercial agricultural air operator certificate to an applicant who meets the requirements of this Part for that certificate.

(2) An applicant for an agricultural air operator certificate with a prohibition against the dispensing of economic poisons is not required to demonstrate knowledge specific to economic poisons.

(3) A private agricultural air operator certificate applicant shall—

- (a) be a holder of a current Kenya private pilot licence, commercial pilot licence, or airline transport pilot licence;
- (b) be properly rated for the aircraft to be used; and
- (c) not conduct operations for hire or reward.

(4) A commercial agricultural air operator certificate applicant shall—

- (a) have available the services of at least one pilot who holds a current commercial pilot licence or airline transport pilot licence issued by the Authority and who is properly rated for the aircraft to be used; and
- (b) possess an air service licence issued under the Civil Aviation (Licencing of Air Services) Regulations.

(5) The applicant for a private or commercial agricultural air operator certificate shall have one or more certified and airworthy aircraft, equipped for agricultural operation.

(6) An applicant for an agricultural air operator certificate shall show that he has satisfactory knowledge and skill of the following agricultural aircraft operations:

- (a) Knowledge of—
 - (i) steps to be taken before starting operations, including a survey of the area to be worked;
 - (ii) safe handling of economic poisons and the proper disposal of used containers for those poisons;
 - (iii) the general effects of economic poisons and agricultural chemicals on plants, animals, and persons, and the precautions to be observed in using poisons and chemicals;
 - (iv) primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centres;
 - (v) performance capabilities and operating limitations of the aircraft to be used; and
 - (vi) safe flight and application procedures; and
- (b) skill in the following manoeuvres, demonstrated at the aircraft's maximum certified take-off mass, or the maximum mass established for the special purpose load, whichever is greater—
 - (i) short-field and soft-field take-offs (aeroplanes and gyroplanes only);
 - (ii) approaches to the working area;
 - (iii) flare-outs;
 - (iv) swath runs;
 - (v) pullups and turnarounds; and
 - (vi) rapid deceleration (quick stops) in helicopters only.

8. Validity and renewal of agricultural air operator certificate

(1) An agricultural air operator certificate issued under regulation 7 shall be valid for twelve months from the date of issue or renewal, unless—

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (c) the agricultural air operator certificate holder surrenders it to the Authority; or
- (d) the agricultural air operator certificate holder suspends operations for more than one hundred eighty continuous days.

(2) The holder of an agricultural air operator certificate that is suspended or revoked shall return it to the Authority.

[Subsidiary]

(3) An application for renewal of an agricultural air operator certificate shall be made in a form prescribed by the Authority at least sixty days before the certificate expires.

(4) Where the request for renewal is made after the expiry of an agricultural air operator certificate, the applicant shall make an initial application.

9. Drug trafficking

Where the holder of a certificate issued under these Regulations permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of any laws of Kenya pertaining to drug trafficking, the Authority shall suspend or revoke the certificate.

*Operating Rules***10. General**

(1) Except as provided in sub-regulation (3), this Part shall apply to persons and aircraft used in agricultural aircraft operations conducted under these Regulations.

(2) The holder of an agricultural air operator certificate may deviate from the provisions of the Civil Aviation (Air Operator Certification and Administration) Regulations and the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations without obtaining an exemption when conducting aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating provisions of this Part.

(3) A holder of a commercial pilot licence engaged by an agricultural air operator certificate need not hold a valid instrument rating while conducting aerial work operations related to agriculture, horticulture or forest preservation.

11. Carrying and display of certificates

(1) A person shall not operate an agricultural aircraft unless that person carries the following documents on board that aircraft—

- (a) a copy of agricultural air operator certificate certified by the Authority;
- (b) a certificate of registration; and
- (c) a certificate of airworthiness.

(2) A holder of an agricultural air operator certificate shall display the certificate at the home base of operations, to the public at all times and shall present it for inspection on the request of the Authority or any person authorized by the Authority.

(3) Where the documents specified in sub-regulation (1) are not carried on the aircraft, they shall be kept available for inspection at the base from which the dispensing operation is conducted.

12. Limitations on private agricultural aircraft operator

A holder of a private agricultural air operator certificate shall not conduct an agricultural air operation—

- (a) for compensation or hire;
- (b) over a congested area; or
- (c) over any property unless the holder is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

13. Manner of dispensing

A person shall not dispense, or cause to be dispensed, any material or substance in a manner that creates a hazard to persons or property on the surface.

14. Economic poison dispensing

(1) Except as provided in sub-regulation (2), a person shall not dispense or cause to be dispensed from an aircraft that is registered in Kenya, any economic poison prescribed under the Pest Control Products Act (Cap. 346)—

- (a) for a use other than that for which it is registered;
- (b) contrary to any safety instructions or use limitations on its label; or
- (c) in violation of any laws of Kenya.

(2) This Regulation shall not apply to any person dispensing economic poisons for experimental purposes under—

- (a) the supervision of an agency authorized by law to conduct research in the field of economic poisons; or
- (b) other relevant authority.

15. Personnel of agricultural air operator

(1) A holder of an agricultural air operator certificate shall ensure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities for the operation.

(2) A person shall not supervise an agricultural air operation unless the person has met the knowledge and skill requirements specified in these Regulations.

(3) A person shall not act as a pilot-in-command of an aircraft operated under these Regulations unless that person—

- (a) holds a pilot licence and rating specified in regulation 17 as appropriate to the type of operation conducted; and
- (b) has demonstrated to the holder of the agricultural air operator certificate conducting the operation, or to a supervisor designated by that certificate holder, that he possesses the knowledge and skill required by these Regulations.

16. Fastening of safety belts and harnesses

(1) A person shall not operate an aircraft without a safety belt and shoulder harness properly secured about that person.

(2) The shoulder harness required under sub-regulation (1) need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

17. Operations in controlled airspace designated for an airport

(1) Except for flights to and from a dispensing area, a person shall not operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless that person has obtained written authorisation for that operation from the air traffic control facility having jurisdiction over that area.

(2) A person shall not operate an aircraft in weather conditions below visual flight rules minima within the lateral boundaries of a Class E airspace area that extends upward from the surface unless that person has obtained written authorisation for that operation from the air traffic control facility having jurisdiction over that area.

[Subsidiary]**18. Non observance of airport traffic pattern**

(1) The pilot-in-command of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned.

(2) At an airport without a functioning control tower, the pilot-in-command may deviate from the traffic pattern if—

- (a) prior co-ordination is made with the airport management concerned;
- (b) deviations are limited to the agricultural aircraft operation;
- (c) except in an emergency, landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use; and
- (d) the aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the airport.

19. Operation over areas other than congested areas

Notwithstanding the requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, the holder of a certificate may conduct dispensing operations, including approaches, departures and turnarounds reasonably necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

20. Operation over congested areas – general

(1) A person shall operate an aircraft over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation if that operation is conducted—

- (a) with the maximum safety to persons and property on the surface, consistent with the operation; and
- (b) in accordance with the requirements of sub-regulation (2).

(2) A person shall not operate an aircraft over a congested area unless that person—

- (a) has obtained prior written approval from the Authority and other relevant authorities having jurisdiction over that area;
- (b) has issued notice of the intended operation to the public as specified by the Authority.

(3) A plan for each complete operation shall be submitted to, and approved by, the Authority which plan shall include consideration of obstructions to flight, the emergency landing capabilities of the aircraft to be used, and any necessary co-ordination with air traffic control.

(4) A person operating a single engine aircraft shall not—

- (a) except for helicopters, take-off a loaded aircraft, or make a turnaround over a congested area;
- (b) operate the aircraft over a congested area below the altitudes prescribed in the Civil Aviation (Rules of the Air and air Traffic Control) Regulations except during the actual dispensing operation, including the approaches and departures necessary for that operation; or
- (c) operate the aircraft over a congested area during the actual dispensing operation, including the approaches and departures for that operation, unless it is operated in a pattern and at such an altitude that the aircraft can land, in an emergency, without endangering persons or property on the surface.

(5) A person operating a multi-engine aircraft shall not—

- (a) take-off a multi-engine aircraft over a congested area except under conditions that will allow the aircraft to be brought to a safe stop within the effective length of the runway from any point on take-off up to the time of attaining, with all engines operating at normal take-off power, one hundred and five percent of the minimum control speed with the critical engine inoperative in the take-off configuration or one hundred and fifteen percent of the power-off stall speed in the takeoff configuration, whichever is greater, as shown by the accelerate stop distance data:

Provided that the take-off data is based upon still-air conditions, and no correction is made for any uphill gradient of one percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length and for uphill gradients greater than one percent, the effective take-off length of the runway is reduced twenty percent for each one percent grade;

- (b) operate the multi-engine aircraft at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction with the area to be worked on or at an altitude of 5,000 feet, whichever is higher, provided that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favourable positions; and that the remaining engine or engines are operating at the maximum continuous power available; or
- (c) operate the multi-engine aircraft over a congested area below the altitudes prescribed in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, except during the actual dispensing operation, including the approaches, departures and turnarounds necessary for that operation.

21. Operation over congested areas – pilots and aircraft

A person shall not operate an aircraft over a congested area unless—

- (a) the pilot-in-command of the aircraft has at least—
 - (i) twenty-five hours of pilot-in-command flight time in the make and basic model of the aircraft, at least ten hours of which shall have been acquired within the preceding twelve calendar months; and
 - (ii) one hundred hours of flight experience as pilot-in-command in dispensing agricultural materials or chemicals;
- (b) the aircraft, if it is—
 - (i) an aircraft not specified in this paragraph, has had within the preceding one hundred hours of time in service a one hundred hour or annual inspection by a person authorized by the Authority under the requirements of the Civil Aviation (Airworthiness) Regulations or have been inspected under a progressive inspection system;
 - (ii) a large or turbine-powered multi-engine aircraft of Kenyan registry, and has been inspected in accordance with the applicable inspection programme requirements of Civil Aviation (Airworthiness) Regulations;
 - (iii) not a helicopter, and is equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds; and

[Subsidiary]

- (iv) equipped with a device for releasing the tank or hopper as a unit, and has the means to prevent inadvertent release by the pilot or other crew member.

22. Business name for commercial agricultural aircraft operator

A person shall not operate as a commercial agricultural air operator under a business name that is not shown on that person's agricultural air operator certificate.

23. Access for inspection

A holder of an agricultural air operator certificate shall allow the Authority at any time and place to carry out inspections, including on the job inspections, to determine compliance with applicable regulations and the agricultural air operator certificate requirements.

24. Records of commercial agricultural aircraft operator

(1) A holder of a commercial agricultural air operator certificate shall maintain and keep current, at the home base designated in its application, the following records:

- (a) the name and address of each person for whom agricultural air operator services were provided;
- (b) the date of the service;
- (c) the name and quantity of the material dispensed for each operation conducted; and
- (d) the name, address, and certificate number of each pilot used in the agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of this Regulation.

(2) The records specified by this Regulation shall be kept for at least twenty-four months and made available for inspection by the Authority upon request.

PART III – ROTORCRAFT EXTERNAL-LOAD OPERATIONS**25. Application**

This Part shall not apply to—

- (a) a rotorcraft manufacturer when developing external-load attaching means;
- (b) a rotorcraft manufacturer demonstrating compliance of equipment utilised under this Part;
- (c) operations conducted by a person demonstrating compliance for the issuance of a certificate or authorisation under this Part;
- (d) training flights conducted in preparation for the demonstration of compliance with this Part; or
- (e) a local or national Government conducting operations with State aircraft.

26. Certification

(1) A person shall not conduct rotorcraft external-load operations within Kenya without, or in violation of the terms of, a rotorcraft external-load operator certificate issued by the Authority.

(2) A person holding a rotorcraft external-load operator certificate shall not conduct rotorcraft external-load operation under a business name that is not shown on that certificate.

27. Validity and renewal of a rotorcraft external-load operator certificate

(1) A rotorcraft external-load operator certificate shall be valid for a period of twelve months from the date of issue or renewal unless it is otherwise surrendered, suspended or revoked.

(2) The holder of a rotorcraft external-load operator certificate that is suspended or revoked shall return it to the Authority within fourteen days of the suspension or revocation.

(3) An application for renewal of a rotorcraft external-load operator certificate shall be made on a form prescribed by the Authority not later than sixty days before the certificate expires.

(4) An applicant for a rotorcraft external-load operator certificate which has expired shall make an initial application.

28. Application for certificate issuance or renewal

An application for the issuance or renewal of a certificate under these Regulations shall be made in a form prescribed by the Authority.

29. Issuance of a rotorcraft external-load operator certificate

The Authority shall issue a rotorcraft external-load operator certificate to an applicant who complies with the requirements of this Part, with an authorisation for the applicant to operate specified rotorcraft with those classes of rotorcraft load combinations for which the applicant qualifies.

30. Rotorcraft

(1) An applicant for a rotorcraft external-load operator certificate shall have the exclusive use of at least one rotorcraft that—

- (a) is type certificated and meets the requirements of these Regulations;
- (b) complies with the certification provisions that apply to external-load combinations for which authorisation is requested; and
- (c) has a valid certificate of airworthiness.

(2) For the purposes of sub-regulation (1), a person has exclusive use of a rotorcraft if that person has the sole possession, control, and use of it for flight, as owner, or has a written agreement, including arrangements for the performance of required maintenance, giving him that possession, control and use.

31. Personnel of rotorcraft external-load operator

(1) An applicant for a rotorcraft external-load operator certificate shall—

- (a) hold, or have available the services of at least one person who holds a current commercial pilot licence or airline transport pilot licence, with a rating appropriate for the rotorcraft to be used, issued by the Authority;
- (b) designate one pilot, who may be the applicant, as chief pilot for rotorcraft external-load operations; and
- (c) designate a qualified pilot as deputy chief pilot to perform the functions of the chief pilot when the chief pilot is not readily available.

(2) The chief pilot and deputy chief pilot designated under sub-regulation (1) shall be acceptable to the Authority and each shall hold a current commercial pilot licence or airline transport pilot licence, with a rating appropriate for the rotorcraft to be used.

[Subsidiary]

(3) The holder of a rotorcraft external-load operator certificate shall report any change in designation of chief pilot or deputy chief pilot to the Authority.

(4) A newly designated chief pilot shall comply with the knowledge and skill requirements of this Part within thirty days, or the operator shall not conduct further operations under the rotorcraft external-load operator certificate, unless otherwise authorized by the Authority.

32. Knowledge and skills of applicant

(1) Except as provided in sub-regulation (4), the applicant for a certificate or the chief pilot designated in accordance with regulation 31(1) shall demonstrate to the Authority satisfactory knowledge and skill regarding rotorcraft external-load operations as set out in sub-regulations (2) and (3).

(2) An applicant or a chief pilot referred to in sub-regulation (1) shall take a test of knowledge covering the following subjects—

- (i) steps to be taken before starting operation, including a survey of the flight area;
- (ii) proper method of loading, rigging, or attaching the external-load;
- (iii) performance capabilities, under approved operating procedures and limitations, of the rotorcraft to be used;
- (iv) proper instructions of flight crew and ground workers; and
- (v) appropriate rotorcraft load combination flight manual.

(3) An applicant is a chief pilot referred to in sub-regulation (1), shall take a skill test which requires appropriate manoeuvres for each class requested, and the following appropriate manoeuvres to demonstrate each load class in the rotorcraft—

- (a) take-offs and landings;
- (b) demonstration of directional control while hovering;
- (c) acceleration from a hover;
- (d) flight at operational airspeeds;
- (e) approaches to landing or working area;
- (f) manoeuvring the external-load into the release position; and
- (g) demonstration of which operation if it is installed to hoist the external-load.

(4) Compliance with sub-regulations (2) and (3) need not be shown if the Authority finds, on the basis of the applicant's or his designated chief pilot's previous experience and safety record in rotorcraft external-load operations, that his knowledge and skill are adequate.

33. Amendment of rotorcraft external-load certificate

(1) A holder of a rotorcraft external-load certificate may apply to the Authority for an amendment of the certificate, to add or delete a rotorcraft load combination authorisation.

(2) The holder of a rotorcraft external-load certificate may apply for an amendment to add or delete a rotorcraft authorisation by submitting to the Authority a new list of rotorcraft, by national and registration marks, with the classes of rotorcraft load combinations for which authorisation is requested.

34. Availability, display, and surrender of certificate

(1) A holder of a rotorcraft external-load operator certificate shall display and keep that certificate and a list of authorized rotorcraft at the home base of operations and shall make it available for inspection by the Authority upon request.

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(2) A person conducting a rotorcraft external-load operation shall carry a copy of the rotorcraft external-load operator certificate certified by the Authority in each rotorcraft used in the operation.

(3) Where the Authority suspends or revokes a rotorcraft external-load operator certificate, the holder of that certificate shall return it to the Authority within fourteen days of the suspension or revocation.

(4) Where the certificate holder, for any other reason, discontinues operations under his certificate and does not resume operations within six months, the certificate holder shall return the certificate to the Authority.

*Operating Regulations and Related Requirements***35. Emergency operations**

(1) In an emergency involving the safety of persons or property, a certificate holder of a certificate issued under these Regulations, may deviate from the provisions of these Regulations to the extent required to meet that emergency.

(2) A certificate holder who, in an emergency deviates from the requirements of these Regulations, shall notify the Authority within ten days after the deviation.

(3) Upon the request of the Authority, the certificate holder who deviated from the requirement of these Regulations shall provide the Authority with a complete report of the aircraft operation involved including a description of the deviation and reasons for it.

36. Operating rules for rotorcraft external-load operations

(1) A person shall not conduct a rotorcraft external-load operation without, or contrary to, the rotorcraft external-load combination operating manual prescribed in regulation 43.

(2) A person shall not conduct a rotorcraft external-load operation unless—

- (a) the rotorcraft complies with the provisions of regulation 30; and
- (b) the rotorcraft load combination is authorized under the rotorcraft external-load operator certificate.

(3) Before a person operates a rotorcraft with an external-load configuration that differs substantially from any that person has previously carried with that type of rotorcraft, whether or not the rotorcraft load combination is of the same class, that person shall conduct, in a manner that shall not endanger persons or property on the surface, such of the following flight operational checks as the Authority determines are appropriate to the rotorcraft load combination:

- (a) A determination that the weight of the rotorcraft load combination and the location of its centre of gravity are within approved limits, that the external-load is securely fastened, and that the external-load does not interfere with devices provided for its emergency release;
- (b) make an initial lift-off and verify that controllability is satisfactory;
- (c) while hovering, verify that directional control is adequate;
- (d) accelerate into forward flight to verify that no altitude, whether of the rotorcraft or of the external-load, is encountered in which the rotorcraft is uncontrollable or which is otherwise hazardous;
- (e) in forward flight, check for hazardous oscillations of the external-load, but if the external-load is not visible to the pilot, other crew members or ground personnel shall make this check and signal the pilot; and

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- (f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Notwithstanding the provisions of the Civil Aviation (Operation of Aircraft) Regulations, the holder of a rotorcraft external-load operator certificate may conduct rotorcraft external-load operations over congested areas if those operations are conducted without hazard to persons or property on the surface and comply with the following:

- (a) the operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority;
- (b) the plan shall include an agreement with the relevant authority in whose jurisdiction the operation shall be conducted, co-ordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes; and
- (c) a flight shall be conducted at an altitude and on a route that shall allow a jettisonable external-load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the Civil Aviation (Operation of Aircraft) Regulations, and except as provided in regulation 42(2), the holder of a rotorcraft external-load operator certificate may conduct external-load operations, including approaches, departures, and load positioning manoeuvres necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(6) A person shall not conduct rotorcraft external-load operations under instrument flight rules unless specifically approved by the Authority.

(7) A person shall not carry a person as part of the external-load under instrument flight rules.

37. Carriage of persons

(1) A holder of a rotorcraft external-load certificate shall not carry or allow a person to be carried on the rotorcraft during rotorcraft external-load operations unless that person—

- (a) is a flight crew member;
- (b) is a flight crew member trainee;
- (c) performs an essential function in connection with the external-load operation; or
- (d) is necessary to accomplish the work activity directly associated with that operation.

(2) The pilot-in-command shall ensure that all persons carried in the rotorcraft are briefed before take-off on all procedures to be followed, including normal, abnormal and emergency procedures, and the equipment to be used during the external-load operation.

(3) For the purpose of this Part, a person other than a crew member or a person who is essential and directly connected with the external-load operation shall be carried only in approved Class D rotorcraft load combinations.

38. Crew member training, currency, and testing requirements

(1) A holder of a rotorcraft external-load certificate shall not use, nor shall any person serve, as a pilot in helicopter external-load operations unless that person—

- (a) has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft load combination in accordance with regulation 32; and

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- (b) has in their personal possession, a certificate of competency issued by the operator or an appropriate log-book entry indicating compliance with paragraph (a).

(2) A rotorcraft external-load operator certificate holder shall not use, nor shall any person serve as, a crew member or other operations personnel in Class D operations unless, within the preceding twelve months, that person has successfully completed either an approved initial or a recurrent training programme.

(3) Notwithstanding the provision of sub-regulation (2), a person who has performed a rotorcraft external-load operation of the same class and in an aircraft of the same type within the past twelve calendar months need not undergo recurrent training.

39. Access for inspection

A person conducting an operation in accordance with the provisions of this Part shall give the inspectors from the Authority free and uninterrupted access to that person's aircraft and allied facilities with regard to the external-load operations in order for the inspectors to conduct any inspections or tests that the Authority considers necessary to determine compliance with these Regulations and the rotorcraft external-load operator certificate.

Airworthiness Requirements

40. Flight characteristics requirements

(1) An applicant for a certificate under this Part shall demonstrate to the Authority, by performing the following operational flight checks, that the rotorcraft load combination has satisfactory flight characteristics, unless these operational flight checks have been demonstrated previously and the rotorcraft load combination flight characteristics were satisfactory—

- (a) for Class A rotorcraft load combinations, an operational flight check which shall consist of at least the following manoeuvres—
 - (i) take-off and landing;
 - (ii) demonstration of adequate directional control while hovering;
 - (iii) acceleration from a hover; and
 - (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;
- (b) for Class B and D rotorcraft load combinations, the operational flight check which shall consist of at least the following manoeuvres—
 - (i) pick-up of the external load;
 - (ii) demonstration of adequate directional control while hovering;
 - (iii) acceleration from a hover;
 - (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;
 - (v) demonstrating appropriate lifting device operation; and
 - (vi) manoeuvring of the external-load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the rotorcraft;
- (c) for Class C rotorcraft load combinations used in wirestringing, cable-laying, or similar operations, an operational flight check which shall consist of the manoeuvres, as applicable, prescribed in paragraph (b).

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(2) For the purposes of this demonstration, the external-load weight, including the external-load attaching means, is the maximum weight for which authorisation is requested.

41. Structures and design

(1) An external-load attaching means and a quick release device means of a rotorcraft shall be approved by the Authority.

(2) The total weight of the rotorcraft load combination shall not exceed the total weight approved for the rotorcraft during its type certification.

(3) The location of the centre of gravity shall, for all loading conditions, be within the range established for the rotorcraft during its type certification.

(4) For Class C rotorcraft load combinations, the magnitude and direction of the loading force shall be established at those values for which the effective location of the centre of gravity remains within its established range.

42. Operating limitations

(1) In addition to the operating limitations set out in the approved Rotorcraft Load Combination Operating Manual and to any other limitations that the Authority may prescribe, the operator shall establish at least the following limitations and specify them in the Rotorcraft Load Combination Operating Manual in which case the limitations for rotorcraft load combination operations shall—

- (a) be operated only within the weight and centre of gravity limitations established in accordance with this Part;
- (b) not be operated with an external-load weight exceeding that used in showing compliance with this Part; and
- (c) not be operated at airspeeds greater than those established in accordance with these Regulations.

(2) A person shall not conduct an external-load operation under these Regulations with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway, or near a busy airport where commercial air transport operations are conducted.

(3) The rotorcraft load combination of Class D may be conducted only in accordance with the following conditions:

- (a) The rotorcraft to be used shall have been type-certificated under transport Category and provide hover capability with one engine inoperative at that operating weight and altitude;
- (b) the rotorcraft shall be equipped to allow direct radio intercommunication among required crew members;
- (c) the personnel lifting device shall be approved by the Authority; and
- (d) the lifting device shall have an emergency release requiring two distinct actions.

43. Rotorcraft load combination operating manual

(1) An applicant for a rotorcraft external-load operator certificate shall prepare a rotorcraft load combination operating manual and submit it to the Authority for approval.

(2) The manual referred to in sub-regulation (1) shall specify—

- (a) operating limitations, normal and emergency procedures, performance, and other information required under this Part;

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- (b) the class of rotorcraft load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this Part; and
- (c) in the information section of the rotorcraft load combination operating manual—
 - (i) information on any peculiarities discovered when operating particular rotorcraft load combinations;
 - (ii) precautionary advice regarding static electricity discharges for Class B, Class C and Class D rotorcraft load combinations; and
 - (iii) any other information essential for safe operation with external-loads.

(3) The limiting height speed envelope data need not be listed in the rotorcraft load combination flight manual.

44. Markings and placards

(1) The markings and placards of a rotorcraft shall be displayed conspicuously on the rotorcraft and shall be such that they cannot be easily erased, disfigured or obscured.

(2) The placard displayed in the cockpit or cabin shall state the class of rotorcraft load combination and the occupancy limitation for which the rotorcraft has been approved.

(3) The placard, marking, or instruction displayed next to the external-load attaching means shall state the maximum external-load approved.

PART IV – GLIDER TOWING, PICKING UP AND RAISING OF PERSONS AND ARTICLES

45. Towing of gliders

(1) A person operating an aircraft in flight shall not tow a glider unless the certificate of airworthiness of the aircraft is valid and includes an express provision that the aircraft may be used for towing a glider of that particular type.

(2) A person operating an aircraft shall not tow a glider unless the pilot-in-command of the towing aircraft is qualified under this Part.

(3) A person shall not operate an aircraft that is towing a glider unless the aircraft is equipped with a tow hook and release control system that meets the applicable standards of airworthiness.

(4) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(5) A pilot-in-command of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off that—

- (a) the towline is in good condition and meets the requirements specified in this Regulation;
- (b) the combination of the towing aircraft and glider is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;
- (c) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take-off safely; and
- (d) emergency signals have been agreed between the pilot-in-command of the towing aircraft and the pilot-in-command of the glider to be used, respectively, by the pilot-in-command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot-in-command of the glider to indicate that the tow cannot be released.

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(6) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes-off.

(7) A person operating an aircraft in flight shall not tow a glider except in accordance with such conditions and requirements as the Authority may specify.

(8) A pilot-in-command of an aircraft shall satisfy himself that—

- (a) the towing aircraft is equipped with a tow hitch of a kind, and installed in a manner that is approved by the Authority;
- (b) the towline used has breaking strength of not less than eighty percent of the maximum certificated operating weight of the glider and not more than twice this operating weight, however, the towline used shall have a breaking strength more than twice the maximum certificated operating weight of the glider if—
 - (i) a safety link is installed at the point of attachment of the towline to the glider with a breaking strength of not less than eighty percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight;
 - (ii) a safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than twenty five percent greater than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider;
- (c) before conducting any towing operation within the lateral boundaries of the surface areas of Class B, C, D, or E airspace designated for an airport, or before making each towing flight within such controlled airspace if required by air traffic control, the pilot-in-command notifies the control tower;
- (d) if a control tower does not exist, the pilot-in-command shall notify the Authority before conducting any towing operations; and
- (e) the pilots of the towing aircraft and the glider have agreed upon a general course of action, including takeoff and release signals, airspeeds, and emergency procedures for each pilot.

(9) A pilot of an aircraft shall not intentionally release a towline, after release of a glider, in a manner that endangers the life or property of other persons.

46. Glider towing – experience and training requirements

(1) A person shall not act as a pilot-in-command of an aircraft towing a glider unless that person—

- (a) holds at least a private pilot licence with a category rating for powered aircraft and has logged at least one hundred hours of pilot-in-command time in the same aircraft category, class, and type the pilot is using to tow a glider;
- (b) has a log-book endorsement from an authorized instructor who certifies that the person received ground and flight training in towing gliders and is proficient in—
 - (i) the techniques and procedures essential to the safe towing of gliders, including airspeed limitations;
 - (ii) emergency procedures;
 - (iii) signals used; and
 - (iv) maximum angles of bank;

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- (c) has logged at least three flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider-towing flight procedures while accompanied by a pilot who meets the requirements of this Regulation;
- (d) has received a log-book endorsement from the pilot, specified in paragraph (c), certifying that the person has accomplished at least three flights in an aircraft while towing a glider, or while simulating glider-towing flight procedures; and
- (e) within the preceding twelve months has—
 - (i) made at least three actual or simulated glider tows while accompanied by a qualified pilot who meets the requirements of this Part; or
 - (ii) made at least three flights as pilot-in-command of an aircraft towing a glider.

(2) The pilot, specified in sub-regulation (1)(d), who endorses the log-book of a person seeking glider-towing privileges shall have—

- (a) met the requirements of this Regulation prior to endorsing the log-book of the person seeking glider-towing privileges; and
- (b) logged at least ten flights as pilot-in-command of an aircraft while towing a glider.

(3) If the pilot described in sub-regulation (1)(d) holds only a private pilot licence, that pilot shall have—

- (a) logged at least one hundred hours of pilot-in-command time in aeroplanes, or two hundred hours of pilot-in-command time in a combination of powered and other than powered aircraft; and
- (b) performed and logged at least three flights within the twelve calendar months preceding the month that pilot accompanies or endorses the log-book of a person seeking glider-towing privileges—
 - (i) in an aircraft towing a glider accompanied by another pilot who meets the requirements of this Regulation; or
 - (ii) as pilot-in-command of an aircraft towing a glider.

47. Towing, picking up and raising of persons, animals and articles

(1) A person operating an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider or banner, tow or pick up, or raise any person, animal or article, unless the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.

(2) A person operating an aircraft shall not launch or pick up towlines, banners or similar articles other than at an aerodrome.

(3) A person shall not operate an aircraft in flight to tow any article, other than a glider, at night or when flight visibility is less than one mile.

(4) The length of the combination of towing aircraft, towline and article in a tow shall not exceed 150 metres.

(5) A person flying a helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(6) Nothing in this Regulation shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, or any instrument which is being used for experimental purposes;

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- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the provisions of the special flight permit issued under the Civil Aviation (Airworthiness) Regulations; or
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with this Part.

48. Dropping of articles and animals

(1) A person shall not drop or permit to be dropped an article or animal, whether or not attached to a parachute, from an aircraft in flight so as to endanger persons or property.

(2) Sub-regulation (1) shall not apply to the dropping of an article by, or with the authority of the pilot-in-command of the aircraft in any of the following circumstances, provided that the pilot seeks to avoid endangering persons or property:

- (a) the dropping of an article for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of an article solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (e) the dropping at an aerodrome, in accordance with prescribed regulations of tow ropes, banners, or similar article towed by aircraft;
- (f) the dropping of an article for the purpose of agriculture, horticulture, forestry or public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the article is dropped with the permission of the Authority and in accordance with any condition subject to which that permission may have been given; and
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this Regulation “**dropping**” includes projecting and lowering.

(4) Nothing in this Regulation shall prohibit the lowering of any animal or article from a helicopter to the surface, if the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.

49. Dropping of persons

(1) A person shall not drop, be dropped or permit to drop to the surface or jump from an aircraft flying over Kenya except under and in accordance with the terms of a written authorisation granted by the Authority under the Civil Aviation (Personnel Licensing) Regulations which written authorisation shall specify its duration.

(2) Notwithstanding the grant of an authorisation under sub-regulation (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) A person shall not operate or use an aircraft for the purpose of dropping persons unless the aircraft has a certificate of airworthiness and an authorisation granted for that purpose.

(4) Nothing in this Regulation shall—

- (a) apply to the descent of persons by parachute from an aircraft in an emergency;
- (b) prohibit the lowering of any person in an emergency or for the purpose of saving life; or
- (c) prohibit the lowering of any person from a helicopter to the surface if the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.

PART V – BANNER TOWING

50. Authorisation required for banner towing operations

(1) Except as provided in sub-regulation (2), a person shall not conduct banner towing operations with an aircraft except in accordance with the terms of an authorisation issued by the Authority.

(2) A helicopter operating under the provisions of external-load operations may tow a banner using an external-load attaching means without an authorisation only if the operator has a Class B authorisation on the operating certificate.

51. Aircraft requirements for banner towing operations

(1) A person shall not operate an aircraft that is towing a banner unless the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness.

(2) A person shall not operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter's tail rotor during all phases of flight, including auto-rotations.

52. Experience and training requirements for banner towing operations

(1) The pilot of the tow aircraft that is not operating for hire or compensation shall hold at least a valid private pilot licence and have a minimum of two hundred hours of pilot-in-command time.

(2) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a valid commercial pilot licence.

(3) A pilot engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.

(4) The demonstration referred to in sub-regulation (3) shall be observed from the ground to allow an inspector from the Authority to evaluate the competence of any essential ground personnel as well as the flight operation.

53. Operating rules for banner towing operations

(1) All banner towing operations shall be conducted only—

- (a) in visual flight rules weather conditions; and
- (b) between the hours of official sunrise and sunset.

(2) A person shall not conduct banner towing operations—

- (a) over congested areas or open air assemblies of persons at whichever of the following heights is higher—
 - (i) at a height below 1,000 feet above the highest fixed object within 600 metres of the aircraft;

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- (ii) below such a height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit;
 - (b) elsewhere not below such height as would enable the aircraft to alight clear of the assembly in the event of the failure of a power unit.
- (3) A holder of an authorisation carrying out a banner tow operation shall be required to obtain a written approval of the authority managing the airport to conduct the operation.
- (4) If a banner towing operation takes place at an airport with air traffic control, the holder of an authorisation shall inform the air traffic control of the time of the operation and obtain clearance.
- (5) The holder of an authorisation shall notify the appropriate airport officials in advance when a banner tow operation shall be in close proximity to an unmanned airport.
- (6) Only essential crew members shall be carried when conducting a banner tow operation.
- (7) When a banner tow operation is conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner or tow rope, the banner or tow rope shall not cause undue hazard to persons or property on the surface.
- (8) A pilot conducting a banner operation shall drop the tow rope in a pre-designated area at least 500 feet from persons, buildings, parked automobiles, and aircraft.
- (9) If a tow aeroplane lands with the rope attached, due care shall be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.
- (10) A pilot conducting a banner towing operation shall carry on board the aircraft a current copy of the authorisation allowing the banner towing operation.
- (11) A pilot conducting a banner towing operation shall ensure co-ordination of banner times with other aviation operations at all times and such co-ordination shall include—
- (a) communications—
 - (i) air to air;
 - (ii) air to ground; and
 - (iii) co-ordination with air traffic control;
 - (b) traffic flow: identification and depiction of traffic patterns for the pilots concerned; and
 - (c) airworthiness inspections: all aircraft conducting banner towing operations shall prior to the event undergo an airworthiness safety inspection.

PART VI – TELEVISION, MOVIE OPERATIONS, AERIAL PHOTOGRAPHY AND AERIAL SURVEY

54. Authorisation required for television, etc., operations

(1) A person shall not conduct operations involving movie filming, appearance in flight in movies, airborne direction or production of such filming, aerial photography or aerial survey when those operations are conducted as part of a business enterprise or for compensation or hire unless that person satisfies the requirements of these Regulations.

(2) A person who wishes to carry out the operations referred to in sub-regulation (1) shall apply to the Authority for authorisation at least thirty days before the date of the intended operation.

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(3) For purposes of this Regulation, “movie” includes film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.

55. Aircraft requirements for television, etc., operations

A person shall not use an aircraft in a motion picture, television filming, aerial photography or aerial survey operations, unless that aircraft has an airworthiness certificate in the aerial work category or a special certificate of airworthiness issued for the purpose of exhibition.

56. Experience and training requirements for television, etc., operations

(1) A pilot shall not conduct television, movie, aerial photography or aerial survey operations unless the pilot has—

- (a) a commercial pilot's licence with type ratings for the aircraft to be used;
- (b) at least five hundred hours as pilot-in-command;
- (c) a minimum of one hundred hours in the category and class of the aircraft to be used; and
- (d) a minimum of five hours in the make and model of the aircraft to be used.

(2) If a pilot for television, movie, aerial photography or aerial survey operations intends to perform acrobatic flights below 1,500 feet above ground level, he shall furnish the Authority with proof of competence to perform the acrobatic manoeuvres in the aircraft to be used.

57. Special authorisation requirements

(1) A person who wishes to conduct operations specified under regulation 55 shall apply for a special authorisation if filming sequences require an aircraft to be flown—

- (a) in acrobatic flight below 1,500 feet above ground level;
- (b) over a congested area; or
- (c) in controlled airspace.

(2) The holder of the special authorisation issued under this Regulation shall provide a schedule of events that lists the—

- (a) identification of the aircraft; and
- (b) performers in the sequence of their appearance.

(3) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.

(4) A holder of a special authorisation shall develop and comply with the requirements of a motion picture, television, aerial photography or aerial survey flight operations manual which shall be approved by the Authority.

58. Contents of a flight operations manual

A motion picture, television or aerial photography and survey flight operations manual shall contain at least the following—

- (a) business name, address, and telephone number of applicant;
- (b) list of pilots to be used during the filming, aerial photography and survey including their pilot licence numbers, type of licence and date of medical certificate;
- (c) list of aircraft by make and model;

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- (d) procedures for revising the manual to ensure that all manuals are kept current;
- (e) procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming or aerial photography and survey are allowed within 500 feet of the filming production area;
- (f) the area that will be used during the term of the authorisation;
- (g) procedures for the submission, within three days of scheduled filming or aerial photography and survey, of a written plan of activities to the Authority containing at least the following—
 - (i) dates and times for all flights;
 - (ii) name and phone number of person responsible for the filming or aerial photography and survey;
 - (iii) make and model of aircraft to be used and type of airworthiness certificate;
 - (iv) names of pilots involved in the filming or aerial photography and survey;
 - (v) a statement that permission has been obtained from property owners or local officials to conduct the filming or aerial photography and survey;
 - (vi) a general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming or aerial photography and survey location;
- (h) requirements and procedures that the special authorisation applicant will use to obtain permission from property owners or local officials like police and fire departments as appropriate for the conduct of all filming or aerial photography and survey;
- (i) method of security that will be used to exclude all persons not directly involved with the operation from the location;
- (j) procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming or aerial photography and survey;
- (k) procedures to ensure that required inspections will be conducted;
- (l) procedures to provide communications capability with all participants during the actual operation and filming or aerial photography and survey; and
- (m) procedures for notification and reporting of incidents and accidents.

59. Operating rules for television, etc., operations

(1) An operator shall not conduct motion picture, television flight or aerial photography operations so as to endanger persons or property on the surface or aircraft in flight.

(2) Minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations do not apply to operations where different requirements and minimums are specifically authorized by the Authority under these Regulations.

PART VII – EXHIBITION OF FLYING**60. Exhibition of flying**

(1) A person shall not conduct an exhibition of flying unless that person has obtained authorisation from the Authority.

(2) A pilot shall not participate in an exhibition of flying unless that pilot—

- (a) holds a valid private pilot licence, commercial pilot licence or airline transport pilot licence;
- (b) is rated on the type of aircraft to be used; and
- (c) can comply with any relevant conditions specified in the authorisation.

(3) A person shall not use an aircraft in exhibition of flying, unless that aircraft has a valid certificate of airworthiness.

(4) A person shall not be issued with the authorisation referred to in sub-regulation (1) unless that person proves to the Authority the ability to safely conduct the exhibition of flying.

(5) The authorisation referred to in sub-regulation (1) may be issued subject to such conditions as the Authority deems fit, and shall remain in force for the period specified in the authorisation.

(6) A person authorized to conduct an exhibition of flying under this Regulation shall not conduct the exhibition so as to endanger persons or property on the surface or aircraft in flight.

PART VIII – TRAFFIC AND SPORTS REPORTING, FISH SPOTTING AND GAME VIEWING

61. Traffic reporting

(1) A person shall not conduct an aircraft operation involving the observation of, and reporting on, vehicular traffic conditions on the highways and streets unless that person—

- (a) holds at least a valid private pilot licence;
- (b) uses an aircraft with a standard certificate of airworthiness; and
- (c) holds an authorisation issued by the Authority.

(2) A person authorized under this Regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.

62. Game viewing or tracking operation

(1) A person shall not conduct an aircraft operation involving the observation of, and reporting on, participating in game viewing or tracking operations unless that person—

- (a) holds at least a valid private pilot licence;
- (b) uses aircraft with a certificate of airworthiness or restricted certificate of airworthiness; and
- (c) holds an authorisation issued by the Authority.

(2) A person authorized under this Regulation shall not conduct operations so as to endanger persons, animals or property on the surface or aircraft in flight.

63. Competitive motor vehicle operations

(1) A person shall not conduct aircraft operations involving the observation of, and reporting on, participation in motor vehicle testing and competitive operations unless that person—

- (a) holds at least a valid private pilot licence;
- (b) uses an aircraft with a standard certificate of airworthiness; and
- (c) holds authorisation issued by the Authority.

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(2) A person authorized under this Regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.

64. Fish spotting

(1) A person shall not conduct aircraft operations involving location, tracking, and reporting on the location of fish and fish schools, as part of a business enterprise or for compensation or hire unless that person obtains authorisation issued by the Authority.

(2) A person authorized under this Regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.

(3) The minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations do not apply to operations specifically authorized by the Authority under this Regulation with different minima.

PART IX – GENERAL**65. Possession of the certificate, authorisation, etc.**

A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

66. Drug and alcohol testing and reporting

(1) Any person who performs any function requiring an authorisation prescribed by these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including—

- (a) whether the authorisation holder had knowledge of the drug or alcohol use;
- (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

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(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub-regulation (3).

67. Problematic use of psychoactive substances

(1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

68. Inspection of certificate of registration

A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

69. Change of name

(1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request—

- (a) the current certificate or such other document; and
- (b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) of this Regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

70. Change of address

(1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of—

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

71. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

72. Certificate suspension and revocations

(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty eight days.

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(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

73. Use and retention of certificates and records

(1) A person shall not—

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorized to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

74. Reports of violation

(1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need to be taken.

75. Enforcement of directions

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

76. Aeronautical user fees

(1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

77. Application of Regulations to Government and visiting forces, etc.

(1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

78. Extra-territorial application of Regulations

Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART X – EXEMPTIONS**79. Requirements for application for exemption**

(1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall contain the applicant's—

- (a) name;

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- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number, if available; and
- (e) email address, if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

80. Substance of the request for exemption

(1) An application for an exemption shall contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in the time specified in regulation 79(2).

*Review, Publication and Issue or Denial of the Exemption***81. Initial review by the Authority**

(1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 79 and 80.

(2) If the application appears on its face to satisfy the provisions of this Regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in *Kenya Gazette*, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 79 and 80 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

82. Evaluation of the request

(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine—

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in an aeronautical information circular.

