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THE CIVIL AVIATION (OPERATION OF AIRCRAFT FOR
COMMERCIAL AIR TRANSPORT – 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 FOR
COMMERCIAL AIR TRANSPORT – AEROPLANES)
REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Operation of Aircraft for Commercial Air Transport – Aeroplanes) Regulations, 2025.

Citation.

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

Interpretation.

“accelerate-stop distance available or ASDA” means the length of the take-off run available plus the length of stop way, if provided;

“advanced aircraft” means an aircraft with equipment in addition to that required for a basic aircraft for a given take-off, approach or landing operation.

“aerial work” means an aircraft operation in which an aircraft is used for specialized services including agriculture, construction, photography, surveying, observation, patrol, aerial advertisement, search and rescue;

“aerodrome” means a defined area on land or water, including any buildings, installations and equipment 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 an aerodrome for—

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

“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, when an aircraft is operating under an Article 83 bis agreement between the State of Registry and another

State, the agreement summary is 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;

“Air Ambulance” means any conveyance which is either designed or equipped for the transport of sick or injured person(s), and/or the transport of medical personnel to such person(s);

“Air Ambulance Operations” means the operation of an aeroplane as an air ambulance in air transportation service;

“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 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;

“aircraft tracking” means a process, established by the operator that maintains and updates, at standardized intervals, a ground-based record of the four-dimensional position of individual aircraft in flight;

“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 operator certificate (AOC)” means a certificate authorizing an operator to carry out specified commercial air transport operations;

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

“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 where the necessary services and facilities are available, where aircraft performance requirements can be met and which is operational at the expected time of use. Alternate aerodromes include the following—

- (a) take-off alternate - an alternate aerodrome at which an aircraft would be able to 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 in the event that a diversion becomes necessary while en-route; and

- (c) destination alternate - an alternate aerodrome at which an aircraft would be able to land 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;

“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;

“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;

“appropriate authority” means—

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

“approval” means a process by the Authority granting permission;

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

“authorised instructor” means a person who is authorised by the Authority to provide ground training or flight training under the Civil Aviation Regulations;

“authorised person” means any person authorized by the Authority either generally or in relation to a particular case or class of cases, and references to an authorized person includes references to a holder for the time being of any office designated by the Authority;

“authority” means the Kenya Civil Aviation Authority;

“automatic deployable flight recorder (ADFR)” means a combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft;

“basic aircraft” means an aircraft which has the minimum equipment required to perform the intended take-off, approach or landing operation;

“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;

“category I (CAT I)” means a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800m or a runway visual range not less than 550 m;

“category II (CAT II) operations” means, 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 300m;

“category III (CAT III) operations” means, 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;

“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;

“COMAT” means an Operator material carried on an operator’s aircraft for the operator’s own purposes;

“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;

“configuration deviation list (CDL)” means a list established by the organization responsible for the type design with the approval of the State of Design which identifies any external parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

“contaminated runway” means a runway is contaminated when a significant portion of the runway surface area (whether in isolated areas or not) within the length and width being used is covered by one or more of the substances listed in the runway surface condition descriptors;

“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) 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;

“contracting States” means all States that are parties to the Convention on International Civil Aviation (Chicago Convention);

“co-pilot” means a licensed pilot serving in any piloting capacity other than as Pilot In Command (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;

“crew resource management (CRM)” means a program designed to improve the safety of flight operations by optimising the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and co-ordination;

“critical engine” means any engine whose failure gives the most adverse effect on the aircraft characteristics relative to the case under consideration;

“critical phases of flight” means those portions of operations involving taxiing, take-off and landing, and all flight operations below 10,000 feet, except cruise flight;

“cruise relief pilot” means a flight crew member who is assigned to perform pilot tasks during cruise flight, to allow the PIC or a co-pilot to obtain planned rest;

“cruising level” means a level maintained during a significant portion of a flight;

“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;

“dangerous goods accident” means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which

seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident;

“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.

“dry runway” means a runway is considered dry if its surface is free of visible moisture and not contaminated within the area intended to be used

“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;

“extended diversion time operations (EDTO) referred to as extended range twin operations (ETOPS) in some documents” means any operation by an aeroplane with two or more turbine engines where the diversion time to an en-route alternate aerodrome is greater than the threshold time established by the Authority;

“EDTO critical fuel” means the fuel quantity necessary to fly to an en-route alternate aerodrome considering, at the most critical point on the route, the most limiting system failure;

“EDTO significant system” means an aeroplane system whose failure or degradation could adversely affect the safety particular to an EDTO flight, or whose continued functioning is specifically important to the safe flight and landing of an aeroplane during an EDTO diversion;

“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. 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;

“estimated time of arrival” means for instrument flight rules (IFR) flights, 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. For VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

“evaluator” means a person employed by an Approved Training Organisation or an Air Operator Certificate holder who performs tests for licensing, added ratings, authorisations, and proficiency checks that are authorised by the certificate holder's training specification, and who is authorised by the Authority to administer such checks and tests;

“examiner” means any person authorised by the Authority to conduct a proficiency test, a practical test for a licence or rating, or a knowledge test under these Regulations;

“fatigue” means a physiological state of reduced mental or physical performance capability resulting from sleep loss, extended wakefulness circadian phase, and/or workload (mental and/or physical activity) that can impair a person's alertness and ability to perform safety related operational duties;

“Fatigue Risk Management System (FRMS)” means a data-driven means of continuously monitoring and managing fatigue-related safety risks, based upon scientific principles and knowledge as well as operational experience that aims to ensure relevant personnel are performing at adequate levels of alertness;

“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 data analysis” means a process of analysing recorded flight data in order to improve the safety of flight operations;

“flight duty period” means a period which commences when a flight or cabin crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down at the end of the last flight on which he or she is a crew member;

“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/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 and/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/incident investigation;

“flight safety documents system” means a set of interrelated documentation established by the operator, compiling and organizing information necessary for flight and ground operations, and comprising, as a minimum, the operations manual and the operator’s maintenance control manual;

“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 – aeroplane ” 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;

“ground handling” Services necessary for an aircraft’s arrival at, and departure from, an airport, other than air traffic services;

“ground handling” means services necessary for an aircraft’s arrival at, and departure from, an airport, other than air traffic services;

“handling agent” means an agency which performs on behalf of the operator some or all of the latter’s functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“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 and efficiency of aeronautical operations;

“inspection” means the examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority;

“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 are 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;
- (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;
- (d) type A instrument approach – an approach with a minimum decent height or decision height at or above 75m (250ft);
- (e) type B instrument approach – an approach with a decision height below 75m (250ft);

“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 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;

“landing distance available (LDA)” means the length of runway which is declared available and suitable for the ground run of an aeroplane landing;

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

“low-visibility operations (LVO)” means an approach operation 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;

“Master Minimum Equipment List (MMEL)” means a list established for a particular aircraft type by the organization responsible for the type design with the approval of the State of design containing items, one or more of which is permitted to be unserviceable on the commencement of a flight. The MMEL may be associated with special operating conditions, limitations or procedures;

“maximum diversion time” means maximum allowable range, expressed in time, from a point on a route to an en-route alternate aerodrome;

“maximum mass” means maximum certificated take-off mass;

“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;

“minimum equipment list (MEL)” means a list approved by the Authority which provides for the operation of the aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

“missed approach point” means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

“missed approach procedure” means the procedure to be followed if the approach cannot be continued;

“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;

“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 credit” means a credit authorized for operations with an advanced aircraft enabling a lower aerodrome operating minimum than would normally be authorized for a basic aircraft, based upon the performance of advanced aircraft systems utilizing the available external infrastructure;

“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;

“operations specifications” means a document that contains authorisations including specific approvals, conditions and limitations associated with the Air Operator Certificate and subject to the conditions in the Operations manual;

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“operator's maintenance control manual” means a document which describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner;

“overhaul” means the restoration of an aircraft or aeronautical product using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, reassembly, and tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of Design, holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Parts Manufacturing Authorisation (PMA) or Technical Standard Order (TSO);

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“passenger exit seats” means those seats having direct access to an exit, and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit;

“performance-based aerodrome operating minimum” (PBAOM) means a lower aerodrome operating minimum, for a given take-off, approach or landing operation, than is available when using a basic aircraft. The PBAOM is derived by considering the combined capabilities of the aircraft and available ground facilities. PBAOM may be based on operational credits and are not limited to PBN operations;

“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 (PIC)” means the pilot designated by the operator, or in the case of general aviation, 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;

“practical test” means a competency test on the areas of operations for a licence, certificate, rating, or authorisation that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight or in an approved synthetic flight trainer;

“pressure-altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;

“problematic use of substances” means the use of one or more psychoactive substances by aviation personnel in a way that—

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;

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

“rating” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

“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;

“rest period” means a continuous and defined period of time, subsequent to or prior to duty, during which flight or cabin crew members are free of all duties;

“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);

“safe forced landing” means unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

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

“safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose) ; or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

“small aeroplane” means an aeroplane having a maximum certificated take-off mass of 5,700 kg (12,500 lbs) or less;

“special VFR” means a controlled VFR traffic authorized by air traffic control to operate within the control zone under meteorological conditions below the visual meteorological conditions or at night;

“specific approval” means an approval which is documented in the operations specifications for commercial air transport operations or in the list of specific approvals for general aviation operations;

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

“state of design” means the state having jurisdiction over the organisation responsible for the type design;

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

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“state safety programme” means an integrated set of regulations and activities aimed at improving safety;

“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 the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council;

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

“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;

“V_I” means take-off decision speed;

“V_{mo}” means maximum operating speed;

“V_{so}” means stalling speed or the minimum steady flight speed in landing configuration;

“variant” means the aircraft or a groups of aircraft within the same pilot type rating that has differences to the base aircraft requiring differences or familiarisation training;

“visual meteorological conditions (VMC)” means meteorological conditions expressed in terms of visibility distance from cloud, and ceiling, equal to or better than specified minima; and

“wet runway” means the runway surface covered by any visible dampness or water up to and including 3 mm deep within the intended area of use.

3. These regulations shall be applicable to the operation of all aeroplanes by operators authorized to conduct both international and domestic commercial air transport operations.

Application.

PART II—GENERAL OPERATIONS REQUIREMENTS

4. (1) An operator shall ensure that all employees when abroad comply with the laws, regulations and procedures of those states in which operations are conducted.

Compliance with laws, regulations and procedures.

(2) An 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.

(3) An operator shall ensure that other members of the flight crew are familiar with these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aeroplane.

(4) An operator or a designated representative shall have responsibility for operational control.

(5) Notwithstanding the requirement of subregulation (4) the rights and obligations of the Authority in respect to the operation of aeroplanes registered in Kenya are not affected by this provision.

(6) The responsibility for operational control shall be delegated only to the pilot-in-command and to a flight operations officer or flight dispatcher if the operator's approved method of control and supervision of flight operations requires the use of flight operations officer or flight dispatcher personnel

(7) Where the safety of the aeroplane or persons is endangered during an emergency and becomes known first to the flight operations officer, the flight operations officer shall act in accordance with regulation 47(2) of this regulation which include notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance where required.

(8) When an emergency situation which endangers the safety of the aeroplane or persons necessitates the taking of action which involves a violation of local regulations or procedures, the pilot-in-command shall notify the appropriate local authority without delay.

(9) When the incident occurs in another contracting state, the pilot-in-command shall submit a report on any such violation to the appropriate authority of that state, in that event, the pilot-in-command shall also submit a copy of it to the Authority, and the reports shall be submitted within ten days.

