



PROPOSED CHANGES TO DRAFT KCARS 2024

Draft Civil Aviation (Rules of The Air) Regulations, 2024

Name of Regulation	KCARs 2018 Regulatory Provision	Draft KCARs 2022 Regulatory Provision	Proposed changes in Draft KCARs 2024	Reason for proposed change
Civil Aviation (Rules of the Air) Regulations, 2018	THE CIVIL AVIATION (RULES OF THE AIR) REGULATIONS, 2018	THE CIVIL AVIATION (RULES OF THE AIR) REGULATIONS, 2022	THE CIVIL AVIATION (RULES OF THE AIR) REGULATIONS, 2024	Changed to reflect the year of promulgation
	IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations—	IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary responsible for Civil Aviation makes the following Regulations—	IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Roads and Transport makes the following Regulations—	Changed to reflect the correct ministry following re-organization of the government.
	“advisory route” means a designated route along which air traffic advisory service is available;	NIL	“advisory route” means a designated route along which air traffic advisory service is available;	Interpretation omitted

	“current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;	“current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;	“current flight plan” means the flight plan, that reflects changes to the filed flight plan, if any, by subsequent ATC clearances;	Revised to incorporate annex 2 amendment
	“estimated time of arrival” — (a) for instrument flight rules flights means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; (b) for visual flight rules flights means the time at which it is estimated that the aircraft will arrive over the aerodrome;	“estimated off-block time” means the estimated time at which the aircraft will commence movement associated with departure; (a) for instrument flight rules flights means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the	“estimated time of arrival” — (a) for instrument flight rules flights means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; (b) for visual flight rules flights means the time at which it is estimated that the aircraft will arrive over the aerodrome;	The term “estimated time of arrival” had been omitted in the draft hence (a) and (b) appear as an interpretation of “estimated off-block time” which is misleading.

		aircraft will arrive over the aerodrome; (b) for visual flight rules flights means the time at which it is estimated that the aircraft will arrive over the aerodrome;		
	“flight” means in the case of— (a) an aeroplane or glider, from the moment it first moves for the purpose of taking off until the moment when it next comes to rest after landing; (b) an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;	“flight” means in the case of— (a) means in the case of— (b) an aeroplane or glider, from the moment it first moves for the purpose of taking off until the moment when it next comes to rest after landing; an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;	“flight” means in the case of— (a) an aeroplane or glider, from the moment it first moves for the purpose of taking off until the moment when it next comes to rest after landing; (b) an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;	(a) means in case of— This has been repeated in the process disarranged the numbering of the whole interpretation.

	“filed flight plan” means the flight plan as filed with an air traffic services unit by the pilot or a designated representative, without any subsequent changes;	“filed flight plan” means the flight plan as filed with an air traffic services unit by the pilot or a designated representative, without any subsequent changes;	“filed flight plan (FPL or eFPL)” means the latest flight plan as filed with an ATS unit submitted by the pilot, an operator or a designated representative, without any subsequent changes for use by ATS units;	Revised to incorporate annex 2 amendment
	NIL	“filed flight plan” means the flight plan as filed with an air traffic services unit by the pilot or a designated representative, without any subsequent changes;	“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;	Definition missing in the 2018 regulations
	“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	“instrument approach operations” means an approach and landing using instruments for navigation guidance based on an instrument approach procedure— (a) a two-dimensional instrument approach operation, using lateral navigation guidance only; and a three-dimensional instrument approach	“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.	‘There are two methods for executing instrument approach operations— ‘has been omitted hence changes the meaning of the term.

	approach operation, using both lateral and vertical navigation guidance.	operation, using both lateral and vertical navigation guidance		
	“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including— (a) aircraft stand taxilane - a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only; (b) apron taxiway - a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron; (c) rapid exit taxiway - a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at	“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including— (a) for instrument flight rules flights means the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with	“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including— (a) aircraft stand taxilane - a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only; (b) apron taxiway - a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron; (c) rapid exit taxiway - a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;	Types of taxiways omitted and instead replaced by totally different elements hence a mix-up of things leading to loss of meaning.

	higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;	the destination aerodrome, to arrive over the destination aerodrome; for visual flight rules flights means the estimated time required from take-off to arrive over the destination aerodrome;		
	“terminal control area” means a control area normally established at the confluence of air traffic services routes in the vicinity of one or more major aerodromes;	NIL	“terminal control area” means a control area normally established at the confluence of air traffic services routes in the vicinity of one or more major aerodromes;	Omitted from the current draft
	“total estimated elapsed time” — (a) for instrument flight rules flights means the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be	NIL	“total estimated elapsed time” — (a) for instrument flight rules flights means the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome;	Omitted from the current draft

	commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome; (b) for visual flight rules flights means the estimated time required from take-off to arrive over the destination aerodrome;		(b) for visual flight rules flights means the estimated time required from take-off to arrive over the destination aerodrome;	
	estimated time required from take-off to arrive over the destination aerodrome;			
	1. These Regulations may be cited as the Civil Aviation (Rules of the Air) Regulations, 2018 and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.	1. These Regulations may be cited as the Civil Aviation (Rules of the Air) Regulations, 2022 and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.	1. These Regulations may be cited as the Civil Aviation (Rules of the Air) Regulations, 2024	Revised to reflect the correct citation
	3. (1) These Regulations shall apply— (a) to every person and every aircraft, including state aircraft; (b) to all aircraft bearing the nationality and registration marks of Kenya, wherever	3. (1) These Regulations shall apply to— (a) to every person and every aircraft, including state aircraft; (b) to all aircraft bearing the nationality and registration marks of Kenya, wherever	3. (1) These Regulations shall apply— (a) to every person and every aircraft, including state aircraft; (b) to all aircraft bearing the nationality and registration marks of Kenya, wherever they may be, to the extent that they do not conflict with the rules published by the	Reg. 3 (1) (c) has some key words omitted.

	they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown. (c) in full, to all aircraft flying over the high seas.	they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown. (c) all aircraft flying over the high seas.	State having jurisdiction over the territory overflown. (c) in full, to all aircraft flying over the high seas.	
	35. (8) Aircraft operating on water between sunset and sunrise, shall display lights as required by the International Regulations for Preventing Collisions at Sea unless it is impractical for them to do so, in which case they shall display lights as closely similar as possible in characteristics and position to those required by the International Regulations.	35. (8) Aircraft operating on water between sunset and sunrise, shall display lights as required by the International Regulations for Preventing Collisions at Sea unless it is impractical for them to do so, in which case they shall display lights as closely similar as possible in characteristics and position to those required by the International Regulations.	35. (8) Aircraft operating on water between sunset and sunrise, shall display lights as required by the International Regulations for Preventing Collisions at Sea. (9) Subject to sub-regulation (8) an aircraft shall display lights as closely similar as possible in characteristics and position to those required by International regulations when it is impractical to display lights as required by the International Regulations.	Split into two separate sub-regulation
	36. (3) A flight plan shall be submitted to an air traffic services reporting office before departure, or, through digital means, or,	36. (3) A flight plan shall be submitted to an air traffic services reporting office before departure, or, through digital means,	36. (3) Unless otherwise prescribed by the appropriate ATS authority, a flight plan shall be submitted to an air traffic services reporting office before departure, or, through digital	Revised to include annex 2 amendments

	during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of repetitive flight plans.	or, during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station, unless.	means, or, during flight, transmitted to the appropriate air traffic services unit or air-ground control radio station.	
	67. (1) A person who contravenes any provision of these regulations, commits an offence and is liable on conviction to a fine not exceeding two million shillings and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence. (2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these regulations, was due to any cause not avoidable by the exercise of reasonable	67. (1) A person who contravenes any provision of these regulations, commits an offence and is liable on conviction to a fine not exceeding two million shillings and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence. (2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these regulations, was due to any cause not avoidable by the exercise of reasonable care by that person, the act or	67. (1) A person who contravenes any provision of these regulations, commits an offence and is liable on conviction to a fine not exceeding two million shillings and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence. (2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these regulations, was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision. (3) Where a person is charged with contravening a provision of these regulations by reason of his	The numbering after sub-regulation (6) is erroneous with the sub-regulation supposed to be numbered as (7) being numbered as (8).

	care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision. (3) Where a person is charged with contravening a provision of these regulations by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose. (4) In case an aircraft is involved in a contravention and the contravention is by the owner or operator of the	omission shall be deemed not to be a contravention by that person of that provision. (3) Where a person is charged with contravening a provision of these regulations by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose. (4) In case an aircraft is involved in a contravention and the contravention is by the owner or operator of	having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose. (4) In case an aircraft is involved in a contravention and the contravention is by the owner or operator of the aircraft, the aircraft shall be subject to a lien for the penalty. (5) Any aircraft subject to alien for the purpose of sub-regulation (5) may be seized by and placed in the custody of the Authority; (6) The aircraft shall be released from custody of the Authority upon— (a) payment of the penalty or the amount agreed upon in compromise; (b) deposit of a bond in such amount as the Authority may prescribe, conditioned upon payment of the penalty or	
--	--	--	---	--

	aircraft, the aircraft shall be subject to a lien for the penalty. (5) Any aircraft subject to alien for the purpose of sub-regulation (5) may be seized by and placed in the custody of the Authority;	the aircraft, the aircraft shall be subject to a lien for the penalty. (5) Any aircraft subject to alien for the purpose of sub-regulation (5) may be seized by and placed in the custody of the Authority;	the amount agreed upon in compromise; (c) receiving an order of the court to that effect.	
	(6) The aircraft shall be released from custody of the Authority upon— (a) payment of the penalty or the amount agreed upon in compromise; (b) deposit of a bond in such amount as the Authority may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise; (c) receiving an order of the court to that effect. (8) A person who contravenes any provision specified in Part A of the <i>Fifth</i>	(6) The aircraft shall be released from custody of the Authority upon— (a) payment of the penalty or the amount agreed upon in compromise; (b) deposit of a bond in such amount as the Authority may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise; (c) receiving an order of the court to that effect. (8) A person who contravenes any	(7) A person who contravenes any provision specified in Part A of the Fifth 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. (8) A person who contravenes any provision specified in Part B of the Fifth 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.	

	<i>Schedule</i> 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. (9) A person who contravenes any provision specified in Part B of the <i>Fifth Schedule</i> 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.	provision specified in Part A of the <i>Fifth Schedule</i> 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. (9) A person who contravenes any provision specified in Part B of the <i>Fifth Schedule</i> 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.		
	1st Schedule RVSM - Metres	Rvsm - Metres	RVSM - Metres	RVSM is a code hence all letters should be capital

	Dated the 9th May, 2018. JAMES MACHARIA, Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.	Made on the....., 2023. ONESIMUS KIPCHUMBA MURKOMEN Cabinet Secretary for Roads, Transport, and Public works	Made on the....., 2024. Kipchumba Murkomen <i>Cabinet Secretary for Roads and Transport</i>	Revised to reflect the correct CS name and promulgation date
--	--	--	---	---