PART XI – OFFENCES AND PENALTIES**83. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

84. Penalties

(1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

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PART XII – SAVINGS AND TRANSITIONAL PROVISIONS

85. Savings

All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

86. Transitional provisions

(1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the *Gazette* prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

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CIVIL AVIATION (AIR NAVIGATION SERVICES) REGULATIONS, 2008

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CIVIL AVIATION (AIR NAVIGATION SERVICES) REGULATIONS, 2008

[L.N. 136/2008.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Air Navigation Services) Regulations, 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accuracy” means a degree of conformance between the estimated or measured value and the true value;

“Act” means the Civil Aviation Act (Cap. 394);

“aeronautical data” means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing;

“aeronautical fixed service” means a telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of services;

“aeronautical information” means information resulting from the assembly, analysis and formatting of aeronautical data;

“aeronautical information circular” means a notice containing information that does not qualify for the origination of a notice to airmen or for inclusion in the aeronautical information service, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

“aeronautical information publication” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

“aeronautical information publication amendment” means a permanent change to information contained in the aeronautical information publication;

“aeronautical information publication supplement” means temporary changes to the information contained in the Aeronautical Information Publication which are published by means of special pages;

“aeronautical information regulation and control” means a system aimed at advance notification based on common effective dates of circumstances that necessitate significant changes in operating practices;

“aeronautical information service” means a service established within the defined area of coverage responsible for the provision of aeronautical information or data necessary for the safety, regularity and efficiency of air navigation;

“air navigation services facility” means any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft and any combination of such facilities;

“air navigation services provider” means an independent entity established for the purpose of operating and managing air navigation services;

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“air traffic” means an aircraft in flight or operating on the manoeuvring area of an aerodrome;

“air traffic service” includes flight information service, alerting service and air traffic control service;

“air traffic control service” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft, and
 - (ii) on the manoeuvring area, between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

“assemble” means a process of merging data from multiple sources into a database and establishing a baseline for subsequent processing;

“authorized person” means any person authorized by the Authority either generally or in relation to a particular case or class of cases and includes the holder for the time being of an office designed by the Authority;

“certificate” means the certificate issued by the Authority under regulation 6(1);

“controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

“cyclic redundancy checks” means a mathematical algorithm applied to the digital expression of data that provides a level of assurance against loss or alteration of data;

“data link communications” means a form of communication intended for the exchange of messages via a data link;

“data quality” means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;

“flight information centre” means a unit established to provide flight information service and alerting service;

“flight information region” means airspace of defined dimensions within which flight information service and alerting service are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“forecast” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“Integrated Aeronautical Information Package” means a package consisting of—

- (i) aeronautical information publication including amendment service and supplements;

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- (ii) notice to airmen;
- (iii) aeronautical information circular; and
- (iv) checklists and lists of valid notices to airmen;

“integrity aeronautical data” means a degree of assurance that an aeronautical data and its value has not been lost nor altered since the data origination or authorized amendment;

“international notice to airmen office” means an office designated by the State for the exchange of notices to airmen internationally;

“meteorological office” means an office designated to provide meteorological service for international air navigation;

“notice to airmen” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

“printed communications” means communications which automatically provide a permanent printed record at each terminal of a circuit of all messages which pass over such circuit;

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“runway visual range” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“rescue” means an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;

“search” means an operation normally co-ordinated by a rescue co-ordination centre or rescue sub-centre using available personnel and facilities to locate persons in distress; and

“search and rescue service” means the performance of distress monitoring, communication, co-ordination and search and rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including co-operating aircraft, vessels and other craft and installations.

3. Application

(1) The provisions of these Regulations shall not affect or apply to a person providing air navigation service in the course of his duties for State aircraft.

PART II – CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDER

4. Requirements for provision of air navigation services

A person shall not provide air navigation services in the designated airspace, aerodromes and portions of the airspace over the high seas that lie within the designated airspace unless—

- (a) he holds a certificate issued under these Regulations; and
- (b) the services are provided in accordance with the requirements prescribed by the Authority and the procedures specified in the manual of air navigation service operations.

5. Application for certificate

A person applying for a certificate shall make an application in a form prescribed by the Authority and such application shall be accompanied by—

- (a) the applicant's manual of air navigation service operations as specified under regulation 16(1), for approval;
- (b) a written statement setting out the services and locations at which they shall be provided; and
- (c) fees as prescribed by the Authority.

6. Issuance of certificate

(1) The Authority shall issue a certificate in a form and manner prescribed by these Regulations.

(2) The Authority shall, before issuing a certificate, be satisfied that—

- (a) the personnel of the applicant are adequate in number and have the necessary competency and experience to provide the service;
- (b) the manual of air navigation service operations prepared and submitted with the application contains all the relevant information;
- (c) the facilities, services and equipment are established in accordance with these Regulations;
- (d) the operating procedures make satisfactory provision for the safety of aircraft;
- (e) an approved safety management system is in place;
- (f) the applicant has approved procedures to meet the requirements of the Civil Aviation (Security) Regulations made under the Act;
- (g) the applicant has financial capability to provide the service; and
- (h) the applicant has insurance policy in force in relation to the services provided.

(3) The Authority may attach to a certificate any other conditions under which the certificate may be used that seem necessary to the Authority.

(4) The Authority may refuse to grant a certificate to an applicant and where the Authority refuses, the Authority shall notify the applicant, in writing, of the reasons for the refusal, not later than fourteen days after making that decision.

7. Contents of the certificate

A certificate issued under these Regulations shall include among others, the information as to—

- (a) the holder's full names and physical address of his principal place of business;
- (b) a list of services covered by the holder's certificate.

8. Validity of a certificate

A certificate shall be valid for a period of two years from the date of issuance, unless suspended, cancelled or revoked in accordance with these Regulations.

9. Renewal of certificate

(1) A person applying for the renewal of a certificate shall submit an application in a form and accompanied by a fee as may be prescribed by the Authority.

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(2) The application shall be submitted to the Authority not less than sixty days before the date of expiry of the certificate.

(3) The renewal of a certificate shall be subject to compliance with these Regulations and any other conditions as may be specified or notified by the Authority.

10. Surrender of certificate

(1) Subject to paragraph (2) and any other conditions prescribed by the Authority, a holder of a certificate may surrender the certificate to the Authority at any time.

(2) A holder of a certificate who wishes to surrender the certificate shall give the Authority not less than one hundred and eighty days notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the date of surrender of the certificate in paragraph (2), the holder of the certificate shall not provide the air navigation services unless authorized to do so by the Authority.

11. Amendment of certificate

(1) The Authority may amend a certificate upon—

- (a) application made by a holder of a certificate in a form prescribed by the Authority; or
- (b) the Authority's initiative, where the Authority deems necessary.

(2) A holder of a certificate applying to the Authority for amendment of the certificate under paragraph (1)(a) shall be required to—

- (a) attach to the application form two copies of proposed amendments to the manual of air navigation service operations; and
- (b) pay such a fee as may be prescribed by the Authority.

(3) Where the Authority initiates amendments under paragraph (1)(b), the holder of the certificate shall be required to make amendments to the manual of air navigation service operations accordingly.

12. Display of certificate

(1) The holder of a certificate shall display the certificate, or a copy of it, in a conspicuous place, generally accessible to the public at the holder's principal place of business.

(2) Where a copy of the certificate is displayed under paragraph (1), the holder of the certificate shall produce the original certificate to the Authority for inspection if requested to do so.

13. Transfer of certificate

A certificate issued under these Regulations shall not be transferable.

14. Suspension, variation and revocation of certificate

(1) The Authority may, suspend provisionally, pending further investigation, any certificate issued under these Regulations, if it considers that—

- (a) a relevant provision of the Act or these Regulations, or a condition in the certificate, has not been, or is not being, complied with;
- (b) false or materially incorrect information was given to the Authority in the application for the certificate; or
- (c) it is in the public interest to do so.

[Subsidiary]

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction under paragraph (1), suspend, vary or revoke any certificate issued under these Regulations.

(3) A holder or any person having the possession or custody of any certificate which has been suspended, revoked or varied under these Regulations shall surrender the certificate to the Authority within fourteen days from the date of suspension, revocation or variation.

15. Register of holders of certificates

(1) The Authority shall keep and maintain a register of holders of a certificate showing—

- (a) full names;
- (b) date of issue or renewal of the certificate;
- (c) type of service offered;
- (d) expiry date of the certificate;
- (e) date of suspension, variation or revocation of the certificate, if any;
- (f) physical and postal address; and
- (g) any other particulars as may be prescribed by the Authority.

(2) Any changes in the particulars recorded under paragraph (1) shall be entered in the register by the Authority.

(3) The register shall be a public document and any particular entered may be obtained by any person upon payment of such a fee as may be prescribed by the Authority.

PART III – MANUAL OF AIR NAVIGATION SERVICES OPERATIONS

16. Requirements for the manual of air navigation services operations

(1) The manual of air navigation services operations submitted upon application for a certificate shall be—

- (a) typewritten;
- (b) signed by the operator;
- (c) in a format that is easy to revise;
- (d) organised in a manner that facilitates the preparation, review and approval processes; and
- (e) in a system that records the current page and any amendments, including a page for logging revisions.

(2) A holder of a certificate shall keep at least one approved copy of the manual at the principal place of business.

17. Contents of the manual of air navigation service operations

(1) A manual of air navigation service operations shall contain all information and instructions necessary to enable the personnel of air navigation service providers to perform their duties and in particular shall include provision for—

- (a) the services to be provided;
- (b) the personnel requirements and their responsibilities;
- (c) training and performance assessment of staff and how that information is tracked;

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- (d) safety management system and quality assurance;
- (e) contingency plans developed for part or total system failure;
- (f) compliance with the Civil Aviation (Security) Regulations made under the Act;
- (g) facilities and equipment and how they are installed and maintained;
- (h) fault and defect reporting;
- (i) maintenance of documents and records;
- (j) search and rescue responsibilities and co-ordination, facility operations and maintenance plan and procedure;
- (k) schedule of the proposed hours of service for the first twelve months of operation;
- (l) a summary of safety factors considered before seeking certification;
- (m) systems and procedures to ensure separation between controlled flights and active special use airspace; and
- (n) any other information requested by the Authority.

18. Amendment of the manual of air navigation service operations

For the purpose of maintaining the accuracy and up to date information in the manual of air navigation service operations, the—

- (a) holder of a certificate may, whenever necessary and upon approval by the Authority; or
- (b) Authority may issue a written directive requiring the holder of a certificate to amend or alter the manual of air navigation service operations.

PART IV – AIR NAVIGATION SERVICES

Air navigation facilities, records, documents, etc.

19. Air navigation services, facilities, standard systems and charts

The Authority shall in accordance with these Regulations, designate a service provider to—

- (a) provide, in the designated portion of airspace, facilities for the provision of air navigation services;
- (b) adopt and put into operation the appropriate standard systems of communications procedures, codes, markings, signals, lighting and other operational practices and rules;
- (c) publish aeronautical maps and charts.

20. Approval of air navigation services facilities

A person shall not install and use air navigation service facilities in the designated airspace and aerodromes without approval of the Authority.

21. Safety inspections and audits on facilities, etc.

(1) The Authority shall carry out safety inspections and audits on air navigation facilities, services, documents and records of the air navigation service provider which may be necessary to determine compliance to these Regulations.

[Subsidiary]

(2) An inspector of the Authority shall have unrestricted access to the facilities, installations, records and documents of the air navigation services and the air navigation meteorological service provider to determine compliance with these Regulations.

(3) The safety inspections and audits carried out under paragraph (1) shall be in a manner prescribed by the Authority.

22. Production of documents

A holder of a certificate shall produce any relevant documents under his possession if requested by the Authority or its authorized person within seventy-two hours of such request.

23. Air navigation services contingency plan

(1) A holder of a certificate shall—

- (a) develop and maintain contingency plans for implementation in the event of disruption or potential disruption of air navigation services in the airspace for which he is responsible;
- (b) liaise with other air navigation service providers in adjacent or contiguous airspaces while developing contingency plans.

(2) The contingency plans shall include—

- (a) the actions to be taken by the certificate holder's personnel responsible for providing the service in the event of disruption or potential disruption of services;
- (b) possible alternative arrangements for providing the service; and
- (c) the arrangements for resuming normal operations for the service.

24. Alternative designated service provider

The Authority may, when it considers necessary in the public interest, appoint an alternative designated service provider to provide service in respect of a certificate suspended by the Authority, for the duration of such suspension.

Air traffic services

25. Designation of airspace or aerodromes

(1) The Authority shall designate portions of the airspace or particular aerodromes for the provision of air traffic services upon application by the service provider.

(2) The designation of portions of the airspace or particular aerodromes shall be—

- (a) flight information region;
- (b) control area;
- (c) control zone;
- (d) controlled aerodromes.

(3) In determining the need to designate portions of airspace or particular aerodromes for the provision of air traffic services by the applicant, the Authority shall take into consideration—

- (a) the types of air traffic involved;
- (b) the density of air traffic;
- (c) the meteorological conditions; and
- (d) any other factors which may be relevant.

[Subsidiary]

(4) The Authority shall publish the designation of a portion of the airspace or particular aerodromes in the relevant aeronautical publications.

26. Provision of air traffic services by holder of certificate

The holder of a certificate shall make application for the portions of the airspace and the aerodromes which shall be provided with air traffic services as prescribed by the Authority.

27. Co-ordination in air traffic services

An air traffic service provider shall, in carrying out his objectives, establish procedures for the co-ordination with air operators, military authorities, meteorological service providers and aeronautical information service providers by—

- (a) making available to the air operators information to enable them to meet their obligations;
- (b) co-operating with the military authorities responsible for activities that may affect civil flights;
- (c) providing the most up to date meteorological information for aircraft operations;
- (d) providing timely and up to date information to meet the need for in-flight information;
- (e) exchanging and co-ordinating aeronautical information relating to the safety of air navigation between adjacent air traffic service units.

28. Responsibility for control

A holder of a certificate shall establish procedures to ensure responsibility of control of an aircraft and transfer of such responsibility as prescribed by the Authority.

29. Communication requirements

A holder of a certificate shall establish communication requirements as prescribed by the Authority.

30. Air traffic incidents

A holder of a certificate shall establish procedures for the notification, investigation and reporting of the air traffic incidents which shall be made in a prescribed incident report form.

31. Aircraft in distress

A holder of a certificate shall—

- (a) make provision for assistance to aircraft in distress in the designated portion of airspace;
- (b) collaborate in co-ordinated measures when undertaking search and rescue for aircraft in distress in accordance with the Act and Regulations made thereunder.

32. Automatic recording of air traffic services data and communications

(1) A holder of a certificate shall—

- (a) make provision for the automatic recording of air traffic service data and communications; and
- (b) retain the recorded air traffic service data and communications for a period of at least thirty days.

[Subsidiary]

(2) Notwithstanding paragraph (1), the recorded air traffic service data and communications, if pertinent to accident and incident investigations, shall be retained for longer periods until it is evident that it is no longer required.

33. Safety management system

A holder of a certificate shall have a safety management system that complies with the requirements prescribed by the Authority.

Communication, navigation and surveillance

34. Installation, operation and maintenance of communication, navigation and surveillance systems

(1) The holder of a certificate shall ensure that the communication, navigation and surveillance systems are installed, operated, maintained, available and reliable in accordance with the requirements prescribed by the Authority.

(2) A person shall not perform a function related to the installation, operation or maintenance of any communication, navigation and a surveillance system unless—

- (a) that person has successfully completed training in the performance of that function; and
- (b) the holder of a certificate is satisfied that the technical person is competent in performing that function.

35. Facility approval and flight inspection

(1) The Authority shall approve all the communication, navigation and surveillance facilities before their installation, use, decommissioning, upgrading or relocation, in the designated airspace and aerodromes.

(2) A holder of a certificate shall ensure that the radio navigation aids prescribed by the Authority are available for use by aircraft engaged in air navigation and are subjected to periodic ground and flight inspection.

Aeronautical information services and aeronautical charts

36. Provisions of aeronautical information services

(1) A holder of a certificate shall—

- (a) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information concerning the designated airspace;
- (b) publish the aeronautical information as an integrated aeronautical information package;
- (c) ensure that the aeronautical information provided is adequate, of required quality and timely;
- (d) make available to aeronautical information services of other States any information necessary for the safety, regularity or efficiency of air navigation;
- (e) designate the office to which all elements of integrated aeronautical information package originated by other States is addressed.

(2) The holder of a certificate shall, on request by other agencies, provide all information relating to the designated airspace.

(3) The conditions, requirements, rules, procedures and standards for the publication of the aeronautical information in the—

- (a) aeronautical information circular;

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- (b) aeronautical information publication and its amendments;
- (c) aeronautical information publication supplements;
- (d) notice to airmen, as the case may be, shall be in accordance with the requirements of these Regulations.

(4) The aeronautical information publication amendments and supplements issued under the aeronautical information regulation and control system shall be as prescribed by the Authority.

37. Aeronautical charts

(1) A holder of a certificate shall ensure the availability of the required aeronautical charts containing accurate and adequate information including information relevant to the phase of flight.

(2) The aeronautical charts produced and the units of measurements used shall be maintained in a form prescribed by the Authority.

38. Telecommunication requirements

(1) Each international notice to airmen office shall be connected through the aeronautical fixed service within the airspace for which it provides service, to—

- (a) area control and flight information centres;
- (b) aerodrome or heliport at which an information service is provided with pre-flight briefing and post-flight information.

(2) The connections under paragraph (1) shall provide for printed communications.

(3) Aeronautical fixed services shall comprise the systems and applications that are used for ground to ground communications in the international telecommunication service in accordance with the requirements of these Regulations.

(4) For the purposes of paragraph (3) “**ground to ground**” means point to point or point to multiple points.

(5) For exchange of messages over the telephone circuits, the signals of the appropriate international telegraphic alphabet permitted shall be in accordance with the requirements of these Regulations.

39. Quality system

(1) A holder of a certificate shall—

- (a) establish and maintain a quality system of procedures, processes and resources in its aeronautical information services to implement quality management at each function stage; and
- (b) receive, originate, collate, assemble, edit, format, publish, store and distribute aeronautical information and data concerning the designated airspace responsible for air traffic services in accordance with its quality system.

(2) For the purpose of paragraph (1)(a) “**function stage**” means receiving, originating, collating, assembling, editing, formatting, publishing, storing and distribution of aeronautical information and data.

(3) The quality system established under paragraph (1)(b) shall ensure that—

- (a) the personnel is trained to acquire the skills, knowledge and competency required to perform those functions;

- (b) procedures exist for—
 - (i) traceability to its origin of data anomalies or errors, detected and corrected;
 - (ii) assurance and confidence that distributed aeronautical information or data satisfy stated requirements for data quality, traceability and timeliness;
 - (iii) protection of electronic aeronautical data stored or in transit is monitored by the cyclic redundancy check to assure integrity of data;
 - (iv) validation and verification to ensure quality requirements and traceability of aeronautical data;
 - (v) the audit and remedial action for the compliance with the quality system established;
- (c) publication resolution of aeronautical data and confidence level and integrity is maintained, as prescribed by the Authority;
- (d) material issued as part of the integrated aeronautical information package is checked and co-ordinated with the responsible services before it is published.

Aeronautical search and rescue services

40. Provision of search and rescue service

(1) The Authority shall designate an agency to co-ordinate and direct the prompt provision of search and rescue services within the designated airspace on a twenty four hour basis.

(2) The designated service provider shall have in place a search and rescue manual approved by the Authority.

Meteorological services

41. Provision of meteorological service for air navigation

(1) The Authority shall designate a service provider for the provision of meteorological services for air navigation.

(2) The service provider designated under paragraph (1) shall—

- (a) make routine meteorological observations at regular intervals;
- (b) make special weather observations whenever specified changes occur in respect of surface wind, visibility, runway visual range, present weather, cloud and air temperature;
- (c) prepare and obtain significant weather forecasts information and maintain contact with regional specialised meteorological centres for the exchange of information on volcanic ash and tropical cyclone activity;
- (d) provide briefing, consultation and flight documentation to flight crew members and other flight operations personnel;
- (e) perform weather watch and monitoring, including the ability to detect and forecast hazards relevant to the aviation community, as prescribed by the Authority;
- (f) derive forecast and warning products to the requirements prescribed by the Authority for the pilot, air traffic service and air operators;
- (g) maintain a record of aeronautical climatological information for supply to pilot, air traffic service and air operators and any other person, on request;

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- (h) exchange aeronautical meteorological information with other aeronautical meteorological offices; and
- (i) supply information received concerning the accidental release of radioactive materials into the atmosphere within its area of responsibility to the air traffic service providers for dissemination.

(3) The conditions, rules, requirements, procedures or standards of the designation shall be prescribed by the Authority.

(4) A person shall not provide meteorological information service at aerodromes or portion of airspace, except under the conditions prescribed by the Authority.

Construction of visual and instrument flight procedures

42. Construction of flight procedures

A holder of a certificate shall develop visual and instrument flight procedures to be used by aircraft operating in the designated airspace and aerodrome as prescribed by the Authority.

43. Approval as procedure designer

A person shall not design or publish visual and instrument flight procedures for use in the designated airspace and aerodromes unless he has completed approved training in the construction of visual and instrument flight procedures.

44. Responsibilities of a holder of certificate

A holder of a certificate authorized to perform the functions under regulation 42 shall carry out design work, review or amend visual and instrument flight procedures subject to any conditions specified in the certificate.

PART V – EXEMPTION

45. Requirements for application

(1) A person may apply to the Authority for an exemption from any application of these Regulations.

(2) Unless in case of an emergency processing, a person requiring exemptions from any of these Regulations shall make an application to the Authority at least sixty days from the proposed effective date, giving information as to—

- (a) name and contact address including electronic mail and fax, if any;
- (b) telephone number;
- (c) a citation of the specific requirement from which the applicant seeks exemption;
- (d) a description of the type of operations to be conducted under the proposed exemption;
- (e) the proposed duration of the exemption;
- (f) an explanation of how the exemption would be in public interest, that is, benefit the public as a whole;
- (g) a detailed description of the alternative means by which the applicant will ensure a level of safety equipment to that established by the regulation in question;

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- (h) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (i) if the applicant handles international operations and seeks to operate under the proposed exemption, an indication whether the exemption would contravene any provision of the standards and recommended practices of the International Civil Aviation Organisation (ICAO).

(3) Where the applicant seeks an emergency processing, the application shall contain supporting facts on the nature of the emergency.

(4) The Authority may deny, in writing, an application for emergency processing if it finds that the applicant's supporting facts have no basis to warrant the granting or has not justified the failure to apply for an exemption in time.

(5) The application for exemption shall be accompanied by fee specified by the Authority.

46. Review and publication

(1) The Authority shall review the application for accuracy and compliance with the requirements under regulation 45 and if it appears satisfactory, it shall publish a detailed summary of the application for comments, within a prescribed time, in either—

- (a) Government *Gazette*;
- (b) aeronautical information circular; or
- (c) a daily newspaper with wide circulation.

(2) Where application requirements have not been fully complied with, the Authority shall request the applicant, in writing, to comply prior to publication or making a decision under paragraph (3).

(3) If the request is for emergency processing, the Authority shall publish the decision as soon as possible upon processing the application.

47. Evaluation of the request

(1) Where the application requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

- (a) determination of whether—
 - (i) an exemption would be in the public interest;
 - (ii) after a technical evaluation, the applicant's proposal would provide a level of safety equivalent to that established by the Regulations made under the Act, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
 - (iii) a grant of the exemption would contravene these Regulations; and
- (b) recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant, in writing, and publish in the Government *Gazette* or a daily newspaper with a wide circulation a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in paragraph (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

[Subsidiary]

(4) If the exemption affects a significant population of the aviation community of the State, the Authority shall publish the summary in an aeronautical information circular.

PART VI – GENERAL PROVISIONS**48. Drug and alcohol testing and reporting**

(1) Any person who performs any function prescribed by these Regulations directly or by contract under the provisions of these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in paragraph (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate of the holder that employs that person.

(3) In determining whether to suspend or revoke the certificate of the holder, the Authority shall consider all relevant factors, including—

- (a) whether the holder had knowledge of the drug or alcohol use;
- (b) whether the holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held.

(4) The Authority shall require the holder to show cause why the certificate should not be suspended, revoked or cancelled.

(5) A person who is convicted, whether in or outside the designated airspace, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment by the holder of the certificate.

(6) The Authority may suspend or revoke the certificate of a holder that refuses to dismiss from its employment a person convicted under paragraph (5).

49. Replacement and changes on certificate

(1) A holder of a certificate issued under these Regulations may apply to the Authority for—

- (a) replacement of the certificate if lost or destroyed;
- (b) change of name on the certificate; or
- (c) an endorsement on the certificate.

(2) When applying under paragraph (1), the holder of a certificate shall submit to the Authority—

- (a) the original certificate or a copy thereof in case of loss; and
- (b) a court order, or other legal document verifying the name change.

[Subsidiary]

(3) The Authority shall return to the holder of the certificate, with the appropriate changes applied for, if any, the original documents specified under paragraph (2) and, where necessary, retain copies thereof.

50. Change of address

(1) A holder of a certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address within fourteen days of such change.

(2) A person who does not notify the Authority of the change in the physical and mailing address within the time frame specified in paragraph (1) commits an offence.

51. Replacement of documents

A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

52. Use and retention of documents and records

(1) A person shall not—

- (a) use any certificate or exemption issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled; or
- (b) forge or alter any certificate or exemption issued or required by or under these Regulations; or
- (c) lend any certificate or exemption issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate or exemption;
- (e) mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of any false entry in any such record, or wilfully omit to make a material entry in such record.

(2) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(3) A person shall not issue any certificate or exemption under these Regulations unless he is authorized to do so by the Authority.

(4) A person shall not issue any certificate of the kind referred to in paragraph (4) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

53. Reports of violation

(1) Any person who knows of a violation of the Act, any amendment thereto, or any regulations, rules, or orders issued thereunder, shall report it to the Authority.

(2) The Authority may determine the nature and type of any additional investigation or enforcement action that need to be taken.

54. Failure to comply

Any person who fails to comply with any direction given to him by the Authority or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

[Subsidiary]**55. Aeronautical fees**

(1) The Authority shall notify in writing the fees to be charged in connection with the issue, renewal, extension or variation of any certificate, test, inspection or investigation required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of paragraph (1), the applicant shall be required, before the application is accepted, to pay the fee so chargeable.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

PART VII – OFFENCES AND PENALTIES**56. Contravention of Regulations**

A person who contravenes any provision of these Regulations may have his certificate or exemption revoked or suspended.

57. Penalties

(1) A person who contravenes any provision of these Regulations, orders, notices or proclamations made thereunder shall, upon conviction, be liable to a fine or imprisonment or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall upon conviction be liable to a fine not less than seventy thousand shillings or to imprisonment for a term not less than six months or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall upon conviction be liable to a fine not less than one hundred and forty thousand shillings or to imprisonment for a term not less than one year or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not less than seventy thousand shillings for each offence.

(5) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(6) The Authority and any person specifically authorized by name by him or any police officer not below the rank of inspector specifically authorized by name by the Minister, may compound offences under Part A of the Schedule to these Regulations by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Authority a sum of not less than seventy thousand shillings for provisions referred to in the Schedule to these Regulations.

58. Appeal

Where any person is aggrieved by any order made under these Regulations may, within twenty-one days of such order being made, appeal against the order to the High Court.

PART VIII – SAVING AND TRANSITIONAL PROVISION

59. Transitional

A person who, immediately before the commencement of these Regulations, was providing air navigation services in the designated airspace over the high seas, may, on commencement of these Regulations, continue his services but shall within ninety days after the commencement of these Regulations obtain a certificate from the Authority in accordance with these Regulations.

SCHEDULE

[Regulation 57(2) and (3).]

<i>Regulation</i>	<i>Title</i>	<i>Part</i>
4	Requirements for the provision of air navigation services	B
12	Display of certificate	A
13	Transfer of certificate	B
14(3)	Suspension, cancellation and revocation of certificate	A
18(2)	Amendment of the manual of air navigation services operations	B
20	Approval of air navigation services facilities	B
21(2)	Safety inspection and audit on air navigation services	A
22	Production of documents	B
23	Air navigation services contingency plan	A
28	Responsibility for control	A
29	Communication requirements	A
30(1)	Air traffic incidents	B
31	Aircraft in distress	A
32	Automatic recording of surveillance data and communications	A
33	Safety management system	B
34	Installation, operation and maintenance of communication, navigation and surveillance systems	B
35	Facility approval and flight inspection	B
36	Provision of aeronautical information services	A
37	Production of aeronautical charts	A
38	Telecommunication requirements	A
39	Quality system	B
40	Provision of search and rescue service	A
41	Provision of meteorological service for air navigation	B
42	Construction of flight procedures	A
43	Approval as a procedures designer for air navigation services	B
48	Drug and alcohol testing and reporting	B
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CIVIL AVIATION (SECURITY) REGULATIONS, 2008

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CIVIL AVIATION (SECURITY) REGULATIONS, 2008

[L.N. 89/2008.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Security) Regulations, 2008.

2. Application

These Regulations shall not affect or apply to—

- (a) a state aircraft; or
- (b) military or police aviation operations in Kenya.

3. Purpose of Regulations

The purpose of these Regulations is to—

- (a) enhance and safeguard aviation security against acts of violence or unlawful interference by providing for the protection of—
 - (i) aircraft used for civil aviation, and persons and property on board such aircraft;
 - (ii) airports, and persons and property at airports;
 - (iii) air navigation and installations which are not part of airports; and
- (b) regulate the conduct of persons at airports and persons on board aircraft for the purposes of aviation security.

4. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Civil Aviation Act (Cap. 394);

“**act of unlawful interference**” means an act, or attempted act, intended to jeopardize the safety of civil aviation and air transport, including but not limited to—

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) taking of hostage on board an aircraft or at an airport;
- (c) forcible intrusion on board an aircraft at an airport or on the premises of an aeronautical facility;
- (d) introduction of a weapon or hazardous device or material on board an aircraft, or at an airport, intended for criminal purposes;
- (e) unauthorized possession, at an airport, or unauthorized introduction on board an aircraft, of a weapon or hazardous, device or material;
- (f) destroying or causing damage to air navigation facilities, or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (g) violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft;

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- (h) causing destruction to an aircraft in service, or causing damage to an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (i) communicating information which is known to be false, thereby endangering the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility;
- (j) unlawfully and intentionally using any device, substance or weapon, to—
 - (i) perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;
 - (ii) destroy or seriously damage the facilities of an airport serving civil aviation or an aircraft not in service located at the airport or disrupting the services of the airport, if that act endangers or is likely to endanger safety at that airport;

“airport” means a defined area on land or water, including any buildings, installations and equipment, intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft; and includes an aerodrome;

“airport operator” includes an individual, organization or enterprise, however designated, for the time being responsible for the administration and operation of an airport;

“airport security permit” means a permit issued under regulation 28;

“airside” means the movement area of an airport, adjacent terrain and buildings or portion thereof, access to which is controlled;

“authorized person” means a person designated by the Authority under regulation 8 to be an authorized person for the purposes of these Regulations;

“Authority” means the Kenya Civil Aviation Authority established by section 3 of the Act;

“aviation security officer” means a person employed by the Authority or operator of an airport as an aviation security officer, or any other security officer authorized by the Authority;

“background check” means a check of a person's identify and previous experience, including, where legally permissible, any criminal history as part of the assessment of an individual's suitability to implement a security control or for unescorted access to a security restricted area;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

“catering stores” means all items, other than catering supplies, associated with passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows, blankets and amenity kits;

“catering supplies” means all food, beverages, other dry stores and associated equipment used in air transport;

“certified” means a formal evaluation and confirmation by or on behalf of the Authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority;

“civil aviation” includes—

- (a) commercial air transport operations; and
- (b) general aviation operations;

“commercial air transport operations” means aircraft operations involving the transport of passengers, cargo or mail for remuneration or hire;

“disruptive passenger” means a passenger who fails to comply with the rules of conduct at an airport or on board an aircraft, or to follow the instructions of the airport staff or aircraft crew members and thereby disturbs the good order and discipline at an airport or on board an aircraft;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“goods” includes cargo and mail;

“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“known stores” means catering supplies and stores delivered to an aircraft operator and that have been subjected to appropriate security controls;

“landside” means an area of an airport and buildings on it to which the non-travelling public has free access;

“mail” means dispatches of correspondence and other items tendered by, and intended for delivery to, postal services in accordance with the rules of the Universal Postal Union (UPU);

“Minister” means the minister for the time being responsible for civil aviation;

“operator” includes an airport operator, an aircraft operator, a regulated agent and a catering operator;

“prohibited item” means an item designated as such under regulation 38 and which can be used to commit an act of unlawful interference;

“regulated agent” means an agent, freight forwarder or other entity who conducts business with an operator and provides security controls that are accepted or required by the Authority;

“sabotage” means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security” means safeguarding civil aviation against acts of unlawful interference through a combination of measures and human and material resources;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the National Civil Aviation Security Programme established under regulation 9;

“security control” means measures by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

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“security inspection” means an examination of the implementation of the relevant requirements of the National Civil Aviation Security Programme by an airline, airport, or other entity involved in security;

“security restricted area” means airside areas of an airport which are identified as priority risk areas where, in addition to access control, other security controls are applied and includes, *inter alia*, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

“security survey” means an evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference and the recommendation of corrective actions;

“security test” means a covert or overt trial or an aviation security measure which simulates an attempt to commit an unlawful act;

“technical instructions” means the Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284, formulated by the International Civil Aviation Organisation;

“unidentified baggage” means a baggage at an airport, with or without a baggage tag which is not picked by or identified with a passenger, and includes unattended baggage; and

“unknown stores” means supplies and stores that have not been subjected to appropriate security controls.

PART II – POWERS AND FUNCTIONS OF THE AUTHORITY

5. Functions of Authority in relation to aviation security

(1) The Authority shall—

- (a) be responsible for the regulation of aviation security in Kenya;
- (b) regulate the security operations of airports, aircraft, regulated agents and catering operators, as the case may be, for the purpose of—
 - (i) protecting passengers, crew members, airport and other aviation facilities;
 - (ii) preventing unlawful interference against civil aviation; and
 - (iii) ensuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur;
- (c) define and allocate tasks and co-ordinate activities under the National Civil Aviation Security Programme, between the ministries, department, agencies and other organizations responsible for the various aspects of aviation security.

(2) The Authority shall, in respect of each operator—

- (a) conduct security surveys to identify security needs at least once in each year;
- (b) conduct security inspections and audits of security controls; and
- (c) conduct security tests of security controls to assess their effectiveness.

6. Power to access and inspect airport, etc.

The Authority shall have free and unobstructed access at all times to an airport, an aircraft operating from or within Kenya, and the premises of an operator within Kenya, for the purpose of inspecting security operations or to carry out security inspections and surveys, safety and security audits and testing functions.

7. Power of Authority to issue orders, etc.

The Authority may make and issue orders, circulars and directives prescribing any aviation security matter which, under these Regulations, is to be prescribed, and generally for the better carrying out or enhancing of the objects and purposes of these Regulations.

8. Authorized persons

The Authority may, in writing, designate qualified persons, whether by name or by title of office, to be authorized persons for the purposes of these Regulations and shall state the functions and limits of operation of the authorized persons.

PART III – AVIATION SECURITY PROGRAMMES**9. National Civil Aviation Security Programme**

(1) The Authority shall—

- (a) establish a National Civil Aviation Security Programme and ensure its implementation to safeguard civil aviation against acts of unlawful interference through regulations, practices and procedures which take into account the safety, regularity and efficiency of flights; and
- (b) make available to airports and aircraft operators operating in Kenya and other operators and entities concerned a written version of the appropriate part of the National Civil Aviation Security Programme.

(2) Without limiting the generality of paragraph (1)(a), the National Civil Aviation Security Programme shall provide the following matters—

- (a) allocation of responsibilities for implementation of the programme;
- (b) co-ordination and communication;
- (c) protection of airports, aircraft and navigation facilities;
- (d) security control of persons and items placed on board aircraft;
- (e) security equipment;
- (f) personnel, including selection criteria and training;
- (g) management of response to acts of unlawful interference;
- (h) evaluation of effectiveness of the programme;
- (i) adjustment of the programme and contingency plans; and
- (j) financing of security.

(3) The National Civil Aviation Security Programme shall be reviewed and updated once in each year.

10. National Civil Aviation Security Committee

(1) There shall be a National Civil Aviation Security Committee which shall be responsible for—

- (a) advising on, and co-ordinating security activities between Ministries, Departments, agencies and other organizations, airports and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme; and
- (b) recommending and reviewing the effectiveness of security measures and procedures.

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(2) Members of the National Civil Aviation Security Committee shall be appointed by the Minister, and shall comprise—

- (a) the chairperson of the National Air Transport Facilitation Committee;
- (b) one person drawn from each of the following—
 - (i) the Ministry for the time being responsible for security or internal affairs;
 - (ii) the Ministry for the time being responsible for immigration;
 - (iii) the Authority;
 - (iv) the Kenya Airports Authority;
 - (v) the Communications Commission of Kenya;
 - (vi) the Kenya Revenue Authority;
 - (vii) the National Intelligence Security Service;
 - (viii) the Kenya Police;
 - (ix) the Armed Forces;
 - (x) an association of international scheduled airlines;
 - (xi) an association of domestic or local scheduled airlines.

(3) The members of the National Civil Aviation Security Committee shall hold office on such terms and conditions as may be specified in their instruments of appointment.

(4) The members of the National Civil Aviation Security Committee shall be paid such sitting and other allowances as the Authority may determine.

(5) The head of the Authority shall be the chairperson of the National Civil Aviation Security Committee.

(6) The National Civil Aviation Security Committee may invite any person to attend and take part in the proceedings of the Committee and that person may participate in any discussion at the meeting but shall not have a right to vote at that meeting.

(7) The National Civil Aviation Security Committee shall meet for the discharge of its functions as often as is necessary, at a time and place specified by the chairperson, and in any case, shall meet at least once in every three months.

(8) The chairperson shall preside at all meetings of the National Civil Aviation Security Committee and in his or her absence, a member elected by the members present shall preside.

(9) Subject to this Regulation, the National Civil Aviation Security Committee shall regulate the procedure for its meetings.

11. National Civil Aviation Security Quality Control Programme

(1) The Authority shall develop, implement and maintain a National Civil Aviation Security Quality Control Programme for the purposes of—

- (a) determining and monitoring compliance with, and validating the effectiveness of, the National Civil Aviation Security Programme;
- (b) determining the adequacy and effectiveness of the National Aviation Security Programme through audits, tests, surveys and inspections;
- (c) ensuring that all persons who are assigned aviation security duties or responsibilities are verifiably trained and instructed to carry out those duties;
- (d) ensuring that persons carrying out screening operations are certified;
- (e) ensuring that acts of unlawful interference are investigated; and

[Subsidiary]

- (f) reviewing and re-evaluating security measures and controls immediately following an act of unlawful interference.

(2) The Authority shall, in developing the National Civil Aviation Security Quality Control Programme, ensure the incorporation of appropriate methods, means and procedures for—

- (a) ensuring that the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for these tasks in accordance with the National Civil Aviation Security Programme;
- (b) ensuring that the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out those tasks, and to enforce corrective actions;
- (c) supplementing the National Civil Aviation Security Quality Control Programme by establishing a confidential reporting system for analyzing security information provided by sources including passengers, crew and ground personnel; and
- (d) establishing a process for—
 - (i) recording and analyzing the results of the National Civil Aviation Security Programme;
 - (ii) contributing to the effective development and implementation of the National Civil Aviation Security Programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.

(3) The National Civil Aviation Security Programme shall—

- (a) provide for structures, responsibilities, processes and procedures that promote and establish an environment and culture of continuing improvement and enhancement of aviation security; and the means for ensuring that persons tasked with carrying out security duties do so effectively; and
- (b) provide all persons assigned aviation security duties or responsibilities with direction for the effective application of aviation security controls, to prevent acts of unlawful interference.

12. Independence in implementation

The Authority shall ensure that the management setting of priorities and organization of the National Civil Aviation Security Programme is undertaken independently from the entities and persons responsible for the implementation of the measures taken under the National Civil Aviation Security Programme.

13. Airport operator security programme

(1) A person shall not operate an airport without an airport operator security programme approved by the Authority.

(2) Every operator of an airport serving civil aviation in Kenya shall establish and implement a written airport operator security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(3) An airport operator security programme shall—

- (a) detail the specific security measures and procedures to be implemented at the airport and that comply with the requirements of the National Civil Aviation Security Programme;
- (b) provide for the appointment of a person who shall co-ordinate the implementation of the National Civil Aviation Security Programme;

[Subsidiary]

- (c) provide for the establishment of an airport security committee in conformity with the requirements stipulated in the National Civil Aviation Security Programme;
 - (d) require the integration of the needs of aviation security into the design and construction of new facilities and alterations to existing facilities at the airport;
 - (e) contain a contingency plan providing for matters including—
 - (i) measures and procedures in case of hijack of aircraft and hostage-taking at the airport and on board aircraft;
 - (ii) access and procedures in case of sabotage, including bomb threats to aircraft and to the airport;
 - (iii) access and procedures in case of terrorist attacks on aircraft and the airport, including attacks using man-portable air defence systems (MANPADS) or chemical, biological and other weapons;
 - (iv) procedures when a prohibited item is found or is believed to be on board an aircraft;
 - (v) evacuation and search of aircraft on the ground;
 - (vi) special security measures to be enacted during periods of increased threat or for critical flights and routes;
 - (f) such other matters as the Authority may prescribe.
- (4) An airport operator security programme shall—
- (a) be in accordance with the requirements prescribed in the National Civil Aviation Security Programme; and
 - (b) be reviewed and updated once in each year.

14. Aircraft operator security programme

(1) A person shall not operate an aircraft serving civil aviation from or within Kenya without an aircraft operator security programme approved by the Authority.

(2) Every aircraft operator providing service in or from Kenya shall establish and implement a written aircraft operator security programme that meets the requirements of the National Civil Aviation Security Programme and these Regulations.

(3) An aircraft operator programme shall specify the measures, procedures and practices to be followed by the operator to protect passengers, crew, ground personnel, aircraft and facilities from acts of unlawful interference and shall include, at a minimum—

- (a) the objectives of the programme and responsibility for ensuring its implementation;
- (b) the organization of the operator's security functions and responsibilities, including the designation of the operator in charge of aviation security;
- (c) specific security measures including—
 - (i) pre-flight security checks of aircraft;
 - (ii) procedures for the screening of passengers' cabin baggage and hold baggage, if this function is not assigned to the airport operator;
 - (iii) procedures to ensure that no weapons, explosives and other dangerous devices are left on board by disembarking passengers at transit stops;
 - (iv) reconciliation of hold baggage with boarding passengers, including transit and transfer passengers;

[Subsidiary]

- (v) treatment of passengers who have been the subject of judicial or administrative proceedings;
- (vi) procedures for the carriage of weapons in the cabin compartment and the aircraft hold;
- (vii) in-flight procedure when a prohibited item is found or is believed to be on board an aircraft;
- (viii) security of, and control of access, to parked aircraft;
- (ix) protection of hold baggage, cargo, mail and aircraft catering supplies and stores;
- (x) response procedures for crew members and other staff to occurrences and threats;
- (xi) protection of flight documents;
- (xii) procedures for screening, securing and control of known stores and unknown stores;
- (d) measures to ensure the effectiveness of the programme, including adequate training of staff and the periodic testing and evaluation of the security programme;
- (e) prevention of unauthorized passengers; and
- (f) such other matter as the Authority may prescribe.

(4) An aircraft operator security programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

15. Regulated agent security programme

(1) A person shall not operate an enterprise or an organization whose purposes is the movement of cargo, mail, baggage or goods by air within or from Kenya without regulated agent security programme approved by the Authority, and a certificate issued by the Authority.

(2) A regulated agent security programme shall contain—

- (a) provisions implementing the requirements of the National Civil Aviation Security Programme and these Regulations; and
- (b) provisions on how to respond to orders, circulars and directives issued by the Authority under regulation 7;
- (c) details of how the regulated agent plans to meet and maintain the requirements set out in the regulated agent security programme;
- (d) procedures for—
 - (i) ensuring appropriate security control of goods;
 - (ii) ensuring the security of buildings, premises, transport facilities and access control;
 - (iii) recruitment and training of staff involved in the implementation of security controls;
 - (iv) incident reporting;
- (e) such other matter as the Authority may prescribe.

(3) A regulated agent security programme shall be set out in the manner prescribed in the National Civil Aviation Security Programme.

[Subsidiary]**16. Catering operator security programme**

(1) A person shall not operate an enterprise or an organization whose purpose is the direct provision to commercial air transport of catering supplies and stores within or from Kenya, without a catering operator security programme approved by the Authority, and a certificate issued by the Authority.

(2) A catering operator security programme shall contain—

- (a) provisions implanting the requirements of the National Civil Aviation Security Programme and these Regulations;
- (b) details of how the catering operator intends to comply with, and maintain the requirements set out in the catering operator security programme;
- (c) procedures for—
 - (i) ensuring appropriate security control of catering supplies;
 - (ii) ensuring the security of buildings, premises and transport facilities;
 - (iii) recruitment and training of staff involved in the implementation of security controls;
 - (iv) reporting of incidents;
- (d) such other matter as the Authority may prescribe.

(3) A catering operator security programme shall be set out in the manner prescribed in the National Civil Aviation Security Programme.

17. Application for approval of security programme

(1) Where a security programme is required to be approved by the Authority under regulations 13, 14, 15 and 16 of these Regulations, the applicant shall—

- (a) submit the programme to the Authority, ensuring that it meets the requirements of the National Aviation Security Programme, these Regulations and any other relevant law; and
- (b) pay such fee as may be prescribed by the Authority.

(2) A security programme submitted to the Authority for approval under this Regulation shall be in duplicate and signed by the applicant or on behalf of the applicant.

18. Approval of security programme

(1) Where the Authority is satisfied that a security programme submitted for approval under regulation 17 meets the requirements of these Regulations, the National Civil Aviation Security Programme and any other relevant law, the Authority shall, within thirty days after receipt of the programme, approve the security programme.

(2) Where the Authority determines that a security programme submitted under regulation 17 does not meet the requirements of these Regulations, the National Civil Aviation Security Programme or relevant law, the Authority shall, within thirty days after receipt of the programme, direct the applicant to modify and re-submit the security programme to the Authority within thirty days after receipt of the programme by the applicant.

(3) Where the Authority is satisfied that a security programme re-submitted under paragraph (2) meets the requirements of these Regulations, the National Civil Aviation Security Programme and any other relevant law, the Authority shall, within fifteen days, after receipt of the programme, approve the security programme.

19. Changed conditions affecting security

(1) Where a security programme has been approved under regulation 18, the operator, where applicable, shall comply with the procedure prescribed by paragraph (2), whenever the operator determines that—

- (a) any description of the area set out in the security programme is no longer accurate;

[Subsidiary]

- (b) any description of the operations set out in the security programme is no longer accurate, or that the procedures included, and the facilities and equipment described in the security programme, are no longer adequate.

(2) Whenever a situation described in paragraph (1) occurs, the operator, where applicable, shall—

- (a) immediately notify the Authority of the changed conditions, and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment of the security programme; and
- (b) within thirty days after notifying the Authority in accordance with sub-paragraph (a), submit for approval, in accordance with the procedure prescribed by regulation 17, an amendment to the security programme to bring it into compliance with these Regulations.

(3) The Authority shall, where an amendment to a security programme is submitted to it under paragraph (2)(b), approve the amendment in accordance with the procedure prescribed by regulation 18.

20. Power of Authority to direct amendment of security programme

(1) Where the Authority determines that an operator's security program requires amendment, the Authority may direct the respective operator to amend the security programme and submit it to the Authority for approval.

(2) The Authority shall, where an amended security programme is submitted to it under paragraph (1), approve the security programme in accordance with the procedure prescribed by regulation 18.

21. National Aviation Security Training Programme

(1) The Authority shall develop a National Aviation Security Training Programme for personnel of all entities involved with, or responsible for, the implementation of various aspects of the National Civil Aviation Security Programme.

(2) The Authority shall co-ordinate the implementation of the National Aviation Security Training Programme developed under paragraph (1).

(3) The Authority shall notify the entities concerned of the training requirements identified in the National Aviation Security Training Programme for their implementation.

22. Operator aviation security training programme

(1) Every operator shall develop and implement an aviation security training programme to ensure the effective implementation of their respective security operations, and the training programme shall conform with the requirements of the National Aviation Security Training Programme and these Regulations.

(2) A training programme referred to in paragraph (1) shall include—

- (a) training of appropriate employees, taking into account human factors, principles and human performance; and
- (b) training to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft to enable them to contribute to the prevention of acts of sabotage, unlawful seizure of aircraft or other forms of unlawful interference and to minimize the consequences of such events should they occur.

(3) A training programme referred to in paragraph (1) shall be submitted to the Authority for approval in accordance with the procedure prescribed in regulations 17 and 18.

[Subsidiary]

PART IV – PREVENTIVE SECURITY MEASURES

*Airport Security***23. Airport Security Committee**

(1) Every airport serving civil aviation in Kenya shall establish an Airport Security Committee.

(2) The functions of the Airport Security Committee shall be to—

- (a) co-ordinate the implementation and maintenance of security controls and procedures as specified in the airport operator's security programme referred to in regulation 13;
- (b) oversee the implementation of the decisions or directives of the National Civil Aviation Security Committee;
- (c) oversee and monitor an airport security programme, including special measures introduced by the airport administration, operators and airport tenants;
- (d) draw up, maintain and review from time to time, a list of vulnerable points, and of essential equipment and facilities;
- (e) ensure that—
 - (i) basic minimum security measures and procedures are adequate to meet threats and are under constant review, providing for normal situations and periods of heightened tension and emergency situations;
 - (ii) recommendations that improve security measures and procedures are implemented;
 - (iii) security measures are incorporated in airport expansion or modification programmes;
- (f) prescribe and co-ordinate security education, awareness and training of airport and other staff and the general public.

(3) The Airport Security Committee shall refer to the National Civil Aviation Security Committee any matter relating to aviation security and which is within its functions under paragraph (2), which cannot be resolved at the airport level.

(4) The person in charge of an airport shall be the chairperson of the Airport Security Committee of that particular airport.

(5) The chairperson shall appoint other members of the Airport Security Committee.

(6) The Airport Security Committee shall, where available, consist of members from all agencies engaged in the operation of the airport which contribute to the establishment and implementation of security measures including—

- (a) persons in charge of airport administration;
- (b) persons in charge of aviation security at the airport;
- (c) civil aviation;
- (d) armed forces;
- (e) police;
- (f) immigration;
- (g) local authorities;
- (h) explosive detection expert;
- (i) state security;

- (j) health;
- (k) postal services;
- (l) fuel farm;
- (m) handling agents;
- (n) in flight caterers;
- (o) a representative of the airlines;
- (p) a representative of the airport tenants;
- (q) air navigation services provider;
- (r) fire and rescue services; and
- (s) customs.

(7) The Airport Security Committee may invite any person to attend and take part in the proceedings of the Committee and that person may participate in any discussion at the meeting but shall not have a right to vote at that meeting.

(8) The chairperson shall convene every meeting of the Airport Security Committee and the Committee shall meet for the discharge of business at least once in every month to ensure that an airport security programme is up to date and effective and that its provisions are being properly applied.

(9) Subject to this Regulation, the Airport Security Committee shall regulate the procedure for its meetings.

24. Airport security controls

(1) An airport operator shall maintain and carry out security measures and procedures at the airport for the purpose of protecting passengers, crew members, aircrafts, airports and aviation facilities and preventing acts of unlawful interference and assuring that appropriate action is taken when an act of unlawful interference occurs or is likely to occur.

(2) Every operator of an airport serving civil aviation shall be responsible for the security of the facilities and equipment at the airport and shall—

- (a) institute and maintain measures to prevent weapons, explosives or any other dangerous device which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorized, from being introduced, by any means, on board an aircraft engaged in civil aviation;
- (b) ensure that—
 - (i) access to airside areas at the airport is controlled in order to prevent unauthorized entry;
 - (ii) security restricted areas are established at the airport, in accordance with regulation 25;
 - (iii) architectural and infrastructure related requirements necessary for the optimum implementation of security measures under the National Civil Aviation Security Programme are integrated into the design and construction of new facilities and alterations to existing facilities at airports;
 - (iv) persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
 - (v) originating passengers and their cabin baggage are screened before boarding an aircraft engaged in commercial air transport operations;

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- (vi) originating hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations;
- (vii) all hold baggage to be carried on aircraft engaged in commercial air transport is protected from unauthorized interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried; and that where the integrity of hold baggage is jeopardized, the hold baggage is re-screened before being placed on board an aircraft;
- (viii) commercial air transport operators do not transport the baggage of passengers who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to additional screening subsequent to it being established as unidentified;
- (ix) transfer hold baggage is screened before being loaded into an aircraft engaged in commercial air transport operations; unless the airport operator has established a validation process and continuously implements procedures, in collaboration with other States where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorized interference from the originating airport to the departing aircraft at the transfer airport;
- (x) commercial air transport operators only transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier and that all such baggage is recorded as meeting these criteria and is authorized for carriage on that flight;
- (xi) transfer and transit passengers and their cabin baggage are subjected to adequate security controls to prevent unauthorized articles from being taken on board aircraft engaged in civil aviation;
- (xii) there is no possibility of mixing or contact between passengers subjected to security control and other persons not subjected to such control after the security screening points at airports serving civil aviation have been passed; and that where mixing or contact does take place, the passengers concerned and their cabin baggage are re-screened before boarding an aircraft;
- (xiii) the persons carrying out screening operations are certified according to the requirements of the National Civil Aviation Security Programme;
- (xiv) luggage or personal belongings left unattended at an airport are subjected to appropriate security controls and disposal procedures;
- (c) establish—
 - (i) storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of;
 - (ii) bomb disposal areas where detected explosives may be disposed of;
 - (iii) person and vehicle identification systems;
- (d) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the airport;
- (e) provide adequate supervision over the movement of persons and vehicles to and from the aircraft in order to prevent unauthorized access to aircraft;
- (f) undertake investigation and disposal, if necessary, of suspected sabotage devices or other potential hazards at the airport;

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- (g) employ and deploy suitably trained personnel to assist in dealing with suspected or actual cases of unlawful interference with civil aviation;
- (h) conduct a full scale security emergency exercise that incorporate security scenarios at least once in every three years;
- (i) conduct a contingency plan exercise at least once in each year.

25. Security restricted areas

(1) The Authority shall, in conjunction with the airport operator and other concerned persons, identify and designate security restricted area.

(2) An area designated as a security restricted area shall be—

- (a) marked and protected through physical or personnel protective measures, or through a combination of physical and personnel protective measures to prevent unauthorized access to the area;
- (b) separated from public or non-security restricted areas by an appropriate physical barrier; and
- (c) inspected at regular intervals.

(3) The airport operator shall specify the recognized places of entry through the security restricted area barrier and ensure that the area has adequate physical protection, of at least the same quality as the barrier itself, or is enough to prevent unauthorized access.

(4) All security restricted areas shall bear signage indicating the type of restriction and the penalty for non-compliance.

(5) The airport operator may, by notice, specify in every airport, security restricted areas which a person may not access without an airport security permit.

(6) An airport operator shall keep at the airport, a current scale map of the airport identifying security restricted areas, security barriers and security restricted areas access points.

26. Airport security permits

(1) Authorized access to security restricted areas and designated off-airport facilities serving commercial air transport operations shall be controlled through airport security permits issued by the airport operator.

(2) Airport security permits shall be issued in the manner prescribed in the National Civil Aviation Security Programme.

(3) A person issued with an airport security permit shall, while on duty in a security restricted area or in a designated off-airport facility, at all times properly display the airport security permit.

(4) A security permit issued under these Regulations shall not be transferable.

27. Airport boundary

An airport operator shall ensure that the airport has a conspicuous physical barrier or means of indicating the airport boundary with posted signs bearing a warning to prevent trespassing.

28. Carriage of firearms, etc., in airport premises

(1) Except for law enforcement officers on duty, no person shall carry or possess, in airport premises, firearms, explosives or inflammable materials or weapons, unless authorized by the Authority in writing.

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(2) An airport operator shall ensure that no unauthorized person carries firearms, explosives or inflammable materials within the airport premises.

29. Control of access by tenants

(1) The airport operator shall ensure that tenants whose premises or facilities form part of the landside or airside boundary through which access can be gained to the airside are responsible for control of access through their premises, and shall carry on business in compliance with the Airport Operator Security Programme.

(2) In paragraph (1), “**tenants**” means—

- (a) individuals or businesses granted a licence or other permit by the airport operator to conduct business operations at the airport, including concessionaires, cargo handlers, caterers, tour operators, taxi and bus operators, porters, aircraft maintenance organisations and fuel companies; and
- (b) Government authorities and agencies at the airport, including customs, immigration, health, agriculture and meteorology.

30. Obligation of airport operator in case of threat against facility or airport

Where an airport operator is made aware of a threat against its facility or any part of the airport under the control of a person carrying on any activity at the airport other than the airport operator, the airport operator shall immediately—

- (a) notify the Authority and other entities concerned with the nature of the threat; and
- (b) determine whether the threat affects the security of the airport and co-ordinate the implementation of appropriate measures to counter any threat.

31. Informing of threat against airport

Where a person authorized to conduct any screening activity at an airport is made aware of a threat against the airport, that person shall—

- (a) immediately notify the airport operator of the nature of the threat; and
- (b) assist the airport operator in determining whether the threat affects the security of the airport.

32. Taking of measures in event of threat

(1) Where an airport operator determines that there is a threat that affects the security of the airport, the airport operator shall immediately take all measures necessary to ensure the safety of the airport and persons at the airport, including informing the relevant parties of the nature of the threat.

(2) An airport operator shall immediately inform the Authority of the receipt of a bomb threat against an airport and its facilities, or an aircraft.

33. Discovery of weapons, incendiary devices or explosives at airport

An airport operator shall immediately notify the Authority when there is—

- (a) discovery, at the airport, of a weapon other than a firearm allowed under regulation 28;
- (b) discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed under regulation 28; or

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- (c) an explosion at the airport, unless the explosion is known to be the result of an excavation, a demolition, construction or the use of fireworks displays.

34. Submission of plans before renovation and expansion works

(1) Notwithstanding regulation 24(2)(b)(iii), an airport operator shall, before the implementation of any renovation, remodelling or expansion works at the airport, or the construction of new or additional airport facilities, submit to the Authority for its approval, the plans for the renovation and expansion works.

(2) The Authority shall, in approving the plans submitted to it under paragraph (1), assess the plans to ensure that security considerations are properly addressed and that the needs of aviation security are integrated in the configuration of the works.

Records

35. Keeping of records by operators

(1) Every operator shall keep a record of every security incident occurring in the course of their operations.

(2) A record required to be kept under paragraph (1), shall—

- (a) be kept for a minimum of ninety days;
- (b) be submitted to the Authority within thirty days after the occurrence of the incident; and
- (c) where relevant, include—
 - (i) the number and type of weapons and incendiary devices discovered during any passenger screening process and the method of detection of each;
 - (ii) the number of acts and attempted acts of unlawful interference;
 - (iii) the number of bomb threats received, real and simulated bombs found and actual bombings or explosions at the airport; and
 - (iv) the number of detentions and arrests and the immediate disposition of each person detained or arrested.

Aircraft Security

36. Responsibilities of aircraft operator

(1) An aircraft operator providing service from Kenya shall not—

- (a) transport the baggage of a passenger who is not on board the aircraft unless that baggage is subjected to appropriate security controls, including screening, after determining that the person is not on board;
- (b) accept consignment of cargo, courier and express parcels or mail for carriage on passenger flights, unless the security of the consignments is accounted for by a regulated agent, or the consignments are subjected to security controls to meet the appropriate security requirements.

(2) An aircraft operator providing service in or from Kenya shall—

- (a) carry out and maintain, at an airport, on an aircraft and at any aviation facility under the control of the operator, security measures prescribed in the National Civil Aviation Security Programme and the Airport Security Programme;

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- (b) ensure that—
 - (i) all its appropriate personnel are familiar with, and comply with the requirements of the National Civil Aviation Security Programme; and
 - (ii) all its aircraft carry a checklist of the procedures to be complied with for that type of aircraft in searching for concealed weapons, explosives or other dangerous devices;
- (c) be responsible for the security of its aircraft;
- (d) ensure that persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained; and
- (e) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the airport.

37. Special protection of aircraft

(1) An aircraft operator may, notwithstanding regulation 36(2)(c), request for special protection of an aircraft from an airport operator.

(2) Where special protection is offered to an aircraft operator under paragraph (1), the protection shall be on terms and conditions determined by the airport operator.

38. Control of prohibited items

(1) No person shall, subject to regulation 25, possess or have with him a prohibited item while—

- (a) in a security restricted area;
- (b) on board an aircraft; or
- (c) in an air navigation installation.

(2) The prohibited items referred to in paragraph (1) include—

- (a) firearms or articles appearing to be firearms, whether or not they can be discharged;
- (b) chemical or biological agents adapted, or capable of being used for causing injury to or incapacitating persons or damaging or destroying property;
- (c) explosives;
- (d) articles manufactured or adapted to have the appearance of explosives, whether in the form of a bomb, grenade or otherwise;
- (e) articles made or adapted for causing injury to or incapacitating persons or damaging or destroying property; and
- (f) any other dangerous article or substance or other item prescribed by the Authority from time to time.

39. Control of access to flight crew compartment

An aircraft operator engaged in commercial air transport shall—

- (a) where an aircraft is equipped with a flight crew compartment door, ensure that the door is lockable from the flight crew compartment only and remains locked during flight, except to permit access and exit by authorized persons; and
- (b) where an aircraft is not equipped with a flight crew compartment door, ensure the implementation of measures as appropriate to prevent unauthorized persons from entering the flight crew compartment during flight.

40. Control of special categories of passengers

(1) Law enforcement officers shall inform the aircraft operator and the pilot in command when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, in order that appropriate security controls can be applied.

(2) The aircraft operator shall inform the pilot in command of the number of armed or unarmed escort persons, the individuals whom they are escorting and their seat locations in the aircraft.

41. Authorized carriage of weapons on board aircraft

(1) The carriage of weapons on board aircraft by law enforcement officers and other authorized persons, acting in the performance of their duties, shall be in accordance with the laws of Kenya.

(2) Subject to paragraph (3), the Authority may—

- (a) approve, in writing, the carriage of weapons on board aircraft by law enforcement officers and other authorized persons acting in the performance of their duties;
- (b) consider requests by any other State to allow the travel of armed personnel on board aircraft of the requesting State, except that the Authority shall not allow the travel of armed personnel under this Regulation unless there is an agreement between both States on such travel.

(3) Where approval has been granted by the Authority under paragraph (2), an aircraft operator may allow or refuse the carriage of weapons on board an aircraft in accordance with conditions issued by the Authority.

(4) Where an aircraft operator accepts the carriage of weapons removed from passengers, the aircraft shall have provision for stowing the weapons so that they are inaccessible to passengers during flight time and, in the case of a firearm, to ensure that it is not loaded.

(5) Where Kenya decides to deploy in-flight security officers—

- (a) the officers shall be government personnel who are especially selected and trained, taking into account the safety and security aspects on board an aircraft; and
- (b) the officers shall be deployed according to the threat assessment of the Authority.

(6) The deployment under paragraph (5) shall be done in co-ordination with concerned states and shall be kept strictly confidential.

*Regulated Agents***42. Conditions for acceptance of goods**

(1) A regulated agent shall, before accepting goods for transport in an aircraft—

- (a) establish and register the name and address of the consignor;
- (b) establish the credentials of the person who delivers the goods as an agent of the consignor;
- (c) ensure, on the basis of appropriate security controls or security screening, that such goods do not contain any prohibited items;
- (d) ensure the safeguarding of such goods from unauthorized interference after acceptance;

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- (e) ensure the goods are received by staff who are properly recruited and trained;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that the following categories of goods are not carried by air unless they have been subjected to screening—
 - (i) unaccompanied baggage;
 - (ii) goods from unknown consignors;
 - (iii) goods for which the contents do not coincide with the description delivered; and
- (h) ensure that each shipment of goods is accompanied by documentation providing the statement of the security status of the shipment.

(2) A regulated agent who offers goods to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

(3) A regulated agent shall make available to the Authority, a report of any irregularities in documents or records relating to goods being offered for air transport.

(4) All cargo and mail intended for carriage on passenger commercial flights shall be subjected to appropriate security controls by aircraft operators and regulated agents before being placed on board an aircraft.

43. Conditions for acceptance of hold baggage

For the purpose of protecting passengers, crew members, aircraft and airports and preventing acts of unlawful interference with civil aviation, every regulated agent shall establish measures to ensure that—

- (a) only screened baggage is loaded into aircraft engaged in civil aviation;
- (b) all hold baggage to be carried on commercial aircraft is protected from unauthorized interference from the point it is screened or accepted into the care of the carrier, whichever is earlier, until departure of the aircraft on which it is to be carried; and that if there are grounds to suspect that the integrity of hold baggage may be jeopardized, the hold baggage is re-screened before being placed on board an aircraft;
- (c) persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained; and
- (d) the regulated agent institutes and implements adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas.

44. Security measures to be taken by aircraft operator

(1) The aircraft operator is responsible for ensuring that appropriate security controls have been carried out, and in so doing, the aircraft operator shall—

- (a) carry out appropriate security controls to be applied to any given consignment, to the required level;
- (b) protect the consignment from unlawful interference while it is in the custody of the airline;
- (c) ensure that all consignments have been secured to an appropriate level before being placed in the aircraft; and

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- (d) ensure that all consignments placed on board the aircraft are recorded on the aircraft manifest.

(2) The aircraft operator may delegate any of the functions under paragraph (1) to a regulated agent.

(3) For the avoidance of doubt, notwithstanding the delegation of any functions to a regulated agent under paragraph (2), the aircraft operator shall remain responsible for ensuring that the appropriate security controls have been carried out.

(4) The aircraft operator or the regulated agent shall ensure that all consignments due to be loaded into an aircraft are—

- (a) delivered by an established employee of a handling agent;
- (b) covered by valid documentation that has been checked for inconsistencies and fully describes the contents;
- (c) covered by a valid consignment security declaration;
- (d) checked to establish that there is no evidence of having been tampered with;
- (e) kept secure until delivered into the aircraft operator's charge; or
- (f) subjected to the appropriate level of security screening.

(5) An aircraft operator shall make available to the Authority, a report of any incident where an airway bill or equivalent document did not provide an accurate record of the goods being offered for air transport.

(6) An aircraft operator shall require a regulated agent operator to comply with the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, Doc. 9284.

(7) Appropriate security controls referred to in this Regulation shall be as prescribed by the Authority.

Catering Operators

45. Responsibilities of catering operators

(1) A catering operator shall, before accepting supplies and equipment for preparation as catering supplies for transport in an aircraft—

- (a) establish and register the name and address of the supplier of the supplies and equipment;
- (b) establish the credentials of the person who delivers the supplies and equipment as an agent of the supplier of the supplies and equipment;
- (c) ensure, on the basis of appropriate security controls or security screening, that the supplies and equipment do not contain any prohibited items;
- (d) ensure the safeguarding of the supplies and equipment from unauthorized interference after acceptance;
- (e) ensure the supplies and equipment are received by staff who are properly recruited and trained by the operator;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that catering stores and supplies are not carried by air unless they have been subjected to screening;
- (h) ensure that each shipment of catering stores and supplies is accompanied by documentation providing the statement of the security status of the shipment;

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- (i) ensure that persons engaged to implement security controls are subject to background checks and selection procedures, are capable of fulfilling their duties and are adequately trained;
- (j) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to security restricted areas of the airport.

(2) A catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of supplies and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.

46. Conditions for acceptance of catering stores and supplies

(1) An aircraft operator shall accept catering stores and supplies for transport on an aircraft only from a catering operator.

(2) An aircraft operator shall, before accepting catering stores and supplies for transport on an aircraft, ensure—

- (a) that the catering stores and supplies have been subjected to screening;
- (b) the safeguarding of the catering supplies and stores against unlawful interference until the catering supplies and stores have been placed in the aircraft;
- (c) that the shipments of catering supplies and stores are recorded; and
- (d) that whenever the catering supplies and stores are received, those catering supplies and stores are delivered by an authorized employee of the catering operator.

(3) An aircraft operator shall not accept any catering supplies and stores for transport by aircraft unless the documentation for those catering supplies and stores is examined for inconsistencies and is accompanied by a valid security declaration.

(4) An aircraft operator shall require a catering operator to comply with the technical instructions.

(5) An aircraft operator shall make available to the Authority, a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport.

(6) An aircraft operator shall preserve, for not less than one year, a record of acceptance checklists and inspections carried out under this Part.

PART V – MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE**47. Prevention of acts of unlawful interference**

(1) The Authority shall take adequate measures, when reliable information exists that an aircraft may be subjected to an act of unlawful interference—

- (a) if the aircraft is on the ground, to safeguard the aircraft and ensure that the aircraft is searched for concealed weapons, explosives or other dangerous devices, articles or substances; and prior notification of the search shall be provided to the operator concerned;
- (b) if the action is in flight, to provide as much prior notification as possible of the arrival of that aircraft to relevant airport authorities and air traffic services of the States and aircraft and airport operators concerned.

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(2) The Authority shall ensure that arrangements are made to investigate, render safe or dispose of, if necessary, suspected dangerous devices or other potential hazards at airports.

(3) The Authority shall ensure that authorized and suitably trained personnel are readily available for deployment at every airport serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference.

48. Authority's response to acts of unlawful interference

The Authority shall—

- (a) take adequate measures for the safety of passengers and crew of an aircraft which is subjected to an act of unlawful interference while on the ground until their journey can be continued;
- (b) collect all pertinent information on the flight which is the subject of an act of unlawful interference and transmit that information to all other States responsible or the air traffic service units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en-route and at the aircraft's known, likely or possible destination;
- (c) provide such assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (d) notify the State of registry of an aircraft and the State of the operator of the landing aircraft subjected to an act of unlawful interference, and shall similarly transmit, by the most expeditious means, all other relevant information to—
 - (i) the State of registry and the State of the operator;
 - (ii) each State whose citizens suffered fatalities or injuries;
 - (iii) each State whose citizens were detained as hostages;
 - (iv) each State whose citizens are known to be on board the aircraft; and
 - (v) the International Civil Aviation Organisation.

49. Mandatory reporting

(1) Every operator shall, where an act of unlawful interference occurs, immediately notify the Authority.

(2) Every pilot in command and air navigation service provider shall submit to the Authority—

- (a) a preliminary written report, within fifteen days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers; and
- (b) a final written report, upon completion of investigations, but within thirty days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers.

50. Notification to the International Civil Aviation Organisation

(1) The Authority shall, where an act of unlawful interference has occurred, provide the International Aviation Organisation with a report on each incident, whether successful or unsuccessful as follows—

- (a) a preliminary report, within thirty days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and
- (b) a final report, within sixty days after resolution of the incident.

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(2) The Authority shall provide copies of reports submitted to the International Civil Aviation Organisation under this Regulation to—

- (a) the State of Registry of the aircraft and the State of the operator;
- (b) each State whose citizens suffered fatalities or injuries;
- (c) each State whose citizens are or were detained as hostages;
- (d) each State whose citizens are or were known to be on board the aircraft.

PART VI – OFFENCES AND PENALTIES

51. Offences committed at an airport

(1) Any person who commits, at an airport or its related facilities, any of the following acts commits an offence—

- (a) assault, intimidation or threat, whether physical or verbal, against an aviation security officer or authorized person if the act interferes with the performance of the duties of the aviation security officer or authorized person or lessens the ability of the aviation security officer or authorized person to perform those duties;
- (b) refusal to follow a lawful instruction given by the airport operator or on behalf of the Authority by an aviation security officer or authorized person for the purpose of ensuring the safety at the airport or of any person or property at the airport or for the purpose of maintaining good order and discipline at the airport;
- (c) an act of physical violence against an aviation security officer or authorized person on duty;
- (d) intentionally causing damage to, or destruction of, property.

(2) A person who commits an offence under paragraph (1) is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

(3) An airport operator who fails to notify the Authority or other party concerned of a threat under regulation 30 commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

52. Offences committed against crew on board aircraft

(1) Any person who commits on board a civil aircraft any of the following acts, commits an offence—

- (a) assault, intimidation or threat, whether physical or verbal, against a crew member if the act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform his duties;
- (b) refusal to follow a lawful instruction given by the aircraft commander or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

(2) A person who commits an offence under this Regulation is liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or both.

53. Offences jeopardizing good order and discipline on board aircraft

(1) A person who commits on board an aircraft an act of physical violence against a person, or an act of sexual assault or child molestation, commits an offence.

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(2) Any person who commits on board an aircraft any of the following acts commits an offence if that act is likely to endanger the safety of the aircraft or of any person on board, or if that act jeopardizes good order and discipline on board the aircraft—

- (a) assault, intimidation or threat, whether physical or verbal, against another person;
- (b) intentionally causing damage to, or destruction of, property;
- (c) consuming alcoholic beverages or drugs resulting in intoxication.

(3) A person who commits an offence under this Regulation is liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or both.

54. Other offences committed on board aircraft

(1) A person who commits on board an aircraft, any of the following acts, commits an offence—

- (a) smoking in a lavatory, or elsewhere in an aircraft, where such act is prohibited;
- (b) tampering with a smoke detector or any other safety related device on board the aircraft;
- (c) operating a portable electronic device where such an act is prohibited.

(2) A person who commits an offence under this Regulation is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

55. Possession of prohibited items

A person who is in unlawful possession of a prohibited item at an airport, in a security restricted area, on board an aircraft or at airport navigation installation or has with him a prohibited item contrary to regulation 38 commits an offence and is liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or both.

56. Entry into security restricted areas

A person who, without lawful authority, enters a security restricted area, commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

57. Offences relating to airport security permits

(1) A person commits an offence who—

- (a) for the purpose of, or in connection with, an application for the issue of an airport security permit; or
- (b) in connection with continuing to hold an existing airport security permit, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular.

(2) A person who uses an airport security permit to gain access to an aircraft, an area of an airport or an air navigation installation when he is not entitled to such access commits an offence.

(3) A person who uses a false or unauthorized airport security permit for the purpose of gaining access to a security restricted zone or to an air navigation installation commits an offence.

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(4) A person commits an offence who—

- (a) fails to comply with any conditions applying to an airport security permit;
- (b) fails to display an airport security permit upon being required to do so by an aviation security officer;
- (c) fails to return an airport permit promptly following its expiry or upon his becoming no longer authorized to possess it; or
- (d) continues using an airport security permit after it has expired; or uses a valid permit after he is no longer authorized to possess it.

(5) A holder of an airport security permit who transfers, lends, gives or sells his permit to another person with the intention of enabling that other person to gain access to an aircraft, a security restricted or an air navigation installation when he is not authorized to gain such access, commits an offence.

(6) A person who, being a person authorized by the Authority to issue airport security permits, issues a permit to a person who is not authorized to be issued with such a permit, with the intention of enabling that other person to gain access to an airport, a security restricted or an air navigation installation, commits an offence.

(7) A person who commits an offence under this Regulation is liable, on conviction, to fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

58. Operating without and failing to implement security programmes

(1) A person commits an offence who—

- (a) operates without a security programme as required by regulations 13, 14, 15, 16 or 22;
- (b) fails to implement a security programme referred to in regulations 13, 14, 15, 16 or 22.

(2) A person who commits an offence under paragraph (1) is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

59. Obstructing authorized persons

(1) A person commits an offence who—

- (a) intentionally obstructs a person acting under a power conferred by these Regulations;
- (b) falsely pretends to be a person acting under a power conferred by these Regulations; or
- (c) refuses to obey any order or a reasonable request of a police officer or an aviation security officer, acting in the execution of his or her duty.

(2) A person who commits an offence under paragraph (1) is liable, on conviction, to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding one year, or both.

60. Offences by body corporate

Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of—

- (a) any director, manager, secretary or similar officer of the body corporate; or

[Subsidiary]

- (b) any person who was purporting to act in any such capacity, that person, as well as the body corporate, commits the offence and is liable to be proceeded against and punished accordingly.

61. Jurisdiction

(1) Kenya shall have jurisdiction over any act constituting an offence under regulation 38 if the act took place on board—

- (a) any aircraft registered in Kenya;
- (b) any aircraft leased with or without crew to a lessee whose principal place of business is in Kenya or, if the lessee does not have a principal place of business, whose permanent residence is in Kenya;
- (c) any aircraft on or over the territory of Kenya; or
- (d) any other aircraft in flight outside Kenya, if the next landing of the aircraft is in Kenya, and the pilot in command has—
 - (i) delivered the suspected offender to the competent authorities in accordance with regulation 64(3);
 - (ii) requested Kenya to prosecute the suspected offender; and
 - (iii) affirmed that no similar request has been or will be made by the pilot in command or the aircraft operator to any other contracting State.

(2) For the purposes of this Regulation, an aircraft is deemed to be “**in flight**” at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; and in the case of forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

PART VII – ENFORCEMENT PROVISIONS

62. Unidentified baggage

Where a police officer or an aviation security officer has reasonable cause to suspect that an item of baggage or any other object may constitute a security risk, whether because it is unidentified, unattended or for any other reason, that officer may, after subjecting the baggage to security controls, including investigations and evaluation to ascertain explosives, remove the item of baggage or object and destroy it.

63. Power to stop passengers

Where a police officer has reasonable cause to suspect that a person—

- (a) is about to embark on an aircraft in Kenya; or
- (b) is on board an aircraft in Kenya, and that that person intends to commit an offence that amounts to an act of unlawful interference, the officer may, with the approval of the police officer in charge of the airport, prohibit that person from traveling on board the aircraft by—
 - (i) preventing him from embarking on the aircraft; or
 - (ii) removing him from the aircraft; or
 - (iii) arresting him without warrant and detaining him for as long as may be necessary to prevent that person traveling on the aircraft.

64. Powers and responsibilities of pilot in command

(1) The pilot in command shall, while the aircraft is in flight, have the power and responsibility to—

- (a) protect the safety of persons and property on board;

[Subsidiary]

- (b) restrain persons on board who may be a threat to safety;
- (c) disembark persons who may be a threat to safety;
- (d) search persons and baggage on an aircraft and take possession of items which could be used in connection with any act of unlawful interference;
- (e) notify authorities of Kenya as soon as practicable and before landing in the territory of Kenya;
- (f) provide the authorities of Kenya with evidence and information regarding the incident that necessitated the restraint and or disembarkation of a passenger.

(2) In case of severe threat to safety by a disruptive passenger on board, the pilot in command shall have the mandate to land at the nearest suitable airport and disembark the passenger in consultation with the local authorities.

(3) The police shall accept delivery of persons disembarked in accordance with paragraph (2) for appropriate action.

65. Powers of aviation security officers

An aviation security officer shall have power to—

- (a) screen goods;
- (b) screen passengers and their cabin baggage;
- (c) stop unauthorized persons from entering a security restricted area; and
- (d) stop unauthorized persons from entering an aircraft.

66. Exemptions

(1) The Authority may, at its discretion, or on application by any person, airport or category of airports from the application of these Regulations.

(2) The Authority may, in an emergency situation, exempt any person, airport or category of airports from the application of these Regulations.

(3) An emergency situation referred in paragraph (2) includes an aircraft emergency, war or natural disaster.

67. Application for exemption

(1) An application for exemption under regulation 66 shall be in writing and shall contain—

- (a) the particulars of the applicant;
- (b) the specific regulation or regulations, or the specific security requirement from which the applicant seeks exemptions;
- (c) the justification or reasons for the exemption;
- (d) the proposed duration of the exemption;
- (e) a description of any alternative means by which the applicant proposes to safeguard civil aviation from acts of unlawful interference;
- (f) any other relevant information that the Authority may require.

(2) An application for an exemption shall be accompanied by such fees as may be prescribed by the Authority.

68. Grant or refusal of exemption

(1) The Authority may, in considering an application for exemption under these Regulations—

- (a) have due regard to the impracticability of the application of the provisions of the Regulations or the specific requirements from which exemption is required;
- (b) carry out a security risk assessment to determine the threat levels.

(2) The Authority shall, within sixty days after receiving the application, refuse or grant the exemption.

(3) The Authority—

- (a) may impose conditions in an exemption granted under these Regulations; and
- (b) shall state the duration of the exemption in the exemption.

(4) Where the Authority refuses to grant an exemption, the Authority shall inform the applicant in writing, and shall give the applicant reasons in writing for the refusal.

(5) The Authority shall publish every exemption granted under these Regulations in aeronautical information circular.

69. Power to enforce compliance

(1) The Authority or any authorized person may, for purposes of ensuring the implementation of the National Aviation Security Quality Control Programme, or the requirements of the National Civil Aviation Security Programme, or any other operator security programme, or requirements set out under these Regulations, and without prejudice to the provisions of Part VII of these Regulations; adopt procedures for aviation security monitoring and enforcement approved by the National Aviation Security Committee.

(2) The procedures referred to in paragraph (1) shall establish enforcement to ensure rectification of any matter, including but not limited to the following—

- (a) failure to comply with any order, circular or directive issued under these Regulations;
- (b) failure to comply with any requirement set out under the National Civil Aviation Security Programme or the respective operator security programme;
- (c) failure to comply with an oversight recommendation made by the Authority;
- (d) failure to take into account unique or exceptional circumstances which, although not expressly provided under the National Civil Aviation Security Programme, or the respective operator security programme, may expose an airport, aircraft or catering facility to risk.

(3) The Authority or any authorized person may, without limiting the generality of this Regulation, issue infringement notices set out in Part VIII of these Regulations on serious or prolonged breaches of security or failure to rectify security lapses that may endanger the safety of civil aviation.

(4) An infringement notice may require that the operations of a particular operator be halted until the breach has been rectified.

PART VIII – INFRINGEMENT NOTICES**70. Purposes and effect of infringement notices**

(1) The purpose of this Part is to create a system of infringement notices for offences under these Regulations as an alternative to prosecution.

[Subsidiary]

(2) This Part does not—

- (a) require an infringement notice to be issued to a person for an offence;
- (b) affect the liability of a person to be prosecuted for an offence if an infringement notice is not issued to the person for the offence;
- (c) prevent the issue of two or more infringement notices to a person for an offence;
- (d) affect the liability of a person to be prosecuted for an offence if the person does not comply with an infringement notice for the offence; or
- (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

71. Fine payable under infringement notice

The fine for an offence payable under an infringement notice issued to the person for the offence is one-fifth of the maximum fine that a court could impose on the person for the offence.

72. Issue of infringement notices

(1) In this Regulation, “**infringement notice offences**” means an offence against regulation 51, 55, 56, 58 or 59.

(2) Where an authorized person has reason to believe that a person has committed an infringement notice offence, the authorized person may issue a notice, called an infringement notice, to the person for the offence.

(3) An authorized person who knowingly improperly issues an infringement notice, or who issues an infringement notice for any purpose other than to ensure aviation security, commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

73. Contents of infringement notice

(1) An infringement notice shall—

- (a) bear a serial number;
- (b) state the name of the authorized person who issued it;
- (c) state its date of issue;
- (d) state the full name, or the surname and initials, and the address, of the person to whom it is issued;
- (e) give brief details of the offence of which it is issued, including—
 - (i) the date and time of the offence;
 - (ii) where the offence happened;
 - (iii) the provision of these Regulations contravened;
- (f) state the penalty for the offence payable under the notice;
- (g) state where and how that penalty can be paid, including, if the penalty can be paid by positing the payment, the place to which it should be posted;
- (h) state that if the person to whom it is issued (the recipient) pays the penalty within twenty-eight days after the day on which the notice is served, or any longer time allowed in writing by an authorized person, then, unless the infringement notice is subsequently withdrawn and any penalty paid refunded—
 - (i) any liability of the recipient for the offence will be discharged;

[Subsidiary]

- (ii) the recipient will not be prosecuted in a court for the offence;
- (iii) the recipient will not be taken to have been convicted of the offence;
- (i) state the greatest penalty that a court could impose on the recipient for the offence;
- (j) state that if the recipient is prosecuted in court and found guilty of the offence, the recipient may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order that the court makes;
- (k) state how and to whom the recipient can apply to be allowed more time to pay the penalty; and
- (l) be signed by the authorized person who issued it.

(2) An infringement notice may contain any other information that the authorized person who issues it deems necessary.

74. Service of infringement notice

- (1) An infringement notice shall be served on the person to whom it is issued.
- (2) An infringement notice may be served on individual—
 - (a) by giving it to the individual;
 - (b) by leaving it at, or by sending it by post, telex, fax or similar facility to, the address of the place of residence or business (the relevant place) of the individual last known to the authorized person who issues it;
 - (c) by giving it, at the relevant place, to someone who—
 - (i) lives or is employed, or apparently lives or is employed, there; and
 - (ii) is, or the authorized person who issued it has reason to believe is, over eighteen years of age.
- (3) An infringement notice may be served on a corporation—
 - (a) by leaving it at, or by sending it by post, telex, fax or similar facility to the address of the head office, a registered office or a principal office of the corporation;
 - (b) by giving it, at an office mentioned in sub-paragraph (a), to someone who is, or the authorized person who issued it has reason to believe is, an officer or employee of the corporation.

75. Time for payment of fine

The fine stated in an infringement notice shall be paid—

- (a) within twenty-eight days after the day on which the notice is served on the person to whom it is issued;
- (b) if the person applied for a further period of time in which to pay the penalty, and that application is granted, within the further period allowed;
- (c) if the person applies a further period of time in which to pay the penalty, and the application is refused, within seven days after the notice of the refusal is served on the person;
- (d) if the person applies for the notice to be withdrawn, and the application is refused, within twenty-eight days after the notice of the refusal is served on the person.

[Subsidiary]**76. Extension of time to pay fine**

(1) The person to whom an infringement notice is issued may apply, in writing, to the Authority for a further period of up to twenty-eight days in which to pay the fine stated in the notice.

(2) Within fourteen days after receiving the application, the Authority shall—

- (a) grant or refuse a further period not longer than the period sought; and
- (b) notify the recipient in writing of the decision and, if the decision is a refusal, the reasons for it.

(3) Notice of the decision may be served on the recipient in any way in which the infringement notice could have been served on the recipient.

77. Effect of payment of fine

(1) Where an infringement notice is not withdrawn, and the person to whom it is issued for an offence pays the fine stated in the notice—

- (a) any liability of the person for the offence is discharged;
- (b) the person may not be prosecuted in a court of law for the offence;
- (c) the person is not taken to have been convicted of the offence.

(2) Where two or more infringement notices are issued to a person for the same offence, the person's liability to be prosecuted for the offence ceases if the person pays the fine stated in any of the notices.

78. Withdrawal of infringement notice

(1) A person may apply in writing to the Authority, before the end of twenty eight days after receiving an infringement notice, for the infringement notice to be withdrawn.

(2) The Authority shall, within fourteen days after receiving the application—

- (a) withdraw or refuse to withdraw the notice;
- (b) notify the person in writing of the decision and, if the decision is a refusal, the reasons for the decision.

(3) Where the Authority fails to approve the withdrawal of the notice within the period allowed by paragraph (2), the Authority shall be deemed to have refused to approve the withdrawal of the notice.

(4) The Authority shall, before withdrawing or refusing to withdraw a notice, consider—

- (a) whether the person has been convicted previously of an offence against these Regulations;
- (b) the circumstances of the offences stated in the notice;
- (c) whether the person has previously paid a penalty under an infringement notice issued to the person for an offence of the same type as the offence mentioned in the notice; and
- (d) any other relevant matter.

(5) The Authority may withdraw an infringement notice without an application having been made.

79. Notice of withdrawal of infringement notice

(1) Notice of the withdrawal of an infringement notice may be served on a person in any way in which the infringement notice could have been served on the person.

