

SPECIAL ISSUE

661

Kenya Gazette Supplement No. 37

3rd March, 2026

(Legislative Supplement No. 22)

LEGAL NOTICE NO. 26

THE CIVIL AVIATION ACT

(Cap. 394)

THE CIVIL AVIATION (CONSTRUCTION OF VISUAL AND
INSTRUMENT FLIGHT PROCEDURES) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

PART I— PRELIMINARY PROVISIONS

- 1— Citation.
- 2— Interpretation.
- 3— Application

PART II— REQUIREMENTS

- 4— Requirements for the provision of a flight procedure design service.
- 5— Designation of flight procedure design service provider.
- 6— Flight procedure design operational requirements.
- 7— Flight procedure design service provider operations manual.
- 8— Flight procedure design personnel.
- 9— Flight Procedure designer training experience and approval.
- 10— Procedure design data and information acquisition.
- 11— Quality assurance.
- 12— Procedure design facility and requirements.
- 13— Control of documents and records.
- 14— Flight procedure design.
- 15— Competency of flight validation pilots.
- 16— Approval of flight procedures.
- 17— Flight procedure design publication.
- 18— Use of automation in procedure design and flight validation.
- 19— Errors in published flight procedures.
- 20— Aerodrome operating minima.

PART III— EXEMPTIONS

- 21 Requirements for application for exemption.

PAPERS LAID	
DATE	18/3/2026
TABLED BY	Dep. Neg. Whip.
COMMITTEE	Polycarp
CLERK AT THE TABLE	

22–Review and publication.

23–Evaluation of the request.

24–Validity of an exemption.

25–Compliance with conditions of the exemption.

PART IV — OFFENCES AND PENALTIES

26–Contravention of Regulations.

27–Penalties

28–Appeals

29–Revocation, savings and transitional provision.

THE CIVIL AVIATION ACT

(Cap. 394)

IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Roads and Transport makes the following Regulations—

THE CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT PROCEDURES) REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations, 2025.

Citation.

2. In these Regulations unless the context otherwise requires—

Interpretation.

“Act” means the Civil Aviation Act, 2013;

Cap. 394.

“aerodrome operating minima” means the limits of usability of an aerodrome for—

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of the operation;
- (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility or runway visual range and decision altitude or height; and
- (d) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

“aerodrome reference point” means the designated geographical location of an aerodrome;

“aeronautical chart” means a representation of a portion of the earth, its culture and relief, specifically designated to meet the requirements of air navigation;

“aeronautical data” means a representation of aeronautical facts, concepts or, instructions in a formalized manner suitable for communication, interpretation or processing;

“aeronautical information” means information resulting from the assembly, analysis and formatting of aeronautical data;

“Aeronautical Information Circular (AIC)” means a notice containing information that does not qualify for the origination of a Notice To Air Men or for inclusion in the Aeronautical Information Publication, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

“aeronautical information product” means aeronautical data and aeronautical information provided either as digital data sets or as a standardized presentation in paper or electronic media and includes—

- (a) aeronautical information publication, including amendments and supplements;
- (b) aeronautical information circulars;
- (c) aeronautical charts;
- (d) notice to air men; and
- (e) digital data sets;

“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 service” means a service established within the defined area of coverage responsible for the provision of aeronautical data and aeronautical information necessary for the safety, regularity and efficiency of air navigation;

“aeronautical information publication supplement” means temporary changes to the information contained in the aeronautical information publication which are published by means of special pages;

“air navigation services” means—

- (a) communication services, whether ground to air or ground to ground, provided for the safety of the 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 navigation services provider” means an independent entity established for the purpose of providing one or more of the air navigation services as defined in these Regulations;

“area navigation (RNAV)” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground- or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

“arrival routes” means routes identified in an instrument approach procedure by which aircraft may proceed from the en-route phase of flight to an initial approach fix;

“air traffic service route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“Authority” has the meaning assigned to it under section 2 of Act;

“certificate” means the certificate for the provision of air navigation services issued by the Authority under Part II of these Regulations;

“flight procedure design service provider” means a service provider authorised through the issuance of a certificate to design, document, validate, maintain and periodically review flight procedures necessary for the safety, regularity and efficiency of air navigation;

“designer” means a person adequately trained who performs the design of an instrument flight procedure;

“flight procedure design” means the complete package that includes all the considerations that went into the development of an instrument flight procedure;

“flight procedure designer” means a person responsible for flight procedure design who meets the competency requirements as laid down by the State;

“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;

“flight procedure design service” means a service established for the design, documentation, validation, maintenance and periodic review of flight procedures necessary for the safety, regularity and efficiency of air navigation;

“flight procedure process” means the overarching process from data origination to the publication of an instrument flight procedure;

“fly-by waypoint” means a waypoint which requires turn anticipation to allow tangential interception of the next segment of a route or procedure;

“flyover waypoint” means a waypoint at which a turn is initiated in order to join the next segment of a route or procedure;

“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;

“integrity classification (aeronautical data)” means classification based upon the potential risk resulting from the use of corrupted data classified as—

- (a) routine data: there is a very low probability when using corrupted routine data that the continued safe flight and landing of an aircraft would be severely at risk with the potential for catastrophe;
- (b) essential data: there is a low probability when using corrupted essential data that the continued safe flight and landing of an

aircraft would be severely at risk with the potential for catastrophe; and

- (c) critical data: there is a high probability when using corrupted critical data that the continued safe flight and landing of an aircraft would be severely at risk with the potential for catastrophe;

“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 that procedure to be followed if the approach cannot be continued;

“nautical mile” means the length equal to 1,852 metres exactly;

“navigation specification” means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace and there are two kinds of navigation specifications—

- (a) area navigation specification — a navigation specification based on area navigation that does not include the requirement for on-board performance monitoring and alerting, designated by the prefix RNAV; and
- (b) required navigation performance specification — a navigation specification based on area navigation that includes the requirement for on-board performance monitoring and alerting, designated by the prefix RNP;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that—

- (a) are located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;

“obstacle clearance altitude or obstacle clearance height” means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

“obstacle free zone” means the airspace above the inner approach surface, inner transitional surfaces, and 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;

“obstacle or terrain data collection surface” means a defined surface intended for the purpose of collecting obstacle or terrain data;

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“operations manual” means a manual prepared by a service provider or a person applying for approval;

“performance based navigation” means area navigation based on performance requirements for aircraft operating along an air traffic service route, on an instrument approach procedure or in a designated airspace;

“precision approach procedure” means an instrument approach procedure utilizing azimuth and glide path information provided by an Instrument landing system or precision approach radar;

“specified” means requirements by the Authority as contained in the Implementing standards, circulars, directives, orders, notices, aeronautical publications and any other documents issued by the Authority;

“procedure turn” means a manoeuvre in which a turn is made away from a designated track followed by a turn in the opposite direction to permit the aircraft to intercept and proceed along the reciprocal of the designated track;

“quality” means a degree to which a set of inherent characteristics fulfils requirements;

“quality control” means part of quality management focused on fulfilling quality requirements;

“quality management” means coordinated activities to direct and control an organization with regard to quality;

“quality system” means the organisational structure, procedures, processes and resources needed to implement quality management;

“reliability” means the probability that the service will perform its function or functions without failure for a specified period;

“resolution” means a number of units or digits to which a measured or calculated value is expressed and used;

“required navigation performance (RNP) means a statement of the navigation performance necessary for operation within a defined airspace;

“safety management system” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

“significant point” means a specified geographical location used in defining an air traffic service route or the flight path of an aircraft and for other navigation and air traffic service purposes;

“state safety programme” means an integrated set of regulations and activities aimed at improving safety;

“terminal arrival altitude” means the lowest altitude that will provide a minimum clearance of 300 m (1 000 ft) above all objects located in an arc of a circle defined by a 46 km (25 NM) radius centred

on the initial approach fix, or where there is no initial approach fix on the intermediate approach fix, delimited by straight lines joining the extremity of the arc to the Intermediate Fix;

Note: The combined Terminal Arrival Altitude s associated with an approach procedure shall account for an area of 360 degrees around the intermediate fix.

“terminal control area” means a control area normally established at the confluence of air traffic services routes in the vicinity of one or more major aerodromes;

“terrain” means the surface of the earth containing naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent ice and snow, and excluding obstacles;

“touchdown and lift-off area” means a load bearing area on which a helicopter may touch down or lift off;

“touchdown zone” means the portion of a runway, beyond the threshold, where it is intended landing aeroplanes first contact the runway;

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“visual approach procedure” means a series of predetermined manoeuvres by visual reference, 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, a go-around procedure can be carried out;

“visual flight procedures” means a description of a series of predetermined flight manoeuvres by reference to visual aids or markers, published by electronic or printed means;

“waypoint” means a specified geographical location used to define an area navigation route or the flight path of an aircraft employing area navigation identified as either by fly-by waypoint or flyover waypoint.

3. (1) These Regulations shall apply to a person or organizations providing flight procedure design services for Air Navigation purposes in Kenya. Application.

(2) The design of procedures referred to under subregulation (1) shall assume normal operations and shall be in accordance with the International Civil Aviation Organization Procedures for Air Navigation Services Aircraft Operations criteria.

(3) For abnormal and emergency operations, aircraft operator shall provide contingency procedures.

(4) These Regulations shall not apply to a person or organization who is providing flight procedure design services to state aircraft within designated military airspaces or airports.

PART II—REQUIREMENTS

4. A person or organization shall not provide a Flight Procedure Design Service within Kenya unless—

Requirements for the provision of a flight procedure design service.

- (a) that person or organization holds a certificate issued under the Civil Aviation (Certification of Air Navigation Services Providers) Regulations; and
- (b) the services are provided in accordance with—
 - (i) the requirements specified in these Regulations or in any other publications issued by the Authority; and
 - (ii) the procedures specified in the service providers' Manual of Air Navigation Service Operations and the criteria specified by the Authority;

5. (1) A person shall not design, maintain, review, amend, adapt or publish flight procedures for use in Kenya unless certified by the Authority and in accordance with these Regulations.

Designation of flight procedure design service provider.

(2) A flight procedure design services provider shall—

- (a) follow a flight procedure design process that encompasses acquisition of data, design and promulgation of procedures;
- (b) ensure that the quality and safety of the procedure design product are assured through review, verification, coordination and validation of the procedure at appropriate points in the process; and
- (c) ensure that the units of measurement, as specified in the Civil Aviation (Units of Measurement to be used in Air and Ground operations) Regulations are used in the design of flight procedures.

6. The flight procedures design service provider shall—

Flight procedure design operational requirements.

- (a) maintain an appropriate design office to enable the flight procedure designers to carry on design work in flight procedures in accordance with these Regulations;
- (b) ensure that the designs of flight procedures are in accordance with—
 - (i) requirements in these Regulations;
 - (ii) the criteria specified by the Authority;
- (c) make provisions for person trained in flight procedure design to check and verify independently the plans of each flight procedure designed.

7. (1) The flight procedure design service provider shall develop and maintain an operations manual which shall serve to demonstrate compliance with the requirements set out in these Regulations.

Flight procedure design service provider operations manual.

(2) The operations manual shall contain the information required in the Civil Aviation (Certification of Air Navigation Service Providers) Regulations and additionally include the following—

- (a) the information required in these regulations;
 - (b) a description of the flight procedure design service provider's office that shows the role, responsibilities and job functions of the flight procedure design office personnel who are responsible for ensuring the compliance of the organization with the requirements in sub-paragraph (a);
 - (c) Any other information relevant for the function's execution or required for inclusion by the Authority.
- (3) The flight procedure design service provider shall—
- (a) keep the operations manual in a readily accessible form;
 - (b) ensure that the flight procedure designer has a ready access to the operations manual; and
 - (c) amend the operations manual whenever necessary to keep its content up to date.
- (4) The flight procedure design service provider shall submit a copy of the current operations manual to the authority for approval.
8. The flight procedure design service provider shall—
- (a) engage sufficient personnel to plan, design, verify, and maintain the flight procedures; and
 - (b) develop job descriptions for its flight procedure design technical staff.
9. (1) The flight procedure design service provider shall ensure that a person designing or amending a flight procedure demonstrates required competency level for flight procedure design.
- (2) The personnel to be recruited as flight procedure designers shall have a high level of aviation experience gained from different domains in the aviation industry including air traffic management, aeronautical information service, aeronautical engineers, aeronautical technicians and pilots or any other equivalent profession.
- (3) A flight procedure designer shall acquire and maintain this competency level through training and supervised on-the-job training.
- (4) The flight procedure design service provider shall ensure that the flight procedure designer is able to demonstrate a basic level of competency through initial and recurrent training at periodic intervals that includes at least the following elements—
- (a) knowledge of information contained in documents and manuals pertaining to the design of flight procedures as specified by the authority;
 - (b) enhancement of knowledge and skills in the design of procedures; and
 - (c) competency as outlined in the competency framework for flight procedure designers as specified by the Authority.

Flight procedure
design personnel.

Flight procedure
designer training,
experience and
approval.

(5) The flight procedure design service provider shall—

- (a) develop and implement training programme and a training plan that is commensurate to the technical competence required by its staff; and
- (b) shall maintain training records for their flight procedure designers.

(6) Only designers approved by the Authority shall undertake the design, review, validation of flight procedures for operational use.

(7) A person seeking approval as required in sub-regulation (6) shall—

- (a) provide proof of successful completion of the training in the International Civil Aviation Organization Procedures for Air Navigation Services- Aircraft Operations Criteria on the construction of visual and instrument flight procedures;
- (b) demonstrate practical application of theoretical knowledge through the design of two flight procedures under supervision of a qualified designer; and
- (c) demonstrate ability to maintain a documented quality assurance process for procedure design.

(8) An approved procedure designer shall only design flight procedures within the scope of their approval.

10. (1) The flight procedure design service provider shall ensure that the quality characteristics of data acquired for the flight procedure design process are known and adequate, or that, in the case where the data's quality characteristics are unknown or inadequate, that appropriate data verification occurs prior to use.

Procedure design data and information acquisition.

(2) In the obstacle survey for procedure design, the flight procedure designer shall consider that—

- (a) all obstacles be accounted for and items such as trees and heights of tall buildings shall be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours; and
- (b) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error.

(3) The procedure design data and information acquisition shall be coordinated with all relevant stakeholders and integrated into Kenya's airspace design process, taking into account air traffic flows, separation issues, airspace user requirements, infrastructure and legal environmental considerations.

11. (1) The flight procedure design service provider shall establish and implement a quality assurance process for all flight procedure design functions and processes.

Quality assurance.

(2) The quality assurance process required in sub regulation (1) shall be included in the flight procedure design service provider operations manual.

(3) The quality assurance shall cover all the steps of the flight procedure from data origination to the publication of an instrument flight procedure including the maintenance.

12. (1) A flight procedure design service provider shall provide and maintain adequate facilities for carrying on design work on flight procedures under the procedure design certificate, including —

Procedure design facility and resource requirements.

- (a) providing premises and equipment (including software) appropriate for the design, verification, validation, inspection and maintenance of flight procedures;
- (b) access to relevant and current data including, but not limited to, aeronautical data, land contour data, and obstacle data for the design, design verification, flight validation, and maintenance of the flight procedure;
- (c) ensuring the data referred to in paragraph (b) is current, traceable, and meets the required level of accuracy for the design, design verification, flight validation, and maintenance of flight procedures;
- (d) access to copies of relevant documentation comprising technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, flight validation, and maintenance of the types of flight procedure;
- (e) establish a procedure for controlling all documentation required by sub regulation (d) to ensure that —
 - (i) the documentation is reviewed and authorised by an appropriate person before issue and use;
 - (ii) current versions of relevant documentation are available to personnel;
 - (iii) every obsolete document is promptly removed from every point of use; and
 - (iv) the current version of every item of documentation can be identified to prevent the use of superseded material;
- (f) ensuring that flight procedure designers have access to all necessary data for designing the procedures including —
 - (i) accurate and current databases or charts detailing terrain and obstacle information;
 - (ii) accurate and current navigation aid coordinate data;
 - (iii) accurate and current aerodrome survey data; and
- (g) ensuring that if an aeronautical database and aeronautical data are required for designing flight procedure under its

certificate, have, and put into effect, procedures to ensure the integrity of the database and the data.

(2) The flight procedure design service provider shall ensure that if an aeronautical database and aeronautical data are required for designing flight procedure under its certificate, procedures are put into effect to ensure the integrity of the database and the data.

(3) The flight procedure design service provider shall ensure that only the latest version of the design software is used.

13. (1) The flight procedure design service provider shall —

Control of documents and records.

- (a) establish and put into effect, a system for controlling documents and records relating to the flight procedure on which the designer carries on design work, including the policies and procedures for making, amending, preserving and disposing of those documents and records; and
- (b) at Authority's request, make the documents and records, or copies of them or extracts from them, available for inspection.

14. (1) Flight procedures shall be designed in accordance with these Regulations, the criteria and any other procedures as may be specified by the Authority.

Flight procedure design (FPD).

(2) Coordination with all concerned parties shall continue throughout the procedure design and validation process to ensure that the procedure meets the needs of the user community.

(3) The flight procedure design service provider shall ensure that —

- (a) each new or revised procedure is verified by a qualified procedure designer other than the one who designed the procedure;
- (b) provision is made for a person trained in flight procedure design to check and verify independently each flight procedure designed;
- (c) published procedures are subject to periodic review at intervals not exceeding five years to ensure that they continue to comply with changing criteria, user requirements, — changes to obstacles, aerodrome, aeronautical and, navaid data and depiction standards;
- (d) designers develop and maintain flight procedures design documentation that includes —
 - (i) information required for publication in the Aeronautical Information Publication;
 - (ii) details and assumptions made by the flight procedure designer, such as —
 - (aa) controlling obstacle for each segment of the procedure;

- (bb) effect of environmental considerations on the design of the procedure;
 - (cc) infrastructure assessment;
 - (dd) airspace constraints;
 - (ee) reasons for any changes in cases of modifications or amendments to existing procedures,;
 - (ff) reasons for any deviation from existing standards and details of the mitigations applied to assure continued safe operations; and
 - (gg) results of the final verification for accuracy and completeness prior to validation and publication;
- (e) the design records are retained for a period not less than the operational lifetime of the procedure;
- (f) all calculations and results of calculations are presented in a manner that enables the reader to follow and trace the logic and resultant output;
- (g) records of all calculations in paragraph (e) are kept in order to prove compliance to or variation from the standard criteria;
- (h) all documentation undergoes a final verification for accuracy and completeness prior to validation and publication;
- (i) all documentation are retained for a period of not less than the operational lifetime of the procedure to assist in recreating the procedure in the future in the case of incidents and for periodic review and maintenance;
- (j) ground validation is undertaken by a qualified flight procedure designer with appropriate knowledge of validation issues;
- (k) flight validation is conducted whenever the following conditions exist-
 - (i) the fly-ability of a procedure cannot be determined by other means;
 - (ii) the procedure requires mitigation for deviations from design criteria;
 - (iii) the accuracy or integrity of terrain and obstacle data sets cannot be determined by other means;
 - (iv) new procedures differ significantly from existing procedures; and
 - (v) for helicopter PinS procedures.

(1) the design takes consideration of noise abatement procedures for specific aerodromes;

(2) A flight procedure design service provider must ensure that a flight procedure covered by its approval does not use a ground-based radio-navigation aid other than one approved by the Authority.

15. (1) The flight procedure design service provider shall ensure that a person conducting flight validation including simulator evaluation is a qualified and experienced flight validation pilot.

Competency of flight validation pilots.

(2) The qualifications for flight validation pilot shall include—

(a) at least a commercial pilot licence with instrument rating;

(b) a requirement that the licence held by the flight validation pilot shall be for the aircraft category appropriate for the procedure to be validated; and

(c) meet all the experience requirements for the airline transport pilot licence in the relevant category of aircraft as described in personnel licensing regulations except that the flight validation pilot does not have to be the pilot-in-command of the validation flight nor is he required to have the type rating on the aircraft used for the validation flight.

(3) The flight procedures designer shall provide all data required to conduct a flight validation, flight inspection, and flight simulator evaluation to the entity conducting the exercise.

16. (1) A flight procedure for use by civil aircraft within Kenya shall not be published unless the flight procedure is approved by the Authority.

Approval of flight procedures.

(2) The Authority shall only accept flight procedures for approval, submitted by approved procedure designers.

(3) For flight procedures designed by approved procedure designers independently outside the approved flight procedure design service provider the submission of approval shall be in line with these Regulations.

(4) The approval process shall ensure that all the appropriate steps within the flight procedure design process have been completed, documented and signed off by the competent personnel.

(5) Flight procedure designs submitted for evaluation and approval by the Authority are to be accompanied by□

(a) a complete record of the design process including copies of all source data, information, calculations and drawings used in the project;

(b) a record of quality assurance and quality control;

(c) a narrative, which unambiguously describes the procedure in textual format and table showing all tracks in degrees true to 1/100th degree;

- (d) a graphical representation which accurately reflects the content of the narrative provided;
- (e) relevant signed validation reports; and
- (f) a comprehensive design rationale in text format, including references to design criteria, applicable computations and national policy where a deviation from the standard criteria or policy has been employed.

17. (1) The flight procedure design service provider shall ensure that flight procedures designs or charts, are provided to the aeronautical information service provider for publication in the Aeronautical Information Publication.

Flight procedure publication.

(2) The flight procedures shall be accompanied by a narrative, which describes the procedure in textual format and in compliance with the aeronautical chart requirements specified by the Authority.

18. (1) The flight procedure design service provider using an automated flight procedure design tool shall ensure that such tool is validated.

Use of automation in procedure design and flight validation.

(2) Validation of the software shall be in accordance with the requirements specified by the Authority.

(3) The scope of validation shall include compliance with the criteria set out by the Authority.

(4) The flight validation tools required under this section shall include the use of equipment that—

- (a) has the precision, and accuracy traceable to appropriate standards, that are necessary for the validation being performed;
- (b) has known measurement uncertainties including, but not limited to, the software, firmware and crosswind uncertainties;
- (c) records the actual flight path of the validation aircraft;
- (d) is checked before being released for use, and at intervals not exceeding the calibration intervals recommended by the manufacturer, to establish that the system is capable of verifying the integrity of the flight procedure; and
- (e) is operated in accordance with flight validation system procedures and criteria by persons who are competent and current on the system used.

(5) the flight procedure design service provider shall ensure that the tool or application used in the design process is regularly updated and staff trained on it.

(6) Upon acquisition of new equipment or software including recurrent training by the service provider, training sessions conducted by the manufacturers on any new equipment or software procured for service provision, including factory acceptance tests shall be conducted

together with the Authority's personnel and the service provider shall meet costs of travelling and upkeep for the personnel from the Authority.

19. (1) The flight procedure design service provider providing a flight procedure service shall establish procedures for recording, investigating, correcting, and reporting, any identified error, and any identified non-conformance or suspected non-conformance with these Regulations.

Errors in published flight procedures.

(2) The procedure required by sub regulation (1) shall require that—

- (a) a flight procedure is immediately withdrawn from operational use if the error or non-conformance affects, or may affect, the safety of an aircraft operation; and
- (b) the error or non-conformance is corrected, and certified by a senior person who is appropriately authorised by the service provider;
- (c) the correction required by paragraph (b) is clearly identified and promulgated by the most appropriate means relative to the operational significance of the error or non-conformance;
- (d) the source of the error or non-conformance is identified, and—
 - (i) if possible, eliminated to prevent a recurrence; and
 - (ii) preventive action is taken to ensure that the source of the error or non-conformance has not affected the integrity of any other flight procedure;
 - (iii) the Authority is immediately notified, of a promulgated information incident relating to an error or non-conformance referred to in subparagraph (i) above; and
 - (iv) that the error detected is communicated to all affected users.

20. (1) The requirements for aerodrome operating minima shall be as specified in the —

Aerodrome operating minima.

- (a) the Civil Aviation (Operation of Aircraft for Commercial Air Transport) Regulations;
- (b) the Civil Aviation (Operation of Aircraft for General Aviation) Regulations; and
- (c) the Civil Aviation (Operation of Aircraft for Helicopters) Regulations.

(2) The procedures for the establishment of the aerodrome operating minima shall be as specified by the Authority.

(3) The flight procedure design service provider design service provider shall—

- (a) ensure that an obstacle clearance altitude or height (OCA/H) is published;
- (b) establish and publish operating minima (e.g. visibility, minimum descent altitude or height (MDA/H), decision altitude or height (Da/H) for instrument approaches at aerodromes.

PART III-EXEMPTIONS

21. (1) A person may apply to the Authority for an exemption from the requirements of these Regulations.

Requirements for application for exemption.

(2) Unless in case of emergency, a person requiring exemptions from any of these regulations shall make an application to the Authority at least sixty days prior to the proposed effective date, giving the following information—

- (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) justification for the exemption;
- (e) a description of the type of operations to be conducted under the proposed exemption;
- (f) the proposed duration of the exemption;
- (g) an explanation of how the exemption would be in the public interest;
- (h) 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;
- (i) a safety risk assessment carried out in respect of the exemption applied for;
- (j) an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization; and
- (k) any other information that the Authority may require.

(3) Where the applicant seeks emergency processing of an application for exemption, the application shall contain supporting facts and reasons for not filing the application within the time specified in sub regulation (2) and satisfactory reason for deeming the application an emergency.

(4) The Authority may in writing, decline an application made under sub regulation (3), where in the opinion of the Authority, the reasons given for emergency processing are not satisfactory.

(5) The application for exemption shall be accompanied by the fee determined by the Authority.

22. (1) The Authority shall review the application for exemption made under these regulations for accuracy and compliance and if the application is satisfactory, the Authority shall publish a detailed summary of the application for comments, within a specified time, in either—

Review and publication.

- (a) the *Kenya Gazette*;
- (b) aeronautical information circular; or
- (c) a daily newspaper with national 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 sub regulation (3).

(3) If the request is for emergency relief, the Authority shall publish the decision as soon as possible after processing the application.

23. (1) Where the application requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

Evaluation of the request.

- (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 these Regulations, 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 these Regulations; and
- (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 in writing, the decision to grant or deny the request and publish a detailed summary of its evaluation and decisions.

(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 in Kenya, the Authority shall publish the summary in aeronautical information circular.

24. The validity of any exemption issued under these regulations shall be dependent on the "flight procedure design service provider complying with any condition that Authority may specify in the exemption as being necessary in the interests of safety of air navigation.

Validity of an exemption.

25. A flight procedure design service provider shall comply with any condition specified by the Authority in the exemption.

Compliance with conditions of the exemption.

PART IV-OFFENCES AND PENALTIES

26. A person who contravenes any provision of these Regulations may have his certificate or exemption cancelled or suspended.

Contravention of Regulations.

27. (1) A person who contravenes any provision of these Regulations, orders, notices or proclamations made thereunder shall, upon conviction, be liable to a fine not exceeding two million shillings or imprisonment for a term not exceeding six months, or to both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

Penalties.

(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, the act or omission shall be deemed not to be a contravention by that person of that provision.

28. A person aggrieved by any order made under these Regulations may, within twenty-one days of such order being made, appeal to the Tribunal.

Appeals.

29. The Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations, 2018 are hereby revoked

Revocation of L.N. No. 121 of 2018.

Made on the 15th December, 2025.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport.