

MATRIX ON DRAFT CIVIL AVIATION (AIRWORTHINESS) REGULATIONS 2022

No.	Reg. No.	Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
			Input from stakeholder	KCAA position on the stakeholder input (either accepted, rejected or partially accepted)	The final text	Justification for KCAA position
1.	7 (1)	7. (1) An application for a certificate of airworthiness may be made by the owner or on behalf of the owner provided that:	7. (1) An application for a certificate of airworthiness may be made by the owner or operator/agent on behalf of the owner provided that;	Accepted	7. (1) An application for a certificate of airworthiness may be made by the owner or operator/agent on behalf of the owner provided that:	Nil
2.	8 (1)	8. (1) A person shall not fly an aircraft unless there is in force in respect of that aircraft, a certificate of airworthiness duly issued or rendered valid under the law of the State of Registry and any	8.(1) Original wording should be retained to include special flight permit	Not Accepted	8. (1) A person shall not fly an aircraft unless there is in force in respect of that aircraft, a certificate of airworthiness duly issued or rendered valid under the law of the State of Registry and any conditions subject to which the certificate was issued or rendered valid are complied with.	The special flight permit is a class of the Certificate of Airworthiness. Further description is given in Reg.9

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		conditions subject to which the certificate was issued or rendered valid are complied with.				
3.	11(b)	11 (b) to the Authority in the case of aircraft sold outside Kenya.	11 (b) to the Authority in the case of aircraft sold outside Kenya, which are due to be de-registered.	Not Accepted	11 (b) to the Authority in the case of aircraft sold outside Kenya.	De-registration will be done before the aircraft leaves the country in such cases.
4.	14 (2)	14(2) (g)The applicant submits an export certificate of airworthiness or similarly titled document providing confirmation of a recent satisfactory review of airworthiness status of the aircraft previous state of registry that shall be	14 (2)(g) The prescriptive limit of validity of 90 days should be deleted and left open.	Not Accepted	Deleted	This regulation has been deleted from Airworthiness regulations, however retained in the Nationality and Registration regulation.

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		valid and within 90 days from the date of issuance.				
5.	20(1)		Reg. 20 (1) The addition of statement – “ <i>so long as the certificate of airworthiness of the aircraft is current</i> ” is contrary to the spirit and purpose of certificate of fitness for flight. The C of FF is issued to an aircraft whose C of A has lapsed, provided that if it is not subsequently issued with a special flight, it may not be flown out of the borders.	Accepted	20. (1) A person shall not fly an aircraft for the purpose of flight testing after repair, modification or maintenance unless that aircraft has been issued with a Certificate of Fitness for Flight containing a maintenance endorsement statement.	Deleted the wordings “ <i>so long as the certificate of airworthiness of the aircraft is current</i> ”
6.		23(1)(e) ensure that the aircraft is maintained in an airworthy condition and in compliance with the maintenance requirements of Part V of the	23 (1) (e) ensure that the aircraft is maintained in an airworthy condition and in compliance with the maintenance requirements of Part V of the Civil	Not Accepted	23(1)(e) ensure that the aircraft is maintained in an airworthy condition and in compliance with the maintenance requirements of Part V of the Civil Aviation (Air Operator Certification and Administration)	These regulations provides for responsibilities of the Authority

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		Civil Aviation (Air Operator Certification and Administration) Regulations and these Regulations;	Aviation (Air Operator Certification and Administration) Regulations and these Regulations. The highlighted only applies to aircraft in commercial category. Therefore, must be made clear to avoid misunderstanding during application.		Regulations and these Regulations;	
7.	23	Responsibilities of the Authority on continuing airworthiness	23 (2) (ii) In compliance with sub regulation (2)(i) above the owner/operator shall be required to submit to the Authority a damage assessment report prepared and certified by persons specified by the Authority.	Accepted partially	Deleted regulation 23 (2) and captured in Regulation 46 and Retained damage assessment report	Complied with Annex 8 part II chapter 3.6 ICAO DOC 9760 Part III Chapter 7.5.7 (f) and Part V chapter 2.7.4.2 DOC.9760 Part III chapter 4.6.2.4 (j)

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			This provision is not a standard therefore should be expunged. The issue it is dealing with, which is damaged aircraft is substantively covered in regulation 46. Furthermore, the highlighted clause left as above, will be subject of unnecessary time-wasting exercise.			
8.	23	Responsibilities of the Authority on continuing airworthiness	Damage has been repeated in regulation 23 and 46. Wrong ICAO DOC referenced	Accepted	Deleted regulation 23 (2) and captured in Regulation 46 and retained damage assessment report. Made the correction of referencing part III	Complied with Annex 8 part II chapter 3.6 DOC.9760 Part III chapter 4.6.2.4 (j) ICAO DOC 9760 Part III Chapter 7.5.7 (f) and Part V chapter 2.7.4.2
9.	24	Reg. 24 Compliance with the manufacturer's instructions.	24 (a) the aircraft, including its engines, equipment and radios has been maintained in accordance with the approved maintenance	Not Accepted	24 (a) the aircraft, including its engines, equipment and radios has been maintained in accordance with the approved maintenance programme and maintenance procedures	Nil

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			programme or maintenance procedures recommended by the aircraft manufacturer.		recommended by the aircraft manufacturer.	
10.	36	36 (2)	Reg. 36 (2) (b) with regard to a used aircraft— (i) the noise information determined in accordance with applicable noise requirements, and (ii) historical records to establish the production, modification and maintenance standard of the aircraft. Do we have the capability to implement this sub-regulation?	Not Accepted	Reg. 36 (2) (b) with regard to a used aircraft— (i) the noise information determined in accordance with applicable noise requirements, and (ii) historical records to establish the production, modification and maintenance standard of the aircraft.	To be maintained as The Authority develops regulations dealing with Noise.
11.	37	37 (2)	Reg. 37 (2) Emissions certification shall be granted by the	Not Accepted	Reg. 37 (2) Emissions certification shall be granted by the Authority on the basis of satisfactory	To be maintained as The Authority develops regulations

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			Authority on the basis of satisfactory evidence that the engine complies with requirements which are at least equal to the stringency of the provisions of these Regulation. Do we have the capability to implement this sub-regulation?		evidence that the engine complies with requirements which are at least equal to the stringency of the provisions of these Regulation.	dealing with Emissions.
12.		41. (1) In addition to any other log books required by or under these Regulations, aircraft continuing airworthiness records the following log books shall be kept in respect of aircraft registered in Kenya—	Introduction of regulation 41 (1) (d) possess serious challenges to operators and Aircraft maintenance organisations as regards keeping logs for numerous lifed component fitted in the Aircraft. The regulation does not address the content and information to be maintained in the log cards	Not Accepted	41. (1) In addition to any other log books required by or under these Regulations, aircraft continuing airworthiness records the following log books shall be kept in respect of aircraft registered in Kenya— (d) Log cards for any service life limited component, as appropriate	This was inserted to cater for aircraft that utilize the log cards. The operators that utilize electronic system to track life limited components will not be victimized for using the systems.

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		(d) Log cards for any service life limited component, as appropriate				