[Subsidiary]

- (2) A notice withdrawing an infringement notice served on a person for an offence—
- (a) shall include the following information—
 - (i) the full name, or surname and initials, and address of the person upon whom it was issued;
 - (ii) the number of the infringement notice;
 - (iii) the date of issue of the infringement notice;
 - (b) shall state that the notice is withdrawn; and
 - (c) if the Authority intends to prosecute the person in court for the offence, shall state that the person may be prosecuted in a court for the offence.

80. Refund of fine

Where an infringement notice is withdrawn after the fine stated in it has been paid, the Authority shall refund the fine to the person who paid it, within sixty days after the withdrawal of the notice.

PART IX – SAVINGS AND TRANSITIONAL PROVISIONS

81. Existing operators

Every person who, immediately before the commencement of these Regulations, was operating as an airport operator, an aircraft operator, a regulated agent or a catering operator may, on the commencement of these Regulations, continue their operations but shall, within ninety days after the commencement of these Regulations, submit to the Authority a security programme for approval in accordance with regulation 17.

82. Existing airport security permits

An airport security permit issued before the commencement of these Regulations, and in force at the commencement of these Regulations shall continue in force as if issued under these Regulations until it expires or is cancelled by the airport operator.

CIVIL AVIATION (AERODROMES) REGULATIONS, 2008

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CIVIL AVIATION (AERODROMES) REGULATIONS, 2008

[L.N. 131/2008.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Civil Aviation (Aerodromes) Regulations, 2008.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**aerodrome**” means a defined area on land (including any buildings, installations, and equipment) used for the arrival, departure and surface movement of aircraft, licensed or certificated under these Regulations, and “**controlled aerodrome**” means an aerodrome where air traffic services are provided;

“**aerodrome beacon**” means an aeronautical beacon used to indicate the location of an aerodrome from the air;

“**aerodrome elevation**” means the elevation of the highest point of the landing area;

“**aerodrome facilities and equipment**” means facilities and equipment, inside or outside the boundaries of an aerodrome that are constructed or installed and maintained for the arrival, departure and surface movement of aircraft;

“**aerodrome manual**” means the manual that forms part of the application for a licence or a certificate under these Regulations, including any amendments to the manual, approved by the Authority;

“**aerodrome reference code**” means a code used for planning purposes to classify an aerodrome with respect to the critical aircraft characteristics for which the aerodrome is intended;

“**aerodrome reference point**” means the designated geographical location of an aerodrome;

“**aerodrome traffic zone**” means the airspace extending from aerodrome level to a height of two thousand feet over the area comprising the aerodrome and the surrounding land or water within a distance of two thousand yards of its boundaries;

“**aeronautical beacon**” means an aeronautical ground light visible at all azimuths, either continuously or intermittently, to designate a particular point on the surface of the earth;

“**aeronautical ground light**” means any light provided as an aid to air navigation, other than a light displayed on an aircraft;

“**Aeronautical Information Circular**” means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the Aeronautical Information Publication, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

“**Aeronautical Information Publication**” means an aeronautical information publication of a lasting character essential to air navigation, issued by the Authority;

[Subsidiary]

“air traffic service” means a flight information service, alerting service, air traffic advisory service, or air traffic control service;

“air traffic service unit” is a generic term meaning variously, air traffic control unit, flight information centre or air traffic services reporting office;

“Aircraft Classification Number” means a number expressing the relative effect of an aircraft on a pavement for a specified standard sub-grade category;

“aircraft stand” means a designated area on an apron intended to be used for parking an aircraft;

“apron” means a defined area, on an aerodrome, intended to accommodate aircraft for purposes of loading or unloading of passengers, mail or cargo, fuelling, parking or maintenance;

“apron management service” means a service provided to regulate the activities and the movement of aircraft and vehicles on an apron;

“Authority” means the Kenya Civil Aviation Authority established by section 3 of the Act;

“authorized person” means any person authorized by the Authority either generally or in relation to a particular case or class of cases and reference to an authorized person includes references to the holder for the time being of an office designated by the Authority;

“certificate” means the certificate to operate an aerodrome issued by the Authority under Part IV of these Regulations;

“clearway” means a defined rectangular area under the control of the appropriate authority selected or prepared as a suitable area over which an aircraft may make a portion of its initial climb to a specified height;

“critical aircraft characteristics” means the characteristics of the most demanding aircraft that is proposed to use an aerodrome facility;

“declared distance” means—

- (a) “accelerate-stop distance available” which is the length of the take-off run available plus the length of the stopway, if provided;
- (b) “landing distance available” which is the length of the runway which is declared available and suitable for the ground run of an aircraft landing;
- (c) “take-off distance available” which is the length of the take-off run available plus the length of the clearway, if provided;
- (d) “take-off run available” which is the length of runway declared available and suitable for the ground run of an aircraft taking off;

“displaced threshold” means a threshold not located at the extremity of a runway;

“geoid” means the equipotential surface in the gravity field of the earth which coincides with the undisturbed Mean Sea Level extended continuously through the continents;

“hazard beacon” means an aeronautical beacon used to designate a danger to air navigation;

“holding bay” means a defined area where aircraft can be held, or bypassed, to facilitate efficient surface movement of aircraft;

[Subsidiary]

“human factor principles” means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

“human performance” means human capabilities and limitations, which have an impact on the safety and efficiency of aeronautical operations;

“identification beacon” means an aeronautical beacon emitting a coded signal by means of which a particular point of reference can be identified;

“incident” means an occurrence other than an accident associated with the operation of an aircraft, which affect or may affect the safety of operation of aircraft;

“instrument runway” means any of the following types of runways intended for the operation of aircraft using instrument approach procedures—

- (a) “non-precision approach runway” which means an instrument runway served by visual aids and a non-visual aid providing at least directional guidance adequate for a straight-in approach;
- (b) “precision approach runway, category I”, which means an instrument runway served by instrument landing system and microwave landing system and visual aids intended for operation with a decision height not lower than 60m (200ft) and either a visibility not less than 800m or a runway visual range not less than 550m;
- (c) “precision approach runway, category II”, which means an instrument runway served by Instrument Landing System and Microwave Landing System and visual aids intended for operation with a decision height lower than 60m (200ft) but not lower than 30m (100ft) and a runway visual range not less than 350m;

“intermediate holding position” means a designated position intended for traffic control at which taxiing aircraft and vehicles stop and hold until they are cleared to proceed, when so instructed by the aerodrome control tower;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“licence” means a licence to operate an aerodrome issued by the Authority under Part II of these Regulations;

“lighting system reliability” means the probability that the complete installation operates within the specified tolerances and that the system is operationally usable;

“manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

“Manual of Aerodrome Standards” means a manual developed by the Authority on aerodrome standards;

“marker” means an object displayed above ground level in order to indicate an obstacle or delineate a boundary;

“marking” means a symbol or group of symbols displayed on the surface of the movement area in order to convey aeronautical information;

“Minister” means the Minister for the time being responsible for civil aviation;

“Movement area” means that part of the aerodrome to be used for take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and apron;

“NOTAM” means Notices to Airmen;

[Subsidiary]

“notified” means shown in Aeronautical Information Publications, Aeronautical Information Circulars, NOTAM, civil aviation publications or any other official publication issued for the purpose of enabling any of the provisions of these Regulations to be complied with, and the term **“notify”** shall be construed accordingly;

“non-instrument runway” means a runway intended for the operation of aircraft using visual approach procedures;

“obstacle” means a fixed (whether temporary or permanent) or mobile object, or part of an object, located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight;

“obstacle free zone” means the airspace above the inner approach surface, inner transitional surfaces, the balked landing surface and that portion of the strip bounded by these surfaces, which is not penetrated by any fixed obstacle other than a low-mass and frangibly mounted one required for air navigation purposes;

“obstacles limitation surfaces” means a series of surfaces that define the volume of airspace at and around an aerodrome to be kept free of obstacles in order to permit the intended aircraft operations to be conducted safely, and to prevent the aerodrome from becoming unusable by the growth of obstacles around the aerodrome;

“operator” means a person operating an aerodrome licensed or certificated under these Regulations;

“Organization” means the International Civil Aviation Organization;

“Pavement Classification Number” means a number expressing the bearing strength of a pavement for unrestricted operations;

“precision approach runway” means—

- (a) “precision approach runway, category I” which an instrument runway served by Instrument Landing System and visual aids intended for operations with a decision height not lower than 60m (200 ft) and either a visibility not less than 800m or a runway visual range not less than 550m;
- (b) “precision approach runway, category II”, which is an instrument runway served by Instrument Landing System and visual aids intended for operations with a decision height lower than 60m (200 ft) but not lower than 30m (100 ft) and a runway visual range not less than 350m;

“prescribed” means prescribed by the Authority in the Manual of Aerodrome Standards;

“primary runway” means a runway used in preference to others whenever conditions permit;

“recommended practice” means any specification for the physical characteristics configuration, material, performance or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation;

“relevant authority” means any authority other than the Authority whose action may be necessary or complimentary for the implementation of these Regulations;

“road” means an established surface route on the movement area meant for the exclusive use of vehicles;

“road holding position” means a designated position at which vehicles may be required to hold;

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

[Subsidiary]

“runway end safety area” means an area symmetrical about the extended runway centreline and adjacent to the end of the strip primarily intended to reduce the risk of damage to an aircraft undershooting or overrunning the runway;

“runway-holding position” means a designated position intended to protect a runway, an obstacle limitation surface, or an Instrument Landing System/Microwave Landing System critical or sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

“runway strip” means a defined area including the runway and stop way, if provided, intended to—

- (a) reduce the risk of damage to aircraft running off a runway; and
- (b) protect aircraft flying over it during take-off or landing operations;

“runway visual range” means the range over which a pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“safety” means a state in which the risk of harm to persons or property damage is reduced to, and maintained at or below unacceptable level through a continuing process or hazard identification and risk management;

“safety management system” means a system for the management of safety at an aerodrome, including the organizational structure, responsibilities, procedures, processes and provisions for the implementation of aerodrome safety policies by an operator, which provides for the control of safety at an aerodrome and its safe use;

“shoulder” means an area adjacent to the edge of a pavement, prepared to provide a transition between the pavement and the adjacent surface;

“standard” means any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognised as necessary for the safety of air navigation;

“stopway” means a defined rectangular area on the ground at the end of the take-off run available, prepared as a suitable area in which an aircraft can be stopped in the case of an abandoned take-off;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including—

- (a) an aircraft stand taxi lane which is a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) an apron taxiway which is a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) rapid exit taxiway which is a taxiway connected to a runway at an acute angle and designed to allow landing aircraft to turn off at higher speeds than are achieved on other exits taxiways thereby minimizing runway occupancy times;

“taxiway strip” means an area including a taxiway intended to protect aircraft operating on a taxiway and to reduce the risk of damage to an aircraft accidentally running off the taxiway;

“threshold” means the beginning of that portion of the runway usable for landing;

“touchdown zone” means the portion of a runway beyond the threshold, intended for landing aircraft on first contact with the runway;

[Subsidiary]

“unserviceable area” means a part of the movement area that is unfit and unavailable for use by aircraft;

“vicinity” means a defined airspace around an aerodrome for control of obstacles that may infringe the obstacle limitation surfaces around the aerodrome, contained within a radius of twelve and half kilometres from the aerodrome reference point and at a height of one thousand five hundred feet above ground level;

“visual traffic pattern” means the aerodrome traffic zone of the aerodrome;

“VOR” means Very High Omni-directional Radio Range, and **“VOR aerodrome checkpoints”** means a selected and distinctively marked spot on the aerodrome where the pre-flight checking of an aircraft VOR installation can be facilitated when a VOR is located in relationship to an aerodrome and at which an aircraft is to be parked to receive the correct VOR signal;

“wildlife” means feral birds and animals, including domestic animals out of the control of their owners; and

“wildlife hazard” means a potential for a damaging aircraft collision with wildlife on or near an airport.

3. Use of common reference systems

(1) The World Geodetic System – 1984 (WGS-84) shall be used as the horizontal reference system to express aeronautical geographical co-ordinates for an aerodrome.

(2) The Mean Sea Level datum shall be used as the vertical reference system (elevation) at an aerodrome.

(3) Except where notified in the Aeronautical Information Publication or the Aeronautical Information Circular of a State, the Gregorian calendar and Co-ordinated Universal Time shall be used as the temporal reference system.

4. Categories of aerodromes

In these Regulations, aerodromes shall be categorized as follows—

- (a) Category A comprising the primary international aerodromes, appropriate for use by aircraft of maximum certificated take-off mass of sixty thousand kilograms or more and are available for use by both domestic and international air traffic and where air traffic services are available on a twenty four hour basis;
- (b) Category B comprising secondary international aerodromes, appropriate for use by aircraft of maximum certificated take-off mass of five thousand seven hundred kilograms or more but below sixty thousand kilograms and available for use by both international and domestic air traffic, where the formalities of customs, immigration, health and similar procedures are made available with prior notice;
- (c) Category C comprising public and private aerodromes, appropriate for use by aircraft of maximum certificated take-off mass of twenty thousand kilograms or less, available for use by domestic air traffic;
- (d) Category D comprising public and private aerodromes available only for domestic air traffic, including Government and privately owned aerodromes used by aircraft of maximum take-off mass of less than five thousand seven hundred kilograms;
- (e) Category E comprising public and private aerodromes available for use by helicopters only.

[Subsidiary]

PART II – CONSTRUCTION OF AERODROMES

5. Application of Part

This Part applies to all categories of aerodromes except where otherwise specified.

6. Aerodrome construction permit

(1) A person shall not construct an aerodrome unless that person has a valid aerodrome construction permit issued under regulation 7.

(2) An application for an aerodrome construction permit shall be considered for approval, where—

- (a) the applicant holds a valid authorization from a relevant authority for use of the place as an aerodrome;
- (b) the application is approved by the authority responsible for national environment management.

(3) The Authority shall, prior to issuance of an aerodrome construction permit, assess the suitability of the place proposed for construction taking into consideration—

- (a) the proximity of the place to other aerodromes and landing areas including military aerodromes;
- (b) obstacles, terrain and existing airspace restrictions; and
- (c) that it is not against public interest that the place where the aerodrome is to be constructed should be used as such.

(4) An applicant for an aerodrome construction permit shall submit to the Authority for approval an application in the prescribed form accompanied by—

- (a) a detailed design of the proposed construction, including related architectural requirements;
- (b) aerodrome data in accordance with the characteristics of the aircraft for which the aerodrome is intended; and
- (c) a topographical map of the proposed aerodrome site as specified by the Authority.

(5) Paragraphs (2)(b), (4)(a) and (c) shall not apply to aerodromes in categories C, D and E.

(6) A person who contravenes this Regulation commits an offence and is liable, on conviction, to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

7. Issuance of aerodrome construction permits

The Authority shall issue an aerodrome construction permit to an applicant where the application meets the requirements in regulation 6 and any other requirements as may be specified by any relevant authority.

8. Design and construction of aerodromes

(1) An applicant for an aerodrome construction permit shall ensure that the design of the aerodrome is undertaken by a person registered by the relevant professional body.

(2) An applicant for a construction permit shall ensure that the construction of the aerodrome is undertaken by a person registered by the relevant professional body.

(3) The Authority shall inspect the site of an aerodrome during construction to ascertain compliance with the standards prescribed and the terms of the aerodrome construction permit.

[Subsidiary]

(4) Paragraphs (1) and (2) shall not apply to categories C, D, and E aerodromes.

(5) A person who contravenes paragraph (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.

9. Requirement for aerodrome design

(1) An aerodrome design shall—

- (a) indicate the physical characteristics as prescribed by the Authority;
- (b) indicate the obstacle limitation surfaces;
- (c) integrate security measures in accordance with the Civil Aviation (Security) Regulations, 2008 (L.N. 89/2008);
- (d) indicate visual aids for navigation obstacles and restricted areas;
- (e) indicate the appropriate equipment and installations; and
- (f) indicate the airspace classification.

(2) The physical characteristics, obstacle limitation surfaces, visual aids and equipment and installations, required under paragraph (1) shall—

- (a) be appropriate to the critical aircraft characteristics for which the aerodrome intends to serve;
- (b) be at the lowest meteorological minima for each runway;
- (c) provide ambient light conditions during the operations of aircraft;
- (d) comply with the appropriate aerodrome design standards as prescribed by the Authority.

(3) This Regulation shall not apply to aerodromes in categories C, D and E.

10. Aerodrome reference code

(1) An aerodrome reference code comprising a code number and a code letter shall be used for aerodrome planning purposes.

(2) The Authority shall determine the aerodrome reference code in accordance with the critical aircraft characteristics for which the aerodrome facility is intended.

(3) The aerodrome reference code numbers and code letters required under paragraph (1) shall be determined in accordance with specifications in Table 1.

TABLE 1 – AERODROME REFERENCE CODE

CODE ELEMENT 1		CODE ELEMENT 2		
<i>Code number</i> (1)	<i>Aerodrome reference field length</i> (2)	<i>Code letter</i> (3)	<i>Wing span</i> (4)	<i>Outer main gear wheel span</i> (5)
1	Less than 800m	A	Up to but not including 15m	Up to but not including 4.5m
2	800m up to but not including 1,200m	B	15m up to but not including 24m	4.5m up to but not including 6m
3	1,200m up to but not including 1,800m	C	24m up to but not including 36m	6m up to but not including 9m

[Subsidiary]

CODE ELEMENT 1		CODE ELEMENT 2		
<i>Code number</i> (1)	<i>Aerodrome reference field length</i> (2)	<i>Code letter</i> (3)	<i>Wing span</i> (4)	<i>Outer main gear wheel span</i> (5)
4	1,800m and over	D	36m up to but not including 52m	9m up to but not including 14m
		E	52m up to but not including 65m	9m up to but not including 14m
		F	65m up to but not including 80m	14m up to but not including 16m

PART III – LICENSING OF AERODROMES

11. Application of Part

This Part applies to aerodromes in categories B, C, D and E except where otherwise specified.

12. Application for licence

An application for a licence shall be made in the prescribed form accompanied by—

- (a) an aerodrome manual;
- (b) a plan for the aerodrome;
- (c) an environmental impact assessment report;
- (d) approval from any relevant authority;
- (e) proof of financial capability in the case of aerodromes in category B;
- (f) particulars of any non-compliance or deviations from the appropriate aerodrome design, operation or equipment standards;
- (g) particulars of the airspace classification requirements; and
- (h) charges as prescribed in the Aeronautical Information Publication or Aeronautical Information Circular by the Authority.

13. Conditions for issuance of licence

(1) A licence may be issued subject to any conditions that may be prescribed by the Authority.

(2) The Authority shall endorse on a licence the conditions for use of an aerodrome and any other details as may be deemed necessary by the Authority.

(3) Subject to paragraph (4), where an applicant requests or where the Authority considers that an aerodrome should be available for public use, a licence may be granted subject to a condition that the aerodrome shall at all times be available to all persons on equal terms and conditions.

(4) An aerodrome operator may refuse an aircraft from using the aerodrome except in an emergency situation.

14. Issuance of licence

(1) The Authority shall issue a licence in the prescribed form and manner where—

- (a) an applicant is found to be competent to operate an aerodrome, on consideration of the previous conduct and experience of the applicant, the equipment, organization, staffing, maintenance and other arrangements of the applicant;

[Subsidiary]

- (b) the physical characteristics of the aerodrome and its surroundings are safe for use by aircraft; and
- (c) an applicant for a licence for category B and C aerodromes complies with the Civil Aviation (Security) Regulations, 2008 (L.N. 89/2008).

(2) The issuance of a licence shall be subject to compliance with these Regulations and standards prescribed by the Authority and any other condition as may be specified or notified by the Authority in accordance with safety audit and inspection.

(3) The Authority may refuse to grant a licence to an applicant and where the Authority so refuses, it shall notify the applicant in writing of the reasons for the refusal, not later than fourteen days after making that decision.

(4) A person shall not operate an aerodrome without a valid licence issued by the Authority.

15. Breach of conditions of licence

The breach of any condition subject to which a licence is issued including any approval, permission or exemption shall render the licence invalid.

16. Aerodrome licence

(1) A licence shall specify—

- (a) the reference code for which the aerodrome is licensed;
- (b) the restrictions, if any, relating to non-compliance with or deviations from—
 - (i) the appropriate aerodrome design, operation or equipment standards;
 - (ii) the appropriate airspace classification requirements; and
- (c) the period of validity of the licence.

(2) A licence issued under these Regulations shall not be transferable.

17. Validity of licence

(1) A licence issued under these Regulations shall be valid for a period of two years and shall remain in force until it expires, or is suspended or cancelled by the Authority in accordance with regulation 20.

(2) A holder of an aerodrome licence which is suspended or cancelled shall, within thirty days of the suspension or cancellation, surrender the licence to the Authority.

(3) Notwithstanding paragraph (2), where an aerodrome licence is suspended for a period of less than thirty days, a holder of the licence shall surrender the licence immediately.

18. Renewal of licence

(1) An application for the renewal of a licence shall be made to the Authority in the prescribed form and shall be accompanied by—

- (a) the aerodrome manual;
- (b) particulars of deviations, if any, from the appropriate design, operation or equipment standards;
- (c) particulars of the appropriate airspace classification requirements; and
- (d) the appropriate charges as prescribed in the Aeronautical Information Publication or Aeronautical Information Circular by the Authority.

[Subsidiary]

(2) An application for renewal shall be submitted sixty days before the expiry of the current licence.

(3) The renewal of a licence shall be subject to compliance with these Regulations, standards prescribed by the Authority and any other conditions as may be specified or notified by the Authority as determined by safety inspections and audit procedures by the Authority, before the renewal of the licence.

19. Amendment of licence

(1) An application for amendment of a licence shall be submitted in a form prescribed by the Authority.

(2) The Authority may request that the application be accompanied by any or all of the following—

- (a) an aerodrome manual;
- (b) a plan for the aerodrome;
- (c) an environmental impact assessment report;
- (d) approval from any relevant authority;
- (e) proof of financial capability;
- (f) particulars of any non-compliance or deviations from the appropriate aerodrome design, operation or equipment standards;
- (g) particulars of the airspace classification requirements; and
- (h) charges as prescribed in the Aeronautical Information Publication or Aeronautical Information Circular by the Authority.

(3) The Authority may, provided the requirements of regulation 15 are met, where necessary, amend a licence—

- (a) for a change in the use or operation of the aerodrome;
- (b) for a change in the boundaries of the aerodrome;
- (c) if the holder of the licence requests an amendment; or
- (d) if the Authority deems it necessary.

20. Suspension and cancellation of licence

(1) The Authority may suspend an aerodrome licence where—

- (a) following a safety inspection or audit, it is evident that the holder of the licence has not complied with the requirements prescribed in these Regulations and fails to remedy the non-compliance within a period of thirty days after the inspection;
- (b) the holder of the licence prevents the Authority from carrying out a safety inspection or audit in accordance with these Regulations;
- (c) the holder of the licence is under receivership, or subject to liquidation or bankruptcy proceedings;
- (d) it is deemed necessary in the interest of aviation safety.

(2) The Authority may, on giving reasons to the holder of a licence, suspend the licence for a period not exceeding sixty days.

(3) A holder of a licence who is notified of a suspension under paragraph (2) may submit a response in writing within a period not exceeding fourteen days from the date of notification.

[Subsidiary]

(4) Notwithstanding paragraph (3), the Authority may suspend any or all of the operations at an aerodrome pending receipt of a response from the holder of an aerodrome licence.

(5) A holder of a licence who is aggrieved by the suspension of a licence may appeal against the suspension to the Minister within thirty days of the suspension.

(6) Where an appeal is made under paragraph (5), the holder of a licence shall state in writing the reasons why, in his opinion, the suspension should be varied or set aside.

(7) The Minister may vary or set aside the suspension made under paragraph (2) on the basis of the reasons given in the appeal under paragraph (5).

(8) Where a holder of a licence does not appeal against the suspension in accordance with paragraph (5), the Authority may cancel the licence, on giving reasons to the holder of a licence.

21. Charges at licensed aerodrome

(1) A holder of a licence shall prescribe charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) If required by the Authority, a holder of a licence shall furnish particulars of the charges levied for the use of an aerodrome or the performance of services at the aerodrome.

(3) Notwithstanding paragraph (1), the Authority may where necessary, prescribe the maximum charges which may be levied for the use of an aerodrome or the performance of services at the aerodrome, for a specified period.

(4) A holder of a licence of the aerodrome for which the Authority prescribes charges under paragraph (3) shall not cause or permit any charges to be made in contravention of that paragraph.

(5) A holder of a licence of an aerodrome for which the Authority prescribes charges shall cause the prescribed charges to be posted in a conspicuous place at the aerodrome.

(6) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

22. Register of licences

(1) The Authority shall maintain a register of all licences issued in accordance with these Regulations.

(2) The register shall contain—

- (a) the full name of the holder of an aerodrome licence;
- (b) the nationality of the holder of a licence;
- (c) the postal, telephone, facsimile and e-mail addresses of a holder of a licence;
- (d) the name and location of the aerodrome for which a licence is issued;
- (e) the number of the licence;
- (f) the date on which the licence was issued; and
- (g) any other relevant information.

[Subsidiary]**23. Notification and furnishing of information**

An aerodrome operator shall—

- (a) in the case of an aerodrome for public use, cause to be notified the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and
- (b) upon request furnish to an authorized person, information concerning the terms of the licence.

PART IV – CERTIFICATION OF AERODROMES**24. Application of Part**

(1) This part applies to aerodromes in category A.

(2) The Authority may, by notice in the *Gazette*, determine the aerodromes in category B to which this Part may apply.

25. Application for certificate

An application for a certificate shall be submitted in a form prescribed by the Authority and shall be accompanied by—

- (a) two copies of the aerodrome manual;
- (b) a plan for the aerodrome;
- (c) an environmental impact assessment report;
- (d) approval from any relevant authority;
- (e) proof of financial capability;
- (f) particulars of any non-compliance or deviations from the appropriate aerodrome design, operation or equipment standards;
- (g) particulars of the airspace classification requirements; and
- (h) charges as prescribed by the Authority in the Aeronautical Information Publication or Aeronautical Information Circular.

26. Conditions for issuance of certificate

(1) A certificate may be issued subject to any conditions that may be prescribed by the Authority.

(2) The Authority shall endorse on a certificate the conditions for use of an aerodrome and any other details as may be deemed necessary by the Authority.

27. Issuance of certificate

(1) The Authority shall issue a licence in the prescribed form and manner where the Authority is satisfied that—

- (a) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;
- (b) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;
- (c) the aerodrome facilities, services and equipment are established in accordance with approved standards and recommended practices;
- (d) the aerodrome operating procedures make satisfactory provision for the safety of aircraft;

- (e) an approved safety management system is in place;
- (f) the applicant has an approved aviation security programme in accordance with the Civil Aviation (Security) Regulations (L.N. 89/2008).

(2) The issuance of the certificate shall be subject to compliance with these Regulations and standards prescribed by the Authority and any other condition as may be specified or notified by the Authority in accordance with safety audit and inspection.

(3) The Authority may refuse to grant a certificate to an applicant and where the Authority refuses, it shall notify the applicant in writing, of the reasons for the refusal, not later than fourteen days after making that decision.

28. Breach of conditions of certificate

The breach of any condition subject to which a certificate is issued, including any approval, permission or exemption, shall render the certificate invalid.

29. Certification of aerodromes used for international operations

(1) A person shall not operate an aerodrome unless that person holds a certificate issued by the Authority in accordance with this Part.

(2) An aerodrome certificate issued under these Regulations is not transferable.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

30. Validity of certificate

A certificate shall be valid for a period of one year, unless the certificate is suspended, cancelled or revoked in accordance with these Regulations.

31. Amendment of certificate

(1) An application for amendment of a certificate shall be submitted in a form prescribed by the Authority.

(2) The Authority may request that the application be accompanied by any or all of the following—

- (a) two copies of aerodrome manual;
- (b) a plan for the aerodrome;
- (c) an environmental impact assessment report;
- (d) approval from any relevant authority;
- (e) proof of financial capability;
- (f) particulars of any non-compliance or deviations from the appropriate aerodrome design, operation or equipment standards;
- (g) particulars of the airspace classification requirements; and
- (h) charges as prescribed in the Aeronautical Information Publication or Aeronautical Information Circular by the Authority.

(3) The Authority may, provided the requirement of regulation 28 are met, where necessary, amend an aerodrome certificate if—

- (a) there is a change in—
 - (i) the use operation of the aerodrome;
 - (ii) the boundaries of the aerodrome;

[Subsidiary]

- (b) the holder of the aerodrome certificate requests an amendment; or
- (c) the Authority deems it necessary.

32. Suspension and cancellation of certificate

(1) The Authority may suspend a certificate where—

- (a) following a safety inspection or audit, it is evident that the holder of the certificate has not complied with the requirements prescribed in these Regulations and fails to remedy the non-compliance within a period of thirty days after the inspection;
- (b) the holder of the certificate prevents the Authority from carrying out a safety inspection or audit in accordance with these Regulations;
- (c) the holder of the certificate is under receivership, or subject to liquidation or bankruptcy proceedings;
- (d) it is deemed necessary in the interest of aviation safety.

(2) The Authority may, on giving reasons to the holder of a certificate, suspend the certificate for a period not exceeding sixty days.

(3) A holder of a certificate who is notified of a suspension under paragraph (2) may submit a response in writing within a period not exceeding fourteen days from the date of notification.

(4) Notwithstanding paragraph (3), the Authority may suspend any or all of the operations at an aerodrome pending receipt of a response from the holder.

(5) A holder of a certificate who is aggrieved by the suspension of a certificate may appeal against the suspension to the Minister, within thirty days of the suspension.

(6) Where an appeal is made under paragraph (5), the holder of a certificate shall state in writing the reasons why in his opinion, the suspension should be varied or set aside.

(7) The Minister may vary or set aside the suspension made under paragraph (2) on the basis of the reasons given in the appeal under paragraph (5).

(8) Where a holder of a certificate does not appeal against the suspension in accordance with paragraph (5), the Authority may cancel the certificate, on giving reasons to the holder of the certificate.

33. Surrender of certificate

(1) Subject to paragraph (2), a holder of a certificate may surrender the certificate to the Authority at any time.

(2) A holder of a certificate who wishes to surrender the certificate shall give the Authority not less than sixty days notice in writing, before the date on which the certificate is to be surrendered.

(3) The Authority shall cancel the certificate upon the expiry of the period of notice in paragraph (2).

(4) Where, after the expiry of the period stated in paragraph (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the certificate, the holder of the certificate shall remove, obliterate or modify the markings provided for in regulation 49(1)(f).

34. Charges at certificated aerodrome

(1) A holder of a certificate shall prescribe charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

[Subsidiary]

(2) If required by the Authority, a holder of a certificate shall furnish particulars of the charges levied for the use of an aerodrome or the performance of services at the aerodrome.

(3) Notwithstanding paragraph (1), the Authority may, where necessary, prescribe the maximum charges which may be levied for the use of an aerodrome or the performance of services at the aerodrome, for a specified period.

(4) A holder of a certificate of an aerodrome for which the Authority prescribes charges under paragraph (3) shall not cause or permit any charges to be made in contravention of that paragraph.

(5) A holder of a certificate of an aerodrome for which the Authority prescribes charges shall cause the prescribed charges to be posted in a conspicuous place at the aerodrome.

(6) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

PART V – OBLIGATIONS OF AERODROME OPERATOR

35. Application of Part

This part applies to all categories of aerodromes except where otherwise specified.

36. Compliance with conditions

(1) An aerodrome operator shall comply with conditions, if any, endorsed on a licence or certificate.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

37. Competence of operational and maintenance personnel

(1) An operator of a licensed aerodrome shall, where required by the Authority, ensure that there is an adequate number of qualified and skilled personnel to perform activities for aerodrome operation and maintenance.

(2) Where the Authority or any other relevant authority requires competence certification for the personnel of an aerodrome, the operator shall employ only those persons with the required certification.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

38. Aerodrome operations and maintenance

(1) Subject to any directives the Authority may issue, an operator shall operate and maintain an aerodrome in accordance with the procedures set out in the aerodrome manual.

(2) The Authority may give written directives to an operator to alter the procedures set out in an aerodrome manual.

(3) An operator shall ensure proper and efficient maintenance of the aerodrome facilities.

[Subsidiary]

(4) Where air traffic services are provided at an aerodrome, the operator shall co-ordinate with the air traffic services, to ensure the safety of aircraft operating in the airspace, associated with the aerodrome.

(5) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

39. Safety management system

(1) An operator of an aerodrome shall have a safety management system that complies with the standards specified in the aerodrome manual and the requirements specified in the First Schedule.

(2) This Regulation shall apply to categories B, C, D and E aerodromes.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

40. Storage of inflammable and other dangerous goods

(1) A person shall not store fuel, pyrotechnic stores and other highly inflammable, or other dangerous goods at an aerodrome except with the permission of the Authority and in accordance with the prescribed standards.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

41. Safety measures against fire

(1) A person shall not—

- (a) smoke within any place, or bring an open flame into any place, where that act is prohibited by a displayed notice;
- (b) where there is no notice prohibiting smoking in a place, smoke within that place, or bring an open flame into that place, within a distance of an aircraft or of any vehicle used for the supply of fuel to an aircraft, or a store, dump, liquid fuel or explosives, as may be prescribed;
- (c) wilfully give a false fire alarm;
- (d) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided for fire fighting purposes;
- (e) keep, store, discard or discharge any flammable liquid, gas, signal flares or other like material in an aircraft, except in the receptacle appropriate for the purpose or in a place on the aerodrome specifically approved by the aerodrome operator for the purpose; or
- (f) store or stack any material or equipment in a manner which constitutes or is likely to constitute a fire hazard.

(2) An operator shall display in conspicuous places appropriate signage in respect of the acts prohibited under paragraph (1).

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

42. Access to and operations within restricted areas

(1) A person shall not access a restricted area of an aerodrome unless authorized by the operator and subject to such conditions as the operator may impose.

(2) A person authorized to access a restricted area under paragraph (1) shall not—

- (a) move an aircraft or a vehicle in the restricted area except with the permission and directions issued by the air traffic services personnel;
- (b) move an aircraft or vehicle in the restricted area in a manner that endangers the safety of persons and property;
- (c) use a portion of the aerodrome for landing or taking off, other than the area designated for that purpose.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

43. Entry into or exit from restricted areas of aerodrome

(1) A person, aircraft or vehicle shall not enter or leave a restricted area of an aerodrome except through points established by the operator for the purpose.

(2) Except in an emergency or at an appropriate point of entry or exit established by an operator for that purpose, a person—

- (a) other than a person carried in an aircraft or in a vehicle, shall not enter or leave a restricted area of an aerodrome;
- (b) shall not move an aircraft on the surface of an aerodrome or a vehicle into or from the restricted area.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

44. Test-running of aircraft engine

(1) A person shall not test-run an aircraft engine at an aerodrome except at the approved aircraft maintenance facility of the aerodrome, or a place designated for that purpose by the operator.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

45. Prohibited acts

(1) A person shall not, on an aerodrome—

- (a) obstruct or interfere with the proper use of the aerodrome;
- (b) obstruct any person executing his duties at the aerodrome;
- (c) remove or deface any notice, writing, document or marking erected or displayed by the aerodrome operator;
- (d) throw, leave or drop anything capable of causing injury to any person or damage to any property;
- (e) dump any waste matter except at a place approved for the purpose by the aerodrome operator;
- (f) dump or spill any substance capable of causing water pollution, whether solid, liquid, vapour or gas or a combination of these, except at a place approved for that purpose by the aerodrome operator.

[Subsidiary]

(2) Except with the permission of an operator, a person shall not—

- (a) interfere or tamper with any part of the aerodrome or any equipment associated with the operation of the aerodrome;
- (b) climb any wall, fence, barrier, ceiling, gate or post on an aerodrome;
- (c) handle any baggage or carry baggage for a passenger at an aerodrome;
- (d) bring a vehicle into or drive into the aerodrome; or
- (e) obstruct an entrance to or a passage at an aerodrome in a manner that inconvenience other users of the entrance or passage.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

46. Removal of obstructions

(1) An operator shall remove from the aerodrome any vehicle or other obstruction that is likely to be hazardous to aircraft operations.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

47. Maintenance of environment management programme

(1) An operator shall establish and maintain an aerodrome environment management programme for the area within the authority of the operator, and for the area where any wildlife presents or is likely to present a hazard to aircraft operations.

(2) An operator shall ensure that the environment management programme established under paragraph (1) minimizes the effects of any hazards or potential hazards taking into account the provisions of the law on environmental management.

(3) This Regulation shall not apply to aerodromes in categories C, D and E.

(4) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

48. Protection of navigation aids

(1) An operator shall, in consultation with the Authority—

- (a) prevent construction of any facilities on the aerodrome, which may adversely affect the operation of any electronic or visual navigation or air traffic service facility on the aerodrome;
- (b) as far as it is within the authority of the operator, prevent any interruption of visual or electronic signal of navigation aids.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.

49. Operator's responsibility

(1) An operator shall—

- (a) maintain the aerodrome in a serviceable condition;
- (b) keep the aerodrome free of unauthorized persons, vehicles and animals which are not under proper control or any other obstructions;

[Subsidiary]

- (c) mark all obstructions in accordance with the prescribed guidelines;
- (d) inform the Authority of any alterations to obstruction or works on the aerodrome;
- (e) install approved wind direction indicators to show the surface direction of the wind and ensure that they function satisfactorily;
- (f) maintain the prescribed markings in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground;
- (g) avail facilities and ensure that they are in serviceable condition and that all apparatus installed function efficiently;
- (h) appropriately mark the unserviceable areas on the landing terrain;
- (i) inform the Authority where the aerodrome becomes unserviceable through any cause or where any portion of the surface of the landing area deteriorates to such an extent that the safe operation of aircraft may be endangered;
- (j) submit to the Authority reports on the condition of the aerodrome as may be required by the Authority; and
- (k) report all incidents and accidents on an aerodrome to the Authority.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

50. Staff of Authority to access aerodrome

(1) Before an aerodrome licence or certificate is issued or renewed and, subsequently, at any other time, for the purpose of ensuring that safety at the aerodrome is maintained, the Authority shall inspect and carry out tests on the aerodrome facilities, services and equipment, inspect the documents and records of the aerodrome and verify the safety management system of the aerodrome.

(2) To facilitate the functions of the Authority specified in paragraph (1) an operator shall allow unhindered access to any part of the aerodrome or any aerodrome facility, including equipment, records, documents and personnel.

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

51. Notifying and reporting

(1) An operator shall notify and report to the Authority, the air traffic control unit and pilots, within the specified time limits, information on—

- (a) any inaccuracies in the Aeronautical Information Publication;
- (b) any changes to the aerodrome facilities, equipment and level of service planned in advance;
- (c) issues that may require immediate notification including obstacles, obstructions and hazards, levels of service, movement areas, and any other condition that affects aviation safety at the aerodrome and against which precautions are warranted.

(2) Where it is not feasible for an operator to arrange for the air traffic and control and the flight operations unit to receive notice of the circumstances referred to in paragraph (1)(c), the operator shall give immediate notice, directly to the pilots who may be affected by that circumstance.

[Subsidiary]

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

52. Special inspections

(1) An operator shall inspect an aerodrome—

- (a) as soon as practicable after any accident or incident;
- (b) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety of aircraft operation; and
- (c) at any other time when there are conditions at the aerodrome that may affect aviation safety.

(2) An operator shall notify and report to the Authority, within the specified time limits, information on any special inspection carried out under paragraph (1).

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

53. Warning notices

(1) Where a low flying aircraft, at or near an aerodrome, or where a taxiing aircraft, is likely to be hazardous to people or vehicles, an operator shall—

- (a) post hazard warning notices to that effect, on any public way that is adjacent to the manoeuvring area; or
- (b) where the public way is not controlled by the operator, inform the relevant authority of the hazard.

(2) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

PART VI – AERODROME MANUAL**54. Application of Part**

This Part applies to all categories of aerodromes except where otherwise specified.

55. Requirements for aerodrome manual

(1) Upon making an application for a licence or a certificate, the applicant shall submit to the Authority an aerodrome manual for approval.

(2) An aerodrome manual shall—

- (a) be typewritten or printed;
- (b) be signed by the operator;
- (c) be in a format that is easy to revise;
- (d) have a system for recording the current pages and any amendments, including a page for logging revisions; and
- (e) be organized in a manner that facilitates the preparation, review and approval processes.

(3) An operator shall keep at least one approved copy of the aerodrome manual at the aerodrome and one copy at the principal place of business of the operator, where it is different from the aerodrome.

[Subsidiary]

(4) Where an operator of an aerodrome in category D or E is unable to keep a copy of the aerodrome manual at the aerodrome, the operator shall keep the aerodrome manual at a place authorized by the Authority.

56. Information to be included in aerodrome manual

(1) An aerodrome manual shall contain all information and instructions necessary to enable the personnel of an aerodrome perform their duties.

(2) Notwithstanding paragraph (1), and to the extent that the particulars are applicable, a manual for an aerodrome in categories A and B shall include the particulars provided in the Second Schedule, and a manual for an aerodrome in category C, D or E, the particulars provided in the Third Schedule.

(3) Where a person is given an exemption in accordance with Part XV, the aerodrome manual shall show the exemption notice number given for the exemption by the Authority, the date the exemption came into effect and any conditions or procedures subject to which the exemption was granted.

57. Amendment of aerodrome manual

(1) To maintain the accuracy of the information in an aerodrome manual—

- (a) an operator shall, whenever necessary, amend the aerodrome manual; or
- (b) the Authority may issue a written directive requiring the operator to alter or amend the aerodrome manual.

(2) Notwithstanding paragraph (1), an operator shall submit the proposed amendment to the Authority for approval, before the aerodrome manual is amended.

(3) The Authority shall approve the amendment made to an aerodrome manual where the amendment meets the requirements of these Regulations.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

PART VII – WILDLIFE HAZARD MANAGEMENT

58. Application of Part

In this Part, regulation 59 applies to all categories of aerodromes, and regulations 60 and 61 apply to aerodromes in categories A, B and C.

59. Animals not allowed in restricted areas

(1) A person shall not bring, permit or graze an animal in the restricted area of an aerodrome, or cause any animal to graze or feed in the restricted area of an aerodrome.

(2) Subject to paragraph (1), a person who brings, permits or grazes an animal in the restricted area of an aerodrome or who causes an animal to graze or feed in a restricted area of an aerodrome or who receives an animal in the restricted area of the aerodrome, shall ensure that the animal is at all times under proper control while in the restricted area.

(3) In this Regulation, “**animal**” means a domesticated animal or bird.

60. Wildlife hazard management

(1) An operator shall, in consultation with the authority responsible for wildlife, take necessary action to control wildlife hazards at an aerodrome.

[Subsidiary]

(2) An operator shall ensure that procedures deal with the danger posed to aircraft operations by the presence of birds and animals in the aerodrome flight pattern or movement area are in place.

(3) The wildlife management plan of an aerodrome shall be approved by the Authority and shall form part of the aerodrome manual.

61. Bird hazard reduction

(1) An operator shall, in consultation with the authority responsible for wildlife, take all reasonable steps to minimize the risks associated with bird strike hazards.

(2) An operator shall take practical measures to control the bird habitat at or around the aerodrome, and to disperse birds which are a potential hazard to aircraft operations.

(3) A bird strike hazard on, or in the vicinity of, an aerodrome shall be assessed through—

- (a) procedure established for recording and reporting bird strikes to aircraft; and
- (b) the collection of information from aircraft operators and aerodrome personnel, or any other person, on the presence of birds, on or around the aerodrome, which constitute a potential hazard to aircraft operations.

(4) A bird strike report shall be collected and forwarded by the Authority to the Organization for inclusion in the Organization's Bird Strike Information System database.

(5) Where a bird hazard is identified at an aerodrome, the operator shall take action to decrease the number of birds constituting the potential hazard to aircraft operations by adopting measures for discouraging their presence on, or in the vicinity of, the aerodrome.

