

(Legislative Supplement No. 21)

LEGAL NOTICE NO. 92

THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND
ADMINISTRATION) REGULATIONS, 2018

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THE CIVIL AVIATION ACT

(No. 21 of 2013)

IN EXERCISE of the powers conferred by section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary Ministry of Transport, Infrastructure, Housing and Urban Development makes the following Regulations—

THE CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION) REGULATIONS, 2018

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Air Operator Certification and Administration) Regulations, 2018. Citation

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

“accountable manager” means the manager who has corporate authority for ensuring that all operations and maintenance activities required by the Air Operator Certificate (AOC)holder can be financed and carried out to the highest degree of safety standards required by the Authority;

“Act” means the Civil Aviation Act, 2013;

“aerial work” means an aircraft operation in which an aircraft is used for specialised services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement;

“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 component” means any assembly, item component, part of an aircraft up to and including a complete engine or any operational or emergency equipment;

“aircraft interchange” means an arrangement between two air operators in which the aircraft of the first air operator is crewed by the crew of the second operator at an interchange point linking their respective routes where operational control is transferred to the second operator for the period of the interchange;

“aircraft operating manual” means a manual, acceptable to the State of the Operator, 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;

Note— The aircraft operating manual is part of the operations manual

“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;

“Aircraft technical log” means a document carried on board an aircraft for recording defects and malfunctions discovered during operation and for recording details of all maintenance carried out whilst the aircraft is operating between scheduled visits to the base maintenance facility. It also contains operating information relevant to flight safety and maintenance data that the operating crew needs to know;

“Aircraft type” means all aircraft of the same basic design;

“Airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of a powerplant, 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 Control (ATC)” means a service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure, and en route environments;

“Air Traffic Control (ATC) facility” means a building holding the persons and equipment responsible for providing ATC services;

“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;

“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, powerplant, or propeller;

“Approved Maintenance Organisation (AMO)” means an organisation approved to perform specific aircraft maintenance activities by the Authority. These activities may include the inspection, overhaul, maintenance, repair or modification and release to service of aircraft or aircraft components;

“approved standard” means a manufacturing, design, maintenance, or quality standard approved by the Authority;

“approved training” means training carried out under special curricula and supervision approved by the Authority;

“Approved Training Organisation (ATO)” means an organisation established to conduct aviation training courses as approved by the Authority;

“article” means any item, including but not limited to an aircraft, airframe, engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

“Authority” means the Kenya Civil Aviation Authority established under the Act;

“avionics” means the electronics and electrical systems on aircraft and spacecraft such as the navigation, communications, flight data and control systems;

“balloon” means a non-power-driven lighter-than-air aircraft;

“Cabin crewmember” means a crewmember 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 crewmember;

“cabin crew member manual” means a manual containing procedures, instructions and guidance for use by cabin crew members in the execution of their duties;

“calibration” means a set of operations, performed in accordance with a definite documented procedure, that compares the measurement performed by a measurement device or working standard for the purpose of detecting and reporting or eliminating by adjustment errors in the measurement device, working standard, or aeronautical product tested;

“cargo aircraft” means any aircraft carrying goods or property but not passengers; in this context the following are not considered to be passengers—

- (a) a crew member,
- (c) an operator's employee permitted by, and carried in accordance with, the instructions contained in the operations manual,
- (e) an authorised representative of the Authority, or
- (g) a person with duties in respect of a particular shipment on board;

“certificate of release to service” means a certification made by an appropriately licensed or approved personnel relating to aircraft maintenance work that the work has been completed in a satisfactory manner in accordance with the requirements of the applicable Regulations and Standards;

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience, and demonstrated ability to evaluate and certify to the knowledge and skills of other pilots;

“Convention” means the Convention on International Civil Aviation concluded at Chicago on the 7th December, 1944;

“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 organisation 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 limitation and performance correction;

“contracting states” means all States that are signatories to the Convention;

“course” means a programme of instruction to obtain a license, rating, qualification, authorisation, or currency;

“dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the ICAO Technical Instructions or which are classified according to those Instructions;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property 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 jeopardises an aircraft or its occupants is deemed to constitute a dangerous goods incident;

“dangerous goods transport document” means a document specified by the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, and completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods;

“decision altitude (DA) or decision height (DH)” means a specified altitude or height in the precision approach or approach with vertical guidance at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“dry lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the Lessee;

“facility” means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

“fatigue” means physiological state of reduced mental or physical performance capability resulting from sleep loss, extended wakefulness, circadian phase, or workload (mental 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;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“flight duty period” means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

“flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instruction and information necessary to the flight crewmembers for the safe operation of the aircraft;

“flight safety documents system” means a set of inter-related 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 time” means—

- (a) *for aeroplanes and gliders* the total time from the moment an aeroplane or a glider moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight and it is synonymous with the term “block to block” or “chock to chock” time in general usage which is measured from the time an aeroplane first moves for the purpose of taking off until it finally stops at the end of the flight;
- (b) *for helicopter* the total time from the moment a helicopter rotor blades start turning until the moment a helicopter comes to rest at the end of the flight and the rotor blades are stopped; and
- (c) *for airships or free balloon* the total time from the moment an airship or free balloon first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

“glider” means a non-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;

“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;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“holdover time” means the estimated time de-icing or anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft; holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness;

“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;

“ICAO” means the International Civil Aviation Organisation;

“Inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“instrument approach” means an approach procedure prescribed by the Authority having jurisdiction over the aerodrome;

“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;

“Interchange Agreement” means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft to or from another air operator at an airport for a limited duration;

“journey log” means a form signed by the Pilot in Command 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;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“maintenance” means the performance of tasks required to ensure the continuing airworthiness of an aircraft or aircraft components including any one or combination of overhaul, repair, inspection, replacement, modification, and defect rectification;

“maintenance control manual” means a manual containing procedures, instructions and guidance for use by maintenance and concerned operational personnel in the execution of their duties;

“maintenance procedures manual” means a document endorsed by the head of the maintenance organization which details the maintenance organization’s structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;

“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, either in accordance with the approved data and the procedures described in the maintenance

organisation's procedures manual or under an equivalent system;

"major modification" means a type design change not listed in the aircraft, engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness or environmental characteristics, or that will be embodied in the product according to non-standard practices;

"major repair" means any repair of an aeronautical product that might appreciably affect the structural strength, performance, engine, operation flight characteristics, or other qualities affecting airworthiness or environmental characteristics;

"maximum mass" means maximum certificated take-off mass;

"Minimum Equipment List (MEL)" means a list approved by the Authority which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master Minimum Equipment List established for the aircraft type by the aircraft manufacturer, and approved by the State of Design;

"minor modification" means any modification other than major modification;

"minor repair" means any repair other than major repair;

"modification" means a change to the type design of an aircraft or aeronautical product which is not a repair;

"night" means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

"Oceanic area, for the purpose of aircraft tracking", is the airspace which overlies waters outside the territory of a State;

"Operator" means a person, organisation or enterprise, engaged in or offering to engage in an aircraft operation;

"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 flight plan" means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

"operator's maintenance control manual" means a document that 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;

“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 terms, authorisations, conditions and limitations that facilitate the Authority’s administration of the AOC by ensuring that the Authority and the certificate holder have a mutual and clear understanding of how the certificate holder will conduct its operations;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and testing 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);

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

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

“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;

“pre-flight inspection” means the inspection carried out before flight to insure that the aircraft is fit for the intended flight;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating air foils of power plants;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“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;

“RVSM airspace” means any airspace or route between flight level 290 and flight level 410 inclusive where the aircraft are separated

vertically by 1000ft (300m);

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

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

“secondary standard” means a standard maintained by comparison with a primary standard;

“signature” means an individual’s unique identification used as a means of authenticating a maintenance record entry or maintenance record. A signature may be hand-written, electronic, or any other form acceptable to the Authority;

“State of Design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or the State which approved the design of an aeronautical product or appliance;

“State of Manufacture” means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation; the State of Manufacture may also be the state of design;

“State of Origin” means the state in which dangerous goods were first loaded on an aircraft;

“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;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines, and other psychoactive drugs and chemicals;

“substance abuse” refers to—

- (a) the use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;
- (c) a verified positive drug test result acquired under an anti-drug programme or internal programme of the [State] government; or
- (e) misuse of a substance that the Authority, based on case history and qualified medical judgement relating to the substance involved, makes the applicant unable to safely perform the

duties or exercise the privileges of the certificate applied for or held, or may reasonably be expected, for the maximum duration of the medical certificate applied for or held, to make the applicant unable to perform those duties or exercise those privileges;

“substance dependence” means a condition in which a person is dependent on a substance, other than tobacco or ordinary xanthine-containing (e.g., caffeine) beverages, as evidenced by increased tolerance; manifestation of withdrawal symptoms; impaired control of use; or continued use despite damage to physical health or impairment of social, personal, or occupational functioning;

“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including the supplement and any addendum, approved and published by decision of the Council of the ICAO;

“technical log” means a document carried on an aircraft that contains information to meet ICAO requirements; a technical log contains two independent sections, a journey record section and an aircraft maintenance record section;

“Training programme” means a programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum;

“unit load device” means any type of aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“wet lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the Lessor; and

“working standard” means a calibrated standard that is used in the performance of maintenance or calibrations in any work area for the purpose of forming the basis for product acceptance or for making a finding of airworthiness approval for return to service to an aircraft or aircraft component; a working standard may be maintained by comparison with primary standards, secondary standards, reference standards or transfer standards, as appropriate but shall not be used to test, measure, or calibrate other working standards or measurement devices.

3. (1) These Regulations apply to air operators carrying passengers, cargo or mail for remuneration or hire whose principal place of business or permanent residence is located in Kenya. Application.

(2) Except where specifically noted, these Regulations applies to all commercial air transport operations by air operator certificate holders for which Kenya is the State of the Operator.

(3) These regulations prescribe requirements for the original certification and continued validity of AOC issued by the Authority.

PART II— AIR OPERATOR CERTIFICATE (AOC)

4. (1) An operator shall not engage in commercial air transport Compliance with an
Air Operator

operations unless that operator holds a valid AOC issued by the Authority. Certificate.

(2) An AOC referred to in sub-regulation (1) shall authorize the operator to conduct commercial air transport operations in accordance with the conditions and limitations that may be specified in the AOC.

(3) The issue and continued validity of an AOC by the Authority shall be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme as well as ground handling and maintenance arrangements consistent with the nature and extent of the operations specified.

(4) The Operator shall develop for use, policies and procedures to be used by contracted service providers.

5. (1) An operator applying to the Authority for an AOC shall submit an application— Application for an Air Operator Certificate.

- (a) in the prescribed form paying the prescribed fees; and
- (b) containing any other information the Authority requires the applicant to submit.

(2) Each applicant shall make the application for an initial issue of an AOC at least 90 days before the date of intended operation.

(3) At the time of application, the applicant shall provide all information and manuals required by the Authority.

6. (1) The Authority may issue an AOC to an applicant if that applicant— Issuance of Air Operator Certificate.

- (a) has its principal place of business and it is registered in Kenya;
- (b) meets the applicable regulations and standards for the holder of an AOC;
- (d) is properly qualified and adequately staffed and equipped to conduct safe operations in commercial air transport and maintenance of the aircraft;
- (f) holds a valid air service license issued under the Civil Aviation (Licensing of Air Services) Regulations; and
- (h) has an approved aircraft operator security programme in accordance with the Civil Aviation (Security) Regulations, and meets any other requirements as specified by the Authority.

(2) The Authority may reject an application for an AOC if—

- (a) the applicant does not meet the requirements specified in sub-regulation (1);
- (c) the applicant previously held an AOC which was revoked;
- (e) the applicant is not suitable by reason of previous conduct and

experience to properly maintain an AOC; or

- (g) an individual who has previously contributed to the circumstances that caused the revocation of an AOC obtains a substantial ownership in the applicant organization or is employed in a position specified by these Regulations.

7. (1) An AOC shall consist of—

The Air Operator
Certificate.

- (a) a certificate for public display issued by the Authority; and
- (b) operation specifications containing the terms and conditions applicable to the certificate.
- (2) The certificate mentioned in (1)(a) shall contain—
- (a) the State of the Operator and the issuing authority;
- (b) the AOC number specifically assigned to the AOC and its expiration date;
- (c) the operator name, trading name (if different) and address of the principal place of business;
- (d) the date of issue and the name, signature and title of the authority representative;
- (e) the location, in a controlled document carried on board, where the contact details of operational management can be found; and
- (f) other special authorisations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations and maintenance conducted by the Operator.

(3) The AOC shall be in the format set out in the First Schedule to these Regulations.

(4) The continued validity of an air operator certificate shall depend upon the operator maintaining the requirements of regulation 4 (3) under the supervision of the Authority.

(5) Operations specifications associated with the air operator certificate shall contain at least the information listed in Second Schedule and follow the layout of the Second Schedule to these regulations and shall provide—

- (a) for each aircraft model in the operator's fleet, identified by aircraft make, model and series;
- (c) list of authorizations, conditions and limitations shall be included;
- (d) issuing authority contact details, operator name and AOC Number;
- (e) date of issue and signature of the authority representative, aircraft model, types and area of operations; and
- (f) other special authorisations, approvals and limitations issued

by the Authority in accordance with the standards which are applicable to the operations and maintenance conducted by the Operator.

(6) The Authority shall establish a system for the certification and continued surveillance of operators in accordance with these regulations and any other regulations made under the Civil Aviation Act to ensure that the required standards of operations established in the regulations are maintained.

8. (1) An AOC issued by the Authority shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the Authority or—

Validity and renewal of an Air Operator Certificate.

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (b) an Operator surrenders it to the Authority;
- (c) the Authority establishes that the Air Operator has suspended operations for more than 60 continuous days; or
- (d) the Operator notifies the Authority of the suspension of operations.

(2) An AOC which is suspended or revoked shall be returned to the Authority.

(3) An application for renewal of an AOC shall be made to the Authority in a prescribed format not later than sixty days before its expiry.

(4) An applicant who fails to comply with sub-regulation (3) shall be required to make an initial application as prescribed in regulation 5.

9. (1) The Authority may amend an AOC if—

Amendment of an Air Operator Certificate.

- (a) the amendment is necessary for safety in commercial air transport ; or
- (c) the Operator applies for an amendment, and the Authority determines that the amendment is necessary for safety in commercial air transport; or
- (e) it is in the public interest.

(2) Where the Authority stipulates in writing that an emergency exists requiring the immediate amendment of the AOC in the public interest or with respect to safety in commercial air transportation, such an amendment is effective on the date the Operator receives notice of the amendment.

(3) An Operator shall operate in accordance with the amendment unless it is subsequently withdrawn.

(4) Amendments stipulated by the Authority, other than emergency amendments, shall become effective thirty days after notice is issued to the Operator.

(5) Amendments proposed by the Operator shall be made at least

thirty days prior to the intended date of any operation under that amendment.

(6) A person shall not perform a commercial air transport operation under an AOC for which an amendment is required, unless that person has received notice of the approval of the amendment or operation from the Authority.

10. (1) An AOC holder shall for the purpose of inspection— Access for inspection.

- (a) grant the Authority unrestricted access to any of its organisations, facilities and aircraft;
- (b) ensure that the Authority is granted unrestricted access to any organisation or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services; and
- (c) grant the Authority unrestricted access to the cockpit of the aircraft during flight operations.

(2) An Operator shall provide to the Authority a forward observer's seat on the Operator's aircraft from which the flight crew's actions and conversations may be easily observed.

11. (1) The Authority shall conduct surveillance on the Operator to ensure continued eligibility to hold an AOC and associated approvals. Conducting tests and inspections.

(2) An Operator shall allow the Authority to conduct tests and inspections, at any time or place, to determine whether the Operator is complying with the applicable laws, regulations and the terms and conditions of the AOC.

(3) An Operator shall make available at its principal base of operations the current—

- (a) AOC and its operation specifications;
- (b) Operations and Maintenance Manuals; and
- (c) a list that includes the location and individual positions responsible for each record, document and report required to be kept by the Operator under the applicable Regulations or standards.

(4) Upon failure by an AOC holder to make available to the Authority upon request, any document, certificate or report, the Authority may suspend the AOC or any of its operation specifications.

PART II—AIR OPERATOR CERTIFICATION AND CONTINUED VALIDITY

12. (1) An Operator shall maintain a principal base of operations in Kenya. Base of operations.

(2) An Operator shall submit to the Authority a written notification to establish or change the location of a principal base of

operation at least thirty days before the proposed establishment or change.

13. (1) An Operator shall have an accountable manager, acceptable to the Authority, with authority to ensure that all operations and maintenance activities are financed and carried out to the highest safety standards required by the Authority. Management personnel.

(2) When conducting commercial air transport operations, the Operator shall have qualified personnel, with proven competency in civil aviation, available and serving in the following positions or their equivalent—

- (a) Head of Operations;
- (b) Chief Pilot;
- (c) Head of Maintenance;
- (d) Head of Quality; and
- (e) Head of Safety.

(3) For the purposes of sub-regulation (2) “competency in civil aviation” means that an individual shall have a technical qualification and management experience acceptable to the Authority for the position served.

(4) The Authority may approve positions, other than those listed, if the Operator is able to show that it can perform the operation safely under the direction of fewer or different categories of management personnel due to the—

- (a) kind of operations involved;
- (b) number of aircraft used; and
- (c) area of operation.

(5) An Operator shall—

- (a) state in the general policy provisions of the Operations Manual required by these Regulations, the duties, responsibilities, and authority of personnel required under sub-regulation (2);
- (b) list in the manual, the names and business addresses of the individuals assigned to those positions; and
- (c) notify the Authority within ten days of any change in personnel or any vacancy in any position listed.

(6) An Operator shall make arrangements to ensure continuity of supervision if operations are conducted in the absence of any required management personnel.

(7) Required management personnel shall be contracted to work sufficient hours to ensure that the management functions of the Operator are fulfilled.

(8) A person serving in a required management position for an

Operator shall not serve any other Operator, unless an exemption is issued by the Authority.

14. (1) The accountable manager shall possess the following qualifications— Qualification of personnel.

- (a) a background in the management of commercial air transport operations;
- (b) knowledge of these Regulations and other Regulations and materials published by the Authority that are applicable to flight operations and aircraft maintenance; and
- (c) knowledge of the operations and aircraft maintenance requirements of the Operator.

(2) The minimum qualifications for a Head of Operations are—

- (a) an airline transport pilot licence;
- (b) three years experience as pilot-in-command (PIC) in commercial air transport operations; and
- (c) at least three years in the management of commercial air transport operations.

(3) The minimum qualifications for a Chief Pilot are—

- (a) an airline transport pilot licence with the appropriate ratings for at least the largest aircraft used in the Operator's operations;
- (b) three years' experience as PIC in commercial air transport operations; and
- (c) a commercial pilot license with instrument rating in lieu of the airline transport pilot licence if the PIC requirements for the operations conducted require only a commercial pilot licence.

(4) The minimum qualifications for a Head of Maintenance are—

- (a) have held or hold aircraft maintenance engineers licence with appropriate airframe, power plant or avionics ratings; and
- (b) three years' experience in maintaining the same category and class of aircraft used by the Operator including one year in the capacity of returning aircraft to service.

(5) The minimum qualifications for Head of Quality are—

- (a) a technically qualified person in the field of aircraft maintenance, or flight or ground operations;
- (b) at least three years' experience in the field of aircraft maintenance, flight or ground operations; and
- (c) must have successfully completed a training in quality management recognized by the Authority

- (6) The minimum qualifications for Head of Safety are—
- (a) a technically qualified person in the field of aircraft maintenance or flight operations;
 - (b) at least five years' experience in the field of aircraft maintenance or flight operations; and
 - (c) must have successfully completed a training in safety management systems course recognized by the Authority.

(7) An Operator may approve the employment of a person who does not meet the appropriate qualification or experience if the Authority issues an exemption upon finding that that person has comparable experience and can effectively perform the required management functions.

15. (1) An Operator shall not employ a person unless the individual has completed the company's indoctrination curriculum appropriate to that person's duties and responsibilities as approved by the Authority.

Company procedures indoctrination.

(2) The Operator shall ensure that all personnel undergo company indoctrination training that covers the following areas—

- (a) Operators' organisation, scope of operation and maintenance, and administrative practices as applicable to their assignments and duties;
- (b) provisions of these Regulations and other applicable regulations and guidance materials;
- (c) operator policies and procedures; and
- (d) portions of the Operator's operations manual and maintenance control manual.

16. (1) An Operator shall establish a quality system and designate a Head of Quality to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aircraft.

Quality system.

(2) Compliance monitoring in accordance with sub-regulation (1) shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(3) An Operator shall ensure that each quality system established as required by sub-regulation (1) includes a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(4) The quality system, and the Head of Quality specified in sub-regulation (1), shall be acceptable to the Authority.

(5) An Operator shall describe the quality system in all relevant documentation.

(6) Notwithstanding sub-regulation (1) of this regulation, the

Authority may accept the appointment of two Head of Quality, one for operations and one for maintenance, provided that the Operator has designated one quality management unit to ensure that the quality system is applied uniformly during the entire operation.

17. (1) A person who develops and maintains a manual required by these Regulations shall ensure that the manual—

Submission and revision of policy and procedure manuals.

- (a) includes instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities safely;
- (b) is in a form that is easy to revise and contains a system which allows personnel to determine the current revision status of each manual;
- (c) has a date of the last revision on each revised page;
- (d) is not contrary to any applicable Laws of Kenya and the Operator's operations specifications; and
- (e) includes a reference to the appropriate civil aviation regulations.

(2) A person shall not implement any policy or procedure manual for flight operations or airworthiness functions prior to approval or acceptance by the Authority as appropriate.

(3) An Operator shall submit the proposed policy or procedure manual to the Authority at least thirty days prior to the date of intended implementation.

18. (1) An Operator shall maintain current records detailing the qualifications and training of all its employees and the employees of contractors involved in the operational control, flight operations, ground operations and maintenance of the air operator.

Retention and maintenance of personnel and other records.

(2) An Operator shall maintain records for a minimum period of two years for those employees performing crew member or flight dispatch duties in sufficient detail to determine whether the employee meets the experience and qualification requirements for duties in commercial air transport operations.

(3) An Operator shall retain the following records for the period specified—

- (a) flight and duty records for two years;
- (b) flight crew records for two years;
- (c) other Operator personnel for which a training program is required;
- (d) fuel and oil records for three months;
- (e) maintenance records of the aircraft for two years;
- (f) operational flight plan for six months;

- (g) flight preparation forms listed below for six months—
 - (i) completed load manifests;
 - (ii) mass and balance records;
 - (iii) dispatch releases;
 - (iv) flight plans;
 - (v) passenger manifests;
 - (vi) weather reports for six months.
 - (h) aircraft technical logbook, including the following sections listed below, for two years—
 - (i) journey records section; and
 - (ii) maintenance records;
 - (i) flight recorder records preserved after an accident or incident for sixty days or longer as requested by the Authority;
 - (j) quality system records for five years;
 - (k) dangerous goods transport document for six months;
 - (l) dangerous goods acceptance checklist for six months;
 - (m) records on cosmic and solar radiation dosage until Twelve months after the crew member has left employment of the Operator; and
 - (n) other records as may be required by the Authority.
- (4) For the records identified in these sub-regulations the operator shall maintain—
- (a) current records which detail the qualifications and training of all its employees, and contract employees, involved in the operational control, flight operations, ground operations and maintenance of the air operator; and
 - (b) records for those employees performing crew member or flight operations officer duties insufficient detail to determine whether the employee meets the experience and qualification for duties in commercial air transport operations.
- (5) Each Operator shall maintain records in a manner acceptable to the Authority.

19. (1) An Operator shall whenever called upon to do so by an authorized person—

- (a) produce for the inspection of that person all records referred to in regulation 18; and
- (b) furnish to that person all information that person may require, in connection with the records and produce, for that

Inspection of personnel and other records.

person's inspection, all log-books, certificates, papers and other documents which that person may reasonably require to examine for the purpose of determining whether the records are complete or of verifying the accuracy of their contents.

(2) The Operator shall, at the request of any person in respect of whom that person is required to keep records as specified above, furnish to that person, or to any operator of aircraft for the purpose of commercial air transport by whom that person may subsequently be employed, particulars of any qualifications obtained by such person while in the service of the Operator.

20. (1) An Operator shall retain—

Flight recorders records.

- (a) the most recent flight data recorder calibration, including the recording medium from which this calibration is derived;
- (b) the flight data recorder correlation for one aircraft of any group of aircraft operated by the Operator;
- (c) that are of the same type;
- (d) on which the model flight recorder and its installation are the same; and
- (e) on which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

(2) The owner of the aeroplane, or in the case where it is leased, the lessee, 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 within a period specified by the Authority.

21. (1) An Operator shall maintain a current list of each aircraft it operates and shall send a copy of the list to the Authority, as well as each change to the list, prior to the intended change.

Aircraft record.

(2) An aircraft of another Operator operated under an interchange agreement shall be incorporated in the current list of aircraft required by sub-regulation (1).

22. (1) An Operator shall not operate an aircraft in commercial air transport unless that aircraft—

Authorised aircraft.

- (a) has a current certificate of airworthiness;
- (b) is in an airworthy condition; and
- (c) meets the applicable airworthiness requirements for the operations the Operator intends to carry out, including those related to identification and equipment.

(2) A person shall not operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issuance of an AOC listing that type of

aircraft.

(3) A person shall not operate additional or replacement aircraft of a type for which it is currently authorised unless that person can show that the aircraft has been approved by the Authority for inclusion in the Operator's fleet.

23. (1) An Operator may dry-lease a foreign-registered aircraft for commercial air transport as authorised by the Authority.

Dry leasing of foreign registered aircraft.

(2) An Operator shall not operate a foreign-registered aircraft unless—

- (a) there is in existence a current agreement between the Authority and the State of Registry that, while the aircraft is operated by a Kenyan Operator, these Regulations governing the issuance of the AOC and its operation specification shall apply;
- (b) there is in existence a current agreement between the Authority and the State of Registry that—
 - (i) while the aircraft is operated by the Operator, the Airworthiness Regulations of the State of Registry are applicable; or
 - (ii) if the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Authority under Article 83*bis* of the Chicago Convention, the Civil Aviation (Airworthiness) Regulations shall apply to the extent agreed upon by the Authority and the State of Registry; or
 - (iii) the agreement acknowledges that the Authority shall have unrestricted access to the aircraft at any place and any time.

(3) Pursuant to sub-regulation (2), an Operator may operate a foreign-registered aircraft for a period not exceeding six consecutive months.

(4) The total number of dry leased aircraft shall be such that an Operator will not be predominantly dependent on foreign registered aircraft.

(5) A person who wishes to operate a dry leased aircraft shall provide the Authority with the following information—

- (a) the aircraft type and serial number;
- (b) the name and address of the registered owner;
- (c) the State of Registry and registration marks;
- (d) the Certificate of Airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;
- (e) the name, address and signature of the lessee who shall be

responsible for the operational control of the aircraft under the lease agreement, including a statement that the lessee fully understands the responsibilities under the applicable regulations;

- (f) a copy of the lease and maintenance agreement; and
- (g) the duration of the lease and any other information as the Authority deems necessary.

(6) An Operator may dry lease an aircraft registered in another contracting State for the purpose of commercial air transportation provided that the following conditions are met—

- (a) the aircraft carries certificate airworthiness issued, in accordance with Civil Aviation (Airworthiness) Regulations, by the State of Registry and meets the aircraft registration and marking requirements of that state;
- (b) the aircraft is of a type design which complies with all of the requirements that would be applicable to that aircraft were it registered in Kenya, including the requirements which shall be met for issuance of a Kenyan certificate of airworthiness including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements;
- (c) the aircraft is maintained according to an approved maintenance programme; and
- (d) the aircraft is operated by a Kenyan licensed flight crew employed by the Kenyan Operator.

(7) An Operator operating a dry leased aircraft shall have operational control of that aircraft.

(8) An Operator shall provide satisfactory evidence that the aircraft has been deleted from the lessor's AOC before the Authority lists the aircraft on the lessee's AOC.

(9) An Operator engaged in the dry leasing of aircraft shall make the dry lease agreement explicit concerning the maintenance programme and minimum equipment list to be followed during the lease period.

(10) Where the lease arrangement is determined to be a dry lease involving an aircraft that possesses a certificate of registration and a certificate of airworthiness issued by the State of the Registry, and the dry lease is acceptable to the Authority, operations specifications shall be developed by the Operator containing at least the following—

- (a) the names of the parties to the lease agreement and the duration thereof;
- (b) the nationality and registration marks of each aircraft involved in the agreement;

- (c) the type of aircraft to be used;
- (d) the area of operation; and
- (e) the regulations applicable to the operation.

24. (1) An Operator shall not interchange an aircraft with another Operator without the approval of the Authority. Interchange agreement.

(2) Prior to operating an aircraft under an interchange agreement, the Operator shall demonstrate that—

- (a) the procedures for the interchange operation conform with safe operating practices;
- (b) the required crew members and flight operations officers meet approved training requirements for the aircraft and equipment to be used and are familiar with the communications and dispatch procedures to be used;
- (c) the maintenance personnel meet the approved training requirements for the aircraft and equipment, and are familiar with the maintenance procedures to be used;
- (d) the flight crew members and flight operations officers meet approved appropriate route and airport qualifications;
- (e) the aircraft to be operated is essentially similar to the aircraft of the Operator with whom the interchange is effected; and
- (f) the arrangement of flight instruments and controls that are critical to safety are essentially similar, unless the Authority determines that the Operator has adequate training programmes to ensure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarisation.

(3) An Operator operating an aircraft under an interchange agreement shall include the pertinent provisions and procedures of the agreement in its manuals.

(4) An Operator shall—

- (a) amend its operations specifications to reflect an interchange agreement; and
- (c) comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while it has operational control of that aircraft.

25. (1) An Operator may enter into a wet-lease arrangement with another air operator subject to the approval of the Authority and any terms, conditions or limitations imposed by the Authority. Wet-leasing of aircraft.

(2) Where an Operator enters into a wet lease arrangement, the Operator shall maintain operational control of the leased aircraft and crew and the Operator shall demonstrate how it will maintain

operational control to the satisfaction of the Authority including—

- (a) the aircraft type and serial number;
- (b) the name and address of the registered owner;
- (c) the details of the crew members;
- (d) the State of Registry and registration marks;
- (e) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;
- (f) the name, address and signature of the Operator responsible for the operational control of the aircraft under the lease agreement, including a statement that the Operator fully understands the responsibilities under the applicable regulations;
- (g) a copy of the lease and maintenance agreement;
- (h) the duration of the lease; and
- (i) any other information as the Authority deems necessary.

(3) The operations specifications of an Operator engaged in a wet lease operation shall contain the following information—

- (a) the names of the parties to the agreement and the duration of the agreement;
- (b) the make, model, series, serial number, nationality and registration marks of each aircraft referred to in the agreement;
- (c) the expiration date of the lease agreement;
- (d) the kind of operation;
- (e) a statement specifying the party deemed by the Authority to have operational control; and
- (f) any other item, condition, or limitation the Authority deems necessary.

26. (1) An Operator shall not use an aircraft type and model with total seating capacity of forty-four and above in commercial air transport passenger-carrying operations unless it has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in ninety seconds or less.

Emergency
evacuation
demonstration.

(2) The full capacity actual demonstration referred to in sub-regulation (1) may not be required, if the Operator applies to the Authority for an exemption with evidence that—

- (a) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator; and

(b) there is an engineering analysis, which shows that an evacuation is still possible within the ninety second standard, if the Operator's aircraft configuration differs with regard to number of exits or exit type or number of cabin crew member or location of the cabin crew member.

(3) Where an Operator requests for an exemption under sub-regulation (2) and the exemption is approved, the Operator shall conduct a partial emergency evacuation and ditching evacuation observed by the Authority that demonstrates the effectiveness of the Operator's crew members' emergency training and evacuation procedures.

(4) Where a full capacity demonstration is not required, an Operator shall not use an aircraft type and model in commercial air transport passenger-carrying operations unless the Operator has first demonstrated to the Authority that its available personnel, procedures and equipment shall provide sufficient open exits for evacuation in fifteen seconds or less.

(5) An Operator shall not use an aircraft in extended overwater operations unless the Operator has first demonstrated to the Authority that it has the ability and equipment to efficiently carry out its ditching procedures.

(6) An Operator shall apply to the Authority for approval to conduct the emergency evacuation demonstration at least thirty days before the intended date of the emergency evacuation demonstration.

(7) Cabin crew member to be used in the emergency evacuation demonstrations shall—

- (a) be selected at random by the Authority;
- (b) has completed the Operator's Authority-approved training programme for the type and model of aircraft; and
- (c) has passed the drills and competence check on the emergency equipment and procedures.

(8) To conduct a partial emergency evacuation demonstration, the Operator's assigned cabin crew members shall, using the Operator's line operating procedures—

- (a) demonstrate the opening of fifty percent of the required floor-level emergency exits and fifty percent of the required non-floor-level emergency exits, whose opening by a cabin crew member is defined as an emergency evacuation duty and deployment of fifty percent of the exit slides, selected by the Authority; and

(b) prepare for use those exits and slides within fifteen seconds.

(9) To conduct the ditching evacuation demonstration, the Operator's assigned cabin crew members shall—

- (a) demonstrate their knowledge and use of each item of

required emergency equipment;

- (b) prepare the cabin for ditching within six minutes after the intention to ditch is announced;
- (c) remove each life raft from storage, one of which as selected by the Authority shall be launched and properly inflated or one slide life raft properly inflated; and
- (d) enter the raft, which shall include all required emergency equipment, and completely set it up for extended occupancy.

27. (1) An Operator shall not operate an aircraft type in commercial air transport unless the Operator first conducts demonstration flights to the satisfaction of the Authority. Demonstration flights.

(2) An Operator shall not operate an aircraft in a designated special area or using a specialised navigation system unless the Operator conducts demonstration flight to the satisfaction of the Authority.

(3) The demonstration flights required under sub-regulation(1) shall be conducted in accordance with the regulation applicable to the type of operation.

(4) The demonstration flights shall be one flight or more as prescribed by the Authority.

(5) A person shall not carry passengers in an aircraft during demonstration flights, except as prescribed by the Authority.

(6) The Authority shall determine the necessity and extent of demonstration flights for those Operators operating aircraft with a maximum certificated take-off mass of 5,700kg or less.

28. (1) An Operator shall maintain operational and airworthiness support facilities at the Operator's principal base of operation, appropriate for the area and type of operation. Facilities.

(2) An Operator shall arrange appropriate ground handling facilities necessary to ensure the safe servicing and loading of its aircraft at each airport used.

29. (1) In establishing flight operations schedules, an Operator shall— Operations schedule.

- (a) allow enough time for the proper servicing of aircraft at intermediate stops; and
- (b) consider the prevailing winds en route and cruising speed for the type of aircraft.

(2) The cruising speed referred to in sub-regulation (1) shall not be more than that resulting from the specified cruising output of the engines.

PART IV — AOC FLIGHT OPERATIONS MANAGEMENT

30. (1) An Operator shall issue to the crew members and persons assigned operational control functions, an operations manual as Operations manual.

set out in the Third Schedule and as prescribed by the Authority.

(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) An Operator shall submit to the Authority a copy of the Operator's entire operations manual for the time being in force or of such parts thereof as the Authority may specify.

(4) An Operator shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or cargo carried therein, efficiency or regularity of air navigation.

(5) The Operations Manual issued under sub-regulation (1) shall contain the Operator's overall general policies and procedures regarding the flight operations it conducts.

(6) An Operator shall prepare and keep current an operations manual which contains the Operator's procedures and policies for the use and guidance of its personnel.

(7) An Operator shall issue the Operations Manual, or pertinent portions, together with all amendments and revisions to all personnel that are required to use it.

(8) An Operator shall not provide for use of its personnel in commercial air transport any Operations Manual or its part which has not been reviewed and found acceptable or approved for the Operator by the Authority.

(9) Unless otherwise acceptable to the Authority, each Operator shall provide an Operations Manual containing information on operations administration and supervision, accident prevention and flight safety programmes, personnel training, flight crew and cabin crew member fatigue and flight and duty time limitations, flight operations including operational flight planning, aeroplane performance, routes, guides and charts, minimum flight altitudes, aerodrome operating minima, search and rescue, dangerous goods, navigation, communications, security, and human factors.

(10) The Operations Manual may be published in parts, as a single document, or as a series of volumes.

(11) An Operator may design an Operations Manual to be more restrictive than the Authority's requirements

(12) An Operator shall establish and maintain a safety management system that is appropriate to the size and complexity of the operation in accordance with the Civil Aviation (Safety Management) Regulations.

31. (1) An Operator shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the

Training programmes.

relationship of such duties to the operation as a whole.

(2) An Operator shall have training programmes approved by the Authority containing the general training, checking, standardization and record keeping policies as specified in the Third Schedule.

(3) An Operator shall have a training curriculum approved by the Authority prior to using the training curriculum for the purpose of qualifying a crew member, or person performing operational control functions, for duties in commercial air transport.

(4) An Operator shall submit to the Authority any revision to an approved training programme, and shall receive approval of the revision from the Authority before that revision can be effected.

(5) The training programmes specified in sub-regulation (2) shall be described in detail either in the operations or in a training manual which would form part of the operations manual but may be issued as a separate volume.

32. (1) An Operator shall provide operations staff and flight crew with an aircraft operating manual acceptable to the Authority, for each aircraft type operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft.

Aircraft operating manual.

(2) The manual shall include of the aircraft systems and of the checklists to be used.

(3) The design of the manual shall observe Human Factors principles.

33. (1) An Operator shall maintain a journey log containing the following information for each flight—

Operator's journey log.

- (a) aircraft nationality and registration marks;
- (b) date of the flight;
- (c) name(s) 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) duration of flight;
- (j) purpose of flight;
- (k) incidents, and observations, if any; and
- (l) signature of the pilot-in-command.

(2) The Authority may waive the requirement of sub-regulation (1) if the relevant information is available in the aircraft technical logbook referred to in regulation 65.

(3) An Operator shall maintain a journey log book for every aeroplane engaged in international air navigation in which shall be entered particulars of the aeroplane, its crew and each journey.

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

(5) A journey log book shall be maintained for every aeroplane engaged in international air navigation in which shall be entered particulars of the aeroplane, its crew and each journey.

(6) Completed journey log books shall be retained to provide a continuous record of the last two years operations.

(7) Entries in the journey log book should be made currently and in ink or indelible pencil.

34. An Operator shall, for each commercial air transport operation, designate, in writing, one pilot as the pilot-in-command.

Designation of PIC.

35. (1) An Operator shall schedule, and the pilot-in-command shall ensure that the minimum number of required cabin crew members are on board passenger-carrying flights.

Required cabin crew members.

(2) The number of cabin crew members may not be less than the minimum prescribed by the Authority in the Operator's operations specifications or the following, whichever is greater—

- (a) in the case of an aircraft with a total seating capacity of twenty to fifty passengers, one cabin crew member;
- (b) in the case of an aircraft with a total seating capacity of not more than two hundred, the number of cabin crew members carried on such flight shall be not less than one cabin crew member for every fifty, or a fraction of fifty passengers carried;
- (c) in the case of an aircraft with a total seating capacity of more than two hundred, the number of cabin crew members carried on such flights shall be not less than half the number of the main exits in the aircraft, and in addition, when more than two hundred passengers are carried, one additional cabin crew member for every twenty-five, or a fraction of twenty-five, of such passengers above two hundred.

(3) Where the number of cabin crew members specified in sub-regulation (2), calculated in accordance with that sub-regulation exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this regulation if the number of cabin crew members carried is equal to the number of main exits in the aircraft.

(4) Where passengers are on board a parked aircraft, the minimum number of cabin crew members shall be half of the number required for the flight operation, but in any case a minimum of one cabin crew member or another person qualified in the emergency evacuation procedures for the aircraft.

(5) Where one-half of the cabin crew members specified in sub-regulation (1) would result in a fractional number, the tally of requisite cabin crew members may be rounded down to the next whole number.

(6) Notwithstanding the preceding provisions of this regulation the Authority may give a direction to an Operator requiring the Operator to include among the crew thereof, whenever the aircraft is flying for the purpose of commercial air transport operations, at least one cabin crew notwithstanding that the aircraft may be carrying fewer than twenty passengers.

36. (1) The 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 these functions for each type of aeroplane.

37. Each cabin crew member assigned to emergency evacuation duties shall occupy a seat provided in accordance with the Civil Aviation (Instrument & Equipment) Regulations during take-off and landing and whenever the pilot-in-command so directs.

Cabin crew at
Emergency
evacuation stations

38. An Operator shall allow the transportation of special situation passengers, provided that—

Carriage of special
situation passengers.

- (a) the transportation complies with Operator's operations manual procedures; and
- (b) pilot-in-command has knowledge and concurrence.

39. (1) An Operator shall issue to each flight crew member and make available on each aircraft at each flight crew member position, the cockpit checklist procedures approved by the Authority appropriate for the type and variant of aircraft.

Cockpit check
procedure.

(2) Checklists shall be used by flight crews—

- (a) prior to, during and after all phases of operations; and
- (b) in emergencies, 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, are followed.

(3) The design and utilization of checklists shall observe human factors principles.

(4) An Operator shall ensure that approved procedures include each item necessary for flight crew members to check for safety before starting engines, taking off, or landing, and for engine and systems abnormalities and emergencies.

(5) An Operator shall ensure that the checklist procedures are

designed so that a flight crew member shall not need to rely upon their memory for items to be checked.

(6) An Operator shall make the approved procedures readily available in the cockpit of each aircraft and the flight crew shall be required to follow them when operating the aircraft.

40. (1) An Operator shall provide for the use of the flight crew members, maintenance personnel, and persons assigned operational control functions during the performance of their duties, Minimum Equipment List (MEL) approved by the Authority based on the master minimum equipment list established for the aircraft type by the organization responsible for the type design in conjunction with the State of Design.

Minimum equipment list and configuration deviation list.

(2) The MEL shall be specific to the aircraft type and variant and shall contain the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment or instruments.

(3) An Operator may provide for the use of flight crew, maintenance personnel and persons assigned operational control functions during the performance of their duties a Configuration Deviation List (CDL) specific to the aircraft type if one is provided and approved by the State of Design.

(4) An Operator's Operations Manual shall contain such procedures as are acceptable to the Authority for operations in accordance with the CDL requirements.

(5) The operator shall include in the operations manual a Minimum Equipment List (MEL), approved by the Authority which will enable the pilot-in-command to determine whether a flight may be commenced or continued from any intermediate stop should any instrument, equipment or systems become inoperative.

(6) Where the State of the Operator is not Kenya, the State of the Operator shall ensure that the MEL does not affect the aeroplane's compliance with the airworthiness requirements applicable in Kenya.

41. (1) An Operator shall provide for the use of the flight crew members and persons assigned operational control functions during the performance of their duties, a Performance Planning Manual (PPM) acceptable to the Authority.

Performance planning manual.

(2) The PPM shall be specific to the aircraft type and variant and shall contain adequate performance information to accurately calculate the performance in all normal phases of flight operation.

42. An Operator shall have a system approved by the Authority, for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that the Operator uses.

Performance data control system.

43. (1) An Operator shall provide for the use of the flight crew members, ground handling personnel and persons assigned operational control functions during the performance of their duties, an aircraft

Aircraft loading and handling manual.

handling and loading manual acceptable to the Authority.

(2) The handling and loading manual shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

44. An Operator shall have a system, approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated by that Operator.

Mass and balance data control system.

45. (1) An Operator who is required to use cabin crew shall issue to the cabin crew members for use during the performance of their duties, a cabin crew member manual acceptable to the Authority.

Cabin crew member manual.

(2) The Cabin Crew Member manual shall contain the operational policies and procedures applicable to cabin crew member and the carriage of passengers.

(3) An Operator shall issue to the Cabin Crew Member a manual specific to the aircraft type and variant, containing at least the information set out in the Fourth Schedule as well as details of normal, abnormal and emergency procedures and the location and operation of emergency equipment.

(4) The manuals specified in sub-regulation (3) may be combined into one manual for use by the cabin crew member.

46. (1) An operator shall carry on each passenger-carrying aircraft, in convenient locations for the use of each passenger, printed briefing cards supplementing the oral briefing and containing—

Passenger briefing cards.

- (a) diagrams and methods of operating the emergency exits;
- (b) other instructions necessary for use of the emergency equipment; and
- (c) information regarding the restrictions and requirements associated with sitting in an exit seat row.

(2) An Operator shall ensure that each card contains information that is pertinent only to the type and variant of aircraft used for that flight.

(3) An Operator shall, at each exit seat, provide passenger information cards that include the following information in English and Kiswahili languages—

- (a) functions required of a passenger in the event of an emergency in which a crew member is not available to assist to—
 - (i) locate the emergency exit;
 - (ii) recognise the emergency exit opening mechanism;
 - (iii) comprehend the instructions for operating the emergency exit;
 - (iv) operate the emergency exit;

- (v) assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;
 - (vi) follow oral directions and hand signals given by a crew member;
 - (vii) stow or secure the emergency exit door so that it will not impede use of the exit;
 - (viii) assess the condition of an escape slide, activate the slide, and stabilise the slide after deployment to assist others in getting off the slide;
 - (ix) pass expeditiously through the emergency exit; and
 - (x) assess, select, and follow a safe path away from the emergency exit;
- (b) a requirement that a passenger identify themselves to allow reseating if that passenger—
- (i) cannot perform the emergency functions stated in the information card;
 - (ii) has a condition that will prevent that passenger from performing the functions;
 - (iii) may suffer bodily harm as the result of performing one or more of those functions;
 - (iv) does not wish to perform those functions; or
 - (v) lacks the ability to read, speak, or understand the language or the graphic form in which instructions are provided by the Operator;
- (c) a statement that whenever a crew member identifies a passenger who meets the requirements specified in paragraph (b) above, the crew member shall reseat the passenger.

47. (1) An Operator shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current aeronautical data for each route and airport used.

Aeronautical data control system.

(2) The aeronautical data referred to in sub-regulation (1) shall include—

- (a) airports—
 - (i) facilities;
 - (ii) navigational and communications aids;
 - (iii) construction affecting takeoff, landing, or ground operations; and
 - (iv) air traffic service facilities;
- (b) runways, clearways, and stopways—

- (i) dimensions;
 - (ii) surface;
 - (iii) marking and lighting systems; and
 - (iv) elevation and gradient;
- (c) displaced thresholds—
- (i) location;
 - (ii) dimensions;
 - (iii) takeoff or landing or both;
- (d) obstacles—
- (i) those affecting takeoff and landing performance computations; and
 - (ii) controlling obstacles;
- (e) instrument flight procedures—
- (i) departure procedure;
 - (ii) approach procedure; and
 - (iii) missed approach procedure;
- (f) special information—
- (i) runway visual range measurement equipment; and
 - (ii) prevailing winds under low visibility conditions.

48. (1) An Operator shall provide for the use of the flight crew members and persons assigned operational control function during the performance of their duties, a route guide and aeronautical charts approved by the Authority.

Route guide and aeronautical charts.

(2) The route guide and aeronautical charts shall be current and appropriate for the proposed types and areas of operations to be conducted by the Operator.

49. (1) An Operator shall use sources approved by the Authority for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

Weather reporting sources.

(2) Where an Operator carries out passenger carrying operations on a published schedule, the Operator shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect safety of flight on each route to be flown and airport to be used.

(3) An Operator may use the following sources of weather reports for flight planning or controlling flight movement—

- (a) the Kenya Meteorological Department;
- (b) the operated automated surface observation stations, so long as the station reports all required items for a complete

surface aviation weather report;

- (c) an operated supplemental aviation weather reporting station;
- (d) observations made by aerodrome control towers;
- (e) a contracted weather observatory;
- (f) any active meteorological office operated by a foreign state which subscribes to the standards and practices contained in the Convention and its annexes;
- (g) any military weather reporting sources approved by the Authority in case of flight operations which use military airports as departure, destination, alternate or diversion airports;
- (h) near-real time reports such as pilot reports, radar reports, radar summary charts, and satellite imagery reports made by commercial weather sources or other sources specifically approved by the Authority; or
- (i) an Operator operated and maintained weather reporting system approved by the Authority.

50. (1) An Operator planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected shall—

De-icing and anti-icing programme.

- (a) use only aircraft adequately equipped for such conditions;
- (b) ensure flight crew is adequately trained for such conditions; and
- (c) have an approved ground de-icing and anti-icing programme.

(2) Contents of the ground de-icing and anti-icing programme shall include a detailed description of—

- (a) the method used to determine that conditions are such that frost, ice, or snow may reasonably be expected to stick on to the aircraft and that ground de-icing and anti-icing operational procedures shall be effected;
- (b) the person responsible for deciding that ground de-icing and anti-icing operational procedures shall be effected;
- (c) the procedures for implementing ground de-icing and anti-icing operational procedures;
- (d) the specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground de-icing and anti-icing operational procedures are in effect;
- (e) the Operator 's programme shall include procedures for flight crew members to increase or decrease the determined hold over time in changing conditions; and
- (f) the holdover time shall be supported by data acceptable to the Authority.

(3) Where the maximum holdover time is exceeded, takeoff shall be prohibited unless at least one of the following conditions exists.

- (a) a pre-takeoff contamination check is conducted outside the aircraft within five minutes prior to beginning take off to determine that the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's programme, are free of frost, ice or snow;
- (b) it is otherwise determined by an alternate procedure, approved by the Authority and in accordance with the Operator's approved programme, that the wings, control surfaces, and other critical surfaces are free of frost, ice or snow; or
- (c) the wings, control surfaces, and other critical surfaces are de-iced again and a new holdover time is determined.

51. (1) An Operator who conducts scheduled operations shall have an adequate system approved by the Authority for proper dispatching and monitoring of the progress of the scheduled flights.

Flight supervision and monitoring system.

(2) The dispatch and monitoring system shall have enough dispatch centres, adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(3) Where an Operator conducts scheduled operations, the Operator shall provide enough qualified operations officers at each dispatch centre to ensure proper operational control of each flight.

52. (1) An Operator who conducts charter flight operations shall have a system for providing flight preparation documents and determining the departure and arrival times of its flights at all airports approved by the Authority.

Flight following system for charter flights operations.

(2) The systems specified in sub-regulation (1) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

(3) An Operator who conducts charter flight operations shall have an approved flight following system established and adequate for the proper monitoring of each flight, considering the operations to be conducted.

(4) The centres established by an operator who conducts charter flight operations for flight following shall be located at points necessary to ensure—

- (a) the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions; and
- (b) that the pilot-in-command is provided with all information necessary for the safety of the flight.

(5) An Operator conducting charter flight operations may arrange

to have flight following facilities provided by persons other than the Operator's employees, but in such a case the Operator continues to be primarily responsible for the operational control of each flight.

(6) An Operator conducting charter operations using a flight following system shall ensure that the system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight to—

- (a) the flight crew of each aircraft; and
- (b) the persons designated by the Operator to perform the function of operational control of the aircraft.

(7) An Operator conducting charter operations shall show that the personnel required to perform the function of operational control are able to perform their duties.

53. (1) An Operator's aircraft shall have two-way radio communications with all air traffic service facilities along the routes and alternate routes to be used.

Communications facilities.

(2) An Operator who conducts scheduled operations shall have rapid and reliable radio communications with all flights over the Operator's entire route structure under normal operating conditions.

54. (1) An Operator may conduct operations only along such routes and within such areas for which—

Routes and areas of operation.

- (a) ground facilities and services, including meteorological services, provided are adequate for the planned operation;
- (b) the performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
- (c) the equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
- (d) appropriate and current maps and charts are available; and
- (e) where a two-engine aircraft is used, adequate airports are available with the time and distance limitations.

(2) A person shall not conduct commercial air transport operations on any route or area of operation unless the operations are in accordance with any restrictions imposed by the Authority.

55. (1) An Operator shall not operate on a proposed route or area that does not have non-visual ground aids—

En-route navigational facilities.

- (a) available over the route for navigating aircraft within the degree of accuracy required for ATC; and
- (b) located to allow navigation to any regular, provisional, refuelling, or alternate airport, within the degree of accuracy necessary for the operation involved.

(2) Non-visual ground aids shall not be required for—

- (a) visual flight rules operations; or
- (b) operations on route segments where the use of celestial or other specialised means of navigation is approved by the Authority.

56. (1) An Operator shall establish a flight safety documents system, for the use and guidance of operational personnel as part of its safety management system.

Flight safety documents system.

(2) Guidance on the development and organization of a flight safety documents system is provided in the Fifth schedule.

57. An Operator operating a Kenyan registered aircraft flying for the purpose of commercial air transport shall establish and maintain a safety management system in accordance with the provisions of the Civil Aviation (Safety Management) Regulations.

Safety Programme and Management System

58. (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 15 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 15 minute intervals.

(3) The Operator shall track the position of an aeroplane through automated reporting at least every 15 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 15 minute intervals.

(4) The Operator shall establish procedures, approved by the Authority, for the retention of aircraft tracking data to assist Search and Rescue (SAR) in determining the last known position of the aircraft.

59. (1) The Authority shall establish Technical Guidance Material for the purpose of managing fatigue. These materials 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. Accordingly, the Authority shall establish—

Fatigue Management

- (a) guidance for flight time, flight duty period, duty period and rest period limitations; 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 Seventh Schedule.

(2) The Authority shall require that the Operator, in compliance with sub-regulation (1) and for the purposes of managing its fatigue-related safety risks, establish either—

- (a) flight time, flight duty period, duty period and rest period limitations that are within the prescriptions in the Technical Guidance Material established by the Authority; or
- (b) a Fatigue Risk Management System (FRMS) in compliance with sub-regulation (6) for all operations;
- (c) an FRMS in compliance with sub-regulation (6) for part of its operations and the requirements of sub-regulation(2)(a) for the remainder of its operations.

(3) 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.

(4) 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.

(5) In approving the Operator's approved FRMS under sub-regulation 4, 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.

(6) 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.

(7) 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.

(8) 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 V—AOC MAINTENANCE REQUIREMENTS

60. (1) An Operator shall ensure the airworthiness of its aircraft and the serviceability of both operational and emergency equipment necessary for the intended flight by—

- (a) carrying out pre-flight inspections;
- (b) correcting any defect or damage affecting safe operation of the aircraft to an approved standard, taking into account the minimum equipment list and configuration deviation list if available for the aircraft type;
- (c) carrying out maintenance on the aircraft in accordance with the approved operator's aircraft maintenance programme;
- (d) analysing of the effectiveness of the Operator 's approved aircraft maintenance programme;
- (e) effecting the provisions of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and
- (f) carrying out modifications in accordance with an approved standard and establishing an embodiment policy for non-mandatory modifications.

Maintenance
responsibility.

(2) An Operator shall ensure that the certificate of airworthiness for each aircraft operated remains valid in respect of—

- (a) the requirements specified in sub-regulation (1);
- (b) the expiry date of the certificate of airworthiness; and
- (c) any other maintenance condition specified in the certificate of airworthiness.

(3) An Operator shall ensure that the requirements specified in

sub-regulation (1) are performed in accordance with procedures approved by or acceptable to the Authority.

(4) An Operator shall ensure that the maintenance, preventive maintenance and modification of its aircraft or aircraft component are performed in accordance with its maintenance control manual, maintenance program and applicable civil aviation regulations.

(5) An Operator may make an arrangement with another person for the performance of any maintenance, preventive maintenance or modifications but shall remain responsible for all work performed under the arrangement.

(6) An Operator of an aircraft shall ensure that the aircraft is maintained in accordance with procedures approved by or acceptable to the Authority.

(7) An Operator shall ensure that, in accordance with procedures acceptable to the Authority, each aeroplane operated is maintained in an airworthy condition.

(8) The maintenance of the aircraft shall be performed in accordance with a maintenance programme approved by or acceptable Authority.

(9) An The Operator of an aircraft shall ensure that the certificate of airworthiness of the aircraft remains valid in accordance with procedures approved by or acceptable to the Authority.

61. (1) Except for pre-flight inspections, an Operator shall not operate an aircraft—

Approval and acceptance of AOC maintenance systems

- (a) registered in Kenya unless it is maintained and released to service by an AMO approved in accordance with the Civil Aviation (Approved Maintenance Organization) Regulations; and
- (b) of foreign registry unless it is maintained and released to service in accordance with a system approved by the State of Registry and is acceptable to the Authority.

(2) The State of Registry may transfer some or all its responsibility for foreign registered aircraft operating in Kenya under an agreement entered into pursuant to Article 83 *bis* of the Convention.

62. (1) The Operator shall provide the Authority with a copy of the operator's maintenance control manual, together with all amendments and revisions to it and shall incorporate in it such mandatory material as the Authority may require containing details of the Operator's structure including—

Maintenance control manual.

- (a) the accountable manager and Head of Maintenance responsible for the maintenance system as required by regulation 13;
- (b) procedures to be followed to satisfy the maintenance responsibility required under regulation 60, except where the Operator is an AMO, and the quality functions are specified

in accordance with regulation 16, then such procedures may be included in the maintenance procedures manual;

- (c) procedures for the reporting of failures, malfunctions, and defects in accordance with the Civil Aviation (Airworthiness) Regulations, to the Authority, within seventy-two hours of discovery;
- (d) items that warrant immediate notification to the Authority by telephone, email, telex or fax, with a written follow-on report as soon as possible but no later than within seventy-two hours of discovery, which are—
 - (i) primary structural failure;
 - (ii) control system failure;
 - (iii) fire in the aircraft;
 - (iv) engine structure failure; or
 - (v) any other condition considered an imminent hazard to safety.

(2) An Operator's maintenance control manual shall contain the following information which may be issued in separate parts—

- (a) a description of the maintenance control manual amendment procedures;
- (b) a description of the administrative agreements between the Operator and an AMO;
- (c) a description of the maintenance procedures and the procedures for completing and signing the certificate of release to service;
- (d) a description of the procedures to ensure each aircraft an Operator operates is in an airworthy condition;
- (e) a description of the procedures to ensure the operational emergency equipment for each flight is serviceable;
- (f) the names and duties of the person or persons required to ensure that all maintenance is carried out in accordance with the maintenance control manual;
- (g) a reference to the maintenance programme required under regulation 70;
- (h) a description of the methods for completion and retention of the operator's maintenance records required by regulation 67;
- (i) a description of the procedures for monitoring, assessing and reporting maintenance and operational experience with respect to continuing airworthiness for all aircraft of a maximum certificated take-off mass of over 5,700kg and helicopters over 3,175kg maximum certificated take off mass;

- (j) a description of the procedures for complying with the service information reporting requirements of the Civil Aviation (Airworthiness) Regulations;
- (k) a description of the procedures for assessing continued airworthiness information and implementing any resulting actions for all aircraft with a maximum certificated take-off mass of over 5,700kg and helicopters over 3,175 kg maximum certificated take off mass; from the organisation responsible for the type design, and shall implement such actions considered necessary by the Authority;
- (l) a description of the procedures for implementing mandatory continuing airworthiness information;
- (m) a description of establishing and maintaining a system of analysis and continued monitoring of the performance and efficiency of the maintenance programme in order to correct any deficiency in that programme;
- (n) a description of aircraft types and models to which the manual applies;
- (o) a description of procedures for ensuring that unservice abilities affecting airworthiness are recorded and rectified;
- (p) a description of the procedures for advising the Authority of significant in- service occurrences;
- (q) a system of ensuring that any fault, malfunctions, defects and other occurrences that cause or might cause adverse effects on the continuing airworthiness of aeroplanes with a maximum certificated take-off mass of over 5,700kg and helicopters 3,180kg and above maximum certificated take-off mass shall be transmitted to the organization responsible for the type design of that aeroplane or helicopter;
- (r) an Operator shall not provide for use of its personnel in commercial air transport, a maintenance control manual or its part that has not been reviewed and approved by the Authority; and
- (s) a description of procedures to control the leasing of aircraft and related aeronautical products.

(3) An Operator or applicant for an AOC shall submit and maintain a maintenance control manual containing at least the information set out in the Sixth Schedule to these Regulations.

(4) The Operator shall ensure that copies of all amendments to the maintenance control manual are furnished promptly to all organizations or persons to whom the manual has been issued.

63. (1) An Operator, approved as an approved maintenance organisation (AMO), may carry out the requirements in regulation 60.

Maintenance
management

(2) An Operator shall employ a person or a group of persons, acceptable to the Authority, to ensure that all maintenance is carried out

on time to an approved standard such that the maintenance requirements of Regulation 60 and requirements of the Operator's maintenance control manual are satisfied, and to ensure the functioning of the quality system.

(3) An Operator shall provide suitable office accommodation at appropriate locations for the personnel specified in sub-regulation (2).

(4) Where an Operator is not an AMO, the Operator shall make arrangements with an AMO to carry out the requirement of regulation 60(5).

(5) The arrangement made pursuant to sub-regulation (4) shall be in the form of a written maintenance contract between the Operator and the AMO detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

64. (1) For maintenance purposes, an Operator's quality system required under regulation 16 shall—

Quality system:
Maintenance

(a) include at least the following functions—

- (i) monitoring that the activities of regulation 60 are being performed in accordance with the accepted procedures;
- (ii) ensuring that all contracted maintenance is carried out in accordance with the contract;
- (iii) monitoring compliance with, and adequacy of, procedures required to ensure safe maintenance practices, airworthy aircraft and aircraft components; and
- (iv) monitoring the continued compliance with the requirements of these Regulations; and

(b) include a quality assurance programme that contains procedures designed to verify that all maintenance operations are being conducted in accordance with all applicable requirements, standards and procedures.

(2) Compliance monitoring as referred to in sub-regulation (1) shall include a feed-back system to the accountable manager to ensure corrective action as necessary.

(3) Where an Operator is also an approved maintenance organisation (AMO), the Operator's quality management system may be combined with the requirements of an AMO and submitted for approval and acceptance to the Authority, and State of Registry for aircraft not registered in Kenya.

(4) An Operator shall establish a plan acceptable to the Authority indicating when and how often the activities as required in regulation 60 may be monitored.

(5) Reports shall be made upon completion of monitoring of activities including details of discrepancies of non-compliance with procedures or requirements.

(6) The feedback part of the system shall specify the person responsible for rectifying discrepancies and non-compliance in each particular case, the procedure to be followed if rectification is not completed within appropriate time scales, and a system of reporting to the accountable manager.

(7) To ensure effective compliance with this regulation, an Operator shall carry out—

- (a) product sampling; the part inspection of a representative sample of the aircraft fleet;
- (b) defect sampling; the monitoring of defect rectification performance;
- (c) concession sampling; the monitoring of any concession not to carry out maintenance on time;
- (d) on time maintenance sampling; the monitoring of when flying hours, calendar time and flight cycles, of the aircraft and the components are brought in for maintenance; and
- (e) sample reports of un-airworthy conditions and maintenance errors on aircraft and components.

65. (1) An Operator shall ensure that every Kenyan registered aircraft used for commercial air transport or aerial work maintains a technical logbook. Technical logbook.

(2) The following particulars shall be entered in the technical logbook—

- (a) a title page with the name and address of the operator, the aircraft type, and registration marks;
- (b) details relating to the current certificate of release to service;
- (c) details relating to the next inspection on the approved maintenance schedule;
- (d) a section containing sector record pages, each page being serially numbered with the operator's name printed thereon and having a provision for recording the following—
 - (i) aircraft type, serial number and registration marks;
 - (ii) date, place and time of take-off and landing;
 - (iii) particulars of any defect experienced on the aircraft;
 - (iv) the fuel and oil quantities on arrival and quantities uplifted in each tank;
 - (v) a certificate of release to service in respect of any work performed for the purpose of rectifying defects;
 - (vi) the running total of flying hours, such that the hours to the next scheduled inspection can be easily determined; and
 - (vii) provision for pre-flight and daily inspection signatures;

- (e) a readily identifiable section containing a record of deferred defects with serially numbered pages and the operator's name printed thereon including a provision for recording the following—
 - (i) a cross-reference for each deferred defect such that the original defect together with brief related details can be clearly identified in the sector record section; and
 - (ii) the original date of occurrence of the deferred defect, together with brief related detail;
 - (f) a cross-reference for each deferred defect such that the action in respect of such deferred defect can be clearly identified in the sector record section;
 - (g) the number of landings, flight pressure cycles or engine cycles as specified for that aircraft; and
 - (h) any other details as the Authority may require.
- (3) The technical log and any subsequent amendment shall be approved by the Authority.

66. (1) At the end of every flight, the pilot-in-command (PIC) shall enter, sign and date the following information in a technical logbook—

Technical logbook entries.

- (a) the times when the aircraft took off and landed; and
 - (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect.
- (2) Notwithstanding sub-regulation (1), in the case of a number of consecutive flights each of which begins and ends—
- (a) within the same period of twenty-four hours;
 - (b) at the same aerodrome except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
 - (c) with the same person as the PIC,
- the PIC may, except where he becomes aware of a defect during an earlier flight, make the entries in a technical logbook at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical logbook a person signing a maintenance release in respect of that defect shall enter the release in the technical logbook in such a position as to be readily identifiable with the defect to which it relates.

(4) An Operator shall have in the approved Operations Manual a procedure for keeping adequate copies of technical logbook to be carried on board the aircraft in a place readily accessible to each flight crew member.

67. (1) An Operator shall ensure that, in respect to an aircraft, systems have been established to keep the following records, in a form acceptable to the Authority—

Maintenance records.

- (a) the total time in service in hours, calendar time and cycles, as appropriate, of the aircraft and all its life-limited components;
 - (b) the current status of compliance with all mandatory continuing airworthiness information;
 - (c) appropriate details of modifications and repairs to the aircraft and its major components;
 - (d) the time in service in hours, calendar time and cycles, as appropriate, since last overhaul of the aircraft or its components subject to mandatory overhaul life;
 - (e) the current aircraft status of compliance with the maintenance programme;
 - (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met; and
 - (g) technical logbook records.
- (2) An Operator shall ensure that—
- (a) the records specified in sub-regulation (1)(a) to (e) are kept for a minimum period of ninety days after the unit to which they refer has been permanently withdrawn from service;
 - (b) the records referred to in sub-regulation (1)(f) are kept for a minimum of one year after the signing of the certificate of release to service;
 - (c) the records referred to in sub-regulation (1)(g) are retained for 2 years after the date of the last entry;
 - (d) in the event of a temporary change of operator, the records specified in sub-regulation (1) shall be made available to the new operator. In the event of any permanent change of operator, the records shall be transferred to the new operator;
 - (e) 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; and
 - (f) when an aircraft is permanently transferred from one operator to another operator, the records specified in sub-regulation (1) are also transferred.
- (3) The lessee of a helicopter shall comply with the requirements of this regulation, as applicable, while the helicopter is leased.
- (4) An Operator shall ensure that the following records are kept—
- (a) in respect of the entire helicopter: the total time in service;
 - (b) in respect of the major components of the helicopter—
 - (i) the total time in service;

- (ii) the date of the last overhaul;
- (iii) the date of the last inspection;
- (c) in respect of those instruments and equipment, the serviceability and operating life of which are determined by their time in service—
 - (i) such records of the time in service as are necessary to determine their serviceability or to compute their operating life; and
 - (iii) the date of the last inspection.

(5) The records in sub-regulation 4 shall be kept for a period of 90 days after the end of the operating life of the unit to which they refer.

68. (1) An Operator shall not operate an aircraft or helicopter unless it is maintained and released to service by an organisation approved in accordance with the Civil Aviation (Approved Maintenance Organisation) Regulations.

Certificate of release to service or maintenance section records of the technical logbook.

(2) The owner or the lessee shall not operate the aircraft unless it is maintained and released to service under a system acceptable to the Authority.

(3) When the Authority accepts an equivalent system, the person signing the certificate of release to service shall be licensed in accordance with Civil Aviation (Personnel Licensing) Regulations as appropriate to the work performed and as acceptable to the Authority.

(4) The certificate of release to service shall be issued in accordance with the Operator's maintenance control manual procedures.

(5) An Operator shall not operate an aircraft after release under sub-regulation (1) unless an appropriate entry is made in accordance with the AOC maintenance control manual procedures acceptable to the Authority.

(6) An Operator shall give a copy of the certificate of release to service for the aircraft to the PIC or ensure that an entry noting the release is made in the technical logbook.

69. (1) All modifications or repairs to an aircraft shall be made in compliance with the airworthiness requirements acceptable to the Authority.

Modification or repairs to aircraft.

- (2) An Operator shall—
 - (a) establish the procedures to ensure that records supporting compliance with the airworthiness requirements are retained;
 - (b) ensure that major repair or major modification is carried out in accordance with technical data accepted by the Authority;
 - (c) promptly, upon completion of a major modification or major repair, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller or appliance

of an aircraft operated by the Operator; and

- (d) submit a copy of each report of a major modification to the Authority and keep a copy of each report of a major repair available for inspection.

70. (1) An Operator's aircraft maintenance programme and any subsequent amendment shall be submitted to the Authority for approval.

Aircraft maintenance programme.

(2) In the case of the foreign registered aircraft the maintenance programme shall be approved by the State of Registry and may be subsequently accepted by the Authority.

(3) In addition to the requirement of a maintenance programme for aircraft operated by an Operator, an aircraft with maximum certificated takeoff mass authorised above 13,310 kg shall include a reliability programme in the maintenance programme.

(4) Where a determination is made by the Authority under sub-regulation (3), an Operator shall provide the procedures and information in the maintenance control manual.

(5) An Operator shall ensure that each aircraft is maintained in accordance with the approved aircraft maintenance programme which shall include—

- (a) maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilisation of the aircraft;
- (b) when applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b) as approved by the Authority;
- (d) when applicable and approved by the Authority, condition monitoring and reliability programme descriptions for aircraft systems, components and power plants.

(6) The owner or the lessee shall ensure that the maintenance of the aeroplane is performed in accordance with a maintenance programme acceptable to the Authority.

(7) The Authority may amend any operations specifications (Ops specs) issued to an Operator to permit deviation from those provisions of this Part that would prevent the return to service and use of airframe components, engines, appliances, and spare parts because the airframe components, engines, appliances and spare parts have been maintained, altered, or inspected by persons employed outside Kenya who do not hold a Kenyan maintenance engineer's licence.

(8) An Operator who is granted authority under deviation in sub-regulation 7 above shall provide for surveillance of facilities and practices to assure that all work performed on the airframe components, engines, appliances and spare parts is accomplished in accordance with an Operator's maintenance control manual.

(9) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

(10) The aircraft maintenance programme shall be based on maintenance programme information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable information, documentation or experience.

(11) A person shall not provide for use of its personnel in commercial air transport aircraft maintenance programme or portion thereof which has not been reviewed and approved for the Operator by the Authority.

(12) Approval of an Operator operator's maintenance programme and any subsequent amendments shall be noted in the operations specifications.

(13) An Operator shall ensure that the maintenance of the aircraft is performed in accordance with the aircraft maintenance programme approved by the Authority.

(14) 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.

(15) An Operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance programme, acceptable to the Authority, containing the information required by this regulation and the design and application of the Operator's maintenance programme shall observe Human Factors principles according to the Authority's guidance material.

71. An Operator may make arrangements with an appropriately rated AMO for the performance of maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof as provided in its maintenance programme and maintenance control manual.

Maintenance,
preventive
maintenance and
modifications.

PART VI— AOC SECURITY MANAGEMENT

72. An Operator shall ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of Kenya, for the protection of aircraft, facilities and personnel from unlawful interference.

Security requirements

73. (1) An 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.

.Security training
programmes

(2) The security training programme specified in sub-regulation (1) shall, as a minimum include—

- (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 authorised 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 procedures to protect the aircraft; and
- (h) aircraft search procedures and guidance on least-risk bomb locations where practicable.

(3) An Operator shall establish and maintain a 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 aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

74. Following an act of unlawful interference on board an aircraft the pilot-in-command (PIC) or, in the PIC's absence, the Operator shall submit, without delay, a report of such an act to the designated local authority and the Authority.

Reporting acts of unlawful interference

75. (1) An Operator shall ensure that there is on board the Operator's aircraft, a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aircraft may be the object of an act of unlawful interference.

Aircraft search procedure checklist.

(2) The checklist referred to in sub-regulation (1) 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 aircraft.

76. (1) Where an aircraft is equipped with a flight crew compartment door, this door shall be capable of being locked, and means shall be provided by which cabin crew members can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

Security of the flight crew compartment

(2) All passenger-carrying aeroplanes of a maximum certificated take-off mass in excess of 45 500 kg or 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) Where an aircraft is equipped with a flight crew compartment door in accordance with sub-regulation (2)—

- (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 the cockpit the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

77. Where an Operator accepts the carriage of weapons removed from passengers, the aeroplane shall have provision for stowing such weapons in a place so that they are not accessible to any person during flight time.

Provision for stowing of weapons whilst flying.

PART VII — AOC DANGEROUS GOODS MANAGEMENT

78. An Operator shall not transport dangerous goods unless approved to do so by the Authority and in compliance with the requirements of regulation 79.

Approval to transport dangerous goods.

79. (1) An Operator shall comply with the provisions contained in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (Technical Instructions) on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside Kenya.

Compliance with Technical Instructions

(2) Where dangerous goods are to be transported outside Kenya, the Operator shall review and comply with the appropriate variations notified by Contracting States contained in Attachment 3 to the Technical Instructions.

(3) Articles and substances which would otherwise be classified as dangerous goods are excluded from the provisions of this Part, to the extent specified in the Technical Instructions, provided they are—

- (a) required to be on board the aircraft for operating reasons;
- (b) carried as catering or cabin service supplies;
- (c) carried for use in flight as veterinary aid or as a humane killer for an animal; or
- (d) carried for use in flight for medical aid for a patient, provided that—
 - (i) gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
 - (ii) drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
 - (iv) equipment containing wet cell batteries is kept and, when necessary, secured in an upright position to prevent spillage of the electrolyte;
 - (v) proper provision is made to stow and secure all the

equipment during take-off and landing and at all other times when deemed necessary by the PIC in the interests of safety; or

(e) they are carried by passengers or crew members.

(4) Articles and Substances intended as replacements for those specified in sub-regulation (3) (a) may be transported on an aircraft as specified in the Technical Instructions.

(5) Where specifically provided for in the Technical Instructions, the Authority may grant an approval provided that in such instances an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions is achieved.

(6) In instances—

(a) of extreme urgency;

(b) when other forms of transport are inappropriate; or

(c) when full compliance with the prescribed requirements is contrary to the public interest,

the Authority may grant an exemption from the provisions of the Technical Instructions provided that in such instances every effort shall be made to achieve an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions.

(7) In case of over flight, if none of the criteria for granting an exemption are relevant, an exemption may be granted based solely on whether it is believed that an equivalent level of safety in air transport has been achieved.

(8) The Authority shall take the necessary measures to achieve compliance with the detailed provisions contained in the Technical Instructions and shall also take the necessary measures to achieve compliance with any amendment to the Technical Instructions which may be published during the specified period of applicability of an edition of the Technical Instructions.

80. (1) An Operator shall take reasonable measures to ensure that articles and Substances that are specifically identified by name or generic description in the Technical Instructions as being forbidden for transport under any circumstances are not carried on any aircraft.

Limitations on the transport of dangerous goods

(2) An Operator shall take reasonable measures to ensure that articles and Substances or other goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances are transported only when—

(a) they are exempted by the Contracting States concerned under the provisions of the Technical Instructions; or

(b) the Technical Instructions indicate they may be transported

under an approval issued by the State of Origin of the goods.

(4) The dangerous goods described hereunder shall be forbidden on aircraft unless exempted by the Authority under the provisions of these regulations or unless the provisions of the Technical Instructions indicate they may be transported under an approval granted by the Authority—

- (a) dangerous goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances; and
- (b) infected live animals.

81. An Operator shall take all reasonable measures to ensure that articles and Substances are classified as dangerous goods as specified in the Technical Instructions. Classification of dangerous goods.

82. An Operator shall take all reasonable measures to ensure that dangerous goods are packed as specified in the Technical Instructions. Packing.

83. (1) An operator shall take reasonable measures to ensure that packages, over packs and freight containers are labelled and marked as specified in the Technical Instructions. Labelling and marking.

(2) Where dangerous goods are carried on a flight which takes place wholly or partly outside Kenya, an Operator shall ensure that labelling and marking are in the English language.

84. (1) Except where otherwise specified in the Technical Instructions, an Operator shall ensure that, dangerous goods are accompanied by a dangerous goods transport document. Dangerous goods transport document

(2) Where dangerous goods are carried on a flight which takes place wholly or partly within Kenya, the Operator shall ensure that the document is in English.

(3) The shipper shall ensure that before a consignment of dangerous goods is offered by him for carriage by air, all persons involved in its preparation have received training as specified in the Technical Instructions, and as prescribed by the Authority to enable them to carry out their responsibilities with regard to the carriage of dangerous goods by air.

(4) Before consigning any dangerous goods for carriage by air the shipper shall ensure that—

- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions of the Technical Instructions;
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to obtain them;
- (c) the goods are classified according to the classification criteria contained in the Technical Instructions;

- (d) the goods are packed according to the Technical Instructions and the packagings used are in accordance with such provisions of the Technical Instructions as apply to those goods;
- (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for the various goods in the Technical Instructions;
- (f) the package is in a fit condition for carriage by air;
- (g) when one or more packages are placed in an over pack, the over pack only contains packages of goods permitted to be carried by the Technical Instructions and the over pack is marked and labelled as required by the Technical Instructions;
- (h) a dangerous goods transport document—
 - (i) has been completed in English in addition to any other language required by the State of Origin as required the Technical Instructions; and
 - (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods—
 - (aa) are fully and accurately described
 - (bb) are correctly classified, packed, marked and labelled; and
 - (cc) are in a proper condition for carriage by air;
 - (iii) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by the Technical Instructions.

85. An Operator shall not accept dangerous goods for transport unless the package, over pack or freight container has been inspected in accordance with the acceptance procedures as stipulated in the Technical Instructions.

Acceptance of dangerous goods.

86. An operator shall ensure that—

- (a) packages, over packs and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a unit load device (ULD), as specified in the Technical Instructions;
- (b) a unit load device is not loaded on an aircraft unless it has been inspected as required by the Technical Instructions and found free from any evidence of leakage from, or damage to, the dangerous goods contained therein;
- (d) leaking or damaged packages, overpacks or freight containers are not loaded on an aircraft;

Inspection for damage, leakage or contamination

- (f) any package of dangerous goods found on an aircraft and which appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organisation;
- (h) after removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and
- (i) packages, over packs and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or from a unit load device and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed shall be inspected for damage or contamination.

87. An operator shall ensure that—

Removal of
contamination

- (a) any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and
- (b) an aircraft which has been contaminated by radioactive materials is immediately taken out of service and not returned until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

88. An operator shall ensure that—

Loading restrictions

- (a) dangerous goods are not carried in an aircraft cabin occupied by passengers or in the cockpit, unless otherwise specified in the Technical Instructions;
- (b) dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the Technical Instructions; and
- (c) packages of dangerous goods bearing the “Cargo Aircraft Only” label shall be loaded in accordance with the provisions in the Technical Instructions.

89. (1) An Operator shall ensure that—

Provision of
information

- (a) information is provided to enable ground staff to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and
- (b) where applicable, the information referred to in sub-regulation (a) is also provided to the handling agent.

(2) An Operator shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods which they are forbidden from transporting on board an aircraft and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about them.

(3) An Operator shall ensure that information is provided in the

operations manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.

(4) An Operator shall ensure that the PIC is provided with written information on dangerous goods carried on board the aircraft in the manner and form specified in the Technical Instructions.

(5) An Operator that is involved in an aircraft incident or accident shall—

- (a) as soon as possible, inform the Authority and the appropriate authority of the State in which the aircraft incident or accident occurred of any dangerous goods carried; and
- (b) on request by the Authority, provide any information required to minimise the hazards created by any dangerous goods carried.

90. (1) An operator shall establish, maintain, and have approved by the Authority, staff training programmes, as required by the Technical Instructions and as prescribed by the Authority.

Training programmes

(2) An Operator not holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in general cargo handling have received training to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 1 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and what requests apply to the carriage of such goods by passengers; and
- (c) crew members, passenger handling staff, and security staff used by an Operator to deal with the screening of passengers and their baggage, have received training which covers as a minimum, the areas identified in Column 2 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify them and what requirements apply to the carriage of such goods by passengers.

Areas of Training	Column 1	Column 2
General philosophy	X	X
Package marking and labelling	X	X
Dangerous goods in passengers baggage	X	X

Emergency procedures	X	X
<i>Note: 'X' indicates an area to be covered.</i>		

(3) An operator holding a permanent approval to carry dangerous goods shall ensure that—

- (a) staff who are engaged in the acceptance of dangerous goods have received training and are qualified to carry out their duties which covers as a minimum, the areas identified in Column 1 of Table 2 to a depth sufficient to ensure the staff can take decisions on the acceptance or refusal of dangerous goods offered for carriage by air;
- (b) staff who are engaged in ground handling, storage and loading of dangerous goods have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 2 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (c) staff who are engaged in general cargo handling have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 3 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (d) flight crew members have received training which covers as a minimum, the areas identified in Column 4 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and how they should be carried on an aircraft; and

(4) An Operator shall ensure that—

- (a) all staff who require dangerous goods training receive recurrent training at intervals of not longer than two years;
- (b) the records of dangerous goods training are maintained for all staff trained in accordance with the provisions of these regulations; and
- (c) their handling agent's staff are trained in accordance with the applicable column of Table 1 or Table 2.

Areas of Training	Column 1	Column 2	Column 3	Column 4	Column 5
General philosophy	X	X	X	X	X
Limitations on dangerous goods in the air transport	X	X		X	X
Classification and list of dangerous goods	X	X		X	
General packing requirements and packing	X				

instructions					
Packaging specifications marking	X				
Package marking and labelling	X	X	X	X	X
Documentation from the shipper	X				
Acceptance of dangerous goods, including the use of a checklist	X				
Loading, restrictions on loading and segregation	X	X	X	X	
Inspections for damage or leakage and decontamination procedures	X	X			
Provision of information to the PIC	X	X		X	
Dangerous goods in passengers' baggage	X			X	X
Emergency procedures	X	X	X	X	X
<i>Note: "X" indicates an area to be covered</i>					

91. An Operator shall report to the Authority—

Dangerous goods incident and accident reports.

- (a) dangerous goods incidents and accidents; and
- (b) undeclared or misdeclared dangerous goods discovered in the cargo or passenger baggage within seventy-two hours of the incident, accident or discovery unless exceptional circumstances prevent such reporting within the time stipulated.

PART VIII—EXEMPTIONS

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

Requirements for Application.

(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 must contain the applicant's—

- (a) name;
- (c) physical address and mailing address;
- (e) telephone number;
- (g) fax number if available; and

(i) email address if available.

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

93. (1) An application for an exemption shall contain the following—

Substance of the request for exemption.

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (c) an explanation of why the exemption is needed;
- (e) a description of the type of operations to be conducted under the proposed exemption;
- (g) the proposed duration of the exemption;
- (i) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (k) 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;
- (m) 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
- (o) if the applicant seeks to operate under the proposed exemption outside of Kenya's airspace, an indication 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 expeditious processing, the application shall contain supporting facts and reasons why 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 108, shall give consideration to permitting such an operation to continue on that route after that date.

94. (1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 91 and 92.

Initial review by the Authority.

(2) If the application appears on its face to satisfy the provisions of these regulations and the Authority determines that a review of its merits is justified, the Authority shall publish a detailed summary of the application in either Kenya Gazette, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 92 and 93 have not been met, the Authority shall 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.

95. (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 Kenya, the Authority shall publish the summary in aeronautical information circular.

PART IX— GENERAL PROVISIONS

96. (1) A holder of a licence, certificate or authorisation issued by the Authority shall have in his physical possession or at the work

Possession of the licence.

site when exercising the privileges of that licence, certificate or authorisation.

(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.

97. (1) Any person who performs any function requiring a licence, rating, qualification, or authorisation prescribed by these Regulations directly or by contract under the provisions of these Regulations may be tested for drug or alcohol usage.

Drug and alcohol testing and reporting.

(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
- (c) having submitted to the test, refuses to authorise the release of the test results the Authority may suspend or revoke the certificate of the operator that employs that person.

(3) In determining whether to suspend or revoke the certificate of the Operator, the Authority shall consider all relevant factors, including—

- (a) whether the operator had knowledge of the drug or alcohol use;
- (b) whether the operator encouraged the person to refuse the drug or alcohol test;
- (c) the position that person held with the operator.

98. A person who holds a licence, certificate, or authorisation issued by the Authority shall present it for inspection upon a request by the Authority or any other person authorised by the Authority.

Inspection of licences and certificates.

99. (1) A holder of a licence, certificate or authorisation issued by the Authority may apply to change the name on a license or certificate.

Change of Name.

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

- (a) the current license or certificate; and
- (c) a court order, or other legal document verifying the name change.

(3) The Authority may change the licence, certificate or authorisation 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.

100. (1) A holder of a certificate, or authorisation issued by the Authority 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.

101. 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. Replacement of documents.

102. (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 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 other documents which has 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) Breach of any condition subject to which any certificate, approval, permission, exemption or any such other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

103. (1) A person shall not—

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

Use and retention of documents and records.

- (d) make any false representation for the purpose of procuring for themselves or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or such other document; or
- (e) 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 sub-regulation (4) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

104. (1) Any person who knows of a violation of the Act or 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 needs to be taken.

105. (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 sub-regulation (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; or
- (b) in the case of a licensed personnel, require that the individual does not exercise the privileges of the license until such a time that the undesirable condition has been resolved.

(4) 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.

106. (1) The Authority will 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 thereunder.

Aeronautical user fees.

(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 accepted, to pay the fee so chargeable.

(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 the payment made.

107. (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.

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 Kenya.

108. 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 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 X—OFFENCES AND PENALTIES

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

Contravention of Regulations

110. (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 Eighth 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 Eighth 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 Fourth 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.

PART XI — SAVING AND TRANSITIONAL PROVISIONS

111. The Civil Aviation (Air Operator Certification and Administration) Regulations, 2013 are revoked.

Revocation of L.N No. 82/2013

112. (1) All valid licenses, certificates, permits or authorisations issued or granted by the Authority before the commencement of these regulations shall 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 revoke, annulled or replaced.

Saving and Transitional Provisions

(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.

FIRST SCHEDULE

Regulations 30 (1) and 31 (2)

AIR OPERATOR CERTIFICATE (AOC)

AIR OPERATOR CERTIFICATE

1	STATE OF THE OPERATOR ²	1
	ISSUING AUTHORITY ³	
AOC #4:	OPERATOR NAME ⁶	OPERATIONAL POINTS OF CONTACT ¹⁰
Expiry date ⁵	Db a trading name ⁷ :	Contact details, at which operational management
	Operator address ⁸ :	can be contacted without undue delay, are listed in
	Telephone ⁹ :	_____ 11.
	Fax:	
	E-mail:	

This certificate certifies that _____¹² is authorized to perform commercial air operations, as defined in the attached operations specifications, in accordance with the operations manual and the _____¹³ .

Date of issue¹⁴ Name and signature¹⁵:

Title:

Notes.—

1. For use of the State of the Operator.
2. Replace by the name of the State of the Operator.
3. Replace by the identification of the issuing authority of the State of the Operator.
4. Unique AOC number, as issued by the State of the Operator.
5. Date after which the AOC ceases to be valid (dd-mm-yyyy).
6. Replace by the operator's registered name.
7. Operator's trading name, if different. Insert "dba" before the trading name (for "doing business as").
8. Operator's principal place of business address.
9. Operator's principal place of business telephone and fax details, including the country code. E-mail to be provided if available.
10. The contact details include the telephone and fax numbers, including the country code, and the e-mail address (if available) at which operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew competency, dangerous goods and other matters as appropriate.
11. Insert the controlled document, carried on board, in which the contact details are listed, with the appropriate paragraph or page reference, e.g.:

"Contact details are listed in the operations manual, Gen/Basic, Chapter 1, 1.1" or

“... are listed in the operations specifications, page 1” or

“... are listed in an attachment to this document”.

12. Operator’s registered name.

13 Insertion of reference to the appropriate civil aviation regulations.

14. Issuance date of the AOC (dd-mm-yyyy).

15. Title, name and signature of the authority representative. In addition, an official stamp may be applied on the AOC

SECOND SCHEDULE

Regulations 30 (1) and 31 (2)

OPERATIONS SPECIFICATIONS

OPERATIONS SPECIFICATIONS

(subject to the approved conditions in the operations manual)

ISSUING AUTHORITY CONTACT DETAILS¹

Telephone: _____ Fax: _____

Email: _____

AOC#²: _____ Operator name³: _____ Date⁴: _____

Db trading name: _____

Aircraft registration and model⁵:

Types of operation: Commercial air transportation Passengers Cargo
 Other⁶: _____

Area(s) of operation⁷:

Special limitations⁸:

SPECIFIC APPROVAL	YES	NO	DESCRIPTION ⁹	REMARKS
Dangerous goods	<input type="checkbox"/>	<input type="checkbox"/>		
Low visibility operations	<input type="checkbox"/>	<input type="checkbox"/>		
Approach and landing	<input type="checkbox"/>	<input type="checkbox"/>	CAT ¹⁰ : _____ RVR: _____ m DH: _____ ft	
Take-off	<input type="checkbox"/>	<input type="checkbox"/>		
Operational credit(s)	<input type="checkbox"/>	<input type="checkbox"/>	RVR ¹¹ : _____ m	
			12	
RVSM ¹³	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> N/A				

EDTO ¹⁴	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> N/A			Thresholdtime ¹⁵ : ____ minutes
			Maximumdiversiontime ¹⁵ : _____ minutes
	<input type="checkbox"/>	<input type="checkbox"/>	es
ARnavigati onspecifica tions forPBNope rations			16
Continuing airworthine ss			17
EFB			18
Other ¹⁹	<input type="checkbox"/>	<input type="checkbox"/>	

Notes.—

1. Telephone and fax contact details of the authority, including the country code. Email to be provided if available.
2. Insert the associated AOC number.
3. Insert the operator's registered name and the operator's trading name, if different. Insert "dba" before the trading name (for "doing business as").
4. Issuance date of the operations specifications (dd-mm-yyyy) and signature of the authority representative.
5. Insert the Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, registration, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAOfaxonomyisavailableat:<http://www.intlaviationstandards.org/>.
6. Other type of transportation to be specified (e.g. emergency medical service).
7. List the geographical area(s) of authorized operation (by geographical coordinates or specific routes, flight information region or national or regional boundaries).
8. List the applicable special limitations(e.g. VFR only, day only).
9. List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).

10. *Insert the applicable precision approach category (CATII, IIIA, IIIB or IIIC). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.*
 11. *Insert the approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.*
 12. *List the airborne capabilities (i.e. automatic landing, HUD, EVS, SVS, CVS) and associated operational credit(s) granted.*
 13. *“Not applicable (N/A)” box may be checked only if the aircraft maximum ceiling is below FL290.*
 14. *If extended diversion time operations (EDTO) approval does not apply based on the provisions in Chapter 4.4.7, select “N/A”. Otherwise a threshold time and maximum diversion time must be specified.*
 15. *The threshold time and maximum diversion time may also be listed in distance (NM), as well as the engine type.*
 16. *Performance based navigation (PBN): one line is used for each PBN navigation specification approval (e.g. RNP APCH), with appropriate limitations listed in the “Description” column.*
 17. *Insert the name of the person/organization responsible for ensuring that the continuing airworthiness of the aircraft is maintained and the regulation that requires the work, i.e. within the AOC regulation or a specific approval (e.g. EC2042/2003, Part M, Subpart G).*
 18. *List the EFB functions with any applicable limitations.*
 19. *Other authorizations or data can be entered here, using one line (or one multi-line block) per authorization (e.g. special approach authorization, MNPS, approved navigation performance).*
-

THIRD SCHEDULE

Regulations 30 (1) and 31 (2)

OPERATIONS MANUAL

An operations manual shall include each item set forth below which is applicable to the specific operation, unless otherwise approved by the Authority.

1 ORGANISATION

An operations manual shall be organised with the following structure:

- (a) General;
- (b) Aircraft operating information;
- (c) Routes and aerodromes;
- (d) Training.

2 CONTENTS

The operations manual shall contain at the least the following—

- 2.1 General
 - 2.1.1 Instructions outlining the responsibilities of each member of the crew and the other members of the operating staff pertaining to the conduct of flight operations.
 - 2.1.2 Flight and duty time limitations and rest schemes for flight and cabin crew members.
 - 2.1.3 A list of the navigational equipment to be carried including any requirements relating to operations where performance-based navigation is prescribed.
 - 2.1.4 Where relevant to the operations, the long-range navigation procedures, engine failure procedure for EDTO and the nomination and utilisation of diversion aerodromes.
 - 2.1.5 The circumstances in which a radio listening watch is to be maintained.
 - 2.1.6 The method for determining minimum flight altitudes.
 - 2.1.7 The methods for determining aerodrome operating minima.
 - 2.1.8 Safety precautions during refuelling with passengers on board.
 - 2.1.9 Ground handling arrangements and procedures.
 - 2.1.10 Procedures for pilots-in-command when an accident is observed.
 - 2.1.11 The flight crew for each type of operation including the designation of the succession of command.
 - 2.1.12 Specific instructions for the computation of the quantities of fuel and oil to be carried, taking into account all circumstances of the operation

- including the possibility of loss of pressurisation and the failure of one or more engines while en route.
- 2.1.13 The conditions under which oxygen shall be used and the amount of oxygen determined in accordance with the Fourth Schedule of the ANO.
- 2.1.14 Instructions for mass and balance control.
- 2.1.15 Instructions for the conduct and control of ground de-icing/anti-icing operations.
- 2.1.16 The specifications for the operational flight plan.
- 2.1.17 Standard operating procedures(SOP)for each phase of flight.
- 2.1.18 Instructions on the use of normal checklists and the timing of their use.
- 2.1.19 Departure contingency procedures.
- 2.1.20 Instructions on the maintenance of altitude awareness and the use of automated or flight crew altitude call-out.
- 2.1.21 Instructions on the use of auto pilots and auto throttles in IMC.
- Note:* Instructions on the use of auto pilots and auto-throttles, together with 2.1.26 and 2.1.30, are essential for avoidance of approach and landing accidents and controlled flight into terrain accidents.
- 2.1.22 Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved.
- 2.1.23 Departure and approach briefings.
- 2.1.24 Procedures for familiarisation with areas, route and aerodromes.
- 2.1.25 Stabilised approach procedure.
- 2.1.26 Limitation on high rates of descent near the surface.
- 2.1.27 Conditions required to commence or to continue an instrument approach.
- 2.1.28 Instructions for the conduct of precision and non-precision instrument approach procedures.
- 2.1.29 Allocation of flight crew duties and procedures for the management of crew work load during night and IMC instrument approach and landing operations.
- 2.1.30 Instructions, training or awareness programmes, as appropriate for-
- (a) the avoidance of controlled flight into terrain and policy for the use of the ground proximity warning systems(GPWS);and
- (b) upset prevention of and recovery.
- 2.1.31 Policy, instructions, procedures and training requirements for the avoidance of collisions and the use of the airborne collision avoidance system (ACAS).

- 2.1.32 Information and instructions relating to the interception of civil aircraft including:
- (a) procedures, for pilots-in-command of intercepted aircraft; and
 - (b) visual signals for use by intercepting and intercepted aircraft.
- 2.1.33 For aeroplanes intended to be operated above 49000ft(15000m)—
- (a) information which will enable the pilot to determine the best course of action to take in the event of exposure to solar cosmic radiation;
 - (b) procedures in the event that a decision to descend is taken,
 - (i) the necessity of giving the appropriate ATS unit prior warning of the situation and of obtaining a provisional descent clearance;
 - (ii) the action to be taken in the event that communication with the ATS unit cannot be established or is interrupted; and
 - (c) procedures to maintain records such that the total cosmic radiation dose received by each crew member over a period of 12 consecutive months can be determined.
- 2.1.34 Information on the safety management system and related flight safety programs as are relevant to flight operations.
- 2.1.35 Information and instructions on the carriage of dangerous goods, including action to be taken in the event of an emergency. These shall include the labelling and marking of dangerous goods, the manner in which they must be loaded on or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods.
- 2.1.36 Guidance material on the development of policies and procedures for dealing with dangerous goods incidents on board aircraft is contained in Emergency Response Guidance for Aircraft Incidents involving Dangerous Goods(ICAODoc9481)
- 2.1.37 Security instructions and guidance.
- 2.1.38 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 suspicion exists that the aeroplane may be the object of an act of unlawful interference, supported by guidance on the 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 aircraft.
- 2.1.39 Instructions and training requirements for the use of head-up displays (HUD) and enhanced vision systems (EVS) equipment as applicable.
- 2.1.40 Instructions and training requirements for the use of the EFB, as

- applicable.
- 2.2 Aircraft operating information
- 2.2.1 Certification limitations and operating limitations.
- 2.2.2 The normal, abnormal and emergency procedures and checklists to be used by the flight crew.
- 2.2.3 Operating instruction sand information on climb performance with all engines operating.
- 2.2.4 Flight planning data for pre-flight and in-flight planning with different thrust/power and speed settings.
- 2.2.5 The maximum crosswind and tail wind components for each aeroplane type operated and the reductions to be applied to these value shaving regard to gusts, low visibility, runway surface conditions, crew experience, use of autopilot, abnormal or emergency circumstances, or any other relevant operational factors.
- 2.2.6 Instructions for aircraft loading and securing of load.
- 2.2.7 Aircraft systems, associated controls and instructions for their use
- 2.2.8 The minimum equipment list and configuration deviation list for the aeroplane types operated and specific operations authorised, including any requirements relating to operations in where performance-based navigation is prescribed.
- 2.2.9 Check list of emergency and safety equipment and instructions for their use.
- 2.2.10 Emergency evacuation procedures, including type specific procedures, crew coordination, assignment of crew's emergency positions and the emergency duties assigned to each crewmember.
- 2.2.11 The normal, abnormal and emergency procedures to be used by the cabin crew, the checklists relating thereto and aircraft systems information as required, including a statement related to the necessary procedures for the coordination between flight and cabin crew.
- 2.2.12 Survival and emergency equipment for different routes and the necessary procedures to verify its normal functioning before take-off, including procedures to determine the required amount of oxygen and the quantity available.
- 2.2.13 The ground-air visual signal code for use by survivors,
- 2.3 Routes, aerodromes and heliports
- 2.3.1 A route guide to ensure that the flight crew will have, for each flight, information relating to communication facilities, navigation aids, aerodromes, instrument approaches, instrument arrivals and instrument departures as applicable for the operation, and such other information as the operator may deem necessary for the

proper conduct off light operations.

2.3.2 The minimum flight altitudes for each route to be flown.

2.3.3 Aerodrome operating minima for each of the aerodromes that are likely to be used as aerodromes of intended landing or as alternate aerodromes.

2.3.4 The increase of aerodrome operating minima in case of degradation of approach or aerodrome facilities.

2.3.5 Instructions for determining aerodrome operating minima for instrument Approaches using HUD and EVS.

2.3.6 The necessary information for compliance with all flight profiles required by regulations, including but not limited to, the determination of—

- (a) take-off runway length requirements for dry, wet and contaminated conditions, including those dictated by system failures which affect the take-off distance;
- (b) take-off climb limitations;
- (c) en-route climb limitations;
- (d) approach climb limitations and landing climb limitations;
- (e) landing runway length requirements for dry, wet and contaminated conditions, including systems failures which affect the landing distance; and
- (f) supplementary information, such as tire speed limitations.

2.4 Training

2.4.1 Details of the flight crew training programme.

2.4.2 Details of the cabin crew duties training programme.

2.4.3 Details of the flight operations officer/flight dispatcher training programme when employed in conjunction with the operator's method off light supervision.

FOURTH SCHEDULE

Regulation 45(3)

CABIN CREWMEMBER MANUAL

- 1.0 General
 - 1.1 Manual record of revision sheet and effective list of pages
 - 1.2 How to use the manual
 - 1.3 Where to obtain revisions
 - 1.4 How to revise the manual
 - 1.5 Cabin crewmembers' responsibilities regarding the manual
- 2.0 Organization
 - 2.1 Duties and responsibilities of each airline employee
 - 2.2 Focal points for all company procedural and training manuals
- 3.0 Government Regulations and Requirements and Related Company Policies
 - 3.1 Routine/normal operating procedures
- 4.0 Passenger Handling
 - 4.1 Handicapped and disabled passengers
 - 4.2 Interference
 - 4.3 Current security procedures
 - 4.4 Carriage of assist animals versus carriage of pets (company policy)
- 5.0 General Emergency Procedures
 - 5.1 Decompression
 - 5.2 Procedures for planned and unplanned evacuation on land and in water
 - (a) Cabin preparation
 - (b) Securing of cabin and galley
 - (c) Review of passenger safety procedures and survival equipment
 - (d) Brace positions
 - (e) Able-bodies passenger briefing and procedures
 - 5.3 Brace Positions for Passengers and Crew
 - (a) Forward and aft seats
 - (b) High and low density seating
 - 5.4 Abnormal Procedures
 - (a) Engine torching
 - (b) Passenger initiation of evacuation

(c) Passenger reporting of unsafe conditions of aircraft or other passengers

5.5 Turbulence

6.0 First Aid

6.1 Illness and Injuries

6.2 Symptoms

6.3 Immediate Treatment

6.4 Universal Precautions

6.5 Blood borne Pathogens

6.6 Use of Medical Equipment and First Aid Equipment

7.0 Aircraft Specific Sections

(This should include one section for each type of aircraft to include differences within the same type of aircraft).

7.1 Description of Particular Aircraft from Nose to Tail—

(a) Description

(b) Operation

(c) Pre-flight of all equipment, including passenger convenience item through emergency equipment, stowage areas and placarding.

7.2 Reporting Procedures of Inoperative Equipment and Emergencies Procedures Specific to Each Aircraft Type.

8.0 International Rules/Regulations/Paperwork.

FIFTH SCHEDULE

Regulation 56(2)

FLIGHT SAFETY DOCUMENTS SYSTEM

1. Introduction

1.1 The guidelines in this Schedule address the major aspects of an operator's flight safety documents system development process, with the aim of ensuring compliance with these Regulations.

1.2 The guidelines are based not only upon scientific research, but also upon current best industry practices, with an emphasis on a high degree of operational relevance.

2. ORGANIZATION

2.1 A flight safety documents system shall be organized according to criteria, which ensure easy access to information, required for flight and ground operations contained in the various operational documents comprising the system and which facilitate management of the distribution and revision of operational documents.

2.2 Information contained in a flight safety documents system shall be grouped according to the importance and use of the information, as follows—

- (a) time critical information, e.g., information that can jeopardize the safety of the operation if not immediately available;
- (b) time sensitive information, e.g., information that can affect the level of safety or delay the operation if not available in a short time period;
- (c) frequently used information;
- (d) reference information, e.g., information that is required for the operation but does not fall under b) or c) above; and
- (e) information that can be grouped based on the phase of operation in which it is used.

2.3 Time critical information shall be placed early and prominently in the flight safety documents system.

2.4 Time critical information, time sensitive information, and frequently used information shall be placed in cards and quick-reference guides.

3. VALIDATION

A flight safety documents system shall be validated before deployment, under realistic conditions. Validation shall involve the critical aspects of the information use, in order to verify its effectiveness. Interactions among all groups that can occur during operations shall also be included in the validation process.

4. DESIGN

4.1 A flight safety documents system shall maintain consistency in terminology and in the use of standard terms for common items and actions.

4.2 Operational documents shall include a glossary of terms, acronyms and their standard definition, updated on a regular basis to ensure access to the most recent terminology. All significant terms, acronyms and abbreviations included in the flight documents system shall be defined.

4.3 A flight safety documents system shall ensure standardization across document types, including writing style, terminology, use of graphics and symbols, and formatting across documents. This includes a consistent location of specific types of information, consistent use of units of measurement and consistent use of codes.

4.4 A flight safety documents system shall include a master index to locate, in a timely manner, information included in more than one operational document.

The master index must be placed in the front of each document and consist of no more than three levels of indexing. Pages containing abnormal and emergency information must be tabbed for direct access.

4.5 A flight safety documents system shall comply with the requirements of the operator's quality system, if applicable.

5. DEPLOYMENT

Operators shall monitor deployment of the flight safety documents system, to ensure appropriate and realistic use of the documents, based on the characteristics of the operational environment and in a way which is both operationally relevant and beneficial to operational personnel. This monitoring shall include a formal feedback system for obtaining input from operational personnel.

6. AMENDMENT

6.1 Operators shall develop an information gathering, review, distribution and revision control system to process information and data obtained from all sources relevant to the type of operation conducted, including, but not limited to, the State of the Operator, State of design, State of Registry, manufacturers and equipment vendors.

Manufacturers provide information for the operation of specific aircraft that emphasizes the aircraft systems and procedures under conditions that may not fully match the requirements of operators. Operators shall ensure that such information meets their specific needs and those of the local authority.

6.2 Operators shall develop an information gathering, review and distribution system to process information resulting from changes that originate within the operator, including—

- (a) changes resulting from the installation of new equipment;
- (b) changes in response to operating experience;
- (c) changes in an operator's policies and procedures;
- (d) changes in an operator certificate; and
- (e) changes for purposes of maintaining cross fleet standardization.

Operators shall ensure that crew coordination philosophy, policies and procedures are specific to their operation.

6.3 A flight safety documents system shall be reviewed—

- (a) on a regular basis (at least once a year);
- (b) after major events (mergers, acquisitions, rapid growth, downsizing, etc.);
- (c) after technology changes (introduction of new equipment); and
- (d) after changes in safety regulations.

6.4 Operators shall develop methods of communicating new information. The specific methods shall be responsive to the degree of communication urgency.

As frequent changes diminish the importance of new or modified procedures, it is desirable to minimize changes to the flight safety documents system.

6.5 New information shall be reviewed and validated considering its effects on the entire flight safety documents system.

6.6 The method of communicating new information shall be complemented by a tracking system to ensure currency by operational personnel. The tracking system shall include a procedure to verify that operational personnel have the most recent updates.

SEVENTH SCHEDULE

Regulation 59

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 clearly identified.

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.

1.2 FRMS documentation

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

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

2. FATIGUE RISK MANAGEMENT PROCESSES

2.1 Identification of hazards

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—
 - (i) hazard reporting and investigations;
 - (ii) audits and surveys; and
 - (iii) reviews and fatigue studies;
- (b) provide a formal process for the management of change which shall include but is not limited to—
 - (i) identification of changes in the operational environment that may affect FRMS
 - (ii) identification of changes within the organization that may affect FRMS; and
 - (iii) 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—
 - (i) 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;
 - (ii) routine evaluations of facilities, equipment, documentation and procedures; and
 - (iii) 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—
 - (i) explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and
 - (ii) describes communication channels used to gather and disseminate FRMS-related information.

EIGHTH SCHEDULE

Regulation 110

PENALTIES

REG. NO.	TITLE	PART
4	Compliance with an Air Operator Certificate.	B
9	Amendment of an Air Operator Certificate.	A
10	Access for inspection.	A
11	Conducting tests and inspections.	A
17	Submission and revision of policy and procedure manuals	A
18	Retention and maintenance of personnel and other records.	A
19	Inspection of personnel and other records.	A
20	Flight recorders records.	A
22	Authorised aircraft.	B
23	Dry leasing of foreign registered aircraft.	A
35	Required cabin crewmembers	A
38	Carriage of special situation passengers.	A
54	Routes and areas of operation	A
55	En-route navigational facilities.	A
60	Maintenance responsibility	A
61	Approval and acceptance of AOC maintenance systems.	A
68	Maintenance release or maintenance section records of the technical log.	A
70	Aircraft maintenance programme.	A
78	Approval to transport dangerous goods.	B
79	Compliance with Technical Instructions.	A
80	Limitations on the transport of dangerous goods.	A
81	Classification of dangerous goods	A
82	Packing.	A
83	Labelling and marking.	A
84	Dangerous goods transport document.	A
85	Acceptance of dangerous goods.	A
86	Inspection for damage, leakage or contamination.	A
87	Removal of contamination.	A
88	Loading restrictions.	A
89	Provision of information.	A
91	Dangerous goods incident and accident reports	A
96	Possession of the licence.	A
97	Drug and alcohol testing and reporting.	A
98	Inspection of licences and certificates.	A
103	Use and retention of certificates and records.	B

Made on the 26th March, 2018.

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