



MATRIX ON DRAFT CIVIL AVIATION (RULES OF THE AIR) REGULATIONS 2022

No.	Reg. No.	Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
1.	3	Application of the rules of the air	Rules of the air do not apply to persons. The rules apply to aircraft operations in the airspace. Whether manned or unmanned.	Not incorporated	3.(1) These Regulations shall apply— (a) to every person and every aircraft, including state aircraft; (b) to all aircraft bearing the nationality and registration marks of Kenya, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown. (c) in full to all aircraft flying over the high seas.	Every person in this context refers to the pilots or any other individuals who are involved in air operation of aircraft, including UAS. Amended for clarity and to ensure that the regulations shall apply to all without exception.
2.	17.	Prohibited areas, restricted areas and danger areas	Maintain the content as per the annex to avoid discrepancies, “Aircraft shall not be flown in a prohibited area or a restricted area or a danger area, the particulars of which have been duly published in	No change in regulation.	17. A person shall not operate an aircraft in a prohibited area or a restricted area or a danger area, the particulars of which have been duly published in the Aeronautical Information	From the legal opinion of drafters, the use of a person was recommended and was more acceptable

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			the Aeronautical Information Publication, except in accordance with the conditions of the restrictions or by permission granted by the Government of Kenya,” Not a person shall not operate an aircraft in a prohibited area or a restricted area or a danger area, the particulars of which have been duly published in the Aeronautical Information Publication, except in accordance with the conditions of the restrictions or by permission granted by the Government of Kenya. Operating an aircraft can be misconstrued to operating a drone while flying an aircraft includes both.		Publication, except in accordance with the conditions of the restrictions or by permission granted by the Government of Kenya.	
3.	32(2)(c)	Operation within an aerodrome traffic zone.	(2) A pilot-in-command of an aircraft flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall—	The regulation was amended as proposed by the stakeholder.	(2) A pilot-in-command of an aircraft flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall—	The was an error in the referenced Regulation 15 instead of 31.

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			(c) comply with the provisions of regulation 31 and not 15 as if the aerodrome did not have an air traffic control unit, unless the pilot-in-command has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.		(c) comply with the provisions of regulation 31 as if the aerodrome did not have an air traffic control unit, unless the pilot-in-command has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.	
4.	33 (7)	Operations on or in the vicinity of a controlled aerodrome	(7) During instrument flight rules operations, the two-way communications failure procedures prescribed in Regulation 51 and not 45 as indicted shall apply.	The regulation was amended as proposed by the stakeholder	During instrument flight rules operations, the two-way communications failure procedures prescribed in Regulation 51 shall apply.	The was an error in the referenced Regulation 45 instead of 51.
5.	36		1. There are various means of submitting a flight plan even through automation where competency of person submitting is irrelevant. Person submitting the flight plan need not be competent;	Not incorporated	(2) A flight plan shall be submitted or filed by a competent person who is a licensed flight dispatcher or a pilot prior to operating:	The regulations were amended for clarity on the competency of the person filing a flight plan
		Submission of a flight plan	2. "This should remain unchanged 'A flight		(a) any flight or portion thereof to be provided with air traffic control service; (b) any IFR flight within advisory airspace;	

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			plan shall be submitted by a Competent person prior to operating" 3. Not just pilots or flight dispatchers as the regulations state. operations personnel should be allowed to file as well. dispatchers are required for schedule service only. 4. filing a flight plan is not rocket science. it is more of IT than anything else. Allow a 'competent person appointed by the operator' serve. 5. Good Morning, Following a technical hitch on the webinar, On behalf of the Kenya Airline Flight Dispatchers Association we would like to comment on the comments made during the presentation of the Draft		(c) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATS authority to facilitate the provision of flight information, alerting and search and rescue services; (d) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATS authority to facilitate coordination with appropriate military units or with air traffic services units in adjacent States in order to avoid the possible need for interception for the purpose of identification; (e) any flight across international borders.	

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			Rules of Air, 2021 regulations. The comments may also touch on Aeronautical Information Services, 2021 regulations We would like to submit a flight plan is part of operational control and supervision which is a shared responsibility between a PIC and a Licensed Flight operations officer. It has technical and safety sensitive information pertinent to a flight i.e. Wake categories, Flight rules, flight levels, routing, waypoints, AR information etc. Someone with no technical training or qualification although able to be shown how to file cannot legally be held to account on its contents. They are also not involved in operational control and supervision. Someone else filing a flight plan means a gap in the flight release process.			

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			Preparation and filing a flight plan are the same thing. A flight operations intern/Assistant Flight Dispatcher can however technically prepare and file a flight plan as they are under the supervision of a licensed flight operations officer. A gray area comes in when instead of using a flight dispatcher an AOC or ATO can technically use anyone to be preparing and submitting flight plans instead of staffing their organization with the right personnel. In the event of an incident or accident, that unqualified person can escape accountability. Submission of hard copy flight plans. can be done by anyone but preparing (both hard and soft) and filing online should be done by either a PIC conducting the flight in the case of General Aviation, and a flight dispatcher in the case of			

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			Helicopters and Commercial Air Transport and in Commercial Air Transport to include interns under supervision. Also multiple users on one single account should not be allowed. A flight dispatcher should have their own flight planning account in an AOC. A PIC involved in general aviation or who owns an aircraft should have their own account as well and file their own flights under their accounts. For ATOs Flight Dispatchers (hopefully included in the draft ATO regulations) and Flight Instructors should have their own accounts to release flights and not use one single account for one individual. There is no accountability in case of incidents or accidents. It is our proposal that this be made clear in the draft regulations.			

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6.	3-69	Arrangement of regulations	Re- numbering of regulations not consistent with arrangements of regulation	Incorporated	N/A	Error observed and corrected accordingly