

OPERATION OF AIRCRAFT FOR COMMERCIAL TRANSPORT



MATRIX OF CHANGES BETWEEN 2018 REGULATIONS – DRAFT REGULATIONS PRESENTED TO STAKEHOLDERS IN FEBRUARY 2022 – FINAL DRAFT

Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
2.	Interpretation.	1. The ICAO Annex 6 has distinguished “air traffic control service” from “air traffic advisory service”, therefore, the proposed definition shall be in conflict. Note that there are distinct differences in the two airspaces (See AIP ENR Section 1.1.1). 2. “Contracting State” is used extensively in the regulations, so should not be deleted from the Definitions. See Regulations 42 and 59 3. It’s already adequately defined and understood in “Runway surface condition” definition. There is no need to repeat. 4. It’s already adequately defined and understood in “Runway surface condition” definition. There is no need to repeat. 5. Include this within the “Runway surface condition” definition rather than a stand-alone definition. 6. Request to change definition of flight operations officer/dispatcher 7. Insert technical qualifications	1. Deleted the definition of air traffic control, and airtraffic control unit retained the definition of Air traffic services as per Annex 6. 2. Contracting states returned to the regulations 3. Contaminated runway has been retained as per the annex. 4. Dry runway retained as per the annex. 6. Definition of Flight Operations/Dispatcher retained as per the Annex. 7. Not adopted.	1. “contracting States” means all States that are parties to the Convention on International Civil Aviation (Chicago Convention); 2. “contaminated runway” means a runway is contaminated when a significant portion of the runway surface area (whether in isolated areas or not) within the length and width being used is covered by one or more of the substances listed in the runway surface condition descriptors. 3. “dry runway” means a runway is considered dry if its surface is free of visible moisture and not contaminated within the area intended to be used. 4. “flight operations officer/flight dispatcher” means a person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified in accordance with Civil Aviation (Personnel Licensing) Regulations, who supports, briefs and/or assists the pilot-in-command in the safe conduct of the flight;

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7.	Inoperative instruments and equipment.	Delete. Irrelevant item to sub-Reg (7). (Possibly applicable to sub-Reg (8) dealing with RVSM. Applies to RVSM operations Confirm single engine aircraft do not require an MEL	1. Contents deleted 2. These requirements are now addressed in regulation 164 3. Corrected to address both single and multi engine operations.	164. (1) A person shall not commence an aircraft flight with inoperative installed equipment and instruments, except as provided herein under. (See regulation 164 for full text)

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8.	Aircraft flight manual, marking and placard requirements.	Delete (5): A person shall not operate an aircraft without complying with the procedures and operating limitations specified sub-regulation 1(a),(b),(c),(d). These items are adequately covered elsewhere in the substantive regulations. There is no need to repeat.	Corrected but addressed in regulation 242	242 (1) An operator shall ensure that a flight manual contains the information specified in Civil Aviation (Airworthiness of Aircraft) Regulations. (2) The flight manual shall be updated by implementing changes made mandatory by the Authority. (3) A person shall not operate an aircraft within or over Kenya without complying with the operating limitations specified in the approved Aircraft Flight Manual, markings and placards, or as otherwise prescribed by the aircraft's State of Registry. If no Aircraft Flight Manual exists, a current accepted Pilot Operating handbook, Owner's manual, markings and placards, or any combination thereof which provide the pilot-in-command with the necessary limitations for safe operation.

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10.	Required aircraft and equipment.	10 (2) conflicts with Regulation 11 (1). How will maintenance undertaken under the approved maintenance programme be proven with no records?!	The whole regulation has been deleted from this set. Original title and paragraphs not contained in Annex 6. AOC maintenance requirements addressed in AOC and Administration regulations	(Not required)
11.	Documents to be carried on aircraft.	Even for flights originating and ending at the same aerodrome certain documents should be carried on board e.g. operational flight plan, route charts, cockpit check list, AOM / POH I suggest a separate sub-regulation for such flights	Provision for documents for flight originating and ending at the same aerodrome, Regulation amended to have the same requirement for documents to be carried on all flights.	12 (2) An aircraft registered in Kenya shall, when in flight, have on board the documents specified in this regulation
12.	Production of documents.	(c) such other documents as required by regulation 10 to be on board the aircraft when in flight. Error. Should read regulation 11.	Error corrected cross referencing confirmed accurate in new regulation number 13 which is cross-referencing number 12	such other documents as required by Regulation 12 to be on board the aircraft when in flight.

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	PART III— AIRCRAFT MAINTENANCE REQUIREMENTS	To avoid duplication, and to domicile all related regulations in one set, all maintenance related regulations under Annex 6 Chapter 8 to be moved to AOC and Admin Maintenance Section	1. Fully adopted. All maintenance regulations moved to AOC and Admin Part V	See Part V of Civil Aviation (Air Operator Certification & Administration) Regulations
27.	Inspections.	Reg 27 is on Inspections. However the Regulation titles from 26 to 33 are misaligned. Recommend the word programme is removed and term Safety Management System used in line with ICAO Standards.	1. Deleted from this set of regulations. 2. Paragraphs edited for currency in accordance with Annex 6 requirements. Now contained in AOC and Admin regulation 60(10)	See AOC and Administrations regulations, reg 60(10)
31.	Maintenance records retention.	Repetition of Reg 30(3)(a) and (b). Should be deleted	Deleted from this set of regulations to avoid duplication and contradictions, content now addressed in AOC and Admin regulation 67	See AOC and Administration regulations, reg 67
34.	Flight crew member training programme.	(b) the completion within the appropriate period of the proficiency check required by regulation 44 in that type of aeroplane. Error. Should read regulation 45.	Error Corrected. Content now addressed in new regulation number 189, crossreferencing 197	(b)the completion within the appropriate period of the proficiency check required by regulation 197 in that type of aeroplane.
37.	Single Pilot Operations under IFR or at night.	(f) the pilot has satisfied requirements of experience, training, checking and recency as prescribed by regulation 39. Error. Should read regulation 40.	Error corrected. Addressed in new regulation number 146, corss-referencing number 198	the pilot has satisfied requirements of experience, training, checking and recency as prescribed by regulation 198.

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38.	In-flight procedures – Aerodrome operating minima.	Regulation makes reference to the same - 38. (1) A flight shall ... in accordance with regulation 38.	Corrected. Addressed in new regulation number 107, cross-referencing number 108	(1) A flight shall not be continued towards the aerodrome of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome or at least one destination alternate aerodrome, in compliance with the operating minima established in accordance with regulation 108.
45.	Pilot proficiency checks.	45. (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. 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. Delete highlighted sentence as it is a repeat of sub-Reg (2).	Repetition removed. Addressed in new regulation number 197	197. (1) The 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 on each type or variant of a type of aeroplane. (2) Where the operation may be conducted under instrument flight rules, the operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or to a representative of the Authority (see regulation 197 for full text)
51.	Recording of flight time.	51. (1) A pilot shall record and keep details of all flights he has flown in a logbook format acceptable to the Authority. The format may be in electronic and printable version of a logbook. Suggested revision. Reason: There are numerous electronic pilot logbook versions available in the industry, and accepted by many Authorities.	Comments fully adapted. Addressed in new regulation number 200 (1)	200 (1) A pilot shall record and keep details of all flights he has flown in a logbook format acceptable to the Authority. The format may be in an electronic and printable version of a logbook.

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57.	Compliance with local regulations.	57 (4) Responsibility for operational control shall be delegated only to the pilot-in-command and to a flight operations officer/flight dispatcher if the operator's approved method of control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel. ICAO Annex 6 Part III Chapt 2 Section 2.6 defines duties and responsibilities of flight operations officers in operational control and supervision alongside flight crew members.. The flight operations officer must be licensed in accordance with ICAO Annex 1. -Delete the highlighted section since any flight operations for commercial air transport require operational control and supervision that only a flight operations officer and flight crew member can part	Not adopted. Reason Responsibility for operational control can be delegated to a flight operations officer/flight dispatcher if the approved method of control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel. Because of the nature and extent of the duties and responsibilities involved in the supervision of flight operations, the best industry practice allows PIC only responsibilities for non-complex operations. Under KCARs, scheduled operations requires licensed require the services of a licensed flight operations officer/flight dispatcher. In such a system, the flight operations officer/flight dispatcher is assigned to duty in the company operations control centre and is responsible, while on duty, for carrying out the operational control procedures and policies specified in the approved operations manual. ICAO does not mandate the licensing of FOO/Dispatcher and the KCARs requirements are in line with ICAO. Annex 1 requirements for licensing have been adopted by KCAA for scheduled operations. Re-numbered, now addressed in regulation 4 (4)	4 (4) An operator or a designated representative shall have responsibility for operational control.

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78.	Reporting of facility and navigation aid inadequacies.	(2) Subject to their published conditions of use, aerodromes and their facilities shall be kept continuously available for flight operations during their published hours of operations, irrespective of weather conditions. Highlighted sub-Reg should be deleted as it is a repeat of Reg 100(4) (Adequacy of operating facilities) where it is appropriately placed.	Edited paragraphs for clarification. Now addressed in new regulation number 24	24. (1) An operator 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. (2) Subject to their published conditions of use, aerodromes and their facilities shall be kept continuously available for flight operations during their published hours of operations, irrespective of weather conditions.
85.	Use of oxygen	85.(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 has been required in regulation 83.	cross referencing verified and corrected. New regulation number 113 cross-referencing 106	113 (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 has been required in regulation 106.
86.	Carriage of dangerous goods.	(5) This Regulation shall be in addition to and not in derogation of regulation 181. Error: should read 185	Verified and corrected as per Annex 6 standard. Edited paragraphs for clarification	See regulation 267 for full text

