LEGAL NOTICE NO.

THE CIVIL AVIATION ACT
(Cap 394)

THE CIVIL AVIATION (PARACHUTE OPERATIONS) REGULATIONS, 2007
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SCHEDULE – Penalties

IN EXERCISE of the powers conferred by section 8C of the Civil Aviation Act, the Minister for Transport makes the following Regulations-

THE CIVIL AVIATION (PARACHUTE OPERATIONS) REGULATIONS, 2007

PART 1- PRELIMINARY

Citation

1. These Regulations shall be cited as the Civil Aviation (Parachute Operations) Regulations, 2007.

Interpretation

2. In these Regulations unless the context otherwise requires-

"Approved parachute" means a parachute manufactured under a type certificate or a Technical Standard Order (C-23 series);

"altimeter" means a visually read instrument for measuring height throughout descent;

"automatic activation device" means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity, or combination thereof;

"drop zone" means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop;

"freefall" means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist's discretion or automatically, or, in the case of an object, is activated automatically;

"jumper" means an experienced parachute jumper who may make descents without the supervision of an instructor;

"jump master" means an experienced jumper certified as capable of supervising students in aircraft and on static line and free fall jumps;

"main parachute" means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute;
"object" means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent;

"parachute drop" means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or

part of that descent;

“parachute jump” means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent;

“parachute operation” means the performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop, the parachute operation can involve, but is not limited to, the following persons- parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot;

“parachute rigger” means a person who is authorised to pack, maintain or alter any parachute in conformity with manufacturer’s instructions;

“parachutist” means a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface;

“passenger parachutist” means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting the aircraft while in-flight using the forward harness of a dual harness tandem parachute system to descend to the surface;

“tandem master” means experienced jump master trained in tandem operation who is in control of the passenger and tandem parachute equipment;

“pilot chute” means a small parachute used to initiate and/or accelerate deployment of a main or reserve parachute;

“ram-air parachute” means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram air entering through specially designed openings in the front of the canopy to form a gliding airfoil;

“reserve parachute” means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk;

“single-harness, dual parachute system” means the combination of a main parachute, approved reserve parachute, and approved single person harness and dual-parachute container. this parachute system may have an operational automatic activation device installed;

“static line jump” means a parachute jump where there is static line attached to the aircraft and which the jump master activates manually to deploy the

student's parachute after exit from the aircraft;

"student jumper" means a parachute jumper who is only allowed to make descents under the supervision of an instructor;
"tandem parachute operation" means a parachute operation in which more than one person simultaneously use the same tandem parachute system while descending to the surface from an aircraft in flight;

"tandem parachute system" means the combination of a main parachute, approved reserve parachute, and approved harness and dual parachute container, and a separate approved forward harness for a passenger parachutist which parachute system shall have an operational automatic activation device installed.

Application

3. These Regulations shall, apply to-
(a) parachute operations other than -
(i) emergency parachute descents; and
(ii) parachute descents which are not from aircraft; and
(b) parachute equipment; and
(c) parachute maintenance.

PART II - PARACHUTE PERSONNEL

Parachute Jumping

Eligibility requirements.

4. (1) An applicant for a parachute jumping authorisation shall-
(a) be at least eighteen years of age;
(b) be able to read, speak and understand English;
(c) demonstrate a level of knowledge appropriate to the privileges granted to a holder of a parachute jumping authorisation; and
(d) comply with the provisions of these Regulations that apply to the parachute jumping authorisation sought.

(2) In addition to the requirements of sub-regulation (1), an applicant for a tandem master authorisation shall hold a Class 2 Medical Certificate.

Authorisation types.

5. The Authority may issue the following types of parachute jumping authorisations-
(a) student jumper;
(b) jumper;
(c) jump master; or
(d) tandem master

Skill requirements

6. An applicant for-

(a) a jumper authorisation shall have logged not less than twenty five jumps and have demonstrated to the Authority his competency in the following areas--
   (i) parachute packing;
   (ii) obtaining meteorological information;
   (iii) spotting the drop location from the aircraft;
   (iv) hand signal communication techniques and procedures; and
   (v) pre-flight briefing and dirt diving;

(b) a jump master authorisation shall have-
   (i) successfully completed a jump master's course;
   (ii) made five hundred freefall jumps; and
   (iii) satisfactorily completed a post course of jump mastering ten students under supervision of an authorised instructor;

(c) a tandem master authorisation shall be an experienced jumper master, trained in tandem operation and is in control of the passenger and tandem parachute equipment.

General operation requirements

Conditions of authorisation

7. (1) A holder of a parachute jumping authorisation shall maintain a parachuting logbook of the jumps he has made.

(2) A jumper or event organiser shall ensure that parachute jumping is made only at locations approved by the Authority.

(3) Prior to each descent, a jumper or event organiser shall obtain permission from the air traffic control unit responsible for the area of the operation.

(4) In a location where there is no air traffic control unit, the jumper or event organiser shall obtain permission from the area control centre responsible for the area of the operation.

Descent requirements.

8. (1) A parachute jumper shall not make or attempt to make a parachute descent unless he is wearing two airworthy parachutes from exit to activation.

(2) All reserve parachutes shall be inspected and packed by an authorised parachute rigger not more than four months preceding each jump.

(3) The main parachute may be packed by either the jumper or the parachute rigger

(4) The minimum altitude from which descents are to be made shall be

such that the main canopy is duly opened at an altitude of not less than two thousand feet above ground level.

Aircraft used for parachute jumping.

9. Parachute descents shall be made only from aircraft types that have been authorized by the Authority.

Pilot experience and training requirements.

10. (1) A pilot of an aircraft to be used for parachute jumping shall-

(a) be a qualified pilot and have a minimum of two hundred hours of pilot-in-command time; and

(b) demonstrate competence to the Authority by performing at least one drop of parachute jumpers.

(2) The demonstration referred to in sub-regulation (1)(b) shall be conducted under supervision of an experienced parachuting pilot who is present in the aircraft during the check flight to ascertain the competence in the dropping operation.

Validity and renewal requirements.

11. (1) A parachute jump master and tandem master authorisation shall be valid for a period of twelve months from the date of issue or renewal.

(2) A holder of a parachute jump master and tandem master authorisation may apply for renewal of the authorisation if the holder has jump mastered ten static line students and five free fall students within the six months preceding the date of application for renewal.

(3) A student and jumper authorisation shall not require renewal.

Visiting foreign parachuting jumpers.

12. (1) A holder of a parachute jump master and tandem master authorisation may apply for renewal of the authorisation if the holder has jump mastered ten static line students and five free fall students within the six months preceding the date of application for renewal.

(2) A person who holds a parachute jumping authorisation issued by another Contracting State and who wishes to engage in parachute jumping in Kenya may apply to the Authority for recognition and acceptance of his qualification.

(3) Where the Authority recognizes an authorisation submitted under sub-regulation (1), the holder shall be exempted from regulations 4 to 13 of these Regulations.

(4) A holder of an authorisation under this regulation shall not be engaged in instructing students in parachute jumping or tandem operations.

Parachute Rigger

Parachute rigger authorization requirements,

13. An applicant for a parachute rigger authorisation shall-

(a) apply to the Authority in the prescribed form;

(b) be at least eighteen years of age; and

(c) be able to read, speak, write and understand English.

Issue of parachute rigger authorization,

14. Where the Authority is satisfied that an applicant for a parachute rigger authorization under regulation 13 meets the requirements for issue of such authorization, the Authority may issue the authorization.

Restrictions and limitations of parachute rigger authorization,

15. (1) A person shall not pack, maintain or modify any personnel-carrying parachute intended for emergency use in connection with an aircraft registered in Kenya unless that person holds an appropriate authorisation on the type issued under these Regulations.

(2) Except as provided for by sub-regulation (3), a person shall not pack, maintain or modify any main parachute of a dual parachute pack to be used for intentional jumping from a civil aircraft registered in Kenya unless that person has an appropriate parachute rigger authorisation issued under these Regulations.

(3) A person who does not hold an appropriate parachute rigger authorisation may pack the main parachute of a dual parachute pack that is to be used by him for intentional jumping.

Experience, knowledge and skill requirements.