(10) An operator shall ensure that pilots-in-command have available on board the aeroplane all the essential information concerning the search and rescue services in the area over which the aeroplane will be flown.

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

5. (1) When the Authority identifies a case of non-compliance or suspected non-compliance with applicable laws, regulations and procedures by a foreign operator or a similar serious safety issue with that operator within Kenya, the Authority shall immediately notify the operator and, if the issue warrants it, the State of Registry of that operator.

Compliance by a foreign operator with laws, regulations and procedures of Kenya.

(2) Where the State of Operator and the State of Registry are different, such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

(3) In the case of notification to States as specified in subregulation (1) and (2) if the issue and its resolution warrant it, the Authority shall engage in consultations with the State of Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator

6. (1) An Operator shall establish an aircraft tracking capability to track aeroplanes throughout its area of operations.

Aircraft tracking.

(2) The Operator shall track the position of an aeroplane through automated reporting at least every fifteen minutes for the portion(s) of the in-flight operation(s) under the following conditions—

- (a) where the aeroplane has a maximum certificated take-off mass of over 27 000 kg and a seating capacity greater than 19; and
- (b) where an ATS unit obtains aeroplane position information at greater than fifteen minute intervals.

(3) The Operator shall track the position of an aeroplane through automated reporting at least every fifteen minutes for the portion(s) of the in-flight operation(s) that is planned in an oceanic area(s) under the following conditions—

- (a) the aeroplane has a maximum certificated take-off mass of over 45 500 kg and a seating capacity greater than 19; and
- (b) where an ATS unit obtains aeroplane position information at greater than fifteen minute intervals.

(4) Notwithstanding the provisions in subregulations (2) and (3), the Authority may, based on the results of an approved risk assessment process implemented by the operator, allow for variations to automated reporting intervals.

(5) The process in subregulation (4) shall demonstrate how risks to the operation, resulting from such variations, can be managed and shall include at least the following—

- (a) capability of the operator's operational control systems and processes, including those for contacting ATS units;
- (b) overall capability of the aeroplane and its systems; and
- (c) available means to determine the position of, and communicate with, the aeroplane;
- (d) frequency and duration of gaps in automated reporting;
- (e) human factors consequences resulting from changes to flight crew procedures; and
- (f) specific mitigation measures and contingency procedures.

(6) The operator shall establish procedures, approved by the Authority, for the retention of aircraft tracking data to assist SAR in determining the last known position of the aircraft.

7. (1) A holder of a license, rating or a certificate issued under the Civil Aviation (Personnel licensing) Regulations shall not exercise the privileges of the license, rating or certificate while under the influence of any psychoactive substance, which might render them unable to safely and properly exercise these privileges.

Use of
psychoactive
substances.

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

(3) The person referred to in subregulation (1) and (2) shall not engage in any kind of problematic use of substances.

PART III—FLIGHT OPERATIONS

8. (1) An operator shall ensure that a flight will not commence unless it has been ascertained by every reasonable means available that the ground and/or water facilities available and directly required on such flight, for the safe operation of the aeroplane and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose.

Operating
considerations
and facilities.

(2) In this regulation "Reasonable means" is intended to denote the use, at the point of departure, of information available to the operator either through official information published by the aeronautical information services or readily obtainable from other sources.

(3) The operator shall ensure that a flight will not commence or continue as planned unless it has been ascertained by every reasonable means available that the airspace containing the intended route from aerodrome of departure to aerodrome of arrival, including the intended take-off, destination and en- route alternate aerodromes, can be safely used for the planned operation.

(4) When intending to operate over or near conflict zones, a risk assessment shall be conducted and appropriate risk mitigation measures taken to ensure a safe flight.

(5) The operator shall ensure that any inadequacy of facilities observed in the course of operations is reported to the Authority without undue delay.

(6) Subject to their published conditions of use, aerodromes and their facilities shall be kept continuously available for flight operations during their published hours of operations, irrespective of weather conditions.

(7) The operator shall, as part of its safety management system, assess the level of rescue and firefighting service (RFFS) protection available at any aerodrome intended to be specified in the operational flight plan in order to ensure that an acceptable level of protection is available for the aeroplane intended to be used.

(8) Information related to the level of RFFS protection that is deemed acceptable by the operator shall be contained in the operations manual.

9. (1) A pilot-in-command (PIC) shall before commencing a flight be familiar with all available meteorological information appropriate to the intended flight.

Weather reports and forecasts.

(2) Pre-flight action by a PIC for a flight away from the vicinity of the place of departure, and for every flight under instrument flight rules, shall include—

- (a) a careful study of available current weather reports and forecasts taking into consideration fuel and oil requirements; and
- (b) an alternative course of action if the flight cannot be completed as planned because of weather conditions.

(3) A PIC who is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the PIC to obtain indicates that he will arrive at that aerodrome when the ground visibility is less than eight kilometres or the cloud ceiling is less than 1,500 feet.

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

10. Where a pilot-in-command (PIC) or an Operator knows of conditions, including aerodrome and runway conditions, that are a hazard to safe operations, that PIC or Operator shall restrict or suspend all operations to such aerodromes and runways as necessary until those conditions are corrected or have improved.

Restriction or suspension of operations: commercial air transport.

11. (1) The Authority shall recognize as valid an air operator certificate issued by another Contracting State, provided that the requirements under which the certificate was issued are at least equal

Surveillance of operations by a foreign operator.

to the applicable standards specified in these regulations and Civil Aviation (Safety Management) Regulations.

(2) The Authority shall establish a programme with procedures for the surveillance of operations in their territory by a foreign operator and for taking appropriate action when necessary to preserve safety.

(3) An operator shall meet and maintain the requirements established by the contracting states in which the operations are conducted.

12. (1) An operator shall provide, for the use and guidance of operations personnel concerned, an operations manual in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations.

Operations Manual.

(2) The operations manual in subregulation (1) shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date.

(3) All such amendments or revisions shall be issued to all personnel that are required to use this manual.

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

Operating instructions-general.

(2) an aeroplane shall not be taxied on the movement area of an aerodrome unless the person at the controls—

- (a) has been duly authorised by the operator or a designated agent;
- (b) is fully competent to taxi the aeroplane;
- (c) is qualified to use the radiotelephone; and
- (d) has received instruction from a competent person in respect of aerodrome layout, routes, signs, marking, lights, air traffic control (ATC) signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aircraft movement at the aerodrome.

(3) A person shall not turn on a power plant unless there is a qualified person at the controls properly secured in his seat.

14. An Operator shall ensure that when passengers or cargo are being carried, no emergency or abnormal situations shall be simulated.

In-flight simulation of emergency situations. Checklists.

15. (1) An operator shall provide an approved checklist to be used by flight crew prior to, during and after all phases of operations and in emergency 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.

(2) The design and utilization of checklist in subregulation (1) shall observe human factors principles

16. (1) An operator shall establish minimum flight altitudes for those routes flown for which minimum flight altitudes have been established by the State flown over or the responsible State, provided that minimum flight altitudes shall not be less than those established by that State.

Minimum flight altitudes.

(2) An operator shall specify the procedure by which is intended to determine minimum flight altitudes for operations conducted over routes for which minimum flight altitudes have not been established by the State flown over or the responsible state and shall include this procedure in the operations manual.

(3) The minimum flight altitudes determined in accordance with subregulation (2) shall not be lower than specified in Civil Aviation (Rules of Air) Regulations.

(4) The operator shall submit the procedure for establishing the minimum flight altitude for approval by the Authority

(5) In approving the procedure the Authority may approve the procedure in these regulation only after careful consideration of the probable effects of the following factors on the safety of the operation in question—

- (a) the accuracy and reliability with which the position of the aeroplane can be determined;
- (b) the inaccuracies in the indications of the altimeters used;
- (c) the characteristics of the terrain;
- (d) the probability of encountering unfavourable meteorological conditions;
- (e) possible inaccuracies in aeronautical charts; and
- (f) airspace restrictions.

17. (1) The operator shall establish aerodrome operating minima for each aerodrome to be used in operations using an approved method of determining such minima.

Aerodrome operating minima.

(2) The Method referred to in subregulation (1) shall be developed by the operator and submitted to the Authority for approval.

(3) The minima established in subregulation (1) shall not be lower than any that may be established for such aerodromes by the State in which the aerodrome is located, except when specifically approved by that State.

(4) The Authority may authorize operational credit for operations with advanced aircraft.

(5) Where the operational credit relates to low visibility operations the Authority may issue a specific approval. This Authorizations shall not affect the classification of the instrument approach procedure.

(6) The operational credits include—

- (a) for the purposes of an approach as per regulation 35 (2) or dispatch considerations, a minimum below the aerodrome operating minima;
 - (b) reducing or satisfying the visibility requirements; or
 - (c) requiring fewer ground facilities as compensated for by airborne capabilities.
- (7) When applying for a specific approval for the operational credit, the Operator shall ensure that—
- (a) the aeroplane meets the appropriate airworthiness certification requirements;
 - (b) the information necessary to support effective crew tasks for the operation is appropriately available to both pilots where the number of flight crew members specified in the operations manual is more than one;
 - (c) a safety risk assessment of the operations supported by the equipment is carried out;
 - (d) normal and abnormal procedures and MEL is established and documented;
 - (e) a training programme for the flight crew members and relevant personnel involved in the flight preparation is established;
 - (f) a system for data collection, evaluation and trend monitoring for low visibility operations for which there is an operational credit is established; and
 - (g) appropriate procedures in respect of continuing airworthiness on maintenance, repair practices and programmes are instituted.
- (8) The Authority may establish criteria for the safe operation of the aeroplane for operations with operational credit with minima above those related to low visibility operations.
- (9) The operator when establishing the aerodrome operating minima which will apply to any particular operation, the operator shall take full account of—
- (a) the type, performance and handling characteristics of the aeroplanes and any conditions or limitations stated in the flight manual;
 - (b) the composition of the flight crew, their competence and experience;
 - (c) the dimensions and characteristics of the runways which may be selected for use;
 - (d) the adequacy and performance of the available visual and non-visual ground aids;
 - (e) the equipment available on the aeroplane for the purpose of navigation, acquisition of visual references and/or control of

the flight path during the approach, landing and the missed approach;

- (f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;
- (g) the means used to determine and report meteorological conditions;
- (h) the obstacles in the climb-out areas and necessary clearance margins;
- (i) The conditions prescribed in the operations specifications; and
- (j) any minima that may be promulgated by the State of Aerodrome.

(10) 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). 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 800m 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;

(11) Where decision height (DH) and runway visual range (RVR) fall into different categories of operation, the instrument approach operation would be conducted in accordance with the requirements of the most demanding category

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

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

(14) For instrument approach operations, aerodrome operating minima below 800 m visibility should not be authorized unless RVR information is provided.

(15) 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.

(16) 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.

18. An operator shall establish operational procedures designed to ensure that aircraft being used to conduct 3D instrument approach operations crosses the threshold by a safe margin, with the aircraft in the landing configuration and altitude.

Threshold crossing height for 3D instrument approach operations.

19. (1) The operator shall maintain fuel records to enable the Authority to ascertain that, for each flight, the requirements of regulation 29 and 30 have been complied with.

Fuel and oil records.

(2) The operator shall maintain oil records to enable the Authority to ascertain that trend for oil consumption are such that an aeroplane has sufficient oil to complete each flight.

