



**MATRIX ON DRAFT CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT PROCEDURES)
REGULATIONS 2022**

No.	Reg. No.	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
1	2. Interpretation	Use of abbreviations – for ease of reference and even as per the practice in ICAO Annex 15, consider adding abbreviations for definitions which are referred to using abbreviations e.g. terms like NOTAM (notice to airmen), ATM (air traffic management) etc. Regulations also contain some abbreviations e.g. AIC. Where abbreviations are used e.g. RNAV, RNP consider listing in full for the benefit of users who may not be aviation experts	The Authority has reviewed the flight procedure design regulations to remove the abbreviations and define those that are not clear. RNAV - already inserted under the interpretation; RNP – missing under the interpretation	“required navigation performance (RNP)” means a statement of the navigation performance necessary for operation within a defined airspace.	
2	2 Interpretation	The definition of “Aeronautical Information Circular” seems to be complete as indicated there, going by ICAO Annex 15. Remove the three dots (...) implying there is missing information.	Noted and accepted	The dots have been deleted from the regulations as proposed	
3	2 Interpretation	Is the definition of Air Navigation Services provided conclusive? Should meteorological services for air navigation covered in that definition?	The definition has been amended for consistency with the Civil Aviation Act No.21 of 2013 as amended	“air navigation services” means— (a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft;	

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				(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;	
4	11 Quality assurance	Consider adding the following after the text there, “including through development of a Quality Assurance Manual for Flight Procedure Design.”	The flight procedure service provider is required to develop a manual where this process can be included. Sub regulation (2) has been introduced to take care of this gap.	(2) the quality assurance process required in sub regulation (1) shall be included in the flight procedure design service provider operations manual.	
5	14 Flight procedure design (FPD).	Should “terrain data sets” be included? Reg. 14 (3) (j) refers to terrain data	proposal to include “terrain data sets” is acceptable to the Authority	14 (3) (j) (iii) the accuracy or integrity of terrain and obstacle data sets cannot be determined by other means	
6	12(1)c	Add the word “Ensuring” before “the data...”	The proposal to add the word “ensuring” before the data... is acceptable to the Authority	(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;	
7	13 and 14 (3)	Are you using the terms “certified service provider” and “certificated service provider” interchangeably? To avoid confusion, use the term that is used in the definition section and be	Observation noted and accepted by the Authority. Amendment made on the entire regulation to delete the terms	Amended the regulations to only have the term “flight procedure design service provider”	

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		consistent in its use. There is a subtle difference between the words “certified” and “certificated”.	“certified + certificated” consolidated to use		
8	16 (6)	Is Reg. 16 (6) properly numbered or should it be 5 (f)? The presence of the word “and” at the end of 16 (5) (e) implies that it is a continuation.	Comment noted and acceptable. There was a numbering error to the regulations. Regulation 16(6) amended to 16(5) (f)	16 (5) (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.”	
9	19(1)	We propose adding the following as 19 (2) (d) (iv), based on ICAO Annex 15: 19 (2) (d) (iv) that the error detection and correction is communicated to all affected users.	Proposal to introduce a new requirement in 19 (2) (d) (iv) on error management is accepted by the Authority	19 (2) (d) (iv) “that the error detected is communicated to all affected users.”	
10	20	Ensure that you use the correct title for the Regulations referred to in that Regulation.	Noted	Correct references have been made	
11	21(5)	Where will the fees be prescribed? Regulations should provide these details. The fees should be known by Applicants from the onset to avoid imposition of arbitrary fees.	The fees and charges levied are under the Civil Aviation (Charges for Air navigation and Regulatory Fees) Regulations 2012 as well as under the current Aeronautical Information Circular (AIC 7/21). Both are publications accessible to the public. The comment was not adopted and the regulation retained as it is.	The application for exemption shall be accompanied by fee prescribed specified by the Authority.	Regulation not amended pursuant to comment

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12	22, 23	Timelines - indicate timelines within which the Authority should review the requests under these Regulations. This is useful information that ensures accountability and transparency in administrative processes.	The Regulations provide for time within which an application should be made to the Authority. Further information is provided in KCAA's Advisory Circular.		Regulation not amended pursuant to comment
13	Part IV – Offences and Penalties (Regulation 26)	Reconcile the provisions here with those in the Civil Aviation Act on offences and penalties. Noting that the details should be in the Regulations, this section should include the following content: - Application of infringement notices contained in before cancellation of certificates and suspension of exemptions. - Procedures for according a person in violation a hearing before any adverse decision is made against them? i.e. Administrative review/hearing etc. - What other sanctions are applicable under this Regulation besides cancellation or suspension? Are fines applicable?	The comment is noted. The Civil Aviation Act section 39(3) has made provision of Infringement Notices. Infringement Notices are alternatives to prosecution. Advisory Circulars have been issued on Enforcement Action upon Breach of Regulations and the process including hearings is contained therein. Make reference to Section 21 of the Act on alternative sanctions including penalties (Section 80)		Regulation not amended pursuant to comment
14	- Regulation 28	- Court should be a last resort. Include use of Administrative Review procedures before reference to Court. They are cost effective for both parties. - What is the role of the National Civil Aviation Administrative Review Tribunal here.	Make reference to Section 39(4) on Administrative procedures and Sections 66-78 of the Civil Aviation Act on Role of the Tribunal		Regulation not amended pursuant to comment

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15	Additional Comments / Proposals	Editorial errors – Page 1, Arrangement of Regulations, delete the word “an”; there are various typos, extra spaces, incomplete quotation marks “opening and closing marks” e.g. check definitions for the various typos e.g. definition of “procedure altitude or height”; correct word des cent to descent; 4 (b) (ii) on “opening and closing marks”; 14 (3) (h) delete the word be i.e. period of not be less; 14 (k) – delete the word “of”; 17 (2) change compliant to compliance; proper/consistent use of Capitalization.	Comments and corrections accepted by the Authority	The minor errors have been incorporated and corrected; 14 (3) (k) the design takes into consideration of noise abatement procedures for specific aerodromes. 17 (2) The flight procedures shall be accompanied by a narrative, which describes the procedure in textual format and in <u>compliance</u> with the aeronautical cartographic requirements prescribed by the Authority.	
16		Offences and Penalties – check across all the other Regulations to ensure these are aligned with the Offences and Penalties in the Act. Regulations should provide for these details and should not be drafted in a manner to suggest that this information will be provided in other documentation	Proposal noted and accepted. To be consolidated and harmonised for all regulations through the legal department and aligned to the Civil Aviation Act		
		Timelines – where the citizens are to apply for certifications/approvals/exemptions or anything else from the Authority, the Regulations should provide clear timelines on when a response should be expected. This aligns with values like accountability, transparency and good governance.	Timelines are provided for under the various Advisory Circulars issued as well as the KCAA Service Charter that is available at headquarters and on the website		Regulation not amended pursuant to comment
17		Fees – where this or other Regulations indicate that fees are applicable, the same should be indicated clearly so. This is	The fees and charges levied are under the Civil Aviation (Charges for Air navigation and		Regulation not amended pursuant to comment

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		critical even from an anti-corruption stand point and to avoid imposition of arbitrary fees.	Regulatory Fees) Regulations 2012 as well as under Aeronautical Information Circular (AC/12). Both publications are accessible to the public.		
18		Timelines for providing feedback on the Regulations – two weeks is not sufficient time for stakeholders to review close to 30 different Regulations and provide quality feedback. We could have done more, but for the limited time.	Comment noted and a second Stakeholder Forum is scheduled.		Comment Noted.