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90.	Pre-flight action.	(e) in the case of an aeroplane, 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; error: delete airship	Not adopted. Information airship in (e) is applicable as the two sub-regulations are addressing different items. Re-numbered, now addressed in regulation 91	91 (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 commercial air transport, that the instructions in the operations manual relating to fuel, oil, and engine coolant have been complied with;

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103.	Instrument flight rules alternate aerodrome selection criteria.	Numbering error. Error in numbering. Should read (3) and (4)	Error corrected. Addressed in new regulation number 97	97. (1) where alternate minimums are published, a pilot-in-command (PIC) shall not designate an alternate aerodrome in an instrument flight rules (IFR) 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 IFR planning alternate, a PIC 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 600 feet and visibility of not less than 3 kilometres; or (b) for a non-precision approach procedure, a ceiling of at least 800 feet and visibility of not less than 3 kilometres. (3) To ensure that an adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate aerodrome, the operator shall ensure if appropriate

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108.	En-route alternate aerodromes: EDTO operations.	The table with minimum weather has typos; Used "per" (200' per 1000 m. Recommend use of / (200'/1000m)	The regulations were aligned with ICAO Annex 6, table deleted to be addressed in technical guidance material. Other provisions to be contained in the technical guidance material Re-numbered, see regulation 145	145. (1) The PIC shall ensure that the required en route alternate aerodromes for EDTO are selected and specified in ATC flight plans in accordance with the EDTO diversion time approved by the Authority. (2) No person shall select an aerodrome as an EDTO en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that during a period commencing 1 hour before and ending 1 hour after the expected time of arrival at the aerodrome, the weather conditions will be at or above the planning minima prescribed in the table below, and in accordance with the operator's EDTO approval.

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109.	Requirements for operations beyond 60 minutes.		The regulations were aligned with Annex 6. Other provisions to be contained in the technical guidance material See regulation 143 (renumbered)	143. (1). Operators conducting operations beyond 60 minutes from a point on a route to an en-route alternate aerodrome shall ensure that: (a) for all aeroplanes: (i) en-route alternate aerodromes are identified; and (ii) the most up-to-date information is provided to the flight crew on identified en-route alternate aerodromes, including operational status and meteorological conditions; (b) for aeroplanes with two turbine engines, the most up-to-date information provided to the flight crew indicates that conditions at identified en-route alternate aerodromes will be at or above the operator's established aerodrome operating minima for the operation at the estimated time of use. (c) In addition to the requirements in sub-regulation (1), all operators shall ensure that the following are taken into account and provide the overall level of safety intended by the provisions of this Part:

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113.	Flight planning: document distribution and retention.	Incorrect citation: (2) A person shall not commence a flight subject to regulation 119 unless all flight release documents, specified in the Operations Manual and signed by the PIC, are retained and available. Error. Should read regulation 120 (Flight release required: commercial air transport).	Edited paragraphs for clarification to align with Annex 6. Addressed in new regulation number 85	85 (2) A person shall not commence a flight unless all flight release documents, specified in the Operations Manual and signed by the PIC, are retained and available.
114.	Piston-engined aeroplanes..	Incorrect citation: 114. The fuel and oil carried in order to comply with regulation 109 shall, in the case of piston-engined aeroplanes, be at least the amount sufficient to allow the aeroplane— Error. Should read regulation 111 (Fuel requirements).	Verified the cross-referencing and corrected. Addressed in new regulation number 102 to cross-reference 100	102 The fuel and oil carried in order to comply with regulation 100 shall, in the case of piston-engined aeroplanes, be at least the amount sufficient to allow the aeroplane—
116.	Turbine-engined aeroplanes.	Incorrect citation: 116. The fuel and oil carried in order to comply with regulation 100 shall, in the case of turbine-engined aeroplanes, be at least the amount sufficient to allow the aeroplane— Error. Should read regulation 111 (Fuel requirements).	Cross-referencing verified, corrected. Addressed in new regulation number 103, cross-referencing 100	103. The fuel and oil carried in order to comply with regulation 100 shall, in the case of turbine-engined aeroplanes, be at least the amount sufficient to allow the aeroplane—