(3) Fuel and oil records shall be retained by the Operator for a period of three months.

20. (1) For each flight, the operator shall designate one pilot to act as pilot-in-command.

Crew.

(2) For each flight of an aeroplane above 15 000 m (49 000 ft), the operator shall maintain records so that the total cosmic radiation dose received by each crew member over a period of 12 consecutive months can be determined.

21. The operator shall ensure that passengers are made familiar with the location and use of the following items—

Passengers.

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

(2) An operator shall inform the passengers of the location and general manner of use of the principal emergency equipment carried for collective use.

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

(4) An 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 shall be secured in their seats by means of the seat belts or harnesses provided.

22. (1) An operator shall not commence a flight until flight preparation forms have been completed certifying that the pilot-in-command is satisfied that —

Flight preparation.

- (a) the aeroplane is airworthy and the appropriate certificates of airworthiness and registration are on board the aeroplane;
- (b) the instruments and equipment prescribed in the Civil Aviation (Instruments, Equipment & Flight documents) Regulations for the particular type of operation to be undertaken, are installed and sufficient for the flight;
- (c) a maintenance release as prescribed in regulation 69 has been issued in respect of the aeroplane;
- (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;
- (f) a check has been completed indicating that the operating limitations of aeroplane performance operating limitations required under this regulation have been complied with for the flight to be undertaken; and
- (g) the requirements of operational flight planning have been complied with.

(2) Completed flight preparation forms shall be kept by the operator for a period of three months.

23. (1) An operational flight plan shall be completed for every intended flight.

Operational flight planning.

(2) The operational flight plan in subregulation (1) shall be approved and signed by the pilot-in-command and, where applicable, signed by the flight operations officer.

(3) A copy shall be filed with the operator or a designated agent, or, if these procedures are not possible, it shall be left with the aerodrome authority or on record in a suitable place at the point of departure.

(4) The operations manual must describe the content and use of the operational flight plan.

24. (1) A take-off alternate aerodrome shall be selected and specified in the operational flight plan if either the meteorological conditions at the aerodrome of departure are below the operator's established aerodrome landing minima for that operation or if it would not be possible to return to the aerodrome of departure for other reasons.

Take-off alternate aerodrome.

(2) 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;
- (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; or
- (c) for aeroplanes engaged in extended diversion time operations (EDTO) where an alternate aerodrome meeting the distance criteria of a) or b) is not available, the first available alternate aerodrome located within the distance of the operator's specified maximum diversion time considering the actual take-off mass.

(3) 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 operator's established aerodrome operating minima for that operation.

25. En-route alternate aerodromes, required by regulations 49 for extended diversion time operations by aeroplanes with two turbine engines, shall be selected and specified in the operational and air traffic services (ATS) flight plans.

En-route alternate aerodromes.

26. (1) 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 operational and ATS flight plans, unless 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—

Destination alternate aerodromes.

- (a) the approach and landing may be made under visual meteorological conditions; and
- (b) separate runways are usable at the estimated time of use of the destination aerodrome with at least one runway having an operational instrument approach procedure.

(2) Where the aerodrome is isolated operations into isolated aerodromes do not require the selection of a destination alternate aerodrome(s) and shall be planned in accordance with regulation 30 (3)(d)—

- (a) for each flight into an isolated aerodrome a point of no return shall be determined; and
- (b) a flight to be conducted to an isolated aerodrome shall not be continued past the point of no return unless a current assessment of meteorological conditions, traffic and other

operational conditions indicate that a safe landing can be made at the estimated time of use.

(3) Two destination alternate aerodromes shall be selected and specified in the operational and ATS flight plans when, for the destination aerodrome —

- (a) meteorological conditions at the estimated time of use will be below the operator's established aerodrome operating minima for that operation; or
- (b) meteorological information is not available.

(4) Notwithstanding the provisions of regulations 39, 40 and 41 of these regulations, the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operational variations to alternate aerodrome selection criteria.

(5) The specific safety risk assessment shall include at least the —

- (a) capabilities of the operator;
- (b) overall capability of the aeroplane and its systems;
- (c) available aerodrome technologies, capabilities and infrastructure;
- (d) quality and reliability of meteorological information;
- (e) identified hazards and safety risks associated with each alternate aerodrome variation; and
- (f) specific mitigation measures.

27. (1) A flight to be conducted in accordance with VFR 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 Regulations.

Meteorological conditions.

(2) 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 operator's established 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 alternate aerodromes, 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 operator's established aerodrome operating minima for that operation.

(3) To ensure that an adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate aerodrome, the operator shall specify appropriate incremental values for height of cloud base and visibility, acceptable to the Authority, to be added to the operator's established aerodrome operating minima.

(4) The Authority may approve a margin of time established by the operator for the estimated time of use of an aerodrome.

(5) 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.

(6) 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/anti-icing treatment.

(7) 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.

28. (1) 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.

Fuel
requirements.

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

(a) the following data —

- (i) current aeroplane-specific data derived from a fuel consumption monitoring system, if available; or
- (ii) if current aeroplane-specific data are not available, data provided by the aeroplane manufacturer; and

(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 and/or configuration deviations.

(3) 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, or the point of inflight re-planning, until landing at the destination aerodrome taking into account the operating conditions of sub-regulation (2) b;
- (c) contingency fuel, which shall be the amount of fuel required to compensate for unforeseen factors. It shall be five per cent of the planned trip fuel or of the fuel required from the point of in-flight re-planning based on the consumption rate used to plan the trip fuel but, in any case, shall not be lower than the amount required to fly for five minutes at holding speed at 450 m (1 500 ft) above the destination aerodrome in standard conditions;
- (d) destination alternate fuel—
 - (i) where a destination alternate aerodrome is required, destination alternate fuel shall be the amount of fuel required to enable the aeroplane to—
 - (aa) perform a missed approach at the destination aerodrome;
 - (bb) climb to the expected cruising altitude;
 - (cc) fly the expected routing;
 - (dd) descend to the point where the expected approach is initiated; and
 - (ee) conduct the approach and landing at the destination alternate aerodrome; or
 - (ii) where two destination alternate aerodromes are required, the destination alternate fuel shall be the amount of fuel calculated in accordance with subregulation (3)(d)(i) required to enable the aeroplane to proceed to the destination alternate aerodrome which requires the greater amount of alternate fuel;
 - (iii) where a flight is operated without a destination alternate aerodrome, the destination alternate fuel shall be 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;
 - (iv) where the aerodrome of intended landing is an isolated aerodrome the destination alternate shall be—
 - (aa) 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; or

(bb) 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;

(e) final reserve fuel which shall be the amount of fuel calculated using the estimated mass on arrival at the destination alternate aerodrome, or the destination aerodrome when no destination alternate aerodrome is required for—

(i) a reciprocating engine aeroplane, the amount of fuel required to fly for 45 minutes, under speed and altitude conditions specified by the State of the Operator; or

(ii) 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;

(iii) operators shall determine one final reserve fuel value for each aeroplane type and variant in their fleet rounded up to an easily recalled figure

(f) additional fuel, which shall be the supplementary amount of fuel required if the minimum fuel calculated in accordance with sub-regulation (3) b), c), d) and e) is not sufficient to—

(i) allow the aeroplane to descend as necessary and proceed to an alternate aerodrome in the event of engine failure or loss of pressurization, whichever requires the greater amount of fuel based on the assumption that such a failure occurs at the most critical point along the route;

(aa) fly for 15 minutes at holding speed at 450 m (1 500 ft) above aerodrome elevation in standard conditions; and

(bb) make an approach and landing;

(ii) allow an aeroplane engaged in EDTO to comply with the EDTO critical fuel scenario as established by the State of the Operator;

(iii) meet additional requirements not covered above.

(g) discretionary fuel, which shall be the extra amount of fuel to be carried at the discretion of the pilot-in-command.

(4) A flight shall not commence unless the usable fuel on board meets the requirements in sub-regulation (3) a), b), c), d), e) and f) if required and shall not continue from the point of in-flight re-planning unless the usable fuel on board meets the requirements in sub-regulation (3) b), c), d), e) and f) if required.

(5) Notwithstanding the provisions of sub-regulation (3) a), b), c), d) and f), the Authority may, based on the results of a specific safety

risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve variations to the pre-flight fuel calculation of taxi fuel, trip fuel, contingency fuel, destination alternate fuel, and additional fuel and the specific safety risk assessment shall include at least the—

- (a) flight fuel calculations;
- (b) capabilities of the operator to include—
 - (i) a data-driven method that includes a fuel consumption monitoring programme; and/or
 - (ii) the advanced use of alternate aerodromes;
- (c) specific mitigation measures.

(6) 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

29. (1) The operator shall establish policies and procedures, approved by the Authority, to ensure that inflight fuel checks and fuel management are performed. Inflight fuel management.

(2) 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.

(3) 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.

(4) 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.

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

30. (1) An aeroplane shall not be refuelled 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. Refuelling with passengers on board.

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

31. (1) The approximate altitudes in the Standard Atmosphere corresponding to the values of absolute pressure used in this regulation are as follows—

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

(2) 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.

(3) An operator shall not commence operation of a pressurized aeroplane 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.

(4) 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. All flights shall be planned so that the diversion time to an aerodrome where a safe landing could be made does not exceed the cargo compartment fire suppression time capability of the aeroplane, when one is identified in the relevant aeroplane documentation, reduced by an operational safety margin specified by the Authority.

Time capability of cargo compartment fire suppression system.

33. An operator shall not conduct commercial air ambulance operations unless as prescribed and approved by the Authority.

Commercial air ambulance operations.

In-Flight Procedures

34. (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 accordance with Regulation 17(1) of these regulations.

Aerodrome operating Minima- 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 minima.

(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.

(4) An aeroplane shall not continue its approach-to-land at any aerodrome beyond a point at which the limits of the operating minima specified for that aerodrome would be infringed.

35. The pilot-in-command shall report the runway braking action special air-report (AIREP) when the runway braking action encountered is not as good as reported.

Meteorological observations.

36. (1) The operator shall report Hazardous flight conditions encountered, other than those associated with meteorological conditions, to the appropriate aeronautical station as soon as possible.

Hazardous flight conditions.

(2) The reports so rendered shall give such details as may be pertinent to the safety of other aircraft.

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

Flight crew members at duty stations.

(2) When 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.

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

(4) Any flight crew member occupying a pilot's seat shall keep the safety harness fastened during the take-off and landing phases.

(5) 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.

(6) Safety harness in this regulation includes shoulder straps and a seatbelt which may be used independently.

38. (1) 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 as required in regulation 32 (2)(3) and (4).

Use of oxygen.

(2) 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.