(6) An operator shall take measures to eliminate or to prevent the establishment of garbage disposal dumps or any other source of garbage that may attract bird activity on, or in the vicinity of, an aerodrome, unless an appropriate aeronautical study indicates that the dumps are not likely to create conditions conducive to a bird hazard problem.

(7) An operator shall establish a bird hazard control unit to control and manage the bird hazard.

(8) An operator shall cause records of all aspects of bird hazard control to be kept and shall report all bird strikes to the Authority.

(9) An operator shall monitor the local environment including any activities that may attract birds and in designing the bird hazard management programme, shall consider that environment and the activities that may attract birds.

PART VIII – OBSTACLE RESTRICTIONS AND REMOVAL**62. Application of Part**

This Part applies to all categories of aerodromes.

63. Erection of obstacles

(1) A person shall not cause or permit the erection or growth of an obstacle at or in the vicinity of an aerodrome, where the obstacle may prevent an aircraft operation from being conducted safely, or the aerodrome from being usable.

(2) A person shall not cause or permit any object, to penetrate the obstacle limitation surface, without the written permission of the Authority, where the object may cause an increase in an obstacle clearance altitude or in the height for an instrument approach procedure, or of any associated visual circling procedure.

[Subsidiary]

(3) The object referred to in paragraph (2) includes a new object or an extension of an existing object above the obstacle limitation surface.

(4) The obstacle clearance altitude and height applicable to obstacle limitation surface, and the obstacle limitation requirements, shall comply with the specifications prescribed by the Authority.

(5) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

64. Obstacle limitation surfaces

Notwithstanding regulation 9, an operator shall ensure that obstacle limitation surfaces are established for the aerodrome in accordance with the standards prescribed by the Authority.

65. Construction within vicinity of aerodrome

(1) A person shall not construct a building or a structure within the vicinity of an aerodrome unless authorized by the Authority.

(2) Where the Authority is consulted regarding a proposed construction in accordance with paragraph (1), the Authority shall cause an aeronautical study of the effect of the construction on operation of aircraft to be carried out.

66. Removal of obstacle

(1) A person shall remove any obstacle in the vicinity of an aerodrome, except where, after an aeronautical study, the Authority determines that the obstacle does not adversely affect the safety or significantly affect the regularity of operations of aircraft.

(2) The Authority may direct the removal of any obstacle which, in the opinion of the Authority, constitutes a hazard to aircraft operations.

(3) Where an owner fails to remove an obstacle within the time directed by the Authority, the Authority shall remove the obstacle at the cost of the owner thereof.

(4) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

67. Marking and lighting of obstacle

(1) An operator shall ensure that an obstacle is marked, and where a runway is used at night and is associated with the obstacle, that obstacle shall be lit.

(2) The markings and lights referred to in paragraph (1) shall be in accordance with guidelines prescribed by the Authority.

(3) An operator shall, where practicable, ensure that all fixed obstacles to be marked in accordance with paragraph (1) are coloured as prescribed by the Authority.

(4) Where the conditions required in paragraph (3) are not practicable, markers or flags shall be displayed on or above the fixed obstacles, except the obstacles that are sufficiently conspicuous by their shape, size or colour, which may not be marked.

(5) An operator shall ensure that a mobile obstacle is coloured as prescribed by the Authority or has displayed a flag on, or above, it.

[Subsidiary]

(6) An obstacle lit in accordance with paragraph (1) shall be indicated as low-intensity, medium-intensity or high-intensity light obstacle or a combination of these lights, and shall be displayed in accordance with guidelines prescribed by the Authority.

(7) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.

PART IX – AERONAUTICAL GROUND LIGHTING

68. Application of Part

This Part applies to aerodrome in categories A and B.

69. Aeronautical ground lights

(1) An operator shall establish and maintain aeronautical ground lights and any other lights as may be appropriate for the safe operation of aircraft and for runways, taxiways, aprons, thresholds and stop ways.

(2) Where an aerodrome is used at night or during conditions of poor visibility, an operator shall ensure that aeronautical ground lights and any other lights are installed on the aerodrome.

(3) Without prejudice to the generality of paragraph (1), the location, characteristics, intensity, control and settings of aeronautical ground lights shall be in accordance with specifications prescribed by the Authority.

(4) A non-aeronautical ground light which, by reason of its intensity, configuration or colour, may prevent or cause confusion in the clear interpretation of aeronautical ground lights shall be extinguished, screened or modified to eliminate such a possibility.

(5) Except with the permission of the Authority, a person shall not establish, maintain or alter the character of—

- (a) an aeronautical beacon within Kenya, except an aeronautical beacon which is or may be visible from the waters;
- (b) any aeronautical ground light, other than an aeronautical beacon, at an aerodrome, or any aeronautical ground light which forms part of the lighting system for use by aircraft taking off from or landing at the aerodrome.

(6) A person shall not—

- (a) intentionally or negligently damage an aeronautical ground light; or
- (b) interfere with an aeronautical ground light without the permission of the operator.

(7) The Authority shall not grant permission under this Regulation except with the consent of the lighthouse authority of the area where the aerodrome is situated.

70. Secondary power supply

(1) An operator shall not operate or maintain an aerodrome provided with runway lighting without a secondary power supply.

(2) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or both.

71. Aeronautical beacons

(1) An operator shall provide, where necessary, at each aerodrome intended for use at night, an aerodrome beacon, where—

- (a) aircraft navigate predominantly by visual means;
- (b) reduced visibility is frequent; or
- (c) it is difficult to locate the aerodrome from the air due to a surrounding light or terrain.

(2) An identification beacon shall be provided at an aerodrome which is intended for use at night and which is not easily identifiable from the air by other means.

(3) The location and characteristics of an aerodrome and identification beacon described in paragraphs (1) and (2) shall be in accordance with specifications prescribed by the Authority.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

PART X – AERODROME VISUAL AIDS**72. Application of Part**

This Part applies to all categories of aerodromes.

73. Wind direction indicators

(1) An operator shall provide and maintain at least one wind direction indicator for an aerodrome.

(2) The wind direction indicator required under paragraph (1) shall be located so as to be visible to an aircraft in-flight or on the movement area and in such a way as to be free from the effects of air disturbances caused by nearby objects.

(3) The characteristics of the wind direction indicator, the methods and procedures for installation and maintenance shall be in accordance with the methods and procedures prescribed by the Authority.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

74. Signalling lamp

(1) An operator shall provide a signalling lamp at a controlled aerodrome.

(2) The characteristics and operating procedure of a signalling lamp shall be in accordance with specifications prescribed by the Authority.

75. Signal panel and signalling area

(1) The Authority may, where it deems necessary, require a signalling panel and a signalling area to be provided at an aerodrome for safe operation of aircraft.

(2) Where provided, the location and the characteristics of the signal area shall be in accordance with specifications prescribed by the Authority.

[Subsidiary]**76. Markings**

(1) An operator shall provide markings for paved runway centreline, paved runway edge, paved runway threshold, paved runway touchdown zone, paved runway holding position, aiming point, paved runway side stripe, paved runway turn pad, and intermediate holding positions at an aerodrome, in accordance with specifications prescribed by the Authority.

(2) Runway marking shall be white in colour.

(3) Taxiway markings, runways turn pad markings and aircraft stand markings shall be yellow in colour.

(4) Apron safety-lines shall be of a conspicuous colour, which shall contrast with that used for aircraft stand markings.

(5) The application, location and the characteristics of markers for unpaved runway edge markers, stopway edge markers, taxiway edge markers, taxiway centreline markers and boundary markers shall be in accordance with the specifications prescribed by the Authority.

77. VOR aerodrome checkpoint marking

(1) An operator shall ensure that where a VOR aerodrome checkpoint is established at an aerodrome, it is indicated by a VOR aerodrome checkpoint sign.

(2) The VOR aerodrome checkpoint location and characteristics shall be in accordance with specifications prescribed by the Authority.

78. Aircraft stand markings

An operator shall provide aircraft stand markings for designated parking positions on a paved apron in accordance with specifications prescribed by the Authority.

79. Apron safety lines

An operator shall provide apron safety lines on a paved apron as required by the parking configuration and ground facilities and in accordance with specifications prescribed by the Authority.

80. Road-holding positions

(1) An operator shall provide road-holding position markings at all road entrances to a runway.

(2) The road-holding position markings provided under paragraph (1) shall be located across the road at all the holding positions.

(3) The road-holding position marking shall be as prescribed by the Authority.

81. Mandatory instruction markings and signs

(1) An operator shall provide a mandatory instruction marking and a sign to identify a location beyond which a taxiing aircraft or vehicle shall not proceed unless authorized by the aerodrome control tower.

(2) Where it is impracticable to install a mandatory instruction marking and a sign in accordance with paragraph (1), a mandatory instruction marking or sign shall be provided on the surface of the pavement.

(3) The location and characteristics of the mandatory instruction marking or sign shall be in accordance with specifications prescribed by the Authority.

[Subsidiary]

(4) An operator shall provide signs to convey mandatory instructions and information on a specific location or destination on a movement area, or to provide surface movement guidance and control.

(5) The location and characteristics of the signs referred to in paragraph (4) shall be in accordance with the specifications prescribed by the Authority.

82. Placing of marks

An operator shall place appropriate marks giving the requisite information, in accordance with specifications prescribed by the Authority, where an information sign is required but is physically impossible to install.

83. Visual aids for denoting obstacles

(1) An operator shall ensure that the visual aids for denoting obstacles are frangible and that those located near a runway or taxiway are sufficiently low to preserve clearance for propellers and for engine pods of jet aircraft.

(2) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

84. Obstacles to be marked or lighted

An operator shall ensure that all fixed obstacles that extend above take-off climb surfaces are marked and that where the runway is used at night, the obstacles are lighted in accordance with the specifications prescribed by the Authority.

85. Visual aids for denoting restricted areas

(1) An operator shall ensure that restricted areas are marked in a manner that is visible to aircraft operating on the ground and in the air.

(2) Without prejudice to the generality of paragraph (1), markings denoting restricted areas such as closed runways and taxiways, non-load-bearing surfaces, pre-threshold areas and unserviceable areas shall be done in accordance with the specifications prescribed by the Authority.

PART XI – AERODROME OPERATIONAL SERVICES, EQUIPMENT, INSTALLATIONS AND FACILITIES

86. Application of Part

This Part applies to all categories of aerodromes except where otherwise specified.

87. Immigration, customs and excise aerodromes

The Authority may, in consultation with the authorities responsible for immigration, customs and excise, notify of any aerodrome which is introduced as, or ceases to be a place for landing or departure of aircraft for purposes of the laws relating to immigration, customs and excise.

88. Supply of aviation fuel to aircraft

(1) An operator of an aviation fuel installation at an aerodrome shall not cause or permit any aviation fuel to be delivered to that installation or from it, to an aircraft unless—

- (a) when the aviation fuel is delivered to the installation, the operator of the aviation fuel installation is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in an aircraft;

[Subsidiary]

- (ii) the installation is marked in an appropriate manner to the grader of the fuel stored or where different grades are stored in different parts, that each part is so marked;
- (iii) in the case of delivery into the installation or part of the installation from a vehicle or vessel, the fuel has been sampled and is of the grade appropriate to that installation or part of the installation as the case may be and is fit for use in an aircraft;
- (b) when aviation fuel is dispensed from the installation, the operator of the aviation fuel installation is satisfied after sampling, that the fuel is fit for use in an aircraft.

(2) A person shall not cause or permit aviation fuel to be dispensed for use in an aircraft where that person knows or has reason to believe that the aviation fuel is not fit for use in an aircraft.

(3) An operator of an aviation fuel installation shall not, on an aerodrome, supply fuel to an aircraft except at a place and in a manner approved by the operator.

(4) An operator may, subject to the approval granted under paragraph (3), ensure compliance with any conditions as the operator may impose, in order to safeguard persons or property on the ground.

(5) An operator of an aviation fuel installation shall keep a written record in respect of each installation managed by that operator.

(6) The record kept under paragraph (5) shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of the tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation.

(7) An operator of an aviation fuel installation shall preserve the written record for a period of twelve months or such longer period as the Authority may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorized person, produce the record to that authorized person.

(8) Where it appears to the Authority or to an authorized person that aviation fuel is intended or likely to be delivered in contravention of this Regulation, the Authority or that authorized person may direct the operator of an aviation fuel installation not to permit aviation fuel to be dispensed from that installation until the direction is revoked by the Authority or that authorized person.

(9) For the purpose of this Regulation—

“**aviation fuel**” means fuel intended for use in an aircraft; and

“**aviation fuel installation**” means any apparatus or container, including a vehicle designed, manufactured or adapted for the storage of aviation fuel or for the delivery of fuel to an aircraft.

(10) An operator of an aviation fuel installation who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

89. Aerodrome emergency planning

(1) An operator shall establish an aerodrome emergency plan at an aerodrome, which shall—

- (a) be commensurate with the aircraft operations and activities conducted at the aerodrome; and

[Subsidiary]

- (b) provide for the co-ordination of the actions to be taken in the event of an emergency occurring at the aerodrome or in its vicinity.

(2) An emergency referred to in paragraph (1) includes an aircraft emergency, natural disasters and sabotage including bomb threats, unlawful seizure of aircraft, the effect of improper handling, transportation and storage of dangerous goods and occurrences of building fires.

(3) The emergency plan shall provide for the co-ordination with the rescue co-ordination centre and for the response and participation of all agencies whose assistance is required in the event of an emergency, including—

- (a) at an aerodrome—
 - (i) air traffic control unit;
 - (ii) rescue and fire fighting services;
 - (iii) aerodrome administration;
 - (iv) medical and ambulance services;
 - (v) aircraft operators;
 - (vi) security services;
 - (vii) airport police unit;
- (b) outside an aerodrome—
 - (i) fire departments;
 - (ii) police force;
 - (iii) medical and ambulance services;
 - (iv) hospitals;
 - (v) military forces;
 - (vi) harbour patrol or coast guard.

(4) The emergency plan shall include—

- (a) the types of emergencies planned for;
- (b) agencies to be involved in the plan;
- (c) the responsibility and role of each agency, the emergency operation centre and the command post for each type of emergency;
- (d) names and contacts of offices or people to be contacted in the case of a particular emergency; and
- (e) a grid map of the aerodrome and its immediate vicinity.

(5) In developing an aerodrome emergency plan, the operator shall take into consideration the human factor principles to ensure optimum response by all existing agencies participating in the emergency operations.

(6) This Regulation shall not apply to aerodromes in categories D and E but, where required by the Authority, may apply to aerodromes in category C.

(7) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

90. Emergency planning committee

(1) An operator shall form an emergency planning committee to discuss, determine and implement emergency planning arrangements commensurate with the size and type of aircraft that use an aerodrome.

[Subsidiary]

(2) This Regulation shall not apply to aerodrome in categories D and E but, where required by the Authority, may apply to aerodromes in category C.

(3) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

91. Aerodrome emergency exercise

(1) An emergency plan establish under regulation 89 shall contain procedures for periodic testing of adequacy of the plan and for reviewing of the results in order to improve its effectiveness.

(2) Without prejudice to the generality of paragraph (1), the plan shall be tested by conducting—

- (a) full scale emergency exercises every two years;
- (b) partial emergency exercises every year, to ensure that any deficiencies found during the full scale aerodrome emergency exercise are corrected and reviewed, or after an actual emergency, to correct any deficiency found;
- (c) table top emergency exercises every six months; and
- (d) contingency plan exercises in accordance with the Civil Aviation (Security) Regulations, 2008 (L.N. 89/2008).

(3) This Regulation shall not apply to aerodromes in categories D and E but may, where required by the Authority, apply to aerodromes in category C.

92. Emergency operation centre and command post

(1) An operator shall ensure that a fixed emergency operations centre and a mobile command post are available for use during an emergency.

(2) This Regulation shall not apply to aerodromes in categories D and E, but may, where required by the Authority, apply to aerodromes in category C.

(3) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years or both.

93. Emergencies in difficult environment

(1) Where an aerodrome is located close to water or a swampy area and where a significant portion of approach or departure operations takes place over the area, the emergency plan established under regulation 89 shall include the ready availability of and co-ordination with appropriate specialist rescue services.

(2) At an aerodrome located close to water body, a swampy area or difficult terrain, the aerodrome emergency plan shall include the establishment, testing and assessment at regular intervals of a pre-determined response for the specialist rescue services.

(3) This Regulation shall not apply to aerodromes in categories C, D and E.

94. Aerodrome rescue and fire fighting services

(1) An operator shall put in place rescue and fire fighting facilities commensurate with the category of the aerodrome as specified in Table 2.

(2) Where an aerodrome is located close to a water body, a swampy area or difficult terrain and where a significant portion of approach or departure operations takes place over such an area, specialist rescue services and fire-fighting equipment appropriate to the hazard and risk shall be made available.

[Subsidiary]

(3) The level of protection provided at an aerodrome for rescue and fire fighting shall be appropriate to the aerodrome category which shall be determined using the principles provided for in paragraphs (4) and (5).

(4) For purposes of aerodrome rescue and fire fighting services, the aerodrome category shall be determined using Table 2 and shall be based on the longest aircraft that normally uses the aerodrome, and its fuselage width.

(5) Where, after selecting the aerodrome category appropriate to the overall length of the longest aircraft, the fuselage of that aircraft is found to be greater than the maximum width provided for that category in column 3 of Table 2, the category for that aircraft shall be the next category.

TABLE 2 – AERODROME CATEGORY FOR RESCUE AND FIRE FIGHTING

<i>Aerodrome category</i>	<i>Aircraft overall length</i>	<i>Maximum fuselage width</i>
1	0M up to but not including 9M	2M
2	9M up to but not including 12M	2M
3	12M up to but not including 18M	3M
4	18 M up to but not including 24M	4M
5	24M up to but not including 28M	4M
6	28M up to but not including 39M	5M
7	39M up to but not including 49M	5M
8	49M up to but not including 61M	7M
9	61M up to but not including 76M	7M
10	76M up to but not including 90M	8M

(6) The amounts of water for foam production and the complementary agents to be provided on the rescue and fire fighting vehicles shall be in accordance with the aerodrome category determined under paragraphs (3) and (4) and Table 3.

(7) The amounts of water for foam production may be replaced as follows—

- (a) for aerodrome categories one and two, up to one hundred per cent of water may be replaced by a complementary agent;
- (b) for aerodrome categories three to ten, where a foam meeting performance level A is used, up to thirty per cent of the water may be replaced by a complementary agent.

TABLE 3 – MINIMUM USABLE AMOUNTS OF EXTINGUISHING AGENTS

<i>Aerodrome category</i>	<i>Foam meeting performance level A</i>		<i>Foam meeting performance level B</i>		<i>Complementary agents</i>
	<i>Water (L)</i>	<i>Discharge rate Foam solution/minute (L)</i>	<i>Water (L)</i>	<i>Discharge rate Foam solution/minute (L)</i>	<i>Dry Chemical Powder (DCP)(kg)</i>
(1)	(2)	(3)	(4)	(5)	(6)
1	350	350	230	230	45
2	1000	800	670	550	90
3	1800	1300	1200	900	135

[Subsidiary]

<i>Aerodrome category</i>	<i>Foam meeting Performance level A</i>		<i>Foam meeting performance level B</i>		<i>Complementary agents</i>
	<i>Water (L)</i>	<i>Discharge rate Foam solution/minute (L)</i>	<i>Water (L)</i>	<i>Discharge rate Foam solution/minute (L)</i>	<i>Dry Chemical Powder (DCP)(kg)</i>
(1)	(2)	(3)	(4)	(5)	(6)
4	3600	2600	2400	1800	135
5	8100	4500	5400	3000	180
6	11800	6000	7900	4000	225
7	18200	7900	12100	5300	225
8	27300	10800	18200	7200	450
9	36400	13500	24300	9000	450
10	48200	16600	32300	11200	450

(8) The quantities of water shown in columns 2 and 4 of Table 3 are based on the average overall length of aircraft in a given category and where operations of aircraft larger than the average size are expected, the quantities of water shall be recalculated.

(9) Any other complementary agent other than dry chemical powder, which has equivalent fire fighting capability, may be used.

(10) The operational objective of a rescue and fire fighting service shall be to achieve a response time not exceeding three minutes to any point of each operational runway, in optimum visibility and surface conditions.

(11) All rescue and fire fighting personnel shall be properly trained, including training in human performance and team co-ordination, and shall participate in live fire drills commensurate with the type of aircraft and rescue and fire fighting equipment in use at the aerodrome including pressure-fed fuel fires.

(12) The minimum number of rescue and fire fighting vehicle provided at an aerodrome shall be as provided in the second column for the aerodrome category in the first column of Table 4 and shall correspond to the foam meeting performance in the third column of Table 3.

TABLE 4 – MINIMUM NUMBER OF RESCUE AND FIRE FIGHTING VEHICLE

<i>Aerodrome category</i>	<i>Number of rescue and fire fighting vehicles</i>
1	1
2	1
3	1
4	1
5	1
6	2
7	2
8	3
9	3
10	3

(13) This Regulation shall not apply to aerodromes in categories C, D, and E unless otherwise specified by the Authority in the licence.

95. Removal of disabled aircraft

(1) An operator shall have in place a plan for the removal of disabled aircraft from the movement area, or area adjacent to it.

(2) The plan for the removal of disabled aircraft shall be based on the characteristics of the type of aircraft operations and shall include—

- (a) a list of equipment and personnel available for the purpose;
- (b) arrangement for the rapid receipt of aircraft recovery equipment kits from other aerodromes, where applicable; and
- (c) the name of the co-ordinator designated to implement the plan.

(3) The plan under this Regulation shall include particulars of the procedures for removing a disabled aircraft on the movement area or area adjacent to it.

(4) This Regulation shall not apply to aerodromes in categories C, D and E unless otherwise specified by the Authority in the licence.

(5) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.

96. Apron management service

(1) An operator shall provide an apron management service at an aerodrome where air traffic service is provided at that aerodrome.

(2) The apron management service established under paragraph (1) shall be provided by an operator, an aerodrome air traffic service unit, or a combination of these, as may be specified for each aerodrome category in the Aeronautical Information Publication or Aeronautical Information Circular.

(3) Subject to paragraph (2), where the aerodrome control tower does not participate in the apron management service, procedures shall be established to facilitate the orderly transition of aircraft between the apron management unit and the aerodrome control tower.

(4) An operator shall ensure that, where an apron management service is established, radio communication facilities are provided.

(5) Where low visibility procedures are in effect, persons and vehicles operating in the apron shall be restricted to the essential minimum.

(6) An emergency vehicle responding to an emergency shall have priority over all other surface movement traffic and any vehicle operating on an apron shall give way to an emergency vehicle or to an aircraft about to taxi, or which is being pushed or towed.

(7) An aircraft stand at an apron where apron management service is provided shall be visually monitored to ensure that the recommended clearance distances are provided to an aircraft using the stand.

(8) This Regulation shall not apply to aerodromes in categories C, D and E.

97. Ground servicing of aircraft

(1) An operator shall ensure that fire extinguishing equipment, suitable for at least the initial intervention in the event of a fuel fire, is readily available during the ground servicing of an aircraft, and that there is means of quickly summoning the rescue and fire fighting service in the event of a fire or major fuel spill.

[Subsidiary]

(2) An operator shall ensure that, when aircraft refuelling operations take place while passengers are on board embarking or disembarking, ground equipment are positioned in a manner that allows—

- (a) the use of a sufficient number of exits for expeditious evacuation; and
- (b) a ready escape route from each of the exits to be used in an emergency.

(3) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

98. Aerodrome vehicle operation

(1) A person shall not operate a vehicle on the manoeuvring area at an aerodrome where air traffic service is provided, except where authorized by the aerodrome control tower.

(2) A person shall not operate a vehicle on the apron of an aerodrome except where authorized by the operator.

(3) A vehicle operating on the movement area shall have a rotating beacon.

(4) The driver of a vehicle on the movement area shall comply with all mandatory instructions conveyed by markings and signs when the vehicle is on the manoeuvring area, except where the driver is authorized by the aerodrome control tower.

(5) The driver of a vehicle on the movement area shall comply with all mandatory instructions conveyed by markings and signs when the vehicle is on an apron, except where the driver is authorized by the aerodrome operator.

(6) The driver of a vehicle on the movement area shall comply with all mandatory instructions conveyed by lights and instructions issued by the aerodrome control tower when the vehicle is on the manoeuvring area, or by the appropriate designated authority when the vehicle is on an apron.

(7) The driver of a vehicle on the movement area shall be appropriately trained for the tasks to be performed and shall be issued with a permit by the operator.

(8) The driver of a radio-equipped vehicle shall establish satisfactory two-way radio communication with the aerodrome control tower before entering the manoeuvring area, and with the appropriate designated authority before entering the apron, and shall maintain a continuous listening watch on the assigned frequency while on the movement area.

(9) This Regulation shall not apply to aerodromes in categories C, D, and E unless otherwise specified by the Authority in the licence.

(10) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

99. Location, etc., of equipment on operational areas

(1) Except for the purpose of air navigation, a person shall not construct or install equipment or any installation on a runway strip, a runway end safety area, a taxiway strip, a clearway or within any distances determined by the Authority, where the construction or the equipment may endanger the safety of an aircraft.

(2) Where any equipment or installation required for air navigation purposes is to be located on a portion of a runway strip or on a runway end safety area, a taxiway strip or within any distances determined by the Authority, the equipment or installation shall be located in accordance with the standards specified by the Authority.

[Subsidiary]

(3) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding three months, or both.

100. Fencing of aerodromes and installations

(1) An operator shall provide a fence or a suitable barrier on the aerodrome to—

- (a) prevent the entrance into the movement area of any animals likely to be a hazard to aircraft; and
- (b) deter the inadvertent or premeditated access of an unauthorized person onto a non-public area of the aerodrome.

(2) An operator shall provide suitable means of protection for an aerodrome to deter the inadvertent or premeditated access of unauthorized persons into ground installations and facilities essential for the safe operation of aircraft.

(3) The fence or barrier required under paragraph (1) shall be located so as to separate the movement area and other facilities or zones on the aerodrome which are vital to the safe operation of aircraft from areas open to public use.

(4) Where greater security is needed, a cleared area shall be provided on both sides of the fence or barrier to facilitate the work of patrols and to make trespassing more difficult, and provision for a perimeter road along the aerodrome fencing for the use of both maintenance personnel and security patrols may be made.

(5) Where the Authority deems it necessary for security reasons, the fence or barrier provided under paragraph (1) shall be illuminated at a minimum essential level and the security lighting shall be located so that the ground area on both sides of the fence or barrier, particularly at access points, is illuminated.

(6) This Regulation shall not apply to aerodromes in categories C, D and E.

(7) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

101. Safety inspection programme

(1) An operator shall establish and maintain a safety inspection programme for an aerodrome.

(2) The safety inspection programme shall provide—

- (a) procedures to ensure that competent aerodrome personnel execute the programme effectively; and
- (b) a reporting system to ensure prompt correction of unsafe aerodrome conditions noted during any inspection.

102. Fire prevention programme

(1) An operator shall establish a fire prevention programme with preventive measures against possible fires on the aerodrome, and shall identify a person to maintain the fire prevention programme for the aerodrome and the aerodrome buildings.

(2) Where an aerodrome does not have designated fire service, the operator shall arrange with the relevant local government authority or any other concerned authority to maintain a fire prevention programme for the aerodrome and to advise the operator of any dangerous conditions for rectification.

(3) An operator shall ensure that unsafe practices that may result in fire are not performed on the aerodrome or within its vicinity.

[Subsidiary]

(4) Notwithstanding paragraph (3), where unsafe practices are performed during maintenance on the aerodrome, an operator shall alert the rescue and fire fighting services concerned to be on standby for the duration of the practices.

(5) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

103. Access of ground vehicles to aerodrome movement area

(1) An operator shall—

- (a) limit the access of any ground vehicles used for aerodrome and aircraft operations to the aerodrome manoeuvring area;
- (b) provide adequate procedures for the safe and orderly access to the aerodrome and operation in the manoeuvring area of ground vehicles, where an air traffic service unit is in operation at the aerodrome, in order to ensure that each ground vehicle operating in the aerodrome manoeuvring area is controlled by—
 - (i) two-way radio communication between the vehicle and the air traffic service unit;
 - (ii) an accompanying radio communication or an escort vehicle with adequate measures including signals or guards to control the vehicle, where the vehicle does not have a radio;
- (c) provide adequate measures to ensure that ground vehicles operating in the aerodrome movement area are controlled by signs, pre-arranged signals or standards prescribed by the Authority, where an air traffic service unit is not in operation at the aerodrome;
- (d) ensure that any person who operates a ground vehicle on the aerodrome movement area is familiar with and complies with the rules and procedures for the operation of ground vehicles as prescribed by the Authority.

(2) An operator shall ensure that a person who has access to the aerodrome movement area wears a coloured reflective gear which shall be conspicuously displayed while on the movement area.

(3) In this Regulation, “**gear**” includes a vest, band, overcoat, helmet and socks.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

PART XII – AERODROME MAINTENANCE**104. Application of Part**

This part shall apply only to aerodromes in categories A and B.

105. Maintenance programme

(1) An operator shall establish, at the aerodrome, a maintenance programme, including preventive maintenance, to maintain a facility in a condition that does not impair the safety, regularity and efficiency of air navigation.

(2) In this Regulation—

“**facility**” includes a pavement, visual aid, fencing, drainage system and building;

“**preventive maintenance**” means programme maintenance work done to prevent failure or degradation of a facility.

106. Maintenance of pavements

(1) An operator shall at all times ensure that—

- (a) the surface of pavements including runways, taxiways and aprons are kept clear of any loose stones or other objects that may cause damage to aircraft structures or engines or impair the operation of aircraft systems;
- (b) the surface of the runway is maintained in a condition that precludes formation of harmful irregularities such as water pools and rough surfaces;
- (c) measurements of the friction characteristics of the runway are made periodically with a continuous friction measuring device using self-wetting features;
- (d) corrective maintenance action is taken whenever the friction characteristics for the entire runway or portion of it are below the prescribed minimum friction level or minimum maintenance planning level;
- (e) where the drainage characteristics of a runway or portions of the runway, are poor due to slopes or depressions, that the runway friction characteristics are assessed under natural or simulated conditions that are representative of local rain and corrective maintenance action is taken where necessary;
- (f) where a taxiway is used by turbine-engine aircraft, the surface of the taxiway shoulders is maintained so as to be free of any loose stones or other objects that may be ingested by the aircraft engines;
- (g) the surfaces of the paved runways, taxiways and aprons, are maintained in a condition that provides good friction characteristics and low rolling resistance;
- (h) any standing water, mud, dust, oil, rubber deposits and other contaminants is removed to minimize accumulation, with priority given to runways, taxiways, aprons, holding bays and other areas, in that order.

(2) An operator shall ensure that the overlaying of runway pavements is done in accordance with standards prescribed by the Authority so that aircraft operations do not experience down ramp.

(3) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

107. Visual aids

(1) An operator shall not operate an aerodrome unless a system of preventive maintenance of visual aids is employed at the aerodrome.

(2) The system of preventive maintenance required under paragraph (1) shall, if employed for instrument precision approach runways categories I and II include—

- (a) visual inspections and in-field measurement of the intensity, beam spread and orientation of lights included in the approach and runway lighting systems;
- (b) control and measurement of the electrical characteristics of each circuitry included in the approach and runway lighting systems; and
- (c) control of the correct functioning of the light intensity settings used by air traffic control unit.

(3) The in-field measurements of intensity, beam spread and orientation of lights applicable to instrument precision approach runways categories I and II shall be

[Subsidiary]

undertaken by measuring all lights, as far as practicable to ensure conformity with prescribed specifications using a mobile measuring unit of sufficient accuracy to analyse the characteristics of individual lights.

(4) The frequency of measurement of lights shall be at least twice a year for instrument precision approach runways categories I and II, and at least once a year for other lights.

(5) An operator who is required to employ a system of preventive maintenance under paragraph (1) for instrument precision approach runways categories I and II operations, and for operations under runway visual range conditions, shall comply with specifications prescribed by the Authority.

(6) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.

108. Construction, etc., during low visibility operations

(1) An operator shall ensure that any construction or maintenance activity is not undertaken in the proximity of aerodrome electrical systems at any time during periods of low visibility operations.

(2) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

109. Works on aerodrome

(1) An operator shall establish procedures and precautions to ensure that any works carried out on an aerodrome do not endanger the safety of any aircraft operations.

(2) The procedures and precautions in paragraph (1) shall comply with standards prescribed by the Authority.

PART XIII – ELECTRICAL SYSTEMS**110. Application of Part**

This part shall apply to all categories of aerodromes.

111. Supply of electrical power

(1) An operator shall not operate an aerodrome unless adequate primary power supply systems are made available for the safe functioning of air navigation services and facilities.

(2) The design and provision of electrical power systems for aerodrome visual and radio navigation aids shall be such that an equipment failure does not leave the pilot with inadequate visual and non-visual guidance or misleading information.

(3) Where secondary power is required for air navigation services and facilities, the operator shall arrange the electric power supply connections so as to ensure that the facilities are automatically connected to the secondary power supply upon failure of the primary power supply.

(4) Paragraph (3) applies for non-instrument runways except that a secondary power supply for visual aids may not be provided where an emergency lighting system is provided and is capable of being deployed within fifteen minutes.

[Subsidiary]

(5) At an aerodrome where the primary runway is an instrument non-precision approach runway, a secondary power supply capable of fulfilling the requirements of paragraph (3) shall be provided, except that a secondary power supply for visual aids need not be provided for more than one instrument non-precision approach runway.

(6) An operator shall provide the following aerodrome facilities with secondary power supply capable of supplying power where there is a failure of the primary power supply—

- (a) the signalling lamp and the minimum lighting necessary to enable air traffic services personnel to carry out their duties;
- (b) all obstacle lights which, in the opinion of the Authority are essential to ensure the safe operation of aircraft;
- (c) approach, runway and taxiway lighting;
- (d) meteorological equipment;
- (e) essential security lighting, if provided;
- (f) essential equipment and facilities for the aerodrome emergency agencies;
- (g) floodlighting on a designated isolated aircraft parking position if provided; and
- (h) illumination of apron areas over which passengers may walk.

(7) The maximum switch-over time between failure of the primary source of power and the secondary source of power for the services required by paragraph (6) shall be as indicated in Table 5.

TABLE 5 – SECONDARY POWER SUPPLY REQUIREMENTS

<i>Runway Type</i>	<i>Lighting aids requiring power</i>	<i>Maximum switch-over time</i>
Non-instrument	Visual approach slope indicators ^a	15 seconds
	Runway edge ^b	15 seconds
	Runway threshold ^b	15 seconds
	Runway end ^b	15 seconds
	Obstacle	15 seconds
Non-precision approach	Approach lighting system	15 seconds
	Visual approach slope indicators ^{a,d}	15 seconds
	Runway edge ^d	15 seconds
	Runway threshold ^d	15 seconds
	Runway end	15 seconds
	Obstacle ^a	15 seconds
Precision approach category I	Approach lighting system	15 seconds
	Visual approach slope indicators ^{a,d}	15 seconds
	Runway edge ^d	15 seconds
	Runway threshold ^d	15 seconds
	Runway end	15 seconds
	Essential taxiways ^a	15 seconds
	Obstacle ^a	15 seconds

[Subsidiary]

<i>Runway Type</i>	<i>Lighting aids requiring power</i>	<i>Maximum switch-over time</i>
Precision approach category II	Inner 300m of the approach lighting system	1 second
	Other parts of the approach lighting system	15 seconds
	Obstacle ^a	15 seconds
	Runway edge	15 seconds
	Runway threshold	1 second
	Runway end	1 second
	Runway centre line	1 second
	Runway touchdown zone	1 second
	All stop bars	1 second
Runway meant for take-off in runway visual range conditions less than a value of 800m	Essential taxiway	15 seconds
	Runway edge	15 seconds ^c
	Runway end	1 second
	Runway centre line	1 second
	All stop bars	1 second
	Essential taxiway ^a	15 seconds
	Obstacle ^a	15 seconds
<i>Note:</i> a. Supplied with secondary power when their operation is essential to the safety of flight operation. b. Supplied with emergency lighting when the aerodrome has no secondary power supply. c. One second where no runway centre line lights are provided. d. One second where approaches are over hazardous or precipitous terrain.		

(8) For the purpose of this Regulation, “**switch-over time**” means the time required for the actual intensity of a light measured in a given direction to fall from fifty per cent and recover to fifty per cent during a power supply changeover, when the light is being operated at intensities of twenty five per cent or more.

(9) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.

PART XIV – AERONAUTICAL INFORMATION TO BE REPORTED TO AERONAUTICAL INFORMATION SERVICES

112. Application of Part

This Part shall apply to all categories of aerodromes.

113. Availability of information

(1) An operator shall ensure that all information relating to the aerodrome and its facilities, which is significant for the conduct of flights to and from the aerodrome, is available to the users of the aerodrome.

(2) An operator shall be responsible for notifying the Aeronautical Information Services of any errors and omissions in the aeronautical information of operational significance, published in the Aeronautical Information Publication or Aeronautical Information Circular or in the NOTAM, and of any pending changes in the aerodrome or its facilities which are likely to affect this information.

[Subsidiary]

(3) An operator shall provide information on the following for the guidance of pilots and operators—

- (a) construction of maintenance work on or immediately adjacent to the manoeuvring area; unserviceable portions of any part of the manoeuvring area;
- (b) the runway surface conditions when affected by water, damp, wet, water patches or flooded, as appropriate;
- (c) parked aircraft or other objects on, or immediately adjacent to the taxiways;
- (d) the presence of other temporary hazards;
- (e) failure or irregular operation of any part of the aerodrome lighting system, or of the aerodrome main and secondary power supplies;
- (f) failure, irregular operation and changes in the operational status of any electronic approach or navigation aid, or aeronautical communication facility;
- (g) failures and changes in the runway visual range observer system; and
- (h) failures and changes in the runway visual range observer system; and
- (i) any other information of operational significance.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

114. Amendment of information

(1) Where any of the following conditions occur or are anticipated, an operator shall take immediate action to amend the information contained in the Aeronautical Information Circular and where necessary, promulgate the change by NOTAM through the Aeronautical Information Services using the Aeronautical Information Services address notified in the Aeronautical Information Circular—

- (a) changes in the availability of the manoeuvring area and changes in the runway declared distance; except that increases in declared distances may only be made with the approval of the Authority;
- (b) significant changes in aerodrome lighting and other visual aids;
- (c) presence or removal of temporary obstructions to aircraft operation in the manoeuvring area;
- (d) presence of airborne hazards to air navigation;
- (e) interruption, return to service, or major changes to rescue facilities and fire fighting services available; except that permanent changes to the promulgated rescue fire fighting category may only be made with the approval of the Authority;
- (f) failure of, or return to operation of, hazard beacons and obstruction lights on or in the vicinity of the aerodrome;
- (g) erection or removal of obstructions to air navigation, and erection or removal of significant obstacles in take-off, climb or approach areas;
- (h) air displays, air races, parachute jumping, or any unusual aviation activity; and
- (i) any other information of operational significance.

(2) Where any of the conditions in paragraph (1) arises at short notice, an operator shall notify the Aeronautical Information Services for promulgation of a NOTAM.

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(3) Where any of the conditions in paragraph (1) is intended, the operator shall make a written request to the Aeronautical Information Services for the amendment of the Aeronautical Information Publication and Aeronautical Information Circular or for supplementary action.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

115. Occurrences affecting electronic aids, etc.

(1) An operator or a person in charge of a navigation facility shall initiate NOTAM action whenever—

- (a) any electronic aid to air navigation is established or withdrawn;
- (b) any changes occur that affect the operational regularity or reliability of any electronic aid to air navigation or aeronautical communication facility.

(2) An operator or a person in charge of a navigation facility shall request for a NOTAM action, or an amendment or a supplement of Aeronautical Information Publication or Aeronautical Information Circular, directly from the Aeronautical Information Services or through channels established by the Authority.

116. Aeronautical data reporting

(1) An operator shall provide to the Authority for promulgation, accurate aeronautical data as specified in the Fourth Schedule to these Regulations.

(2) An operator shall ensure that aerodrome related aeronautical data is adequate and accurate and that the integrity of the data is maintained and protected throughout the data process from survey or origin up to the next intended user.

(3) An operator shall determine and report aerodrome related aeronautical data in accordance with prescribed accuracy and integrity requirements while taking into account the established quality system procedures.

(4) Accuracy requirements for aeronautical data shall be based upon a ninety five per cent confidence level, and in that respect, three types of positional data, namely, surveyed points, calculated points and declared points shall be identified.

(5) Without prejudice to the generality of paragraphs (1), (2), (3) and (4), the determination and reporting of aerodrome aeronautical data shall be in accordance with the accuracy and integrity levels prescribed by the Authority or a person in charge of a navigation facility.

(6) Subject to paragraph (5), the following classification and data integrity levels shall apply—

- (a) critical data, integrity level 1×10^{-8} , where there is a high probability, when using corrupted critical data that the continued safe flight and landing of an aircraft may be severely at risk with the potential for catastrophe;
- (b) essential data, integrity level 1×10^{-5} , where there is a low probability, when using corrupted essential data that the continued safe flight and landing of an aircraft may be severely at risk with the potential for catastrophe;
- (c) routine data, integrity level 1×10^{-3} , where there is a very low probability when using corrupted essential data that the continued safe flight and landing of an aircraft may be severely at risk with the potential for catastrophe.

(7) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

PART XV – EXEMPTIONS

117. Application of Part

This Regulation shall apply to all categories of aerodromes.

118. Application for exemption

(1) A person may apply to the Authority for an exemption from any provision of these Regulations.

(2) An application for an exemption from any provision of these Regulations shall be submitted at least sixty days before the proposed effective date of exemption.

(3) An application for exemption shall contain the following details—

- (a) the name, physical address, mailing address, telephone number, fax number and email address of the applicant, where available;
- (b) the specific requirement from which the applicant seeks exemption;
- (c) justification for the exemption;
- (d) a description of the type of operations to be conducted under the proposed exemption;
- (e) the proposed duration of the exemption;
- (f) a detailed description of the alternative means by which the applicant is to ensure a level of safety equivalent to that established by the regulation from which the exemption is applied for;
- (g) a review of any known safety concerns related to the required exemption, including information about any relevant accidents or incidents of which the applicant is aware;
- (h) where the applicant seeks to operate under the proposed exemption outside the air space of another State, as indication as to whether the exemption may contravene any provision of the standards and any regulations pertaining to the airspace in which the operation is to occur; and
- (i) any other relevant information that may be required by the Authority.

(4) Where an applicant seeks emergency processing of an application for exemption, the application shall contain facts and reasons to support the reasons for not filing the application within the time specified in paragraph (2) and satisfactory reasons for deeming the application an emergency.

(5) The Authority may refuse an application made under paragraph (4) where in the opinion of the Authority, the reasons given for emergency processing are not satisfactory.

(6) An application for exemption shall be accompanied by a fee specified by the Authority.

119. Initial review by the Authority

(1) The Authority shall review an application for exemption for accuracy and compliance with the requirements of regulation 118.

(2) Where the Authority determines that the application for exemption meets the requirements of this Part and that a review of its merits are justified, the Authority shall

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notify and may publish in the *Gazette* or at least one local daily newspaper of wide circulation, a detailed summary of the application, for public comment, specifying the date by which the comments are to be received by the Authority for consideration.

(3) Where the applicant does not meet the requirements of regulation 118, the Authority shall inform the applicant accordingly and no further action shall be taken on that application.

120. Evaluation of application for exemption

(1) The Authority shall conduct an evaluation of an application after the initial review in accordance with regulation 119, to determine whether—

- (a) the proposal by the applicant provides a level of safety equivalent to that established by the regulation from which the exemption is sought;
- (b) a grant of the exemption would contravene the applicable standards;
- (c) the request should be granted or refused and any conditions or limitations that may be part of the exemption.

