

CIVIL AVIATION (SAFETY MANAGEMENT) REGULATIONS, 2022

AMENDMENT MATRIX

	Regulation	Title	Text	Deficiency	New Text	Remarks
1	Regulation 2	Interpretation	"safety oversight" means a function performed by the Authority to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations.	Inconsistency with the standard definition in Annex 19	"safety oversight" means a function performed by a State to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations.	Amended by deleting the words "the Authority" and inserting the words "a State"
2			"Surveillance" means the State activities through which the Authority proactively verifies through inspections and audits that aviation license, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.	Inconsistency with the standard definition in Annex 19	"Surveillance" means the State activities through which the State proactively verifies through inspections and audits that aviation license, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.	Amended by deleting the words "the Authority" and inserting the words "the State"
3			N/A	Addition of definition	"Investigation" means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.	Addition of definition
4			N/A	Addition of definition	"Serious incident" means an incident involving circumstances indicating that there was a high probability of an accident and	Addition of definition

	Regulation	Title	Text	Deficiency	New Text	Remarks
					associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. Note — The difference between an accident and a serious incident lies only in the result.	
5	Regulation 3	Application	(2) Except where otherwise specified, these Regulations shall not apply to, such areas including, but not limited to, occupational safety, environmental protection, customer service or product quality.	The provision is redundant	(2) Except where otherwise specified, these Regulations shall not apply to, such areas including, but not limited to, occupational safety, environmental protection, customer service or product quality.	Sub-regulation 3 (2) is deleted
6	Regulation 4	Establishment of State Safety Programme	4. (1) The Authority shall establish, and maintain a State Safety Programme (SSP) commensurate with the size and complexity of the Kenya's civil aviation system.	Clarity	4. (1) The Authority shall establish, and maintain a State Safety Programme (SSP) that is commensurate with the size and complexity of the civil aviation system in Kenya.	Reworded for clarity

	Regulation	Title	Text	Deficiency	New Text	Remarks
7	Regulation 7	Safety assurance.	(1) As part of the SSP the Authority shall develop and implement procedures and processes for state safety assurance in— Safety assurance. (a) surveillance obligations in accordance with regulation 4(2) (g); and (b) State safety performance	Clarity	(1) As part of the SSP the Authority shall develop and implement procedures and processes for state safety assurance in order to meet: (a) surveillance obligations in accordance with regulation 4(2) (g); and (a) Safety Performance Measurement (SPM) obligations	sub-regulation (1) (b) reworded for clarity
			(2) Without prejudice to sub-regulation (1) (a) the Authority shall prioritise inspections, audits and surveys towards areas of greater safety concern or need and periodically review the safety performance of individual service providers.	Drafting clarity	(2) Without prejudice to sub-regulation (1) (a) the Authority shall: (a) prioritise inspections, audits and surveys towards areas of greater safety concern or need; and (b) periodically review the safety performance of individual service providers.	Re-worded the sub regulation (2) to introduce sub-regulation (2) (a) and (2) (b)
8	Regulation 9	Safety Management System (SMS) obligations.	(1) The following service providers shall implement a Safety Management System (SMS) — (a) operators of aeroplanes or helicopters authorized to conduct international commercial air transport in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations;	There is no certification for domestic AOC.	(1) The following service providers shall implement a Safety Management System (SMS) — (a) operators of aeroplanes or helicopters authorized to conduct commercial air transport in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations;	"international" removed from text