16. Except as provided in regulation 18, an applicant for a parachute rigger authorisation shall-

(a) present evidence satisfactory to the Authority of having packed at least twenty parachutes of each type for which the applicant seeks authorisation in accordance with the manufacturer's instructions and under the supervision of an authorised parachute rigger holding an authorisation for that type or a person holding an appropriate military rating; and

(b) provide the Authority with evidence of having passed a knowledge and practical test, to the satisfaction of the Authority by demonstrating the ability to pack and maintain one type of parachute for which he seeks authorization.

Authorisation requirements for current or former military parachute rigger.

17. Notwithstanding regulation 13, the Authority may issue to an applicant a parachute rigger authorisation if he passes a knowledge test on the Regulations pertaining to parachute and parachute rigging and presents satisfactory documentary evidence that the applicant-

(a) is an employee or former employee of the Kenya Military and within the twelve months preceding the date of application for an authorisation has performed duties as a parachute rigger; and

(b) has the experience required by regulation 16.

Performance standards.

18. A holder of a parachute rigger authorisation shall not-

(a) pack, maintain or modify a parachute unless he is authorised for that type;
(b) pack a parachute that is not safe for emergency use;
(c) pack a parachute that has not been thoroughly dried and aired;
(d) alter a parachute in a manner that is not specifically authorised by the Authority or the manufacturer;
(e) pack, maintain or modify a parachute in any manner that deviates from procedures approved by the Authority or the manufacturer of the parachute; or
(f) exercise the privileges of the authorisation unless he understands the current manufacturer's instructions for the operation involved and has performed duties under the authorisation for at least ninety days within the preceding twelve months or demonstrated to the Authority the ability to perform those duties.

Records to be kept by parachute rigger.

19. (1) A holder of a parachute rigger authorisation shall keep a record of the packing, maintenance and modifications of parachute duties he has performed or supervised.

(2) An authorised parachute rigger who packs a parachute shall enter on the parachute packing record attached to the parachute, the date and place of the packing, a notation of any defects found during any inspection, and shall sign that record with name and authorisation number.

(3) The record required by sub-regulation (1) shall contain, with respect to each parachute worked on, a statement of-

(a) type and make;
(b) serial number;
(c) the name and address of the owner or user of the parachute;
(d) the kind and extent of the work performed;
(e) the date when, and the place where the work was performed; and
(f) the results of any drop tests made with it.

(4) A person who makes a record under sub-regulation (1) shall keep that record for at least two years after the date the record is made.

Privileges of parachute rigger authorization.

20. A holder of a parachute rigger authorisation may-

(a) pack, maintain or modify any type of parachute for which he is authorised; and
(b) supervise other persons in packing, maintaining or modifying any type of parachute for which the holder of authorisation is authorised.

Validity and renewal requirements of parachute rigger authorization.

21. (1) A parachute rigger authorisation shall be valid for a period of twenty four months from the date of issue or renewal.

(2) A holder of a parachute rigger authorisation may apply for renewal of the authorisation if the holder has packed at least thirty six reserves parachutes within the twelve months preceding the date of application for renewal.

PART III - PARACHUTE OPERATIONS CERTIFICATE

Certificate requirements.

22. (1) A person shall not conduct parachute operations unless that person-

(a) holds a parachute operations certificate;
(b) complies with the privileges and limitations of the authorisation referred to in regulations 15 and 20;
(c) complies with operational standards and procedures contained in the parachute Operations Manual approved by the Authority; and
(d) complies with the currency requirements determined by the Authority.

(2) A person shall not conduct parachute operations unless there is available for that person's use a parachute Operations Manual approved by the Authority.

(3) In this Part, "person" includes an association, organisation or club.

Application for parachute operations certificate

23. (1) An applicant for a parachute operations certificate shall complete and submit an application form prescribed by the Authority which shall include the following information-

(a) the radius of the drop zone around the target expressed in nautical miles;
(b) the location of the centre of the drop zone in relation to
(c) the nearest airport, town or city;
(d) each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exit the aircraft;
(e) the name, address, and telephone number of the person who requests the authorisation or gives notice of the parachute operation; and
(f) the name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.

(2) The Authority may issue a parachute operations certificate if an applicant meets the requirements of these Regulations.

Amendment of a parachute operations certificate

24. (1) A parachute operations certificate may be amended-

(a) by the Authority on the Authority's own initiative; or

(b) upon application by the holder of that authorisation.

(2) A holder of an authorisation shall submit an application to amend an authorisation by completing a form prescribed by the Authority.

(3) An applicant for an amendment under this regulation shall file the application to amend an authorisation before the date of the proposed commencement of that operation.

(4) The Authority shall grant a request to amend an authorisation if it determines that it is in the interest of flight safety or in public interest.

Validity of a parachute operations certificate.

25. (1) A parachute operations certificate shall be valid for the period specified in the certificate from the date of issue but in any case for not more than twelve months, unless-

(a) a shorter period is specified by the authority;

(b) the Authority amends, suspends, revokes or otherwise terminates the certificate;

(c) the certificate holder surrenders it to the Authority; or

(d) the certificate holder suspends operations

(2) The holder of a certificate that is suspended or revoked shall return it to the Authority.

Parachute operations manual.

26. (1) A parachute operations certificate holder shall issue to a parachutist and persons assigned parachute operational functions, an Operations Manual which shall contain at least the following-

(a) introduction and common abbreviations;

(b) basic safety requirements;

(c) student training syllabus;

(d) skills programme;

(e) formation parachuting rules;

(f) artistic events ;

(g) canopy formation;

(h) camera persons;

(i) tandem operations;

(j) extra ordinary activities;

(k) wing suits;

(l) jump master certification course syllabus;

(m) rigging rules;

(n) drop zone and landing area operating
(o) procedures;
(p) briefings for new jumpers; and
(q) miscellaneous forms.

(2) The operations manual referred to in sub-regulation (1) shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date, and all such amendments or revisions shall be issued to all personnel that are required to use the Operations Manual

(3) A parachute operations certificate holder shall submit to the Authority a copy of the authorisation holder's entire Operations Manual for the time being in force or of such parts thereof as the Authority may specify.

(4) A parachute operations certificate holder shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of parachute jumpers and parachute passengers carried, efficiency or regularity of air navigation.

Designation of a safety and training personnel.

27. A parachute operations certificate holder shall, designate for each drop zone operation, in writing, safety and training personnel who shall be in-charge of all operations and shall the following minimum qualifications-

(a) be a qualified experienced jump master with a minimum of one thousand free fall jumps and at least two years experience in parachute operations; and
(b) must have successfully completed a training in safety and parachute operating procedures recognized by the Authority.

PART IV - OPERATING RULES

Use of drugs or alcohol.

28. A person shall not engage in parachute jumping, and a pilot in command of an aircraft shall not allow a person to engage in parachute jumping from that aircraft, if that person is or appears to be under the influence of -

(a) alcohol, or
(b) any drug that affects that person's faculties in any way contrary to safety.

Hazard.

29. A person shall not make a parachute descent if such descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned

or its occupants.

Exit from an aircraft.

30. A person shall not exit from an aircraft to make a parachute descent unless authorised to do so by-

(a) the pilot in command; or

(b) a person nominated by the pilot in command for that purpose.

Minimum parachute activation altitude.

31. A person making a parachute descent shall activate the main parachute at a height of not less than 2 500 feet above ground level, except-

(a) a student parachutist, who shall activate the main parachute at a height of not less than 3,000 feet above ground level; or

(b) a tandem jump master carrying out a tandem parachute descent, who shall activate the main parachute at a height of not less than 5,000 feet above ground level.

Parachute drop zone.

32. All parachute descents, except emergency and display parachute descents shall be made within a parachute drop zone designated by the parachute operations certificate holder and approved by the Authority.

Parachute landing area.

33. (1) A person making a parachute descent shall land on a parachute landing area designated by the parachute operations certificate holder and approved by the authority.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes if the parachute landing area is located clear of-

(a) any movement area in use;

(b) the strip area of any runway in use;

(c) a taxiway which is in use; and

(d) the approach and take-off areas of any runway or heliport in use.

(3) A person shall not make a parachute descent into water unless-

(a) the parachute landing area has a clearly defined perimeter; and

(b) adequate arrangements have been made to retrieve that person

Ground signal.

34. A person shall not make a parachute descent unless a ground signal, consisting of a white circle with an attached cone pointing into the wind is displayed or a sensitive and conspicuous calibrated windsock is used.

Controlled airspace.

35. A person shall not make a parachute descent in a controlled airspace unless that person-

(a) obtains an air traffic control clearance; and

(b) descends in accordance with that clearance.

Descents onto manned aerodromes.

36. A person shall not make a parachute descent onto an aerodrome unless that person -

(a) has prior approval from the owner or operator of the aerodrome;

(b) obtains clearance from the air traffic control unit at the aerodrome; and

(c) lands within the parachute landing area.

Descents onto unmanned aerodromes/

37. A person shall not make a parachute descent onto an unmanned aerodrome unless that person -

(a) has prior approval from the owner or operator of the aerodrome;

(b) observes other aerodrome traffic operating within the parachute descent zone for the purpose of avoiding collision;

(c) conforms with or avoids the pattern of traffic formed by other aircraft operating within the parachute descent zone at the aerodrome; and

(d) lands within the parachute landing area.

Descents within restricted areas.

38. A person shall not make a parachute descent within a restricted area unless that person has prior approval of the controlling authority specified for that area.

Visibility and clearance from cloud.

39. (1) Except as provided in sub-regulation 2, a person shall not make a parachute descent unless that person remains clear of cloud.

(2) A person shall not make a parachute descend through cloud in a controlled airspace unless that person has obtained an air traffic control clearance to do so.

Descents from higher altitudes.

40. (1) A person shall not make a parachute descent from an un-pressurized aircraft unless-

(a) when between altitudes of 10,000 feet above mean sea level and 13,000 feet above mean sea level for longer than thirty minutes, use supplementary oxygen until immediately prior to exiting the aircraft; and

(b) when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level, use supplementary oxygen until immediately prior to exiting the aircraft.

(2) A person shall not make a parachute descent from a pressurised aircraft when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level unless he uses supplementary oxygen during the period from immediately prior to depressurisation to immediately prior to exiting the aircraft.

(3) A person shall not make a parachute descent from altitudes above 13,000 feet above mean sea level unless he has satisfactorily completed a training course for high altitude descents.

(4) A person shall not make a parachute descent from altitudes above 20,000 feet above mean sea level unless he uses supplementary oxygen from immediately prior to depressurisation, or from immediately after disconnection from any aircraft mounted supplementary oxygen system, until descent below an altitude of 13,000 feet above mean sea level.

Parachute operations over or into a congested area or an open-air assembly of persons.

41. A person shall not conduct a parachute jumping operation, and no pilot in command of an aircraft shall allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town, or settlement, or an open-air assembly of persons unless an approval for that parachute jumping operation has been issued under these Regulations.

PART V-PARACHUTE EQUIPMENT AND FACILITIES

Parachutes.

42. (1) A person or tandem pair shall not make a parachute descent unless equipped with a main parachute that complies with the technical standards order of the parachute manufacturer.

(2) A person or tandem pair shall not make a parachute descent unless equipped with a reserve parachute assembly which-

(a) complies with the technical standards of a parachute organization; and

(b) has been inspected, re-packed and certified as airworthy within the previous six months by a parachute rigger in accordance with the technical standards of a parachute organization.

(3) A tandem rider shall not make a parachute descent unless he wears a harness which;

(a) complies with the technical standards of a parachute organization; and

(b) is properly secured to a marching tandem master harness.

Altimeter.

43. A person or tandem pair shall not make a free-fall descent of more than ten seconds unless-

(a) he is equipped with, and uses a serviceable altimeter of a type suitable for parachuting; and

(b) prior to take-off, he zeros the altimeter to the parachute

landing area height.

Automatic activation devices.

44. A person or tandem pair shall not make a parachute descent unless he is equipped with an automatic activation device on the reserve parachute, that has been-

(a) certified as compatible with the reserve parachute assembly on the parachute assembly packing record by a parachute rigger authorised by the parachute organization or institution designated by the Authority;

(b) calibrated in accordance with the manufacturer's operating instructions;

(c) set to operate the reserve parachute at a minimum height above the parachute landing area -

(i) for an individual parachute descent, 1 000 feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and

(ii) for a tandem parachute descent, 2 000 feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;

(d) inspected by the parachute rigger in accordance with the manufacturer's instructions; and

(e) check-calibrated within the previous six months.

Safety equipment.