(2) The Authority shall inform the applicant in writing and publish a detailed report of its evaluation and decision to grant or deny the application for exemption.

(3) The report referred to in paragraph (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) Where an exemption affects a significant population of the aviation industry, the Authority shall publish the report in the Aeronautical Information Circular.

PART XVI – MISCELLANEOUS**121. Application of Part**

This Regulation shall apply to all categories of aerodromes.

122. Change of name

(1) A holder of a licence or certificate may apply to the Authority to change the name of the holder of the licence or certificate.

(2) An application under paragraph (1) shall be accompanied by—

- (a) the current licence or certificate; and
- (b) a court order, or any other legal document verifying the change of name, if any.

(3) The Authority shall, upon being satisfied with an application under paragraph (1), change the name of the holder and issue a replacement licence or certificate with the appropriate endorsement.

(4) The Authority shall retain copies of the documents submitted under paragraph (2).

123. Change of address

(1) A holder of a licence or certificate shall inform the Authority of—

- (a) a change in the physical address at least fourteen days in advance; and
- (b) the mailing address upon the change.

(2) Where a holder of a licence or certificate does not inform the Authority of the change in the physical address within the time specified in paragraph (1), the Authority may suspend the licence or certificate.

124. Use and retention of licences, certificates and records

(1) A person shall not—

- (a) use a licence, certificate, approval, permission, exemption or any other document issued or required by or under these Regulations which is forged, altered, revoked, or suspended, or which the person is not entitled to use;
- (b) forge or alter a licence, certificate, approval, permission, exemption or any other document issued or required by or under these Regulations;
- (c) lend a licence, certificate, approval, permission, exemption or any other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or for any other person the issue, renewal or variation of a licence, certificate, approval, permission or exemption or other document.

(2) A person shall not, during the period for which it is required under these Regulations to be preserved—

- (a) mutilate, alter, render illegible or destroy a licence, certificate or any entry made in any record;
- (b) knowingly make, procure or assist in the making of any false entry in a licence, certificate or record; or
- (c) wilfully omit to make a material entry in a licence, certificate or record.

(3) A record required to be maintained under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue a licence, certificate or exemption for the purpose of these Regulations unless that person is authorized to do so.

(5) The Authority may suspend or cancel a licence or certificate of an operator who contravenes any provision of these Regulations.

125. Replacement of documents

A holder of a licence or certificate who requires a replacement of the licence or certificate may apply to the Authority in the prescribed form.

126. Aeronautical user charges

(1) The Authority shall notify of the fees to be charged in connection with—

- (a) the issue, validation, renewal, extension or variation of any licence, certificate or any other document, including a copy of any of these;
- (b) the undertaking of any examination, test, inspection or investigation;
- (c) the grant of any permission or approval required for the purpose of these Regulations.

(2) Where an application for which any fee is chargeable under paragraph (1) is made, the applicant shall, before the application is processed, pay the required fee.

(3) The Authority shall not refund the fees where an application is withdrawn after payment of fees is made or where the application ceases to have effect or is refused.

127. Conditions for operating an aerodrome

(1) A person shall not operate an aerodrome licensed or certificated under these Regulations unless the facilities and characteristics of the aerodrome are effectively related and match the needs of the aircraft for which the aerodrome is intended.

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(2) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or both.

128. Standards for physical characteristics

A person shall not operate an aerodrome unless the physical characteristics of the aerodrome comply with the standards prescribed by the Authority and any publications as may be published or approved by the Authority.

129. Dangerous light

(1) A person shall not exhibit a light in the vicinity of an aerodrome which, by its glare, endangers the safety of aircraft arriving or departing from the aerodrome.

(2) Where a light appears to the Authority to be capable of endangering the safety of the aircraft as described in paragraph (1), the Authority may direct the owner of the place where the light is exhibited or the person having charge of light to extinguish and to prevent in the future, the exhibition of the light within the period specified.

(3) Where a light is or may be visible from any waters within the area of a general lighthouse authority, the power of the Authority under this Regulation shall not be exercised except with the consent of that lighthouse authority.

(4) An operator who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

130. Lighting of en-route obstacles

(1) An owner or a person in charge of an en-route obstacle shall ensure that the en-route obstacle is fitted with medium intensity steady red light—

- (a) positioned as close as possible to the top of the obstacle; and
- (b) spaced as far as practicable, equally between the top lights and ground level with an interval not exceeding thirty three metres, at the intermediate levels.

(2) Where any light which is required by this Regulation to be displayed fails, an owner or a person in charge of an en-route obstacle shall repair or replace the light as soon as is reasonably practicable but in any case not later than twenty-four hours after the failure of the light.

(3) Subject to paragraph (2), an owner or a person in charge of an en-route obstacle shall ensure that the lights required to be fitted by this Regulation are displayed.

(4) An owner or a person in charge of an en-route obstacle shall ensure that sufficient light is fitted and arranged at each level of an obstacle where lights are required to be fitted, so as to show, when displayed, in all directions.

(5) The Authority may direct that an en-route obstacle is fitted with additional lights which shall be displayed in such positions and at such times as the Authority may specify.

(6) For the purpose of this Regulation—

“**en-route obstacle**” means any building, structure or erection which is one hundred metres or more above ground level, except a building, structure or erection, which is in the vicinity of an aerodrome; and

“**medium intensity steady light**” means a light which complies with the characteristics described for a medium intensity type C light as specified in the Manual of Aerodrome Standards.

[Subsidiary]

(7) A person who contravenes this Regulation commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

131. Land use in the vicinity of aerodrome

All land use practices and activities in the vicinity of an aerodrome shall conform to the guidelines prescribed by the Authority.

132. Aeronautical studies

Where an aerodrome does not meet the requirements of prescribed standards, the Authority may determine, after carrying out aeronautical studies, the conditions and procedures that are necessary to ensure a level of safety equivalent to that established by the relevant prescribed standard.

133. Deviation from standards

Any deviation from a prescribed standard or procedure in these Regulations shall be set out in an endorsement on the aerodrome manual.

134. Safety inspections and audits

The Authority shall—

- (a) carry out such safety inspections and audits as may be necessary for the purpose of verifying the validity of an application for construction and operation of an aerodrome;
- (b) carry out safety inspections and audits of any document and records of an operator, which may be necessary to determine compliance with the appropriate requirements as prescribed in these Regulations.

135. Obligation to insure an aerodrome

(1) A person shall not operate, or cause or permit any other person to operate, an aerodrome unless there is a policy of insurance in force in relation to that aerodrome.

(2) A policy of insurance shall be of no effect for the purposes of paragraph (1) unless—

- (a) there has been issued by the insurer to the operator a certificate in relation to the policy of insurance in such form and containing such particulars as the Authority may prescribe; and
- (b) the operator has sent, or caused to be sent, to the Authority a copy of such certificate.

(3) If the policy of insurance at any time or for any reason ceases to have effect, any licence or certificate issued under these Regulations in respect of the aerodrome to which the policy of insurance relates shall thereupon be deemed to have been revoked.

(4) A licence or certificate shall not be renewed or amended under these Regulations in relation to the operation of an aerodrome where the policy of insurance has expired.

(5) In this Regulation, “**policy of insurance**” means a policy which insures the operator of an aerodrome against liability in respect of loss and damage caused to any person or property at that aerodrome and which complies with such conditions as may be prescribed by the Authority.

(6) This Regulation shall not apply to aerodromes in categories C, D and E unless required by the Authority.

[Subsidiary]

136. General penalty

A person who contravenes any provision of these Regulations for which no penalty is prescribed commits an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

137. Savings and transition

(1) A licence, certificate or any other document issued to an operator prior to the commencement of these Regulations shall continue in force as if it was issued under these Regulations until it expires or is cancelled by the Authority.

(2) A person who, immediately before the commencement of these Regulations was operating as an operator shall, within twelve months after the commencement of these Regulations, comply with these Regulations.

138. Revocation of L.N. 231/1986

The Civil Aviation (Aerodromes) Regulations, 1986 are hereby revoked.

FIRST SCHEDULE

[Rule 39.]

PROVISIONS ON SAFETY MANAGEMENT SYSTEMS

PART A – SYSTEMATIC MANAGEMENT OF SAFETY AT AERODROME

1. Safety management

Aerodromes in category A shall have in place a system for managing safety to which is readily identifiable by the personnel of both the aerodrome and the Authority, and which is clearly documented in the Aerodrome Manual.

2. Interpretation

In this Schedule, unless the context otherwise requires, “**risk**” is the combination of the probability or frequency of occurrence of a defined hazard and the magnitude of the consequences of the occurrence.

3. Safety objective

An aerodrome and the facilities, equipment and systems of the aerodrome shall be designed and operated such that, for any hazard, the combination of the probability of occurrence and the seriousness of the consequences of the hazard occurring shall not result in a level of risk that is unacceptable.

4. Safety management policy statements

A safety management system established at an aerodrome shall include the following—

- (a) a statement that the highest priority shall be attached to safety in relations to all business activities;
- (b) a safety objective that seeks to minimize the level of risks at the aerodrome to as low as reasonably practicable;
- (c) a commitment by the aerodrome operator to adopt an explicit and pro-active approach to safety management;
- (d) statements of safety-related responsibilities at all levels of the organization;

- (e) a commitment to comply with all appropriate safety standards;
- (f) a commitment that the safety assurance processes used by external suppliers comply with safety standards and requirements.

5. Safety management principles

(1) Whenever practicable, quantitative safety levels shall be derived, maintained and improved for all aviation products and services delivered by an aerodrome; and when quantitative safety levels cannot be derived, a qualitative reasoning shall be performed in order to meet the safety objective.

(2) An operator shall assess all existing operations, proposed changes, additions or replacements for their safety significance.

(3) An operator shall identify and record the safety requirements for a service or product, the results of the safety assessment process and the evidence that the safety requirements have been met; and the records shall be maintained throughout the life of the service or product.

(4) An operator shall ensure that personnel whose functions impact on safety at the aerodrome are and remain adequately trained and qualified for the job they are required to do and for which they have accountability.

(5) An operator shall ensure that there is accountability, at a suitable senior level for the management, development and monitoring of the safety management system.

(6) An operator shall routinely carry out internal safety audits to provide assurance of the safety activities and to confirm compliance with the safety requirements and the safety management system.

(7) An operator shall have in place suitable monitoring arrangements so that undesirable trends in service or product performance can be recognized and be subject to remedial action; and in order to achieve this, the operator shall, in accordance with the provisions of the Part B of this Schedule—

- (a) establish a system for accident and incident reporting that ensures the Authority is informed of the aviation safety aspects in connection with the aerodrome;
- (b) investigate safety significant occurrences, identify any failures of its management of safety and take corrective action if required.

(8) The operator shall establish and maintain procedures which enable tracing of documents and data related to the safety management system, and the procedures shall ensure that all safety related documents and data are available, and that invalid documents and data shall be destroyed and secured against unintended use.

6. Safety management strategy

(1) An operator shall establish processes to identify safety shortcomings so that remedial action can be taken to ensure safety levels are maintained.

(2) The basic principles to be applied in the safety management strategy shall include—

- (a) safety achievement, specifying the means by which the safety performance of the organization meets its safety objectives and derived requirements;
- (b) safety assurance, specifying the means for providing assurance that risks are being managed properly and effectively;
- (c) safety promotion, specifying the means by which safety issues are communicated within the aerodrome to eliminate unnecessary risks and avoid repeat errors or risks.

[Subsidiary]**7. Operational safety assurances documentation**

An operator shall produce and maintain safety assurance documentation and this documentation shall cover—

- (a) all safety related roles and functions;
- (b) a safety based risk assessment of the roles and functions where practicable;
- (c) a process of risk management for safety related tasks and functions to ensure that identified risks remain tolerable;
- (d) safety performance measurements of the current operations as part of the ongoing risk management; and
- (e) corrective procedures and measures that modify the original tasks or functions to address inadequate performance.

8. Safety assurance documentation on systems requiring approval

(1) An operator shall, when intending to introduce new systems into operation, or introduce changes to, or replace existing systems, submit an application for approval by the Authority.

(2) An operator shall also submit an application for approval if the intended changes affect the approvals in the aerodrome licence.

(3) An aerodrome licensee shall, if satisfied that their own safety requirements as well as those issued by the Authority have met the compliance criteria, notify the Authority in writing indicating compliance with the specified safety requirements for any operational system.

9. Safety assessment methodology

The safety assessment of an aerodrome shall involve—

- (a) systematic identification of possible hazards to aircraft;
- (b) evaluation of the seriousness of the consequences of the hazard occurring;
- (c) consideration of the chances of a hazard happening;
- (d) determination whether the consequent risk is tolerable and within the operator's acceptable safety performance criteria; and
- (e) taking of action to reduce the severity of the hazard or the probability of it arising in order to reduce the risk to a tolerable level.

10. Safety auditing of aerodromes

An operator shall carry out internal safety auditing of an aerodrome in order to determine—

- (a) the level of compliance with requirements;
- (b) the areas and degree of risk and their effective management; and
- (c) the competence and performance of those responsible for safety.

**PART B – AIRCRAFT ACCIDENT AND INCIDENT REPORTING AND INVESTIGATION
AT AERODROMES**

1. Aerodrome occurrence reporting

(1) This Part prescribes the requirements for reporting the occurrence or detection of defects, failures or malfunctions at an aerodrome, its components or equipment, which could jeopardize the safe operation of the aerodrome or cause it to become a danger to persons or property.

(2) The objectives of the aerodrome occurrence reports are to—

- (a) ensure that knowledge of these occurrences is disseminated so that other persons and organizations may learn from them; and
- (b) enable an assessment to be made by those concerned (whether internal or external to the aerodrome operator) of the safety implications of each occurrence, both in itself and in relation to previous similar occurrences, so that they may take or initiate any necessary action.

2. Reportable occurrences and reporting procedures

(1) An operator shall notify the Authority of any accident, serious incident, fatal or serious injury occurring at the aerodrome as soon as practicable after the occurrence, and provide a detailed occurrence report thereafter.

(2) For the purpose of this Part—

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

- (a) a person is fatally or seriously injured as a result of—
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast, except when the injury are from natural causes, self-inflicted, or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew or;
- (b) the aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - (ii) would normally require major repair or replacement of the affected component except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or
- (c) the aircraft is missing or is completely inaccessible;

“serious incident” includes—

- (a) a near collision requiring avoidance manoeuvre to avoid a collision or an unsafe situation or where an avoidance action would have been appropriate;
- (b) a controlled flight into terrain only marginally avoided;
- (c) an aborted take-off on a closed or engaged runway;
- (d) a take-off from a closed or engaged runway with marginal separation from an obstacle;
- (e) a landing or attempted landing on a closed or engaged runway;
- (f) a take-off or landing incident such as undershooting, or overrunning or running off the side of runways; or
- (g) a major failure of any navigation aid when a runway is in use;

“serious injury” means any injury that is sustained by a person in an accident and that—

- (a) requires hospitalisation for more than forty-eight hours, commencing within seven days from the date the injury was received;

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

(3) The operator shall notify the appropriate agency responsible for aircraft accident investigation whenever an accident or serious incident occurs on or adjacent to his aerodrome in accordance with the provisions of the Civil Aviation (Investigation of Accidents) Regulations (L.N.41/1979, Sub-Leg.).

(4) Information to be provided in the reporting and notification of an accident, serious incident or serious injury shall as far as possible include the following—

- (a) the date and local time of occurrence;
- (b) the exact location of the occurrence with reference to some easily defined geographical point;
- (c) detailed particulars of the parties involved, including the owner, operator, manufacturer, nationality, registration marks, serial numbers, assigned identities of aircraft and equipment;
- (d) a detailed description of the sequence of events leading up to the incident;
- (e) the physical characteristics, environment or circumstances of the area in which the incident occurred and an indication of the access difficulties or special requirements to reach the site;
- (f) the identification of the person sending the notice and where the incident occurred;
- (g) in the case of an aircraft accident, the number of crew members, passengers or other persons respectively killed or seriously injured as a result of the accident; and
- (h) a description of the follow-up action being taken after the incident has occurred.

3. Aerodrome occurrence records

(1) An operator shall establish and maintain aerodrome occurrence reports for any accident, serious incident, serious injury or any occurrence or event that has a bearing on the safety of aerodrome operations.

(2) An operator shall use aerodrome occurrence reports to monitor and improve the level of operational safety, including reviews of safety standards required.

(3) The Authority may require the operator to produce and provide information contained in the aerodrome occurrence report relating to any safety occurrence or event.

4. Aircraft accident and incident investigation

(1) In the event of an accident or serious incident, an operator shall carry out its own investigations.

(2) The investigations carried out by an operator shall be additional to that carried out by the appropriate agency responsible for aircraft accident investigation to enable the operator to assess safety of aircraft operations at his aerodrome.

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(3) The investigator, or team of investigators, shall be technically competent and shall either possess or have access to the background information, so that the facts and events are interpreted accurately, and the investigations shall aim at establishing how the mishap happened, why it occurred, including organizational contributing factors, and to recommend action to prevent a recurrence, and shall not be intended to apportion blame.

(4) The lesson learnt derived from an aerodrome incident or accident investigation shall be disseminated to personnel to provide feedback for safety improvement.

(5) The Authority may require the operator to produce and provide information contained in the aerodrome accident or incident investigation report relating to any such event.

(6) An operator shall inspect his aerodrome, as circumstances require, to ensure safety as soon as practicable after any aircraft accident or incident.

SECOND SCHEDULE

[Rule 56.]

PARTICULARS TO BE INCLUDED IN AN AERODROME MANUAL FOR AERODROMES
IN CATEGORIES A AND B

PART 1 – GENERAL

General information, including the following—

- (a) purpose and scope of the aerodrome manual;
- (b) the legal requirement for a certificate and an aerodrome manual as prescribed in these Regulations;
- (c) conditions for use of the aerodrome; a statement to indicate that the aerodrome shall at all times, when it is available for the take-off and landing of aircraft, be so available to all persons on equal terms and conditions;
- (d) the available aeronautical information system and procedures for its promulgation;
- (e) the system for recording aircraft movements; and
- (f) obligations of the operator.

PART 2 – PARTICULARS OF THE AERODROME SITE

General information, including the following—

- (a) a plan of the aerodrome showing the main aerodrome facilities for the operation of the aerodrome including, particularly, the location of each wind direction indicator;
- (b) a plan of the aerodrome showing the aerodrome boundaries;
- (c) a plan showing the distance of the aerodrome from the nearest city, town or other populous area, and the location of any aerodrome facilities and equipment outside the boundaries of the aerodromes; and
- (d) particulars of the land title of the aerodrome site and if the boundaries of the aerodrome are not defined in the land title documents, particulars of the land title to, or interest in, the property on which the aerodrome is located, and a plan showing the boundaries and position of the aerodrome.

[Subsidiary]**PART 3 – PARTICULARS OF THE AERODROME REQUIRED TO BE REPORTED TO
THE AERONAUTICAL INFORMATION SERVICE****1. General information**

General Information, including the following—

- (a) the name of the aerodrome;
- (b) the location of the aerodrome;
- (c) the geographical co-ordinates of the aerodrome reference point determined in terms of the World Geodetic System – 1984 reference datum;
- (d) the aerodrome elevation and geoid undulation;
- (e) the elevation of each threshold and geoid undulation, the elevation of each runway end and any significant high and low points along the runway, and the highest elevation of the touchdown zone of a precision approach runway;
- (f) the aerodrome reference temperature;
- (g) details of the aerodrome beacon; and
- (h) the name of the operator and the address, telephone and facsimile numbers at which the operator may be contacted at all times.

2. Aerodrome dimensions and related information

General information, including the following—

- (a) runway – true bearing, designation number, length, width, displaced threshold location, slope, surface type, type of runway and, for a precision approach runway, the existence of an obstacle free zone;
- (b) length, width and surface type of strip, runway end safety areas, stopways;
- (c) length, width and surface type of taxiways;
- (d) apron surface type and aircraft stands;
- (e) clearway length and ground profile;
- (f) visual aids for approach procedures, to wit, approach lighting type and visual approach slope indicator system (PAPI/APAPI and T-VASIS/AT-VASIS); marking and lighting of runways, taxiways, and aprons; other visual guidance and control aids on taxiways (including runway holding positions, intermediate holding positions and stop bars) and aprons, location and type of visual docking guidance system, availability of standby power for lighting;
- (g) the location and radio frequency of VOR aerodrome checkpoints;
- (h) the location and designation of standard taxi routes;
- (i) the geographical co-ordinates of each threshold;
- (j) the geographical co-ordinates of appropriate taxiway centre line points;
- (k) the geographical co-ordinates of each aircraft stand;
- (l) the geographical co-ordinates and the top elevation of significant obstacles in the approach and take-off area, in the circling area and in the vicinity of the aerodrome. (This information may best be shown in the form of charts such as those required for the preparation of aeronautical information publications, as specified in Annexes 4 and 15 to the Chicago Convention);
- (m) pavement surface type and bearing strength using the Aircraft Classification Number – Pavement Classification Number method;
- (n) one or more pre-flight altimeter check locations established on an apron and their elevation;

[Subsidiary]

- (o) declared distances; take-off run available, take-off distances available, accelerate-stop distance available, landing distance available;
- (p) disabled aircraft removal plan; the telephone/telex/facsimile number and e-mail address of the aerodrome co-ordinator for the removal of a disabled aircraft on or adjacent to the movement area, information on the capability to remove a disabled aircraft, expressed in terms of the largest type of aircraft which the aerodrome is equipped to remove; and
- (q) rescue and fire-fighting; the level of protection provided, expressed in terms of the category of the rescue and fire-fighting services, which should be in accordance with the longest aircraft normally using the aerodrome and the type and amounts of extinguishing agents normally available at the aerodrome.

Note: The accuracy of the information in Part 3 is critical to aircraft safety. Information requiring engineering survey and assessment should be gathered or verified by qualified technical persons.

PART 4 – PARTICULARS OF THE AERODROME OPERATING PROCEDURES AND SAFETY MEASURES

1. Aerodromes reporting

Particulars of the procedures for reporting any changes to the aerodrome information set out in the Aeronautical Information Publication and Aeronautical Information Circular and procedures for requesting the issue of NOTAMs, including the following—

- (a) arrangements for reporting any changes to the Authority and recording the reporting of changes during and outside the normal hours of aerodrome operations;
- (b) the names and roles of persons responsible for notifying the changes, and their telephone numbers during and outside the normal hours of aerodrome operations; and
- (c) the address and telephone and facsimile numbers, as provided by the Authority, of the place where changes are to be reported to the Authority.

2. Access to the aerodrome movement area

Particulars of the procedures that have been developed and are to be followed in co-ordination with the agency responsible for preventing unlawful interference in civil aviation at the aerodrome and for preventing unauthorized entry of persons, vehicles, equipment, animals or other things into the movement area, including the following—

- (a) the role of the operator, the aircraft operator, aerodrome fixed-base operator, the aerodrome security entity, the Authority and other Government departments, as applicable; and
- (b) the personnel responsible for controlling access to the aerodrome, and the telephone numbers for contacting them during and after working hours.

3. Aerodrome emergency plan

Particulars of the aerodrome emergency plan, including the following—

- (a) plans for dealing with emergencies occurring at the aerodrome or in its vicinity, including the malfunction of aircraft in flight; structural fires; sabotage, including bomb threats (aircraft or structure); unlawful seizure of aircraft; and incidents on the airport covering “during the emergency” and “after the emergency” considerations;
- (b) details of test and aerodrome facilities and equipment to be used in emergencies, including the frequency of those tests;

[Subsidiary]

- (c) details of exercises to test emergency plans, including the frequency of those exercises;
- (d) a list of organizations, agencies and persons of authority, both on-and/off-airport, for site roles; their telephone and facsimile numbers, e-mail addresses and the radio frequencies of their offices;
- (e) the establishment of an aerodrome emergency committee to organize training and other preparations for dealing with emergencies; and
- (f) the appointment of an on-scene commander for the overall emergency operation.

4. Rescue and fire-fighting

Particulars of the facilities, equipment, personnel and procedures for meeting the rescue and fire-fighting requirements, including the names and roles of the persons responsible for dealing with the rescue and fire-fighting services at the aerodrome.

5. Inspection of the aerodrome movement area and obstacle limitation surface by the operator

Particulars of the procedures for the inspection of the aerodrome movement area and obstacle limitation surfaces, including the following—

- (a) arrangements for carrying out inspections, including runway friction and water-depth measurements on runways and taxiways, during and outside the normal hours of aerodrome operations;
- (b) arrangements and means of communicating with air traffic control during an inspection;
- (c) arrangements for keeping an inspection logbook, and the location of the logbook;
- (d) details of inspection intervals and times;
- (e) inspection checklist;
- (f) arrangements for reporting the results of inspections and for taking prompt follow-up actions to ensure correction of unsafe conditions; and
- (g) the names and roles of persons responsible for carrying out inspections, and their telephone numbers during and after working hours.

6. Visual aids and aerodromes electrical systems

Particulars of the procedures for the inspection and maintenance of aeronautical lights (including obstacle lighting), signs, markers and aerodrome electrical systems, including the following—

- (a) arrangements for carrying out inspections during and outside the normal hours of aerodrome operation, and the checklist for such inspections;
- (b) arrangements for recording the result of inspections and for taking follow-up action to correct the deficiencies;
- (c) arrangements for carrying out routine maintenance and emergency maintenance;
- (d) arrangements for secondary power supplies and, if applicable, the particulars of any other method of dealing with partial or total system failure; and
- (e) personnel responsible for the inspection and maintenance of the lighting, and the telephone numbers for contacting those persons during and after working hours.

7. Maintenance of the movement area

Particulars of the facilities and procedures for the maintenance of the movement area, including arrangements for—

- (a) maintaining the paved areas;
- (b) maintaining the unpaved runways and taxiways;
- (c) maintaining the runway and taxiway strips; and
- (d) the maintenance of aerodrome drainage.

8. Aerodrome works - safety

Particulars of the procedures for planning and carrying out construction and maintenance work safely (including work that may have to be carried out at short notice) on or in the vicinity of the movement area which may extend above an obstacle limitation surface, including the following—

- (a) arrangements for communicating with air traffic control during the progress of such work;
- (b) the names, telephone numbers and roles of the persons and organizations responsible for planning and carrying out the work, and arrangements for contacting those persons and organizations at all times.
- (c) the names and telephone numbers, during and after working hours, of the aerodrome fixed-base operators, ground handling agents and aircraft operators who are to be notified of the work;
- (d) a distribution list for work plans, if required.

9. Apron management

Particulars of the apron management procedures, including the following—

- (a) arrangements between air traffic control and the apron management unit;
- (b) arrangements for allocating aircraft parking positions;
- (c) arrangements for initiating engine start and ensuring clearance of aircraft push-back;
- (d) marshalling service; and
- (e) leader (van) service.

10. Apron safety management

Procedures to ensure apron safety, including—

- (a) protection from jet blasts;
- (b) enforcement of safety precautions during aircraft refueling operations;
- (c) apron sweeping;
- (d) apron cleaning;
- (e) arrangements for reporting incidents and accidents on an apron; and
- (f) arrangements for auditing the safety compliance of all personnel working on the apron.

11. Airside vehicle control

Particulars of the procedure for the control of surface vehicles operating on or in the vicinity of the movement area, including the following—

- (a) details of the applicable traffic rules (including speed limits and the means of enforcing the rules);

[Subsidiary]

- (b) the method of issuing driving permits for operating vehicles in the movement area.

12. Birds and wildlife hazard management

Particulars of the procedures to deal with the danger posed to aircraft operations by the presence of birds or mammals in the aerodrome flight pattern or movement area, including the following—

- (a) arrangements for assessing birds and wildlife hazards;
- (b) arrangements for implementing birds and wildlife control programmes; and
- (c) the names and roles of the persons responsible for dealing with birds and wildlife hazards, and their telephone numbers during and after working hours.

13. Obstacle control

Particulars setting out the procedures for—

- (a) monitoring the obstacle limitation surfaces and Type A Chart for obstacles in the take-off surface;
- (b) controlling obstacles within the authority of the operator;
- (c) monitoring the height of buildings or structures within the boundaries of the obstacle limitation surfaces;
- (d) controlling new developments in the vicinity of aerodromes; and
- (e) notifying the Authority of the nature and location of obstacles and subsequent addition of removal of obstacles for action as necessary, including amendment of the Aeronautical Information Services publications.

14. Removal of disabled aircraft

Particulars of the procedures for removing a disabled aircraft on or adjacent to the movement area, including the following—

- (a) the roles of the operator and the holder of the aircraft operator certificate;
- (b) arrangements for notifying the aircraft operator;
- (c) arrangements for liaising with the air traffic control unit;
- (d) arrangements for obtaining equipment and personnel to remove the disabled aircraft; and
- (e) role and telephone numbers of personnel responsible for arranging for the action as necessary, including amendment of the AIS publication.

15. Handling of hazardous materials

(1) Particulars of the procedures for the safe handling and storage of hazardous materials on the aerodrome, including the following—

- (a) arrangements for special areas of the aerodrome to be set up for the storage of inflammable liquids (including aviation fuels) and any other hazardous materials; and
- (b) the method to be followed for the delivery storage, dispensing and handling of hazardous materials.

(2) For the purposes of this paragraph “**hazardous materials**” include inflammable liquids and solids, corrosive liquids, compressed gases and magnetized or radioactive materials.

16. Low visibility operations

Particulars of procedures to be introduced for low-visibility operations, including the measurement and reporting of runway visual range as and when required, and the personnel, their telephone numbers, responsible for measuring the runway visual range.

17. Protection of sites for radar and navigational aids

Particulars of the procedures for the protection of sites for radar and radio navigational aids located on the aerodrome to ensure that their performance will not be degraded, including the following—

- (a) arrangements for the control of activities in the vicinity of radar and navigational aids installations;
- (b) arrangements for ground maintenance in the vicinity of these installations; and
- (c) arrangements for the supply and installation of signs warning of hazardous microwave radiation.

Note 1: In writing the procedures for each category, clear and precise information should be included on—

- (a) when, or what circumstances, an operating procedure is to be activated;
- (b) how an operating procedure is to be activated;
- (c) actions to be taken;
- (d) the equipment necessary for carrying out the actions, and access to such equipment.

Note 2: If any of the procedures specified above are not relevant or applicable, reasons should be given.

PART 5 – AERODROME ADMINISTRATION AND SAFETY MANAGEMENT SYSTEM**1. Aerodrome administration**

Particulars of the aerodrome administration, including the following—

- (a) an aerodrome organizational chart showing the names and positions of key personnel, including their responsibilities;
- (b) the name, position and telephone number of the person who has overall responsibility for aerodrome safety; and
- (c) airport committees.

2. Safety management system

Particulars of the safety management system established for ensuring compliance with all safety requirements and achieving continuous improvement in safety performance, the essential features being—

- (a) the safety policy, in so far as applicable, on the safety management process and its relation to the operational and maintenance process;
- (b) the structure of organization of the safety management system, including staffing and the assignment of individual and group responsibilities for safety issues;
- (c) safety management system strategy and planning, such as setting safety performance target, allocating priorities for implementing safety initiative and providing a framework for controlling the risks to as low a level as is reasonably practicable keeping always in view the requirements of the prescribed standards and recommended practice, and regulations;

[Subsidiary]

- (d) safety management system implementation, including facilities, methods and procedures for the effective communication of safety messages and the enforcement of safety requirements;
- (e) a system for the implementation of, and action on, critical safety areas which require a high level of safety management integrity (safety measures programme);
- (f) measures for safety promotion and accident prevention and a system for risk control involving analysis and handling of accidents, incidents, complaints, defects, faults, discrepancies and failures, and continuing safety monitoring;
- (g) the internal safety audit and review system detailing the systems and programmes for quality control of safety;
- (h) the system for documenting all safety-related airport facilities as well as airport operational and maintenance records, including information on the design and construction of aircraft payments and aerodrome lighting. The system should enable easy retrieval of records including charts;
- (i) personnel training and competency, including the review and evaluation of the adequacy of training provided to personnel on safety-related duties and of the certification system for testing their competency; and
- (j) the incorporation and enforcement of safety-related clauses in the contract for construction work at the aerodrome.

THIRD SCHEDULE

[Rule 56.]

PARTICULARS TO BE INCLUDED IN AN AERODROME MANUAL FOR AERODROMES
IN CATEGORIES C, D AND E

PART 1 – GENERAL

General information, including the following—

- (a) purpose and scope of the aerodrome manual;
- (b) the legal requirement for an aerodrome licence and an aerodrome handbook as prescribed in the national regulations;
- (c) conditions for use of the aerodrome – a statement to indicate that the aerodrome shall at all times, when it is available for the take-off and landing of aircraft, be so available to all persons on equal terms and conditions;
- (d) the available aeronautical information system and procedures for its promulgation;
- (e) the system for recording aircraft movements; and
- (f) obligations of the aerodrome operator.

PART 2 – PARTICULARS OF THE AERODROME SITE

General information, including the following—

- (a) a plan of the aerodrome showing the main aerodrome facilities for the operation of the aerodrome including, particularly, the location of each wind direction indicator;
- (b) a plan of the aerodrome showing the aerodrome boundaries;

[Subsidiary]

- (c) a plan showing the distance of the aerodrome from the nearest city, town or other populous area, and the location of any aerodrome facilities and equipment outside the boundaries of the aerodrome.

PART 3 – PARTICULARS OF THE AERODROME REQUIRED TO BE REPORTED TO THE AERONAUTICAL INFORMATION SERVICE

1. General Information

General information, including the following—

- (a) the name of the aerodrome;
- (b) the location of aerodrome;
- (c) the geographical co-ordinates of the aerodrome reference point determined in terms of the World Geodetic System – 1984 (WGS-84) reference datum;
- (d) the aerodrome elevation points along the runway, and the highest elevation of the touchdown zone of a precision approach runway;
- (e) the aerodrome reference temperature;
- (f) the name of the aerodrome operator and the address, telephone and facsimile numbers at which the aerodrome operator may be contacted at all times.

2. Aerodrome dimensions and related information

General information, including the following—

- (a) runway-true bearing, designation number, length, width, displaced threshold location, slope, surface type, type of runway and, for a precision approach runway, the existence of an obstacle free zone;
- (b) length, width and surface type of strip;
- (c) apron surface type and aircraft stands;
- (d) one or more pre-flight altimeter check locations established on an apron and their elevation;
- (e) rescue and fire-fighting plan.

Note: The accuracy of the information in Part 3 is critical to aircraft safety. Information requiring engineering survey and assessment should be gathered or verified by qualified technical persons.

PART 4 – PARTICULARS OF THE AERODROME OPERATING PROCEDURES AND SAFETY MEASURES

1. Aerodrome reporting

Particulars of the procedures for reporting any changes to the aerodrome information set out in the AIP and AIC and procedures for requesting the issue of NOTAMs, including the following—

- (a) arrangements for reporting any changes to the Authority and recording the reporting of changes during and outside the normal hours of aerodrome operations;
- (b) the names and roles of persons responsible for notifying the changes, and their telephone numbers during and outside the normal hours of aerodrome operations; and
- (c) the address and telephone and facsimile numbers, as provided by the Authority, of the place where changes are to be reported to the Authority.

[Subsidiary]**2. Access to the aerodrome movement area**

Particulars of the procedures that have been developed and are to be followed in co-ordination with the agency responsible for preventing unlawful interference in civil aviation at the aerodrome and for preventing unauthorized entry of persons, vehicles, equipment, animals or other things into the movement area, including the following—

- (a) the role of the aerodrome operator, the aircraft operator, aerodrome fixed-base operator, the aerodrome security entity, the Authority and other government departments, as applicable; and
- (b) the personnel responsible for controlling access to the aerodrome, and the telephone numbers for contacting them during and after working hours;
- (c) inspection checklist;
- (d) arrangements for reporting the results of inspections and for taking prompt follow-up actions to ensure correction of unsafe conditions; and
- (e) the names and roles of persons responsible for carrying out inspections, and their telephone numbers during and after working hours.

4. Maintenance of the movement area

Particulars of the facilities and procedures for the maintenance of the movement area, including—

- (a) arrangements for maintaining the unpaved runways and taxiways;
- (b) arrangements for maintaining the runway and taxiway strips; and
- (c) arrangements for the maintenance of aerodrome drainage.

5. Aerodrome works - safety

Particulars of the procedures for planning and carrying out construction and maintenance work safely (including work that may have to be carried out at short notice) on or in the vicinity of the movement area which may extend above an obstacle limitation surface, including the following—

- (a) the names, telephone numbers and roles of the persons and organizations responsible for planning and carrying out the work, and arrangements for contacting those persons and organizations at all times;
- (b) a distribution list for work plans, if required.

6. Birds and Wildlife Hazard Management (Reg. 59 applies; reg. 60 and 61 do not apply)**7. Obstacle Control (Part IX applies)**

Particulars setting out the procedures for—

- (a) monitoring the obstacle limitation surfaces and Type A Chart for obstacles in the take-off surface;
- (b) controlling obstacles within the authority of the operator;
- (c) monitoring the height of buildings or structures within the boundaries of the obstacle limitation surfaces;
- (d) controlling new developments in the vicinity of aerodromes; and
- (e) notifying the Authority of the nature and location of obstacles and subsequent addition or removal of obstacles for action as necessary, including amendment of the AIS publications.

8. Handling of Hazardous Materials (Reg. 40 applies)

(1) Particulars of the procedures for the safe handling and storage of hazardous materials on the aerodrome, including the following—

- (a) arrangements for special areas of the aerodrome to be set up for the storage of inflammable liquids (including aviation fuels) and any other hazardous materials; and
- (b) the method to be followed for the delivery storage, dispensing and handling of hazardous materials.

(2) For the purposes of rule 15(1) “**hazardous materials**” include inflammable liquids and solids, corrosive liquids, compressed gases and magnetized or radioactive materials.

9. Protection of Sites for Radar and Navigational Aids (Reg. 8 applies)

Particulars of the procedures for the protection of sites for radar and radio navigational aids located on the aerodrome to ensure that their performance will not be degraded, including the following—

- (a) arrangements for the control of activities in the vicinity of radar and navigational aids installations;
- (b) arrangements for ground maintenance in the vicinity of these installations; and
- (c) arrangements for the supply and installation of signs warning of hazardous microwave radiation.

Note 1: In writing the procedures for each category, clear and precise information should be included on—

- (a) when, or in what circumstances, an operating procedure is to be activated;
- (b) how an operating procedure is to be activated;
- (c) actions to be taken;
- (d) the equipment necessary for carrying out the actions, and access to such equipment.

Note 2: If any of the procedures specified above are not relevant or applicable, the reason should be given.

FOURTH SCHEDULE

[Rule 116.]

AERODROME DATA**1. Aerodrome geographical co-ordinates**

Geographical co-ordinates indicating latitude and longitude for ground positions at aerodromes shall be determined and reported in World Geodetic System – 1984 geodetic reference datum.

2. Aerodrome reference point

- (1) An aerodrome reference point shall be established for an aerodrome.
- (2) The aerodrome reference point shall be located near the initial or planned geometric centre of the aerodrome and shall normally remain where first established.
- (3) The position of the aerodrome reference point shall be measured and reported in degrees, minutes and seconds.

[Subsidiary]**3. Aerodrome and runway elevations**

The aerodrome elevation and geoid undulation at the aerodrome shall be measured and reported in accordance with specifications prescribed in the Manual of Aerodrome Standards.

4. Aerodrome reference temperature

(1) An aerodrome reference temperature shall be determined for an aerodrome in degrees Celsius.

(2) The aerodrome reference temperature should be the monthly mean of the daily maximum temperatures for the hottest month of the year (the hottest month being, that which has the highest monthly mean temperature). This temperature should be averaged over a period of years.

5. Aerodrome dimensions and related information

(1) The following data shall be measured or described, as appropriate, for each facility provided on an aerodrome—

- (a) runway – true bearing to one-hundredth of a degree, designation number, length, width, displaced threshold location to the nearest meter, slope, surface type, type of runway and, for a precision approach runway category 1, the existence of an obstacle free zone when provided;
- (b) strip, runway end safety area, stopway – length, width to the nearest metre, surface type;
- (c) taxiway – designation, width, surface type;
- (d) apron – surface type, aircraft stands;
- (e) the boundaries of the air traffic control service;
- (f) clearway – length to the nearest metre, ground profile;
- (g) visual aids for approach procedures, marking and lighting of runways, taxiways and aprons, other visual guidance and control aids on taxiways and aprons, including runway-holding positions and stop bars, and location and type of visual docking guidance systems;
- (h) location and radio frequency of any VOR aerodrome check-point;
- (i) location and designation of standard taxi-routes; and
- (j) distances to the nearest metre of localizer and glide path elements comprising an instrument landing system or azimuth and elevation antenna of microwave landing system in relation to the associated runway extremities.

(2) The geographical co-ordinates of each threshold, appropriate taxiway centre line points and each aircraft stand shall be measured and reported in degrees, minutes, seconds and hundredths of seconds.

(3) The geographical co-ordinates of significant obstacles in the approach and take-off areas, in the circling area and in the vicinity of an aerodrome shall be measured and reported in degrees, minutes, seconds and tenths of seconds, and in addition, the top elevation rounded up to the nearest metre, type, marking and lighting (if any) of the significant obstacles shall be reported.

(4) This Regulation shall not apply to aerodromes in categories C and D unless otherwise specified by the Authority in the licence.

6. Strength of pavements

The bearing strength of a pavement at an aerodrome shall be determined and reported using guidelines prescribed by the Authority in the Manual of Aerodrome Standards.

7. Pre-flight altimeter check location

(1) One or more pre-flight altimeter check locations shall be established for the aerodrome.

(2) A pre-flight check location shall be located on an apron.

Note 1: Locating a pre-flight altimeter location on an apron enables an altimeter check to be made prior to obtaining taxi clearance and eliminates the need for stopping for that purpose after leaving the apron.

Note 2: Normally an entire apron can serve as a satisfactory altimeter check location.

(3) The elevation of a pre-flight altimeter check location shall be given as the average elevation, rounded to the nearest metre, of the area on which it is located. The elevation of any portion of a pre-flight altimeter check location shall be within 3m of the average elevation for that location.

8. Declared distances

The following distances shall be calculated to the nearest metre for a runway intended for use by international commercial air transport—

- (a) take-off run available;
- (b) take-off distance available;
- (c) accelerate-stop distance available; and
- (d) landing distance available.

9. Condition of the movement area and related facilities

(1) An operator shall provide information on the condition of the movement area and the operational status of related facilities in accordance with the requirements specified in the Manual of Aerodrome Standards including information of operational significance to the air traffic service units without delay.

(2) The condition of the movement area and the operational status of related facilities shall be monitored and reports on matters of operational significance or affecting aircraft performance given, particularly in respect of the following—

- (a) construction or maintenance work;
- (b) rough or broken surfaces on a runway, taxiway or an apron;
- (c) water on a runway, a taxiway or an apron;
- (d) other temporary hazards, including parked aircraft;
- (e) failure or irregular operation of part of all of the aerodrome visual aids; and
- (f) failure of the normal or secondary power supply.

(3) To facilitate compliance with rules (1) and (2), inspections of the movement area shall be carried out each day at least once where the aerodrome code number is 1 or 2 and at least twice where the aerodrome code number is 3 or 4.

(4) The presence of water on a runway including a description of the runway surface condition and the water depth, where applicable, shall be reported using the following terms—

- (a) damp – the surface shows a change of colour due to moisture;
- (b) wet – the surface is soaked but there is no stagnant water;
- (c) water patches – significant patches of standing water are visible;

[Subsidiary]

- (e) flooded – extensive standing water is visible.

Note: Guidance on determining and expressing the minimum friction level of a runway is provided in the Manual of Aerodrome Standards.

10. Disabled aircraft removal

(1) The telephone and fax number(s) of the officer of the aerodrome responsible for the co-ordination of operations for the removal of an aircraft disabled on or adjacent to the movement area shall be made available to aircraft operators.

(2) The operator shall provide information concerning the capability to remove an aircraft disabled on or adjacent to the movement area.

Note – The capability to remove a disabled aircraft may be expressed in terms of the largest type of aircraft which the aerodrome is equipped to remove.

11. Rescue and fire fighting

(1) Information concerning the level of protection provided for aircraft rescue and fire fighting purposes shall be made available.

(2) The level of protection normally available at the aerodrome shall be expressed in terms of the category of the rescue and fire-fighting services and in accordance with the types and amounts of extinguishing agents normally available at the aerodrome.

(3) An operator shall notify the air traffic services unit and the Aeronautical Information Services significant changes in the level of protection normally available at an aerodrome for rescue and fire-fighting to enable those units to provide the necessary information to arriving and departing aircrafts and shall advise those units when such a change has been corrected.

Note: A significant change in the level of protection is considered to be a change in the category of the rescue and fire-fighting service from the category normally available at the aerodrome, resulting from a change in availability of extinguishing agents, equipment to deliver the agents or personnel to operate the equipment, etc. A report of a significant change should include the new category of the rescue and fire-fighting service available at the aerodrome.

12. Visual approach slope indicator systems

An operator shall provide information concerning the status of the visual approach slope indicator system installed at the aerodrome including—

- (a) associated runway designation number;
- (b) type of system for an AT-VASIS, PAPI or APAPI installation, the side of the runway on which the lights are installed, i.e. left or right, shall be given;
- (c) where the axis of the system is not parallel to the runway centre line, the angle of displacement and the direction of displacement, i.e. left or right shall be indicated;
- (d) nominal approach slope angle(s). (For a T-VASIS or an ATVASIS this shall be angle \square and for a PAPI and an APAPI this shall be angle $(B+C)/2$ and $(A+B)/2$, respectively); and
- (e) minimum edge height(s) over the threshold of the onslope signal(s). For a T-VASIS or an AT-VASIS this shall be the lowest height at which only the wing bar(s) are visible; however, the additional heights at which the wing bar(s) plus one, two or three fly down light units come into view may also be reported if such information would be of benefit of aircraft using the approach. For a PAPI, this shall be the setting angle of the third unit from the runway minus $2'$, i.e. angle B minus $2'$, and for an APAPI this shall be the setting angle of the unit farther from the runway minus $2'$, i.e. angle A minus $2'$.

13. Co-ordination between the operator and the Aeronautical Information Services

(1) To ensure that the Aeronautical Information Services obtain information to enable them to provide up-to-date pre-flight information and to meet the need for in-flight information, the operator shall establish arrangements with the Aeronautical Information Services to report, with a minimum of delay—

- (a) information on aerodrome conditions;
- (b) the operational status of associated facilities, services and navigation aids within their area of responsibility;
- (c) any other information considered to be of operational significance.

(2) Before introducing changes to the air navigation system, due account shall be taken by the operator of the time needed by the Aeronautical Information Services for the preparation, production and issue of relevant material for promulgation. To ensure timely provision of information to the Aeronautical Information Services, close co-ordination between those services concerned is therefore required.

(3) Of a particular importance are changes to aeronautical information that affects charts and/or computer-based navigation systems which qualify to be notified by the aeronautical information regulation and control system. The pre-determined internationally agreed aeronautical information regulation and control effective dates in addition to fourteen days postage time shall be observed by the responsible operator when submitting the raw information/data to the Aeronautical Information Services.

(4) The operator responsible for the provision of raw aeronautical information/data to the Aeronautical Information Services shall do that while taking into account specified accuracy and integrity requirements for aeronautical data.

CIVIL AVIATION (LICENSING OF AIR SERVICES) REGULATIONS, 2009

ARRANGEMENT OF REGULATIONS

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6. A scheduled air service within Kenya.
7. Conditions to a licence.
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11. Application for a licence under this Part.
12. Issuance of a licence under this Part.
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15. Conditions for establishing international scheduled air transport service.
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21. Notification of Authority by carrier.
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CIVIL AVIATION (LICENSING OF AIR SERVICES) REGULATIONS, 2009

[L.N. 114/2009.]

PART I – PRELIMINARY**1. Short title**

These Regulations may be cited as the Civil Aviation (Licensing of Air Services) Regulations, 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**aeronautical authority**” means the Minister responsible for matters of civil aviation in Kenya;

“**air service**” means any service performed by means of an aircraft for hire or reward and includes air transport service, aerial work and flight training;

“**air transport officer**” means any person appointed as such under regulation 78;

“**air carrier**” or “**airline**” means an enterprise licensed and approved by a competent authority of a state to offer or operate an air service;

“**appeals tribunal**” means the appeals Tribunal established under regulation 58;

“**Authority**” means the Kenya Civil Aviation Authority established by section 3 of the Civil Aviation Act;

“**authorization**” means granting of permission in the form of designation, licence, provisional licence, permit or clearance to operate an aircraft for an air service or in transit with or without a stop in Kenya;

“**capacity**” means the number of seats or cargo space or both offered to the general public on an air service over a given period;

“**concerted practice**” means co-operative or co-ordinated conduct between eligible airlines, achieved through direct or indirect contact, that replaces their independent action, but which does not amount to an agreement;

“**Contracting State**” means a state which is a party to the Convention on international civil aviation signed at Chicago on the seventh day of December 1944;

“**designation**” means authorization granted by the aeronautical authority to an airline, whose principal place of business is in Kenya, to carry out international scheduled air service;

“**Director-General**” means the Director-General of the Kenya Civil Aviation Authority;

“**domestic scheduled air service**” means an air transport service where flights are undertaken between two or more airports according to a published flights timetable with each flight being open to use by members of the public;

“**dominant position**” means a situation where an eligible airline either by itself or acting in collusion with one or more eligible airlines, is in a position to control the relevant market by means of, amongst other factors, revenue generated for a particular service or group of services;

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“dry lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessee;

“foreign aircraft” means an aircraft registered in a foreign country;

“franchise” means the rights and privileges granted by an airline operator to another operator under an agreement;

“franchise agreement” means the agreement under which a franchise is granted;

“franchise approval” means an approval granted by the Authority to an airline to operate franchise business;

“inclusive tour” means a tour which is sold as a package consisting of—

- (a) such fixed accommodation and other land arrangements of services as may be appropriate for such persons in Kenya; and
- (b) the transport of persons by air to and from any destination in Kenya;

“internal air service” means an air service operated within Kenya, and includes an air service which may pass through the airspace of another state without providing air service in that other state;

“international air service” means an air service provided between Kenya and at least one other state and excludes an air service which may pass through the airspace of another state without providing air service in that other state;

“international non-scheduled air transport service” means an international air transport service other than an international scheduled air transport service undertaken with a specific flight or a series of flights;

“international scheduled air transport service” means international air transport service where flights are undertaken between Kenya and one or more countries according to a published flights timetable with each flight being open to use by members of the public;

“licence” means a licence granted under these Regulations;

“material fact” means any information that can reasonably be expected to have a significant effect on the person making a decision;

“undertaking” means a person, a partnership or a company;

“misrepresentation” means a statement represented as fact that the person making it knew or ought to have known to be untrue at the time it was made;

“passenger” means any person, other than a crew member, who travels in an aircraft with the consent of the operator and includes the baggage of such person;

“seat” means an area in an aircraft designed to be occupied by a passenger, other than the area occupied by the luggage of such passenger;

“short-term licence” means a licence issued for a period not exceeding seven days;

“temporary licence” means a licence granted under regulation 33; and

“wet lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessor.

PART II – LICENSING OF INTERNAL AIR SERVICES

3. Prohibition from operating without a licence within Kenya

A person shall not use an aircraft within Kenya for the provision of any air service except under and in accordance with the terms of a licence issued by the Authority under these Regulations.

4. Application for a licence under this Part

(1) A person who—

- (a) intends to provide any air service;
- (b) intends to continue with an air service whose licence is due to expire;
- (c) wishes to vary the terms or conditions specified on the licence; or
- (d) is deemed by the Authority to have made significant changes as provided under regulation 21(3);

shall apply to the Authority for a licence.

(2) An application for a licence of any of the categories set out in the Fifth Schedule shall be made to the Authority in a prescribed form and shall contain the particulars set out in the First Schedule.

(3) An application for a licence shall be signed by—

- (a) in the case of a sole proprietor, the owner;
- (b) in the case of a body corporate, a director or an authorized officer; and
- (c) in the case of a partnership, a partner or an authorized officer.

(4) An application for a licence, other than a short-term licence, shall be made to the Authority not less than ninety days before the date on which it is desired to take effect.

5. Issuance of licence under this Part

A licence may be issued for any category of air service and aircraft as set out in the Fifth and Sixth Schedules respectively if the applicant satisfies the Authority that—

- (a) the applicant is a citizen of Kenya; or
- (b) in the case of a body corporate or a partnership, fifty-one per cent of the voting rights are ultimately held by the State, a citizen of Kenya or both:
Provided that the Authority may exempt any person from the requirements of this provision having regard to the special nature of the air service;
- (c) the aircraft which will be used in operating the air service is a Kenyan registered aircraft:
Provided that the authority may, after considering an application, accept such other foreign registered aircraft subject to the aircraft meeting the operational and maintenance standards;
- (d) the applicant has met the requirements of regulations 19, 20 and 47;
- (e) the applicant is able to meet the requirements of the Authority for an air operator's certificate for the category of service and aircraft; and
- (f) the applicant meets the requirements of any law relating to safety, security, public health, environmental protection and business operations in general.

[Subsidiary]**6. A scheduled air service within Kenya**

An operator whose principal place of business is in Kenya may establish a scheduled air transport service within Kenya if the operator is licensed and—

- (a) has an effective reservations and sales system;
- (b) operates a sufficient number of aircraft to cope with the proposed route-schedule;
- (c) has toilet facilities on board the aircraft operating on a sector with a duration of ninety minutes or more flight time;
- (d) has submitted a flight timetable for approval by the Authority;
- (e) files monthly traffic and tariff statistics with the Authority; and
- (f) is qualified for self-passenger handling or has engaged a qualified passenger handling entity at each airport of operation.

7. Conditions to a licence

(1) The Authority may attach to a licence any condition which it considers desirable in the public interest, in the interest of safety, or in order to prevent uneconomic competition, and may impose conditions—

- (a) that specify the routes or areas that may be operated under the licence;
- (b) that determine the classes or descriptions of passengers or goods that may be carried; and
- (c) that the schedule of air services from time to time approved by the Authority shall be observed.

(2) It shall be a condition of every licence that the licensee and any person having a financial interest in the business of the licensee shall—

- (a) refrain from stipulating that any other person shall refuse booking facilities to any other licensee;
- (b) deny booking facilities to any other licensee; or
- (c) refrain granting such facilities to other licensees on onerous terms.

(3) Where a licensed air carrier has started to operate a scheduled passenger air service on a new route—

- (a) with an aircraft of not more than twenty revenue seats; and
- (b) with a capacity not more than ten thousand seats per year,

the Authority may decline to license another air carrier on that route for a period of two years.

8. Regard to co-ordination and development of air service while issuing licence

In exercising its discretion under regulation 5 the Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities and in particular the Authority shall have regard to the following matters—

- (a) the existence of other air services in the area through which the proposed air service is to be operated;
- (b) the possibilities of air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;

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- (d) the period for which such services have been operated by the applicant or by other operators;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
- (f) the financial resources of the applicant;
- (g) the type of aircraft proposed to be used on the service;
- (h) the competence of the applicant, having regard to his previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified; and
- (i) any objection or representation made under regulation 25.

9. Essential service obligation

(1) The Authority may, after consultation with the Minister, offer an air service licence for an essential service obligation in respect of scheduled air services to an airport serving a peripheral region in Kenya which is considered vital for—

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

(2) The Minister shall publish the existence of this essential service obligation in the *Gazette*.

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

- (a) the public interest;
- (b) the possibility, in particular for the regions, of having recourse to other forms of transport and the ability of such forms to meet the transport needs under consideration; and
- (c) the airfares and conditions which can be quoted to users.

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

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

PART III – LICENSING OF INTERNATIONAL AIR SERVICE

10. Prohibition from operating international air service without a licence

A person shall not use an aircraft for the provision of any international air service, to, from or in transit through Kenya, except under and in accordance with the terms and conditions of a licence issued by the Authority.

[Subsidiary]**11. Application for a licence under this Part**

(1) A person who—

- (a) intends to provide non-scheduled air service;
- (b) intends to provide scheduled air service and whose principle place of business is in Kenya;
- (c) is licensed and intends to continue with non-scheduled or scheduled air service and whose licence is due to expire;
- (d) wishes to vary the terms or conditions specified on the licence; and
- (e) is licensed and is deemed by the Authority to have made significant changes as provided under regulation 21(3),

shall apply to the Authority for a licence.

(2) An application for a licence shall be made to the Authority in a prescribed form and shall contain the particulars set out in the First Schedule.

(3) An application for a licence shall be signed by—

- (a) in the case of a sole proprietor, the owner;
- (b) in the case of a body corporate, a director or an authorized officer; and
- (c) in the case of a partnership, a partner or an authorized officer.

(4) An application for a licence, other than a short-term licence, shall be made to the Authority not less than ninety days before the date on which it is desired to take effect.

12. Issuance of a licence under this Part

A licence may be issued for any category of air service or aircraft as set out in the Fifth and Sixth Schedules respectively if the applicant satisfies the Authority that—

- (a) the applicant is a citizen of Kenya; or
- (b) in the case of a body corporate or a partnership, fifty-one per cent of the voting rights are ultimately held by the State or a citizen of Kenya or both:
Provided that for the purposes of this Regulation, the Authority may accept any person eligible under a criterion set out in any multi-lateral agreement or arrangement to which Kenya is signatory;
- (c) the aircraft which will be used in operating the air service is a Kenyan registered aircraft:
Provided that the authority may, after considering an application, accept such other foreign registered aircraft subject to the aircraft meeting the operational and maintenance standards;
- (d) the applicant has met the requirements of regulations 19, 20 and 47;
- (e) the applicant is able to meet the requirements of the Authority for an air operator's certificate for the category of service and aircraft as those set out in the Sixth and Seventh Schedules respectively; and
- (f) the applicant meets the requirements of any law relating to safety, security, public health, environmental protection and business operations in general.

13. Exception to licensing requirements

(1) Notwithstanding the provisions of regulation 10, no licence shall be required in respect of an international scheduled air transport service operated by an airline of another State under and in accordance with a bilateral or multilateral agreement concluded between the government of the Republic of Kenya and such other State or States.

[Subsidiary]

(2) An international scheduled air transport service established under such bilateral or multilateral agreement or arrangement shall remain valid while the relevant agreement or arrangement remains in force and the Authority may vary, suspend or revoke the operating authorization in accordance with the terms and conditions of that agreement or arrangement.

14. Air service provision to be in accordance with terms of licence

A licensed operator whose principal place of business is in Kenya shall not engage in the provision of air services anywhere in the world except in accordance with the terms of the licence issued by the Authority.

15. Conditions for establishing international scheduled air transport service

(1) An operator whose principal place of business is in Kenya may establish an international scheduled air transport service if the operator is licensed and—

- (a) has held an air service licence for a period of one year;
- (b) has an effective reservations and sales system;
- (c) operates a sufficient number of aircraft to cope with the proposed route-schedule;
- (d) has toilet facilities on board aircraft operating on a sector with a duration of ninety minutes or more flight time;
- (e) has submitted a flight timetable for approval by the Authority;
- (f) files monthly traffic and tariff statistics with the Authority;
- (g) is qualified for self-passenger handling or has engaged a qualified passenger handling entity at each airport of operation; and
- (h) has duly been designated for the service by the aeronautical authority in Kenya in accordance with the applicable service agreement.

16. A foreign air-craft on transit not to land unless authorized

(1) A foreign aircraft shall not fly in transit non-stop across Kenya or land in Kenya for non traffic purposes in the course of a non-scheduled flight unless authorized by the Authority.

(2) In granting authorization under sub-regulation (1), the Authority may impose such conditions and requirements as to the flight as it deems fit, including such conditions and requirements as it considers necessary to ensure compliance with the general principles contained in the Chicago Convention, and the aircraft shall comply with such conditions and requirements.

(3) Where a foreign aircraft makes a non-scheduled flight into Kenya it shall not take on or discharge passengers, cargo or mail in Kenya (being passengers, cargo or mail that has been, or is to be carried for reward) except in accordance with a licence issued under these Regulations.

(4) The Authority shall cause to be published in an aeronautical information publication or aeronautical information circular or notice to airmen the procedure to be followed and the particulars to be supplied by applicants and the applicable fee for a licence referred to in this Regulation.

(5) In considering an application for a licence referred to in paragraph (3) the Authority shall have regard to—

- (a) the public interest;
- (b) the need to provide reasonable protection for the operators of scheduled air services between Kenya and other States so as to ensure the maintenance of regular air services for the carriage of passengers, cargo and mail between Kenya and other States; and

[Subsidiary]

- (c) any resolution or decision of the International Civil Aviation Organization or the International Air Transport Association that has been approved by the Authority and is relevant to the matter.

(6) The Authority in issuing a licence referred to in paragraph (3) may attach such conditions thereto as it sees fit.

(7) Notwithstanding anything contained in the provisions of this Regulation, where it appears to the Authority that a foreign aircraft intends, in the course of a non-scheduled flight over Kenya, to proceed over regions which are without adequate air navigation facilities, direct, for reasons of safety, that the aircraft shall follow an established air route and that the flight shall be conducted in accordance with such conditions as the Authority may require.

17. Conditions for issuing a non-scheduled international air transport service licence

(1) A licence may be issued or varied for non-scheduled international air transport service if the applicant satisfies the Authority that—

- (a) the international air transport service concerned will be operated in a manner that complies with the applicable international conventions which Kenya has ratified;
- (b) the applicant is fit and able to operate the international air transport service;
- (c) in the case of a foreign applicant, the applicant is in possession of a licence which pertains to the international air service for which the application is being made issued by the appropriate authority in the State or territory from which such international air service will be operated; and
- (d) the proposed air service does not disrupt the existing scheduled air service.

(2) When processing the application, the Authority may take into consideration the fair and equal opportunity and reciprocal treatment accorded by the State of the applicant for any air carrier whose principal place of business is in Kenya.

(3) The applicant may, in special circumstances, be exempted from the requirement of a foreign licence for an international air service between Kenya and the State or territory from or to which such international air transport service will be operated.

18. Conditions for operating a non-scheduled international air transport

(1) A foreign operator who has been issued with a licence by the Authority to operate a non-scheduled international air transport service shall—

- (a) not take on any passengers, cargo or mail at any point in Kenya, for the discharge at any other point in Kenya, except those passengers, crew, cargo or mail which the operator originally brought into Kenya on the same flight;
- (b) furnish the Authority with any statistics which may be requested by the Authority within thirty days from the date of the request;
- (c) make the necessary arrangements to ensure that the operation of the air service is facilitated at the terminal airport in Kenya at the time of arrival and departure;
- (d) for inclusive tour charters, transport only the passengers who are part of an inclusive tour, unless the Authority specifically authorises the transportation of other passengers; and
- (e) not cause any disruption to the existing scheduled air service; unreasonable economic overlapping with established scheduled air service operated between Kenya and another State or territory.

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(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall, on conviction, be liable, in the first instance, to a fine not exceeding one million shillings and for every subsequent offence, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

PART IV – GENERAL PROVISIONS RELATING TO LICENCES

19. Further conditions to application for air service licence

(1) An applicant for an air service licence must be able to demonstrate to the satisfaction of the Authority that the applicant—

- (a) can meet, at any time, its actual and potential obligations, established under realistic assumptions, for a period of twenty-four months from the start of operations; and
- (b) can meet its fixed and operational costs incurred from operations according to its business plan established under realistic assumptions, for a period of three months from the start of operations without relying on revenue generated by the operations.

(2) For the purpose of sub-regulation (1), an applicant shall submit a business plan for the first two years of operation, which shall detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or indirectly.

(3) The applicant shall also provide all relevant information, in particular the data referred to in Part A of the Eighth Schedule.

(4) In respect of air carriers of other States, the Authority may accept as sufficient evidence, the production of licences, certificates and documents issued by competent authorities in the States of origin regarding the competence, technical and financial fitness of the air carriers.

(5) An air carrier licensed by the Authority shall provide to the Authority every financial year without undue delay the audited accounts relating to the previous financial year.

(6) An air carrier who wishes to vary the terms and conditions of licence issued by the Authority shall provide the particulars listed in Part B of the Ninth Schedule.

20. Proof of integrity of persons to control operations

(1) The Authority may require, for the purpose of issuing an air service licence, proof that the persons who will continuously and effectively control the operations of the undertaking are of good repute or that they have not been declared bankrupt or convicted of a criminal offence.

(2) For the purposes of sub-regulation (1) the Authority may accept as sufficient evidence in respect of nationals of other states the production of documents issued by competent authorities in the States of origin or the State from which the foreign national comes showing that those requirements are met.

21. Notification of Authority by carrier

(1) An air carrier shall notify the Authority in writing at least fourteen days in advance of plans for the—

- (a) operation of a new scheduled service or a non-scheduled service to a continent or region not previously served;
- (b) changes in the type, category or number of aircraft used or a substantial change in the scale of its activities;
- (c) changes in the particulars of the membership of a partnership or changes in its legal status;

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- (d) changes in the controlling shareholding or changes in the ownership of any single shareholding which represents ten per centum or more of the total shareholding of the air carrier of its parent or ultimate holding company; and
- (e) changes in the particulars of the key personnel appointed by the licensee to be responsible and accountable for the operations of the air service.

(2) The submission of a twelfth month business plan two months in advance of the period to which it refers shall constitute sufficient notice under this Regulation for the purpose of changes to current operations and circumstances which are included in that business plan.

(3) If the Authority deems the changes notified under sub-regulation (1) and (2) to have a significant bearing on the finances or control of the air carrier, it shall require the submission of an application for a new licence.

22. Ownership of aircraft not a condition to a licence

(1) Ownership of aircraft shall not be a condition for granting or maintaining a licence but the Authority shall require, in relation to air carriers licensed by it that they have one or more aircraft at their disposal and operational control, through ownership or dry lease agreement.

(2) Without prejudice to sub-regulation (1), aircraft used by an air carrier shall be registered in its national register.

(3) Notwithstanding the provisions of sub-regulation (1) and (2), the Authority may approve a wet lease agreement to meet temporary and exceptional requirements of an on-going air service operation for a period not exceeding six months.

23. Approval of Authority a must prior to using an aircraft from another operator

(1) For the purposes of ensuring safety and liability standards and regularity an air carrier using an aircraft from another operator or providing it to another operator shall obtain prior approval for the operation from the Authority.

(2) The conditions of the approval under sub-regulation (1) shall be part of the lease, codeshare or interchange agreement between the parties.

(3) The Authority shall not approve agreements leasing or interchanging aircraft with crew to an air carrier to which it has issued an air service licence unless safety standards equivalent to those imposed under the requirement for a valid air operator certificate are met.

24. Validity of licence dependant upon validity of air operator certificate

The validity at any time of an air service licence shall be dependent upon the possession of a valid air operator certificate specifying the activities covered by the air service licence.

25. Particulars of application for a licence to be published

(1) The Authority shall, after the receipt of an application for a licence other than an application for a short-term licence, cause to be published in the *Gazette* a notice containing the particulars of the application and such particulars shall be those set out in the Second Schedule.

(2) Any person may, in writing, within twenty-one days after the publication of the notice referred to in sub-regulation (1) address representation in favour or against in the prescribed manner to the Authority with regard to the application.

(3) Every representation in favour or against an application for a licence shall—

- (a) be in writing;
- (b) state the specific grounds on which it is based;
- (c) specify any conditions which it may be desired should be attached to a licence if issued; and
- (d) be signed by the person making it, or person authorized in the case of a body corporate or a partnership.

(4) A copy of every representation in favour of or against an application for a licence shall be sent by the person making it to the applicant at the same time it is sent to the Authority using registered or certified delivery.

26. Authority to hold hearings before determining an application

(1) For the purpose of inquiring, considering and determining any application, the Authority shall hold a hearing at such places as may be notified.

(2) The Authority shall give notice to the applicant and every person who has made representations to the Authority, of the day, time and venue of the hearing.

(3) A person making representation to the Authority may appear at the hearing of an application in person or by, attorney or other duly authorized representative, but shall not be entitled to recover any costs incurred by him in the proceedings.

(4) The Authority shall keep record of the proceedings.

(5) The Authority shall take a decision on an application not later than thirty days after the hearing of the application and shall consider the application together with all representations, information, evidence and documents at the disposal of the Authority.

(6) The Authority may at its sole discretion postpone the determination of an application in order to obtain further information.

27. Authority to give reasons for refusing to issue licence in writing

In a case where the Authority refuses to issue or vary a licence or issues or varies a licence which differs from the licence or variation for which application has been made, or imposes conditions to which the applicant objects or issues a licence despite an objection, the Authority, shall, if required by the applicant or objector, state in writing the reasons for its decision upon the payment of the applicable fee:

Provided that where the reasons for the decision relate to matters of national security, the Authority shall not be obliged to disclose the same save with the consent of the Minister.

28. Decision of Authority to be published

Particulars of the decision of the Authority—

- (a) on application for licences; and
- (b) to revoke or suspend a licence,

shall be published by the Authority in the *Gazette* and such particulars shall be those as set out in the Third Schedule.

29. Conditions attached to licence

(1) A licence as set out on the Fifth Schedule shall be issued on condition that—

- (a) the licensee is insured as prescribed in relation to the type of air service and the category of aircraft prescribed on the licence and in respect of third party liability insurance;

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- (b) the requirements of any law relating to aviation and any air traffic control procedure for the time being in force in Kenya shall be complied with during the currency of the licence in connection with all flights performed under the licence; and
- (c) the right to embark and disembark air traffic in Kenya shall be subject to national laws and rules relating to safety, security, environment, customs, immigration and public health.

30. Cases when a licence lapses

(1) When an air carrier has ceased operations for six consecutive months or has not started operations for six consecutive months after the issuance of a licence, the licence shall lapse and the licensee may resubmit its application for consideration by the Authority.

(2) The licence shall lapse as soon as the licensee is sequestered, wound up or under receivership in the case of a company as the case may be; provided that in the case of the death, in capacity, bankruptcy, sequestration or liquidation the holder of a licence or the appointment of a receiver manager or trustee of the air service authorized by the licence, if the air service is to be carried on by some other person, that person shall forthwith notify the Authority and submit an application for a new licence within fourteen days.

(3) For the purpose of this Regulation an operator shall be deemed—

- (a) not to have commenced operations if within six months of issuance of the licence the operator has not operated a revenue flight under the terms of the licence; or
- (b) to have ceased operation if the operator has not carried out any flight six months after the last recorded revenue flight.

31. Addition or revocation of conditions to licence

(1) The Authority may, during the currency of a licence, on its own volition or on the application of the holder of the licence, vary or revoke any of the terms or conditions of the licence or add any new terms and conditions which it may consider necessary.

(2) The Authority may, at any time and in any event whenever there are clear indications that financial problems exist with an air carrier licensed by it, assess its performance and may suspend or revoke the licence.

(3) A licence may be revoked or suspended by the Authority on the ground—

- (a) that the licence holder has been convicted of an offence under regulation 76 or regulation 77 in respect of his licence; or
- (b) that any condition subject to which the licence was granted has not been observed.

(4) The Authority may amend a licence to correct errors of administrative nature during the currency of a licence.

32. Revocation, variation or suspension notice

(1) The Authority shall give the licensee twenty-one days notice in writing before varying, revoking or suspending any licence or terms or condition of a licence under these Regulations stating the grounds upon which it is proposed to amend, revoke or suspend the licence or the terms or conditions of the licence.

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(2) (1) At the expiry of twenty-one days specified under sub-regulation (1) the Authority may—

- (a) direct a licensee to comply with such conditions as it may specify within the period determined by the Authority;
- (b) vary the licence;
- (c) suspend the licence concerned for a period not exceeding two years; or
- (d) revoke the licence.

(3) Where a licence is revoked or suspended the Authority shall state in writing the reasons for its decision.

33. Temporary licence pending determination of application

The Authority may consider a request to issue a temporary licence immediately after the receipt of, and pending determination of an application for a licence, but for a period not exceeding one hundred and twenty days and provisions of these Regulations as to the publication of particulars of applications and making of objections and representation shall not apply if the Authority—

- (a) is of the opinion that compliance with the procedure for processing of application referred to would defeat the objective of such application; and
- (b) is satisfied that the applicant conforms to the general conditions of air service licence; and
- (c) is satisfied that the proposed service is in the interest of social welfare, charity, for purposes of salvage on humanitarian grounds or of assistance in saving life or in the public interest; or
- (d) in the case of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or the appointment of a receiver manager or trustee of the air service authorized by the licence, if the air service is to be carried on by some other person and that other person has submitted an application for a new licence as prescribed under regulation 30(2).

34. Where Authority issues a short term licence

Where an application is made to the Authority for a licence to remain in force for a period not exceeding seven days, and the Authority is satisfied and that it is in the public interest that the application should be determined expeditiously, it may so determine the application and issue a licence accordingly; and the provisions of these Regulations as to the publication of particulars of applications, and the making of the objections and representations, shall not apply in that case.

35. Validity of a licence

The Authority may issue licences in accordance with the provisions of these Regulations and such licences shall, subject to regulation 31 continue in force for such period, not exceeding five years from the date on which any licence is expressed to take effect, as may be specified by the Authority:

Provided that if, on the date of the expiration of a licence, an application has been made for the issue of a new licence in substitution for the existing licence held by the applicant, such existing licence shall continue in force until such application has been determined.

36. Limitation of traffic rights in certain cases

(1) When physical constraints or environmental problems exist the Authority may, subject to this Regulation, impose conditions, limit or refuse the exercise of traffic rights in particular when other modes of transport can provide satisfactory levels of service.

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(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 these Regulations;
- (d) not distort competition between air carriers; and
- (e) not be more restrictive than necessary in order to relieve the problems.

37. Form of licence and operating authorization

(1) A licence for any category of air service or aircraft as set out in the Fifth and Sixth Schedules respectively and an operating authorization shall be in such form as the Authority may consider suitable to meet the requirements of a particular application approved by the Authority and, if the Authority considers it convenient, it may grant to the operator of more than one category of aircraft or service a licence or operating authorization in a consolidated form.

(2) Where a licence is granted in a consolidated form, the provisions of these Regulations relating to the payment of fees and to the imposition and variation of conditions shall apply in respect of each separate category of aircraft or service authorized under the licence as if the licence in its application to that service were a separate licence.

38. Licence not to be transferred

A licence shall not be capable of being transferred or assigned.

39. Confidentiality of information disclosed

Nothing in these Regulations shall require a disclosure by the applicant for a licence to any person, other than the Authority, of information as to his financial resources, and any such information received by the Authority from an applicant shall be treated as confidential.

40. Provisions as to conveyance of mails

(1) The holder of a licence shall perform all such reasonable services as the Communications Commission of Kenya may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon air services operated under the licence.

(2) The remuneration for any services performed in pursuance of this Regulation shall be such as may from time to time be determined by agreement between the Communications Commission of Kenya and the licence holder.

41. Licensee to make monthly returns to Authority

(1) The holder of a licence or operating authorization shall make a monthly return in writing to the Authority giving, in respect of the month to which the return relates, the particulars set out in the Fourth Schedule with regard to all air services authorized by the licence or operating authorization.

(2) The returns to be made in accordance with sub-regulation (1) shall be made on a form to be obtained on application to the Authority, and shall be sent to the Authority not later than two months after the expiration of the month to which the return relates.

42. Production of licence

The holder of a licence shall produce such licence for examination if required to do so by the Authority or any person in that behalf authorized by the Authority, but may elect

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whether to produce it at an aerodrome used in connection with air service authorized by the licence or at his head office or principal place of business situated in Kenya.

43. Licensee to notify Authority on cessation of service

(1) In the event of the holder of a licence ceasing to operate the air service authorized thereby he shall forthwith notify the Authority and return the licence to it for cancellation:

Provided that where, owing to the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or to the appointment of a receiver or manager or trustee in relation to the business of the holder, he ceases to operate the air service authorized by the licence, then if the business of the holder is being carried on by some other person, that person shall forthwith notify the Authority and unless application has been made within fourteen days for a new licence, shall return the licence to it for cancellation.

(2) A licence may at any time be surrendered by the holder to the Authority for cancellation.

(3) If a licence ceases to have effect, otherwise than by the effluxion of time, or is suspended or revoked, the holder thereof shall, within fourteen days after a notice to that effect has been delivered to him personally or sent to him by registered post at the address shown in his application or last notified in accordance with regulation 45, send or deliver the licence to the Authority for retention during the time of suspension or cancellation, and the Authority shall on the removal of a suspension return the licence to the holder.

44. Licensee to notify the Authority if licence is lost

If a licence has been lost, destroyed or defaced, the holder thereof shall forthwith notify the Authority which shall, if satisfied that licence has been lost, destroyed or defaced, issue a duplicate, so marked, and the duplicate so issued shall have the same effect as the original:

Provided that, in the case of a licence that has been defaced, the duplicate shall be issued only after surrender of the original to the Authority.

45. Licensee to notify the Authority of change of address

The holder of a licence shall, if he changes his address during the currency of the licence, notify such change to the Authority within fourteen days after the date of such change and shall, at the same time, send or deliver the licence to the authority; and the authority shall thereupon endorse upon the licence the licence holder's new address and return the licence to him.

46. Authority to keep records of applications

(1) The Authority shall keep a record of all applications for licences showing whether the licence was granted or refused, and an entry shall be made in such record whenever a licence is revoked or suspended or expires and the record shall contain such particulars as will enable the application to be identified and shall show—

- (a) the date from which any licence is expressed to operate;
- (b) the date on which it is expressed to expire;
- (c) any condition attached to the licence under the provisions of these Regulations;
- (d) in the case of a scheduled air service, the terminal places and the intermediate landing places to which the application relates; and
- (e) in the case of an air service other than a scheduled air service, a detailed description of the type of air service and the area of operation.

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(2) Any police officer of or above the rank of Assistant Inspector and any person authorized by the Authority shall be entitled at any reasonable time to inspect and take copies or extracts from the record kept in accordance with subregulation (1).

(3) In this Regulation the term licence includes operating authorization.

47. Licence fee

(1) There shall be paid and together with any application for a licence or a variation of licence, other than an application for a licence under regulation 34, the applicable fee to be determined and notified from time to time by the Authority.

(2) There shall be paid in respect of the grant or variation of any licence, the applicable fee to be determined and notified from time to time by the Authority in respect of each type of air service, category of aircraft and duration of licence.

(3) No refund of any fee paid under these Regulations shall be made.

48. A passenger to be issued a ticket

(1) The holder of a scheduled air service licence shall issue or cause to be issued a passenger air transport ticket to each passenger to be transported.

(2) A passenger air transport ticket issued in terms of subregulation (1) shall contain the following particulars—

- (a) the name or the trade name of the licensee who issues the passenger air transport ticket;
- (b) the name of the passenger to be transported;
- (c) the date of issue and the period of validity of the passenger air transport ticket;
- (d) the places of departure and destination;
- (e) the place of issue of the passenger air transport ticket;
- (f) the serial number of the passenger air transport ticket; and
- (g) the name, the trade name or the designated International Air Transport Association code of the licensee who transports the passenger:

Provided that where the ticket is issued by electronic means, such ticket shall contain substantially the same particulars as set out in this sub-regulation.

(3) A passenger air transport ticket issued in terms of sub-regulation (1) shall contain an endorsement to the effect that the licensee referred to in sub-regulation (2)(g) is duly licensed in terms of the Act and that the passenger complies with the requirements prescribed.

(4) A licensee shall keep a copy of each passenger air transport ticket issued for a period of at least twelve months as from the date on which the flight to which it relates has taken place.

(5) On the written request of the Authority, a licensee shall, subject to the provisions of subregulation (4), forthwith furnish the Authority with copies of any passenger air transport tickets, or any information thereon, issued by the licensee for such period as may be determined by the Authority.

49. Airway bill

(1) The holder of a licence shall issue or cause to be issued an airway bill in respect of each consignment of cargo to be transported.

(2) An airway bill issued shall contain the following particulars—

- (a) the name or the trade name for the licensee who issues the airway bill;
- (b) particulars of the contents of such consignment of cargo;
- (c) particulars of the mass and volume of such consignment of cargo;
- (d) particulars of the places of origin and destination;
- (e) the serial number of the airway bill;
- (f) the name, the trade name or the designated International Air Transport Association code of the licensee who transports the cargo; and
- (g) in the case of a holder of a scheduled air service licence, the cargo tariff:

Provided that where the ticket is issued by electronic means, such ticket shall contain substantially the same particulars as set out in this sub-regulation.

(3) A licensee shall keep a copy of each airway bill issued for a period of at least twelve months as from the date on which the flight to which it relates, has taken place.

(4) On the written request of the Authority, a licensee shall, subject to the provisions of sub-regulation (3), forthwith furnish the Authority with copies of any airway bill issued by the licensee for such period as may be determined by the Authority.

50. A passenger list

(1) The holder of a licence shall before each flight compile or cause to be compiled a passenger list in respect of the flight and shall keep such list for a period of at least twelve months as from the date on which the flight to which it relates has taken place.

(2) A passenger list compiled in terms of subregulation (1) shall contain, at least, the name and nationality of each passenger.

(3) On the written request of the Authority, a licensee shall, subject to the provisions of subregulation (1), forthwith furnish the Authority with copies of any passenger lists compiled by the licensee for such period as may be determined by the Authority.

51. Licensee to be insured

(1) A licensee shall at all times be insured for a minimum amount equivalent to one hundred thousand special drawing rights per seat in respect to passengers and their baggage and equivalent of seventeen special drawing rights per kilogram in respect to air cargo liability for the total number of seats or cargo weight authorized by the certificate of airworthiness applicable to every aircraft to be operated.

(2) In respect of third party liability minimum insurance coverage will comply with the requirements of the state.

(3) The minimum amounts of coverage required for passengers their baggage, cargo and third party liability may be insured for a combined single limit of insurance per any one occurrence.

PART V – FRANCHISING

52. Franchise agreement to be approved by the Authority

(1) No airline registered in Kenya shall operate as a franchisee or enter into a franchise agreement except under and in accordance with the terms of a franchise approval granted by the Authority.

(2) No foreign registered airline shall operate as a franchisee within Kenya except under and in accordance with the terms of a franchise approved by the Authority.

[Subsidiary]**53. Conditions attached to franchise approval**

It shall be a condition to the grant of a franchise approval that the prospective franchisee and the prospective franchisor shall be a holder of, in the case of an airline registered in Kenya, an air service license and in the case of a foreign registered airline, an operating authorization issued in accordance with these Regulations.

54. Application for franchise approval

(1) Every application for a franchise approval shall be made to the Authority and shall contain the particulars set out in the Seventh Schedule.

(2) The Authority may grant franchise approval in accordance with these Regulations and impose such conditions as the Authority may deem appropriate.

(3) In exercising its discretion under subregulation (2) the Authority shall have regard to all relevant factors including—

- (a) the need to protect the interests and welfare of the public; and
- (b) the prevention of unfair competition.

55. Franchise information to be disclosed to the Authority

(1) A franchisee shall disclose franchise information to the Authority in accordance with the Seventh Schedule.

(2) The disclosure document shall be updated within sixty days of the end of the franchisors fiscal year.

(3) Where there has been a material change in the information required to be disclosed under the Eighth Schedule the disclosure document shall be updated within thirty days of the occurrence of that material change.

(4) If the disclosure document contains a misrepresentation of a material fact or if there is an omission of a material fact required to be disclosed under the Eighth Schedule the Authority without prejudice to any other action may revoke or suspend the franchise licence.

(5) The franchisee shall ensure that every marketing, promotional or advertisement of its business shall contain a clear, unequivocal and prominent disclosure that the franchisee is the actual operator.

(6) The franchisee shall cause to be disclosed to the public at the time of booking, ticketing, check-in and in the aircraft the identity of the actual operator of the flight.

56. Conditions of carriage

Whenever the conditions of carriage for the franchisor contain more favorable terms to a passenger or shipper than the conditions of carriage of the franchisee then those favorable terms in the conditions of carriage of the franchisor (including liability limitation) shall apply to operations by the franchisee.

57. Approval not to confer rights

The approval of a franchise agreement does not confer the traffic rights of a franchisee upon the franchisor or vice versa.

PART VI – APPEALS FROM DECISIONS OF THE AUTHORITY**58. Appeals Tribunal**

(1) There shall be an Appeals Tribunal the functions of which shall be to sit as a judicial authority for the determination of appeals from decisions of the Authority made under these Regulations.

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(2) The Minister shall by notice in the *Gazette* appoint the members of the Appeals Tribunal who shall consist of—

- (a) a chairman who shall be a person serving or eligible to serve as a Judge of the High Court of Kenya; and
- (b) two persons who, in the opinion of the Minister, have knowledge and experience regarding aviation and aviation related matters.

(3) The Minister may, in appointing the members of the Tribunal, consult with the representatives of the aviation sector.

(4) A member of the Tribunal shall hold office for three years and may be eligible for re-appointment for one further term.

59. Right to appeal

(1) Subject to these Regulations any person aggrieved by a decision of the Authority under the Regulations shall have a right of appeal from the whole or any part of the decision of the Authority in respect to a licence or an application under these Regulations.

(2) A person who has made representations in favour of an application of an air service licence shall not be a person aggrieved in terms of paragraph (1).

60. Form of appeal

(1) Every Appeal to the appeals Tribunal shall be in the form of Memorandum of Appeal signed by the aggrieved party and shall be delivered to the office of the Minister within fourteen days from the date of publication of the decision appealed from and shall be accompanied by the prescribed fee.

(2) The Memorandum of Appeal shall set forth concisely and under distinct heads the grounds of objection to the decision appealed against without any argument or narrative and such grounds shall be numbered consecutively.

(3) A copy of the Memorandum of Appeal referred to in sub-regulation (2) shall be served by the appellant on the Authority, and any other interested party to the application.

(4) The appeals Tribunal shall cause to be served upon the appellant and any other interested party referred to in subregulation (3) a notice of the date, time and place of the hearing of the appeal and such notice shall be served not less than fourteen days before such date and not more than thirty days after such appeal has been filed.

(5) For the purposes of every appeal the Authority shall furnish the appeals Tribunal with a copy of the record of proceedings including any notes of evidence taken and documents referred to by the Authority in connection with the subject matter of the appeal.

61. Hearings to be open to the public

(1) Every sitting of the appeals Tribunal shall be held in public and at such place as the appeals Tribunal deems convenient except that the appeals Tribunal may, in the course of the hearing of any particular appeal, order that the hearing or any part thereof shall be held in private.

(2) Any sitting of the appeals Tribunal may be adjourned from time to time and from place to place.

(3) The appeals Tribunal may make an order prohibiting the publication of any report or description of proceedings, or any part thereof in any appeal:

Provided that no such order shall be made prohibiting the publication of the names and description of the parties to the appeal, or particulars of any licence relevant to the appeal.

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(4) Subject to these Regulations, the appeals Tribunal shall determine its own procedure.

62. Notice of appeal

(1) The Tribunal may, on notice to the parties, list the appeal for the giving of directions.

(2) The Tribunal may give directions concerning the Appeal generally and in particular directions as to the manner in which the evidence and the exhibits shall be presented and the date and time of the hearing.

(3) A party to an appeal may appear in person or be represented by any other person who may be authorized for that purpose.

(4) No party may produce evidence additional to that presented to the Authority without the leave of the Tribunal:

Provided that leave shall not be granted unless it is shown that such evidence was not available or could not have been obtained by reasonable diligence at the time of the original application.

(5) The Tribunal may receive as evidence any statement, document, information or matter that may in its opinion assist it to deal effectively with the matters before it, whether or not it would be otherwise admissible in a court of law.

63. Decision of the Tribunal to be final

Upon the completion of the hearing of an appeal the Tribunal shall make a decision and its decision shall be final.

PART VII – COMPETITION BETWEEN UNDERTAKINGS**64. Agreements, decisions and practices prohibited**

(1) A person engaged in the provision of any air service shall not be a party to—

- (a) agreements between such undertakings;
- (b) decisions of associations of such undertakings; or
- (c) concerted practices of such undertakings,

which may affect provision of air service by having as their object or effect the prevention, or restriction, or distortion of competition in the air transport market and all such agreements, decisions and practices shall be void.

(2) The agreements, decisions and practices prohibited in sub-regulation (1) include those that are—

- (a) directly or indirectly fixing air fares, rates and conditions attached to them;
- (b) limiting or controlling aircraft capacity, facility frequencies, technical development or investment;
- (c) limiting or sharing air transport market or sources of supply;
- (d) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; and
- (e) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

(3) Notwithstanding the provision of subregulation (1) any agreements, decisions and practices, which contribute to improving investment in and provision of air services or to

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promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit may not be prohibited provided the agreements, decisions and practices—

- (a) do not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the air service.

(4) In particular, agreements, decisions and practices may not be prohibited if their objective and effect is for—

- (a) joint planning;
- (b) co-ordination of capacity;
- (c) sharing of revenue;
- (d) consultation tariffs for scheduled air services;
- (e) slot allocation;
- (f) computer reservations systems;
- (g) ground handling services;
- (h) code sharing; and
- (i) franchising.

65. Abuse of dominant position prohibited

(1) A person engaged in provision of any air service in a dominant position shall not abuse such dominant position by affecting competition in the air transport market.

(2) Without having prejudice to the generality of sub-regulation (1) such abuse may, in particular, consist of—

- (a) directly or indirectly imposing unfair air rates, air fares and conditions attached to them;
- (b) limiting aircraft capacity, flight frequencies, technical development or investment;
- (c) applying dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage; or
- (d) making the conclusion of contract subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

66. State aid not to affect fair competition

(1) Any aid granted by the State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or provision of air service shall, in so far as it affects trade between undertakings in air services be incompatible with fair competition.

(2) Notwithstanding the provision of sub-regulation (1), the following shall be compatible with fair competition—

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discriminating similarly related consumers;
- (b) aid to make good the damage caused by natural disasters or exceptional occurrences; or
- (c) aid granted to the economy of certain areas of Kenya to compensate for the economic disadvantages.

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(3) The following may be considered to be compatible with fair competition—

- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is a serious underemployment;
- (b) aid to promote the execution of an important national project or to remedy a serious disturbance in the economy;
- (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect air services conditions to an extent contrary to public interest; or
- (d) aid to promote culture and heritage conservation where such aid does not affect air transport service conditions and competition to an extent that is contrary to public interest.

67. Tariffs

Undertakings licensed to provide air service shall freely fix their tariffs and shall endeavour to apply reasonable tariffs taking into consideration operational cost, service characteristics, commission rates and reasonable profits.

68. Monopoly not to affect public interest

Undertakings entrusted with the operation of services of general economic interest or having the character of revenue producing monopoly shall be subject to the provisions for fair competition in so far as the application of such provisions do not obstruct the performance, in law and in fact, for the particular tasks assigned to them and the development of air services trade must not be affected to such an extent as would be contrary to the public interest.

69. Authority's power to review agreements

(1) The Authority shall have power to review agreements, decisions or practices that may affect competition in air service and may examine books, other business records, take copies from extracts, ask for oral explanations and enter any premises, land and aircraft used by concerned parties.

(2) If after a review, the Authority finds that there has been an infringement, it shall take appropriate measures which may include—

- (a) issuing of restraining order;
- (b) imposition of a fine; or
- (c) withdrawal, suspension or revocation of licence.

70. Affected party to approach Authority to review agreement

A person whose rights, interest or legitimate expectations have been affected shall have the right to approach the Authority for a review of the concerned agreement, decision or practice.

71. Disclosure of information prohibited

The Authority, its officers and servants shall not disclose information of a kind covered by the obligation of professional secrecy and which has been acquired as a result of the review.

PART VIII – OFFENCES AND PENALTIES**72. Penalties**

A person who uses an aircraft in contravention of regulations 3, 10, 14, 16, 50 or 51—

- (a) in the case of an aircraft on an international air service, commits an offence and shall, on conviction, be liable, for a first offence, to a fine of five hundred

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thousand shillings and for a second or subsequent offence to a fine of one million shillings or in default of payment thereof, to imprisonment for a term of two years; and

- (b) in the case of an aircraft on an internal air service, commits an offence and shall, on conviction, be liable, for a first offence, to a fine of five hundred thousand shillings and for a second or subsequent offence to a fine of eight hundred thousand shillings or, in default of payment thereof, to imprisonment for a term of two years.

73. Penalty for counterfeiting, etc.

A person—

- (a) who falsifies, counterfeits, alters, defaces or mutilates, or adds anything to, a licence or other document issued under these Regulations, or is in possession of a licence or other document which has been thus falsified, counterfeited, altered, defaced or mutilated, or to which an addition has been made;
- (b) who uses a licence or other document issued under these Regulations of which he is not the holder; or
- (c) who permits a licence or other document issued under these Regulations of which he is the holder, to be used by any other person,

commits an offence and shall, on conviction, be liable, for a first offence, to a fine of five hundred thousand shillings and for a second or subsequent offence to a fine of one million shillings or to imprisonment for a term of two years or both.

74. Presumptions in certain cases

In any proceeding under these Regulations—

- (a) an aircraft which is being used for the provision of an air service shall, until the contrary is proved, be presumed to be so used or caused to be used by the person in whose name that aircraft is registered in terms of any law relating to the registration of aircraft as to nationality;
- (b) an aircraft which is registered in the name of a person who is a licensed air carrier and which is being used for the provision of an air service otherwise than in accordance with the terms and conditions of such air carrier's licence, shall, until the contrary is proved, be presumed to be so used or caused to be so used by such air carrier;
- (c) the conveyance in an aircraft of any person in addition to the normal operating crew or of any goods shall, until the contrary is proved, be presumed to be conveyance for reward;
- (d) a document purporting to be a licence issued under these Regulations, or a copy of any such licence certified in writing as such by the Director-General shall be accepted as *prima facie* evidence of the facts stated therein; or
- (e) a certificate signed by the Director-General, stating that a licence has been issued by the Authority to a specified person, shall be accepted as *prima facie* evidence of the facts stated therein.

75. Delegation of powers by Director General

(1) The Director-General may, subject to such conditions and directions, delegate to an authorized officer of powers conferred upon him by or under these Regulations; and

(2) Any delegation given under sub-regulation (1) shall not, however, prevent the Director-General from exercising any powers or performing any duty concerned.

[Subsidiary]**76. Giving of false information**

A person who knowingly gives false or misleading information touching on any matter which is material to any application or appeal to the Authority or to any member, servant or agent of the Authority, or to the Director-General, commits an offence and shall, on conviction, be liable to a fine of one hundred thousand shillings or in the case of a second or subsequent offence to a fine of two hundred thousand shillings or to imprisonment for a term of two years or both.

77. General penalty

(1) A person who contravenes or fails to comply with any of the provisions of these Regulations or of any terms or conditions of a licence granted under the provisions of these Regulations for which no penalty has been provided, commits an offence and shall, on conviction, be liable—

- (a) for a first offence, to a fine of one hundred thousand shillings;
- (b) in the case of a second or subsequent offence to a fine of two hundred thousand shillings; or
- (c) to imprisonment for a term of one year or both.

(2) In the case of the holder of a licence granted under these Regulations, any penalty imposed under the provisions of this Regulation shall be without prejudice to the powers of revocation or suspension of licence by the Authority under regulation 32.

78. Appointment of air transport officers

(1) The Director-General may appoint air transport officers for the purpose of securing compliance with the provisions of these Regulations and any terms or conditions attached to a licence.

(2) An air transport officer may at any time and on production if required, of his authorization—

- (a) enter and inspect any premises of an airline on which he has reasonable cause to believe that the business of an airline is being carried on in contravention of these Regulations; and
- (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 an airline;
- (c) seize any books, accounts or documents found in those premises relating to or appearing to relate to the business of an airline;
- (d) question any person who appears to him to be engaged in, or carrying on, or employed in, the business or an airline on those premises on any matter concerning the application of or compliance with these Regulations or any terms or conditions attached to a licence;
- (e) require, by notice in writing, any person who appears to him to be engaged in or carrying on the business of an airline to produce to him at such time and place as he may specify in the notice any books, accounts and documents relating to the business or an airline; or
- (f) board or detain an aircraft or recall an aircraft already in flight and search such aircraft if he has reasonable grounds to suspect that the aircraft is being used in contravention of these Regulations or that it contains any matter which may be used as evidence in respect of an offence under these Regulations.

[Subsidiary]

79. Air transport officer to report detention of aircraft to Director-General

(1) Where an air transport officer detains an aircraft or recalls an aircraft already in flight he shall, unless he is of the opinion that due to the nature of the offence the aircraft is likely to be allowed to proceed on its flight within a period not exceeding three hours, immediately report such detention or recall to the Director-General:

Provided that under no circumstances shall an air transport officer detain an aircraft for more than three hours from the time of its intended departure or from the time of landing after being recalled unless such longer detention has been authorized by the Director-General under this Regulation.

(2) On receipt of a report under this Regulation the Director-General may, pending further investigation, order the detained aircraft to proceed on its flight whether or not an offence has been committed in respect thereof.

(3) The Director-General may, in writing, delegate to any person any of his powers under sub regulation (1) and (2).

PART IX – SAVINGS AND TRANSITIONAL PROVISIONS**80. Licences issued to remain valid**

Notwithstanding the requirements of these Regulations, any licences approvals and exemptions in force at the date of entry into force of these Regulations shall remain valid for a maximum period of one year during which period the air carriers holding such licences, approvals and exemptions shall make the necessary arrangements to conform to all the requirements of these Regulations.

81. Existing franchise to be approved

Airlines that already operate a franchise prior to the publication of these Regulations shall, within a period of twelve months of the coming into effect of these Regulations, apply to the Authority for grant of a franchise approval in accordance with these Regulations.

FIRST SCHEDULE

[Rule 4 and 11.]

PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN APPLICATION FOR A LICENCE**1. Scheduled Air Services**

- (a) Name and address of applicant.
- (b) Names of places between which the air service is to be operated.
- (c) Names of the regular stage stopping places for the purpose of taking on or setting down passengers, or goods.
- (d) Times and frequencies of air service.
- (e) Number and type or types of aircraft to be used.
- (f) Type of load to be carried.
- (g) Maximum and minimum fares to be charged to passengers or for goods in respect of the total journey or any portion of the journey for which separate charges are made.
- (h) Date of commencement of air service.

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- (i) Period for which licence is required.
- (j) If air service is already in operation—
 - (i) period for which the air service has been operated; and
 - (ii) details as per monthly return for a period of operation or last twelve months, whichever is the less.
- (k) List of other air services operated by the applicant at the time of application.
- (l) Particulars of any working arrangement with any other company operating an air service.
- (m) Particulars or any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
- (n) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporations of any other companies holding shares in the applicant's business; and
 - (iv) the names and state of incorporation of any subsidiary companies of the applicant.

2. Charter and Aerial Work, other than Scheduled Air Services and Instruction

- (a) Name and address of applicant.
- (b) Numbers and types of aircraft and engines to be used.
- (c) Types of work to be carried out and the areas in which it is proposed to operate each type of service.
- (d) Maximum charges to be made for such type of work.
- (e) Date of commencement of air service.
- (f) Period for which licence is required.
- (g) If air service is already in operation—
 - (i) the period for which the air service has been operated; and
 - (ii) details as per monthly return for period of operation or last twelve months whichever be the less.
- (h) List of other air services operated by applicant at the time of application.
- (i) Particulars of working arrangements with other air service companies.
- (j) Particulars or any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business or any person who provides such facilities.
- (k) The nature of the person making the application, whether individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business; and
 - (iv) the names and state of incorporation of any other subsidiary companies of the applicant.

- (l) Such particulars of the accounts of the applicant's business during the last twelve months as the Authority shall require.

3. Instructional

- (a) The names and address of applicant.
- (b) The numbers and types of aircraft and engines to be used.
- (c) The types of instruction to be carried out and place where it is proposed to operate.
- (d) Maximum charges to be made for each type of instruction.
- (e) Date of commencement of air service.
- (f) Period for which licence is required.
- (g) If an air service is already in operation—
 - (i) Period for which the air service has been operated;
 - (ii) Details as per monthly return for period of operation or last twelve months, whichever be the less;
- (h) List of other air services operated by the applicant at the time of application;
- (i) Particulars of working arrangements with other air service companies;
- (j) Particulars of any financial interest which the applicant has in any other undertaking providing instructional facilities or controlling the business of any person who provides such facilities;
- (k) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business; and
 - (iv) the names and state of incorporation of any subsidiary companies of the applicant.
- (l) Such particulars of the accounts for the applicant's business during the last twelve months as the Authority shall require.

Documents to be submitted with Application

A plan setting out in detail the manner in which the applicant will ensure that a safe and reliable air service is operated.

A certified true copy of the existing foreign licence held by foreign applicant.

Certified true copy of the memorandum and articles of association or any other founding document of the applicant.

A valid guarantee, security or insurance policy of the applicant which may arise from the operation of the air service.

Any other document in support of the applicant's ability to operate the air service.

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SECOND SCHEDULE

[Rule 25.]

PARTICULARS OF APPLICANT TO BE PUBLISHED

- (a) The name and address of applicant.
- (b) If for scheduled air service—
 - (i) places between which the air service is to be operated;
 - (ii) names of the regular state stopping places for the purpose of taking on or setting down passengers or goods;
 - (iii) times and frequency of air service;
 - (iv) type of load to be carried;
 - (v) date for air service to commence; and
 - (vi) period for which the licence is required.
- (c) If for charter and aerial work, other than scheduled air service and instruction—
 - (i) types of work to be carried out and the areas in which it is proposed to operate each type of service;
 - (ii) date for air service to commence; and
 - (iii) period for which licence is required.
- (d) If for instruction—
 - (i) types of instruction offered and the places where it is proposed to operate;
 - (ii) date for air service to commence; and
 - (iii) period for which licence is required.

THIRD SCHEDULE

[Rule 28.]

PARTICULARS OF DECISIONS ON APPLICATIONS AND REVOCATION OR
SUSPENSION OF LICENCES TO BE PUBLISHED

PARTICULARS OF DECISIONS ON APPLICATIONS TO BE PUBLISHED

1. The name and address of applicant.
2. The name and date of the *Gazette* in which notice of the application was published.
3. Such particulars as will enable the application to be identified.
4. An indication whether the licence was granted as applied for or granted with modifications, (the modifications to be stated) or refused.

PARTICULARS OF REVOCATION OR SUSPENSION OF LICENCES TO BE
PUBLISHED

1. The name and address of applicant.
2. Such information as will enable the licensee to be identified, and in the case of a scheduled air service, the places and regular state stopping places to be stated.

3. The date from which revocation or suspension takes effect and, in the case of suspension, the period of the suspension.
4. The grounds on which the licence has been revoked or suspended.

FOURTH SCHEDULE

[Rule 41.]

PARTICULARS TO BE GIVEN BY HOLDER OF LICENCES AND OPERATING AUTHORIZATIONS IN MONTHLY RETURNS (EXCEPT WHERE OTHERWISE SPECIFIED) PASSENGERS SHOULD BE STATED IN NUMBERS, DISTANCES IN STATUTE MILES OF 1,760 YARDS AND GOODS AND MAIL IN KILOGRAMS

1. Scheduled Air Services

- (a) A list of the service numbers of all flights operated giving the names of the places between which services are operated, the names of the regular staging points on the route, the types of aircraft used and the number of flights operated by each type.
- (b) A copy of the current timetable.
- (c) A copy of current tariffs.
- (d) For services operated under an international airline licence or an operating authorization for each service number—
 - (i) total passengers, goods and mail, terminating and in transit, arriving in Kenya by point of discharge within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift).
 - (ii) total passengers, goods and mail, originating and in transit, departing from Kenya by point of uplift within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift).
 - (iii) in transit passengers at each staging point in Kenya on international services not included above, such as those whose airports of uplift and discharge are both within Kenya.
 - (iv) total number of passenger seats offered and the number filled, on flights arriving in or departing from Kenya.
 - (v) total capacity of commercial cargo offered and the weight carried on flights arriving in or departing from Kenya.
 - (vi) total passengers, goods and mail carried only within Kenya by points of uplift and discharge separately for traffic between each airport in each direction.
- (e) For services operated under an international airline licence and on sectors not wholly within Kenya—
 - (i) for each staging point outside Kenya, the passengers, goods and mail in transit.
 - (ii) for each sector—
 - (a) the total passenger-miles offered, and carried; and
 - (b) the total commercial cargo load-miles offered, and carried.
- (f) For services operated under the local licence the following shall be submitted for each period of four weeks commencing 1st January each year, and for each thirteen week period throughout the year, the last complete four-week

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and thirteen week period in the year shall, however, be extended to include 31st December, or for such periods as shall be determined from time to time by service number—

- (i) the total passenger-miles offered and carried; and
 - (ii) the total load miles offered and carried.
- (g) The Passengers, goods and mail carried in each direction, between all combinations of staging points.

2. Charter, Aerial Work and Non-Scheduled Flights

- (a) Numbers and type or types of aircraft and engines operated during the month, actual dates of any changes made to be given.
- (b) Average daily serviceability of aircraft completed.
- (c) Total number of miles flown on each class of work.
- (d) Total number of flights made on each class of work.
- (e) Passenger miles and total number of passengers carried.
- (f) Ton-miles and total weight of goods carried.
- (g) Number of flights commenced but not completed, giving cause.
- (h) Total number of requests for air service made which were not accepted given reasons.
- (i) Number of pilots, navigators, radio operators, flight engineers, stewards, photographers and any other personnel employed on flying duties, and their salaries by grade.
- (j) Copy of current schedule of charges for air services.

3. Instructional

- (a) The numbers and types of aircraft and engines operated during the month, the actual dates of any changes to be given.
- (b) The average daily serviceability of aircraft completed.
- (c) The total number of hours flown; (a) dual instruction; and (b) Solo; and the total number of hours of not-flying instruction, per type of instruction.
- (d) The total number of flights made; (a) dual instruction; (b) Solo.
- (e) The number of instructors employed and their salaries by grade.
- (f) A copy of the current schedule for instructional charges.
- (g) The total number of students under instruction, according to the class of pilot licence for which instruction is being given.
- (h) The total number of pilot licences, per class, gained during the month.
- (i) The total number of pilot licences, per class, held by students or members of the club.
- (j) The total number of students or members.

FIFTH SCHEDULE

[Rule 4, 5, 12, 29, 37.]

CATEGORIES OF AIR SERVICE**1. Scheduled Air Service**

International - 1. Air Transport of passengers, cargo and mail or a combination thereof.

2. Air Transport of cargo or mail or both

Domestic - 1. Air Transport of passengers, Cargo and mail or a combination thereof.

3. Non-Scheduled Air Services (Return flights)

International - Air Transport of passengers, cargo and mail or combination thereof and may include—

- (a) Emergency medical service;
- (b) Self-fly hires;
- (c) Air Transport of cargo or mail or both; or
- (d) Air Transport of passengers of an inclusive tour (inbound and outbound) with a limit of four flights in a programme.

Domestic-Air transport of passengers, cargo and mail or combination thereof and may include—

- (a) Air Transport of cargo or mail or both; or
- (b) Air transport of passengers of an inclusive tour (inbound and outbound) limit of four flights in programme.

4. Aerial Work Services (Domestic/International)

- (a) Acrobatic operations, advertising operations, aerial patrol/observation/surveys, aerial photography, agricultural spraying/seeding/dusting, cloud spraying, fire spotting/control/fighting, game and livestock selection/culling/counting/herding, parachute dapping operations, tug operations.
- (b) Flying training.

5. Recreational Flying

- (a) Microlights;
- (b) Balloons.

SIXTH SCHEDULE

[Rule 5, 12, 37.]

CATEGORIES OF AIRCRAFT

Aircraft (excluding helicopter)

Maximum Certificated weight

CATEGORY 1 (LIGHT)

0 – 5700kg (including microlights)

CATEGORY 2 (MEDIUM LIGHT)

5701 – 13000kg

CATEGORY 3 (MEDIUM)

13001 – 20000kg

CATEGORY 4 (HEAVY)

20001 and above

CATEGORY 5

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Helicopters

CATEGORY 6

Balloons

SEVENTH SCHEDULE

[Rule 12, 54, 55.]

INFORMATION TO BE DISCLOSED FOR FRANCHISES

Disclosure Document

1. The franchisor or franchisee shall provide the following information in the disclosure document—

- (a) the legal name, legal form and legal address of the franchisor and the address of the principal place of business of the franchisor;
- (b) any name other than the legal name under which the franchisor carries on or intends to carry on business;
- (c) the address of the franchisor's principal place of business in Kenya;
- (d) a description of the airline experience of the franchisor including the length of time during which the franchisor has offered franchises;
- (e) Details of shareholding, directorship and senior management of franchisor or franchisee;
- (f) the names, business addresses, positions held, business experience and qualifications of any person who has senior management responsibilities for the franchisor's business operations in relation to the franchise;
- (g) relevant details relating to any criminal convictions or any finding of liability in a civil action involving franchises or other businesses relating to fraud, misrepresentation, or similar acts or practices of—
 - (i) the franchisor;
 - (ii) any affiliate of the franchisor who is engaged in franchising; and
 - (iii) any of the persons indicated in (e);
- (h) relevant details concerning any bankruptcy, insolvency or comparable proceeding involving the franchisor for the previous five years;
- (i) the total number of franchises in the franchisor network;
- (j) the names and business addresses of all the franchisees;
- (k) information about the franchisees that have ceased to be franchisees of the franchisor during the five preceding fiscal years, with an indication of the reasons for which the franchisees have ceased to be franchisees of the franchisor. Disclosure of the following categories would fulfil the disclosure requirement: voluntarily terminated or not renewed; reacquired by purchase by the franchisor; otherwise required by the franchisor; refused renewal by the franchisor; terminated by the franchisor;
- (l) the following information regarding the franchisor's intellectual property relevant for the franchise, in particular trademarks, service marks, trademarks, logotypes and designator codes—
 - (i) the registration or the application for registration, if any, and

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- (ii) litigation or other legal proceedings, if any, which could have a material effect on the franchisee's legal right, exclusive or non-exclusive, to use the intellectual property under the franchise agreement in the State in which the franchised business is to be operated;
- (m) financial matters, including—
 - (i) financing offered or arranged by the franchisor, if any; and
 - (ii) audited or otherwise independently verified financial statements of the franchisor, including balance sheets and statements of profit and loss, for the previous three years. If the most recent audited financial statements are as of a date more than 180 days before the date of delivery of the disclosure document, then un-audited financial statements as of a date within 90 days of the date of delivery of the disclosure document;
- (n) a description of the franchise to be operated;
- (o) the term and conditions of renewal of the franchise;
- (p) a description of the initial and on-going training programme;
- (q) the nature and extent of exclusive rights granted, if any, including rights relating to territory and customers;
- (r) the conditions under which the franchise agreement may be terminated by the franchisor and the effects of such termination;
- (s) the conditions under which the franchise agreement may be terminated by the franchisee and the effects of such termination;
- (t) the limitations imposed on the franchisee, if any, in relation to territory and/or to customers;
- (u) in-term and post-term non-compete covenants;
- (v) any reservation by the franchisor of the right;
- (w) to use, or to license the use of, the trademarks covered by the franchise agreement;
- (x) to sell or distribute the goods and services authorized for sale by the franchisee directly or indirectly through the same or any other channel of distribution, whether under the trademarks covered by the agreement or any other trademark;
- (y) restrictions or conditions imposed on the franchisee in relation to services that the franchisee may offer;
- (z) certified copies of Air Service Licence, Air Operators certificate issued to Franchisee and Franchisor;
 - (aa) certified copies of the current conditions of carriage for passenger baggage and mail of the prospective franchisor and the prospective franchisee;
 - (bb) certified copies of the current conditions of carriage for cargo of the prospective franchisee and the prospective franchisor;
 - (cc) description of the safety record of the franchisor for the past ten years;
 - (dd) details of the financing of aircraft purchase or leasing of franchisee; and
 - (ee) a draft of the proposed franchise agreement (excluding financial clauses) and any other information, data, certification or document the Authority may request.

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EIGHTH SCHEDULE

[Rule 19, 55.]

INFORMATION FOR USE IN ASSOCIATION WITH FINANCIAL FITNESS OF AIR CARRIERS

(A) INFORMATION TO BE PROVIDED BY A FIRST-TIME APPLICANT FROM A FINANCIAL FITNESS POINT OF VIEW

1. The most recent internal management accounts and, if available, audited accounts for the previous financial year.
2. A projected balance sheet, including profit and loss account, for the following two years.
3. The basis for projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance and traffic or revenue forecasts.
4. Details of the start-up costs incurred in the period from submission of application to commencement of operations and an explanation of how it is proposed to finance these costs.
5. Details of existing and projected sources of finance.
6. Details of shareholders, including nationality and type of shares to be held, and the Memorandum and Articles of Association.
7. Projected cash-flow statements and liquidity plans for the first two years of operation.
8. Details of the financing of aircraft purchase, leasing including, in the case of leasing, the terms and conditions of contract.

(B) INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE CONTINUING FINANCIAL FITNESS OF EXISTING LICENCE HOLDERS PLANNING A CHANGE IN THEIR STRUCTURES OR IN THEIR ACTIVITIES WITH A SIGNIFICANT BEARING ON THEIR FINANCES

1. If necessary, the most recent internal management balance sheet and audited accounts for the previous financial year.
 2. Precise details of all proposed changes such as change of type of service, proposed takeover or merger; modifications in share capital, changes in shareholders.
 3. A projected balance sheet, with a profit and loss account, for the current financial year, including all proposed changes in structure or activities with a significant bearing on finances.
 4. Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance.
 5. Cash-flow statements and liquidity plans for the following year, including all proposed changes in structure or activities with a significant bearing on finances.
 6. Details of the financing of aircraft purchase or leasing including, in the case of leasing, the terms and conditions of contract.
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**CIVIL AVIATION (CHARGES FOR AIR NAVIGATION SERVICES)
REGULATIONS, 2011**

ARRANGEMENT OF REGULATIONS

Regulation

1. Short title.
 2. Interpretation.
 3. Charges.
 4. Proof of flight and maximum take-off mass.
 5. Recovery Charges.
 6. Detention of aircraft.
 7. Exemption from payment of charges.
-

**CIVIL AVIATION (CHARGES FOR AIR NAVIGATION SERVICES)
REGULATIONS, 2011**

[L.N. 100/2011.]

1. Short title

These Regulations may be cited as the Civil Aviation (Charges for Air Navigation Services) Regulations, 2011.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Flight Information Region**” means the area under the jurisdiction of the Area Control Centre at Nairobi;

“**Flight**” means—

- (a) in the case of an aircraft, from the moment when it first moves for the purposes of taking off until the moment when it comes to rest after landing;
- (b) in the case of a free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

“**maximum takes off mass**”, in relation to an aircraft, means the maximum total mass of the aircraft and its contents at which the aircraft may take-off in accordance with the certificate of aircraft.

3. Charges

(1) There shall be paid to the Authority by the owner of an aircraft making a flight in the Flight Information Region, and airspace in Kenya outside the Flight Information Region the charges prescribed in respect of air navigation services provided by the Authority.

(2) The charges shall be paid in respect of each flight in the Flight Information Region, and airspace in Kenya outside the Flight Information Region of an aircraft at the rates and in the manner determined and notified by the Minister.

4. Proof of flight and maximum take-off mass

(1) An entry in the aircraft movement log-book at the Air Control Units shall be *prima facie* proof that the particular aircraft was within the airspace over Kenya at the time recorded in the log-book.

(2) The maximum take-off mass as indicated in the certificate of airworthiness shall, be *prima facie* proof of the maximum take-off mass of the aircraft.

5. Recovery Charges

Any charges to be paid shall constitute a debt to the Authority and if any amounts due and demanded for by the Authority remain unpaid beyond the time specified for payment, the Authority may recover the same using legal means.

6. Detention of aircraft

(1) Notwithstanding that a statement may not yet have been sent to the owner under paragraph (2) of regulation 3, the Director-General, or any person authorized by him in writing in that regard, may detain any aircraft whose owner has refused or neglected to pay the prescribed charges payable.

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(2) Any aircraft which has been detained under paragraph (1) of this Regulation shall be released upon payment, in full, of the charges owing.

(3) The Director General and any person authorized by him under paragraph (1) shall not be liable to any suit or other proceedings on account of any act performed by him under paragraph (1).

7. Exemption from payment of charges

The Minister may upon a request made in writing to the Director General, exempt in writing an owner of an aircraft making flights from the payment of the prescribed charges for any of the following purposes—

- (a) testing of aircraft;
 - (b) the search for, or relief or rescue of, persons or aircraft in distress; or
 - (c) such other purposes as the Minister may approve.
-

[Subsidiary]**RESTRICTION OF BUILDING IN DECLARED AREAS**

[L/N 60/1998.]

IN EXERCISE of the powers conferred by section 9 (1) and (2) of the Civil Aviation Act, the Minister for Transport and Communications declares the areas specified in the schedule to be declared areas for purposes of the Act, and prohibits the erection thereon of any building or structure. Charts showing the declared areas may be inspected at the Office of the Director of Civil Aviation, Kenya Airports Authority Headquarters Building, Jomo Kenya International Airport, Nairobi.

SCHEDULE**PART I – JOMO KENYATTA INTERNATIONAL AIRPORT (J.K.I.A.)***Sector One (Approach Funnel)*

Construction of all structures is prohibited in the following areas except with the approval of the Director of Civil Aviation.

1. All that area to the North East of Jomo Kenyatta International Airport extending 15 km from threshold runway 24 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 37° 02' 36"E
Latitude: 01° 12' 30"S;
- (b) Longitude: 36° 58' 00"E
Latitude: 01° 17' 00"S;
- (c) Longitude: 36° 59' 06"E
Latitude: 01° 18' 42"S;
- (d) Longitude: 37° 05' 00"E
Latitude: 01° 15' 48"S.

2. All that area to the South West of Jomo Kenyatta International Airport extending 15 km from threshold runway 06 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 54' 06"E
Latitude: 01° 19' 44"S;
- (b) Longitude: 36° 47' 36"E
Latitude: 01° 23' 18"S;
- (c) Longitude: 36° 49' 54"E
Latitude: 01° 26' 30"S.
- (d) Longitude: 36° 54' 24"E
Latitude: 01° 22' 00"S.

3. All that area in the vicinity of Jomo Kenyatta International Airport bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 58' 00"E
Latitude: 01° 17' 00"S;

- (b) Longitude: 36° 54' 06"E
Latitude: 01° 19' 44"S;
- (c) Longitude: 36° 54' 24"E
Latitude: 01° 22' 00"S;
- (d) Longitude: 36° 59' 06"E
Latitude: 01° 18' 42"S.

Sector Two

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the South of Jomo Kenyatta International Airport within a radius of 15 km from the Aerodrome Reference Point (ARP) bounded by the following co-ordinates—

- (a) Longitude: 37° 03' 30"E
Latitude: 01° 16' 30"S;
- (b) Longitude: 36° 59' 06"E
Latitude: 01° 18' 42"S;
- (c) Longitude: 36° 54' 24"E
Latitude: 01° 22' 00"S;
- (d) Longitude: 36° 50' 36"E
Latitude: 01° 25' 48"S.

Sector Three

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the North of Jomo Kenyatta International Airport within a radius of 15 km from Aerodrome Reference Point (ARP) bounded by the following co-ordinates—

- (a) Longitude: 37° 01' 24"E
Latitude: 01° 13' 30"S;
- (b) Longitude: 36° 58' 00"E
Latitude: 01° 17' 00"S;
- (c) Longitude: 36° 54' 06"E
Latitude: 01° 19' 44"S;
- (d) Longitude: 36° 48' 30"E
Latitude: 01° 27' 48"S.

Note.—The Co-ordinates for ARP are—

Longitude: 36° 55' 33"E
Latitude: 01° 19' 07"S.

PART II – WILSON AIRPORT

Sector One (Approach Funnel)

Construction of all structures is prohibited in the following areas except with the approval of the Director of Civil Aviation.

[Subsidiary]

1. All that area in the vicinity of Wilson Airport containing runway 07/25 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 50' 36"E
Latitude: 01° 18' 30"S;
- (b) Longitude: 36° 50' 48"E
Latitude: 01° 18' 48"S;
- (c) Longitude: 36° 47' 12"E
Latitude: 01° 20' 06"S;
- (d) Longitude: 36° 47' 00"E
Latitude: 01° 19' 42"S;

2. All that area in the vicinity of Wilson Airport containing runway 14/32 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 50' 30"E
Latitude: 01° 50' 24"S;
- (b) Longitude: 36° 50' 06"E
Latitude: 01° 20' 48"S;
- (c) Longitude: 36° 47' 24"E
Latitude: 01° 18' 00"S;
- (d) Longitude: 36° 47' 36"E
Latitude: 01° 19' 44"S;
- (e) Longitude: 36° 54' 24"E
Latitude: 01° 22' 00"S;
- (f) Longitude: 36° 59' 06"E
Latitude: 01° 18' 42"S.

Sector Two

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the South of Jomo Kenyatta International Airport within a radius of 15 km from the Aerodrome Reference Point (ARP) bounded by the following co-ordinates—

- (a) Longitude: 37° 03' 30"E
Latitude: 01° 16' 30"S;
- (b) Longitude: 36° 59' 06"E
Latitude: 01° 18' 42"S;
- (c) Longitude: 36° 54' 24"E
Latitude: 01° 22' 00"S;
- (d) Longitude: 36° 50' 36"E
Latitude: 01° 25' 48"S.

Sector Three

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

[Subsidiary]

All that area to the East of Wilson Airport within a radius of 3.5 km from the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 50' 30"E
Latitude: 01° 20' 24"S;
- (b) Longitude: 36° 49' 18"E
Latitude: 01° 19' 18"S;
- (c) Longitude: 36° 50' 48"E
Latitude: 01° 18' 48"S.

Sector Four

Construction of all structures is prohibited in the following area except with the approval, of the Director of Civil Aviation.

All that area to the North of Wilson Airport within a radius of 3.5 km from the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 36° 50' 36"E
Latitude: 01° 18' 30"S;
- (b) Longitude: 36° 47' 00"E
Latitude: 01° 19' 42"S.

Sector Five

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area within a radius centred on the Aerodrome Reference Point (ARP) extending from 3.5 km to 5 km.

Note.—Co-ordinates of the ARP are—

Longitude: 36° 49' 00"E
Latitude: 01° 19' 00"S.

PART III – MOI INTERNATIONAL AIRPORT – MOMBASA (M.I.A.)

Sector One (Approach Funnel)

Construction of all structures is prohibited in the following areas except with the approval of the Director of Civil Aviation.

1. All that area in the vicinity of Moi International Airport containing runway 03/21 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 39° 34' 05"E
Latitude: 04° 04' 01"S;
- (b) Longitude: 39° 37' 03"E
Latitude: 03° 58' 34"S;
- (c) Longitude: 39° 37' 41"E
Latitude: 03° 58' 53"S;
- (d) Longitude: 39° 34' 47"E
Latitude: 04° 04' 26"S.

[Subsidiary]

2. All that area in the vicinity of Moi International Airport containing runway 15/33 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 39° 36' 34"E
Latitude: 04° 04' 06"S;
- (b) Longitude: 39° 37' 02"E
Latitude: 04° 03' 52"S;
- (c) Longitude: 39° 34' 45"E
Latitude: 03° 59' 47"S;
- (d) Longitude: 39° 34' 11"E
Latitude: 04° 00' 03"S.

3. All that area to the South-West of Moi International Airport extending 15 km from threshold runway 03 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 39° 30' 23"E
Latitude: 04° 08' 52"S;
- (b) Longitude: 39° 34' 05"E
Latitude: 04° 04' 01"S;
- (c) Longitude: 39° 34' 47"E
Latitude: 04° 04' 26"S;
- (d) Longitude: 39° 32' 41"E
Latitude: 04° 01' 08"S.

4. All that area to the North-East of Moi International Airport extending 15 km from threshold runway 21 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 39° 37' 03"E
Latitude: 03° 58' 34"S;
- (b) Longitude: 39° 39' 10"E
Latitude: 03° 52' 50"S;
- (c) Longitude: 39° 41' 26"E
Latitude: 03° 54' 06"S;
- (d) Longitude: 39° 37' 41"E
Latitude: 03° 58' 53"S.

Sector Two (Mombasa Island Area)

Construction of any structure extending vertically above the height of Bima Tower is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area known as Mombasa Island.

Sector Three

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the East of Moi international Airport within a radius of 15 km from the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates but excluding the area known as Mombasa Island sector two and some portion within the Approach Funnel in sector one—

- (a) Longitude: 39° 33' 05"E
Latitude: 04° 09' 05"S;

- (b) Longitude: 39° 34' 47"E
Latitude: 04° 04' 26"S;
- (c) Longitude: 39° 37' 41"E
Latitude: 03° 58' 53"S;
- (d) Longitude: 39° 40' 45"E
Latitude: 03° 54' 57"S.

Sector Four

Construction of any structure extending vertically above 30 meters above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the West of Moi International Airport within a radius of 15 km from the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates but excluding a portion within the Approach Funnel in sector one—

- (a) Longitude: 39° 31' 03"E
Latitude: 04° 08' 01"S;
- (b) Longitude: 39° 34' 05"E
Latitude: 04° 04' 01"S;
- (c) Longitude: 39° 37' 03"E
Latitude: 03° 58' 34"S;
- (d) Longitude: 39° 38' 47"E
Latitude: 03° 53' 52"S.

Note.—The Co-ordinates for ARP are—

- Longitude: 39° 35' 50"E
- Latitude: 04° 01' 30"S.

PART IV – MALINDI AIRPORT

Sector One (Approach Funnel)

Construction of all structures is prohibited in the following areas except with the approval of the Director of Civil Aviation.

1. All that area in the vicinity of Malindi Airport containing runway 17/35 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 40° 05' 42"E
Latitude: 03° 11' 00"S;
- (b) Longitude: 40° 06' 30"E
Latitude: 03° 14' 55"S;
- (c) Longitude: 40° 06' 00"E
Latitude: 03° 15' 03"S;
- (d) Longitude: 40° 05' 12"E
Latitude: 03° 11' 06"S.

2. All that area in the vicinity of Malindi Airport containing runway 08/26 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 40° 04' 06"E
Latitude: 03° 13' 48"S;

[Subsidiary]

- (b) Longitude: 40° 04' 12"E
Latitude: 03° 14' 18"S;
- (c) Longitude: 40° 07' 24"E
Latitude: 03° 13' 42"S;
- (d) Longitude: 40° 07' 18"E
Latitude: 03° 13' 12"S.

3. All that area to the North of Malindi Airport extending 15 km from threshold runway 17 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 40° 05' 24"E
Latitude: 03° 03' 54"S;
- (b) Longitude: 40° 05' 42"E
Latitude: 03° 11' 00"S;
- (c) Longitude: 40° 05' 12"E
Latitude: 03° 11' 06"S;
- (d) Longitude: 40° 02' 48"E
Latitude: 03° 04' 24"S.

4. All that area to the South of Malindi Airport extending 15 km from threshold runway 35 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 40° 06' 30"E
Latitude: 03° 14' 55"S;
- (b) Longitude: 40° 08' 54"E
Latitude: 03° 21' 24"S;
- (c) Longitude: 40° 06' 18"E
Latitude: 03° 21' 58"S;
- (d) Longitude: 40° 06' 00"E
Latitude: 03° 15' 03"S.

Sector Two

Construction of any structure extending vertically above 25 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area within a radius of 15 km centred on the Aerodrome Reference point (ARP) but excluding the portion covered by sector one.

Sector Three

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area within a radius of 15 km centred on the Aerodrome Reference point (ARP) but excluding the portions covered by sector one and sector two.

Note.—The co-ordinates of ARP are—

Longitude: 40° 06' 00"E
Latitude: 03° 13' 00"S.

PART V – KISUMU AIRPORT

Sector one (Approach Funnel)

Construction of all structures is prohibited in the following areas except with the approval of the Director of Civil Aviation.

1. All that area in the vicinity of Kisumu Airport containing runway 07/25 and bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 45' 18"E
Latitude: 00° 04' 26"S;
- (b) Longitude: 34° 41' 57"E
Latitude: 00° 06' 18"S;
- (c) Longitude: 34° 41' 41"E
Latitude: 00° 05' 46"S;
- (d) Longitude: 34° 45' 03"E
Latitude: 00° 04' 00"S.

2. All that area to the East of Kisumu Airport extending 15 km from threshold runway 25 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 52' 00"E
Latitude: 00° 02' 00"S.
- (b) Longitude: 34° 45' 18"E
Latitude: 00° 04' 26"S;
- (c) Longitude: 34° 45' 03"E
Latitude: 00° 04' 00"S;
- (d) Longitude: 34° 50' 46"E
Latitude: 00° 00' 19"S.

3. All that area to the West of Kisumu Airport extending 15 km from threshold runway 07 bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 41' 57"E
Latitude: 00° 06' 18"S;
- (b) Longitude: 34° 36' 30"E
Latitude: 00° 10' 19"S;
- (c) Longitude: 34° 35' 18"E
Latitude: 00° 08' 00"S;
- (d) Longitude: 34° 41' 41"E
Latitude: 00° 05' 46"S;

Sector Two

Construction of any structure extending vertically above 15 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the South of Kisumu Airport bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 41' 57"E
Latitude: 00° 06' 18"S;

[Subsidiary]

- (b) Longitude: 34° 45' 18"E
Latitude: 00° 04' 26"S;
- (c) Longitude: 34° 41' 47"E
Latitude: 13° 13' 33"S;
- (d) Longitude: 34° 36' 30"E
Latitude: 01° 10' 19"S.

Sector Three (Town Area)

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the South-east of Kisumu Airport within a radius of 15 km centred on the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates but excluding the portion covered by sector four—

- (a) Longitude: 34° 45' 18"E
Latitude: 00° 04' 26"S;
- (b) Longitude: 34° 41' 47"E
Latitude: 13° 13' 33"S;
- (c) Longitude: 34° 51' 47"E
Latitude: 00° 02' 18"S.

Sector Four

Construction of any structure extending vertically above 15 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the East of Kisumu Airport bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 45' 18"E
Latitude: 00° 04' 26"S;
- (b) Longitude: 34° 47' 32"E
Latitude: 00° 05' 19"S;
- (c) Longitude: 34° 47' 26"E
Latitude: 00° 03' 41"S.

Sector Five

Construction of any structure extending vertically above 30 metres above existing ground level is prohibited in the following area except with the approval of the Director of Civil Aviation.

All that area to the North of Kisumu Airport within a radius of 15 km. centred on the Aerodrome Reference Point (ARP) bounded by straight lines joining the following co-ordinates—

- (a) Longitude: 34° 35' 18"E
Latitude: 00° 08' 00"S;
- (b) Longitude: 34° 41' 41"E
Latitude: 00° 05' 46"S;

(c) Longitude: 34° 45' 03"E

Latitude: 00° 04' 00"S;

(d) Longitude: 34° 50' 46"E

Latitude: 00° 00' 19"S.

Note.—The co-ordinates for ARP are—

Longitude: 34° 44' 00"E

Latitude: 04° 05' 00"S.
