

SPECIAL ISSUE

1691

Kenya Gazette Supplement No. 73

25th March, 2026

(Legislative Supplement No. 42)

LEGAL NOTICE NO. 47

THE CIVIL AVIATION ACT

(Cap. 394)

THE CIVIL AVIATION (OPERATION OF AIRCRAFT- GENERAL
AVIATION- AEROPLANES) REGULATIONS, 2025

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THE CIVIL AVIATION ACT

(Cap. 394)

IN EXERCISE of the powers conferred by section 82 of the Civil Aviation Act, the Cabinet Secretary for Roads and Transport makes the following Regulations—

THE CIVIL AVIATION (OPERATION OF AIRCRAFT- GENERAL AVIATION- AEROPLANES) REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Operation Of Aircraft- General Aviation- Aeroplanes) Regulations, 2025. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Accelerate-Stop Distance Available (ASDA)” means the length of the take-off run available plus the length of stopway, if provided;

“acceptable” means the Authority has reviewed the method, procedure, or policy and has neither objected to nor approved its proposed use or implementation;

“Act” means the Civil Aviation Act; Cap 394

“acts of unlawful interference” means acts or attempted acts such as to jeopardize the safety of civil aviation and air transport, including—

- (a) unlawful seizure of aircraft in flight;
- (b) unlawful seizure of aircraft on the ground;
- (c) hostage-taking on board an aircraft or on aerodromes;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes; and
- (f) communication of false information as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

“aerial work” means an aircraft operation in which an aircraft is used for specialised services including, but not limited to agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement;

“aerodrome” means a defined area on land or water, including any buildings, installations and equipment, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aerodrome operating minima” means the limits of usability of anaerodrome for—

- (a) take-off, expressed in terms of runway visual range and visibility and, if necessary, cloud conditions;
- (b) landing in 2D instrument approach operations, expressed in terms of visibility or runway visual range, minimum descent altitude/height (MDA/H) and, if necessary, cloud conditions; and
- (c) landing in 3D instrument approach operations, expressed in terms of visibility or runway visual range and decision altitude or height (DA/H) as appropriate to the type or category of the operation;

“aeronautical product” means any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“agreement summary” means a document transmitted with the Article 83 bis Agreement registered with the ICAO Council that identifies succinctly and clearly which functions and duties are transferred by the State of Registry to that other State when an aircraft is operating under an Article 83 bis agreement between the State of Registry and another State;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface

“aircraft component” means any component part of an aircraft up to and including a complete power plant or any operational or emergency equipment;

“aircraft operating manual” means a manual, acceptable to the Authority, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors (but excluding propellers and rotating airfoils of a power plant) and landing gear of an aircraft and their accessories and controls;

“air traffic service” is a generic term meaning variously flight information service, alerting service, air traffic advisory service, or air traffic control service, (area control service, approach control service or aerodrome control service);

“aircraft type” means all aircraft of the same basic design;

“airworthy” means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing including the following—

- (a) take-off alternate- an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;
- (b) en-route alternate- an alternate aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;
- (c) destination alternate- an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“altimetry system error (ASE)” means the difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure altitude corresponding to the undisturbed ambient pressure;

“appropriate airworthiness requirements” means the comprehensive and detailed airworthiness codes established, adopted or accepted by a Contracting State for the class of aircraft, engine or propeller under consideration;

“area navigation (RNAV)” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground- or spaced- based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, power plant, or propeller;

“Approach Procedure with Vertical guidance (APV)” is a performance- based navigation (PBN) instrument approach procedure designed for 3D instrument approach operations Type A;

“appropriate authority” means—

- (a) regarding flight over the high seas, the relevant authority of the state of registry; and
- (b) regarding flight other than over the high seas, the relevant authority of the state having sovereignty over the territory being overflown;

“Authority” means the Kenya Civil Aviation Authority;

“cabin crew member” means a crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in- command of the aircraft, but who shall not act as a flight crew member;

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience, and demonstrated ability to evaluate and certify the knowledge and skills of other pilots;

“Combined Vision System (CVS)” means a system to display images from a combination of an enhanced vision system (EVS) and a synthetic vision system (SVS);

“commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire;

“continuing airworthiness” means the set of processes by which an aircraft, engine, propeller or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life;

“Continuing airworthiness records” means records which are related to the continuing airworthiness status of an aircraft, engine, propeller or associated part;

“Continuous descent final approach (CDFA)” means a technique, consistent with stabilized approach procedures, for flying the final approach segment (FAS) of an instrument non-precision approach (NPA) of a non-precision instrument approach procedure as a continuous descent, without level-off, from an altitude/height at or above the final approach fix altitude/height to a point approximately 15 m (50 ft) above the landing runway threshold or the point where the flare manoeuvre begins for the type of aircraft flown; for the FAS of an NPA procedure followed by a circling approach, the CDFA technique applies until circling approach minima (circling OCA/H) or visual flight manoeuvre altitude/height are reached;

“corporate aviation operation” means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft;

“co-pilot” means a licensed pilot serving in any piloting capacity other than as PIC, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

“crew member” means a person assigned by an operator to duty on an aircraft during a flight duty period;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“dangerous goods” means articles or substances which are capable of posing a hazard to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions;

“Decision altitude (DA) or decision height (DH)” means a specified altitude or height in a 3D instrument approach operation at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“duty” means any task that flight or cabin crew members are required by the operator to perform, including, for example, flight duty, administrative work, training, positioning and standby when it is likely to induce fatigue;

“duty period” means a period which starts when a flight or cabin crew member is required by an operator to report for or to commence a duty and ends when that person is free from all duties;

“Electronic Flight Bag (EFB)” means an electronic information system, comprised of equipment and applications for flight crew, which allows for the storing, updating, displaying and processing of EFB functions to support flight operations or duties;

“Emergency Locator Transmitter (ELT)” means a generic term describing equipment which broadcast distinctive signals on designated frequencies and, depending on application, may be automatically activated by impact or be manually activated and an ELT may be any of the following—

- (a) Automatic fixed ELT (ELT(AF)) means an automatically activated ELT which is permanently attached to an aircraft;
- (b) Automatic portable ELT (ELT(AP)) means an automatically activated (b) ELT which is rigidly attached to an aircraft but readily removable from the aircraft;
- (c) Automatic deployable ELT (ELT(AD)) means an ELT which is rigidly attached to an aircraft and which is automatically deployed and activated by impact, and, in some cases, also by hydrostatic sensors. Manual deployment is also provided;
- (d) Survival ELT (ELT(S)) means an ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;

“engine” means a unit used or intended to be used for aircraft propulsion and it consists of at least those components and equipment necessary for functioning and control, but excludes the propeller/rotors (if applicable);

“Enhanced Vision system (EVS)” means a system to display electronic real-time images of the external scene achieved through the use of image sensors;

“extended flight over water” means a flight operated over water at a distance of more than 93 km (50 NM), or 30 minutes at normal cruising speed, whichever is the lesser, away from land suitable for making an emergency landing;

“fatigue” means a physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness and/or physical activity that can impair a crew member’s alertness and ability to safely operate an aircraft or perform safety related duties;

“final approach segment (FAS)” means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

“flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

“flight operations officer or flight dispatcher” means a person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified in accordance with Civil Aviation (Personnel Licensing) Regulations, who supports, briefs or assists the pilot-in-command in the safe conduct of the flight;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation;

“flight simulation training device” means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

“flight time - for aeroplanes” means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“Head-Up Display (HUD)” means a display system that presents flight information into the pilot’s forward external field of view;

“human factors principles” means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“industry codes of practice” means guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organization’s Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate;

“instrument approach operations” means an approach and landing using instruments for navigation guidance based on an instrument approach procedure. There are two methods for executing instrument approach operations—

- (a) a two-dimensional (2D) instrument approach operation, using lateral navigation guidance only; and
- (b) a three-dimensional (3D) instrument approach operation, using both lateral and vertical navigation guidance;

“Instrument Approach Procedure (IAP)” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures shall be classified as follows—

- (a) Non-Precision Approach (NPA) procedure. An instrument approach procedure designed for 2D instrument approach operations Type A;
- (b) Approach Procedure with Vertical guidance (APV). A performance -based navigation (PBN) instrument approach procedure designed for 3D instrument approach operations Type A; and
- (c) Precision Approach (PA) procedure. An instrument approach procedure based on navigation systems (ILS, MLS, GLS and SBAS CAT I) designed for 3D instrument approach operations Type A or B;

“instrument meteorological conditions (IMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“isolated aerodrome” means a destination aerodrome for which there is no destination alternate aerodrome suitable for a given aeroplane type;

“journey log” means a form signed by the PIC of each flight that records the aircraft's registration, crew member names and duty assignments, the type of flight, and the date, place, and time of arrival and departure;

“large aeroplane” means an aeroplane having a maximum certified take-off mass of over 5,700 kg (12,500 lbs);

“low-visibility operations (LVO)” means approach operations in RVRs less than 550 m and/or with a DH less than 60 m (200 ft) or take-off operations in RVRs less than 400 m;

“maintenance” means the performance of tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft, engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

“maintenance programme” means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

“maintenance release” means a document which contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner in accordance with appropriate airworthiness requirements;

“meteorological Information” means meteorological report, analysis, forecast, and any other statement relating to existing or expected meteorological conditions;

“minimum descent altitude (MDA) or minimum descent height (MDH)” means a specified altitude or height in a 2D instrument approach operation or circling approach operation below which descent must not be made without the required visual reference;

“modification” means a change to the type design of an aircraft, engine or propeller;

“navigation specification” means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace which are of two kinds—

- (a) Required Navigation Performance (RNP) specification which means a navigation specification based on area navigation that includes the requirement for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH;
- (b) Area Navigation (RNAV) specification which means a navigation specification based on area navigation that does not include the requirement for performance monitoring and

alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

“night” means the hours between the end of evening civil twilight and the beginning of morning civil twilight where civil twilight ends in the evening when the centre of the sun’s disc is 6 degrees below the horizon and begins in the morning when the centre of the sun’s disc is 6 degrees below the horizon;

“Obstacle Clearance Altitude (OCA) or Obstacle Clearance Height (OCH)” means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation without engaging in the transport of passengers, cargo or mail for remuneration or hire;

“operating base” means the location from which operational control is exercised;

“operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“performance-based communication (PBC)” means communication based on performance specifications applied to the provision of air traffic services;

“performance-based navigation (PBN)” means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

“Performance-Based Surveillance (PBS)” means surveillance based on performance specifications applied to the provision of air traffic services;

“pilot-in-command” means the pilot designated by the operator or the owner as being in command and charged with the safe conduct of a flight;

“point of no return” means the last possible geographic point at which an aircraft can proceed to the destination aerodrome as well as to an available en- route alternate aerodrome for a given flight;

“psychoactive substance” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

“repair” means the restoration of an aircraft, engine, propeller or associated part to an airworthy condition in accordance with the appropriate airworthiness requirements after it has been damaged or subjected to wear;

“Required Communication Performance (RCP) specification” means a set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based communication;

“Required Surveillance Performance (RSP) specification” means a set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based surveillance;

“Runway Visual Range (RVR)” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“RVSM (Reduced Vertical Separation Minima) Airspace” means any airspace or route between flight level 290 and flight level 410 inclusive where the aircraft are separated vertically by 1000ft (300m);

“State of the Aerodrome” means the State in whose territory the aerodrome is located;

“state of design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aircraft, aircraft component or appliance;

“State of Registry” means the State on whose register the aircraft is entered;

“safety management system” means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines, and other psychoactive drugs and chemicals;

“Synthetic Vision system (SVS)” means a system to display data-derived synthetic images of the external scene from the perspective of the flight deck;

“Target Level of Safety (TLS)” means a generic term representing the level of risk which is considered acceptable in particular circumstances;

“technical instructions” means edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation;

“threshold time” means the range, expressed in time, established by the Authority, to an en-route alternate aerodrome, whereby any time beyond requires an EDTO approval from the Authority;

“Total Vertical Error (TVE)” means the vertical geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level);

“training program” means a program that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective and may include a core curriculum and a specialty curriculum;

“Tribunal” means the National Civil Aviation Administrative Review Tribunal established under section 66 of the Act; and

“Visual Meteorological Conditions (VMC)” means meteorological terms expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima.

PART II— GENERAL AVIATION REGULATIONS

3. These Regulations shall be applicable to all aeroplanes engaged in general aviation operations.

Applicability.

4. (1) The pilot-in-command of a Kenyan registered aeroplane shall—

Compliance with laws, regulations and procedures.

- (a) comply with the Kenyan laws, regulations, and procedures;
- (b) comply with the laws, regulations and procedures of the states in which operations are conducted;
- (c) be familiar with the laws, regulations and procedures, pertinent to the performance of his or her duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto and the pilot-in-command shall ensure that other members of the flight crew are familiar with such laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aeroplane;
- (d) have responsibility for operational control;
- (e) notify the appropriate local authority without delay, if an emergency situation which endangers the safety or security of the aeroplane or persons necessitates the taking of action which involves a violation of local regulations or procedures. If required by the State in which the incident occurs, the pilot-in-command shall submit a report on any such violation to the appropriate authority of such State; in that event, the pilot-in-command shall also submit a copy of it to the Authority. Such reports shall be submitted as soon as possible or within ten days;
- (f) have available on board the aeroplane the essential information concerning the search and rescue services in the area over which the aeroplane will be flown; and

- (g) ensure that flight crew members demonstrate the ability to speak and understand the language used for aeronautical radiotelephony communications as specified in The Civil Aviation (Personnel Licensing) Regulations.

5. (1) A Kenyan-registered aeroplane shall not carry any dangerous goods unless — Dangerous goods.

- (a) the Authority has granted to the operator a dangerous goods approval, subject to such conditions as the Authority finds it fit, to carry dangerous goods on board its aeroplane; and
- (b) such goods are carried or loaded as cargo in accordance with—
 - (i) the provisions approved by the Authority and any conditions to which such approval may be subject; and
 - (ii) the Technical Instructions for the Safe Transport of Dangerous Goods by Air.

(2) An application for a dangerous goods approval shall—

- (a) be submitted to the Authority for consideration before the proposed date of shipment; and
- (b) contain the information required by the Authority and the duly completed dangerous goods transport document at the time the application is made

(3) The Authority may issue a dangerous goods approval for the carriage of dangerous goods on a single return flight (ad hoc approval) or on more than 10 return flights over a period of 6 months (block approval).

(4) Sub-regulation (1) and (2) shall not apply to the following dangerous goods that are carried in compliance with the Technical Instructions —

- (a) required to be aboard the aeroplane in accordance with the relevant airworthiness requirements and operating regulations or that are authorised by the State of the operator to meet special requirements
- (b) required to provide, during flight, medical aid to a patient;
- (c) required to provide, during flight, veterinary aid or a humane killer for an animal;
- (d) required to provide, during flight, aid in connection with search and rescue operations;
- (e) permitted for carriage by passengers or crew members;
- (f) intended for use or sale during the flight in question;
- (g) vehicles carried in aeroplane designed or modified for vehicle ferry operations; or

- (h) required for the propulsion of the means of transport or the operation of its specialised equipment during transport such as refrigeration units or that are required in accordance with any operating regulations such as fire extinguishers.

6. (1) A member of a flight crew shall not perform any function specified in the privileges applicable to his licence if he is under the influence of any psychoactive substance which may render him unable to perform such functions in a safe and proper manner.

Use of
psychoactive
substances.

(2) Safety-sensitive personnel shall not undertake any function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

7. The pilot-in-command shall not conduct operations for which a specific approval is required unless such approval has been issued by the Authority and specific approvals shall follow the layout and contain at least the information listed in the First Schedule.

Specific
approvals.

Flight Operations

8. The pilot-in-command shall ensure that a flight will not be commenced unless it has been ascertained by every reasonable means available that the ground or water facilities including communication facilities and navigation aids available and directly required for such flight, for the safe operation of the aeroplane, are adequate for the type of operation under which the flight is to be conducted.

Operating
facilities.

9. (1) An aeroplane shall not be taxied on the movement area of an aerodrome unless the person at the controls is an appropriately qualified pilot or—

Operational
management.

- (a) has been duly authorized by the owner or in the case where it is leased the lessee, or a designated agent;
- (b) is fully competent to taxi the aeroplane;
- (c) is qualified to use the radio if radio communications are required; and
- (d) has received instructions from a competent person with respect of aerodrome layout, and where appropriate, information on routes, signs, marking, lights, ATC signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aeroplane movement at the aerodrome.

(2) The pilot-in-command shall establish aerodrome operating minima in accordance with criteria specified by the Authority, for each aerodrome to be used in operations. Such minima shall not be lower than any that may be established for such aerodromes by the State of the Aerodrome, except when specifically approved by that State.

(3) The Authority shall approve operational credit(s) for operations with aeroplanes equipped with automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS. Where the operational credit relates to low visibility operations, the Authority shall issue a

specific approval. Such approvals shall not affect the classification of the instrument approach procedure.

(4) Instrument approach operations shall be classified based on the designed lowest operating minima below which an approach operation shall only be continued with the required visual reference as follows—

- (a) type A— a minimum descent height or decision height at or above 75 m (250 ft); and
- (b) type B— a decision height below 75 m (250 ft) and Type B instrument approach operations are categorized as—
 - (i) Category I (CAT I): a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;
 - (ii) Category II (CAT II): a decision height lower than 60 m (200 ft) but not lower than 30 m (100 ft) and a runway visual range not less than 300 m;
 - (iii) Category III (CAT III): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range less than 300 m or no runway visual range limitations;

(5) The operating minima for 2D instrument approach operations using instrument approach procedures shall be determined by establishing a minimum descent altitude (MDA) or minimum descent height (MDH), minimum visibility and, if necessary, cloud conditions.

(6) The operating minima for 3D instrument approach operations using instrument approach procedures shall be determined by establishing a Decision Altitude (DA) or Decision Height (DH) and the minimum visibility or RVR.

(7) The Authority shall issue a specific approval for instrument approach operations in low visibility which shall only be conducted when RVR information is provided.

(8) For take-off in low visibility, the Authority shall issue a specific approval for the minimum take-off RVR.

(9) The pilot-in-command shall ensure that passengers are made familiar with the location and use of —

- (a) seat belts;
- (b) emergency exits;
- (c) life jackets, if the carriage of life jackets is prescribed;
- (d) oxygen dispensing equipment if the use of oxygen is anticipated; and
- (e) other emergency equipment provided for individual use, including passenger emergency briefing cards.

(10) The pilot-in-command shall ensure that all persons on board are aware of the location and general manner of use of the principal emergency equipment carried for collective use.

(11) In an emergency during flight, the pilot-in-command shall ensure that passengers are instructed in such emergency action as may be appropriate to the circumstances.

(12) The pilot-in-command shall ensure that, during take-off and landing and whenever considered necessary by reason of turbulence or any emergency occurring during flight, all persons on board an aeroplane shall be secured in their seats by means of the seat belts or harnesses provided.

10. (1) A flight shall not be commenced until the pilot-in-command is satisfied that— Flight preparation.

- (a) the aeroplane is airworthy, duly registered and that appropriate certificates with respect thereto are aboard the aeroplane;
- (b) the instruments and equipment installed in the aeroplane are appropriate, taking into account the expected flight conditions;
- (c) any necessary maintenance has been performed in accordance with Regulations 24, 25, 26 and 27;
- (d) the mass of the aeroplane and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;
- (e) any load carried is properly distributed and safely secured; and
- (f) the aeroplane operating limitations, contained in the flight manual, or its equivalent, will not be exceeded.

(2) The pilot-in-command should have sufficient information on climb performance with all engines operating to enable determination of the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique.

(3) Before commencing a flight the pilot-in-command shall be familiar with all available meteorological information appropriate to the intended flight. Preparation for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules, shall include—

- (a) a study of available current weather reports and forecasts; and
- (b) the planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned, because of weather conditions.

(4) VFR flights shall not be commenced unless current meteorological reports or a combination of current reports and forecasts

indicate that the meteorological conditions along the route or that part of the route to be flown under VFR will, at the appropriate time, be such as to enable compliance with these rules.

(5) A flight to be conducted in accordance with the instrument flight rules shall not—

- (a) take off from the departure aerodrome unless the meteorological conditions, at the time of use, are at or above the aerodrome operating minima for that operation; and
- (b) take off or continue beyond the point of in-flight re-planning unless at the aerodrome of intended landing or at each alternate aerodrome to be selected in compliance with sub-regulation (9), current meteorological reports or a combination of current reports and forecasts indicate that the meteorological conditions will be, at the estimated time of use, at or above the aerodrome operating minima for that operation.

(6) The Authority shall establish criteria to be used for the estimated time of use of an aerodrome including a margin of time.

(7) A flight to be operated in known or expected icing conditions shall not be commenced unless the aeroplane is certificated and equipped to cope with such conditions.

(8) A flight to be planned or expected to operate in suspected or known ground icing conditions shall not take off unless the aeroplane has been inspected for icing and, if necessary, has been given appropriate de-icing or anti-icing treatment. Accumulation of ice or other naturally occurring contaminants shall be removed so that the aeroplane is kept in an airworthy condition prior to take-off.

(9) For a flight to be conducted in accordance with the instrument flight rules, at least one destination alternate aerodrome shall be selected and specified in the flight plans, unless—

- (a) the duration of the flight from the departure aerodrome, or from the point of in-flight re-planning, to the destination aerodrome is such that, taking into account all meteorological conditions and operational information relevant to the flight, at the estimated time of use, a reasonable certainty exists that—
 - (i) the approach and landing may be made under visual meteorological conditions; and
 - (ii) separate runways are usable at the estimated time of use of the destination aerodrome with at least one runway having an operational instrument procedure; or
- (b) the aerodrome of intended landing is isolated and—
 - (i) a standard instrument approach procedure is prescribed for the aerodrome of intended landing;

- (ii) a point of no return has been determined; and
- (iii) a flight shall not be continued past the point of no return unless available current meteorological information indicates that the following meteorological conditions will exist at the estimated time of use
 - (aa) a cloud base of at least 300 m (1 000 ft) above the minimum associated with the instrument approach procedure; and
 - (bb) visibility of at least 5.5 km (3 NM) or of 4 km (2 NM) more than the minimum associated with the instrument approach procedure.

(10) A flight shall not be commenced unless, taking into account both the meteorological conditions and any delays that are expected in flight, the aeroplane carries sufficient fuel and oil to ensure that it can safely complete the flight. The amount of fuel to be carried must permit—

- (a) when the flight is conducted in accordance with the instrument flight rules and a destination alternate aerodrome is not required in accordance with sub-regulation (9) or when the flight is to an isolated aerodrome, flight to the aerodrome of intended landing, and after that, have a final reserve fuel for at least 45 minutes at normal cruising altitude;
- (b) when the flight is conducted in accordance with the instrument flight rules and a destination alternate aerodrome is required, flight to the aerodrome of intended landing, then to an alternate aerodrome, and after that, have a final reserve fuel for at least 45 minutes at normal cruising altitude;
- (c) when the flight is conducted in accordance with day VFR, flight to the aerodrome of intended landing, and after that, have a final reserve fuel for at least 30 minutes at normal cruising altitude;
- (d) when the flight is conducted in accordance with night VFR, flight to the aerodrome of intended landing and thereafter have a final reserve fuel for at least 45 minutes at normal cruising altitude or,

(11) The use of fuel after flight commencement for purposes other than originally intended during pre-flight planning shall require a re-analysis and, if applicable, adjustment of the planned operation.

(12) An aeroplane shall not be re-fuelled when passengers are embarking, on board or disembarking unless it is attended by the pilot-in-command or other qualified personnel ready to initiate and direct an evacuation of the aeroplane by the most practical and expeditious means available.

(13) When re-fuelling with passengers embarking, on board or disembarking, two-way communications should be maintained by the

aeroplane's intercommunication system or other suitable means between the ground crew supervising the re-fuelling and the pilot-in-command or other qualified personnel required by sub-regulation (12).

(14) The pilot-in-command shall ensure that breathing oxygen is available to crew members and passengers in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of the faculties of crew members or harmfully affect passengers. The approximate altitude in the standard atmosphere is given below—

Absolute pressure	Metres	Feet
700 hPa	3 000	10 000
620 hPa	4 000	13 000
376 hPa	7 600	25 000

11. (1) A flight shall not be continued towards the aerodrome of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome or at least one destination alternate aerodrome, in compliance with the operating minima established in regulation (9)(2).

In-flight procedures.

(2) An instrument approach shall not be continued below 300 m (1 000 ft) above the aerodrome elevation or into the final approach segment unless the reported visibility or controlling RVR is at or above the aerodrome operating minimum.

(3) If, after entering the final approach segment or after descending below 300 m (1 000 ft) above the aerodrome elevation, the reported visibility or controlling RVR falls below the specified minimum, the approach may be continued to DA/H or MDA/H. In any case, an aeroplane shall not continue its approach-to-land beyond a point at which the limits of the aerodrome operating minima would be infringed.

(4) When meteorological conditions likely to affect the safety of other aircraft are encountered, they should be reported as soon as possible.

(5) The pilot-in-command should report runway braking action when the runway braking action encountered is not as good as reported.

(6) Hazardous flight conditions encountered, other than those associated with meteorological conditions, should be reported to the appropriate aeronautical station as soon as possible and the reports so rendered shall give such details as may be pertinent to the safety of other aircraft.

(7) During take-off and landing all flight crew members required to be on flight deck duty shall be at their stations.

(8) During en route all flight crew members required to be on flight deck duty shall remain at their stations except when their absence is necessary for the performance of duties in connection with the operation of the aeroplane or for physiological needs.

(9) All flight crew members shall keep their seat belts fastened when at their stations.

(10) When safety harnesses are provided, any flight crew member occupying a pilot's seat shall keep the safety harness fastened during the take-off and landing phases all other flight crew members shall keep their safety harnesses fastened during the take-off and landing phases unless the shoulder straps interfere with the performance of their duties, in which case the shoulder straps may be unfastened but the seat belt must remain fastened.

(11) An approach to land should not be continued below 300 m (1 000 ft) above aerodrome elevation unless the pilot-in-command is satisfied that, with the runway surface condition information available, the aeroplane performance information indicates that a safe landing can be made.

(12) All flight crew members, when engaged in performing duties essential to the safe operation of an aeroplane in flight, shall use breathing oxygen continuously whenever the circumstances prevail for which supply has been prescribed in accordance with these Regulations.

(13) An operator shall establish procedures to ensure cabin crew are safeguarded so as to ensure reasonable probability of their retaining consciousness during any emergency descent which may be necessary in the event of loss of pressurization and, in addition, they should have such means of protection as will enable them to administer first aid to passengers during stabilized flight following the emergency.

(14) Passengers shall be safeguarded by such devices or operational procedures as will ensure reasonable probability of their surviving the effects of hypoxia in the event of loss of pressurization.

(15) The pilot-in-command shall monitor the amount of usable fuel remaining on board to ensure it is not less than the fuel required to proceed to an aerodrome where a safe landing can be made with the planned final reserve fuel remaining.

(16) The pilot-in-command shall advise ATC of a minimum fuel state by declaring MINIMUM FUEL when, having committed to land at a specific aerodrome, the pilot calculates that any change to the existing clearance to that aerodrome, or other air traffic delays, may result in landing with less than the planned final reserve fuel.

(17) The pilot-in-command shall declare a situation of fuel emergency by broadcasting MAYDAY MAYDAYMAYDAY FUEL, when the calculated usable fuel estimated to be available upon landing at the nearest aerodrome where a safe landing can be made is less than the planned final reserve fuel.

(18) One or more instrument approach procedures designed to support instrument approach operations shall be approved and promulgated by the State in which the aerodrome is located to serve each instrument runway or aerodrome utilized for instrument flight operations.

(19) Aeroplanes operated in accordance with the instrument flight rules shall comply with the instrument approach procedures approved by the State in which the aerodrome is located.

12. (1) The pilot-in-command shall be responsible for the operation, safety and security of the aeroplane and the safety of all crew members, passengers and cargo on board.

Duties of pilot-in-command.

(2) The pilot-in-command shall be responsible for ensuring that a flight—

- (a) shall not be commenced if any flight crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of any psychoactive substance; and
- (b) shall not be continued beyond the nearest suitable aerodrome when flight crew members' capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness or lack of oxygen.

(3) The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the aeroplane, resulting in serious injury or death of any person or substantial damage to the aeroplane or property.

13. The pilot-in-command shall ensure that all baggage carried onto an aeroplane and taken into the passenger cabin is securely stowed.

Cabin baggage (take-off and landing).

14. (1) An aeroplane shall be operated —

Aeroplane performance operating limitations.

- (a) in compliance with the terms of its airworthiness certificate or equivalent approved document;
- (b) within the operating limitations prescribed by the Authority; and
- (c) if applicable, within the mass limitations imposed by compliance with the applicable noise certificate issued by the Authority, unless otherwise authorised in exceptional circumstances for a certain aerodrome or a runway where there is no noise disturbance problem, by the competent authority of the State in which the aerodrome is situated.

(2) A flight shall not be commenced unless placards, listings, instrument markings, or combinations thereof, containing those operating limitations prescribed by the Authority for visual presentation, are displayed in the aeroplane.

(3) The pilot-in-command shall determine that aeroplane performance will permit the take-off and departure to be carried out safely.

Aeroplane Continuing Airworthiness

15. (1) The owner of an aeroplane, or in the case where it is leased, the lessee, shall ensure that, in accordance with procedures acceptable to the Authority—

Owner's
continuing
airworthiness
responsibilities.

- (a) the aeroplane is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight is serviceable; and
- (c) the certificate of airworthiness of the aeroplane remains valid.

(2) the owner or the lessee shall not operate an aeroplane unless maintenance on the aeroplane, including any associated engine, propeller and part, is carried out and there is a maintenance release in relation to the maintenance carried out—

- (a) by an organization complying with The Civil Aviation (Approved Maintenance Organisation) Regulations, that is either approved by the Authority or is approved by another Contracting State and is accepted by the Authority; or
- (b) by a person or organization in accordance with procedures that are authorized by the Authority.

(3) The owner or lessee shall ensure that the maintenance of the aeroplane is performed in accordance with a maintenance programme acceptable to the Authority.

16. (1) The owner of an aeroplane, or in the case where it is leased, the lessee shall ensure that the following records are kept for the periods mentioned in sub-regulation (2) —

Continuing
Airworthiness
Records.

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aeroplane and all life-limited components;
- (b) the current status of compliance with all applicable mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aeroplane or its components subject to a mandatory overhaul life;
- (e) the current status of the aeroplane's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of the maintenance have been met.

(2) The records in sub-regulation (1)(a) to (e) shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service and the records in sub-regulation (1)(f) for a minimum period of one year after the signing of the maintenance release.

(3) In the event of a temporary change of owner or lessee, the records shall be made available to the new owner or lessee. In the event of any permanent change of owner or lessee, the records shall be transferred to the new owner or lessee.

(4) Continuing airworthiness records or related documents, other than a valid certificate of airworthiness, need not be carried in the aeroplane during international flights.

(5) Records kept and transferred in accordance with these regulations shall be maintained in a form and format that ensures readability, security and integrity of the records at all times.

17. (1) All modifications and repairs shall comply with airworthiness requirements acceptable to the Authority. Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

Modifications and repairs.

(2) The owner or lessee shall—

- (a) establish the procedures to ensure that records supporting compliance with the airworthiness requirements are retained;
- (b) ensure that major repairs or major modifications are carried out in accordance with technical data acceptable to the Authority; and
- (c) promptly, upon completion of a major modification or major repair, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller or appliance of an aircraft.

18. (1) When maintenance is carried out by an approved maintenance organization, the maintenance release shall be issued in accordance with The Civil Aviation (Approved Maintenance Organisation) Regulations.

Maintenance release.

(2) When maintenance is not carried out by an approved maintenance organization, the maintenance release shall be completed and signed by a person appropriately licensed in accordance with The Civil Aviation (Personnel Licensing) Regulations, to certify that the maintenance work performed has been completed satisfactorily and in accordance with data and procedures acceptable to the Authority.

(3) When maintenance is not carried out by an approved maintenance organization, the maintenance release shall include the following—

- (a) basic details of the maintenance performed;
- (b) the date such maintenance was completed; and
- (c) the identity of the authorized person or persons signing the release.

Aeroplane Flight Crew

19. A person shall not operate an aeroplane unless the number and composition of the flight crew is as specified in the flight manual or other documents associated with the certificate of airworthiness.

Composition of the flight crew.

20. (1) The pilot-in-command shall—

- (a) ensure that each flight crew member holds a valid licence issued by the Authority, or if issued by another Contracting State, rendered valid by the Authority;
- (b) ensure that flight crew members are properly rated; and
- (c) be satisfied that flight crew members have maintained competency.

(2) The pilot-in-command of an aeroplane equipped with an airborne collision avoidance system (ACAS II) shall ensure that each flight crew member has been appropriately trained to competency in the use of ACAS II equipment and the avoidance of collision.

Manuals, Logs And Records

21. (1) A person shall not operate an aeroplane registered in Kenya unless there is available in the aeroplane —

- (a) a current Aeroplane Flight Manual accepted by the Authority; or
- (b) a current accepted Pilot Operating Handbook or Owner's manual, markings and placards, or any combination thereof which provide the pilot-in-command with the necessary limitations for safe operation.

(2) A person shall not operate an aircraft within or over Kenya without complying with the operating limitations specified in sub-regulation (1).

(3) The Aeroplane Flight Manual shall be updated by implementing changes made mandatory by the Authority.

22. (1) The operator shall ensure a journey log book is maintained for every aeroplane engaged in air navigation in which particulars of the aeroplane, its crew and each journey is entered.

(2) The aeroplane journey log should contain the following items—

- (a) aeroplane nationality and registration;
- (b) date;
- (c) crew member names and duty assignments;
- (d) departure and arrival points and times;
- (e) purpose of flight;
- (f) observations regarding the flight; and
- (g) signature of the pilot-in-command.

23. The owner of an aeroplane, or operator, shall at all times have available for immediate communication to rescue coordination centres, lists containing information on the emergency and survival equipment carried on board the aeroplane. The information shall

Qualifications.

Flight manual.

Journey log book.

Records of emergency and survival equipment carried.

include, as applicable, the number, colour and type of life rafts and pyrotechnics, details of emergency medical supplies, water supplies and the type and frequencies of the emergency portable radio equipment.

24. The pilot-in-command shall be responsible for the security of the aeroplane during its operation.

Security of
aeroplane.

25. Following an act of unlawful interference, the pilot-in-command shall submit a report in writing of such an act to the designated local Authority.

Reporting acts of
unlawful
interference.

PART III—LARGE AND TURBOJET AEROPLANES

26. This part shall be applicable to—

Applicability.

(a) general aviation operations for—

(i) aeroplanes with a maximum certificated take-off mass exceeding 5 700 kg;

(ii) aeroplanes equipped with one or more turbojet engines;
or

(iii) aeroplanes with a sitting configuration of more than nine passenger seats;

(b) corporate aviation operations involving three or more aircraft that are operated by pilots employed for the purpose of flying the aircraft.

Corporate Aviation Operations

27. (1) The operator shall ensure that all employees know that they must comply with the laws, regulations and procedures of those States in which operations are conducted.

Compliance with
laws, regulations
and procedures.

(2) The operator shall ensure that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto and the operator shall ensure that other members of the flight crew are familiar with such of these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aeroplane.

(3) The pilot-in-command shall be responsible for operational control and the operator shall describe the operational control system in the operations manual and identify the roles and responsibilities of those involved with the system.

(4) The operator shall ensure that the pilot-in-command has available on board the aeroplane all the essential information concerning the search and rescue services in the area over which the aeroplane shall be flown.

(5) The operator shall ensure that flight crew members demonstrate the ability to speak and understand the language used for aeronautical radiotelephony communications as specified in Civil Aviation (Personnel Licensing) Regulations.

28. (1) An operator shall establish and maintain a safety management system that is appropriate to the size and complexity of the operation in accordance with the Civil Aviation (Safety Management) Regulations.

Safety
management.

(2) An operator shall not use recordings or transcripts of CVR, CARS, Class A AIR and Class A AIRS for purposes other than the investigation of an accident or incident as per The Civil Aviation (Aircraft Accident Investigation) Regulations, except where the recordings or transcripts are—

- (a) related to a safety related event identified in the context of a safety management system; are restricted to the relevant portions of a de identified transcript of the recording; and are subject to the protections accorded by The Civil Aviation (Safety Management) Regulations;
- (b) sought for use in criminal proceedings not related to an event involving an accident or incident investigation and are subject to the protections accorded by The Civil Aviation (Safety Management) Regulations; or
- (c) used for inspections of flight recorder systems as provided in The Civil Aviation (Instruments And Equipment) Regulations.

(3) An operator shall not use recordings or transcripts of FDR, ADRS, Class B and C AIR, and Class B and C AIRS for purposes other than the investigation of an accident or incident as per The Civil Aviation (Aircraft Accident Investigation) Regulations, except where the recordings or transcripts are subject to the protections accorded by The Civil Aviation (Safety Management) Regulations and are—

- (a) used by the operator for airworthiness or maintenance purposes;
- (b) used by the operator in the operation of a flight data analysis programme as provided in these Regulations;
- (c) sought for use in proceedings not related to an event involving an accident or incident investigation;
- (d) de identified; or
- (e) disclosed under secure procedures.

Flight Operations

29. The operator shall ensure that a flight will not be commenced unless it has been ascertained by every reasonable means available that the ground or water facilities including communication facilities and navigation aids available and directly required on such flight, for the safe operation of the aeroplane, are adequate for the type of operation under which the flight is to be conducted.

Operating
facilities.

30. (1) If an operator has an operating base in a country other than Kenya, the operator shall notify that State in which the operating base is located.

Operational
management.

(2) Upon notification in accordance with sub-regulation (1), safety and security oversight shall be coordinated between the State in which the operating base is located and the Authority.

(3) The operator shall provide, for the use and guidance of personnel concerned, an operations manual containing all the instructions and information necessary for operations personnel to perform their duties and the operations manual shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date and all such amendments or revisions shall be issued to all personnel that are required to use this manual.

(4) The operator shall ensure that all operations personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole.

(5) The operator shall issue operating instructions and provide information on aeroplane climb performance with all engines operating to enable the pilot-in-command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique and this information shall be included in the operations manual.

(6) The operator shall ensure that when passengers are being carried, no emergency or abnormal situations shall be simulated.

(7) Checklists shall be used by flight crews prior to, during and after all phases of operations, and in emergencies, to ensure compliance with the operating procedures contained in the aircraft operating manual and the aeroplane flight manual or other documents associated with the certificate of airworthiness and otherwise in the operations manual and the design and utilization of checklists shall observe Human Factors principles and the operator shall specify, for flights which are to be conducted in accordance with the instrument flight rules, the method of establishing terrain clearance altitudes.

(8) The operator shall establish aerodrome operating minima, in accordance with criteria specified by the Authority, for each aerodrome to be used in operations and such minima shall not be lower than any that may be established for such aerodromes by the State of the Aerodrome, except when specifically approved by that State.

(9) The operator shall establish and implement a fatigue management programme that ensures that all operator personnel involved in the operation and maintenance of aircraft do not carry out their duties when fatigued and the programme shall address flight and duty times and be included in the operations manual.

(10) The operator shall ensure that passengers are made familiar with the location and use of—

- (a) seat belts;
- (b) emergency exits;
- (c) life jackets, if the carriage of life jackets is prescribed;

- (d) oxygen dispensing equipment, if the provision of oxygen for the use of passengers is prescribed; and
- (e) other emergency equipment provided for individual use, including passenger emergency briefing cards.

(11) The operator shall ensure that all persons on board are aware of the location and general manner of use of the principal emergency equipment carried for collective use.

(12) The operator shall ensure that in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(13) The operator shall ensure that during take-off and landing and whenever considered necessary, by reason of turbulence or any emergency occurring during flight, all passengers on board an aeroplane are secured in their seats by means of the seat belts or harnesses provided.

31. (1) The operator shall develop procedures to ensure that a flight is not commenced unless— Flight preparation.

- (a) the aeroplane is airworthy, duly registered and that appropriate certificates with respect thereto are aboard the aeroplane;
- (b) the instruments and equipment installed in the aeroplane are appropriate, taking into account the expected flight conditions;
- (c) any necessary maintenance has been performed in accordance with Regulations 49 to 53;
- (d) the mass of the aeroplane and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;
- (e) any load carried is properly distributed and safely secured; and
- (f) the aeroplane operating limitations, contained in the flight manual, or its equivalent, is not exceeded.

(2) The operator shall make available sufficient information on climb performance with all engines operating to enable determination of the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique.

(3) The operator shall specify flight planning procedures to provide for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned and these procedures shall be included in the operations manual.

(4) A take-off alternate aerodrome shall be selected and specified in the flight plan if either the meteorological conditions at the

aerodrome of departure are below the applicable aerodrome landing minima for that operation or if it would not be possible to return to the aerodrome of departure for other reasons.

(5) The take-off alternate aerodrome shall be located within the following flight time from the aerodrome of departure—

- (a) for aeroplanes with two engines, one hour of flight time at a one-engine-inoperative cruising speed, determined from the aircraft operating manual, calculated in ISA and still-air conditions using the actual take-off mass; or
- (b) for aeroplanes with three or more engines two hours of flight time at an all engines operating cruising speed, determined from the aircraft operating manual, calculated in ISA and still-air conditions using the actual take-off mass.

(6) For an aerodrome to be selected as a take-off alternate the available information shall indicate that, at the estimated time of use, the conditions will be at or above the applicable aerodrome operating minima for that operation.

(7) An aeroplane shall carry a sufficient amount of usable fuel to complete the planned flight safely and to allow for deviations from the planned operation.

(8) The amount of usable fuel to be carried shall, as a minimum, be based on—

- (a) fuel consumption data—
 - (i) provided by the aeroplane manufacturer; or
 - (ii) if available, current aeroplane-specific data derived from a fuel consumption monitoring system;
- (b) the operating conditions for the planned flight including—
 - (i) anticipated aeroplane mass;
 - (ii) notices to airmen;
 - (iii) current meteorological reports or a combination of current reports and forecasts;
 - (iv) air traffic services procedures, restrictions and anticipated delays; and
 - (v) the effects of deferred maintenance items or configuration deviations.

(9) The pre-flight calculation of usable fuel required shall include—

- (a) taxi fuel, which shall be the amount of fuel expected to be consumed before take-off taking into account local conditions at the departure aerodrome and auxiliary power unit (APU) fuel consumption;

- (b) trip fuel, which shall be the amount of fuel required to enable the aeroplane to fly from take-off until landing at the destination aerodrome taking into account the operating conditions of sub-regulation (8)(b);
- (c) contingency fuel, which shall be the amount of fuel required to compensate for unforeseen factors and it shall be not less than five per cent of the planned trip fuel;
- (d) destination alternate fuel, which shall be, where a destination alternate aerodrome is required, the amount of fuel required to enable the aeroplane to—
 - (i) inform a missed approach at the destination aerodrome;
 - (ii) climb to the expected cruising altitude;
 - (iii) fly the expected routing;
 - (iv) descend to the point where the expected approach is initiated; and
 - (v) conduct the approach and landing at the destination alternate aerodrome;
- (e) where a flight is operated without a destination alternate aerodrome, the amount of fuel required to enable the aeroplane to fly for 15 minutes at holding speed at 450 m (1 500 ft) above destination aerodrome elevation in standard conditions;
- (f) where the aerodrome of intended landing is an isolated aerodrome—
 - (i) for a reciprocating engine aeroplane, the amount of fuel required to fly for 45 minutes plus 15 per cent of the flight time planned to be spent at cruising level, including final reserve fuel, or two hours, whichever is less;
 - (ii) for a turbine-engined aeroplane, the amount of fuel required to fly for two hours at normal cruise consumption above the destination aerodrome, including final reserve fuel;
- (g) final reserve fuel, which shall be the amount of fuel on arrival at the destination alternate aerodrome, or the destination aerodrome when no destination alternate aerodrome is required—
 - (i) for a reciprocating engine aeroplane, the amount of fuel required to fly for 45 minutes; or
 - (ii) for a turbine-engined aeroplane, the amount of fuel required to fly for 30 minutes at holding speed at 450 m (1 500 ft) above aerodrome elevation in standard conditions;

- (h) additional fuel, which shall be the supplementary amount of fuel required to enable the aircraft to descend as necessary and proceed to land at an alternate aerodrome in the event of engine failure or loss of pressurization based on the assumption that such a failure occurs at the most critical point along the route; and
 - (i) discretionary fuel, which shall be the extra amount of fuel to be carried at the discretion of the pilot-in-command.
- (10) Operators should determine one final reserve fuel value for each aeroplane type and variant in their fleet rounded up to an easily recalled figure.
- (11) The use of fuel after flight commencement for purposes other than originally intended during pre-flight planning shall require a re-analysis and, if applicable, adjustment of the planned operation.
- (12) The operator shall establish policies and procedures to ensure that in-flight fuel checks and fuel management are performed.
- (13) The pilot-in-command shall continually ensure that the amount of usable fuel remaining on board is not less than the fuel required to proceed to an aerodrome where a safe landing can be made with the planned final reserve fuel remaining upon landing.
- (14) The pilot-in-command shall request delay information from ATC when unanticipated circumstances may result in landing at the destination aerodrome with less than the final reserve fuel plus any fuel required to proceed to an alternate aerodrome or the fuel required to operate to an isolated aerodrome.
- (15) The pilot-in-command shall advise ATC of a minimum fuel state by declaring MINIMUM FUEL when, having committed to land at a specific aerodrome, the pilot calculates that any change to the existing clearance to that aerodrome may result in landing with less than the planned final reserve fuel.
- (16) The pilot-in-command shall declare a situation of fuel emergency by broadcasting MAYDAY MAYDAY MAYDAY FUEL when the calculated usable fuel estimated to be available upon landing at the nearest aerodrome where a safe landing can be made is less than the planned final reserve fuel.
- (17) When conducting operations beyond 60 minutes from a point on a route to an en-route alternate aerodrome operators should ensure that—
- (a) en-route alternate aerodromes are identified; and
 - (b) the pilot-in-command has access to current information on the identified en-route alternate aerodromes, including operational status and meteorological conditions.
- (18) An aeroplane shall not be re-fuelled when passengers are embarking, on board or disembarking unless it is properly attended by qualified personnel ready to initiate and direct an evacuation of the aeroplane by the most practical and expeditious means available.

(19) When re-fuelling with passengers embarking, on board or disembarking, two-way communication shall be maintained by the aeroplane's intercommunication system or other suitable means between the ground crew supervising the re-fuelling and the qualified personnel on board the aeroplane.

(20) A flight to be operated at flight altitudes at which the atmospheric pressure in personnel compartments will be less than 700 hPa shall not be commenced unless sufficient stored breathing oxygen is carried to supply—

- (a) all crew members and 10 per cent of the passengers for any period in excess of 30 minutes that the pressure in compartments occupied by them will be between 700 hPa and 620 hPa; and
- (b) the crew and passengers for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.

(21) A flight to be operated with a pressurized aeroplane shall not be commenced unless a sufficient quantity of stored breathing oxygen is carried to supply all the crew members and passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurization, for any period that the atmospheric pressure in any compartment occupied by them would be less than 700 hPa. and in addition, when an aeroplane is operated at flight altitudes at which the atmospheric pressure is less than 376 hPa, or which, if operated at flight altitudes at which the atmospheric pressure is more than 376 hPa and cannot descend safely within four minutes to a flight altitude at which the atmospheric pressure is equal to 620 hPa, there shall be no less than a 10- minute supply for the occupants of the passenger compartment.

32. (1) In the aircraft operating manual recommended the operator shall include operating procedures for conducting instrument approaches.

In-flight
procedures.

(2) All flight crew members, when engaged in performing duties essential to the safe operation of an aeroplane in flight, shall use breathing oxygen continuously whenever the circumstances prevail for which its supply has been required in or under regulation 40(20).

(3) All flight crew members of pressurized aeroplanes operating above an altitude where the atmospheric pressure is less than 376 hPa shall have available at the flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.

(4) Aeroplane operating procedures for noise abatement should comply with the provisions of these regulations.

(5) Noise abatement procedures specified by the operator for any one aeroplane type should be the same for all aerodromes.

(6) Unless otherwise specified in an air traffic control instruction, to avoid unnecessary airborne collision avoidance system (ACAS II) resolution advisories in aircraft at or approaching adjacent

altitudes or flight levels, pilots should consider using appropriate procedures to ensure that a rate of climb or descent of less than 8 m/s or 1500 ft/min (depending on the instrumentation available) is achieved throughout the last 300 m (1 000 ft) of climb or descent to the assigned altitude or flight level, when made aware of another aircraft at or approaching an adjacent altitude or flight level.

(7) An approach to land shall not be continued below 300 m (1 000 ft) above aerodrome elevation unless the pilot-in-command is satisfied that, with the runway surface condition information available, the aeroplane performance information indicates that a safe landing can be made.

33. (1) The pilot-in-command shall ensure that the checklists specified in regulation (39) (7) are complied with in detail.

Duties of pilot-in-command.

(2) The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the aeroplane, resulting in serious injury or death of any person or substantial damage to the aeroplane or property and in the event that the pilot-in-command is incapacitated the operator shall take the forgoing action.

(3) The pilot-in-command shall be responsible for reporting all known or suspected defects in the aeroplane, to the operator, at the termination of the flight.

(4) The pilot-in-command shall be responsible for the journey log book or the general declaration containing the information listed in regulation 31.

34. The operator shall specify procedures to ensure that all baggage carried onto an aeroplane and taken into the passenger cabin is adequately and securely stowed.

Cabin baggage (take-off and landing).

Aeroplane Performance Operating Limitations

35. (1) For aeroplanes other than those specified in sub-regulation (2), the Authority shall ensure that the level of performance specified in these regulations are met as far as practicable.

Applicability.

(2) The Standards contained in sub-regulations (2) to (5) of this regulation are applicable to all aeroplanes of over 5 700 kg maximum certificated take-off mass intended for the carriage of passengers or cargo or mail.

(3) An aeroplane shall be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(4) The Authority shall take such precautions as are reasonably possible to ensure that the general level of safety contemplated by these provisions is maintained under all expected operating conditions, including those not covered specifically by the provisions of this Part.

(5) A person shall not commence a flight unless the performance information provided in the flight manual indicates that sub-

regulations (2) to (5) can be complied with for the flight to be undertaken.

(6) In applying the Standards of this Part, account shall be taken of all factors that significantly affect the performance of the aeroplane (such as: mass, operating procedures, the pressure altitude appropriate to the elevation of the aerodrome, temperature, wind, runway gradient and condition of runway, that is, presence of slush, water or ice, for landplanes, water surface condition for seaplanes) and such factors shall be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data or in the comprehensive and detailed code of performance in accordance with which the aeroplane is being operated.

36. (1) The mass of the aeroplane at the start of take-off shall not exceed the mass at which sub-regulation (2) is complied with, or the mass at which sub-regulation (3) and sub-regulation (4) are complied with, allowing for expected reductions in mass as the flight proceeds, and for such fuel jettisoning as is envisaged in applying sub-regulation (3) and sub-regulation (4) and, in respect of alternate aerodromes as specified in these regulations.

Mass limitations
take off.

(2) In no case shall the mass at the start of take-off exceed the maximum take-off mass specified in the flight manual for the pressure altitude appropriate to the elevation of the aerodrome, and if used as a parameter to determine the maximum take-off mass, any other local atmospheric condition.

(3) In no case shall the estimated mass for the expected time of landing at the aerodrome of intended landing and at any destination alternate aerodrome, exceed the maximum landing mass specified in the flight manual for the pressure altitude appropriate to the elevation of those aerodromes, and if used as a parameter to determine the maximum landing mass, any other local atmospheric condition.

(4) In no case shall the mass at the start of take-off, or at the expected time of landing at the aerodrome of intended landing and at any destination alternate aerodrome, exceed the relevant maximum masses at which compliance has been demonstrated with the Civil Aviation (Airworthiness) Regulations, unless otherwise authorized in exceptional circumstances for a certain aerodrome or a runway where there is no noise disturbance problem, by the competent authority of the State in which the aerodrome is situated.

(5) The pilot in command shall ensure that the aeroplane is able, in the event of a critical engine failing at any point in the take-off, either to discontinue the take-off and stop within either the accelerate-stop distance available or the runway available, or to continue the take-off and clear all obstacles along the flight path by an adequate margin until the aeroplane is in a position to comply with sub-regulation (8).

(6) The pilot in command in determining the length of the runway available, shall take account of the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

(7) The pilot in command shall ensure that in the event of the critical engine becoming inoperative at any point along the route or planned diversions therefrom, to continue the flight to an aerodrome at which the standard of sub- regulation (8) can be met, without flying below the minimum obstacle clearance altitude at any point.

(8) The pilot in command shall ensure that the aeroplane at the aerodrome of intended landing and at any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, is able to land, with assurance that it can come to a stop or, for a seaplane, to a satisfactorily low speed, within the landing distance available and allowance shall be made for expected variations in the approach and landing techniques, if such allowance has not been made in the scheduling of performance data.

Aeroplane Continuing Airworthiness

37. (1) The operator shall comply with the requirements of regulation 24.

Operators
continuing
airworthiness
responsibilities.

(2) The operator shall ensure that all maintenance personnel receive initial and continuation training acceptable to the Authority and appropriate to their assigned tasks and responsibilities and this shall include human factors and coordination with other maintenance personnel and flight crew.

38. The operator of an aeroplane, of a maximum certificated take-off mass in excess of 5 700 kg, as specified by the Authority, shall ensure that the information resulting from maintenance and operational experience with respect to continuing airworthiness, is transmitted as required by the Civil Aviation (Airworthiness) Regulations.

Continuing
airworthiness
information.

39. (1) When maintenance is carried out by an approved maintenance organization, the maintenance release shall be issued by the approved maintenance organization in accordance with the provisions of The Civil Aviation (Aircraft Maintenance Organization) Regulations.

Maintenance
release.

(2) When a maintenance is not carried out by an approved maintenance organization, the maintenance release shall be completed and signed by a person appropriately licensed in accordance with The Civil Aviation (Personnel Licencing) Regulations to certify that the maintenance work has been performed in accordance with the maintenance programme or other data and procedures acceptable to the Authority.

(3) When maintenance is not carried out by an approved maintenance organization, the maintenance release shall include the following—

- (a) basic details of the maintenance performed;
- (b) the date such maintenance was completed; and
- (c) the identity of the person or persons signing the release.

Aeroplane Flight Crew

40. (1) The operator shall designate a pilot to act as pilot-in-command for each flight.

(2) When a separate flight engineer's station is incorporated in the design of an aeroplane, the flight crew shall include at least one flight engineer especially assigned to that station, unless the duties associated with that station can be satisfactorily performed by another flight crew member, holding a flight engineer licence, without interference with regular duties.

41. (1) The operator shall, for each type of aeroplane, assign to all flight crew members the necessary functions they are to perform in an emergency or in a situation requiring emergency evacuation.

(2) Recurrent training in accomplishing these functions shall be contained in the operator's training programme and shall include instruction in the use of all emergency and life-saving equipment required to be carried, and drills in the emergency evacuation of the aeroplane.

42. (1) The operator shall establish and maintain a training programme, acceptable to the Authority that is designed to ensure that a person who receives training acquires and maintains the competency to perform assigned duties, including skills related to human performance.

(2) Ground and flight training programmes shall be established, either through internal programmes or through a training services provider, and shall include or make reference to a syllabus for those training programmes in the company operations manual.

(3) The training programme shall include training to competency for all equipment installed.

(4) Flight simulators should be used to the maximum extent practicable for initial and annual recurrent training.

Qualifications

43. (1) The operator shall—

- (a) ensure that each flight crew member assigned to duty holds a valid licence issued by the Authority, or if issued by another Contracting State, rendered valid by the Authority;
- (b) ensure that flight crew members are properly rated; and
- (c) be satisfied that flight crew members are competent to carry out assigned duties.

(2) The operator of an aeroplane equipped with an Airborne Collision Avoidance System (ACAS II) shall ensure that each flight crew member has been appropriately trained to competency in the use of ACAS II equipment and the avoidance of collisions.

(3) The operator shall not assign a pilot to act as pilot-in-command of an aeroplane unless that pilot has made at least three take-

Composition of the flight crew.

Flight crew member emergency duties.

Flight crew member training programmes.

Flight crew member licensing.

offs and landings within the preceding 90 days on the same type of aeroplane or in a flight simulator approved for the purpose.

(4) The operator shall not assign a co-pilot to operate at the flight controls of an aeroplane during take-off and landing unless that pilot has made at least three take-offs and landings within the preceding 90 days on the same type of aeroplane or in a flight simulator approved for the purpose.

(5) The operator shall ensure that piloting technique and the ability to execute emergency procedures is checked periodically in such a way as to demonstrate the pilot's competence and where the operation may be conducted under the instrument flight rules, the operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or a representative of the State issuing the pilot licence.

44. The operator should ensure that any person assigned as a flight operations officer or flight dispatcher is trained and maintains familiarization with all features of the operation which are pertinent to their duties, including knowledge and skills related to human factors as required in the Civil Aviation (Personnel Licensing) Regulations.

Flight Operations
Officer./Flight
Dispatcher.

Manuals, Logs and Records

45. (1) The operator shall provide a maintenance control manual, approved by the Authority, as specified in regulation 52, for the use and guidance of maintenance and operations personnel.

Operator's
maintenance
control manual.

(2) The design of the manual should observe Human Factors principles.

(3) An operator's maintenance control manual provided in accordance with regulation 52, which may be issued in separate parts, shall be developed according to industry codes of practice or to the guidance material issues by the Authority, and should at a minimum contain information about—

- (a) the means for complying with the procedures required by regulation 51(1);
- (b) the means of recording the names and duties of the person or persons required by regulation 47(1);
- (c) a maintenance programme;
- (d) methods used for the completion and retention of the operator's continuing airworthiness records;
- (e) a procedures for complying with the service information reporting requirements of Civil Aviation (Airworthiness) Regulations;
- (f) the procedures for implementing action resulting from mandatory continuing airworthiness information;
- (g) a system of analysis and continued monitoring of the performance and efficiency of the maintenance programme, in order to correct any deficiencies in the program;

- (h) the aircraft types and models to which the manual applies;
- (i) the procedures for ensuring that unserviceability affecting airworthiness are recorded and rectified; and
- (j) procedures for advising the Authority of significant in-service occurrences.

46. (1) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance programme, acceptable to the Authority, containing the information required under regulation 53.

Maintenance programme.

(2) The design and application of the operator's maintenance programme shall observe Human Factors principles.

(3) The operator shall ensure copies of all amendments to the maintenance programme shall be furnished promptly to all organizations or persons to whom the maintenance programme has been issued.

(4) A maintenance programme for each aeroplane shall contain the following information—

- (a) maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the aeroplane;
- (b) when applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b) above as approved by the Authority; and
- (d) when applicable and approved by the Authority, condition monitoring and reliability program descriptions for aircraft systems, components and engines.

(2) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design, or approved changes to the maintenance programme, shall be identified as such.

(3) The maintenance program shall be based on maintenance programme information made available by the State of Design or by the organization responsible for the type design, and any additional applicable experience.

47. The owner of the aeroplane, or in the case where it is leased, the lessee, shall ensure, to the extent possible, in the event the aeroplane becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with Civil Aviation (Aircraft Accident and Incident Investigation) Regulations.

Flight recorder operation and records.

Cabin Crew

48. (1) The requirement for cabin crew for each type of aeroplane shall be determined by the operator, based on seating capacity or the

Assignment of emergency duties.

number of passengers carried, in order to effect a safe and expeditious evacuation of the aeroplane, and the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The operator shall assign these functions for each type of aeroplane.

49. When cabin crew are required by the Authority, each cabin crew member assigned to emergency evacuation duties shall occupy a seat provided in accordance with the Civil Aviation (Instrument and Equipment) Regulation, regulation 115 during take-off and landing and whenever the pilot-in-command so directs.

Cabin crew at emergency evacuation stations.

50. Each cabin crew member shall be seated with seat belt on or, when provided, safety harness fastened during take-off and landing and whenever the pilot-in-command so directs.

Protection of cabin crew during flight.

51. (1) The operator shall ensure that a training programme is completed by all persons before being assigned as a cabin crew member.

Training.

(2) The operator should establish and maintain a cabin crew training programme that is designed to ensure that persons who receive training acquire the competency to perform their assigned duties and includes or makes reference to a syllabus for the training programme in the company operations manual and the training programme should include human factors training.

Security

52. Following an act of unlawful interference, the pilot-in-command shall submit a report of such an act to the designated local authority.

Reporting acts of unlawful interference

53. The Authority shall ensure that each entity conducting general aviation operations, including corporate operator aviation operations, using aircraft with a maximum take-off mass greater than 5 700 kg, shall establish, implement and maintain a written security programme that meets the requirements of the national civil aviation security programme—

Security programme.

- (a) determination of the seriousness of any occurrence;
- (b) crew communication and coordination;
- (c) appropriate self-defence responses;
- (d) use of non-lethal protective devices assigned to crew members whose use is authorized by the Authority;
- (e) cockpit procedures to protect the aircraft; and
- (f) aircraft search procedures and guidance on least-risk bomb locations where practicable.

PART IV—EXEMPTION

54. (1) A person may apply to the Authority for an exemption from any of these Regulations.

Requirement for application.

(2) An application for exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption must contain the applicant's name—

- (a) physical address and mailing address;
- (b) telephone number;
- (c) fax number if available; and
- (d) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

55. (1) An application for an exemption shall contain the following—

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (h) if the applicant seeks to operate under the proposed exemption outside of the Kenya airspace, the application shall indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO) as well as the Regulations pertaining to the airspace in which the operation will occur.

(2) Where the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

56. (1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 54 and 55.

Request for exemption.

Initial review by the Authority.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the Kenya *Gazette*, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 54 and 55 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

57. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

Evaluation of the request.

- (a) determination of whether an exemption would be in the public interest;
- (b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a determination of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices; and
- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of the Kenya the Authority shall publish the summary in the Aeronautical Information Circular.

PART V—GENERAL PROVISIONS

58. (1) A holder of a licence, certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that licence, certificate, authorisation or such other document.

Possession of the licence.

(2) A flight crew of a foreign registered aircraft shall hold a valid licence, certificate or authorisation and have in his physical possession or at the work site when exercising the privileges of that licence, certificate or authorisation.

59. (1) Any person who performs any function related to operation of aircraft under these Regulations may be tested for drug or alcohol usage.

Drug and alcohol testing and reporting.

(2) The Authority may prohibit any person from carrying out the functions related to operation of aircraft, who—

- (a) tests positive for drug or alcohol usage;
- (b) refuses to submit to a test; or
- (c) refuses to furnish or to authorise the release of the test results requested by the Authority.

60. A person who holds a licence, certificate, authorisation or such other document required by these Regulations shall present it for inspection upon a request from the Authority or any person authorized by the Authority.

Inspection of licences and certificates.

61. (1) A holder of a licence, certificate, authorisation or other document issued under by the Authority may apply to change the name on a licence, certificate, authorisation or such other document.

Change of name.

(2) The holder shall include with any such request—

- (a) a court order, or other legal document verifying the name change; and
- (b) the current licence, certificate, authorisation or such other document sought to be amended.

(3) The Authority may change the licence, certificate, authorisation or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies thereof and return the replaced licence, certificate or authorisation with the appropriate endorsement.

(5) A licence, certificate, authorisation or such other document issued to a person under these Regulations is not transferable.

62. (1) A holder of a certificate, or authorisation issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of—

Change of address.

- (a) physical address, at least fourteen days in advance; and
- (b) mailing address upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

63. A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if the documents are lost or destroyed.

Replacement of documents.

64. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorisation or such other document issued, granted or having effect under these Regulations.

Certificate suspension and revocations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any certificate, approval, permission, exemption or such other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate, approval, permission, exemption or such other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within 14 days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate, approval, permission, exemption or any other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

65. (1) A person shall not—

Use and retention of certificates and records.

- (a) use any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the issue renewal or variation of any such certificate, approval, permission or exemption or such other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or willfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate, document or exemption under these Regulations unless he is authorised to do so by the Authority.

66. (1) Any person who knows of a violation of the Act, any amendment thereto, or any rule, regulation, or order issued there under, shall report it to the Authority.

(2) The Authority will determine the nature and type of any additional investigation or enforcement action that need be taken.

67. (1) The Authority shall take enforcement action on any regulated entity that fails to comply with the provisions of these Regulations.

(2) Inspectors of the Authority holding valid delegations shall take necessary action to preserve safety where an undesirable condition has been detected.

(3) The action(s) referred to in sub-regulation (2) may include—

(a) in the case of a regulated entity, imposition of operating restrictions until such a time that the existing undesirable condition has been resolved; and

(b) in the case of a licensed personnel, require that the individual does not exercise the privileges of the license until such a time that the undesirable condition has been resolved.

(4) In carrying out the enforcement actions pursuant to the provisions of sub-regulation (2), the inspectors of the Authority shall invoke the powers with due care and act in good faith in the interest of preserving safety.

68. (1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or such other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made there under.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the prescribed fees.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority, shall not refund any payment made.

69. (1) These Regulations shall apply to aircraft, not being a military aircraft belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the department or other authority for the time being responsible for

Reports of
violation.

Enforcement of
directions.

Aeronautical user
fees.

Application of
regulations to
Government and
visiting forces,
etc.

management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these regulations to the same extent as if the visiting force formed part of the military force of the Kenya.

70. Except where the context otherwise requires, the provisions of these Regulations shall—

Extra-territorial
application of
Regulations.

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Kenya, apply to such aircraft wherever they may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, apply to such aircraft when they are within the Kenya;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of the Kenya, apply to them wherever they may be.

71. (1) The operator or pilot-in-command of an aircraft registered in the Kenya (or, if the operator's principal place of business or permanent residence is in the Kenya, any other aircraft) which is being flown over any foreign State shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to that State.

Flights over any
foreign country.

(2) A person does not contravene sub-regulation (1) if that person neither knew nor had reasons to suspect that the aircraft was being or was to be used for a purpose referred to in sub-regulation (1).

(3) The operator or pilot-in-command of an aircraft registered in Kenya (or, if the operator's principal place of business or permanent residence is in the Kenya, any other aircraft) which is being flown over any foreign State shall comply with any directions given by the appropriate aeronautical authorities of that State whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in

relation to that State, unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene sub-regulation (3) if he neither knew nor suspected that the directions were being given by the appropriate aeronautical authorities.

(5) The requirement in sub-regulation (3) shall not prejudice the need to comply with other requirements or directions of aeronautical authority.

(6) In this regulation "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign State to issue directions to aircraft flying over that State.

72. A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorization, exemption or other document revoked or suspended.

Contravention of Regulations.

73. A person who is aggrieved with the decision of the Authority under these regulations may within thirty days appeal to the tribunal.

Appeals to the Tribunal.

74. (1) If any provision of these Regulations, is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless he or she proves that the contravention occurred without his consent or connivance and that he or she exercised all due diligence to prevent the contravention.

Penalties.

(2) A person who contravenes any provision specified as an "A" provision in the Second Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one million shillings for each offence and or to imprisonment for a term not exceeding one year or to both.

(3) A person who contravenes any provision specified in B in the Second Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings for each offence and or to imprisonment for a term not exceeding three years or to both.

(4) A person who contravenes any provision of these Regulations not being a provision referred to in the Second Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings, and in the case of a second or subsequent conviction for the like offence to a fine not exceeding four million shillings.

75. The Civil Aviation (Operation of Aircraft- Aeroplanes) Regulations, 2018 are hereby revoked.

Revocation of L.N 165/2018.

76. (1) A licence, certificate, permit or authorization issued or granted by the Authority before the commencement of these Regulations shall remain operational until it expires or is revoked, annulled or replaced.

Transitional.

(2) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operations affected by these Regulations shall, within one (1) year from the date of commencement, or within such longer time that the Cabinet Secretary may, by notice in the Gazette prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

FIRST SCHEDULE (r.7)
MINIMUM EQUIPMENT LIST (MEL)

- (a) If deviations from the requirements of States in the certification of aircraft were not permitted, an aircraft could not be flown unless all systems and equipment were operable. Experience has proved that some unserviceability can be accepted in the short term when the remaining operative systems and equipment provide for continued safe operations.
- (b) The State should indicate through approval of a minimum equipment list those systems and items of equipment that may be inoperative for certain flight conditions with the intent that no flight can be conducted with inoperative systems and equipment other than those specified.
- (c) A minimum equipment list, approved by the State of Registry, is therefore necessary for each aircraft, based on the master minimum equipment list established for the aircraft type by the organization responsible for the type design in conjunction with the State of Design.
- (d) The State of Registry should require the operator to prepare a minimum equipment list designed to allow the operation of an aircraft with certain systems or equipment inoperative provided an acceptable level of safety is maintained.
- (e) The minimum equipment list is not intended to provide for operation of the aircraft for an indefinite period with inoperative systems or equipment. The basic purpose of the minimum equipment list is to permit the safe operation of an aircraft with inoperative systems or equipment within the framework of a controlled and sound programme of repairs and parts replacement.
- (f) Operators are to ensure that no flight is commenced with multiple minimum equipment list items inoperative without determining that any interrelationship between inoperative systems or components will not result in an unacceptable degradation in the level of safety and/or undue increase in the flight crew workload.
- (g) The exposure to additional failures during continued operation with inoperative systems or equipment should also be considered in determining that an acceptable level of safety is being maintained. The minimum equipment list may not deviate from requirements of the flight manual limitations section, emergency procedures or other airworthiness requirements of the State of Registry unless the appropriate airworthiness authority or the flight manual provides otherwise.
- (h) Systems or equipment accepted as inoperative for a flight should be placarded where appropriate and all such items should be noted in the aircraft technical log to inform the flight crew and maintenance personnel of the inoperative system or equipment.
- (i) For a particular system or item of equipment to be accepted as inoperative, it may be necessary to establish a maintenance procedure, for completion prior to flight, to deactivate or isolate the system or equipment. It may similarly be necessary to prepare an appropriate flight crew operating procedure.

- (j) The responsibilities of the pilot-in-command in accepting an aeroplane for operation with deficiencies in accordance with a minimum equipment list are specified in Regulation 10.

GENERAL AVIATION SPECIFIC APPROVALS

1.1 Specific approvals shall have a standardized format which contains the minimum information required in the specific approval template.

Note.— When the operations to be conducted require a specific approval, a copy of the document(s) needs to be carried on board (see sub-regulation 15(2)).

2. SPECIFIC APPROVAL TEMPLATE

SPECIFIC APPROVAL				
ISSUING AUTHORITY and CONTACT DETAILS ¹				
Issuing Authority ¹ _____				
Address _____				
Signature: _____		Date ² : _____		
Telephone: _____		Fax: _____		Email: _____
OWNER/OPERATOR				
Name ³ : _____		Address: _____		
Telephone: _____		Fax: _____		Email: _____
Aircraft model ⁴ and registration marks: _____				
SPECIFIC	Y	N	DESCRIPTION ⁵	REMARKS
Low visibility				
Approach and landing			CAT ⁶ : _____ DH: _____	
Take-off			RVR ⁷ : _____m	
Operational credit(s)			8	
RVSM				
AR navigation specifications for PBN operations			9	
Other ¹⁰				

Notes:—

- (a) Civil Aviation Authority name and contact details, including the telephone country code and email if available.

- (b) *Issuance date of the specific approval (dd-mm-yyyy) and signature of the authority representative.*
- (c) *Owner or operator's name and address.*
- (d) *Insert the aeroplane make, model and series, or master series, if a series has been designated. The CAST/ICAO taxonomy is available at: <http://www.intlaviationstandards.org/>.*
- (e) *List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).*
- (f) *Insert the applicable precision approach category (CAT II, IIIA, IIIB or IIIC). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.*
- (g) *Insert the approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.*
- (h) *List the airborne capabilities (i.e. automatic landing, HUD, EVS, SVS, CVS) and associated operational credit(s) granted.*

Performance-based navigation (PBN): one line is used for each PBN AR navigation specification approval (e.g. RNP AR APCH), with appropriate limitations listed in the "Description" column. Other specific approvals or data can be entered here, using one line (or one multi-line block) per approval (e.g. specific approach operations approval, MNPS).

GUIDANCE FOR LARGE AND TURBOJET OPERATIONS FOR GENERAL AVIATION

ATTACHMENT 1.A—CARRIAGE AND USE OF OXYGEN INTRODUCTION

The performance of crew members and the well-being of passengers during flights at such altitudes where a lack of oxygen might result in impairment of faculties are of major concern. Research conducted in altitude chambers or by exposure to mountain elevations indicates that human tolerance could be related to the altitude concerned and the exposure time. The subject is dealt with in detail in the *Manual of Civil Aviation Medicine* (Doc 8984). In light of the above and to further assist the pilot-in-command in providing the oxygen supply intended by Regulation 9(8) of this Regulations, the following guidelines, which take into account the requirements already established in the Civil Aviation (Operations of Aircraft Commercial Air Transport) Regulations, are considered relevant.

OXYGEN SUPPLY

1.1 A flight to be operated at altitudes at which the atmospheric pressure in personnel compartments will be less than 700 hPa should not be commenced unless sufficient stored breathing oxygen is carried to supply ☐.

- (a) all crew members and at least 10 per cent of the passengers for any period in excess of 30 minutes that the pressure in compartments occupied by them will be between 700 hPa and 620 hPa; and
- (b) all crew members and passengers for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.

1.2 A flight to be operated with a pressurized aeroplane should not be commenced unless a sufficient quantity of stored breathing oxygen is carried to supply all crew members and passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurization, for any period that the atmospheric pressure in any compartment occupied by them would be less than 700 hPa. In addition, when an aeroplane is operated at flight altitudes at which the atmospheric pressure is less than 376 hPa, or which, if operated at flight altitudes at which the atmospheric pressure is more than 376 hPa and cannot descend safely within four minutes to a flight altitude at which the atmospheric pressure is equal to 620 hPa, there shall be no less than a 10-minute supply for the occupants of the passenger compartment.

2. USE OF OXYGEN

2.1 All flight crew members, when engaged in performing duties essential to the safe operation of an aeroplane in flight, should use breathing oxygen continuously whenever the circumstances prevail for which its supply has been indicated to be necessary in 1.1 or 1.2.

2.2 All flight crew members of pressurized aeroplanes operating above an altitude where the atmospheric pressure is less than 376 hPa should have available at the flight duty station a quick donning type of mask which will readily supply oxygen upon demand.

Note.— Approximate altitudes in the Standard Atmosphere corresponding to the values of absolute pressure used in the text are as follows:

<i>Absolute pressure</i>	<i>Metres</i>	<i>Feet</i>
700 hPa	3 000	10 000
620 hPa	4 000	13 000
376 hPa	7 600	25 000

ATTACHMENT 1.B—AUTOMATIC LANDING SYSTEMS

HEAD-UP DISPLAY (HUD) OR EQUIVALENT DISPLAYS AND VISION SYSTEMS INTRODUCTION

The material in this attachment provides guidance for certified automatic landing systems, HUD or equivalent displays and vision systems intended for operational use in aircraft engaged in international air navigation. These systems and hybrid systems may be installed and operated to reduce workload, improve guidance, reduce flight technical error and enhance situational awareness and/or to obtain operational credits. Automatic landing systems, HUD or equivalent displays and vision systems may be installed separately or together as part of a hybrid system. Any operational credit for their use requires a specific approval from the Authority.

Note 1. — “Vision systems” is a generic term referring to the existing systems designed to provide images, i.e. enhanced vision systems (EVS), synthetic vision systems (SVS) and combined vision systems (CVS).

Note 2. — Operational credit can be granted only within the limits of the airworthiness approval.

Note 3. — Currently, operational credit has been given only to vision systems containing an image sensor providing a real-time image of the actual external scene on a HUD.

Note 4. — More detailed information and guidance on automatic landing systems, HUD or equivalent displays and vision systems are contained in the Manual of All-Weather Operations (Doc 9365). This manual should be consulted in conjunction with this attachment

1. HUD AND EQUIVALENT DISPLAYS

1.1. General

1.1.1 A HUD presents flight information into the pilot's forward external field of view without significantly restricting that external view.

1.1.2 Flight information should be presented on a HUD or an equivalent display, as required for the intended use.

1.2. Operational applications

1.2.1 Flight operations with a HUD can improve situational awareness by combining flight information located on head-down displays with the external view to provide pilots with more immediate awareness of relevant flight parameters and situation information while they continuously view the external scene. This improved situational awareness can also reduce errors in flight operations and improve the pilot's ability to transition between instrument and visual references as meteorological conditions change.

1.2.2 A HUD may be used to supplement conventional flight deck instrumentation or as primary flight displays if certified for this purpose.

1.2.3 An approval HUD may—

- (a) qualify for operations with reduced visibility or reduced RVR; or
- (b) replace some parts of the ground facilities such as touchdown zone and/or centre line lights.

- 1.2.4 The functions of a HUD may be provided by a suitable equivalent display. However, before such systems can be used, the appropriate airworthiness approval should be obtained.

1.3. HUD training

Training and recent experience requirements for operations using HUD or equivalent displays should be established by the Authority. The training should address all flight operations for which the HUD or equivalent display is used.

VISION SYSTEMS

2.1. General

Vision systems can display electronic real-time images of the actual external scene achieved through the use of image sensors, i.e. EVS, or display synthetic images, which are derived from the on-board avionic systems, i.e. SVS. Vision systems can also consist of a combination of these two systems called combined vision systems (CVS). Such a system may display electronic real-time images of the external scene using the EVS component of the system. The information from vision systems may be displayed head-up and/or head-down. Operational credit may be granted to vision systems which are appropriately qualified.

- 2.1.2 Light emitting diode (LED) lights may not be visible to infrared-based vision systems. Operators of such vision systems will need to acquire information about the LED implementation programmes at aerodromes where they intend to operate. More details about the consequences of LED lights are contained in the *Manual of All-Weather Operations* (Doc. 9365).

2.1. Operational applications

Flight operations with EVS allow the pilot to view an image of the external scene obscured by darkness or other visibility restrictions. The use of EVS will also allow acquisition of an image of the external scene earlier than with natural, unaided vision, hence providing for a smoother transition to references by natural vision. The improved acquisition of an image of the external scene may improve situational awareness. It may also qualify for operational credit if the information from the vision system is presented to the pilots in a suitable way and the necessary airworthiness approval and specific approval by the Authority have been obtained for the combined system.

- 2.2.2 Vision system imagery may also enable pilots to detect other aircraft on the ground, terrain or obstructions on the or adjacent to runways or taxiway.

2.3 Operational concepts

- 2.3.1 Instrument approach operations include an instrument phase and a visual phase. The instrument phase ends at the published MDA/H or DA/H unless a missed approach is initiated. Using the EVS or CVS does not change the applicable MDA/H or DA/H. The continued approach to landing from MDA/H or DA/H will be conducted using visual references. This also applies to operations with vision systems. The difference is that the visual references will be acquired by use of an EVS or CVS, natural vision or the vision system in combination with natural vision.
- 2.3.2 Down to a defined height in the visual segment, typically at or above 30 m (100 ft), the visual references may be acquired solely by means of the vision system. The defined height depends on the airworthiness approval and the

specific approval by the Authority. Below this height the visual references should be solely based on natural vision. In the most advanced applications, the vision system may be used down to touchdown without the requirement for natural vision acquisition of visual references. This means that such a vision system may be the sole means of acquiring visual references and can be used without natural vision.

2.4. Vision systems training

Training and recent experience requirements should be established by the Authority. Training should address all flight operations for which the vision system is used.

2.5. Visual references

2.5.1 In principle, the required visual references do not change due to the use of an EVS or CVS, but those references are allowed to be acquired by means of the vision system until a certain height during the approach as described in Regulation 9(4).

2.5.2 In States that have developed requirements for operations with vision systems, the use of visual references have been regulated and examples of this are provided in the *Manual of All-Weather Operations* (Doc 9365).

3. HYBRID SYSTEMS

A hybrid system generically means that two or more systems are combined. The hybrid system typically has improved performance compared to each of the component systems, which in turn may qualify for operational credit. The inclusion of systems in the hybrid system normally enhances the performance of the system. The *Manual of All-Weather Operations* (Doc 9365) contains some examples of hybrid systems.

4. OPERATIONAL CREDITS

4.1 Aerodrome operating minima are expressed in terms of minimum visibility/RVR and MDA/H or DA/H. When aerodrome operating minima are established, the combined capability of the aircraft equipment and on-ground infrastructure should be taken into account. Better equipped aircraft may be able to operate into lower natural visibility conditions, lower DA/H and/or operate with less ground infrastructure. Operational credit means that the aerodrome operating minima may be reduced in case of suitably equipped aircraft. Another way to grant operational credit is to allow visibility requirements to be fulfilled, wholly or partly, by means of the on-board systems. HUD, automatic landing or vision systems, which were not available at the time the criteria for aerodrome operating minima were originally established.

4.2 The granting of operational credits does not affect the classification (i.e. Type or Category) of an instrument approach procedure since they are designed to support instrument approach operations conducted with aircraft with the minimum equipment prescribed.

4.3 The relation between the procedure design and the operation can be described as follows. The OCA/H is the end product of the procedure design, which does not contain any RVR or visibility values. Based on the OCA/H and all the other elements such as available runway visual aids, the operator will establish MDA/H or DA/H and RVR/visibility, i.e. the aerodrome operating minima. The values derived should not be less than those that may be prescribed by the State of the Aerodrome.

5. OPERATIONAL PROCEDURES

In accordance with in-flight operations the operator should develop suitable operational procedures associated with the use of an automatic landing system, a HUD or an equivalent display, vision systems and hybrid systems. These procedures should be included in the operations manual and cover at least the following—

- (a) limitations;
- (b) operational credits;
- (c) flight planning;
- (d) ground and airborne operations;
- (e) crew resource management;
- (f) standard operating procedures; and
- (g) ATS flight plans and communication.

6. APPROVALS

6.1. General

Note.— When the application for a specific approval relates to operational credits for systems not including a vision system, the guidance on approvals in this attachment may be used to the extent applicable as determined by the Authority.

- 6.1.1 The operator that wishes to conduct operations with an automatic landing system, a HUD or equivalent display, vision system or hybrid system will need to meet certain criteria and, in some instances, obtain specific approvals as per Regulation 7. The extent of the approvals will depend on the intended operation and the complexity of the equipment.
- 6.1.2 Systems may be used to improve situational awareness without a specific approval. However, the standard operating procedures for these systems should be specified in the operations manual or equivalent document. An example of this type of operation may include an EVS or an SVS on a head-down display that is used only for situational awareness of the surrounding area of the aircraft during ground operations where the display is not in the pilot's primary field of view. For enhanced situational awareness, the installation and operational procedures need to ensure that the operation of the vision system does not interfere with normal procedures or the operation or use of other aircraft systems. In some cases, modifications to these normal procedures for other aircraft systems or equipment may be necessary to ensure compatibility.
- 6.1.3 Flight Operations Regulations 29-34 states that operational credits based on the use of an automatic landing system, a HUD or an equivalent display, EVS, SVS or CVS or any combination of those systems into a hybrid system, should be specifically approved.
- 6.1.4 The Standard in-flight operations require the Authority to establish criteria for the use of an automatic landing system, a HUD or an equivalent display, EVS, SVS or CVS or any combination of those systems into a hybrid system "for the safe operation of an aeroplane" and specifies such criteria. When operational credits are granted by the Authority as per the Standard in Regulations 29 – 34, the use of that system becomes essential for the safety

of those operations and approval of the use of such systems is part of the operational credit specific approval. The use of these systems solely for enhanced situational awareness, reduced flight technical error and/or reduced workload is an important safety feature, but does not require a specific approval.

6.1.5 Any operational credit that has been granted should be reflected in the specific approval template and be carried on board the particular aeroplane.

6.2 Specific approvals for operational credit

6.2.1 To obtain operational credit the operator will need to specify the desired operational credit and submit an application in accordance with Regulation 7. The content of a suitable application should include □

- (a) *Applicant details.* The official name and any business or trading name(s), address, mailing address, email address and contact telephone/fax numbers of the applicant.
- (b) *Aircraft details.* Aircraft make(s), model(s) and registration mark(s).
- (c) *Operator's vision system compliance list.* The contents of the compliance list are included in the Manual of All-Weather Operations (Doc 9365). The compliance list should include the information that is relevant to the approval requested and the registration marks of the aircraft involved. If more than one type of aircraft/fleet is included in a single application, a completed compliance list should be included for each aircraft/fleet.
- (d) *Documents to be included with the application.* Copies of all documents to which the operator has made references should be included in the application. There should be no need to send complete manuals; only the relevant sections/pages should be required. Additional guidance material can be found in the Manual of All-Weather Operations (Doc 9365).
- (e) *Name, title and signature.*

6.2.2 The following items should be covered in a vision systems compliance list—

- (a) reference documents used in compiling the submission for approval;
- (b) flight manual;
- (c) feedback and reporting of significant problems;
- (d) requested operational credit and resulting aerodrome operating minima;
- (e) operations manual (or an equivalent document) entries including MEL (where applicable) and standard operating procedures;
- (f) safety risk assessment;
- (g) training programmes; and
- (h) continuing airworthiness.

Note:-Expanded guidance on these items is contained in the Manual of All-Weather Operations (Doc 9365).

ATTACHMENT 2.A—COMPANY OPERATIONS MANUAL

The following is the suggested content of a company operations manual. It may be issued in separate parts corresponding to specific aspects of an operation. It should include the instructions and information necessary to enable the personnel concerned to perform their duties safely and shall contain at least the following information—

- (a) table of contents;
- (b) amendment control page and list of effective pages, unless the entire document is reissued with each amendment and the document has an effective date on it;
- (c) duties, responsibilities and succession of management and operating personnel;
- (d) operator safety management system;
- (e) operational control system;
- (f) MEL procedures (where applicable);
- (g) normal flight operations;
- (h) standard operating procedures (SOPs);
- (i) weather limitations;
- (j) flight and duty time limitations;
- (k) emergency operations;
- (l) accident/incident considerations; (m) personnel qualifications and training;
- (n) record keeping;
- (o) a description of the maintenance control system;
- (p) security procedures (where applicable);
- (q) performance operating limitations;
- (r) use/protection of FDR/CVR records (where applicable);
- (s) handling of dangerous goods; and
- (t) use of head-up displays (HUD)/enhanced vision systems (EVS).

ATTACHMENT 2.B—MINIMUM EQUIPMENT LIST (MEL)

Supplementary to 3.6.1.1

1. If deviations from the requirements of States in the certification of aircraft were not permitted, an aircraft could not be flown unless all systems and equipment were operable. Experience has proved that some un-serviceability can be accepted in the short term when the remaining operative systems and equipment provide for continued safe operations.
2. The State should indicate through approval of a minimum equipment list those systems and items of equipment that may be inoperative for certain flight conditions with the intent that no flight can be conducted with inoperative systems and equipment other than those specified.
3. A minimum equipment list, approved by the State of the Operator, is therefore necessary for each aircraft, based on the master minimum equipment list established for the aircraft type by the organization responsible for the type design in conjunction with the State of Design.

4. The State of the Operator should require the operator to prepare a minimum equipment list designed to allow the operation of an aircraft with certain systems or equipment inoperative provided an acceptable level of safety is maintained.
5. The minimum equipment list is not intended to provide for operation of the aircraft for an indefinite period with inoperative systems or equipment. The basic purpose of the minimum equipment list is to permit the safe operation of an aircraft with inoperative systems or equipment within the framework of a controlled and sound programme of repairs and parts replacement.
6. Operators are to ensure that no flight is commenced with multiple minimum equipment list items inoperative without determining that any interrelationship between inoperative systems or components will not result in an unacceptable degradation in the level of safety or undue increase in the flight crew workload.
7. The exposure to additional failures during continued operation with inoperative systems or equipment should also be considered in determining that an acceptable level of safety is being maintained. The minimum equipment list may not deviate from requirements of the flight manual limitations section, emergency procedures or other airworthiness requirements of the Authority or of the State of the Operator unless the appropriate airworthiness authority or the flight manual provides otherwise.
8. Systems or equipment accepted as inoperative for a flight should be placarded where appropriate and all such items should be noted in the aircraft technical log to inform the flight crew and maintenance personnel of the inoperative system or equipment.
9. For a particular system or item of equipment to be accepted as inoperative, it may be necessary to establish a maintenance procedure, for completion prior to flight, to deactivate or isolate the system or equipment. It may similarly be necessary to prepare an appropriate flight crew operating procedure.
10. The responsibilities of the pilot-in-command in accepting an aeroplane for operation with deficiencies in accordance with a minimum equipment list are specified in Regulation 10.

SECOND SCHEDULE
PENALTIES (r. 74(2),(3)(4))

4	Compliance with laws, regulations and procedures.	A
5	Dangerous goods.	B
6	Use of psychoactive substances.	A
7	Specific approval.	A
8	Operating facilities.	A
9	Operational management.	A
10	Flight preparation.	A
11	In-flight procedures.	A
12	Duties of pilot-in-command.	A
13	Cabin baggage (take-off and landing).	A
14	Aeroplane performance operating limitations.	A
15	Owner's continuing airworthiness responsibilities	A
16	Continuing Airworthiness Records	A
17	Modifications and repairs	A
18	Maintenance release	A
19	Composition of the flight crew	A
20	Qualifications	A
21	Flight manual	A
22	Journey log book	A
23	Records of emergency and survival equipment carried	A
24	Security of aeroplane	A
25	Reporting acts of unlawful interference	A
26	Applicability	A
27	Compliance with laws, regulations and procedures	A
28	Safety management	A
29	Operating facilities	A
30	Operational management	A
31	Flight preparation	A
32	In-flight procedures	A

33	Duties of pilot-in- command	A
34	Cabin baggage (take- off and landing)	A
35	Applicability	A
36	Mass limitations take off	A
37	Operators continuing airworthiness responsibilities	A
38	Continuing airworthiness information	A
39	Maintenance release	A
40	Composition of the flight crew	A
41	Flight crew member emergency duties	A
42	Flight crew member training programmes	A
43	Flight crew member licensing	A
44	Flight Operations Officer/Flight Dispatcher	A
45	Operator's maintenance control manual	A
46	Maintenance programme	A
47	Flight recorder operation and records	A
48	Assignment of emergency duties	A
49	Cabin crew at emergency evacuation stations	A
50	Protection of cabin crew during flight	A
51	Training	A
52	Reporting acts of unlawful interference	A
53	Security programme	A
54	Requirement for application	A
55	Request for exemption	A
56	Initial review by the Authority	A
57	Evaluation of the request	A
58	Possession of the licence	A
59	Drug and alcohol testing and reporting	A
60	Inspection of licences and certificates	A
61	Change of name	A
62	Change of address	A
63	Replacement of documents	A
64	Certificate suspension and revocations	A

65	Use and retention of certificates and records	A
66	Reports of violation	A
67	Enforcement of directions	A
68	Aeronautical user fees	A
69	Application of regulations to Government and visiting forces, etc	A
70	Extra-territorial application of Regulations	A
71	Flights over any foreign country	A
72	Contravention of Regulations	A

Made on 15th December, 2025.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport