

PROPOSED CHANGES TO DRAFT KCARS 2024

Draft Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2024

KCARs 2018 Regulatory Provision	Draft KCARs 2022 Regulatory Provision	Proposed changes 2024	Reason for proposed change
CIVIL AVIATION (CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS) REGULATIONS, 2018	CIVIL AVIATION (CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS) REGULATIONS, 2022	CIVIL AVIATION (CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS) REGULATIONS, 2024	Changed to reflect the year of promulgation
IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations—	IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations—	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 Ministry title changed re-organization of government.
1. These Regulations may be cited as the Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2018 and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.	1. These Regulations may be cited as the Civil Aviation (Certification of Air Navigation Service Providers) Regulations 2022.	1. These Regulations may be cited as the Civil Aviation (Certification of Air Navigation Service Providers) Regulations 2024.	Citation changed to reflect year of promulgation.
“air navigation services” means one or more of the following services provided for air navigation— (a) Air traffic services;	“air navigation services” means— (a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft;	“air navigation services” means services provided to air traffic during all phases of operations, namely, approach, aerodrome and enroute which include— a) air traffic management;	amended to be in line with the interpretation On the draft civil Aviation Bill 2023

(b) Instrument flight procedure design (IFPD) services; (c) Aeronautical Information services (AIS); (d) Aeronautical Cartographic Services; (e) Aeronautical Telecommunication Services; and (f) Search and Rescue Services;	(b) navigational services, that is to say radio, radar and visual aids to navigation; (c) air traffic services provided for the safety of aircraft; (d) aeronautical information services; and	b) communication navigation and surveillance system; c) meteorological services for air navigation; d) search and rescue; and e) aeronautical information services or aeronautical information management;	
3 (1) These Regulations shall apply to a person providing air navigation services within designated air spaces and at aerodromes. (2) These Regulations do not apply to state aircraft.	3 (1) These Regulations shall apply to a person providing air navigation services within designated air spaces and at aerodromes. (2) These Regulations do not apply to state aircraft.	3. These Regulations shall apply to a person providing air navigation services within designated air spaces and at aerodromes.	Amended for clarity by deleting sub-regulation 2
5. Application for ANSP certificate.	NIL	Application for ANSP certificate.	Side note for regulation 5 was omitted
9. Renewal of a certificate.	9. (1) An application for renewal of an ANSP certificate shall be made on a form prescribed by the Authority not later than ninety days before the certificate expires. (2) Subject to sub-regulation (1), the application shall be accompanied with—	9. (1) An application for renewal of an ANSP certificate shall be made in a form prescribed by the Authority not later than ninety (90) days before expiry of the certificate. (2) Subject to sub-regulation (1), the application shall be accompanied with—	Amended for clarity

	(a) the Manual of Air Navigation Service Operations (MANSOPs) if significant changes have been made following the initial certification; and (b) the fee as prescribed by the Authority. (3) The renewal of a certificate shall be subject to the provisions of the Act and regulations made thereunder.	(a) the Manual of Air Navigation Service Operations (MANSOPs) as prescribed by the Authority; and (b) the fee as prescribed by the Authority. (3) The renewal of a certificate shall be subject to the provisions of the Act and regulations made thereunder.	
12. Display of certificate.	12. (1) The holder of a certificate shall display the certificate, or a certified copy of it, in a conspicuous place, generally accessible to the public at the holder's principal place of business. (2) Where a certified copy of the certificate is displayed under sub regulation (1), the holder of the certificate shall produce the original certificate to the Authority for inspection if requested.	12. (1) The holder of the ANSP certificate shall display the certificate, or a copy at the holder's principal place of business in a conspicuous place generally accessible to the public. (2) Where a copy of the certificate is displayed under sub regulation (1), the holder of the certificate shall produce the original certificate to the Authority for inspection if required.	Amended for clarity
14. Suspension and cancellation of certificates	14. (1) The Authority may recall, suspend provisionally pending further investigation, any certificate issued under these Regulations, if it considers that— (a) a relevant provision of— (i) the Act or Regulations made there under; or	14. (1) The Authority may suspend, cancel, or revoke an ANS provider certificate, or impose conditions in respect of any such certificate, if the Authority considers such action necessary in the interests of aviation safety. (2) The Authority may provisionally suspend pending further investigation, any certificate issued under these Regulations, if it considers that—	Amended the side notes to include revocation. “Suspension, cancellation and revocation of certificates”. Also amended sub-regulation (1) and

	(ii) a condition in the certificate has not been or is not being complied with; (b) false or materially incorrect information was given to the Authority in the application for the certificate; or (c) it is in the public interest to do so. (2) The Authority may, on giving reasons to the holder of a certificate, suspend the certificate for a period not exceeding sixty days. (3) A holder of a certificate who is notified of a suspension in sub regulation (2) may submit a response in writing within a period not exceeding fourteen days. (4) Notwithstanding sub regulation (3), the Authority may suspend any or all of the operations of the holder of the certificate pending receipt of a response from the holder. (5) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction suspend or cancel any certificate issued under these Regulations. (6) A holder or any person having the possession or custody of any	(a) a relevant provision of— (i) the Act or Regulations made there under; or (ii) a condition in the certificate has not been or is not being complied with; (b) false or materially incorrect information was given to the Authority in the application for the certificate; or (c) it is in public interest to do so. (3) The Authority may, on giving reasons to the holder of a certificate, suspend the certificate for a period not exceeding sixty days. (4) A holder of a certificate who is notified of a suspension in sub regulation (3) may submit a response in writing within a period not exceeding fourteen days. (5) Notwithstanding sub regulation (4), the Authority may suspend any or all operations of the holder of the certificate pending receipt of a response from the holder. (6) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction suspend, cancel or revoke any certificate issued under these Regulations.	subsequent regs for clarity.
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	certificate which has been suspended or cancelled under these Regulations shall surrender the certificate to the Authority within fourteen days from the date of suspension or cancellation.	(7) A holder or any person having the possession or custody of any certificate which has been suspended, cancelled or revoked under these Regulations shall surrender the certificate to the Authority within fourteen days from the date of suspension, cancellation or revocation.	
18. Amendment of the manual of ANS operations	18. (1) For the purposes of maintaining the accuracy of the information in the MANSOPs, the— (a) holder of a certificate shall whenever necessary, amend the manual; or (b) the Authority may issue a written directive requiring the ANS provider to amend the manual. (2) Notwithstanding sub regulation (1), the holder of a certificate shall submit the proposed amendment to the Authority for approval.	18. (1) For the purposes of maintaining the accuracy of the information in the MANSOPs, the— (a) holder of a certificate shall whenever necessary, amend the manual; or (b) the Authority may issue a written directive requiring the ANS provider to amend the manual. (2) Notwithstanding sub-regulation (1) the holder of a certificate shall review the MANSOPS at least once every four years (3) The holder of a certificate shall submit the proposed amendment to the Authority for approval.	Amended for clarity
21. Air navigation services facilities and standard systems	21. (1) A holder of an ANSP certificate shall— (a) provide in the designated portion of airspace and aerodromes, facilities for the provision of air navigation services; and (b) adopt and put into operation the appropriate standard systems,	21. (1) A holder of an ANSP certificate shall— (a) provide in the designated portion of airspace and aerodromes, facilities for the provision of air navigation services; and (b) adopt and put into operation the appropriate standard systems, operational	The side notes was amended to read “Air navigation services facilities, and standard systems and training requirements” The whole text was amended for clarity

	operational practices and rules as prescribed by the Authority. (2) Training sessions conducted by manufacturers or suppliers on any new air navigation system, equipment or software procured for service provision including factory acceptance tests shall include the Authority's personnel. (3) Subject to sub-regulation (2), the service provider shall meet the travelling and upkeep costs for the Authority's personnel while undergoing such training.	practices and rules as prescribed by the Authority. (2) The ANSP shall incorporate the relevant ANS oversight inspectors in factory and site training for new acquisition and upgrade of air navigation services equipment and facilities. (3) Subject to sub-regulation (2), the ANSP shall meet the training costs for the ANS regulatory inspectors.	
25. Power of Authority to issue orders, circulars, ANS Implementing Standards and directives	25. The Authority may make and issue orders, circulars, ANS Implementing Standards and directives prescribing any air navigation service matter which, under these regulations, is to be prescribed, and generally for the better carrying out or enhancing of the objects and purposes of these Regulations.	25. The Authority may make and issue orders, circulars, ANS Implementing Standards and directives prescribing any air navigation service matter which, under these regulations, is to be prescribed, and generally for which may enhance the better carrying out of or enhancing of the objects and purposes of these Regulations.	Amended for clarity
26. Air navigation service inspectors	26. (1) The ANS inspector shall carry out independent oversight Service of the ANSP by applying a system of safety approach to the ANS operations. (2) Subject to sub-regulation (1) the approach shall require safety to be an inherent part of the operational system, dictating continual	26. (1) The ANS inspector shall carry out independent oversight of the ANSP by applying a system of safety approach to the ANS operations. (2) Subject to sub-regulation (1) the approach shall require safety to be an inherent part of the operational system, dictating continual improvement and	Amended for clarity

	improvement and requiring a closed loop system for monitoring and corrective action. (3) ANS inspectors shall perform inspections and audits to determine compliance with these regulations and other civil aviation regulations. (4) In performance of official duties an ANS inspector shall be provided with free and unhindered access to ANS facilities, records, data and restricted areas governed by the air navigation service provider.	requiring a closed loop system for monitoring and corrective action. (3) ANS inspectors shall perform inspections and audits to determine compliance with these regulations and other civil aviation regulations. (4) The ANS inspectors, in the course of their duties shall be accorded free and unhindered access to ANS facilities, records, data, information and restricted areas under the control of the air navigation service provider.	
29. Change of address.	29. (1) A holder of a certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address within fourteen days of such change. (2) A person who fails to notify the Authority of the change in the physical and mailing address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate.	29. (1) A holder of an air navigation services provider certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address and do so in the case of —. (a) physical address, at least fourteen days in advance; and (b) mailing address upon the change (2) A person who fails to notify the Authority of the change in the physical and mailing address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate.	Amended for clarity.
NIL	SCHEDULE (r. 36)	SCHEDULE (r. 36)	There is only one schedule in the regulations
Made on the 9th May, 2018. JAMES W. MACHARIA,	Made on the....., 2022 JAMES W. MACHARIA,	Made on the....., 2024. Kipchumba Murkomen	Revised to have the correct CS name and promulgation date

Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.	Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.	<i>Cabinet Secretary for Roads and Transport</i>	
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