

MATRIX ON DRAFT CIVIL AVIATION (AIR TRAFFIC SERVICES) REGULATIONS, 2022

No.	Reg. No.	Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
1.	12	Performance- based communication (PBC) operations	Review the title to be in sync with global titles as referred in all ICAO documents	Not incorporated	As in regulation Title	The title of the regulation is retained as is in the proposed draft regulations which reflects the current version of Annex 11.
2.	13	Performance- based surveillance(PBS) operations	Review the title to be in sync with global titles as referred in all ICAO documents	Not incorporated	As in Regulation title	The title of the regulation is retained as is in the proposed draft regulations which reflects the current version of Annex 11.
3.	20	Establishment of change-over points	This is a recommendation which is NOT also applied within our airspace and should be expunged. Refer to ANNEX 11 recommendation 2:13.1 and 2:13.2 Our change over points are described in terms of flight level or significant points described as waypoints along control area boundaries.	Partially incorporated	20. (1) Where very high frequency omni-directional radio ranges are provided, change-over points shall be established on ATS route segments defined by reference to very high frequency omni-directional radio ranges where this will assist in accurate navigation along the route segments.	Revised for clarity. The regulation covers all possible scenarios thereby eliminating the possibility of gaps in implementation of requirements.

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					(2) The establishment of change-over points shall be limited to route segments of 110 km (60 NM) or more, except where the complexity of ATS routes, the density of navigation aids or other technical and operational reasons warrant the establishment of change-over points on shorter route segments. (3) Unless otherwise established in relation to the performance of navigation aids or frequency protection criteria, the change-over point on a route segment shall be the mid-point between the facilities in the case of a straight route segment or the intersection of radials in the case of a route segment which	

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					changes direction between the facilities. (4) Subject to sub-regulation (1) where performance based navigation (PBN) is employed, change-over points shall be described as follows: (a) in terms of flight levelor, (b) significant points described as waypoints along control area boundaries.	
4.	23	Coordination between military authorities and air traffic services	In both cases please stick to the text used in the annex to avoid misinterpretation and seclusion of pertinent information.	Not incorporated	23. (1) Air traffic services authorities shall establish and maintain close co-operation with military authorities responsible for activities thatmay affect flights of civil aircraft. (2) Coordination of activities potentially hazardous to civil aircraft shall be effected in accordance with regulation 24.	The structure and wording of the regulation is as per the 15 th edition of annex 11. The regulation is also drafted to meet legal drafting standards.

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					(3) Arrangements shall be made to permit information relevant to the safe and expeditious conduct of flights of civil aircraft to be promptly exchanged between air traffic services units and appropriate military units. (4) Air traffic services units shall in accordance with locally agreed procedures provide appropriate military units with pertinent flight plan and other data concerning flights of civil aircraft.	
5.	24 (3)	Coordination of activities potentially hazardous to civil aircraft	This is a recommendation 2.18.1.1 to annex 11 which is not applicable in our case and should be expunged.	Not incorporated	24. (3) If the appropriate ATS authority is not that of the State where the organization planning the activities is located, initial coordination shall be effected through the ATS authority responsible for the airspace over the State where the organization is located.	Kenya has as part of its airspace (route network) an area that it controls but which physically falls within the territorial boundaries of Tanzania. This sub-regulation is

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						therefore applicable.
6.	24 (9)	Coordination of activities potentially hazardous to civil aircraft	This is a recommendation 2.18.6 not contained in civil military coordination agreement. Recommend removal of this requirement since such airspace are secluded for military use and activities of military nature are confidential	Not incorporated	24 (9) The Air Navigation Service Provider together with the military authorities, through the civil/military coordination arrangements, shall establish procedures providing for a flexible use of airspace reserved for military or other special activities in order to provide added airspace capacity and to improve efficiency and flexibility of aircraft operations.	This is applicable and can be explored to enable additional airspace for civil operations when the military are not using their airspace. It forms the basis of those civil aircraft flying into civilian destinations within the massive military secluded areas.
7.	35	Fatigue management	There is need to have FRMS. There is no requirement for fatigue management in annex 1 and the amended reg. 35 doesnot address the provisions of Annex 11.	Incorporated	35. (1) An air traffic service provider shall establish procedures for the purpose of managing fatigue in the provision of air traffic control services. (2)The air traffic service provider shall subject to sub-regulation (1) base the procedures upon scientific principles, knowledge and operational experience,	Re-introduced for inclusion and for compliance with ICAO standards. The ATS provider engaged and in agreement.

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					with the aim of ensuring that air traffic controllers perform at an adequate level of alertness. (3) For the purposes of managing fatigue-related safety risks, the air traffic services provider, shall establish: (a) air traffic controller schedules commensurate with the service(s) provided. (b) in compliance with the Scheduling Limits established in accordance with prescriptive limitations prescribe in the <i>Sixth Schedule</i>. (4) An air traffic services provider shall—	

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					(a) provide evidence that the limitations are not exceeded and that non-duty period requirements are met; (b) ensure that its personnel are familiarized with the principles of fatigue management and its policies with regard to fatigue management; (c) establish a process to allow variations from the applicable Scheduling Limits to address any additional risks associated with sudden, unforeseen operational circumstances. (5) Where an air traffic services provider demonstrates that any	

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					associated risk is managed to a level of safety equivalent to, or better than, that achieved through the applicable Scheduling Limits, the Authority may approve variations to these limits in order to address strategic operational needs in exceptional circumstance. (6) Deviation to the scheduling limitations established by the Authority shall be approved at the discretion of Authority. (7) The air traffic services provider shall subject to sub-regulation (6) be required to provide the following for approval of deviations to scheduling limits— (a) the reason for the need to deviate; (b) the extent of the deviation;	

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					(c) the date and time of enactment of the deviation; and (d) a safety case, outlining mitigations, to support the deviation. (8) An ATCO shall not perform any safety relevant tasks when he or she knows that he or she is fatigued or feels unfit to the extent that safety may be adversely affected. (9) A person holding an air traffic controller licence shall not act as an air traffic controller nor shall an employer allow a licensed controller, if the controller or the employer knows or suspects that the controller is suffering from or, having regard to the circumstances of the	

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					period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.	
8.	42	Instrument flight procedure design service	Not in current regulation and should be included	Incorporated	The air traffic service provider shall ensure that an instrument flight procedure design service is in place in accordance with the <i>Fifth Schedule</i> .	Amended to enable implementation of the standard
9.	56	Control of persons and vehicles at aerodromes	Runway Safety Team establishment is the responsibility of the Kenya Airports Authority	Not incorporated	56 (5) The Air Traffic Services provider shall participate in the establishment of runway safety programmes to enhance runway safety using collaborative approach that involves; regulators, aircraft operators, aerodrome operators and air navigation service providers.	Runway safety program is a collaborative issue where the airport operator and the ATS provider take a leading role as key stakeholders.
10.	61	Application of operational flight	Expunge recommendation since it is not likely to be implemented	Not incorporated	61 (1) The meteorological information and operational radio navigation services	The regulation is applicable. In Kenya, the air traffic service

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		information service broadcasts			and aerodromes included in the flight information service shall, whenever available, be provided in an operationally integrated form. (2) Where integrated operational flight information messages are to be transmitted to aircraft, they shall be transmitted with the content and, where specified, in the sequence indicated, for the various phases of flight. (3) Operational flight information service broadcasts, when provided, shall consist of messages containing integrated information regarding selected operational and meteorological elements appropriate to the various phases of flight.	provider has established an Automatic Terminal Information Service (ATIS) to among other things provide the service under this regulation.

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					(4) The broadcasts referred to in sub-regulation (3) are of three major types; (i) High Frequency (ii) Very High Frequency, and (iii) Automatic Terminal Information Service. (5) The applicable Operational flight information service message(s) shall be transmitted by the appropriate Air Traffic Services unit when requested by the pilot.	
11.	79	Communications between air traffic services units	Maintain originality for clarity of language globally distinguishing role of regulator (to prescribe) and ATS authority (to specify in detail). Maintain as per annex 11 chapter 6.2.2.1.2	Not incorporated	79 (2) An area control centre, in addition to being connected to the flight information centre as specified in sub-regulation (1), shall have facilities for communications with the following units providing a service within its area of responsibility— (a) approach control units; (b) aerodrome control towers;	The stakeholder made use of an older version of Annex 11 to review the amendment to the regulation. The proposed amendment maintains the spirit of the 15th edition of annex 11

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					(c) air traffic services reporting offices, when separately established. (3) An approach control unit, in addition to being connected to the flight information centre and the area control centre as specified in sub-regulations and (2) shall have facilities for communications with the associated aerodrome control tower(s) and, when separately established, the associated air traffic services reporting office(s). (4) An aerodrome control tower, in addition to being connected to the flight information centre, the area control centre and the	

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					approach control unit as specified in sub-regulations(1), (2) and (3) shall have facilities for communications with the associated air traffic services reporting office, when separately established.	