



Advisory Circular

CAA-AC-ATD005

May, 2023

APPROVAL OF SUB-CHARTER

1.0 PURPOSE

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

2.0 REFERENCES

- 2.1 Civil Aviation Act 2013 (as amended)
- 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.

4.0 GENERAL

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

5.0 GUIDANCE AND PROCEDURE

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

- 5.1.1 The application for a sub-charter approval will be submitted to the Authority for consideration.
- 5.1.2 The Authority expects, at the minimum, the following copies of documents to be submitted for processing of sub charter approvals:
 - 5.1.2.1 Sub Charter agreement
 - 5.1.2.2 Certificate of Insurance and Policy document
 - 5.1.2.3 AOCs and Operations specifications for both operators
 - 5.1.2.4 Certificate of Registration
 - 5.1.2.5 Certificate of Airworthiness
- 5.1.3 Sub charter agreement should include but not limited to the following details:
 - 5.1.3.1 Duration of the sub-charter
 - 5.1.3.2 Roles of the Lessee and the lessor
 - 5.1.3.3 Parties to the lease agreement and their addresses
 - 5.1.3.4 Type, make, model and serial number of the sub chartered aircraft
 - 5.1.3.5 Route(s) for the sub-charter arrangement
 - 5.1.3.6 Flight details (flight number and departure time)
 - 5.1.3.7 Justification for the need to enter into the sub-charter agreement.
- 5.1.4 There will be an applicable processing fee for the approval of operation under sub charter agreement.
- 5.1.5 The Authority may, on a case by case basis, prescribe additional requirements relating to the sub charter agreement.
- 5.1.6 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.
- 5.1.7 The information in this Advisory Circular does not override any applicable Kenya's regulatory requirements.
- 5.1.8 Approval for the operation of a sub-charter agreement will be for a period not exceeding five (5) consecutive days.
- 5.1.9 A Sub-charter agreement will only be considered between operators where the Authority has oversight control.
- 5.1.10 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.