39. (1) An operator shall ensure that 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.
- Safeguarding of cabin crew and passengers in pressurized aeroplanes in the event of loss of pressurization.
- (2) An operator shall ensure that cabin crew have means of protection to enable them administer first aid to passengers during stabilized flight following the emergency.
- (3) An operator shall ensure Passengers are 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.
40. (1) Operational instructions involving a change in the ATS flight plan shall be coordinated with the appropriate ATS unit before transmission to the aeroplane.
- In-flight operational instructions.
- (2) Where coordination referred to in sub-regulation (1) has not been possible, operational instructions shall not relieve a pilot of the responsibility for obtaining an appropriate clearance from an ATS unit before making a change in flight plan.
41. (1) All aeroplanes operated in accordance with instrument flight rules shall comply with the instrument flight procedures approved by the State in which the aerodrome is located.
- Instrument flight procedures.
- (2) 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.
42. (1) An operator shall develop noise abatement procedures acceptable to the Authority.
- Aeroplane operating procedures for noise abatement.
- (2) Noise abatement procedures specified in subregulation (1) for one aeroplane type should be the same for all aerodromes.
43. An operator shall specify procedures by which an aeroplane climbing or descending to an assigned altitude or flight level, especially with an autopilot engaged, may do so at a rate less than 8 m/sec or 1 500 ft/min depending on the instrumentation available throughout the last 300 m or 1 000 ft of climb or descent to the assigned level when the pilot is made aware of another aircraft at or approaching an adjacent altitude or flight level.
- Aeroplane operating procedures for rates of climb and descent.
44. 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 and the aeroplane performance information, indicates that a safe landing can be made.
- Aeroplane operating procedures for landing performance.
45. (1) The pilot-in-command shall be responsible for the safety of all crew members, passengers and cargo on board when the doors are closed.
- Duties of Pilot in command.

(2) The pilot-in-command shall also be responsible for the operation and safety of the aeroplane from the moment the aeroplane is ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engine(s) used as primary propulsion units are shut down.

(3) The Pilot in command shall ensure that the checklists specified in regulation 16 of these Regulations are complied with in detail.

(4) 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.

(5) 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.

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

46. (1) A flight operations officer in conjunction with a method of control and supervision of flight operations in accordance with the Civil Aviation (Air Operator Certification & Administration) Regulations shall—

Duties of flight operations officer.

- (a) assist the pilot-in-command in flight preparation and provide the relevant information;
 - (b) assist the pilot-in-command in preparing the operational and ATS flight plans, sign when applicable and file the ATS flight plan with the appropriate ATS unit;
 - (c) furnish the pilot-in-command while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
 - (d) notify the appropriate ATS unit when the position of the aeroplane cannot be determined by an aircraft tracking capability, and attempts to establish communication are unsuccessful.
- (2) In the event of an emergency, a flight operations officer shall—
- (a) initiate such procedures as outlined in the operations manual while avoiding taking any action that would conflict with ATC procedures; and
 - (b) convey safety-related information to the pilot-in-command that may be necessary for the safe conduct of the flight, including information related to any amendments to the flight plan that become necessary in the course of the flight.
- (3) It is equally important that the pilot-in-command also convey similar information to the flight operations officer during the course of the flight, particularly in the context of emergency situations.

Additional requirements for operations by aeroplanes with turbine engines beyond 60 minutes to an en-route alternate aerodrome including Extended Diversion Time Operations (EDTO)

47. (1) Operators conducting operations beyond 60 minutes from a point on a route to an en-route alternate aerodrome shall ensure that —

Requirements for operations beyond 60 minutes to an en-route alternate aerodrome.

- (a) for all aeroplanes—
 - (i) en-route alternate aerodromes are identified; and
 - (ii) the most up-to-date information is provided to the flight crew on identified en-route alternate aerodromes, including operational status and meteorological conditions;
- (b) for aeroplanes with two turbine engines, the most up-to-date information provided to the flight crew indicates that conditions at identified en-route alternate aerodromes will be at or above the operator's established aerodrome operating minima for the operation at the estimated time of use.

(2) In addition to the requirements in sub-regulation (1), all operators shall ensure that the following are taken into account and provide the overall level of safety intended by the provisions of these regulations—

- (a) operational control and flight dispatch procedures;
- (b) operating procedures; and
- (c) training programmes.

48. (1) Unless the Authority has issued a specific approval for EDTO, an aeroplane with two or more turbine engines shall not be operated on a route where the diversion time to an en-route alternate aerodrome from any point on the route, calculated in ISA and still-air conditions at the one-engine-inoperative cruise speed for aeroplanes with two turbine engines and at the all engines operating cruise speed for aeroplanes with more than two turbine engines, exceeds a threshold time established for such operations by the Authority.

Requirements for extended diversion time operations (EDTO) (Specific Approval).

(2) The specific approval referred to in sub regulations (1) shall identify the applicable threshold time established and the maximum diversion time granted for each particular aeroplane and engine combination.

(3) When the diversion time exceeds the threshold time referred to in subregulation (1), the operation is considered to be an extended diversion time operation.

(4) When specifying the appropriate maximum diversion time for the operator of a particular aeroplane type engaged in extended diversion time operations, the Operator shall demonstrate to the Authority that for all aeroplanes —

- (a) the operator has in place procedures to prevent the aeroplane being dispatched on a route with diversion times beyond the

capability of EDTO significant system time limitation, if any, indicated in the Aircraft Flight Manual (directly or by reference) and relevant to that particular operation is not exceeded; and

- (b) For aeroplanes with two turbine engines, the aeroplane is EDTO certified

(5) Notwithstanding the provisions in subregulation (4)(a), the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operations beyond the time limits of the most time-limited system. The specific safety risk assessment shall include at least the—

- (a) capabilities of the operator;
- (b) overall reliability of the aeroplane;
- (c) reliability of each time-limited system;
- (d) relevant information from the aeroplane manufacturer; and
- (e) specific mitigation measures.

(6) For aeroplanes engaged in EDTO, the additional fuel required by regulation 30(3)(e)(ii) of this part shall include the fuel necessary to comply with the EDTO critical fuel scenario as established by the Authority.

(7) A flight shall not proceed beyond the threshold time approved by the Authority unless—

- (a) the identified en route alternate aerodromes have been re-evaluated for availability;
- (b) the most up-to-date information indicates that, during the estimated time of use, conditions at those aerodromes will be at or above the operator's established aerodrome operating minima for that operation; or
- (c) conditions are identified that would preclude a safe approach and landing at that aerodrome during the estimated time of use and an alternative course of action has been determined.

(8) When specifying maximum diversion times for aeroplanes with two turbine engines, ensure that the following are taken into account in providing the overall level of safety intended by the provisions —

- (a) reliability of the propulsion system;
- (b) airworthiness certification for EDTO of the aeroplane type;
- (c) EDTO maintenance programme.

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

Carry-on baggage.

50. (1) An aeroplane shall not be operated under the IFR or at night by a single pilot unless approved by the Authority.

Additional requirements for single pilot operations under

the Instrument
flight rules (IFR)
or at night.

(2) A person shall not conduct a single pilot operation under the instrument flight rules (IFR) or at night unless the operation is approved by the Authority and—

- (a) the flight manual does not require a flight crew of more than one;
- (b) the aeroplane is propeller-driven;
- (c) the maximum approved passenger seating configuration of the aeroplane is not more than nine;
- (d) the maximum certificated take-off mass of the aeroplane is 5,700 kg or less;
- (e) the aeroplane is equipped as described in the civil aviation (instruments, equipment and flight documents) Regulations; and
- (f) the pilot has satisfied requirements of experience, training, checking and recency as prescribed by regulation 80.

51. (1) The Authority shall establish Technical Guidance Material for the purpose of managing fatigue.

Fatigue
management.

(2) The materials referred in subregulation (1) shall be based upon scientific principles, knowledge and operational experience with the aim of ensuring that flight and cabin crew members are performing at an adequate level of alertness and accordingly, the Authority shall establish—

- (a) guidance for flight time, flight duty period, duty period limitations and rest period requirements; and
- (b) where authorizing the Operator to use a Fatigue Risk Management System (FRMS) to manage fatigue, FRMS guidance in accordance with the guidance requirements set out in the First Schedule.

(3) The Authority shall require that the Operator, in compliance with subregulation (2) and for the purposes of managing its fatigue-related safety risks, establish either—

- (a) flight time, flight duty period, duty period limitations and rest period requirements that are within the prescriptions in the Technical Guidance Material established by the Authority;
- (b) a Fatigue Risk Management System (FRMS) in compliance with sub-regulation (6) for all operations;
- (c) an FRMS in compliance with subregulation (7) for part of its operations and the requirements of sub-regulation(3)(a) for the remainder of its operations.

(4) Where the Operator adopts the procedures in the Technical Guidance Material for part or all of its operations, the Authority may approve, in exceptional circumstances, variations to the Technical

Guidance Material on the basis of a risk assessment provided by the Operator as long as the approved variations shall provide a level of safety equivalent to, or better than that achieved through the prescriptive fatigue management procedures.

(5) The Authority shall approve the Operator's FRMS before it may take the place of any or all of the procedures in the Technical Guidance Material established by the Authority as long as the approved FRMS shall provide a level of safety equivalent to, or better than, the procedures in the Technical Guidance Material.

(6) In approving the Operator's approved FRMS under subregulation (5), the Authority shall—

- (a) require that the Operator establish maximum values for flight times and/or flight duty periods(s) and duty period(s), and minimum values for rest periods. These values shall be based upon scientific principles and knowledge, subject to safety assurance processes, and acceptable to the Authority;
- (b) mandate a decrease in maximum values and an increase in minimum values in the event that the operator's data indicates these values are too high or too low, respectively; and
- (c) approve any increase in maximum values or decrease in minimum values only after evaluating the Operator's justification for such changes, based on accumulated FRMS experience and fatigue-related data.

(7) Where the Operator implements an FRMS to manage fatigue-related safety risks, the Operator shall, as a minimum—

- (a) incorporate scientific principles and knowledge within the FRMS;
- (b) identify fatigue-related safety hazards and the resulting risks on an ongoing basis;
- (c) ensure that remedial actions, necessary to effectively mitigate the risks associated with the hazards, are implemented promptly;
- (d) provide for continuous monitoring and regular assessment of the mitigation of fatigue risks achieved by such actions; and
- (e) provide for continuous improvement to the overall performance of the FRMS.

(8) Where the Operator has an FRMS, the Operator shall ensure that the FRMS is integrated with the Operator's Safety Management System (SMS) established under the Civil Aviation (Safety Management) Regulations.

(9) The Operator shall maintain records for all its flight and cabin crew members of flight time, flight duty periods, duty periods, and rest periods for a period of time specified by the Authority.

PART IV—AEROPLANE PERFORMANCE AND OPERATING
LIMITATIONS

52. (1) Aeroplanes shall be operated in accordance with a comprehensive and detailed code of performance established by the Authority in compliance with these regulations. General.

(2) Except as provided in regulation 61 an operator shall ensure that single-engine aeroplanes, shall be operated only in conditions of weather and light, and over such routes and diversions there from, that permit a safe forced landing to be executed in the event of engine failure.

53. (1) This regulation shall be applicable to large aeroplanes certificated after 13th June, 1960.

Performance
limitation of
aeroplanes above
5700kg
certificated after
13th June, 1960.

(2) The level of performance defined by the appropriate parts of the comprehensive and detailed national code referred to in regulation 131 (1) for the aeroplanes designated in subregulation (1) shall be at least substantially equivalent to the overall level embodied in this Part.

(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) An Operator shall ensure that the general level of safety required by the provisions of these Regulations is maintained under all expected operating conditions, including those not covered specifically by these Regulations.

(5) A flight shall not be commenced unless the performance information provided in the flight manual, supplemented as necessary with other data acceptable to the Authority, indicates that the provisions of sub-regulation (6), (7) and regulation 133 to 138, can be complied with for the flight to be undertaken.

(6) An operator shall take into account all factors that significantly affect the performance of the aeroplane, including but not limited to—

- (a) the mass of the aeroplane;
- (b) the operating procedures;
- (c) the pressure-altitude appropriate to the elevation of the aerodrome;
- (d) the runway slope;
- (e) the ambient temperature;
- (f) the wind; and
- (g) surface conditions of the runway at the expected time of use, i.e. presence of snow, slush, water, and/or ice for landplanes, water surface condition for seaplanes.