	Regulation	Title	Text	Deficiency	New Text	Remarks
	Regulation 9	Safety Management System (SMS) Obligations.	(c) approved maintenance organisations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations;	There is no certification for domestic AMO. Inclusion of ATOs	(c) approved maintenance organisations providing services to operators of aeroplanes or helicopters engaged in commercial air transport in accordance with the Civil Aviation (Air Operator Certification and Administration) and aeroplanes or helicopters engaged in provision of training in accordance with Civil Aviation (Approved Training Organizations) Regulations.	"international" removed from text
	Regulation 9	Safety Management System (SMS) Obligations.	(f) operators of certified aerodromes in accordance with the Civil Aviation (Aerodromes) Regulations.	Clarity on the category of Aerodrome operators required to implement SMS	(f) operators of aerodromes categorized as A and B in accordance with the Civil Aviation (Certification, Licencing and Registration of Aerodromes) Regulations.	Category A and B aerodromes have significant operations that require management of the safety risks.
10		Safety Management System (SMS) Obligations.	(3) An international general aviation operator conducting operations of large or turbojet aeroplane in accordance with Civil Aviation (Operation of Aircraft – International General Aviation - Aeroplanes) Regulations, shall implement a Safety Management System (SMS) that shall be commensurate with the size and complexity of the operation and	Incorrect citation of Regulations	(3) An international general aviation operator conducting operations of large or turbojet aeroplane in accordance with Civil Aviation (Operation of Aircraft – General Aviation - Aeroplanes) Regulations, shall implement a Safety Management System (SMS) that shall be commensurate with the size and complexity of the operation and that shall meet the criteria established by the Authority.	Deletion of the word "international" to be consistent with the correct naming of the Regulations

	Regulation	Title	Text	Deficiency	New Text	Remarks
			that shall meet the criteria established by the Authority.			
11	Regulation 15 (2)	Safety data and safety information protection.	(2) The Authority shall accord protection to safety data captured by, and safety information derived from, mandatory and voluntary safety reporting systems under regulation 11 and related sources in accordance with the Third Schedule to these Regulations.	Addition of service providers in the requirement for protection of data	(3) The Authority and service providers shall accord protection to safety data captured by, and safety information derived from, mandatory and voluntary safety reporting systems under regulation 11 and related sources in accordance with the Third Schedule to these Regulations.	Safety data protection is a responsibility of both the Regulator and service provider
12	Regulation 15 (3)	Safety data and safety information protection.	(3) The Authority shall not make available or use safety data or safety information collected, stored or analysed in accordance with regulation 11 or 14 for purposes other than maintaining or improving safety, unless a competent authority determines, in accordance with the Third Schedule to these regulations, that the principle of exception applies.	Addition of service providers in the requirement for protection of data	(3) The Authority and service providers shall not make available or use safety data or safety information collected, stored or analysed in accordance with regulation 11 or 14 for purposes other than maintaining or improving safety, unless a competent authority determines, in accordance with the Third Schedule to these regulations, that the principle of exception applies.	Safety data protection is a responsibility of both the Regulator and service provider
13			(4) Notwithstanding sub-regulation (3), the Authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.	Addition of service providers in the requirement for use of safety data for preventative, corrective and remedial action.	(4) Notwithstanding sub-regulation (3), the Authority and service providers shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.	Service providers are allowed to use safety data for preventative, corrective and remedial action.
14	Regulation 15 (5)	Safety data and safety	(5) The Authority shall take necessary measures, including	Addition of service	(5) The Authority and service providers shall take necessary	Positive safety culture promotion

	Regulation	Title	Text	Deficiency	New Text	Remarks
		information protection.	the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in sub-regulation 11 (2) and (3).	providers in the requirement for promotion of safety culture	measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in sub-regulation 11 (2) and (3).	is a responsibility of both the Regulator and service provider
15	SECOND SCHEDULE FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)	1.1 Management commitment	1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall—	Text lifted directly from annex that addresses the State.	1.1.1 The service provider shall define its safety policy in accordance with the following requirements. The safety policy shall—	Reworded for drafting conformance
16		1.2.1 Accountability and responsibilities in respect to external organizations	N/A	Accountabilities and Responsibilities in respect of external organizations not defined.	1.2.1 Accountability and responsibilities and in respect to external organizations A service provider is responsible for the safety performance of external organizations where there is an SMS interface. The service provider may be held accountable for the safety performance of products or services provided by external organizations supporting its activities even if the external organizations are not required to have an SMS. It is essential for the service provider's SMS to interface with the safety systems of any external organizations that contribute to the safe delivery of their product or services.	Addition of SMS accountabilities and responsibilities in respect to external organizations as detailed in SMM Doc 9859

	Regulation	Title	Text	Deficiency	New Text	Remarks
17	SECOND SCHEDULE FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)	1.3 Appointment of key safety personnel	N/A	Safety manager requirements not defined.	1.3.1 Requirements for appointment of a safety manager A person shall meet the following minimum requirements to be appointed as a safety manager: (a) a technically qualified person related to the product or service provided by the organization (aircraft maintenance, flight or ground operations, airport operations, air traffic control) i.e a degree/diploma in related field OR have held/holds a licence issued by the Authority. (b) have at least 5 years' operational experience related to the product or service provided by the organization i.e aircraft maintenance, flight or ground operations, airport operations, air traffic control. (c) Must have successfully completed a professional training course in safety management systems acceptable to the Authority. (d) Competencies to perform safety management responsibilities i.e analytical and	This is to provide guidelines to the industry.

	Regulation	Title	Text	Deficiency	New Text	Remarks
					problem-solving skills, a good understanding of human factors principles, etc	
		1.4 Coordination of emergency response planning	1.4 Coordination of emergency response planning The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.	Lack of clarity	1.4 Coordination of emergency response planning The service provider is required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies. They shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.	Reworded for clarity
	THIRD SCHEDULE	Principles for the protection of safety data, safety information and related sources	<i>Note 1.—The protection of safety data, safety information and related sources is essential to ensure their continued availability, since the use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety.</i> <i>Note 2.—In view of their different legal systems, States have the</i>	Deletion of notes that were addressing the State – giving guidelines	<i>Note 1.—The protection of safety data, safety information and related sources is essential to ensure their continued availability, since the use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety.</i> <i>Note 2.—In view of their different legal systems, States have the flexibility to draft their laws and</i>	The guidelines have been incorporated in other parts of the Schedule.

	Regulation	Title	Text	Deficiency	New Text	Remarks
			<i>flexibility to draft their laws and regulations in accordance with their policies and practices.</i> <i>Note 3.—The principles contained in this Schedule are aimed at assisting the enacting and adoption of national laws, regulations and policies to protect safety data and safety information gathered from safety data collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.</i> <i>Note 4.—The objective is to ensure the continued availability of safety data and safety information by restricting their use for purposes other than maintaining or improving aviation safety.</i>		<i>regulations in accordance with their policies and practices.</i> <i>Note 3.—The principles contained in this Schedule are aimed at assisting the enacting and adoption of national laws, regulations and policies to protect safety data and safety information gathered from safety data collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.</i> <i>Note 4.—The objective is to ensure the continued availability of safety data and safety information by restricting their use for purposes other than maintaining or improving aviation safety.</i>	
	THIRD SCHEDULE	PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES 1. Introduction	1.2 The principles allow for flexibility to draft laws and regulations in accordance with Kenya policies and practices. 1.3 The principles contained in this Schedule are aimed at assisting in the enacting and adoption of laws, regulations and policies to protect safety data and safety information gathered	Deletion of guidelines that were addressing the State	1.2 The principles allow for flexibility to draft laws and regulations in accordance with Kenya policies and practices. 1.3 The principles contained in this Schedule are aimed at assisting in the enacting and adoption of laws, regulations and policies to protect safety data and safety information gathered from safety data	The guidelines have been incorporated in other parts of the Schedule.

	Regulation	Title	Text	Deficiency	New Text	Remarks
			from safety data collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.		collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.	
	THIRD SCHEDULE	PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES 1. Introduction	<i>Note. — Information on SDCPS can be found in the Safety Management Manual (SMM).</i>	Deletion of Note	<i>Note. — Information on SDCPS can be found in the Safety Management Manual (SMM).</i>	Information on SDCPS shall be provided in TGMs
	THIRD SCHEDULE	2. General principles	2.1 National laws, regulations and policies protecting safety data, safety information and related sources, shall ensure that— (a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice; (b) safety data, safety information and related sources are protected in accordance with this Schedule; (c) the conditions under which safety data, safety information and related sources	Deletion of guidelines that were addressing the State	2.1 National laws, regulations and policies protecting safety data, safety information and related sources, shall ensure that— (e) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice; (f) safety data, safety information and related sources are protected in accordance with this Schedule; (g) the conditions under which safety data, safety information and related sources qualify for protection are specified; and	

	Regulation	Title	Text	Deficiency	New Text	Remarks
			qualify for protection are specified; and (d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.		(h) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.	
			<i>Note.— The protection of safety data, safety information and related sources is not intended to interfere with the proper administration of justice or with maintaining or improving safety.</i>		2.1 The protection of safety data, safety information and related sources is not intended to interfere with the proper administration of justice or with maintaining or improving safety.	Note text converted to provision
	THIRD SCHEDULE	3. Principles of protection	3.2 Protection to safety data, safety information and related sources shall be accorded by ensuring that—	Service providers omitted in protection of data principles. Reworded for clarity	3.2 The Authority and service providers shall accord protection to safety data, safety information and related sources by ensuring that—	Reworded to include service providers
		4. Principles of exception	N/A	Action to be taken for aviation safety regarding protected safety data and information	4.1 The Authority and service providers are not prevented from using safety data or safety information to take any preventive, corrective, or remedial action that is necessary to maintain or improve aviation safety.	Inclusion of text for emphasis
		4. Principles of exception	<i>Note 2.—Different competent authorities may be designated for different circumstances. The competent authority could include, but is not limited to, judicial authorities or those</i>	Drafting conformance	<i>Note 2.—Different competent authorities may be designated for different circumstances. The competent authority could include, but is not limited to, judicial authorities or those otherwise</i>	Reworded for drafting conformance

	Regulation	Title	Text	Deficiency	New Text	Remarks
			<i>otherwise entrusted with aviation responsibilities designated in accordance with national laws.</i>		<i>entrusted with aviation responsibilities designated in accordance with Laws of Kenya.</i>	
	THIRD SCHEDULE	5. Public disclosure	5.2 Where disclosure is made in accordance with section 4, it shall be ensured that— (a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; or	Kenya has since promulgated Data Protection Act	5.2 Where disclosure is made in accordance with section 4, it shall be ensured that— (b) public disclosure of relevant personal information included in the safety data or safety information complies with laws relating to Data Protection; or	Reworded for clarity
	THIRD SCHEDULE	7. Protection of recorded data	<i>Note 1.—Ambient workplace recordings required by national laws, for example, Cockpit Voice Recorders (CVRs) or recordings of background communication and the aural environment at air traffic controller work stations, may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to</i>	Drafting conformance	7.1 Ambient workplace recordings required by laws of Kenya, for example, Cockpit Voice Recorders (CVRs) or recordings of background communication and the aural environment at air traffic controller work stations, may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to.	Note text converted to provision
	THIRD SCHEDULE	7. Protection of recorded data	<i>Note 2.— Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under Civil Aviation (Accident and Incident Investigation) Regulations are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in Civil</i>	The provisions are not contained in the regulations quoted	7.3 Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under Civil Aviation (Accident and Incident Investigation) Regulations are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in Civil	Note text converted to provision Correction of Regulations quoted.

	Regulation	Title	Text	Deficiency	New Text	Remarks
			<i>Aviation (Operation of Aircraft for Commercial Air Transport) Regulations.</i>		Aviation (Air Operator Certification and Administration) Regulations.	
	THIRD SCHEDULE	7. Protection of recorded data	7.1 Through national laws and regulations, specific measures of protection shall be provided regarding the confidentiality and access by the public to ambient workplace recordings.	deletion of guidance text	7.1 Through national laws and regulations, specific measures of protection shall be provided regarding the confidentiality and access by the public to ambient workplace recordings.	The measures of protection have been included in the schedule.
		7. Protection of recorded data	7.2 Through national laws and regulations, ambient workplace recordings required by national laws and regulations shall be treated as privileged protected data subject to the principles of protection and exception as provided for in this Schedule.	Text lifted directly from annex that addresses the State.	7.2 Through national laws and regulations, ambient workplace recordings required by laws of Kenya and regulations shall be treated as privileged protected data subject to the principles of protection and exception as provided for in this Schedule.	Reworded for drafting conformance