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131.	Operation in PBN, MNPS or RVSM airspace.	Item (3) Requirement to issue specific approval is only for RNP AR Approaches Annex 6 Pt 1 7.2.4 The State of the Operator shall issue a specific approval for operations based on PBN authorization required (AR) navigation specifications.	1. Corrected. Addressed in new regulation number 179	179 (3) The Authority shall issue a specific approval for operations based on PBN authorization required (AR) navigation specifications.
140.	Instrument flight rules take-off minima for commercial air transport.	Missing words: (a)for aircraft having two engines or less: one thousand five hundred metres visibility; (b)for aircraft having more than two engines: eight hundred metres visibility. Reason: The word “visibility” is missing. Minima are not qualified on their own. a) and b) requirements are not according to ICAO Standards. Are these figures Visibility? RVR? Clarify in line with ICAO Annex 6 Pt 1 Definition Low Visibility Ops – for take-off operations in RVRs less than 400 m. Para: 4.2.8.5 For take-off in low visibility, the State of the Operator shall issue a specific approval for the minimum take-off RVR. Note.— In general, visibility for take-off is defined in terms of RVR. An equivalent horizontal visibility may also be used.	Regulation deleted. Content not contained in Annex 6. IFR minimas as per Annex 6 addressed in other regulations	

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151.	Aircraft performance calculations.	151 (2) Amend to read —When applying performance data, a flight operation officer and pilot in command performing calculations shall account for the aircraft configuration, environmental conditions, and the	Not adopted. Regulation wording retained	151 (2) A person calculating performance and operating limitations for an aircraft used in commercial air transport operation 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.
155.	Authorization for deviation from certain Category II operations.	Incorrect citations: (1) The Authority may authorise deviations from the requirements of regulations 152 and 153 for the operation of small aircraft in Category II operations if the Authority finds that the proposed operation can safely be conducted. Error. Should read regulations 153 and 154 (dealing with Cat II/III operations).	cross referencing verified in the new number NUMBER 124	124 (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.

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156.	General.	Ambiguity: The regulation title should be expanded from “General” to “Performance: General”. Reason: Clarity. Incorrect citation: (2) A person shall not operate a multi-engine aircraft used for commercial air transport operation that is unable to comply with any of the performance limitations of regulations 152 up to 156, inclusive, unless that aircraft is continually operated— Error. Should read regulations 151 (aircraft performance) and 152 weight and obstacle clearance)	Cross-referencing error corrected and addressed in new regulation 158	158 (2) A person shall not operate a multi-engine aircraft used for commercial air transport operation that is unable to comply with any of the performance limitations of these regulations , unless that aircraft is continually operated—

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158.	Aircraft performance calculations.	Incorrect citation: (3) When calculating the performance and limitation requirements of regulations 152 up to 156, inclusive a person performing the calculation shall, for all engines operating and for inoperative engines, accurately account for— Error. Should read regulations 151 (aircraft performance) and 152 weight and obstacle clearance) Repetition: Suggest to delete sub-paras (6) and (7) as it is a verbatim repeat of Reg 123 (Performance and operating limitations).	Deleted, was a repetition. Items now addressed in new regulation number 149	
161.	En-route limitations: one engine inoperative.	Incorrect citation: (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 155 as appropriate, the net flight path clearing vertically, by at least 2000 ft, 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— Error. Should read regulation 158 (Aircraft performance calculations).	cross referencing error corrected. Moved to regulation 154.	154 (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 155 as appropriate, the net flight path clearing vertically, by at least 2000 ft, 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—

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165.	Location of an aeroplane in distress.	Incorrect citation: (1) All aeroplanes of a maximum certificated take-off mass of over 27 000 kg for which the individual certificate of airworthiness is first issued on or after 1 January 2021, shall autonomously transmit information from which a position can be determined by the operator at least once every minute, when in distress, in accordance with the Third Schedule. Error. Should read Fourth Schedule (Location of an aeroplane in distress).	Cross referencing error corrected. Moved to regulation 172	172. (1) All aeroplanes of a maximum certificated take-off mass of over 27 000 kg for which the individual certificate of airworthiness is first issued on or after 1 January 2023, shall autonomously transmit information from which a position can be determined by the operator at least once every minute, when in distress, in accordance with the Fourth Schedule.

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189.	Carriage of cargo in passenger compartments.	Statement requires qualifications. (4) Cargo may be carried aft of a bulkhead or divider in any passenger compartment provided the cargo is restrained to the load factors in and is loaded as follows. This whole sub-section was lifted from the FAR 121.285 (c) verbatim. The load factors cited in CFR 25.561 (b)(3) refer to the certification design standard of an aircraft certified under 14 CFR part 25. Not all public transport aircraft in Kenya are certified under Part 25. Recommendation: Consider re-wording: (4) Cargo may be carried aft of a bulkhead or divider in any passenger compartment provided the cargo is restrained to the design load factors for the aircraft type and is loaded as follows. Requirement: The regulation does not address carriage of cargo outside approved bins for large aircraft, which has been adopted as an industry practice. FAA FAR 121.285 (c) could be adopted.	Comment fully adopted and included sub-regulation (4) Re-numbered, addressed in regulation 66	66 (4) Cargo may be carried aft of a bulkhead or divider in any passenger compartment provided the cargo is restrained to the load factors in and is loaded as follows: (a) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions. (b) It is packaged or covered in a manner to avoid possible injury to passengers and passenger compartment occupants. (c) It does not impose any load on seats or the floor structure that exceeds the load limitation for those components. (d) Its location does not restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment. (e) Its location does not obscure any passenger's view of the "seat belt" sign, "no smoking" sign, or required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

