

PROPOSED CHANGES TO DRAFT KCARS 2024

Draft Civil Aviation (Air Traffic Services) Regulations, 2024

	Name of Regulation	KCARs 2018 Regulatory Provision	Draft KCARs 2022 Regulatory Provision	Proposed changes in Draft KCARs 2024	Reason for proposed change
1.	Civil Aviation (Air Traffic Services) Regulations, 2018	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 the powers conferred by Section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary responsible for Civil Aviation makes the following regulations—	IN EXERCISE of the powers conferred by section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary responsible for Roads and Transport makes the following Regulations —	Corrections made to refer to the correct line cabinet secretary
		Citation. These Regulations may be cited as the Civil Aviation (Air Traffic Services) Regulations, 2018.	Citation. These Regulations may be cited as the Civil Aviation (Air Traffic Services) Regulations, 2022.	Citation. These Regulations may be cited as the Civil Aviation (Air Traffic Services) Regulations, 2024.	To reflect the projected year of promulgation
		4. Air Navigation Services Provider certificate.	4. Air Navigation Services Provider certificate	4. Air Traffic Services	Marginal note revised for clarity
		4. A person who wishes to provide Air Traffic services shall have an Air Navigation Services Provider certificate issued in accordance with the Civil Aviation	4. (1) A person who wishes to provide Air Traffic services shall have an Air Navigation Services Provider certificate issued in accordance with the Civil Aviation (Certification of Air	4. (1) A person who wishes to provide Air Traffic services shall have an Air Navigation Services Provider certificate issued by the Authority.	Amended for clarity

		(Certification of Air Navigation Services) Regulations.	Navigation Services Providers) Regulations.		
		NIL	4. (2) A person certified to provide Air Traffic Services subject to sub-regulation (1) shall do so in accordance with the procedures described in – (a) the Air Traffic Service Provider's Manual of Air Navigation Services Operations required under the Civil Aviation (Certification of Air Navigation Service Providers) Regulations;	4. (2) Subject to sub-regulation (1) an Air Traffic Services provider shall provide air traffic services in accordance with— (a) the ATS provider's Manual of Air Navigation Services Operations (MANSOPS) developed in compliance with conditions prescribed by the Authority;	Amended for clarity
		5. (4) Where Kenya has accepted the responsibility to provide air traffic services in such portions of airspace referred to in subregulation (3), the Authority shall arrange for those services to be established and	5. (4) Where Kenya has accepted the responsibility to provide air traffic services in such portions of airspace referred to in sub-regulation (3), the Authority shall arrange for those services to be established and	5. (4) Where Kenya has accepted the responsibility to provide air traffic services in portions of airspace referred to in sub- regulation (3), the appropriate ATS authority shall arrange for those services to be established and provided in accordance with these Regulations.	Amended for clarity on who should provide ATS over high seas

	provided in accordance with these Regulations.	provided in accordance with these Regulations.		
	5. (5) When it has been determined that air traffic services will be provided, the Authority shall designate the Air Navigation Services Provider to be responsible for providing such services.	5. (5) When it has been determined that air traffic services will be provided, the Authority shall designate the Air Navigation Services Provider to be responsible for providing such services.	5. (5) The appropriate ATS authority shall be the designated Air Navigation Services Provider responsible for providing air traffic services when it has been determined that such services will be provided.	Amended for clarity on the designated air navigation services provider responsible for providing ATS
	9. (2) (e) a sector, if the Authority considers such a designation is necessary to facilitate the provision of air traffic services within the flight information region;	9. (2) (e) a sector, if the Authority considers such a designation is necessary to facilitate the provision of air traffic services within the flight information region;	9. (2) (e) a sector, if the appropriate ATS authority considers such a designation is necessary to facilitate the provision of air traffic services within the flight information region; and	Amended for clarity in reference to the roles of the appropriate ATS authority
	10. (1) The Authority shall classify designated controlled airspace as specified in the First Schedule.	10. (1) The Authority shall classify designated controlled airspace as specified in the <i>First Schedule</i> .	10. (1) The appropriate ATS authority shall classify designated controlled airspace as specified in the First Schedule.	Amended for clarity
	10. (2) (2) The Authority shall select airspace classes in accordance with the needs of the State.	10. (2) The Authority shall select airspace classes in accordance with the needs of the State.	10. (2) The appropriate ATS authority shall select airspace classes in accordance with the needs of the State.	Amended for clarity

		11. (1) An air traffic services provider shall implement performance based navigation within designated airspaces and aerodromes in accordance with requirements prescribed by the Authority. (2) The Authority shall prescribe navigation specification requirements for PBN operations on the basis of regional Air Navigation Agreements. (3) In prescribing navigation specification requirements for PBN operations, the Authority shall consider any limitations arising from navigation infrastructure constraints or specific navigation functionality requirements.	11. (1) An air traffic services provider shall implement performance based navigation within designated airspaces and aerodromes in accordance with requirements specified by the Authority. (2) The Authority shall specify navigation specification requirements for PBN operations on the basis of regional Air Navigation Agreements. (3) In specifying navigation specification requirements for PBN operations the Authority shall consider any limitations arising from navigation infrastructure constraints or specific navigation functionality requirements.	11. (1) Performance-based navigation operations shall be implemented in the Nairobi Flight Information Region. (2) The Appropriate ATS Authority shall implement performance based navigation within designated airspaces and aerodromes in accordance with requirements prescribed by the Authority. (3) The Authority shall prescribe navigation specifications based on regional Air Navigation Agreements. (4) The prescribed navigation specification shall be appropriate to the level of communications, navigation and air traffic services provided in the Nairobi Flight Information Region. (5) In implementing navigation specification requirements for PBN operations the appropriate ATS authority shall consider any limitations arising from navigation infrastructure constraints or specific navigation functionality requirements.	Amended for clarity
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		(4) Performance-based navigation operations shall be implemented. (5) The prescribed navigation specification shall be appropriate to the level of communications, navigation and air traffic services provided in the Nairobi Flight Information Region.	(4) Performance-based navigation operations shall be implemented. (5) The prescribed navigation specification shall be appropriate to the level of communications, navigation and air traffic services provided in the Nairobi Flight Information Region.		
		12.(1) The Authority shall prescribe Required Communication Performance Specifications when applying performance-based communication (PBC). (2) Where applicable, the RCP specifications shall be prescribed on the basis of regional air navigation agreements. (3) The prescribed RCP specification shall be appropriate to the air traffic services	12. (1) The Authority shall specify Required Communication Performance Specifications when applying performance-based communication (PBC). (2) Where applicable, the RCP specification(s) shall be specified on the basis of regional air navigation agreements. (3) The specified RCP specification shall be appropriate to the air traffic services	12. (1) The appropriate ATS authority shall implement the required communication performance (RCP) Specifications applicable to performance-based communication (PBC). (2) The Authority shall prescribe RCP specification(s) to be implemented on the basis of regional air navigation agreements. (3) The prescribed RCP specification shall be appropriate to the air traffic services provided in the airspace concerned.	Amended for clarity.

