

MATRIX ON DRAFT CIVIL AVIATION (AERONAUTICAL SEARCH AND RESCUE) REGULATIONS 2022

No.	Reg. No.	Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
1.	2	Interpretation	For clarity in accordance with our setup the interpretation of “Designated Agency” to means the office designated by the Director General for the purpose of coordinating Aeronautical SAR	The proposal accepted as it is applied in Regulation 4 (1).	“Designated Agency” means the agency designated by the Director General for the purpose of coordinating Aeronautical Search and Rescue.	A valid concern considered for inclusion in interpretations
2.	4	Provision of Aeronautical Search and Rescue Services	Old text to be retained since this is a delegated service by the State to the DG hence “autonomous” operation should not be envisaged. Maturity level will be realized with formation of a National SAR organization where responsibility shall be vested with this organization.	The proposed text is the same as that in the draft, though with reference to the DG.	(2) The designated Aeronautical Search and Rescue agency shall be responsible for coordinating and directing the prompt provision of Aeronautical Search and Rescue services within Kenya, including portions of the high seas as determined on the basis of regional air navigation agreements, to ensure that assistance is rendered to persons in distress.	Amended for clarity
4			Removal of the word “in coordination with the Authority” for clarity --- This is OK if interpretation “designated agency” is adopted.	No change in text	(3)The designated Aeronautical Search and Rescue agency shall—	The interpretation “designated agency” adopted.

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5	9	Registration of ELTs and PLBs	Amend for Clarity Sub regulation (2) to replace the Director-General with the Designated Aeronautical Search and Rescue Agency	Incorporated in the regulation and amended accordingly.	(2) The Designated Aeronautical Search and Rescue Agency shall maintain the National IBRD.	Comments accepted to allow the designated agency to maintain the National IBRD. transfer
7	13	Entry into the territory of Kenya by other States' parties.	Amended for clarity by avoiding reference to Director General in the Regulation and replacing it with the designated Aeronautical Search and Rescue agency ---This is OK if interpretation "designated agency" is adopted.	Incorporated	(1) The designated Aeronautical Search and Rescue agency shall in coordination with relevant government authorities and subject to such conditions as may be specified by such authorities, permit immediate entry into the Kenyan territory, Aeronautical Search and Rescue units of other States for the purpose of searching for the site of aircraft accidents and rescuing survivors of such accidents	The interpretation "designated agency" adopted
8			Amended the reference to the Director General to the designated agency ---This is OK if interpretation "designated agency" is adopted.	Incorporated	(2) Other States parties, who wish their Aeronautical Search and Rescue units to enter the territory of Kenya for Aeronautical Search and Rescue purposes shall transmit a request, giving full details of the projected	The interpretation "designated agency" adopted

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					mission and the need for it, to the designated agency	
9			Amended the reference to the Director General to the designated agency ---This is OK if interpretation “designated agency” is adopted.	Incorporated	(3)Subject to sub-regulation (2), the designated agency shall—	The interpretation “designated agency” adopted
10	21	Procedures at the scene of accident	Recommendations MAY be considered as part of regulations after a consensus.	Not incorporated	The Cabinet Secretary shall ensure that wreckage resulting from aircraft accidents within Kenya or, in the case of accidents on the high seas, within the Aeronautical Search and Rescue regions, is removed, obliterated or charted following completion of the accident investigation, if its presence might constitute a hazard or confuse subsequent Aeronautical Search and Rescue operations.	This is retained as per the annex requirement and proposed consensus anticipated.
11	32	Recovery of certain Expenses.	Director General executing the regulations	Proposal accepted	32. (1) If any Aeronautical Search and Rescue operation is undertaken in connection with any occurrence caused by the unlawful act or omission of	Director General executes the regulations, however, recovery of certain

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					any person, the Director General may recover from that person the whole or any portion of the expenses incurred in connection with that operation. (2) The Director General may, after having recovered the expenses contemplated in sub-regulation (1), compensate any person who has incurred any loss or damage as a result of the operation. (3) Subject to sub-regulations (1) and (2), the Director General shall determine and notify in writing the expenses to be recovered depending on the nature of the unlawful act or omission	Expenses may require the authority of the cabinet secretary, where such is outside the Jurisdiction of the Authority.
12	36	Transition provision	This means one and the same thing in this context... (use of specified instead of prescribed)	Incorporated. The use of the word Specified instead of prescribed to	36.(1) Any person carrying out any activities specified in these Regulations immediately before the coming into operation of these Regulations shall,	The word specified is accepted to meet legal requirements. The marginal note earlier omitted , included

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				meet drafting requirement.	within twelve months from the coming into force thereof, take all necessary measures to ensure full compliance with these Regulations.	The side note was also omitted.