(7) The factors in subregulation (6) 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.

54. An operator shall ensure that the mass of the aeroplane at the start of take-off shall—

Mass limitations.

- (a) not exceed the mass provided under regulation 56, or the mass provided under 57, 58, 59 are complied with, allowing for expected reductions in mass as the flight proceeds, and for such fuel jettisoning as is envisaged in regulation 56 and 57 and in respect of alternate aerodromes Regulations 55(1)(c) and 59;
- (b) not 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;
- (c) 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, not 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; and
- (d) 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 not exceed the relevant maximum masses at which compliance has been demonstrated with the applicable civil aviation(Aircraft Noise) 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.

55. The operator shall ensure that —

Take-off
limitations.

- (a) the aeroplane is able, in the event of a critical engine failing, or for other reasons, at any point in the take-off, either to discontinue the take-off and stop within the accelerate-stop distance available, or to continue the take-off and clear all obstacles along the flight path by an adequate vertical or horizontal distance until the aeroplane is in a position to comply with regulation 136. When determining the resulting take-off obstacle accountability area, the operating conditions, such as the crosswind component and navigation accuracy, must be taken into account; and
- (b) in determining the length of the runway available, account shall be taken of the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

56. The operator shall ensure that the aeroplane is able, 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 in accordance with this regulation is met, without flying below the minimum flight altitude at any point.

En-route one engine inoperative.

57. The operator shall ensure that in the case of aeroplanes having three or more engines, on any part of a route where the location of en-route alternate aerodromes and the total duration of the flight are such that the probability of a second engine becoming inoperative must be allowed for, if the general level of safety implied by the provisions of these regulations is maintained, the aeroplane shall be able, in the event of any two engines becoming inoperative, to continue the flight to an en-route alternate aerodrome and land.

En route limitations – two engines inoperative.

58. The operator shall ensure that —

Landing limitations.

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

59. (1) The Operator shall take into account the most recent Obstacle data as provided by the Authority to develop procedures to comply with regulation 57.

Obstacle data.

(2) The operator shall take account of charting accuracy when assessing compliance with regulation 56.

60. (1) A person shall not operate a single-engine turbine-powered aircraft at night or in instrument meteorological conditions (IMC) unless that person ensures that the airworthiness certification of the aeroplane is appropriate, and that the overall level of safety intended by these Regulations and the Civil Aviation (Airworthiness) Regulations is provided by—

Additional requirements for Operations of single-engine turbine-powered aircraft at night and/or in instrument meteorological conditions (IMC).

- (a) the reliability of the turbine engine;
- (b) the operators' maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are as intended by these Regulations and the Civil Aviation (Airworthiness) Regulations; and
- (c) equipment and other requirements for Instrument flight rules operations are as stipulated in the Second Schedule.

(2) An operator shall ensure that all single-engine turbine-powered aeroplanes operated at night or in IMC shall have an engine trend monitoring system, and those aeroplanes for which the individual certificate of airworthiness is first issued on or after the 1st January 2005 have an automatic trend monitoring system.

(3) All operations by single-engine turbine-powered aeroplanes at night or in IMC shall require an approval from the Authority.

PART V – AEROPLANE CONTINUING AIRWORTHINESS

61. (1) An operator shall ensure that, in accordance with procedures acceptable to the Authority—

Operator's
continuing
airworthiness
responsibilities
General.

- (a) each aeroplane they operate 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 each aeroplane they operate remains valid.

(2) The operator shall not operate an aeroplane unless maintenance on the aeroplane, including any associated engine, propeller and part, is carried out—

- (a) by an approved maintenance organisation that is either approved by the Authority or another contracting state and is accepted by the Authority;
- (b) by a person or organization in accordance with procedures authorized by the Authority; and
- (c) there is a maintenance release in relation to the maintenance carried out.

(3) The operator shall employ a person or group of persons to ensure that all maintenance is carried out in accordance with the maintenance control manual.

(4) The operator shall ensure that the maintenance of its aeroplanes is performed in accordance with the maintenance programme.

62. (1) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual approved by the Authority in accordance with this regulation.

Operator's
maintenance
control manual.

(2) The design of the maintenance control manual in subregulation (1) shall observe human factors principles.

(3) The operator shall ensure that the maintenance control manual is amended as necessary to keep the information contained therein up to date.

(4) Copies of all amendments to the operator's maintenance control manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.

(5) The operator shall provide the Authority with a copy of the operator's maintenance control manual, together with all amendments and/or revisions to it and shall incorporate in it such mandatory material as the Authority may require.

63. (1) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance programme, approved by the Authority containing the information required by this regulation.

Maintenance programme.

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

(3) 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.

64. (1) The operator shall ensure that the following records are kept for the periods mentioned in subregulation (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 mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service in (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 a maintenance release have been met.

(2) The records in subregulation (1) shall be kept for a minimum period of ninety days after the unit to which they refer has been permanently withdrawn from service, and the records in subregulation (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 operator, the records shall be made available to the new operator.

(4) In case of a permanent change of operator, the records shall be transferred to the new operator.

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

(6) The form and format of the records referred to in this regulation shall include paper records, film records, electronic records or any combination thereof.

65. (1) The operator of an aeroplane over 5 700 kg maximum certificated take-off mass shall monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide the information as prescribed by the Authority and report through system specified by the civil aviation (Airworthiness) Regulations.

Continuing airworthiness information.

(2) The operator of an aeroplane over 5 700 kg maximum certificated take-off mass shall obtain and assess continuing airworthiness information and recommendations available from the organization responsible for the type design and shall implement resulting actions considered necessary in accordance with a procedure acceptable to the Authority.

66. The operator shall ensure that—

- (a) all modifications and repairs comply with airworthiness requirements acceptable to the Authority; and
- (b) establish procedures to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

Modification and repairs.

67. An approved maintenance organization shall comply with the civil Aviation (Approved Maintenance Organization) Regulations.

Approved maintenance organization. Maintenance release.

68. (1) The operator shall ensure that—

- (a) 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 (Approved Maintenance Organization) Regulations;
- (b) where 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 approved data and procedures approved by the Authority; and
- (c) where maintenance is not carried out by an approved maintenance organization, the maintenance release shall include the following—
 - (i) basic details of the maintenance carried out including detailed reference of the approved data used;
 - (ii) the date such maintenance was completed; and
 - (iii) the identity of the person or persons signing the release.

PART VI—AEROPLANE FLIGHT CREW

69. (1) An operator shall ensure that the number and composition of the flight crew shall not be less than that specified in the operations manual.

Composition of the flight crew.

(2) The flight crew in subregulation (1) shall include flight crew members in addition to the minimum numbers specified in the flight manual or other documents associated with the certificate of airworthiness, when necessitated by considerations related to the type of aeroplane used, the type of operation involved and the duration of flight between points where flight crews are changed.

70. An operator shall ensure that flight crew include at least one member who holds a valid licence, issued or rendered valid by the Authority, authorizing operation of the type of radio transmitting equipment to be used. Radio operator.
71. An operator shall ensure that where 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. Flight engineer.
72. An operator shall ensure that flight crew include at least one member who holds a flight navigator licence in all operations where, as determined by the Authority, navigation necessary for the safe conduct of the flight cannot be adequately accomplished by the pilots from the pilot station. Flight navigator.
73. (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. Flight crew member emergency duties.
- (2) Annual training for assigned flight crew member functions in subregulation (1) 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.
74. (1) The operator shall establish and maintain a ground and flight training programme for initial, recurrent, transition (conversion), re-qualification, upgrade, recency of experience, familiarization, differences and other specialized training, as applicable prescribed and approved by the Authority, and shall include an assessment of competence, where applicable. Flight crew member training programme.
- (2) The training programme referred to in subregulation (1) shall ensure that all flight crew members are adequately trained to perform their assigned duties and shall—
- include ground and flight training facilities and properly qualified instructors and check pilots as prescribed by the Authority;
 - consist of ground and flight training in the type(s) of aeroplane on which the flight crew member serves;
 - include proper flight crew coordination and training in all types of emergency and abnormal situations or procedures caused by engine, airframe or systems malfunctions, fire or other abnormalities;
 - include upset prevention and recovery training;
 - include training in knowledge and skills related to visual and instrument flight procedures for the intended area of operation, charting, human performance including threat and error management and in the transport of dangerous goods;
 - ensure that all flight crew members know the functions for which they are responsible and the relation of these functions to the functions of other crew members, particularly in regard to abnormal or emergency procedures; and

(g) be given on a recurrent basis.

(3) The requirement for recurrent flight training in a particular type of aeroplane shall be considered fulfilled by—

- (a) the use, to the extent deemed feasible by the Authority, of flight simulation training devices approved by that State for that purpose; or
- (b) the completion within the appropriate period of the proficiency check required by regulation 97 in that type of aeroplane.

75. (1) An operator shall not assign a pilot-in-command (PIC) or a co-pilot to operate at the flight controls of a type or variant of a type of aeroplane during take-off and landing unless that pilot has operated the flight controls for at least three take-offs and landings within the preceding 90 days on the same type of aeroplane or in a synthetic flight trainer approved for that purpose by the Authority.

Recent experience
pilot-in- command
and co-pilot.

(2) Where a pilot-in-command or a co-pilot is flying several variants of the same type of aeroplane or different types of aeroplanes with similar characteristics in terms of operating procedures, systems and handling, the Authority shall prescribe which conditions the requirements of subregulation (1) for each variant or each type of aeroplane can be combined.

76. (1) An operator shall not assign a pilot to act in the capacity of cruise relief pilot in a type or variant of a type of aeroplane unless, within the preceding ninety days, that pilot has either—

Recent experience
—cruise relief
pilot.

- (a) operated as a PIC, copilot or cruise relief pilot on the same type of aeroplane; or
- (b) carried out flying skill refresher training including normal, abnormal and emergency procedures specific to cruise flight on the same type of aeroplane or in a synthetic flight trainer approved for the purpose, and has practiced approach and landing procedures, where the approach and landing procedure practice may be performed as the pilot who is not flying the aeroplane.

(2) Where a cruise relief pilot is flying several variants of the same type of aeroplane or different types of aeroplanes with similar characteristics in terms of operating procedures, systems and handling, the Authority shall prescribe which conditions the requirements of subregulation (1) for each variant or each type of aeroplane can be combined.

77. (1) An operator shall not utilize a pilot as pilot-in- command (PIC) of an aeroplane on a route or route segment for which that pilot is not currently qualified until such pilot has complied with subregulation (2) and (3).

Pilot-in-command
area, route and
aerodrome
qualification.

(2) The pilot referred to in subregulation (1) shall demonstrate to the operator an adequate knowledge of —

- (a) the route to be flown, and the aerodromes to be used which shall include knowledge of—

- (i) the terrain and minimum safe altitudes;
 - (ii) the seasonal meteorological conditions;
 - (iii) the meteorological, communication and air traffic facilities services and procedures;
 - (iv) the search and rescue procedures; and
 - (v) the navigational facilities and procedures, including any long-range navigation procedures, associated with the route along which the flight is to take place;
- (b) procedures applicable to flight paths over heavily populated areas and areas of high air traffic density, obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures, and applicable operating minima.