	provided in the airspace concerned.	provided in the airspace concerned.		
	13. (1) The Authority shall prescribe RSP specifications when applying performance-based surveillance (PBS). (2) Where applicable, the RSP specifications shall be prescribed on the basis of regional air navigation agreements. (3) The prescribed RSP specification shall be appropriate to the air traffic services provided. (4) The ATS units shall be provided with equipment capable of performance consistent with the prescribed RSP specifications where applicable.	13. (1) The Authority shall specify RSP specifications when applying performance-based surveillance (PBS). (2) Where applicable, the RSP specification(s) shall be specified on the basis of regional air navigation agreements. (3) The specified RSP specification shall be appropriate to the air traffic services provided. (4) The ATS units shall be provided with equipment capable of performance consistent with the specified RSP specification(s) where applicable	13. (1) The appropriate ATS authority implement the required surveillance performance (RSP) specifications when applying performance-based surveillance (PBS). (2) The Authority shall prescribe RSP specification(s) to be implemented based on regional air navigation agreements. (3) The prescribed RSP specification shall be appropriate to the air traffic services provided. (4) ATS units shall be provided with equipment capable of performance consistent with the specified RSP specification(s), where applicable.	Amended for clarity.
	15. (7) The lower limit of a control area shall, when practicable and desirable in order to allow freedom of action for VFR flights	15. (7) The lower limit of a control area shall, when practicable and desirable in order to allow freedom of action for VFR flights	15. (7) The lower limit of a control area shall, be established at a greater height than the minimum specified in sub-regulation (6) when practicable and desirable in order to allow	Amended for clarity

	below the control area, be established at a greater height than the minimum specified in sub-regulation (6). (8) When the lower limit of a control area is above 900 m (3000ft.) Mean Sea Level (MSL), it shall coincide with a VFR cruising level specified in the First Schedule to the Civil Aviation (Rules of the air) regulations 2018.	below the control area, be established at a greater height than the minimum specified in sub-regulation (6). (8) When the lower limit of a control area is above 900 m (3000 ft.) Mean Sea Level (MSL) it shall coincide with a VFR cruising level of table as specified in the <i>First Schedule</i> in the Civil Aviation (Rules of the air) regulations	freedom of action for VFR flights below the control area. (8) The lower limit of a control area shall coincide with a VFR cruising level of the tables in the First Schedule of the Civil Aviation (Rules of the air) regulations when that lower limit is above 900 m (3000 ft.) with reference to Mean Sea Level (MSL).	
	19. (1) When ATS routes are established, a protected airspace along each ATS route and a safe spacing between adjacent ATS routes shall be provided. (2) When warranted by density, complexity or nature of the traffic, special routes shall be established for use by low-level traffic, including helicopters operating to and from	19. (1) When ATS routes are established, a protected airspace along each ATS route and a safe spacing between adjacent ATS routes shall be provided. (2) When warranted by density, complexity or nature of the traffic, special routes shall be established for use by low-level traffic, including helicopters operating to and	19. (1) A protected airspace along each ATS route and a safe spacing between adjacent ATS routes shall be provided when ATS routes are established. (2) Special routes shall be established for use by low-level traffic, including helicopters operating to and from helidecks on the high seas when warranted by density, complexity or nature of the traffic. (3) Account shall be taken of the navigational means available and the navigation equipment carried on board helicopters	Amended for clarity

		helidecks on the high seas. (3) When determining the lateral spacing between routes in subregulation (2), account shall be taken of the navigational means available and the navigation equipment carried on board helicopters. (4) ATS routes shall be identified by designators. (5) Designators for ATS routes other than standard departure and arrival routes shall be selected in accordance with the principles specified in the Second Schedule. (6) Standard departure and arrival routes and associated procedures shall be identified in accordance with the principles specified in the Third Schedule.	from helidecks on the high seas. (3) When determining the lateral spacing between routes in subregulation (2), account shall be taken of the navigational means available and the navigation equipment carried on board helicopters. (4) ATS routes shall be identified by designators. (5) Designators for ATS routes other than standard departure and arrival routes shall be selected in accordance with the principles specified in the <i>Second Schedule</i>. (6) Standard departure and arrival routes and associated procedures shall be identified in accordance with the principles specified in the <i>Third Schedule</i>.	when determining the lateral spacing between routes in subregulation (2). (4) ATS routes shall be identified by designators. (5) Designators for ATS routes other than standard departure and arrival routes shall be selected in accordance with the principles specified in the Second Schedule. (6) Standard departure and arrival routes and associated procedures shall be identified in accordance with the principles specified in the Third Schedule.	
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	20.(1) 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 accurate navigation along the route segments. (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 changeover points on shorter route segments. (3) Unless otherwise established in relation to the performance of the navigation aids or frequency protection criteria, the change-over point on a route	20. (1) 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 accurate navigation along the route segments. (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 the navigation aids or frequency protection criteria, the change-over point on a route	20. (1) 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 accurate navigation along the route segments. (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) 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 changes direction between the facilities unless otherwise established in relation to the performance of the navigation aids or frequency protection criteria.	Revised for clarity.
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		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 changes direction between the facilities.	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 changes direction between the facilities.	(4) Where performance based navigation (PBN) is employed subject to sub-regulation (1), change-over points shall be described as follows: (a) in terms of flight levels or, (b) significant points described as waypoints along control area boundaries.	
		21. (1) Significant points shall be established for the purpose of defining an ATS route or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight. (2) Significant points shall be identified by designators. (3) Significant points shall be established and identified in accordance with the principles specified in the Fourth Schedule.	21. (1) Significant points shall be established for the purpose of defining an ATS route or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight. (2) Significant points shall be identified by designators. (3) Significant points shall be established and identified in accordance with the principles specified in the <i>Fourth Schedule</i> .	21. (1) Significant points shall be established for the purpose of defining an ATS route or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight. (2) Significant points shall be identified by designators. (3) Significant points shall be established and identified in accordance with the principles specified in the Fourth Schedule.	Amended for clarity
		23. (1) Air traffic services authorities	23. (1) Air traffic services authorities	23. (1) Air traffic services authorities shall	Revised to incorporate annex 11 amendments.

		shall establish and maintain close cooperation with military authorities responsible for activities that may affect flights of civil aircraft. (2) Coordination of activities that are potentially hazardous to civil aircraft shall be effected in accordance with regulation 24. (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	shall establish and maintain close cooperation with military authorities responsible for activities that may affect flights of civil aircraft. (2) Coordination of activities potentially hazardous to civil aircraft shall be effected in accordance with regulation 24. (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	establish and maintain close cooperation with military authorities responsible for activities that may affect flights of civil aircraft. (2) Subject to sub-regulation (1) coordination of activities potentially hazardous to civil aircraft shall be effected in accordance with regulation 24. (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) Air traffic services authorities shall designate any areas or routes where the requirements of Civil Aviation (Rules of the air) regulations concerning flight plans, two-way communications and	
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		flight plan and other data concerning flights of civil aircraft. (5) Air traffic services authorities shall designate any areas or routes where the requirements of Civil Aviation (Rules of the Air) regulations, 2018 concerning flight plans, two-way communications and position reporting apply to all flights to facilitate identification of civil aircraft. (6) Special procedures shall be established in order to ensure that— (a) air traffic services units are notified if a military unit observes that an aircraft which is or might be a civil aircraft is approaching or has entered any area in which interception might become necessary;	flight plan and other data concerning flights of civil aircraft. (5) Air traffic services authorities shall designate any areas or routes where the requirements of Civil Aviation (Rules of the Air) regulations concerning flight plans, two-way communications and position reporting apply to all flights to facilitate identification of civil aircraft. (6) Special procedures shall be established in order to ensure that— (a) air traffic services units are notified if a military unit observes that an aircraft which is, or might be, a civil aircraft is approaching, or has entered, any area in which interception might become necessary;	position reporting apply to all flights to facilitate identification of civil aircraft. (6) Special procedures shall be established in order to ensure that— (a) air traffic services units are notified if a military unit observes that an aircraft which is, or might be, a civil aircraft is approaching, or has entered, any area in which interception might become necessary; (b) all possible efforts are made to confirm the identity of the aircraft and to provide it with the navigational guidance necessary to avoid the need for interception.	
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		(b) all possible efforts are made to confirm the identity of the aircraft and to provide it with the navigational guidance necessary to avoid the need for interception.	(b) all possible efforts are made to confirm the identity of the aircraft and to provide it with the navigational guidance necessary to avoid the need for interception.		
		24. (1) The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of Kenya or over the high seas, shall be coordinated with the appropriate air traffic services authorities. (2) The coordination shall be effected to permit timely promulgation of information regarding the activities in accordance with the Civil Aviation (Aeronautical Information Services) Regulations 2018.	24. (1) The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of Kenya or over the high seas, shall be coordinated with the appropriate air traffic services authorities. (2) The coordination shall be effected to permit timely promulgation of information regarding the activities in accordance with the Civil Aviation (Aeronautical Information Services) Regulations. (3) If the appropriate ATS authority is not	24. (1) The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of Kenya or over the high seas, shall be coordinated with the appropriate air traffic services authorities. (2) The coordination shall be effected to permit timely promulgation of information regarding the activities in accordance with the Civil Aviation (Aeronautical Information Services) Regulations. (3) Initial coordination shall be effected through the appropriate ATS authority responsible for the airspace over the State where the organization is located if the appropriate ATS authority is not that of the State where the organization planning the activities is located.	Amended for clarity and achieve currency

		(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. (4) The objective of the coordination shall be to achieve the best arrangements which may avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft. (5) In determining the arrangements in sub-regulation (4), the appropriate Air Traffic Services Authorities shall apply the following conditions— (a) the locations or areas, times and durations for the	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. (4) The objective of the coordination shall be to achieve the best arrangements which may avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft. (5) In determining the arrangements in sub-regulation (4), the appropriate Air Traffic Services Authorities shall apply the following conditions— (a) the locations or areas, times and durations for the activities shall be selected as far as	(4) The objective of the coordination shall be to achieve the best arrangements which may avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft (5) In determining the arrangements in sub-regulation (4), the appropriate ATS authorities shall apply the following conditions— (a) the locations or areas, times and durations for the activities shall be selected as far as possible in order to avoid closure or realignment of established ATS routes, blocking of the most economic flight levels, or delays of scheduled aircraft operations, unless no other options exist; (b) the size of the airspace designated for the conduct of the activities shall be kept as small as possible; (c) direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities shall be provided for use in the event that civil aircraft emergencies or	
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		activities shall be selected as far as possible in order to avoid closure or realignment of established ATS routes, blocking of the most economic flight levels, or delays of scheduled aircraft operations, unless no other options exist; (b) the size of the airspace designated for the conduct of the activities shall be kept as small as possible; (c) direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities shall be provided for use in the event that civil aircraft emergencies or other unforeseen circumstances	possible in order to avoid closure or realignment of established ATS routes, blocking of the most economic flight levels, or delays of scheduled aircraft operations, unless no other options exist; (b) the size of the airspace designated for the conduct of the activities shall be kept as small as possible; (c) direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities shall be provided for use in the event that civil aircraft emergencies or other unforeseen circumstances require discontinuation of the activities.	other unforeseen circumstances require discontinuation of the activities (6) The appropriate ATS authority shall ensure that a safety risk assessment is conducted, as soon as practicable, for activities potentially hazardous to civil aircraft and that appropriate risk mitigation measures are implemented. (7) The appropriate ATS authority shall ensure that the organization or unit conducting or identifying activities potentially hazardous to civil aircraft contributes to the safety risk assessment by providing reports in order to facilitate consideration of all relevant safety-significant factors. (8) The appropriate ATS authority shall be responsible for initiating the promulgation of information regarding the activities. (9) Special committees shall be established as required to ensure that the requirements of all parties concerned are adequately	
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		require discontinuation of the activities. (6) The appropriate ATS authorities shall be responsible for initiating the promulgation of information regarding the activities. (7) If activities potentially hazardous to civil aircraft take place on a regular or continuing basis, special committees shall be established as required to ensure that the requirements of all parties concerned are adequately coordinated. (8) Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations subject to the provisions of the Civil Aviation (Aerodrome	(6) The ATS provider shall ensure that a safety risk assessment is conducted, as soon as practicable, for activities potentially hazardous to civil aircraft and that appropriate risk mitigation measures are implemented. (7) The ATS provider shall ensure that the organization or unit conducting or identifying activities potentially hazardous to civil aircraft contributes to the safety risk assessment by providing reports in order to facilitate consideration of all relevant safety significant factors. (8) The ATS provider shall be responsible for initiating the promulgation of information regarding the activities.	coordinated if activities potentially hazardous to civil aircraft take place on a regular or continuing basis. (10) Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations subject to the provisions of the Civil Aviation (Aerodrome design and Operation) regulations as amended. (11) 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. (12) The procedures in sub-regulation (9) shall permit all airspace users to have safe access to such reserved airspace.	
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		design and Operation) regulations. (9) The Air Navigation Service Provider together with the military authorities, through the civil military coordination arrangements, shall establish procedures providing for the 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. (10) The procedures in sub-regulation (9) shall permit all airspace users to have safe access to such reserved airspace	(9) If activities potentially hazardous to civil aircraft take place on a regular or continuing basis, special committees shall be established as required to ensure that the requirements of all parties concerned are adequately coordinated. (10) Adequate steps shall be taken to prevent emission of laser beams from adversely affecting flight operations subject to the provisions of the Civil Aviation (Aerodrome design and Operation) regulations as amended. (11) The Air Navigation Service Provider together with the military authorities, through the civil/military coordination arrangements, shall		
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			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 (12) The procedures in sub-regulation (9) shall permit all airspace users to have safe access to such reserved airspace.		
		27. (2) Arrangements shall be made between aeronautical information services and air traffic services responsible for air traffic services to report to the responsible aeronautical information services unit, with minimum delay— (a) information on aerodrome conditions;	27. (2) Arrangements shall be made between Aeronautical information services and air traffic services responsible for air traffic services to report to the responsible aeronautical information services unit, with a minimum of delay— (a) information on aerodrome conditions;	27. (2) Arrangements shall be made between Aeronautical information services and authorities responsible for air traffic services to report to the responsible aeronautical information services unit, with a minimum of delay— (a) information on aerodrome conditions; (b) the operational status of associated facilities, services and navigation aids within their area of responsibility; (c) the occurrence of volcanic activity observed by air	Revised for clarity

		(b) the operational status of associated facilities, services and navigation aids within their area of responsibility; (c) the occurrence of volcanic activity observed by air traffic services personnel or reported by aircraft; and (d) any other information considered to be of operational significance.	(b) the operational status of associated facilities, services and navigation aids within their area of responsibility; (c) the occurrence of volcanic activity observed by air traffic services personnel or reported by aircraft; and (d) any other information considered to be of operational significance.	traffic services personnel or reported by aircraft; and (d) any other information considered to be of operational significance.	
		30. (7) The appropriate State agency shall immediately be informed, in accordance with locally agreed procedures when the ATS unit considers that a strayed or unidentified aircraft may be the subject of unlawful interference.	30. (7) The appropriate State security agency shall immediately be informed, in accordance with locally agreed procedures when the ATS unit considers that a strayed or unidentified aircraft may be the subject of unlawful interference.	30. (7) The appropriate State security agency shall immediately be informed, in accordance with locally agreed procedures when the ATS unit considers that a strayed or unidentified aircraft may be the subject of unlawful interference.	Amended for clarity
		34. (1) An air traffic services provider shall establish a safety management system in accordance with the	34. (1) An air traffic services provider shall establish a safety management system in accordance with the	34. (1) An air traffic services provider shall establish a safety management system in accordance with the Civil Aviation (Safety Management)	Amended for clarity.

		Civil Aviation (Safety Management) Regulations. (2) Any significant safety-related change to the ATS system, including the implementation of a reduced separation minimum or a new procedure, shall only be effected after a safety assessment has demonstrated that an acceptable level of safety will be met and users have been consulted. (3) The ATS provider, when appropriate, shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety continues to be met.	Civil Aviation (Safety Management) regulations and <i>the Eighth Schedule</i> to these regulations (2) The ATS provider shall document all activities undertaken in an ATS Safety Management System. (3) The ATS provider shall retain all documentation for such period of time as is specified by the appropriate authority. (4) Any significant safety-related change to the ATS system shall only be effected after a safety assessment has demonstrated that an acceptable level of safety will be met and users have been consulted. (5) The ATS provider shall systematically review Safety-related reports concerning:	regulations and the Eighth Schedule to these regulations. (2) The appropriate ATS authority shall document all activities undertaken in an ATS Safety Management System. (3) The appropriate ATS authority shall retain all documentation for such period of time as is specified by the Authority. (4) Any significant safety-related change to the ATS system shall only be effected after a safety assessment has demonstrated that an acceptable level of safety will be met and users have been consulted. (5) The appropriate ATS authority shall systematically review Safety-related reports concerning: (a) the operation of air traffic services, including air traffic incident reports, in order to detect any adverse trend in the number and types of incidents which occur. (b) the serviceability of ATS facilities and systems, such	
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			(a) the operation of air traffic services, including air traffic incident reports, in order to detect any adverse trend in the number and types of incidents which occur. (b) the serviceability of ATS facilities and systems, such as failures and degradations of communications, surveillance and other safety significant systems and equipment in order to detect any trend in the operation of such systems which may have an adverse effect on safety. (6) Safety reviews of ATS units shall be conducted on a regular and systematic basis by personnel qualified through training, experience and expertise and having a full understanding of	as failures and degradations of communications, surveillance and other safety significant systems and equipment in order to detect any trend in the operation of such systems which may have an adverse effect on safety. (6) Safety reviews of ATS units shall be conducted on a regular and systematic basis by personnel qualified through training, experience and expertise and having a full understanding of relevant Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS), safe operating practices and Human Factors principles. (7) The appropriate ATS authority, when appropriate, shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety continues to be met. (8) A safety assessment shall be carried out in respect of proposals for significant	
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			relevant Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS), safe operating practices and Human Factors principles. (7) The ATS provider, when appropriate, shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety continues to be met. (8) A safety assessment shall be carried out in respect of proposals for significant airspace reorganizations, for significant changes in the provision of ATS procedures applicable to an airspace or an aerodrome, and for the introduction of new equipment, systems or facilities, such as: (a) a reduced separation	airspace reorganizations, for significant changes in the provision of ATS procedures applicable to an airspace or an aerodrome, and for the introduction of new equipment, systems or facilities, such as— (a) a reduced separation minimum to be applied within an airspace or at an aerodrome; (b) a new operating procedure, including departure and arrival procedures, to be applied within an airspace or at an aerodrome; (c) a reorganization of the ATS route structure; (d) a re-sectorization of an airspace; (e) physical changes to the layout of runways and/or taxiways at an aerodrome; and (f) implementation of new communications, surveillance or other safety-significant systems and equipment, including those providing new functionality and/or capabilities. (9) Proposals shall be implemented only when the assessment has shown that an	
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			minimum to be applied within an airspace or at an aerodrome; (b) a new operating procedure, including departure and arrival procedures, to be applied within an airspace or at an aerodrome; (c) a reorganization of the ATS route structure; (d) a re-sectorization of an airspace; (e) physical changes to the layout of runways and/or taxiways at an aerodrome; and (f) implementation of new communications, surveillance or other safety-significant systems and equipment, including those providing new functionality and/or capabilities.	acceptable level of safety will be met. (10) The safety assessment shall consider relevant all factors determined to be safety-significant, including— (a) types of aircraft and their performance characteristics, including aircraft navigation capabilities and navigation performance; (b) traffic density and distribution; (c) airspace complexity, ATS route structure and classification of the airspace; (d) aerodrome layout, including runway configurations, runway lengths and taxiway configurations; (e) type of air-ground communications and time parameters for communication dialogues, including controller intervention capability; (f) type and capabilities of surveillance system, and the availability of systems providing controller support and alert functions.	
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			(9) Proposals shall be implemented only when the assessment has shown that an acceptable level of safety will be met. (10) The safety assessment shall consider relevant all factors determined to be safety significant, including: (a) types of aircraft and their performance characteristics, including aircraft navigation capabilities and navigation performance; (b) traffic density and distribution; (c) airspace complexity, ATS route structure and classification of the airspace; (d) aerodrome layout, including runway configurations, runway lengths and taxiway configurations;	(g) Where ADS-B implementation envisages reliance upon a common source for surveillance and/or navigation, the safety assessment shall take account of adequate contingency measures to mitigate the risk of either degradation or loss of this common source (i.e. common mode failure); and (h) any significant local or regional weather phenomena. (11) The appropriate ATS authority shall assess and classify for its risk acceptability any actual or potential hazard related to the provision of ATS within an airspace or at an aerodrome, whether identified through an ATS safety management activity or by any other means. (12) The appropriate ATS authority concerned shall, as a matter of priority and as far as practicable, implement appropriate measures to eliminate the risk or reduce the risk to a level that is acceptable	
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			(e) type of air-ground communications and time parameters for communication dialogues, including controller intervention capability; (f) type and capabilities of surveillance system, and the availability of systems providing controller support and alert functions. (g) Where ADS-B implementation envisages reliance upon a common source for surveillance and/or navigation, the safety assessment shall take account of adequate contingency measures to mitigate the risk of either degradation or loss of this common source (i.e. common mode failure); and	except when the risk can be classified as acceptable. (13) The appropriate ATS authority shall, as a matter of priority and as far as practicable, implement appropriate remedial measures if it becomes apparent that the level of safety applicable to an airspace or an aerodrome is not, or may not be achieved. (14) Implementation of any remedial measure shall be followed by an evaluation of the effectiveness of the measure in eliminating or mitigating a risk.	
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			(h) any significant local or regional weather phenomena. (11) The ATS provider shall assess and classify for its risk acceptability any actual or potential hazard related to the provision of ATS within an airspace or at an aerodrome, whether identified through an ATS safety management activity or by any other means. (12) The ATS provider concerned shall, as a matter of priority and as far as practicable, implement appropriate measures to eliminate the risk or reduce the risk to a level that is acceptable except when the risk can be classified as acceptable. (13) The ATS provider shall, as a matter of priority and as far as		
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			practicable, implement appropriate remedial measures if it becomes apparent that the level of safety applicable to an airspace or an aerodrome is not, or may not be achieved. (14) Implementation of any remedial measure shall be followed by an evaluation of the effectiveness of the measure in eliminating or mitigating a risk.		
		35. (1) The Authority shall establish procedures for the purpose of managing fatigue in the provision of air traffic control services. (2) The procedures referred to in sub-regulation (1) above, shall be based upon scientific principles, knowledge and operational experience, with the aim of ensuring that air traffic controllers perform at	35. (1) An air traffic services provider shall establish procedures for the purpose of managing fatigue in the provision of air traffic services in accordance with the <i>Sixth Schedule</i> of these regulations. (2) The air traffic service provider shall subject to sub-regulation (1) base the procedures upon scientific principles, knowledge and operational experience,	35. (1) The appropriate ATS authority shall establish and implement procedures for the purpose of managing fatigue in the provision of air traffic services in accordance with the Sixth and Seventh Schedules of these regulations. (2) Subject to sub-regulation (1) the appropriate ATS authority shall base the fatigue management procedures upon scientific principles, knowledge and operational experience, with the aim of ensuring that air traffic controllers perform at an adequate level of alertness.	Revised and enhanced to include FRMS requirements

		an adequate level of alertness. (2) The Authority shall prescribe— (a) scheduling limits in accordance with the Seventh Schedule; and (b) conditions for managing fatigue in accordance with the Eighth Schedule when authorizing air traffic services providers to use a fatigue risk management system (FRMS). (3) The Authority shall require air traffic services provider, for the purposes of managing its fatigue-related safety risks, establish one of the following— (a) air traffic controller schedules commensurate with the service(s) provided and in compliance with	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— (a) establish air traffic controller schedules commensurate with the service(s) provided. (b) Comply with the scheduling limits prescribed by the Authority. (4) An air traffic service provider shall— (a) provide evidence that the limitations are not exceeded and that nonduty period requirements are met; (b) ensure that its personnel are familiarized with the principles of fatigue management and its policies with	(3) For the purposes of managing fatigue-related safety risks, the appropriate ATS authority, shall— (a) establish air traffic controller schedules commensurate with the service(s) provided and comply with the scheduling limits prescribed by the Authority; or (b) a Fatigue Risk Management System (FRMS), in compliance with requirements established by the Authority, for the provision of all air traffic control services; or (c) an FRMS, in compliance with requirements established by the Authority for a defined part of its air traffic control services in conjunction with schedules in compliance with the prescriptive limitation requirements established by the Authority for the remainder of its air traffic control services.	
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		the Scheduling Limits in sub-regulation (3)(a) above; (b) an FRMS, in compliance with conditions established by the Authority in accordance with sub-regulation (3)(b) above, for the provision of all air traffic control services; or (c) an FRMS, in compliance with conditions established by the Authority in accordance with sub-regulation (3) (b) above, for a defined part of its air traffic control services in conjunction with schedules in compliance with the Scheduling Limits established in accordance with subregulation (3) (a) for the remainder of its air	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 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 circumstances. (6) Deviation to the scheduling limitations established by the Authority shall be approved at the	(4) Where an ATS provider complies with prescriptive limitation requirements in the provision of part or all of its air traffic control services in accordance with sub-regulation (3) (a) and (c), the appropriate ATS authority shall— (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) Subject to sub-regulation (4) (c) the Authority may approve variations to these limits in order to address strategic operational needs in exceptional circumstances where the	
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		traffic control services. (5) Where the air traffic services provider complies with Scheduling Limits in the provision of part or all of its air traffic control services in sub-regulation (3)(a) the Authority shall— (a) require evidence that the limitations are not exceeded and that non-duty period requirements are met; (b) require air traffic services provider to familiarize its personnel 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	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; (c) the date and time of enactment of the deviation; and (d) a safety case, outlining mitigations, to support the deviation. (8) An air traffic controller 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) Subject to sub-regulation (8) a person holding an air traffic	appropriate ATS authority demonstrates that any associated risk is managed to a level of safety equivalent to, or better than, that achieved through the applicable scheduling limits. (6) Deviation from the scheduling limits prescribed by the Authority shall be approved at the discretion of Authority. (7) Subject to sub-regulation (6) the appropriate ATS authority shall be required to provide the following for approval of deviations from scheduling limits— (a) the reason for the need to deviate; (b) the extent of the deviation; (c) the date and time of enactment of the deviation; and (d) a safety case, outlining mitigations, to support the deviation. (8) Subject to sub-regulation (3) (a) and (c) an air traffic services provider shall implement an FRMS to manage fatigue-related safety risks in the provision of part or all of its air	
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		associated with sudden, unforeseen operational circumstances; and (d) Where an air traffic services provider demonstrates that any 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 (Part VIII of these Regulations) in order to address strategic operational needs in exceptional circumstances, (6) Where an air traffic services provider implements an FRMS to manage fatigue-related safety risks in the provision of part or all of its air traffic control services in accordance with Sub-	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 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.	traffic control services after meeting all requirements established by the Authority. ((9) Subject to sub-regulation (8) the air traffic services provider shall have processes to integrate FRMS functions with its other safety management functions. (10) Subject to sub-regulation (8) a fatigue risk management system must be approved by the Authority before implementation. (11) An air traffic controller 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. (12) Subject to sub-regulation (11) 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	
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		Regulation (3) (b), the Authority shall— (a) require the air traffic services provider to have processes to integrate FRMS functions with its other safety management functions; and (b) approve an FRMS, according to a documented process, that provides a level of safety acceptable to the Authority.		circumstances of the 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.	
		56. (1) The movement of persons or vehicles including towed aircraft on the maneuvering area of an aerodrome shall be controlled by the aerodrome control tower to avoid hazard to them or to aircraft landing, taxiing or taking off. (2) In conditions where low visibility procedures are in operation—	56. (1) The movement of persons or vehicles including towed aircraft on the maneuvering area of an aerodrome shall be controlled by the aerodrome control tower to avoid hazard to them or to aircraft landing, taxiing or taking off. (2) In conditions where low visibility procedures are in operation—	56. (1) The movement of persons or vehicles including towed aircraft on the maneuvering area of an aerodrome shall be controlled by the aerodrome control tower to avoid hazard to them or to aircraft landing, taxiing or taking off. (2) In conditions where low visibility procedures are in operation— (a) persons and vehicles operating on the manoeuvring area of an	Amended to incorporate omitted requirements and to enhance the regulation.

		(a) persons and vehicles operating on the maneuvering area of an aerodrome shall be restricted to the essential minimum, and particular regard shall be given to the requirements to protect the Instrument Landing System or Micro Landing System sensitive areas when Category II or Category III precision instrument operations are in progress; (b) subject to sub-regulation (3), the minimum separation between vehicles and taxiing aircraft shall be as prescribed by the appropriate Air Traffic Service Authority taking into account the aids available;	(a) persons and vehicles operating on the manoeuvring area of an aerodrome shall be restricted to the essential minimum, and particular regard shall be given to the requirements to protect the Instrument Landing System or Micro Landing System sensitive area(s) when Category II or Category III precision instrument operations are in progress; (b) subject to the provisions in sub-regulation (3), the minimum separation between vehicles and taxiing aircraft shall be as prescribed by the appropriate Air Traffic Service Authority taking into account the aids available;	aerodrome shall be restricted to the essential minimum, and particular regard shall be given to the requirements to protect the Instrument Landing System or Micro Landing System sensitive area(s) when Category II or Category III precision instrument operations are in progress; (b) subject to the provisions in sub-regulation (3), the minimum separation between vehicles and taxiing aircraft shall be as prescribed by the appropriate Air Traffic Service authority taking into account the aids available; (c) when mixed Instrument Landing System or Micro Landing System Category II or Category III precision instrument operations are taking place to the same runway continuously, the more restrictive Instrument Landing System or Micro Landing System critical and sensitive areas shall be protected.	
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		(c) when mixed Instrument Landing System or Micro Landing System Category II or Category III precision instrument operations are taking place to the same runway continuously, the more restrictive Instrument Landing System or Micro Landing System critical and sensitive areas shall be protected. (3) Emergency vehicles proceeding to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic. (4) Subject to sub-regulation (3), vehicles on the maneuvering area shall be required to comply with the following rules— (a) vehicles and vehicles towing	(c) when mixed Instrument Landing System or Micro Landing System Category II or Category III precision instrument operations are taking place to the same runway continuously, the more restrictive Instrument Landing System or Micro Landing System critical and sensitive areas shall be protected. (3) Emergency vehicles proceeding to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic. (4) Subject to sub-regulation (3), vehicles on the manoeuvring area shall be required to comply with the following rules— (a) vehicles and vehicles towing aircraft shall give	(3) Emergency vehicles proceeding to the assistance of an aircraft in distress shall be afforded priority over all other surface movement traffic. (4) Subject to sub-regulation (3), vehicles on the maneuvering area shall be required to comply with the following rules— (a) vehicles and vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing; (b) vehicles shall give way to other vehicles towing aircraft; (c) vehicles shall give way to other vehicles in accordance with air traffic services unit instructions; (d) notwithstanding sub-regulations (4) (a), (b) and (c), vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome control tower. (5) The appropriate ATS authority shall participate in the establishment of runway safety programmes to enhance runway safety using a collaborative	
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		aircraft shall give way to aircraft which are landing, taking off or taxiing; (b) vehicles shall give way to other vehicles towing aircraft; (c) vehicles shall give way to other vehicles in accordance with Air Traffic Services unit instructions; (d) notwithstanding sub-regulations (4) (a), (b) and (c), vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome control tower. (5) The Air Traffic Services provider shall establish runway safety programmes to enhance runway safety using collaborative approach that involves; regulators, aircraft operators, aerodrome	way to aircraft which are landing, taking off or taxiing; (b) vehicles shall give way to other vehicles towing aircraft; (c) vehicles shall give way to other vehicles in accordance with Air Traffic Services unit instructions; (d) notwithstanding sub-regulations (4) (a), (b) and (c), vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome control tower (5) The Air Traffic Services provider shall establish runway safety programmes to enhance runway safety using collaborative approach that involves; regulators, aircraft operators, aerodrome operators and air	approach that involves; regulators, aircraft operators, aerodrome operators, air navigation service providers and other aerodrome stakeholders. (6) Subject to sub-regulation (5), where the runway safety programme has been established, the appropriate ATS authority shall collaboratively ensure that the programme is implemented and records kept.	
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		operators and air navigation service providers.	navigation service providers. (6) Subject to sub-regulation (5), where the runway safety programme has been established, the Air Traffic Service Provider shall ensure that the programme is implemented and records kept.		
		66. (5) Contents of automatic terminal information service shall be kept as brief as possible and information additional to that specified in Regulations 67, 68 and 69 shall only be included when justified in exceptional circumstances.	66. (5) Contents of automatic terminal information service shall be kept as brief as possible and information additional to that specified in regulations 67, 68 and 69 shall only be included when justified in exceptional circumstances.	66. (5) Contents of automatic terminal information service shall be kept as brief as possible. (6) Information additional to that specified in regulations 67, 68 and 69 shall only be included when justified in exceptional circumstances.	Requirements split into two sub-regulations for clarity
		SIXTH SCHEDULE RESPONSIBILITIES BY THE AUTHORITY CONCERNING AN INSTRUMENT FLIGHT PROCEDURE DESIGN SERVICE	FIFTH SCHEDULE RESPONSIBILITIES CONCERNING AN INSTRUMENT FLIGHT PROCEDURE DESIGN SERVICE <i>(Regulation 42)</i>	FIFTH SCHEDULE RESPONSIBILITIES CONCERNING AN INSTRUMENT FLIGHT PROCEDURE DESIGN SERVICE 1. The Authority shall—	Enhanced for inclusivity

		(Regulation 42) <i>Note. — Guidance on maintenance and periodic review is contained in the Quality Assurance</i> 1. The Air Traffic Service provider shall— (a) provide an instrument flight procedure design service; (b) agree with one or more Air Traffic Service providers to provide a joint service; or (c) delegate the provision of the service to external agencies. 2. In all cases in paragraph 1 above, the Authority concerned shall approve and remain responsible for all instrument flight procedures for aerodromes and	1. The Authority shall: - (a) designate an agency to provide an Instrument flight procedure design service in Kenya. (b) remain responsible for all instrument flight procedures for aerodromes and airspace under its authority control. 2. Instrument flight procedures shall be designed in accordance with design criteria approved by the Authority. 3. The designated instrument flight procedure design service provider intending to design instrument flight procedures for aerodromes or airspace under the	(a) designate an agency to provide an Instrument flight procedure design service in Kenya; or (b) agree with one or more Contracting State(s) to provide a joint service; 2. Approve and remain responsible for all instrument flight procedures for aerodromes and airspace under the Authority's control. 3. Instrument flight procedures shall be designed collaboratively involving all stakeholders and in accordance with design criteria established by the Authority. 4. Instrument flight procedures shall be designed collaboratively involving all interested stakeholders and in accordance with design criteria established by the Authority. 5. Without prejudice to 3. above, flight procedure design shall as a minimum involve air traffic controllers, pilots, aeronautical information	
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		airspace under its authority. 3. Instrument flight procedures shall be designed in accordance with design criteria approved by the Authority. 4. The Authority shall ensure that an instrument flight procedure design service provider intending to design an instrument flight procedure for aerodromes or airspace under its authority meets the requirements established by Authority's regulatory framework. <i>Note.—Guidance material for regulatory framework for the oversight of instrument flight procedure design service is contained in the ICAO Manual on the Development of</i>	control of the Authority shall meet the requirements contained in the Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations. 4. The designated instrument flight procedure design service provider shall utilize a quality management system at each stage of the instrument flight procedure design process. 5. The designated instrument flight procedure design service provider shall maintain and periodically review instrument flight procedures for aerodromes and airspace under the control of the Authority.	management, aircraft engineers, CNS engineers, air operators, aerodrome operators and the military. More stakeholders may be involved as need arises from time to time. 6. The designated instrument flight procedure design service provider shall utilize a quality management system at each stage of the instrument flight procedure design process. 7. The designated instrument flight procedure design service provider shall maintain and periodically review instrument flight procedures for aerodromes and airspace under the control of the Authority. 8. The designated service provider shall undertake periodic review of instrument flight procedures at intervals not exceeding five years.	
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		<i>a Regulatory Framework for Instrument Flight Procedure Design Service</i> 5. The Authority shall ensure that an instrument flight procedure design service provider utilizes a quality management system at each stage of the instrument flight procedure design process. <i>Note. — This requirement can be met by means of a quality assurance methodology, such as that described in PANS-OPS (Doc 8168), Volume II, Part I, Section 2, Chapter 4 — Quality Assurance. Guidance for implementing such a methodology is contained in The Quality Assurance Manual for Flight</i>	6. The designated service provider shall undertake periodic review of instrument flight procedures at intervals not exceeding five years.		
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		Procedure Design (ICAO Doc 9906). 6. The Authority shall ensure that maintenance and periodic review of instrument flight procedures for aerodromes and airspace under its authority are conducted. 7. The Authority shall establish an interval for periodic review of instrument flight procedures not exceeding five years. <i>Note. — Guidance on maintenance and periodic review is contained in the Quality Assurance</i>			
		EIGHTH SCHEDULE FATIGUE RISK MANAGEMENT SYSTEM (FRMS) REQUIREMENTS	NIL	SEVENTH SCHEDULE FATIGUE RISK MANAGEMENT SYSTEM (FRMS) REQUIREMENTS	Inserted to incorporate FRMS requirements

	(Regulation 35(2)(a)) <i>Note. — Guidance on the development and implementation of FRMS regulations is contained in the Manual for the Oversight of Fatigue Management Approaches (ICAO Doc 9966).</i> The Authority shall require that an FRMS contain, at a minimum— 1. FRMS policy and documentation 1.1 FRMS policy 1.1.1 The air traffic services provider shall define its FRMS policy, with all elements of the FRMS clearly identified. 1.1.2 The policy shall—		An air traffic service provider desiring to implement a Fatigue Risk Management System (FRMS) shall develop and have the following elements of an FRMS approved by the Authority as a minimum: 1. FRMS policy and documentation 1.1 FRMS policy 1.1.1 The air traffic services provider shall define its FRMS policy, with all elements of the FRMS clearly identified. 1.1.2 The policy shall: (a) define the scope of FRMS operations; (b) reflect the shared responsibility of management, air traffic controllers, and other involved personnel; (c) clearly state the safety objectives of the FRMS; (d) be signed by the accountable executive of the organization; (e) be communicated, with visible endorsement, to all the relevant areas and	
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		(a) define the scope of FRMS operations; (b) reflect the shared responsibility of management, air traffic controllers, and other involved personnel; (c) clearly state the safety objectives of the FRMS; (d) be signed by the accountable executive of the organization; (e) be communicated, with visible endorsement, to all the relevant areas and levels of the organization; (f) declare management commitment to effective safety reporting; (g) declare management commitment to the provision of adequate		- levels of the organization; (f) declare management commitment to effective safety reporting; (g) declare management commitment to the provision of adequate resources for the FRMS; (h) declare management commitment to continuous improvement of the FRMS; (i) require that clear lines of accountability for management, air traffic controllers, and all other involved personnel are identified; and (j) require periodic reviews to ensure it remains relevant and appropriate. 1.2 FRMS documentation An air traffic services provider shall develop and keep current FRMS documentation that describes and records: (a) FRMS policy and objectives; (b) FRMS processes and procedures;	
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		resources for the FRMS; (h) declare management commitment to continuous improvement of the FRMS; (i) require that clear lines of accountability for management, air traffic controllers, and all other involved personnel are identified; and (j) require periodic reviews to ensure it remains relevant and appropriate. <i>Note. — Effective safety reporting is described in the Safety Management Manual (SMM) (Doc 9859).</i> 1.2 FRMS documentation 1.3 An air traffic services provider shall develop and keep current		(c) accountabilities, responsibilities and authorities for these processes and procedures; (d) mechanisms for ongoing involvement of management, air traffic controllers, and all other involved personnel; (e) FRMS training programmes, training requirements and attendance records; (f) scheduled and actual duty and non-duty periods and break periods between periods of time-in-position in a duty period with significant deviations and reasons for deviations noted; and (g) FRMS outputs including findings from collected data, recommendations, and actions taken. 2. Fatigue risk management processes 2.1 Identification of fatigue-related hazards	
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		FRMS documentation that describes and records— (a) FRMS policy and objectives; (b) FRMS processes and procedures; (c) accountabilities, responsibilities and authorities for these processes and procedures; (d) mechanisms for ongoing involvement of management, air traffic controllers, and all other involved personnel; (e) FRMS training programmes, training requirements and attendance records; (f) scheduled and actual duty and non-duty periods and break periods between times in position in a duty period with significant deviations and		An air traffic services provider shall develop and maintain three fundamental and documented processes for fatigue hazard identification: 2.1.1 <i>Predictive</i>. The predictive process shall identify fatigue hazards by examining air traffic controller scheduling and taking into account factors known to affect sleep and fatigue and their effects on performance. Methods of examination may include, but are not limited to: (a) air traffic services or industry operational experience and data collected on similar types of operations or from other industries with shift work or 24-hour operations; (b) evidence-based scheduling practices; and (c) bio-mathematical models. 2.1.2 <i>Proactive</i>. The proactive process shall identify fatigue hazards within	
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		reasons for deviations noted; and <i>Note.— Significant deviations are described in the Manual for the Oversight of Fatigue Management Approaches (Doc 9966).</i> (g) FRMS outputs including findings from collected data, recommendations, and actions taken. 2. Fatigue risk management processes 2.1 Identification of fatigue-related hazards <i>Note.— Provisions on the protection of safety information are contained in the Civil Aviation (Safety Management) Regulations as amended.</i>		current air traffic services operations. Methods of examination may include, but are not limited to: (a) self-reporting of fatigue risks; (b) fatigue surveys; (c) relevant air traffic controller performance data; (d) available safety databases and scientific studies; (e) tracking and analysis of differences in planned and actual worked times; and (f) observations during normal operations or special evaluations. 2.1.3 <i>Reactive.</i> The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process may be triggered by any of the following:	
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	An air traffic services provider shall develop and maintain three fundamental and documented processes for fatigue hazard identification: 2.1.1 <i>Predictive</i>. The predictive process shall identify fatigue hazards by examining air traffic controller scheduling and taking into account factors known to affect sleep and fatigue and their effects on performance. Methods of examination may include but are not limited to— (a) air traffic services or industry operational experience and data collected on similar types of operations or from other industries with shift work or 24-hour operations; (b) evidence-based scheduling practices; and		(a) fatigue reports; (b) confidential reports; (c) audit reports; and (d) incidents. 2.2 Fatigue-related risk assessment 2.2.1 An air traffic services provider shall develop and implement risk assessment procedures that determine when the associated risks require mitigation. 2.2.2 The risk assessment procedures shall review identified fatigue hazards and link them to: (a) operational processes; (b) their probability; (c) possible consequences; and (d) the effectiveness of existing preventive controls and recovery measures. 2.3 Risk mitigation An air traffic services provider shall develop and implement fatigue risk mitigation procedures that:	
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		(c) bio-mathematical models. (d) <i>Proactive</i>. The proactive process shall identify fatigue hazards within current air traffic services operations. Methods of examination may include but are not limited to: (i) self-reporting of fatigue risks; (ii) fatigue surveys; (iii) relevant air traffic controller performance data; (iv) available safety databases and scientific studies; (v) tracking and analysis of differences in planned and actual worked times; and		(a) select the appropriate mitigation strategies; (b) implement the mitigation strategies; and (c) monitor the strategies' implementation and effectiveness. 3. FRMS safety assurance processes The air traffic services provider shall develop and maintain FRMS safety assurance processes to: (a) provide for continuous FRMS performance monitoring, analysis of trends, and measurement to validate the effectiveness of the fatigue safety risk controls. The sources of data may include, but are not limited to: 1) hazard reporting and investigations;	
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		(vi) observations during normal operations or special evaluations. (e) <i>Reactive</i>. The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process may be triggered by any of the following— (i) fatigue reports; (ii) confidential reports; (iii) audit reports; and (iv) incidents. 2.2. Fatigue-related risk assessment 2.2.1 An air traffic services provider shall develop and implement risk assessment procedures that		2) audits and surveys; and 3) reviews and fatigue studies (both internal and external); (b) provide a formal process for the management of change. This shall include, but is not limited to: 1) identification of changes in the operational environment that may affect the FRMS; 2) identification of changes within the organization that may affect the FRMS; and 3) consideration of available tools which could be used to maintain or improve FRMS performance prior to implementing changes; and (c) provide for the continuous	
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		determine when the associated risks require mitigation. 2.2.2 The risk assessment procedures shall review identified fatigue hazard and link them to— (a) operational processes; (b) their probability; (c) possible consequences; and (d) the effectiveness of existing preventive controls and recovery measures. 2.3 Risk mitigation An air traffic services provider shall develop and implement fatigue risk mitigation procedures that— (a) select the appropriate mitigation strategies;		improvement of the FRMS. This shall include, but is not limited to: 1) the elimination and/or modification of preventive controls and recovery measures that have had unintended consequences or that are no longer needed due to changes in the operational or organizational environment; 2) routine evaluations of facilities, equipment, documentation and procedures; and 3) the determination of the need to introduce new processes and procedures to mitigate emerging	
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		(b) implement the mitigation strategies; and (c) monitor the strategies' implementation and effectiveness. 2.3. FRMS safety assurance processes The air traffic services provider shall develop and maintain FRMS safety assurance processes to— (a) provide for continuous FRMS performance monitoring, analysis of trends, and measurement (b) to validate the effectiveness of the fatigue safety risk controls. The sources of data may include, but are not limited to— (i) hazard reporting and investigations; (ii) audits and surveys; and (iii) reviews and fatigue studies		fatigue-related risks. 4. FRMS promotion processes FRMS promotion processes support the ongoing development of the FRMS, the continuous improvement of its overall performance, and attainment of optimum safety levels. The following shall be established and implemented by the air traffic service provider as part of its FRMS: (a) training programmes to ensure competency commensurate with the roles and responsibilities of management, air traffic controllers, and all other involved personnel under the planned FRMS; and (b) an effective FRMS communication plan that: 1) explains FRMS policies, procedures and responsibilities	
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		(both internal and external); (c) provide a formal process for the management of change. This shall include but is not limited to— (i) identification of changes in the operational environment that may affect the FRMS; (ii) identification of changes within the organization that may affect the FRMS; and (iii) consideration of available tools which could be used to maintain or improve FRMS performance prior to implementing changes; and (d) provide for the continuous improvement of the FRMS. This shall include but is not limited to—		to all relevant stakeholders; and 2) describes communication channels used to gather and disseminate FRMS-related information.	
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		(i) the elimination and/or modification of preventive controls and recovery measures that have had unintended consequences or that are no longer needed due to changes in the operational or organizational environment; (ii) routine evaluations of facilities, equipment, documentation and procedures; and (iii) the determination of the need to introduce new processes and procedures to mitigate emerging			
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		fatigue-related risks. 2.4. FRMS promotion processes FRMS promotion processes support the ongoing development of the FRMS, the continuous improvement of its overall performance, and attainment of optimum safety levels. The following shall be established and implemented by the air traffic service provider as part of its FRMS— (a) training programmes to ensure competency commensurate with the roles and responsibilities of management, air traffic controllers, and all other involved personnel under the planned FRMS; and (b) an effective FRMS communication plan that—			
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		(i) explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and (ii) describes communication channels used to gather and disseminate FRMS-related information.			
		Dated the 12th June 2018. JAMES W. MACHARIA, <i>Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.</i>	Dated the, 2022. JAMES MACHARIA, <i>Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.</i>	Made on, 2024. KIPCHUMBA MURKOMEN <i>Cabinet Secretary for Roads and Transport</i>	Revised to reflect the correct CS's name and promulgation date