

APPROVAL OF SUB-CHARTER

1.0 PURPOSE

This Advisory Circular (AC) is issued to provide information and guidance to an air operator/airline who intends to operate under sub-charter arrangement.

2.0 REFERENCES

- 2.1 Civil Aviation Act
- 2.2 Civil Aviation (Licensing of Air Services) Regulations

3.0 DEFINITIONS

- 3.1 For purposes of this Advisory Circular the following terms shall have the following meanings:
 - 3.1.1 **Sub-Charter means** a short-term wet lease arrangement under which an air carrier buys the entire space on an aircraft operated by another air operator usually on short notice.
 - 3.1.2 **Licence** means an authorization granted under Civil Aviation (Licensing of Air Services) Regulations.

4.0 GENERAL

This Advisory Circular contains information on requirements for sub-charter operations.

5.0 GUIDANCE AND PROCEDURE

- 5.1 This advisory circular provides information relating to the application of sub-charter approval between air operators.
- 5.2 The Authority will process sub-charter agreement between any of the following airlines:
 - (i) Between Kenyan Operators



(ii) Between Kenyan and Foreign Operators

5.3 Guidance and the Procedure for application and obtaining sub-charter approval are detailed here below:

5.3.1 The application for a sub-charter approval will be submitted to the Authority for consideration.

5.3.2 The Authority expects, at the minimum, the following copies of documents to be submitted for processing of sub-charter approvals:

- (i) Sub-Charter agreement
- (ii) Certificate of Insurance and Policy document
- (iii) AOCs and Operations specifications for both operators
- (iv) Certificate of Registration
- (v) Certificate of Airworthiness

5.3.3 Sub-charter agreement should include but not limited to the following details:

- (i) Duration of the sub-charter
- (ii) Roles of the Lessee and the lessor
- (iii) Parties to the lease agreement and their addresses
- (iv) Type, make, model and serial number of the sub-chartered aircraft
- (v) Route(s) for the sub-charter arrangement
- (vi) Flight details (flight number and departure time)
- (vii) Justification for the need to enter into the sub-charter agreement.

5.3.4 There will be an applicable processing fee for the approval of operation under sub charter agreement.

5.3.5 The Authority may, on a case-by-case basis, prescribe additional requirements relating to the sub-charter agreement approval.

5.3.6 The air operator undertaking operations under sub charter arrangement will ensure that the operations are undertaken in compliance with the terms and conditions of the Air Service Licence issued by KCAA.

5.3.7 The information in this Advisory Circular does not override any applicable Kenya's regulatory requirements.

5.3.8 Approval for the operation of a sub-charter agreement will be for a period not exceeding five (5) consecutive days.

5.3.9 A Sub-charter agreement will only be considered between operators where the Authority has oversight control.

5.3.10 Where the principal aircraft identified for the sub-charter operations is not available, the operator will provide a substitute aircraft type which offers the passenger(s) equal or better service at no extra charge.

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Civil Aviation Authority