

MATRIX AFTER REVIEW ON DRAFT CIVIL AVIATION (AIRWORTHINESS) REGULATIONS 2024

No.	Reg. No.	Regulation Title	REGULATION	Stakeholder comments	KCAA COMMENT	Final Regulation Text	Remarks if any
1.	2	Definitions			'Article' misplaced	"article" means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, sub-assembly, system, sub-system, component, unit, product, or part;	INSERTED 'Article' definition.
2.	2	definitions			"Continuing airworthiness records" missing	"Continuing airworthiness records" means records which are related to the continuing airworthiness status of an aircraft, engine, propeller or associated part.	Inserted "Continuing airworthiness records"
3.	2	definitions	"major modification" means an aeronautical product for which a type certificate has been issued, a change in the type		Lacking clarity	"major modification" in respect of an aeronautical product for which a type certificate has been issued, a change in the type design that has an appreciable effect, or other than a negligible	Amended for clarity.

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			design that has an appreciable effect, or other than a negligible effect, on the mass and balance limits, structural strength, engine operation, flight characteristics, reliability, operational characteristics, or other characteristics or qualities affecting the airworthiness or environmental characteristics of an aeronautical product;			effect, on the mass and balance limits, structural strength, engine operation, flight characteristics, reliability, operational characteristics, or other characteristics or qualities affecting the airworthiness or environmental characteristics of an aeronautical product;	
4.	4(2)	Acceptance of type certificate.	Notwithstanding requirements of sub regulation (1) the Authority may accept for registration non type certificated aircraft and		Used prescribed instead of specified	Notwithstanding requirements of sub regulation (1) the Authority may accept for registration non type certificated aircraft and aeronautical products in	Replaced prescribed with specified

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			aeronautical products in a manner prescribed by the Authority			a manner specified by the Authority	
5.	6	Issuance of supplemental type certificate.	A person who intends to alter a product by introducing a major change in type design, not great enough to require a new application for a type certificate, shall apply for a supplemental type certificate to the regulatory agency of the State of Design that approved the type certificate for that product and notify the Authority			A person who intends to alter a product by introducing a major change in type design, not great enough to require a new application for a type certificate, shall apply for a supplemental type certificate to the regulatory agency of the State of Design that approved the type certificate for that product and notify the Authority	Reworded for clarity
6.	6(1)	Issuance of supplemental type certificate.			Not captured	A person who intends to alter a product by introducing a major modification in type design, not great enough to require a new application for a type certificate, shall apply for a supplemental type	Included application requirement by the authority 'provided that the State of Registry has the technical

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						certificate to the regulatory agency of the State of Design that approved the type certificate for that product, or to the State of Registry of the aircraft, provided that the State of Registry has the technical expertise to evaluate the proposed change in accordance with the type design.	expertise to evaluate the proposed change in accordance with the type design. The applicant shall apply in accordance with the procedures specified by the Authority’.
7.						(2).The applicant shall apply in accordance with the procedures specified by the Authority.	Introduced a new sub regulation
8.	7 (1)	Application for certificate of airworthiness.	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:	Expounded to include operator/agent to apply for C of A.
9.	8(1)	Certificate of airworthiness to be in force.	8. (1) A person shall not fly an aircraft unless there is in force in	8.(1) Original wording should be retained to	Not Accepted	8. (1) A person shall not fly an aircraft unless there is in force in respect of that aircraft, a	The special flight permit is a class of the Certificate of

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			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.	include special flight permit		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.	Airworthiness. Further description is given in Reg.9
10.	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.
11.	14	Issue of certificates of airworthiness.	14(2) (g)The applicant submits an export certificate of airworthiness or similarly titled document providing confirmation of a recent satisfactory review of airworthiness	14 (2)(g) The prescriptive limit of validity of 90 days should be deleted and left open.	Accepted	Deleted	This regulation has been deleted from Airworthiness regulations, however retained in the Nationality and Registration regulation.

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			status of the aircraft previous state of registry that shall be valid and within 90 days from the date of issuance.				
12.	14(4)b iv	Issue of certificates of airworthiness.	(b) The categories of special airworthiness certificates shall include: (i) Restricted; (ii) Experimental; (iii) Tethered Balloon. (iv) Special Flight Permit; (v) As may be determined by the Authority.		Not captured	(iv) Special Flight Permit; (v) As may be determined by the Authority	Added; (iv) Special Flight Permit; (v) As may be determined by the Authority Regulation Renumbered.
13.	19(2)h	Limitations and Conditions on the Special Flight Permit.	19(2)(j) the flight is performed within the performance operating limitations prescribed in the		Lacking clarity	19(2)(h) the flight is conducted within the performance operating limitations prescribed in the aircraft flight manual and any additional limitations specified by	Inserted 'conducted' for clarity

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			aircraft flight manual and any additional limitations specified by state of registry for that particular flight			state of registry for that particular flight	
14.	20(1)	Certificate of fitness for flight		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	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> ”

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				out of the borders.			
15.	20(5)	Certificate of fitness for flight	If the original airworthiness condition of the aircraft is affected during the period of validity, the certificate of fitness for flight shall be issued		Lacking clarity	If the original airworthiness condition of the aircraft is affected during the period of validity, the certificate of fitness for flight shall be re-issued	Inserted 're-issued' for clarity
16.	21(3)	Responsibility for maintenance.	The operator of aeroplanes over 5700 kg and a helicopter of over 3,175 kg maximum mass shall monitor and assess maintenance and operational experience with respect to airworthiness and provide the information as prescribed by the State of Registry and report through the system prescribed by the Authority		Not properly captured. Repetition	The operator of aeroplanes over 5700 kg and a helicopter of over 3,175 kg maximum mass shall monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide the information and report through the system specified by the Authority.	Revised wordings for clarity

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17.	23	Responsibilities of the Authority on continuing airworthiness.	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) Regulations and these Regulations;	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) Regulations and these Regulations. The highlighted only applies to aircraft in commercial category. Therefore, must be made clear to avoid misunderstanding during application.	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) Regulations and these Regulations;	These regulations provides for responsibilities of the Authority

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18.	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. 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 un-	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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				necessary time-wasting exercise.			
19.	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
20.	24	Compliance with the manufacturer's instructions.	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 programme or maintenance procedures recommended by the aircraft manufacturer.	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 recommended by the aircraft manufacturer.	The AMP is developed from the maintenance procedures by the manufacturer, thus the two documents must be used together.

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21.	29(2)c	Persons authorised to perform inspections.			New regulation	an AOC holder may perform the required inspections of aircraft and aeronautical products in accordance with specifications issued by the Authority	Added new requirement. of annex Revised to capture 29(2)c
22.	33	Airworthiness limitation performance rules	A person performing an inspection or other maintenance specified in an airworthiness limitations section of a current manufacturer's maintenance manual, or instructions for continued airworthiness, shall perform the inspection or other maintenance in accordance with that section and in accordance with scope of approval issued		Repetition of 'approved'	A person performing an inspection or other maintenance specified in an airworthiness limitations section of a current manufacturer's maintenance manual, or instructions for continued airworthiness, shall perform the inspection or other maintenance in accordance with that section and in accordance with scope of approval issued by the Authority	Revised to remove repetition

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			approved by the Authority				
23.	36	Requirement of noise certification	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.	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

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							this sub-regulation?
24.	37	Engine Emission certifications	Reg. 37 (2) Emissions certification shall be granted by the 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?	Not Accepted	Reg. 37 (2) Emissions certification shall be granted by the 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.	To be maintained as The Authority develops regulations dealing with Emissions.	Reg. 37 (2) Emissions certification shall be granted by the 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?
25.	40(3)	Technical Logbook.	Upon rectification of any defect which has been entered in the		2022	Upon rectification of any defect which has been entered in the technical logbook in accordance	Removed 2022

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			technical logbook in accordance with sub-regulation (2) of this regulation, a person issuing a maintenance release under Civil Aviation (Approved Maintenance Organisation) Regulations 2022, in respect of that defect shall enter that certificate in the technical logbook.			with sub-regulation (2) of this regulation, a person issuing a maintenance release under Civil Aviation (Approved Maintenance Organisation) Regulations, in respect of that defect shall enter that certificate in the technical logbook.	
26.	41(1)	Aircraft, engine and propeller logbooks.	In addition to any log books required by or under these Regulations for , aircraft continuing airworthiness records, the following log books shall be kept in respect of aircraft registered in Kenya		No clarity	In addition to any documents required by or under these Regulations for , aircraft continuing airworthiness records, the following shall be kept in respect of aircraft registered in Kenya	Revised for clarity
27.	3 rd Schedule 1(g)		particulars of all overhauls, repairs, replacements and modifications		Lack clarity	particulars of any overhauls, repairs, replacements and modifications relating to	Replaced 'all' with 'any'

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			relating to the aircraft or any such equipment as aforesaid			the aircraft or any such equipment as aforesaid	
28.	46	Damage to aircraft.	46. 3) in the case of a Kenyan registered aircraft and in compliance with sub regulation (1) and (2), the owner or operator shall be required to submit to the Authority a damage assessment report prepared and certified by persons specified by the Authority.	Introduction of regulation 46 (3) possess serious challenges to operators and Aircraft maintenance organizations with regards to who is 'specified by the Authority'.	Accepted	46. 3) in the case of a Kenyan registered aircraft and in compliance with sub regulation (1) and (2), the owner or operator shall be required to submit to the Authority a damage assessment report acceptable to the Authority.	Replaced the text 'specified by the Authority' with 'Acceptable to the Authority'.