45. (1) A person shall not make a parachute descent into water unless he wears suitable floatation equipment capable of supporting his head clear of the water.

(2) A student parachutist shall not make a parachute descent within 1 nautical mile of a water hazard unless he wears suitable floatation equipment capable of supporting his head clear of the water.

(3) A student parachutist shall not make a parachute descent unless he wears a serviceable, rigid, protective helmet of a type approved by the parachute organization.

(4) A tandem pair shall not make a parachute descent unless equipped with protective head gear approved by the parachute organization.

PART VI - PARACHUTE MAINTENANCE

Facilities and equipment

46. A holder of a parachute rigger authorisation shall not exercise the

requirements.

privileges of his authorisation unless he has at least the following facilities and equipment available-

(a) a smooth surface;
(b) suitable housing that is adequately lighted and ventilated for drying and airing parachutes;
(c) enough packing tools and other equipment to pack and maintain the types of parachutes serviced; and
(d) adequate housing facilities to perform applicable duties and to protect tools and equipment.

Airworthiness and safety directives.

47. A person who intends to use a parachute for jumping shall ensure that the parachute complies with-

(a) applicable airworthiness directives issued by the Authority;
(b) applicable safety directive issued by the parachute operations certificate holder; and
(c) mandatory modifications or instructions issued by the manufacturer.

Parachute serviceability.

48. (1) A person who finds a parachute assembly to be unserviceable or not airworthy shall have the assembly-

(a) re-inspected and returned to a serviceable and airworthy condition; or
(b) withdrawn from service.

(2) A person shall not return to service a parachute assembly that has been marked as unserviceable until it has been re-inspected and returned to serviceable and airworthy condition before use.

Modification and repair.

49. A person shall not use a parachute, or harness and container system that has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless it is re-inspected and re-assessed by a parachute rigger in accordance with the technical standards order of the manufacturer.

Parachute assembly check.

50. (1) Except as provided by provisions of sub-regulations (2) and (3), a person shall not make a parachute descent unless he has checked the state of serviceability of the parachute assembly by-

(a) reference to the assembly packing record for the parachute assembly;
(b) a comprehensive external check;
(c) checking that all the equipment is properly set to operate;
(d) ensuring that no item being carried will interfere with the proper functioning of the parachute assembly; and
(e) ensuring that the seal is not broken or interfered with.

(2) A person authorised by the parachute organization to directly

supervise the descent of a student parachutist shall inspect the equipment being worn by the student in accordance with sub-regulation (1).

(3) A tandem master shall inspect the equipment being worn by A tandem passenger in accordance with sub-regulation (1).

Seal.

51. (1) An authorised parachute rigger shall have a seal with an identifying mark and a seal press prescribed by the Authority.

(2) After packing a parachute, the parachute rigger shall seal the pack with the seal referred to sub-regulation (1) in accordance with the manufacturer's recommendation for that type of parachute.

Parachute records.

52. (1) An owner of a parachute assembly shall maintain a permanent record which shall be kept in the assembly at all times, in-

(a) a logbook; or

(b) a separable log page, approved by the parachute operations certificate holder

(2) The owner of a parachute assembly referred to in sub-regulation (1) shall make the record available for inspection when required by an authorised officer, inspector or authorised person.

Access for inspection.

53. A holder of a parachute operations certificate shall for the purpose of inspection to determine compliance with applicable regulations and requirements-

(a) grant the Authority unrestricted access to any of its organisations, facilities and aircraft; and

(b) ensure that the Authority is granted unrestricted access to any organisation or facilities that it has contracted for services associated with parachute operations and maintenance.

PART VII - GENERAL

Possession of the certificate, authorisation e.t.c.

54. A holder of a 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 certificate, authorisation or such other document.

Drug and alcohol testing and reporting

55. (1)Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorised by the Authority wishes

to test a person referred to in sub regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person-

(a) refuses to submit to the test; or

(b) having submitted to the test, refuses to authorise the release of the test results,

the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

(3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including-

(a) whether the r authorisation holder had knowledge of the drug or alcohol use;

(b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;

(c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or

(d) the position that person held with the authorisation holder.

(4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.

(5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorisation holder.

(6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub regulation (3).

Problematic use of psychoactive substances.

56. (1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

Inspection of certificate of registration.

57. A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

Change of name

58. (1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with any such request-

(a) the current certificate or such other document; and

(b) a court order, or other legal document verifying the name change.

(3) The Authority may change the certificate 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) of this regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

Change of address.

59. (1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of-

(a) the physical address, at least fourteen days in advance; and

(b) the 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.

Replacement of documents.

60. A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

Certificate suspension and revocations.

61. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

Provided that, whether or not such further investigation has been completed, a provisional suspension under this sub-regulation shall, if not otherwise terminated, cease to have effect after twenty eight days.

(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 document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person from flying an aircraft.

(4) A holder or any person having possession or custody of any documents which have been revoked, suspended or varied under these Regulations shall surrender it to the Authority within fourteen days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Use and retention of certificates and records.

62. (1) A person shall not-

(a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;

(b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;

(c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or

(d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or 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 or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

Reports of violation.

63. (1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

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

Enforcement of directions.

64. Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

Aeronautical user fees.

65. (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 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 thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

Application of regulations to Government and visiting forces, etc.

66. (1) These Regulations shall apply to aircraft, not being 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.

(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 Kenya.

Extra-territorial application of Regulations.

67. Except where the context otherwise requires, the provisions of these Regulations-

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;

(b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within 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 Kenya, apply to them wherever they may be .

PART VIII – EXEMPTIONS

Requirements for application for exemption.

68. (1)A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall 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.

Substance of the request for exemption

69. (1) An application for an exemption shall contain the following-

(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

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed within the time specified, 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 the time specified in regulation 68(2).

Review, Publication and Issue or Denial of the Exemption

Initial review by the Authority

70. (1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 68 and 69.

(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 either in Kenya Gazette, aeronautical information circular or 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 68 and 69 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.

Evaluation of the request.

71. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine-
(a) whether an exemption would be in the public interest;
(b) 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) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and

(d) 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 Kenya the Authority shall publish the summary in an aeronautical information circular.

PART IX – OFFENCES AND PENALTIES

Contravention of Regulations

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

Penalties

73. (1) If any provision of these Regulations, orders, notices or proclamations made thereunder 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 for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one

year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

(4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART X - SAVINGS AND TRANSITIONAL PROVISIONS

Savings

74. All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.

Transitional provisions

75. (1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the Gazette prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

(2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE (r. 73)

PENALTIES

Part A - Provisions referred to in sub- regulation (2) of regulation 73

Regulation.	
7 -	Conditions of authorisation
8 -	Descent requirements
9 -	Aircraft used for parachute jumping.
10 -	Pilot experience and training requirements.
12(3)	Visiting foreign parachuting jumpers.
24 -	Amendment of a parachute operations certificate.
25 -	Validity of a parachute operations certificate.
26 -	Parachute operations manual
27 -	Designation of a safety and training personnel.
29 -	Hazard
30 -	Exit from an aircraft.
31 -	Minimum parachute activation altitude
32 -	Parachute drop zone
33 -	Parachute landing area
34 -	Ground signal.
35 -	Controlled airspace
36 --	Descents onto manned aerodromes.
37 -	Descents onto unmanned aerodromes.
39 -	Visibility and clearance from cloud
40 -	Descents from higher altitudes
41 -	Parachute operations over or into a congested area or an open-air assembly of persons.
42 -	Parachutes
43 -	Altimeter
44 -	Automatic activation devices
45 -	Safety equipment
46 -	Facilities and equipment requirements
48 -	Parachute serviceability.
49 -	Modification and repair
50 -	Parachute assembly check
52 -	Parachute records
53 -	Access for inspection
54 -	Possession of the certificate, authorization etc
57 -	Inspection of licences and certificates.
59 -	Change of address.
62 -	Use and retention of certificates and records.
63 -	Reports of violation

64 - Enforcement of directions

Part B - Provisions referred to in sub- regulation (3) of regulation 73

Regulation

15 - Restrictions and limitations of parachute rigger authorization.
18 - Performance standards.
19 - Records to be kept by parachute rigger.
28 - Use of drugs or alcohol
38 - Descents within restricted areas.
47 - Airworthiness and safety directives
51 - Seal
55 - Drug and alcohol testing and reporting

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