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191.	Required passenger briefings: AOC holder.	Requirement: 191. (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 (AOC) holder's operations manual procedures on— (f) fire extinguisher location and operation; Proposed Amendment: 191. (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 (AOC) holder's operations manual procedures on— (f) fire extinguisher location and operation on flight that do not have cabin crew;	Adopted suggestion. Included in new regulation number 36 (2)(b). Paragraphs edited for clarity and merged (to reduce repetitions) with content of regulation 36 which fully address	32 (2) The operator shall inform the passengers of - (b) location and operation of fire extinguishers for operations that do not require use of cabin crew;

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204.	Persons qualified in flight release.	officer license or an Airline Transport Pilot Licence, and is currently qualified by the air operator certificate holder for the operation and type of aircraft use. I –scheduled and non-scheduled commercial air transport operations require flight release. -An air transport pilot license is not a qualification to allow one to become a flight operations officer and should be deleted. Even though technical knowledge training for an ATPL is similar to that of a flight operations officer license, one still has to make an application for a Flight Operations License in order to exercise it's privileges. ICAO Annex 1 Chapt 2 , Chapt 2.6.1.3 the skill requirements are also different from that of a flight operations officer. ICAO Annex 1 also doesn't state privileges of the license to be to act as a flight operations officer.	not adopted, Persons qualified for night release wording retained. Re-numbered to 76 Reason Responsibility for operational control can be delegated to a flight operations officer/flight dispatcher if the approved method of control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel. Because of the nature and extent of the duties and responsibilities involved in the supervision of flight operations, the best industry practice allows PIC only responsibilities for non-complex operations. Under KCARs, scheduled operations requires licensed require the services of a licensed flight operations officer/flight dispatcher. In such a system, the flight operations officer/flight dispatcher is assigned to duty in the company operations control centre and is responsible, while on duty, for carrying out the operational control procedures and policies specified in the approved operations manual. ICAO does not mandate the licensing of FOO/Dispatcher and the KCARs requirements are in line with ICAO. Annex 1 requirements for licensing have been adopted by KCAA for scheduled operations.	76. A person shall not act as a flight operations officer in releasing a 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.

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205.	Company procedures indoctrination.	Extremely onerous: (3) An Operator 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. Suggested revision: (3) An Operator shall ensure the number of programmed hours of instruction for basic indoctrination training is appropriate to the size and complexity of the Operator's operations, subject matter, previous experience level and recency of the employee. The specific hours shall be included in the Operator's approved training manuals. Reason: The current prescriptive requirement of 40 hours is unrealistic for the following reasons: 1.The subject matter prescribed in (2)(a – e) does not require 40 hours. 2.The technical subjects are adequately covered in the ground school (Regulations 210, 212, 214, 216). 3.Subjects specific to line orientation training (pilots, cabin crew and flight operations officers) are conducted during line training (Regulations 225, 227, 228).	1. Partially adopted, content moved to schedule 2. Item (d) deleted which referenced applicable crew member manuals which would be covered during position specific training. 3. Items (a), (b), and (c) of the schedule require covering quite a number of relevant regulations in Ops of Aircraft, AOC & Admin, Instrument and Equipment etc, guidance materials from the Authority e.g applicable advisory circulars, AICs, Manuals. 3. This requirement applies to new AOCs as well existing AOCs. New AOCs may not necessarily have the experience level, in-depth knowledge of subject matter etc to justify the suggested change. Additionally, the feedback collected by the Authority during AOC inspections and training programme oversight shows that the minimum 40 hours is necessary to cover non-type specific policies, procedures, regulations and guidance materials even for AOCs that have operated for a while.. 4. The regulations already have provision for reduction in required hours of training. This requirement has included the suggested text	FIFTH SCHEDULE - INDOCTRINATION TRAINING (2) An Operator 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. The reduction in hours shall consider the following: (a). Size and complexity of the operation (b). Previous experience of trainees (c). Recency in conduct of commercial air transport operations

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
208.	Crew Resource Management training.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator. Include the following topics: Human factors overview Threat and error management overview Fitness and health including use of psychoactive substances Aircraft automation Note: Some of the topics on the list should be combined to shorten the list e.g. communication	1. Adopted, See 6th schedule	SIXTH SCHEDULE - CREW RESOURCE MANAGEMENT

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
209.	Initial emergency equipment drills.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator. Too long a list (over-prescriptive) – some of the details should be transferred to an Advisory Circular	Adopted, See 7th schedule	SEVENTH SCHEDULE - INITIAL EMERGENCY EQUIPMENT DRILLS
212.	Initial aircraft ground training: cabin crew.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator.	Adopted, See 15th schedule	FIFTEENTH SCHEDULE - CABIN CREW TRAINING PROGRAMME

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
213.	Competence checks: cabin crew members.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator.	Adopted, See 15th schedule	FIFTEENTH SCHEDULE - CABIN CREW TRAINING PROGRAMME
214.	Initial training: flight operations officer.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator.	Adopted, See 14th schedule	FOURTEENTH SCHEDULE - FLIGHT OPERATIONS OFFICERS/DISPATCHERS TRAINING PROGRAMME

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
215.	Initial flight training: flight crew member.	Incorrect citation: (6c) a proficiency check as specified in Regulation 206. Error. Should read regulation 223 (Flight engineer proficiency check) Error. Should read regulation 223	Corrected. New regulation number 213 cross-referencing checked	213 (6) An AOC holder shall ensure that flight engineer 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; (b) training in knowledge and skills related to visual and instrument flight procedures for the intended area of operation, human performance including threat and error management and in the transport of dangerous goods; and (c) a proficiency check as specified in the Tenth Schedule.
217.	Aircraft differences training.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator.	Different elements for each, simplified.	FOURTEENTH SCHEDULE - FLIGHT OPERATIONS OFFICERS/DISPATCHERS TRAINING PROGRAMME

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
219.	Aircraft and instrument proficiency checks.	Recommendation: To move substantive syllabi contained in the individual regulations to Schedules. Reason: This will make the Operator's Statements of Compliance a lot simpler for everyone, including the regulator.	Adopted, See 10th schedule	TENTH SCHEDULE - PROFICIENCY CHECK

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
228.	Flight operations officer/Flight Dispatcher.	(2) in accepting proof of qualifications other than the option of holding of a flight operations officer/flight dispatcher licence, the Authority, in accordance with Regulation 203 with the approved method of control and supervision of flight operations, shall require that, as a minimum, such persons meet the requirements specified in Civil Aviation (Personnel Licensing) Regulations for the flight operations officer/flight dispatcher licence. 228 (1)—When the Authority requires that a flight operations officer/flight dispatcher, employed in conjunction with an approved method of control and supervision of flight operations, be licensed, that flight operations officer/flight dispatcher shall be licensed in accordance with the provisions of Civil Aviation (Personnel Licensing) Regulations. Are there exemptions or instances where the authority doesn't require an operator to conduct operational control and supervision for commercial Air Transport Operations? If not delete or include in the regulations Who examines the other option of proving qualification. What tool is used? Is there any other	Not adopted. wording retained. Re-numbered to 140 Reason Responsibility for operational control can be delegated to a flight operations officer/flight dispatcher if the approved method of control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel. Because of the nature and extent of the duties and responsibilities involved in the supervision of flight operations, the best industry practice allows PIC only responsibilities for non-complex operations. Under KCARs, scheduled operations requires licensed require the services of a licensed flight operations officer/flight dispatcher. In such a system, the flight operations officer/flight dispatcher is assigned to duty in the company operations control centre and is responsible, while on duty, for carrying out the operational control procedures and policies specified in the	140. Where an operator's operation control system requires that a flight operations officer/flight dispatcher, employed in conjunction with an approved method of control and supervision of flight operations, the qualified person performing the duties of a flight operations officer shall—

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
233.	Recurrent training and checking: flight crew members.	Typo/irrelevant phrase: (b) aeroplane synthetic flight trainer training: by an authorized instructor or in the case of the synthetic flight trainer content schedule, Delete highlighted phrase. Has no bearing to the sentence. Amend to read: (11) An operator shall ensure that each flight crew member undergoes aircraft training or synthetic flight trainer training at least every twelve 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. Reason: Whilst the PILOT PROFICIENCY CHECK is to be conducted every 6 months in accordance with Reg 45, the TRAINING shall be completed every 12 months to ensure standardization. Additionally, no flight safety risk as the CHECK is conducted 6-monthly to ensure	Corrected. See new regulation number 224	224 (10) An operator shall ensure that each flight crew member undergoes: (a) ground and refresher training at least 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; and (b) aircraft training or synthetic flight trainer training at least every twelve 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 12 months of the original expiry date of the previous aircraft or synthetic flight trainer training.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
238.	Authorised instructor qualifications – flight crew, cabin crew, flight operations officer.	Proposed changes on minimum 5 years of experience and being in-charge should be deleted. Reason: Selection of a Cabin instructor is/should be based on merit and abilities. No minima should be prescribed on years or having served as in-charge. The current regulation is adequate. Operation of Aircraft - Commercial Air Transport Regulation 238 {2 (f) (f) has successfully completed a cabin crew instructors training or an equivalent course recognized by the Authority - Additional Comments / Proposals - Need more guideline needs to be given on Cabin Crew Instructor training. Cabin Crew Instructor training or equivalent “Equivalent” needs to be elaborated further Provide clarity on the amendments: Is this applicable to flight training or ground training as well. If ground training is included, SEP	1.Applicable for flight and ground training,One has to hold a current cabin crew certificate for he/she to be elligible to be an instructor. 2.Not adopted	

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
246.	Monitoring of training and checking activities	Extremely onerous. Prior notification period should be left to the current 5 days. Reason: The proposed 21 days, in all practical terms, is quite unrealistic. Firstly, many of the training activities at an AOC and AMO involve third party ATOs who will insist on a minimum quorum to proceed with a class. Secondly, for many operators who have non-scheduled/charter/humanitarian operations (including operational bases out of the country), facilitating and scheduling training activities involve a process of crew movements to head office/Nairobi which are affected by massive logistical challenges. Revert to the original requirement of 5 days. Operation of Aircraft - Commercial Air Transport Regulation 246(1) 246.(1) To enable adequate supervision of its training and checking activities, an operator shall forward to the Authority at	Original 5 working days notification retained	235. (1) An AOC 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 AOC holder's training programme; and (b) proficiency, competence and line checks. so as to enable adequate supervision of its training and checking activities,

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
248.	Application, interpretation and modification.	2. Definition of Flight time in this part is very confusing	1. Error corrected 2. Flight time amended to read as per Annex. Night calculation of duty retained in this definition	(3) In this Sub-Part, unless the context otherwise requires — “flight time ” means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;and in respect of this Sub—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;
249.	Establishment of limits on flight times, flight duty periods, duty periods and rest periods.	(4) No limits or minimum rest periods may be established under sub—regulation (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 these Regulations, 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 sub-regulation (2) of regulation 243 or, when the specified time is twenty-four hours, within the	Cross referencing errors corrected. Addressed in new regulation number 275	275 (4) No limits or minimum rest periods may be established under sub—regulation (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 these Regulations, 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 Regulation 277(2)(a) and 277(2)(b)(iii) of regulation 277 or, when the specified time is

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
250.	Maximum flight duty periods for crew member.	Requirement. (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— 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; one suitable bunk is always available for the use only of flight engineers; each of the flight engineers has, during the duty period, been afforded opportunities of resting for a reasonable time; which shall apply to cabin crew member as it applies to flight engineers; and in relation to a cabin crew-fifteen hours; Proposed Amendment: (c) in relation to a flight engineer and Cabin crew	1. Suitable bunk is required for sufficient rest. Not adopted, regulation retained as it were. Re-numbere to 276	276 (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;

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
251.	Minimum rest periods for crew members.	2. We wish to register our disapprobation on behalf of the Kenya Airline Pilots Association. In the absence of any scientific data to support the amendment, we submit that the regulation should not be amended to expedite the design of a suitable Flight Time Limitation scheme that will allow improved fatigue management for operators and crew members alike. This regulation has a direct impact on the rest allocation entitlement to our members in enacting their safety critical roles. A modification of the same should match or surpass industry standards as recommended by the IATA, ICAO and IFALPA Fatigue Management guidelines for airline operations. The above behoves the operators and stakeholders to jointly formulate a scheme that will comply with worldwide industry practice. The above behoves the operators and stakeholders to jointly formulate a scheme that will comply with worldwide industry practice. We look forward to having an engagement with yourselves to discuss the above.	Different opposing opinions, consequently, the regulation is retained without change until next review. Presently, draft Fatigue regulations are under development to include in-depth discussions with all stake-holders Re-numbered, moved to 277	277 (2) Where a rest period is taken by a person at a place which is not within 50 miles away that person's to 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 below

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
252.	Duty and rest periods for flight operations officers.	252 insert (5) — Each Flight Operations Officer be relieved of all duty with the operator for atleast 24 consecutive hours during any seven consecutive days or the equivalent there of within any calendar month.¶ -The insertion is to allow Flight Operations Officer avoid fatigue and require operators comply with Fatigue management requirements for Flight Operations Requirement: 252.(1) An Operator shall not schedule a flight operations officer for more than 10 consecutive hours of duty within a 24 consecutive hour period, unless that person is given an intervening rest period of at least 8 hours at or before the end of the 10 hours duty. Proposed Amendment: 252.(1) An Operator shall not schedule a flight operations officer for more than 12 consecutive hours of duty within a 24 consecutive hour period, unless that person is given an intervening rest period of at least 8 hours at or before the end of the 10 hours duty.	Different opposing opinions, consequently, the regulation is retained without change as its middle ground Not adopted. Re-numbered, moved to 278	278. (1) An Operator shall not schedule a flight operations officer for more than 10 consecutive hours of duty within a 24 consecutive hour period, unless that person is given an intervening rest period of at least 8 hours at or before the end of the 10 hours duty.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
255.	Provision for particular cases.	255.(1) Notwithstanding anything contained in regulations 250, 251 and 252, 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— Error. Missing regulation 249	Corrected. Addressed in new regulation number 281. Cross-referencing checked	281 (1) Notwithstanding anything contained in regulations 276, 277 and 278, 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—
256.	Duties of operators to prevent excessive fatigue of crew	To delete: i) establish and implement a fatigue management programme that ensures that all operator personnel involved in the operation and maintenance of aircraft do not carry out their duties when fatigued and the programme shall address flight and duty times and be included in the operations manual. Reason: It is nowhere in the EASA ORO FTL 110 as claimed in the matrix. To establish/implement a Fatigue Management Programme will be misconstrued as being part of the FRMS (AOC and Admin Reg 59), which is an Operator-driven program specifically approved by the Authority for a particular operator. The prescriptive requirements contained in regulations 249-25- are more than adequate and hence this proposed sub-para should be removed.	corrected. Edited paragraph for clarification. This sub-regulation is necessary to cover maintenance personnel Re-numbered, moved to 282	282 (i) establish and implement a prescriptive fatigue management scheme that ensures that all operator personnel involved in the operation and maintenance of aircraft do not carry out their duties when fatigued and the programme shall address flight and duty times and be included in the operations manual.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
259.	Qualified persons required for operational control functions.	(7) A flight operations officer/flight dispatcher shall not be assigned to duty after 12 consecutive months of absence from such duty, unless the provisions of regulation 216 are met. Error. Should read regulation 235.	Corrected. Addressed in regulation number 70 (7). Cross referencing checked	70 (7) A flight operations officer/flight dispatcher shall not be assigned to duty after 12 consecutive months of absence from such duty, unless the provisions of regulation 238 are met.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
262.	Operational control duties.	262 (6) The Regulation leaves out operators with aircraft with less than 9 passenger seats. Does that mean those with aircraft with fewer seats do not have to comply with commercial air transport regulation 262 (7) Is vague means operators with less than 3 aircraft don't require operational control and supervision and don't have to comply with a bulk of these regulations. It is a grey area that will allow unsafe opera	Adopted. Addressed in new regulation number 73 1. Sub-regulation 6 deleted, sub-regulation 7 deals with general aviation, deleted from this set	73. (1) 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) operator. (2) An operator shall ensure that all operations personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole. (3) An operator shall issue operating instructions and provide information on aeroplane climb performance to enable the pilot—in—command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique and this information shall be included in the operations manual. (4) An operator shall make available sufficient

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
263.	Contents of a flight release.	Typo: (i) any additional available weather information that the PIC considers necessary; and To delete “and” (j) Company or organisation name. To delete as it is a repetition of (a) 263 Flight release to include the name of flight operations officer assisting in operational control and supervision	1. Typo corrected. Addressed in new regulation number 88(i) 2. Suggestion to include name of FOO not adopted	88. The flight release shall contain at least the following information concerning each flight— (a) company or organisation name; (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 (PIC); (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 PIC considers necessary.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
264.	Flight release: aircraft requirements.	Misplaced sub-regulation: Delete sub-para (c): (c) when taking off or landing at an aerodrome where, in the opinion of the Authority, the take-off or approach path is so disposed over water that in the event of a mishap there would be a likelihood of a ditching. Reason: It is mis-placed and not applicable to a flight release requirement. See the following: 1)See Instruments & Equipment regulation 35(2)(c) where it is applicable for over-water flights. 2)See ICAO Annex 6 (Part 1) para 6.5.2.1 as being applicable to carriage of certain equipment when conducting over-water aeroplane flights, and not related to a flight release.	Adopted. Sub-regulation (c) deleted. See new regulation number 74	74. 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.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
275.	Initial review by the Authority.	275.(1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 272 and 273. Error. Should read regulations 273 and 274. (3) Where the filing requirements of Regulations 272 and 273 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. Error. Should read regulations 273 and 274.	Cross-referencing checked and corrected. See new regulation number 286	286. (1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 284 and 285. (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 , 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 284 and 285 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.

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Reg. No.	2018 Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulations Text
292.	Penalties.	Error. References in the sub-Regs to Fourth Schedule should be amended to Fifth Schedule.	Cross referencing error corrected	303 (2) A person who contravenes any provision specified as an “A” provision in the Sixteenth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one million shillings for each offence and or to imprisonment for a term not exceeding one year or to both. (3) A person who contravenes any provision specified as a “B” provision in the Sixteenth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings for each offence and or to imprisonment for a term not exceeding three years or to both.