(3) An operator shall ensure that a PIC shall have made an actual approach into each aerodrome of landing on the route, accompanied by a pilot who is qualified for the aerodrome, as a member of the flight crew or as an observer on the cockpit, unless—

- (a) the approach to the aerodrome is not over difficult terrain and the instrument approach procedures and aids available are similar to those with which the pilot is familiar, and a margin to be approved by the Authority and added to the normal operating minima, or there is reasonable certainty that approach and landing can be made in visual meteorological conditions;
- (b) the descent from the initial approach altitude can be made by day in visual meteorological conditions;
- (c) the operator qualifies the pilot-in-command to land at the aerodrome concerned by means of an adequate pictorial presentation; or
- (d) the aerodrome concerned is adjacent to another aerodrome at which the pilot-in-command is currently qualified to land.

(4) An operator shall maintain a record, sufficient to satisfy the Authority of the qualification of the pilot and of the manner in which such qualification has been achieved.

(5) An operator shall not continue to utilize a pilot as a PIC on a route or within an area specified by the operator and approved by the Authority unless within the preceding twelve months, that pilot has made at least one trip as a pilot member of the flight crew, or as a check pilot, or as an observer in the cockpit—

- (a) within that specified area; and
- (b) if appropriate, on any route where procedures associated with that route or with any aerodromes intended to be used for take-off or landing require the application of special skills or knowledge.

(6) In the event that more than twelve months elapse in which a pilot has not made such a trip on a route in close proximity and over similar terrain, within such a specified area, route or aerodrome and has not practiced such procedures in a training device which is adequate for this purpose prior to again serving as a pilot-in-command (PIC) within that area or on that route, that pilot must re-qualify in accordance with subregulations (2) and (3).

78. (1) The operator shall ensure that piloting technique and the ability to execute emergency procedures is checked in such a way as to demonstrate the pilot's competence on each type or variant of a type of aeroplane.

Pilot proficiency checks.

(2) Where the operation may be conducted under 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 to a representative of the Authority.

(3) The checks referred to in subregulation (1) shall be performed twice within any period of one year. Any two such checks which are similar, and which occur within a period of four consecutive months shall not alone satisfy this requirement.

(4) Where the operator schedules flight crew on several variants of the same type of aeroplane or different types of aeroplanes with similar characteristics in terms of operating procedures, systems and handling, the Authority shall prescribe which conditions the requirements of subregulation (1) for each variant or each type of aeroplane can be combined.

79. (1) An operator shall ensure that a pilot-in-command (PIC) of a single pilot operation at night or under instrument flight rules (IFR) shall meet the following requirements—

Requirements of experience, recency and training for single pilot operations at night or instrument flight rules.

- (a) for operations under IFR or at night, have accumulated at least 50 hours flight time on the class of aeroplane, of which at least 10 hours shall be as pilot-in-command (PIC);
- (b) for operations under IFR, have accumulated at least 25 hours flight time under IFR on the class of aeroplane, which may form part of the 50 hours flight time in sub-paragraph (a);
- (c) for operations at night, have accumulated at least 5 hours flight time at night, which may form part of the 50 hours flight time in sub-paragraph (a);
- (d) for operations under IFR, have acquired recent experience as a pilot engaged in a single pilot operation under IFR of—
 - (i) at least five IFR flights, including three instrument approaches carried out during the preceding six months on the class of aeroplane in the single pilot role; or
 - (ii) an IFR instrument approach check carried out on such an aeroplane during the preceding six months;

- (e) for operations at night, have made at least three take-offs and landings at night on the class of aeroplane in the single pilot role in the preceding 90 days; and
- (f) for an AOC holder, have successfully completed training programmes that include, in addition to the requirements as specified in the regulation on flight crew member training programmes, passenger briefing with respect to emergency evacuation, autopilot management, and the use of simplified in-flight documentation.

(2) The initial and recurrent flight training and proficiency checks stipulated in Regulations 75 and 79 shall be performed by the PIC in the single pilot role on the class of aeroplane in an environment representative of the operation.

80. An operator shall ensure that a flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses, shall have a spare set of the correcting lenses readily available when performing as a required crew member in commercial air transport.

Flight Crew
Equipment.

FLIGHT OPERATIONS OFFICER

81. (1) An operator shall employ a flight operations officer in conjunction with an approved method of control and supervision of flight operations.

Flight
Operations
Officer.

(2) The flight operation officer in sub-regulation (1) shall be licensed in accordance with the provisions of the civil aviation (Personnel licensing) Regulations.

(3) An operator shall ensure that a flight operations officer shall not be assigned to duty unless that person has —

- (a) satisfactorily completed the operator-specific training course that addresses all the specific components of its approved method of control and supervision of flight operations;
- (b) made within the preceding 12 months, at least a one-way qualification flight in the flight crew compartment of an aeroplane over any area for which that individual is authorized to exercise flight supervision;

(4) The qualification of flight operation officer in subregulation (3) shall include landings at as many aerodromes as practicable.

(5) The Flight Operations Officer in the qualification flight in subregulation (3) must be able to monitor the flight crew intercommunication system, radio communication and be able to observe the actions of the flight crew.

(6) The Flight Operations Officer demonstrated to the operator a knowledge of —

- (a) the contents of the operations manual;
- (b) the radio equipment in the aeroplanes used; and

- (c) the navigation equipment in the aeroplanes used.

(7) The Flight Operations Officer demonstrated to the operator a knowledge of the following details concerning operations for which the officer is responsible and areas in which that individual is authorized to exercise flight supervision—

- (a) the seasonal meteorological conditions and the sources of meteorological information;
- (b) the effects of meteorological conditions on radio reception in the aeroplanes used;
- (c) the peculiarities and limitations of each navigation system which is used by the operation; and
- (d) the aeroplane loading instructions;
- (e) demonstrated to the operator knowledge and skills related to human performance relevant to dispatch duties; and
- (f) demonstrated to the operator the ability to perform the duties specified in operator's procedures.

(8) A flight operations officer assigned to duty should maintain complete familiarization with all features of the operation which are pertinent to such duties, including knowledge and skills related to human performance.

(9) A flight operations officer shall not be assigned to duty after twelve consecutive months of absence from such duty, unless the provisions of regulation sub-regulation 3 above are met.

PART VII—MANUALS, LOGS AND RECORDS

82. (1) An operator shall ensure that a flight manual contains the information specified in The Civil Aviation (Airworthiness of Aircraft) Regulations.

Flight manual.

(2) The flight manual shall be updated by implementing changes made mandatory by the Authority.

83. An Operator shall provide a maintenance control manual for use as prescribed in the Civil Aviation (Instruments, Equipment and Flight Documents) Regulations

Operator's
Maintenance
control Manual.

84. An operator shall ensure that a maintenance programme contains the information specified in The Civil Aviation (Airworthiness of Aircraft) Regulations.

Maintenance
Programme

85. (1) An operator shall ensure that an aeroplane journey log book shall contain the following items and the corresponding alphabetic order—

Journey log book.

- (a) aeroplane nationality and registration;
- (b) date;
- (c) names of crew members;

- (d) duty assignments of crew members;
 - (e) place of departure;
 - (f) place of arrival;
 - (g) time of departure;
 - (h) time of arrival;
 - (i) hours of flight;
 - (j) nature of flight (private, aerial work, scheduled or non-scheduled);
 - (k) incidents, observations, if any; and
 - (l) Signature of person in charge.
- (2) Entries in the journey log book shall be made currently and in ink or indelible pencil.

(3) Completed journey log book shall be retained to provide a continuous record of the last six months' operations.

86. (1) An Operator shall at all times have available for immediate communication to rescue coordination centers, lists containing information on the emergency and survival equipment carried on board any of their aeroplanes.

Records of emergency and survival equipment carried.

(2) The information specified in subregulation (1) shall include, as applicable—

- (a) the number, color and type of life rafts and pyrotechnics;
- (b) details of emergency medical supplies;
- (c) water supplies; and
- (d) the type and frequencies of the emergency portable radio equipment.

87. The operator 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 Incidents Investigation) Regulations.

Flight recorder records.

PART VIII—CABIN CREW

88. (1) An operator shall establish, to the satisfaction of the Authority, the minimum number of cabin crew required for each type of aeroplane, based on seating capacity or the 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.

Assignment of emergency duties.

(2) The operator shall assign the functions referred to in sub regulation (1) for each type of aeroplane.

89. Each cabin crew member assigned to emergency evacuation duties shall occupy a seat provided in accordance with these regulation Civil Aviation (Instruments, Equipment and Flight Documents) Regulations, during take-off and landing and whenever the pilot-in-command so directs.

Cabin crew at emergency evacuation stations.

90. (1) an operator shall ensure that each cabin crew member shall be seated with seat belt 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

(2) Notwithstanding subregulation (1) the pilot-in-command may direct the fastening of the seat belt, at times other than during take-off and landing.

91. (1) An operator shall establish and maintain a training programme for initial, recurrent, conversion, re-qualification, upgrade, recency of experience, familiarization, differences and other specialized training, as applicable prescribed and approved by the Authority, and shall include an assessment of competence, where applicable.

Training.

(2) The training in subregulation (1) shall be completed by all persons before being assigned as a cabin crew member.

(3) The Cabin Crew in subregulation (1) shall be qualified in accordance with the requirements of the Civil Aviation (Personnel licensing) Regulations.

(4) Cabin crew members shall complete a recurrent training programme annually.

(5) The training programmes shall ensure that each person is—

- (a) competent to execute those safety duties and functions which the cabin crew member is assigned to perform in the event of an emergency or in a situation requiring emergency evacuation;
- (b) drilled and capable in the use of emergency and life- saving equipment required to be carried, such as life jackets, life rafts, evacuation slides, emergency exits, portable fire extinguishers, oxygen equipment, first-aid and universal precaution kits, and automated external defibrillators;
- (c) when serving on aeroplanes operated above 3000 m or 10000 ft, knowledgeable as regards the effect of lack of oxygen and, in the case of pressurized aeroplanes, as regards physiological phenomena accompanying a loss of pressurization;
- (d) aware of other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfilment of the cabin crew member's own duties;
- (e) aware of the types of dangerous goods which may, and may not, be carried in a passenger cabin; and
- (f) knowledgeable about human performance as related to passenger cabin safety duties including flight crew-cabin crew coordination.

PART IX—SECURITY

92. (1) In all aeroplanes which are equipped with a flight crew compartment door, this door shall be capable of being locked, and means shall be provided by which cabin crew can discreetly notify the

Security of the
flight crew
compartment.

flight crew in the event of suspicious activity or security breaches in the cabin.

(2) All passenger-carrying aeroplanes—

- (a) of a maximum certificated take-off mass in excess of 54 500 kg;
- (b) of a maximum certificated take-off mass in excess of 45 500 kg with a passenger seating capacity greater than 19; or
- (c) with a passenger seating capacity greater than 60,

shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons. This door shall be capable of being locked and unlocked from either pilot's station.

(3) In all aeroplanes which are equipped with a flight crew compartment door in accordance with sub-regulation (2)—

- (a) this door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and
- (b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

(4) All passenger-carrying aeroplanes may be equipped with an approved flight crew compartment door, where practicable, that is designed to resist penetration by small arms fire and grenade shrapnel, and to resist forcible intrusions by unauthorized persons. This door should be capable of being locked and unlocked from either pilot's station.

93. In an aircraft equipped with a cockpit compartment door referred to in subregulation (4)—

Locking of cockpit compartment door.

- (a) the door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and
- (b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

94. (1) The operator shall ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aeroplanes for concealed weapons, explosives or other dangerous devices when a well-founded

Aeroplane search procedure checklist.

suspicion exists that the aeroplane may be the object of an act of unlawful interference.

(2) The checklist shall be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aeroplane. Specialized means of attenuating and directing the blast may be provided for use at the least-risk bomb location.

95. (1) The operator shall establish and maintain an approved security training programme which ensures crew members act in the most appropriate manner to minimize the consequences of acts of unlawful interference and as a minimum, this programme shall include the following elements—

Security training programmes.

- (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) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions;
- (g) flight crew compartment procedures to protect the aeroplane; and
- (h) aeroplane search procedures and guidance on least-risk bomb locations where practicable.

(2) The operator shall also establish and maintain an initial and recurrent training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aeroplane so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

(3) The initial and recurrent training referred to in subregulation (1) and (2) shall be established and maintained in accordance with the requirements of the Civil Aviation (Security) Regulations and the National Civil Aviation Security Training Programme

96. Following an act of unlawful interference, the pilot-in-command shall submit, without delay, a report of such an act to the designated local authority.

Reporting acts of unlawful interference.

97. Where the operator accepts the carriage of weapons removed from passengers, the aeroplane should have provision for stowing such weapons in a place so that they are inaccessible to any person during flight time.

Carriage of Weapons

PART X—DANGEROUS GOODS

98. (1) An Operator with no specific approval to transport dangerous goods shall—

Operators with no specific approval for the transport of dangerous goods as cargo.

- (a) established a dangerous goods training programme that meets the requirements of Civil Aviation (Safe Transport of Dangerous Goods by Air) Regulations, the applicable requirements of the Technical Instructions, Part 1, Chapter 4;
- (b) include details of the dangerous goods training programme in the operations manuals;

(2) An Operator referred in subregulation (1) shall establish dangerous goods policies and procedures in its operations manual to meet, at a minimum, the requirements to allow operator personnel to—

- (a) identify and reject undeclared dangerous goods, including COMAT classified as dangerous goods; and
- (b) report to the appropriate authorities of the State of the Operator (Kenya) and the State in which it occurred any—
 - (i) occasions when undeclared dangerous goods are discovered in cargo or mail; and
 - (ii) dangerous goods accidents and incidents;
- (c) establish a dangerous goods training programme approved by the Authority;
- (d) establish dangerous goods policies and procedures approved by the Authority;
- (e) details of the dangerous goods training programme, policies and procedures shall be included in the operator's approved operations manuals.

(3) The approved operators manual shall enable operators personnel to—

- (a) identify and reject undeclared or misdeclared dangerous goods, including COMAT classified as dangerous goods;
- (b) report to the Authority and the State in which it occurred as appropriate any—
 - (i) occasions when undeclared or mis declared dangerous goods are discovered in cargo or mail; and
 - (ii) dangerous goods accidents and incidents;
- (c) report to the Authority and State of Origin as appropriate any occasions when dangerous goods are discovered to have been carried—
 - (i) when not loaded, segregated, separated or secured in accordance with the approved procedures;

- (ii) without information having been provided to the pilot-in-command;
- (d) accept, handle, store, transport, load and unload dangerous goods, including COMAT classified as dangerous goods as cargo on board an aircraft; and
- (e) provide the pilot-in-command with accurate and legible written or printed information concerning dangerous goods that are to be carried as cargo.

PART XI—CARGO COMPARTMENT SAFETY

99. (1) The operator shall establish policies and procedures for the transport of items in the cargo compartment, which include the conduct of a specific safety risk assessment.

Transport of items in the cargo compartment.

- (2) The risk assessment shall include at least the—
 - (a) hazards associated with the properties of the items to be transported;
 - (b) capabilities of the operator;
 - (c) operational considerations (e.g. area of operations, diversion time);
 - (d) capabilities of the aeroplane and its systems (e.g. cargo compartment fire suppression capabilities);
 - (e) containment characteristics of unit load devices;
 - (f) packing and packaging;
 - (g) safety of the supply chain for items to be transported; and
 - (h) quantity and distribution of dangerous goods items to be transported.

100.(1) The elements of the cargo compartment fire protection system as approved by the State of Design or State of Registry, and a summary of the demonstrated cargo compartment fire protection certification standards, shall be provided in the aeroplane flight manual or other documentation supporting the operation of the aeroplane.

Fire protection.

(2) The Operator shall establish policy and procedures that address the items to be transported in the cargo compartment.

(3) The policy and procedures specified in sub-regulation (2) shall ensure to a reasonable certainty that in the event of a fire involving those items in the cargo compartment, it can be detected and sufficiently suppressed or contained by the elements of the aeroplane design associated with cargo compartment fire protection, until the aeroplane makes a safe landing.

PART XII— EXEMPTIONS

101.(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—

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

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

102.(1) An application for an exemption must contain the following— Request for exemption.

- (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 must 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.

(4) The Authority of the Operator of an aeroplane type with two turbine engines which, prior to the 25th March, 1986 was authorized and operating on a route where the flight time at single—engine cruise speed to an adequate en—route alternate aerodrome exceeded the threshold time established for such operations in accordance with

regulation 58, shall give consideration to permitting such an operation to continue on that route after that date.

Review, publication and issue or denial of the exemption

103.(1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 113 and 114.

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 113 and 114 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.

104.(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 XIII—GENERAL PROVISIONS

105.(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.

106.(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 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 from carrying out the functions related to operation of aircraft.

107. 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.

108.(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.

109.(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.

110. 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.

111.(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.

112.(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;
- (b) Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (c) forge or alter any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations;
- (d) lend any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations to any other person; or
- (e) 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 wilfully 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.

(5) A person shall not issue any certificate of the kind referred to in subregulation (4) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

113.(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.

Reports of
violation.

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

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

Enforcement of
directions.

(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 subregulation (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 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.

115.(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.

Aeronautical user
fees.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of subregulation (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.

116.(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 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.

Application of regulations to government and visiting forces, etc.

(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.

117. 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.

118.(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 subregulation (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;
- (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.

PART XIV—OFFENCES AND PENALTIES

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

Contravention of Regulations.

120.(1) If any provision of these Regulations, orders, notices or proclamations made under the 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 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 Third 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 as a “B” provision in the Third 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 Third 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.

121.(1) Any licenses, certificates, permits, approvals or authorisations issued prior to the commencement of these Regulations shall, unless otherwise rendered invalid, continue to be in force to the extent that the terms and conditions there of are not inconsistent with the provisions of these Regulations or until expiry or are revoked, annulled or replaced.

Transitions.

(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.

122. The Civil Aviation (Operation of Aircraft – Commercial Air Transport) Regulations, 2018 are hereby revoked.

Revocation of L.N
No. 126/2018.

FIRST SCHEDULE

(r.51(2)(b))

FATIGUE RISK MANAGEMENT SYSTEM REQUIREMENTS

Note.— Guidance on the development and implementation of FRMS regulations is contained in the Manual for the

Oversight of Fatigue Management Approaches (Doc 9966).

A Fatigue Risk Management System (FRMS) established in accordance with Chapter 4, 4.10.6, shall contain, at a minimum:

1. FRMS POLICY AND DOCUMENTATION

1.1 FRMS policy

1.1.1 The operator shall define its FRMS policy, with all elements of the FRMS

1.1.2 The policy shall require that the scope of FRMS operations be clearly defined in the operations manual.

1.1.3 The policy shall:

- (a) reflect the shared responsibility of management, flight and cabin crews, and other involved personnel;
- (b) clearly state the safety objectives of the FRMS;
- (c) be signed by the accountable manager of the organization;
- (d) be communicated, with visible endorsement, to all the relevant areas and levels of the organization;
- (e) declare management commitment to effective safety reporting;
- (f) declare management commitment to the provision of adequate resources for the FRMS;
- (g) declare management commitment to continuous improvement of the FRMS;
- h) require that clear lines of accountability for management, flight and cabin crews, and all other involved personnel are identified; and i) require periodic reviews to ensure it remains relevant and appropriate.

Note.— Effective safety reporting is described in the Safety Management Manual (Doc 9859).

1.2 FRMS documentation

The operator shall develop and keep current FRMS documentation that describes and records:

- (a) FRMS policy and objectives;
- (b) FRMS processes and procedures;
- (c) accountabilities, responsibilities and authorities for these processes and procedures;
- (d) mechanisms for ongoing involvement of management, flight and cabin crew members, and all other involved personnel;

- (e) FRMS training programmes, training requirements and attendance records;
- (f) scheduled and actual flight times, duty periods and rest periods with significant deviations and reasons for deviations noted; and

Note.— Significant deviations are described in the Manual for the Oversight of Fatigue Management Approaches (Doc 9966).

- (g) FRMS outputs including findings from collected data, recommendations, and actions taken.

2. FATIGUE RISK MANAGEMENT PROCESSES

2.1 Identification of hazards

Note.— Provisions on the protection of safety data, safety information and related sources are contained in Appendix 3 to

Annex 19.

The operator shall develop and maintain three fundamental and documented processes for fatigue hazard identification:

2.1.1 Predictive

The predictive process shall identify fatigue hazards by examining crew scheduling and taking into account factors known to

affect sleep and fatigue and their effects on performance. Methods of examination may include but are not limited to:

- (a) operator or industry operational experience and data collected on similar types of operations;
- (b) evidence-based scheduling practices; and
- (c) bio-mathematical models.

2.1.2 Proactive

The proactive process shall identify fatigue hazards within current flight operations. Methods of examination may include but

are not limited to—

- (a) self-reporting of fatigue risks;
- (b) crew fatigue surveys;
- (c) relevant flight and cabin crew performance data;
- (d) available safety databases and scientific studies; and
- (e) analysis of planned versus actual time worked.

2.1.3 Reactive

The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative

safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process

may be triggered by any of the following:

- a) fatigue reports;
- b) confidential reports;
- c) audit reports;
- d) incidents; and
- e) flight data analysis events.

2.2 Risk assessment

2.2.1 The operator shall develop and implement risk assessment procedures that determine the probability and potential

severity of fatigue-related events and identify when the associated risks require mitigation.

2.2.2 The risk assessment procedures shall review identified hazards and link them to:

- a) operational processes;
- b) their probability;
- c) possible consequences; and
- d) the effectiveness of existing safety barriers and controls.

2.3 Risk mitigation

The operator shall develop and implement risk mitigation procedures that:

- a) select the appropriate mitigation strategies;
- b) implement the mitigation strategies; and
- c) monitor the strategies' implementation and effectiveness.

3. FRMS SAFETY ASSURANCE PROCESSES

The operator shall develop and maintain FRMS safety assurance processes to:

- a) provide for continuous FRMS performance monitoring, analysis of trends, and measurement to validate the effectiveness of the fatigue safety risk controls. The sources of data may include, but are not limited to:

- 1) hazard reporting and investigations;
- 2) audits and surveys; and
- 3) reviews and fatigue studies;

- b) provide a formal process for the management of change which shall include but is not limited to:

- 1) identification of changes in the operational environment that may affect FRMS;
- 2) identification of changes within the organization that may affect FRMS; and
- 3) consideration of available tools which could be used to maintain or improve FRMS performance prior to implementing changes; and

c) provide for the continuous improvement of the FRMS. This shall include but is not limited to:

1) the elimination and/or modification of risk controls that have had unintended consequences or that are no longer

needed due to changes in the operational or organizational environment;

2) routine evaluations of facilities, equipment, documentation and procedures; and

3) the determination of the need to introduce new processes and procedures to mitigate emerging fatigue-related

risks.

4. FRMS PROMOTION PROCESSES

FRMS promotion processes support the ongoing development of the FRMS, the continuous improvement of its overall

performance, and attainment of optimum safety levels. The following shall be established and implemented by the operator as

part of its FRMS:

a) training programmes to ensure competency commensurate with the roles and responsibilities of management, flight

and cabin crew, and all other involved personnel under the planned FRMS; and

b) an effective FRMS communication plan that:

1) explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and

2) describes communication channels used to gather and disseminate FRMS-related information.

SECOND SCHEDULE

(r.60(1)(c))

ADDITIONAL REQUIREMENTS FOR APPROVED OPERATIONS BY SINGLE-ENGINE TURBINE-POWERED AEROPLANES AT NIGHT AND/OR IN INSTRUMENT METEOROLOGICAL CONDITIONS (IMC)

Airworthiness and operational requirements shall satisfy the following —

1. TURBINE ENGINE RELIABILITY

1.1 Turbine engine reliability shall be shown to have a power loss rate of less than 1 per 100 000 engine hours.

Note.— Power loss in this context is defined as any loss of power, the cause of which may be traced to faulty engine or engine component design or installation, including design or installation of the fuel ancillary or engine control systems.

1.2 The operator shall be responsible for engine trend monitoring.

1.3 To minimize the probability of in-flight engine failure, the engine shall be equipped with—

- (a) an ignition system that activates automatically, or is capable of being operated manually, for take-off and landing, and during flight, in visible moisture;
- (b) a magnetic particle detection or equivalent system that monitors the engine, accessories gearbox, and reduction gearbox, and which includes a flight deck caution indication; and
- (c) an emergency engine power control device that permits continuing operation of the engine through a sufficient power range to safely complete the flight in the event of any reasonably probable failure of the fuel control unit.

2. SYSTEMS AND EQUIPMENT

Single-engine turbine-powered aeroplanes approved to operate at night and/or in IMC shall be equipped with the following systems and equipment intended to ensure continued safe flight and to assist in achieving a safe forced landing after an engine failure, under all allowable operating conditions —

- (a) two separate electrical generating systems, each one capable of supplying all probable combinations of continuous in-flight electrical loads for instruments, equipment and systems required at night and/or in IMC;
- (b) a radio altimeter;
- (c) an emergency electrical supply system of sufficient capacity and endurance, following loss of all generated power, to as a minimum —
 - (i) maintain the operation of all essential flight instruments, communication and navigation systems during a descent from the maximum certificated altitude in a glide configuration to the completion of a landing;
 - (ii) lower the flaps and landing gear, if applicable;
 - (iii) provide power to one pitot heater, which must serve an air speed indicator clearly visible to the pilot;

- (iv) provide for operation of the landing light specified in 2 (j);
- (v) provide for one engine restart, if applicable; and
- (vi) provide for the operation of the radio altimeter;
- (d) two attitude indicators, powered from independent sources;
- (e) a means to provide for at least one attempt at engine re-start;
- (f) airborne weather radar;
- (g) a certified area navigation system capable of being programmed with the positions of aerodromes and safe forced landing areas, and providing instantly available track and distance information to those locations;
- (h) for passenger operations, passenger seats and mounts which meet dynamically-tested performance standards and which are fitted with a shoulder harness or a safety belt with a diagonal shoulder strap for each passenger seat;
- (i) in pressurized aeroplanes, sufficient supplemental oxygen for all occupants for descent following engine failure at the maximum glide performance from the maximum certificated altitude to an altitude at which supplemental oxygen is no longer required;
- (j) a landing light that is independent of the landing gear and is capable of adequately illuminating the touchdown area in a night forced landing; and
- (k) an engine fire warning system.

3. MINIMUM EQUIPMENT LIST

The operator shall develop a minimum equipment list in accordance with Civil Aviation (Air Operator Certificate) Regulations for approval to specifying the operating equipment required for night and/or IMC operations, and for day/VMC operations.

4. FLIGHT MANUAL INFORMATION

The flight manual shall include limitations, procedures, approval status and other information relevant to operations by single-engine turbine-powered aeroplanes at night and/or in IMC.

5. EVENT REPORTING

5.1 The operator approved for operations by single-engine turbine-powered aeroplanes at night and/or in IMC shall report all significant failures, malfunctions or defects to the Authority who in turn will notify the State of Design.

5.2 The operator shall provide to the Authority for review, the safety data and monitor the reliability information to so as to be able to take any actions necessary to ensure that the intended safety level is achieved. The operator will notify major events or trends of particular concern to the appropriate Type Certificate Holder and the State of Design.

6. OPERATOR PLANNING

6.1 Operator route planning shall take account of all relevant information in the assessment of intended routes or areas of operations, including the following —

- (a) the nature of the terrain to be overflown, including the potential for carrying out a safe forced landing in the event of an engine failure or major malfunction;

- (b) weather information, including seasonal and other adverse meteorological influences that may affect the flight;
- (c) other criteria and limitations as specified by the Authority.

6.2 The operator shall identify aerodromes or safe forced landing areas available for use in the event of engine failure, and the position of these shall be programmed into the area navigation system.

Note 1.— A ‘safe’ forced landing in this context means a landing in an area at which it can reasonably be expected that it will not lead to serious injury or loss of life, even though the aeroplane may incur extensive damage.

7. FLIGHT CREW EXPERIENCE, TRAINING AND CHECKING

7.1 The Authority shall prescribe the minimum flight crew experience required for night/IMC operations by single-engine turbine-powered aeroplanes.

7.2 The operator’s flight crew training and checking shall be appropriate to night and/or IMC operations by single-engine turbine-powered aeroplanes, covering normal, abnormal and emergency procedures and, in particular, engine failure, including descent to a forced landing in night and/or in IMC conditions.

8. ROUTE LIMITATIONS OVER WATER

The Authority shall apply route limitation criteria for single-engine turbine-powered aeroplanes operating at night and/or in IMC on over water operations if beyond gliding distance from an area suitable for a safe forced landing/ditching having regard to the characteristics of the aeroplane, seasonal weather influences, including likely sea state and temperature, and the availability of search and rescue services.

9. OPERATOR CERTIFICATION OR VALIDATION

The operator shall demonstrate the ability to conduct operations by single-engine turbine-powered aeroplanes at night and/or in IMC through a certification and approval process specified by the Authority.

THIRD SCHEDULE

PENALTIES

(r.120 (2),(3) and (4))

REG. NO.	TITLE	PART
4.	Compliance with laws, regulations and procedures	A
5.	Compliance by a foreign operator with laws, regulations and procedures of Kenya	B
6.	Aircraft tracking	A
7.	Use of psychoactive substances	A
8.	Operating considerations and facilities	A
9.	Weather reports and forecasts	A
10.	Restriction or suspension of operations: commercial air transport	A
11.	Surveillance of operations by a foreign operator	A
12.	Operations Manual	A
13.	Operating instructions-General	A
14.	In-flight simulation of emergency situations	B
15.	Checklists	A
16.	Minimum flight altitudes	B
17.	Aerodrome operating minima	A
18.	Threshold crossing height for 3D instrument approach operations	A
19.	Fuel and oil records	B
20.	Crew	B
21.	Passengers	B
22.	Flight preparation	A
23.	Operational flight planning	A
24.	Take-off alternate aerodrome	A
25.	En-route alternate aerodromes	B
26.	Destination alternate aerodromes	A
27.	Meteorological conditions	A
28.	Fuel requirements	A
29.	Inflight fuel management	A
30.	Refuelling with passengers on board	A
31.	Oxygen supply	A
32.	Time capability of cargo compartment fire suppression system	B
33.	Commercial air ambulance operations	B
34.	Aerodrome operating Minima- In-flight procedures	A
35.	Meteorological observations	A
36.	Hazardous flight conditions	A
37.	Flight crew members at duty stations	B
38.	Use of oxygen	B
39.	Safeguarding of cabin crew and passengers in pressurized aeroplanes in the event of loss of pressurization	B
40.	In-flight operational instructions	A
41.	Instrument flight procedures	A
42.	Aeroplane operating procedures for noise abatement	A
43.	Aeroplane operating procedures for rates of climb and descent	B
44.	Aeroplane operating procedures for landing performance	A

REG. NO.	TITLE	PART
45.	Duties of Pilot in command	A
46.	Duties of flight operations officer	A
47.	Requirements for operations beyond 60 minutes to an en- route alternate aerodrome	B
48.	Requirements for extended diversion time operations (EDTO) (Specific Approval)	A
49.	Carry-on baggage	A
50.	Additional requirements for single pilot operations under the Instrument flight rules (IFR) or at night	A
51.	Fatigue management	A
52.	General	A
53.	Performance limitation of aeroplanes above 5700kg certificated after 13th June, 1960	A
54.	Mass limitations	A
55.	Take-off limitations	A
56.	En-route one engine inoperative	A
57.	En route limitations – two engines inoperative	A
58.	Landing limitations	A
59.	Obstacle data	A
60.	Additional requirements for Operations of single-engine turbine-powered aircraft at night and/or in instrument meteorological conditions (IMC)	A
61.	Operator's continuing airworthiness responsibilities General	B
62.	Operator's maintenance control manual	B
63.	Maintenance programme	A
64.	Continuing airworthiness records	B
65.	Continuing airworthiness information	A
66.	Modification and repairs	B
67.	Approved maintenance organization	B
68.	Maintenance release	A
69.	Composition of the flight crew	A
70.	Radio operator	A
71.	Flight engineer	A
72.	Flight navigator	B
73.	Flight crew member emergency duties	B
74.	Flight crew member training programme	A
75.	Recent experience pilot-in- command and co-pilot	A
76.	Recent experience — cruise relief pilot	A
77.	Pilot-in-command area, route and aerodrome qualification	A
78.	Pilot proficiency checks	A
79.	Requirements of experience, recency and training for single pilot operations at night or instrument flight rules	A
80.	Flight Crew Equipment	A
81.	Flight Operations Officer	A
82.	Flight manual	A
83.	Operator's Maintenance control Manual	A
84.	Maintenance Programme	A
85.	Journey log book	A

REG. NO.	TITLE	PART
86.	Records of emergency and survival equipment carried	A
87.	Flight recorder records	A
88.	Assignment of emergency duties	A
89.	Cabin crew at emergency evacuation stations	A
90.	Protection of Cabin Crew during flight	A
91.	Training	A
92.	Security of the flight crew compartment	A
93.	Locking of cockpit compartment door	A
94.	Aeroplane search procedure checklist	A
95.	Security training programmes	A
96.	Reporting acts of unlawful interference	B
97.	Carriage of Weapons	A
98.	Operators with no specific approval for the transport of dangerous goods as cargo	A
99.	Transport of items in the cargo compartment	A
100.	Fire protection	A
101.	Requirement for application	A
102.	Request for exemption	B
103.	Initial review by the authority	B
104.	Evaluation of the request	A
105.	Possession of the licence	A
106.	Drug and alcohol testing and reporting	A
107.	Inspection of licences and certificates	A
108.	Change of name	B
109.	Change of address	B
110.	Replacement of documents	B
111.	Certificate suspension and revocations	A
112.	Use and retention of certificates and records	A
113.	Reports of violation	A
114.	Enforcement of directions	B
115.	Aeronautical user fees	B
116.	Application of regulations to government and visiting forces, etc	B
117.	Extra—territorial application of regulations	B
118.	Flights over any foreign Country	B

Made on the 15th December, 2025.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport