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THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (RULES OF THE AIR) REGULATIONS,  
2013

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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 Minister for Transport makes the following Regulations:—

THE CIVIL AVIATION (RULES OF THE AIR) REGULATIONS,  
2013

Citation.

1. These Regulations may be cited as the Civil Aviation (Rules of the Air) Regulations, 2013.

Interpretation.

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

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

“ADS-C agreement” means a reporting plan which establishes the conditions of ADS-C data reporting (i.e. data required by the air traffic services unit and frequency of ADS-C reports which have to be agreed to prior to using ADS-C in the provision of air traffic services). “advisory airspace” means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

“Advisory route” means a designated route along which air traffic advisory service is available.

“Aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

“Aerodrome control service” means air traffic control service for aerodrome traffic.

“Aerodrome control tower” means unit established to provide air traffic control service to aerodrome traffic.

“Aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome.

“aerodrome traffic zone” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic.

“aeronautical Information Publication (AIP)” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.

“aeronautical mobile service” means a mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate;

“aeronautical station (RR S1.81)” means land station in the aeronautical mobile service. In certain instances, an aeronautical station may be located, for example, on board a ship or on a platform at sea.

“aeroplane” means a 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;

“airborne collision avoidance system” means an aircraft system based on secondary surveillance radar transponder signals which operates independently of ground based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with secondary surveillance radar transponders;

“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 surface;

“air-ground control radio station” means an aeronautical telecommunication station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area.

“air-taxiing” means movement of a helicopter/VTOL (vertical take-off and landing) above the surface of an aerodrome, normally in ground effect and at a ground speed normally less than 37 km/h (20 kts).

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on instrument flight rules flight plans;

“air traffic control clearance” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

“air traffic control service” means a service provided for the purpose of—

(a) preventing collisions—

(i) between aircraft; and

(ii) on the maneuvering area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

“air traffic control unit” means an area control centre, approach control unit or aerodrome control tower;

“air traffic service” means flight information service, alerting service, air traffic advisory service, or air traffic control service;

“air traffic services airspaces” means airspaces of defined

dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

“air traffic services reporting office” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

“air traffic services route” means a specified route designed for channeling the flow of traffic as necessary for the provision of air traffic services;

“air traffic services unit” includes an air traffic control unit, flight information centre or air traffic services reporting office;

“airway” means a control area or portion thereof established in the form of a corridor;

“alerting service” means a service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing and includes the following—

- (a) take-off alternate; an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;
- (b) en-route alternate; an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;
- (c) Extended Range Operation by Turbine-engined Aeroplanes en-route alternate; a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en route in an Extended Range Operation by Turbine-engined Aeroplanes operation; and
- (d) destination alternate; an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“anti-collision light” means a flashing red or flashing white light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

“approach control service” means air traffic control service for arriving or departing controlled flights;

”approach control unit” means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

“appropriate air traffic services authority” means the relevant authority designated by the State responsible for providing air traffic services in the airspace concerned;

”appropriate authority” —

(a) in relation to flight over the high seas, means the relevant authority of the State of Registry

(b) in relation to flight other than over the high seas, means the relevant authority of the State having sovereignty over the territory being overflown;

“apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

“area control centre” means a unit established to provide air traffic control service to controlled flights in control areas under its jurisdiction;

”area control service“ means air traffic control service for controlled flights in control areas;

“Area navigation (RNAV)” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground- or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these.

“ATS route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services.

”Authority” means the Kenya Civil Aviation Authority;

“automatic dependent surveillance” means a surveillance technique in which aircraft automatically provide, via a data link, data derived from on-board navigation and position-fixing systems, including aircraft identification, four dimensional position and additional data as appropriate;

“Automatic dependent surveillance — broadcast (ADS-B)” means a means by which aircraft, aerodrome vehicles and other objects can automatically transmit and/or receive data such as identification, position and additional data, as appropriate, in a broadcast mode via a data link.

“Automatic dependent surveillance — contract (ADS-C)” means a means by which the terms of an ADS-C agreement will be exchanged between the ground system and the aircraft, via a data

link, specifying under what conditions ADS-C reports would be initiated, and what data would be contained in the reports.

“ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6 000 metres (20 000 feet) covering more than half the sky;

“changeover point” means the point at which an aircraft navigating on an air traffic services route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft;

“clearance limit” means the point to which an aircraft is granted an air traffic control clearance;

“command and control (C2) link” means the data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight.

“competent authority” in relation to Kenya, means the Authority and, in relation to any other state, the authority responsible under the law of that state for promoting the safety of civil aviation;

“control area” means a controlled airspace extending upwards from a specified limit above the earth;

“controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;

“controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification and covers air traffic services airspace Classes A, B, C, D and E as described in these regulations;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“Controller-pilot data link communications (CPDLC)” means a means of communication between controller and pilot, using data link for ATC communications.

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

“Cruise climb” means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases.

“cruising level” means a level maintained during a significant portion of a flight;

“current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;

“danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

“data link communications“ means a form of communication intended for the exchange of messages via a data link;

“Detect and avoid” means the capability to see, sense or detect conflicting traffic or other hazards and take the appropriate action.

“estimated off-block time” means the estimated time at which the aircraft will commence movement associated with departure;

“estimated time of arrival”

(a) for instrument flight rules flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome;

(b) for visual flight rules flights means the time at which it is estimated that the aircraft will arrive over the aerodrome;

“expected approach time” means the time at which air traffic control expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing;

“filed flight plan” means the flight plan as filed with an air traffic services unit by the pilot or a designated representative, without any subsequent changes;

“flight“ means in the case of—

(a) an aeroplane or glider, from the moment it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

(b) an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

“Flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

“flight information centre“ means a unit established to provide flight information service and alerting service;

“flight information region” means an airspace of defined dimensions within which flight information service and alerting service are provided;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;

“flight plan” means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;

“flight visibility” means the visibility forward from the cockpit of an aircraft in flight;

“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 visibility” means the visibility at an aerodrome, as reported by an accredited observer;

“heading” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

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

“height” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“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;

“IFR” means the symbol used to designate the instrument flight rules.

“IFR flight” means a flight conducted in accordance with the instrument flight rules.

“IMC” means the symbol used to designate instrument meteorological conditions.

“instrument approach procedure” means a series of pre-determined manoeuvres by reference to flight instruments, with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or enroute obstacle clearance criteria apply and is classified as follows-

- (a) non-precision approach procedure - an instrument approach procedure which utilizes lateral guidance but does not utilize vertical guidance.
- (b) approach procedure with vertical guidance - an instrument approach procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations.
- (c) precision approach procedure - an instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation;

“instrument meteorological conditions” means meteorological

conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“level” means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

“manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

“movement area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

“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;

“Operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation and in the context of remotely piloted aircraft, an aircraft operation includes the remotely piloted aircraft system.

“overtaking aircraft” means an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, so that it is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft left (port) or right (starboard) navigation lights;

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“pilot-in-command” 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;

“pressure-altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;

“Problematic use of substances” means the use of one or more psychoactive substances by aviation personnel in a way that:

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or
- (b) causes or worsens an occupational, social, mental or physical problem or disorder.

“prohibited area” means an airspace of defined dimensions,

above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

“Psychoactive substances” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.

“radiotelephony” means a form of radio communication primarily intended for the exchange of information in the form of speech;

“Remote pilot” means a person charged by the operator with duties essential to the operation of a remotely piloted aircraft and who manipulates the flight controls, as appropriate, during flight time.

“Remote pilot station” means the component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft.

“Remotely piloted aircraft (RPA)” means an unmanned aircraft which is piloted from a remote pilot station.

“Remotely piloted aircraft system (RPAS)” means a remotely piloted aircraft, its associated remote pilot station(s), the required command and control links and any other components as specified in the type design.

“repetitive flight plan” means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by air traffic services units;

“reporting point” means a specified geographical location in relation to which the position of an aircraft can be reported;

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

“RPA observer” means a trained and competent person designated by the operator who, by visual observation of the remotely piloted aircraft, assists the remote pilot in the safe conduct of the flight.

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“runway-holding position” means a designated position intended to protect—

- (a) a runway,
- (b) an obstacle limitation surface, or
- (c) an instrument landing system or microwave landing system critical area or sensitive area at which taxiing aircraft and

vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

“safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

secondary surveillance radar” means a surveillance radar system which uses interrogators and transponders

“simulated instrument flight“ means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft;

“signal area” means an area on an aerodrome used for the display of ground signals;

“special visual flight rules flight ” means a visual flight rules flight authorized by air traffic control to operate within a control zone in meteorological conditions below the visual meteorological conditions or at night;

“taxiing” means movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including-

- (a) aircraft stand taxilane - a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) apron taxiway - a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) rapid exit taxiway - a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times.

“terminal control area” means a control area normally established at the confluence of air traffic services routes in the vicinity of one or more major aerodromes.

“total estimated elapsed time”

- (a) for instrument flight rules flights means the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome;
- (b) for visual flight rules flights means the estimated time

required from take-off to arrive over the destination aerodrome;

“track” means the projection on the earth’s surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

“Traffic avoidance advice” means advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision.

“Traffic information” means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision.

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“VFR” means a symbol used to designate the visual flight rules.

“visual flight rules flight” means a flight conducted in accordance with the visual flight rules;

“visibility” for aeronautical purposes means the greater of-

- (a) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background;
- (b) the greatest distance at which lights in the vicinity of 1 000 candelas can be seen and identified against an unlit background;

“visual line-of-sight (VLOS) operation” means an operation in which the remote pilot or RPA observer maintains direct unaided visual contact with the remotely piloted aircraft.

“visual meteorological conditions” means meteorological conditions expressed in terms of visibility distance from cloud, and ceiling, equal to or better than specified minima.

“VMC” means the symbol used to designate visual meteorological conditions.

Compliance with Regulations.

3. (1) Every person and every aircraft, including state aircraft shall comply with these Regulations.

(2) Subject to the provisions of sub-regulation (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, these Regulations.

(3) If any departure from these Regulations is made for the purpose of avoiding immediate danger or in an emergency situation,

the pilot-in-command shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given without delay, and in any case within ten days thereafter, to the competent authority of the State in whose territory the departure was made with a copy of it to the Authority and the State of the Operator, and in the case of a Kenyan aircraft, if the departure was made over the high seas, to the Authority.

(4) Nothing in these Regulations shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

(5) The Authority may, for the purpose of promoting the safety of aircraft, make rules as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of aircraft which the Authority may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such rules.

Compliance with the rules of the air.

4. (1) A pilot in command of an aircraft either in flight or on the movement area of an aerodrome shall comply with the general rules and, in addition, when in flight, shall comply with either—

- (a) the visual flight rules; or
- (b) the instrument flight rules.

(2) A pilot in command of an aircraft shall, when operating under visual flight rules or instrument flight rules in classified air traffic services airspaces, comply with the requirements specified for such airspaces.

(3) A pilot in command of an aircraft may elect to fly in accordance with instrument flight rules in visual meteorological conditions or may be required to do so by the appropriate air traffic services authority.

Responsibility for compliance with the rules of the air.

5. (1) The pilot-in-command of an aircraft shall be responsible for the operation of the aircraft in accordance with these Regulations, except that he may depart from them in the interest of safety to the extent necessary—

- (a) to avoid immediate danger or in an emergency situation;
- (b) to comply with the law of any State other than Kenya within which the aircraft then is.

Pre-flight action.

6. The pilot-in-command of an aircraft shall before commencing a flight, become familiar with all available information appropriate to the intended operation and shall in addition include a careful study of available current weather reports and forecasts, for

flights away from the vicinity of an aerodrome and for all flights flying in accordance with instrument flight rules, taking into consideration fuel requirements and an alternative course of action if the flight cannot be completed as planned.

Authority of the pilot-in-command of an aircraft.

7. A pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command.

Problematic use of psychoactive substance.

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

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

Negligent or reckless operation of aircraft.

9. A person shall not willfully operate an aircraft, negligently or recklessly in a manner so as to endanger life or property.

Minimum heights.

10. (1) Subject to the provisions of sub-regulations (2), (3), (4) and (5)—

(a) a person shall not fly an aircraft, other than a helicopter, over any congested area of a city, town or settlement or over an open air assembly of persons below—

(i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or

(ii) a height of 1,000 feet above the highest fixed object within 600 metres of the aircraft,

whichever is the higher;

(b) a person shall not fly a helicopter below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit;

(c) except with the permission in writing of the Authority and in accordance with any condition therein specified, a person shall not fly a helicopter over a congested area of a city, town or settlement below a height of 1,000 feet above the highest fixed object within 600 metres of the helicopter;

(d) a person shall not fly an aircraft—

(i) over, or within one thousand metres of any assembly in the open air of more than one thousand persons assembled for the purpose of witnessing or participating in any organised event, except with the

permission in writing of the Authority and in accordance with any conditions therein specified and with the consent in writing of the organizers of the event; or

- (ii) below such height as would enable it to land clear of the assembly in the event of the failure of a power unit or if such an aircraft is towing a banner the height shall be calculated on the basis that the banner shall not be dropped within one thousand metres of the assembly:

Provided that where a person is charged with an offence under these Regulations by reason of a contravention of this sub-regulation, it shall be a good defence to prove that the flight of the aircraft over, or within one thousand metres of the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly; and

- (e) an aircraft shall not fly less than 500 feet above ground or water.

(2) The provisions of sub-regulation (1) (d) and (e) shall not apply—

- (a) to an aircraft which is being used for police purposes;

- (b) to the flight of an aircraft over or within 1,000 metres of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race contest or an exhibition of flying, if the aircraft is taking part in such a race, contest or exhibition or is engaged in a flight arranged by, or made with the consent in writing of, the organizers of the event, and the races, contest, exhibition or flight is approved by the Authority.

(3) The provisions of sub-regulation (1) (e) shall not apply to an aircraft which is being used for aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating provisions of the aerial work.

(4) The provisions of sub-regulation 1(a) shall not apply to—

- (a) an aircraft while it is landing or taking-off in accordance with normal aviation practice; or

- (b) a glider while it is hill-soaring.

(5) Nothing in this regulation shall prohibit any aircraft from—

- (a) taking off, landing or practising approaches to landing; or
- (b) flying for the purpose of checking navigational aids or procedures in accordance with normal aviation practice at a licensed or certificated aerodrome in Kenya or at any aerodrome in any other state; or
- (c) flying in such a manner as may be necessary for the purpose of saving life:

Provided that in the case of practising approaches to landing, such practising is confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(4) The provisions of this regulation shall not apply to any captive balloon or kite.

Acrobatic flight.

11. (1) A person shall not operate an aircraft in acrobatic flight except under conditions prescribed by the Authority and as indicated by relevant information, advice or clearance from the appropriate air traffic service unit.

(2) A person shall not operate an aircraft—

(a) in acrobatic flight—

- (i) over any city, town or settlement;
- (ii) over an open air assembly of persons;
- (iii) below an altitude of 1,500 feet above the surface; or
- (iv) when the flight visibility is less than five kilometres; or

(b) in manoeuvres exceeding a bank of sixty degrees or pitch of thirty degrees from level flight attitude unless all occupants of the aircraft are wearing parachutes packed by a qualified parachute rigger in the past twelve months.

Formation flights.

12. A person shall not fly an aircraft in a formation flight except by pre-arrangement among the pilots-in-command of the aircraft taking part in the flight and, for a formation flight in controlled airspace, in accordance with the conditions prescribed by the appropriate air traffic services authority, which conditions shall include—

- (a) the formation operates as a single aircraft with regard to navigation and position reporting;
- (b) separation between aircraft in the flight shall be the responsibility of the flight leader and the pilots-in-command of the other aircraft in the flight and shall include periods of transition when aircraft are manoeuvring to attain

their own separation within the formation flight and during join-up and break-away; and

- (c) a distance not exceeding 1 kilometre (0.5 nautical miles) laterally and longitudinally and 30 metres (100 feet) vertically from the flight leader shall be maintained by each aircraft.

Prohibited and restricted areas.

13. A person shall not operate an aircraft in a prohibited area or a restricted area, the particulars of which have been duly published in the Kenya Aeronautical Information Publication, except in accordance with the conditions of the restrictions or by permission granted by the Government of Kenya.

Right-hand traffic rule.

14. A person flying an aircraft within Kenya in sight of the ground and following a road, railway, canal or coastline, or any other line of landmark, shall keep such road, railway, canal, coastline, or other line of landmark on his left.

Flights over game parks, game reserves and national parks.

15. A person shall not operate an aircraft except for the purpose of take-off or landing below 1500 feet, above ground level when operating the aircraft over game parks, game reserves and national parks.

Dropping, spraying, towing and parachute descents.

16. A person shall not—

- (a) drop any article, substance or spray any substance from an aircraft in flight;
- (b) tow an aircraft or other object; or
- (c) make a parachute descent other than an emergency descent, except in accordance with conditions prescribed by the Authority and as indicated by relevant information, advice and clearance from the appropriate air traffic service unit.

Cruising levels.

17. (1) Cruising levels at which a flight or a portion of a flight is to be conducted shall be in terms of—

- (a) flight levels, for flights at or above the lowest usable flight level or, where applicable, above the transition altitude;
- (b) altitudes, for flights below the lowest usable flight level or, where applicable, at or below the transition altitude.

(2) Subject to sub-regulation (5), in order to comply with instrument flight rules, an aircraft when in level flight at or above 1,000 feet over land or water within controlled airspace shall be flown at a level appropriate to its magnetic track as specified in regulation 91.

(3) Subject to sub-regulation (5), in order to comply with instrument flight rules, an aircraft when in level flight at or above 1,000 feet over land or water outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with Table 1.

(4) Except where otherwise indicated in air traffic control clearances or specified by the Authority, flights conducted under visual flight rules in cruising flight when operated at or above 1000 feet from the ground or water shall be conducted at a flight level appropriate to its magnetic track in accordance with Table 1 below.

(5) The level of flight shall be measured by an altimeter set according to the system notified, or in the case of flight over a state other than Kenya, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

(6) An aircraft may be flown in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

TABLE 1 TABLE OF CRUISING LEVELS NON-REDUCED VERTICAL SEPARATION MINIMA AIRSPACE

TRACK*											
From 000 degrees to 179 degrees**						From 180 degrees to 359 degrees**					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres
010	1 000	300	-	-	-	020	2 000	600	-	-	-
030	3 000	900	035	3 500	1 050	040	4 000	1 200	045	4 500	1 350
050	5 000	1 500	055	5 500	1 700	060	6 000	1 850	065	6 500	2 000
070	7 000	2 150	075	7 500	2 300	080	8 000	2 450	085	8 500	2 600
090	9 000	2 750	095	9 500	2 900	100	10 000	3 050	105	10 500	3 200
110	11 000	3 350	115	11 500	3 500	120	12 000	3 650	125	12 500	3 800
130	13 000	3 950	135	13 500	4 100	140	14 000	4 250	145	14 500	4 400
150	15 000	4 550	155	15 500	4 700	160	16 000	4 900	165	16 500	5 050
170	17 000	5 200	175	17 500	5 350	180	18 000	5 500	185	18 500	5 650
190	19 000	5 800	195	19 500	5 950	200	20 000	6 100	205	20 500	6 250
210	21 000	6 400	215	21 500	6 550	220	22 000	6 700	225	22 500	6 850
230	23 000	7 000	235	23 500	7 150	240	24 000	7 300	245	24 500	7 450
250	25 000	7 600	255	25 500	7 750	260	26 000	7 900	265	26 500	8 100
270	27 000	8 250	275	27 500	8 400	280	28 000	8 550	285	28 500	8 700
290	29 000	8 850	300	30 000	9 150	310	31 000	9 450	320	32 000	9 750
330	33 000	10 050	340	34 000	10 350	350	35 000	10 650	360	36 000	10 950
370	37 000	11 300	380	38 000	11 600	390	39 000	11 900	400	40 000	12 200
410	41 000	12 500	420	42 000	12 800	430	43 000	13 100	440	44 000	13 400
450	45 000	13 700	460	46 000	14 000	470	47 000	14 350	480	48 000	14 650
490	49 000	14 950	500	50 000	15 250	510	51 000	15 550	520	52 000	15 850
etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.

\* Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.

\*\* Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.

*Operation of Remotely Piloted Aircraft Systems*

General operating rules for remotely piloted aircraft.

18. (1) A person shall not operate a remotely piloted aircraft in such a manner that will cause hazards to persons, property or other aircraft.

(2) A remotely piloted aircraft system (RPAS) engaged in international air navigation shall not be operated without appropriate authorization from the Authority.

(3) A remotely piloted aircraft shall not be operated across the territory of another State without special authorization issued by the State in which the flight is to operate, and this authorisation shall be subject to the conditions of an agreement between Kenya and the State concerned.

(4) The authorization referred to in sub regulation (3) shall be obtained prior to take-off if there is reasonable expectation, when planning the operation, that the aircraft may enter the airspace concerned.

(5) A remotely piloted aircraft shall not be operated over the high seas without prior coordination with the appropriate air traffic services unit.

(6) The authorization and coordination referred to in sub regulations (4) and (5) shall be obtained prior to take-off if there is reasonable expectation, when planning the operation, that the aircraft may enter the airspace concerned.

(7) A remotely piloted aircraft system registered in Kenya shall be operated in accordance with conditions specified by the Authority, and where operated elsewhere than in Kenya, shall be operated in accordance with conditions specified by the State in which the flight is to operate.

(8) An operator of a remotely piloted aircraft system shall submit a flight plan as required under Regulations 43 and 44.

(9) Remotely piloted aircraft system shall meet the performance and equipment carriage requirements for the specific airspace in which the flight is to operate.

Certification and licensing of remotely piloted aircraft systems.

19. (1) A remotely piloted aircraft system shall be approved taking into account the interdependencies of the components, in accordance with the civil aviation (instruments and equipment) regulations and in a manner consistent with the provisions of the related civil aviation regulations.

(2) A remotely piloted aircraft system shall have a certificate

of airworthiness issued in accordance with the civil aviation (airworthiness) regulations and shall be operated in accordance with a certificate issued under the civil aviation (operation of aircraft) Regulations, 2013.

(3) An operator of a remotely piloted aircraft system shall have a certificate issued in accordance with the Civil Aviation (Operation of Aircraft) Regulations.

(4) The remote pilot shall be licensed, or have a licence rendered valid, in accordance with Civil Aviation (Personnel Licensing) Regulations, 2013.

Request for  
authorization to  
operate an RPAS in  
Kenya.

20. (1) A request for authorization to operate a remotely piloted aircraft system shall be submitted to the Authority and shall include—

- (a) name and contact information of the operator;
- (b) remotely piloted aircraft characteristics (type of aircraft, maximum certificated take-off mass, number of engines, wing span);
- (c) copy of certificate of registration;
- (d) aircraft identification to be used in radiotelephony, if applicable;
- (e) copy of the certificate of airworthiness;
- (f) copy of the remotely piloted aircraft system operator certificate;
- (g) copy of the remote pilot(s) licence;
- (h) copy of the aircraft radio station licence, if applicable;
- (i) description of the intended operation (to include type of operation or purpose), flight rules, visual line-of-sight (VLOS) operation if applicable, date of intended flight(s), point of departure, destination, cruising speed(s), cruising level(s), route to be followed, duration/frequency of flight;
- (j) take-off and landing requirements;
- (k) remotely piloted aircraft performance characteristics, including—
  - (i) operating speeds;
  - (ii) typical and maximum climb rates;
  - (iii) typical and maximum descent rates;
  - (iv) typical and maximum turn rates;
  - (v) other relevant performance data (e.g. limitations regarding wind, icing, precipitation); and

- (vi) maximum aircraft endurance;
  - (l) communications, navigation and surveillance capabilities—
    - (i) aeronautical safety communications frequencies and equipment, including—
      - (aa) air traffic control communications, including any alternate means of communication;
      - (bb) command and control links (C2) including performance parameters and designated operational coverage area;
      - (cc) communications between remote pilot and RPA observer, if applicable;
    - (ii) navigation equipment; and
    - (iii) surveillance equipment (e.g. secondary surveillance radar (SSR) transponder, ADS-B out);
  - (m) detect and avoid capabilities;
  - (n) emergency procedures, including—
    - (i) communications failure with air traffic control;
    - (ii) C2 failure; and
    - (iii) remote pilot/RPA observer communications failure, if applicable;
  - (o) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;
  - (p) document attesting noise certification that is consistent with the provisions of the civil aviation (operation of aircraft) regulations if applicable;
  - (q) confirmation of compliance with national security standards in a manner that is consistent with the provisions of the civil aviation (security) regulations, to include security measures relevant to the RPAS operation, as appropriate;
  - (r) payload information/description; and
  - (s) proof of adequate insurance/liability coverage.
- (2) Where certificates or other documents identified in sub-regulation (1) are issued in a language other than English, an English translation shall be included.
- (3) The operator shall after obtaining the authorization, notify and coordinate with the appropriate air traffic services unit in accordance with requirements specified by the Authority.
- (4) Changes to the authorization shall be submitted to the Authority for approval and the operator shall notify such changes to the appropriate air traffic services unit.

Classification and  
general operating  
rules for unmanned  
free balloons.

21. (1) A person who operates an unmanned free balloon shall operate the balloon in such a manner as to minimize hazards to persons, property or other aircraft and in accordance with the conditions specified in this regulation.

(2) Unmanned free balloons shall be classified as—

(a) light: an unmanned free balloon which carries a pay load of one or more packages with a combined mass of less than 4 kilograms, unless qualifying as a heavy balloon under this paragraph;

(b) medium: an unmanned free balloon which carries a pay load of two or more packages with a combined mass of 4 kilogram or more but less than 6 kilograms unless qualifying as a heavy balloon under this paragraph;

(c) heavy: an unmanned free balloon which carries a pay load which—

(i) has a combined mass of 6 kilograms or more; or

(ii) includes a package of 3 kilograms or more; or

(iii) includes a package of 2 kilograms or more with an area density of more than 13 grams per square centimetre; or

(iv) uses a rope or other device for suspension of the pay load that requires an impact force of 230 newtons or more to separate the suspended pay load from the balloon, and the area density referred to in sub-paragraph (iii) shall be determined by dividing the total mass in grams of the pay load package by area, in square centimetres, of its smallest surface.

(3) An unmanned free balloon shall—

(a) not be operated without the permission of the Authority;

(b) not be operated across the territory of another State without the appropriate authorization from that other State unless it is a light balloon used exclusively for meteorological purposes which is operated in a manner prescribed by the Authority;

(c) be operated in accordance with conditions specified by the Authority while being flow over Kenyan territory;

- (d) be operated in such a manner as to minimize hazards to persons, property or other aircraft;
- (e) not be operated in such a manner that the impact of the balloon or any part thereof, including its pay load, with the surface of the earth would create a hazard to persons or property not connected with the operation;
- (f) where equipped with a trailing antenna that requires a force of more than 230 newtons to break it at any point, not to be operated unless the antenna has coloured pennants or streamers that are attached at not more than fifteen metre intervals, and the authorization referred to in paragraph (b) shall be obtained prior to the launching of the balloon if there is a reasonable expectation when planning the operation that the balloon may drift into airspace over the territory of another state, and the authorization may be obtained for a series of balloon flights or for a particular type of recurring flight such as atmospheric research balloon flights.

(4) A medium or heavy unmanned free balloon shall not be released in a manner that may cause it to fly lower than 300 m (1,000 feet) over the congested area of cities, towns, or settlements or an open air assembly of persons not associated with the operation.

(5) A heavy unmanned free balloon shall not be operated over the high seas without prior co-ordination with the appropriate air traffic services authority.

Operating limitations and equipment requirements for unmanned free balloons.

22. (1) A heavy unmanned free balloon shall not be operated—

- (a) without authorization from the appropriate air traffic services authority at or through any level below 18,000 metres (60,000 feet) pressure altitude at which—
  - (i) there are clouds or other obscuring phenomena of more than four oktas coverage; or
  - (ii) the horizontal visibility is less than 8 kilometres (5 miles);
- (b) unless—
  - (i) it is equipped with at least two pay load flight termination devices or systems, whether automatic or operating independently of each other;
  - (ii) in the case of polyethylene zero-pressure balloons at least two method systems, devices or combination thereof that function independently of each other are employed for terminating the flight of the balloon services;

- (iii) the balloon envelope is equipped with either a radar reflective device or radar reflective material that will present an echo to surface radar operating in the 200MHz to 2700MHz frequency range or the balloon is equipped with such other devices as shall permit continuous tracking by the operator beyond the range of ground-based radar.
  - (c) in an area where ground-based secondary surveillance radar equipment is in use, unless it is equipped with an transponder, with altitude reporting capability, which is continuously operating on an assigned code or which can be turned on when necessary by the tracking station;
  - (d) in an area where ground based ADS-B equipment is in use, unless it is equipped with an ADS-B transmitter, with pressure-altitude reporting capability, which is continuously operating or which can be turned on when necessary by the tracking station;
  - (e) below 18,000 metres (60,000 feet) pressure-altitude between sunset and sunrise or such other period between sunset and sunrise, corrected to the altitude of operation, as may be prescribed by the appropriate air traffic services authority unless the balloon and its attachments and pay load, whether or not they become separated during the operation, are lighted;
  - (f) below 18,000 metres (60,000 feet) pressure-altitude between sunset and sunrise where it is equipped with a suspension device, other than a highly conspicuous coloured open parachute, more than 15 metres long, unless the suspension device is coloured in alternate bands of highly conspicuous colours or has coloured pennants attached.
- (2) An unmanned free balloon that is equipped with a trailing antenna that requires a force of more than 230 N to break it at any point shall not be operated unless the antenna has coloured pennants or streamers that are attached at not more than 15 m intervals.

Termination of  
unmanned free  
balloon flight.

23. The operator of a heavy unmanned free balloon shall activate the appropriate termination devices required under sub-regulation (5)(c) —

- (a) when it becomes known that weather conditions are less than those prescribed for the operation;
- (b) if a malfunction or any other reason makes further operation hazardous to air traffic or to persons or property on the surface; or
- (c) prior to unauthorized entry into the airspace over another State's territory.

Notification of an  
unmanned free  
balloon flight.

24. (1) Early notification of the intended flight of a medium or heavy unmanned free balloon shall be made to the appropriate air traffic services unit not less than seven days before the date of the intended flight and shall include such of the following information as may be required by the appropriate air traffic services unit—

- (a) balloon classification and identification;
- (b) balloon flight identification or project code name;
- (c) secondary surveillance radar services code or non-directional radio beacon frequency as applicable;
- (d) the operator's name and telephone number;
- (e) launch site;
- (f) estimated time of launch or time of commencement and completion of multiple launches, if multiple launches;
- (g) expected direction of ascent;
- (h) cruising level (pressure altitude);
- (i) the estimated elapsed time to pass 18,000 metres (60,000 feet) together with the estimated location;
- (j) the estimated date and time of termination of the flight and the planned location of the impact or recovery area;

(2) In the case of balloons carrying out flights of long duration, as a result of which the date and time of termination of the flight and the location of the impact cannot be forecast with accuracy, the term long duration shall be used.

(3) Where the operation consists of continuous launchings, the time to be included is the estimated time at which the first and last launchings in the series will reach the appropriate level (for example, 122136Z-130330Z).

(4) If there is to be more than one location of impact or recovery, each location is to be listed together with the appropriate estimated time of impact, and, where there is to be a series of continuous impacts, the time to be included is the estimated time of the first and last series (for example, 070330Z-072300Z).

(5) Any changes in the pre-launch information notified in accordance with subregulation (1) shall be forwarded to the air traffic service unit concerned not less than six hours before the estimated time of launch or in the case of solar or cosmic disturbances investigations involving a critical time element, not less than thirty minutes before the estimated time of the commencement of the operation.

(6) Immediately after a medium or heavy unmanned free balloon is launched, the operator shall give the appropriate air traffic service unit the following information—

- (a) balloon flight identification;
- (b) launch site;
- (c) actual time of launch;
- (d) estimated time at which 18,000 metres (60,000 feet) pressure-altitude shall be passed, or the estimated time at which the cruising level shall be reached if at or below 18,000 metres (60,000 feet) and the estimated location;
- (e) any changes to the information previously given under this regulation.

(7) An operator shall notify the appropriate air traffic service unit immediately the operator knows that the intended flight of a medium or heavy unmanned free balloon previously notified in accordance with subregulation (6)(a) has been cancelled.

Unmanned free  
balloon recording  
and position  
reporting.

25. (1) An operator of a heavy unmanned free balloon—

- (a) operating at or below 18,000 metres (60,000 feet) pressure-altitude shall monitor the flight path of the balloon and forward reports of the balloon's position as requested by the air traffic service unit and unless the air traffic service unit require reports of the balloon's position at more frequently intervals the operator shall record the position every two hours;
- (b) operating above 18,000 metres (60,000 feet) pressure-altitude shall monitor the flight progress of the balloon and forward a report of the balloon's position

as requested by the air traffic service unit and unless the air traffic service unit require reports of the balloon's position at more frequent intervals the operator shall record the position every twenty-four hours,

and if the position cannot be recorded in accordance with paragraph (a) or (b) the operator shall immediately notify the appropriate air traffic service unit, which notification shall include the last recorded position and shall thereafter notify the appropriate air traffic service unit when the tracking of the balloon is re-established.

(2) An operator shall, one hour before the beginning of the planned descent of a heavy unmanned free balloon, forward to the appropriate air traffic service unit the following information regarding the balloon—

- (a) its current geographical position;
- (b) the current level (pressure-altitude);
- (c) the forecast time of penetrating of 18,000 metres (60,000 feet) pressure-altitude, if applicable; and
- (d) the forecast time and location of ground impact.

(3) The operator of a heavy or medium unmanned free balloon shall notify the appropriate air traffic service unit when the operation has ended.

Proximity to other aircraft.

26.A person shall not operate an aircraft in such proximity to other aircraft as to create a collision hazard.

Right-of-way rules in air operations.

27. (1) The pilot-in-command of an aircraft that has the right-of-way shall maintain the aircraft heading and speed, but nothing in this regulation shall relieve the pilot-in-command from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories provided by airborne collision avoidance system equipment, as will best avert collision.

(2) A pilot operating an aircraft shall maintain vigilance so as to see and avoid other aircraft, and where this regulation gives another aircraft the right-of-way, the pilot shall give way to that aircraft and shall not pass over, under, or in front of it unless well clear and taking into account the effect of aircraft wake turbulence.

(3) An aircraft in distress has the right-of-way over all other air traffic.

(4) When two aircraft are converging at approximately the same level, the aircraft that has the other on its right shall give way, except as follows-

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons;
- (d) power-driven aircraft shall give way to aircraft which are seen to be towing other aircraft or objects.

(5) An aircraft towing or refueling other aircraft has the right-of-way over all other engine-driven aircraft, except aircraft in distress.

(6) Where two aircraft are approaching head-on or nearly so, and there is danger of collision, each pilot shall alter course to the right.

(7) An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(8) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher level shall give way to aircraft at the lower level, but the latter shall not take advantage of this rule to cut in front of another which is in the final stages of an approach to land, or to overtake that aircraft,

Provided that—

- (a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and
- (b) when the pilot-in-command of an aircraft is aware that another aircraft is making an emergency landing, the pilot-in-command shall give way to that aircraft, and notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so;
- (c) power-driven heavier-than-air aircraft shall give way to gliders.

(9) An aircraft in flight, or operating on the ground or water, shall give way to aircraft landing or in the final stages of an approach to land.

(10) An aircraft that is aware that another is compelled to land shall give way to that aircraft.

Right of way rules in ground operations.

28. (1) This regulation shall apply to aeroplanes and vehicles on the movement area of a land aerodrome.

(2) Notwithstanding any air traffic control clearances, it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) Emergency vehicles proceeding to the assistance of aircraft in distress shall be afforded priority over all other surface movement traffic.

(4) (a) aircraft and vehicles shall give way to aircraft which are taking off or landing;

(b) vehicles towing aircraft shall give way to aircraft which are landing, taking off or taxiing;

(c) vehicles which are not towing aircraft shall give way to aircraft; and

(d) vehicles shall give way to other vehicles towing aircraft

(5) Subject to the provisions of sub-regulation (4) and of regulation 27(4), in case of danger of collision between two aircraft-

(a) when two aircraft are approaching head-on or approximately so, each aircraft shall stop or where practicable alter its course to the right so as to keep well clear;

(b) when two aircraft are on converging course, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

(c) an aircraft which is being overtaken shall have the right-of-way, and the overtaking aircraft shall keep out of the way of the other aircraft by altering its course to the left until that other aircraft has been passed and is clear, notwithstanding any change in the relative position of the two aircraft;

(d) an aircraft taxiing on the manoeuvring area of an aerodrome shall give way to aeroplanes taking off or about to take off.

(6) Subject to the provisions of sub-regulation (4)(b) a vehicle shall—

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle; and

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

(7) An aircraft taxiing on the manoeuvring area shall stop and hold at all runway-holding positions unless otherwise authorized by the aerodrome control tower.

(8) An aircraft taxiing on the manoeuvring area shall stop and hold at all lighted stop bars and may proceed further when the lights are switched off.

(9) An aircraft taxiing on the manoeuvring area of an aerodrome shall give way to aircraft taking off or about to take off.

(10) For the purpose of these regulations, an overtaking aircraft is an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, i.e. is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft's left (port) or right (starboard) navigation lights.

Right-of-way rules in water operations.

29. (1) A person operating an aircraft on the water shall, in so far as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right-of-way by this regulation.

(2) When aircraft, or an aircraft and a vessel, approach one another and there is a risk of collision, the aircraft shall proceed with careful regard to existing circumstances and conditions, including the limitations of the respective craft.

(3) Where aircraft, or an aircraft and a vessel, are converging courses, the aircraft or vessel which has another to its right shall give way so as to keep well clear.

(4) Where aircraft, or an aircraft and a vessel, are approaching head-on, or nearly so, each shall alter its course to the right to keep well clear.

(5) An aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear.

Lights to be displayed by aircraft.

30. (1) For the purposes of this regulation the following terms shall have the following meanings—

(a) angles of coverage—

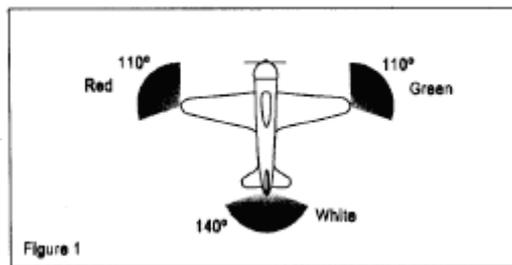
(i) angle of coverage A is formed by two intersecting vertical planes making angles of 70 degrees to the right and 70 degrees to the left respectively,

looking aft along the longitudinal axis to a vertical plane passing through the longitudinal axis;

- (ii) angle of coverage F is formed by two intersecting vertical planes making angles of 110 degrees to the right and 110 degrees to the left respectively, looking forward along the longitudinal axis to a vertical plane passing through the longitudinal axis;
  - (iii) angle of coverage L is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aeroplane, and the other 110 degrees to the left of the first, when looking forward along the longitudinal axis;
  - (iv) angle of coverage R is formed by two intersecting vertical planes, one parallel to the longitudinal axis of the aeroplane, and the other 110 degrees to the right of the first, when looking forward along the longitudinal axis;
- (b) horizontal plane- the plane containing the longitudinal axis and perpendicular to the plane of symmetry of the aeroplane;
  - (c) longitudinal axis of the aeroplane- a selected axis parallel to the direction of the flight at a normal cruising speed, and passing through the centre of gravity of the aeroplane;
  - (d) making way- an aeroplane on the surface of the water is making way when it is under way and has a velocity relative to the water;
  - (e) under command- an aeroplane on the surface of the water is under command when it is able to execute manoeuvres as required by the Convention on the International Regulations for Prevention of Collisions at Sea, 1972 for the purpose of avoiding other vessels;
  - (f) under way- an aeroplane on the surface of the water is under way when it is not aground or moored to the ground or to any fixed object on the land or in the water;
  - (g) vertical planes- planes perpendicular to the horizontal plane;
  - (h) visible- visible on a dark night with a clear atmosphere;

(2) An aircraft when in flight shall be equipped with the following navigation lights as illustrated in Figure 1-

- (a) a red light projected above and below the horizontal plane through angle of coverage L;
- (b) a green light projected above and below the horizontal plane through angle of coverage R; and
- (c) a white light projected above and below the horizontal plane rearward through angle of coverage A.



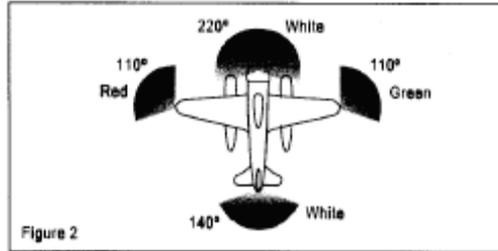
(3) The following lights shall be displayed on the water in each of the following circumstances-

- (a) when under way, appearing as steady unobstructed lights, as illustrated in Figure 2-
  - (i) a red light projected above and below the horizontal through angle of coverage L;
  - (ii) a green light projected above and below the horizontal through angle of coverage R;
  - (iii) a white light projected above and below the horizontal through angle of coverage A; and
  - (iv) a white light projected through angle of coverage F.

Provided that—

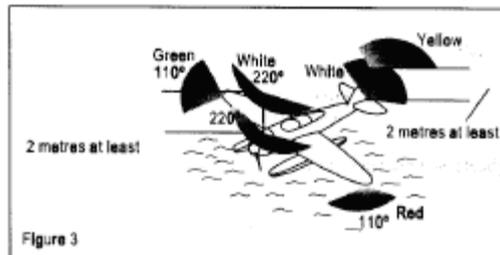
- (aa) the lights described in (3) (a)(i), (ii) and (iii) shall be visible at a distance of at least 3.7 kilometres (2 nautical miles); and
- (bb) the light described in (3)(a)(iv) should be visible at a distance of 9.3 kilometres (5 nautical miles) when fitted to an aeroplane of 20 metres or more in length or visible at a distance of 5.6 kilometres (3 nautical miles) when

fitted to an aeroplane of less than 20 metres in length.

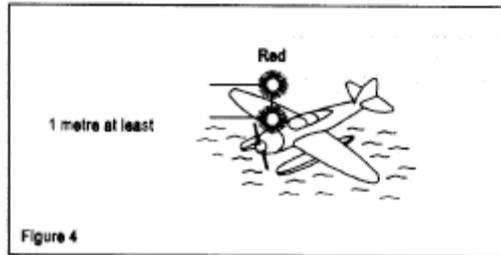


(b) When towing another vessel or aeroplane, appearing as steady unobstructed lights, as illustrated in Figure 3-

- (i) the lights described in (3)(a);
- (ii) a second light having the same characteristics as the light described in (3)(a)(iv) and mounted in a vertical line at least 2 metres above or below it; and
- (iii) a yellow light having otherwise the same characteristics as the light described in (3) (a) (iii) and mounted in a vertical line at least 2 metres above it.

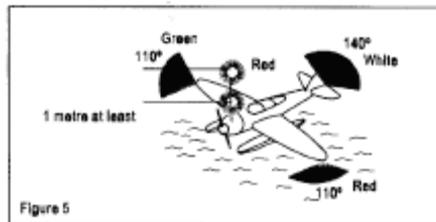


- (c) when being towed, appearing as steady unobstructed lights, the lights described in (3)(a)(i) to (iii);
- (d) when not under command and not making way, as illustrated in Figure 4, two steady red lights placed where they can best be seen, one vertically over the other and not less than 1 m apart, and of such a character as to be visible all around the horizon at a distance of at least 3.7 kilometres (2 nautical miles).



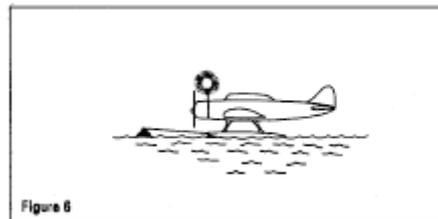
- (e) when making way but not under command, as illustrated in Figure 5, the lights described in (3)(d) plus the lights described in (3)(a)(i) to (iii):

Provided that the display of lights prescribed in (3)(d) and (3)(e) shall be taken by other aircraft as signals that the aeroplane showing them is not under command and cannot therefore get out of the way and are not signals aeroplanes in distress and requiring assistance.

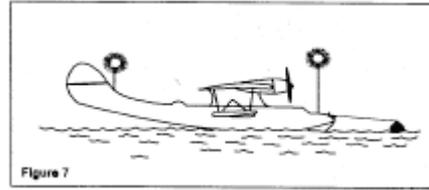


- (f) when at anchor

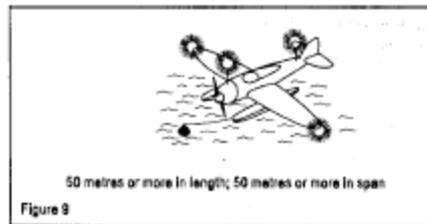
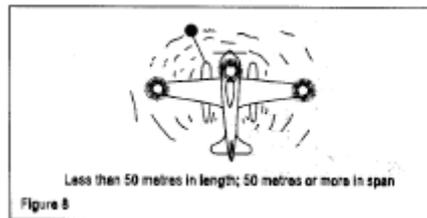
- (i) if less than 50 metres in length, where it can best be seen, a steady white light, as illustrated in Figure 6, visible all around the horizon at a distance of at least 3.7 kilometres (2 nautical miles).



- (ii) 50 metres or more in length, where they can best be seen, a steady white forward light and a steady white rear light, as illustrated in Figure 7, both visible all around the horizon at a distance of at least 5.6 kilometres (3 nautical miles).



- (iii) 50 metres or more in a span steady white light on each side, as illustrated in Figures 8 and 9, to indicate the maximum span and visible, so far as practicable, all around the horizon at a distance of at least 1.9 kilometres (1 nautical miles).



- (g) when aground, the lights prescribed in (3)(f) and in addition two steady red lights in vertical line, at least 1 metre apart so placed as to be visible all around the horizon.

Failure of lights by night.

31. In the event of the failure of any light which is required by these Regulations to be displayed at night, if the light cannot be immediately repaired or replaced the pilot-in-command shall not depart from the aerodrome and, if in flight, shall land as soon as in his opinion he can safely do so, unless authorised by the appropriate air traffic control unit to continue the flight.

Conditions for lights to be displayed by an aircraft.

32. (1) Except as provided by sub-regulation (5), a pilot-in-command when operating an aircraft during the period from sunset to sunrise or any other period which may be prescribed by the Authority shall display—

- (a) anti-collision lights intended to attract attention to the aircraft; and
- (b) navigation lights intended to indicate the relative path of

the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights.

(2) Except as provided by sub-regulation (5), from sunset to sunrise or during any other period prescribed by the Authority-

- (a) all aircraft moving on the movement area of an aerodrome shall display navigation lights intended to indicate the relative path of the aircraft to an observer and other lights shall not be displayed if they are likely to be mistaken for these lights;
- (b) unless stationary and otherwise adequately illuminated, all aircraft on the movement area of an aerodrome shall display lights intended to indicate the extremities of their structure;
- (c) all aircraft operating on the movement area of an aerodrome shall display lights intended to attract attention to the aircraft; and
- (d) all aircraft on the movement area of an aerodrome whose engines are running shall display lights which indicate that fact.

(3) Except as provided by sub-regulation (5), all aircraft in flight and fitted with anti-collision lights to meet the requirement of sub-regulation (1) (a) shall display such lights also outside the period specified in sub-regulation (1).

(4) Except as provided by sub-regulation (5), all aircraft-

- (a) operating on the movement area of an aerodrome and fitted with anti-collision lights to meet the requirement of sub-regulation (2)(c); or
- (b) on the movement area of an aerodrome and fitted with lights to meet the requirement of sub-regulation (2)(d);

shall display such lights also outside the period specified in sub-regulation (2).

(5) A pilot-in-command shall be permitted to switch off or reduce the intensity of any flashing lights fitted to meet the requirements of sub-regulations (1), (2), (3) and (4) if they do or are likely to-

- (a) adversely affect the satisfactory performance of duties; or
- (b) subject an outside observer to harmful dazzle.

Balloons, kites, airships, gliders and parascending parachutes.

33. (1) A person shall not-

- (a) fly a captive balloon or kite at a height of more than 200 feet above the ground level or within 200 feet of any vessel, vehicle or structure;
- (b) fly a captive balloon within 3 nautical miles of an aerodrome;
- (c) fly a balloon exceeding 6 feet in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, in controlled airspace;
- (d) fly a kite within 3 nautical miles of an aerodrome;
- (e) moor an airship;
- (f) fly a free balloon at night; or
- (g) launch a glider or parascending parachute by winch and cable or by ground tow to a height of more than 60 metres above ground level;

without the permission in writing of the Authority, and in accordance with any conditions subject to which the permission may be granted.

(2) A captive balloon when in flight shall not be left unattended unless it is fitted with a device which ensures automatic deflation if it breaks.

Captive balloons and kites.

34. (1) A person flying a captive balloon or kite at night at a height exceeding 200 feet above the surface shall ensure that the captive balloon or kite displays lights as follows-

- (a) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candelas and showing in all directions, the white light being placed not less than fifteen feet or more than thirty feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 1,000 feet measured from the group of lights referred to in paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base;

- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measured at least 80 feet, one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights, the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 200 feet above the surface shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches wide.

(3) A kite flown in the circumstances referred to in sub-regulation (2) shall have attached to its mooring cable either-

- (a) tubular streamers as specified in sub-regulation (2); or
- (b) at intervals of not more than 300 feet measured from the lowest part of the kite, not less than thirty streamers of thirty two inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

Airships.

35.(1) Except as provided in sub-regulation (2), an airship while flying at night shall display the following steady lights-

- (a) a white light of at least five candelas showing through angles of 110 degrees from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candelas showing to the starboard side through an angle of 110 degrees from dead ahead in the horizontal plane;
- (c) a red light of at least five candelas showing to the port side through an angle of 110 degrees from dead ahead in the horizontal plane; and
- (d) a white light of at least five candelas showing through angles of 70 degrees from dead ahead astern to each side in the horizontal plane.

(2) A person flying an airship at night shall ensure that the airship displays, if it is not under command, or has its engines voluntarily stopped, or is being towed, the following steady lights-

- (a) the white lights referred to in sub-regulations (1)(a) and (1)(d);
- (b) two red lights, each of at least five candles and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least twenty five feet below the control car; and
- (c) if an airship is making way but not otherwise, the green and red lights referred to in sub-regulation (1)(b) and (1)(c):

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in sub-regulation (1).

(3) An airship, while moored within Kenya by night, shall display the following lights-

- (a) when moored to a mooring mast, at or near the rear, a white light of at least five candelas showing in all directions; and
- (b) a white light of at least five candelas showing through angles of 70 degrees from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has its engines voluntarily stopped, or is being towed, shall display two black balls suspended below the control car so that one is at least twelve feet above the other and at least twenty five feet below the control car.

(5) For the purpose of this regulation-

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Regulations;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

Anti-collision light.

36. (1) When operating by day, an aircraft fitted with an anti-collision light shall display such light in flight.

(2) An aircraft shall display, when stationary on the apron by day or night with engines running, a red anti-collision light when fitted.

(3) When operating by night all aircraft shall display anti-collision lights, intended to attract attention to the aircraft.

(4) When operating an anti-collision light, the light shall be a flashing or rotating red light which shall show in all directions

within 30 degrees above and 30 degrees below the horizontal plane of the aircraft.

(5) In the event of a failure of anti-collision light when flying by day, an aircraft may continue to fly provided that the lights are repaired at the earliest practicable opportunity.

Simulated instrument flight conditions.

37. (1) A person shall not operate an aircraft in simulated instrument flight conditions unless-

(a) that aircraft has fully functioning dual controls;

(b) a qualified pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument conditions; and

(c) the safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which the observer's field of vision adequately supplements the vision of the safety pilot.

(2) A person shall not engage in simulated instrument flight conditions during commercial air transport operations.

Practice instrument approaches.

38. An aircraft shall not carry out instrument approach practices when flying in visual meteorological conditions unless-

(a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and

(b) if the flight is not being carried out in simulated instrument flight conditions, an observer approved by the Authority is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

Operation on and in the vicinity of an aerodrome not having air traffic control units.

39.(1) A person shall not fly within a zone which the pilot-in-command knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome which does not have an air traffic control unit, except for the purpose of taking off, landing or observing the signals in the signals area with a view to landing, and an aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) A pilot in command an aircraft operating on, or in the vicinity of an aerodrome shall, whether or not within an aerodrome traffic zone:

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise instructed;
- (d) land and take off into the wind unless safety, the runway configuration, or air traffic considerations determine that a different direction is preferable.

(3) A person shall not land an aircraft on a runway at such an aerodrome unless the runway is clear of other aircraft.

(4) Where takeoffs and landings are not confined to a runway-

(a) an aircraft when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off, and if such aircraft is obliged to turn, it shall turn to the left after the pilot-in-command of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(b) an aircraft about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take off.

(5) An aircraft after landing shall move clear of the landing area in use as soon as it is possible to do so.

Operation within an aerodrome traffic zone.

40. (1) A pilot-in-command shall not fly the aircraft within a zone which the pilot-in-command knows or ought reasonably to know to be the aerodrome having an air traffic control unit except for the purpose of taking off, landing or observing the signals area with a view to landing, unless the pilot-in-command has the permission of the appropriate air traffic control unit.

(2) A pilot-in-command of an aircraft flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall-

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;

(b) not taxi, take off or land except with the permission of the air traffic control unit; and

Operations on or in the vicinity of a controlled aerodrome.

- (c) comply with the provisions of regulation 20 as if the aerodrome did not have an air traffic control unit, unless the pilot-in-command has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.

41. (1) A person shall not operate an aircraft to, from, through, or on an aerodrome having an operational control tower unless two-way communication is maintained between that person and the control tower.

(2) When arriving at an aerodrome, a pilot-in-command shall establish communications required by sub-regulation (1), prior to four nautical miles from the aerodrome, when operating from the surface up to and including 2,500 feet.

(3) When departing from an aerodrome, a pilot-in-command shall establish communications with the control tower prior to taxi.

(4) A person shall not, at any aerodrome with an operating control tower, operate an aircraft on a runway or taxiway or takeoff or land an aircraft, unless an appropriate clearance has been received from the air traffic control unit.

(5) A clearance to -

(a) the takeoff runway-

(i) is not a clearance to cross or taxi on to that runway; and

(ii) authorises the pilot-in-command to cross other runways during the taxi to the assigned runway;

(b) any other point on the aerodrome is a clearance to cross all runways that intersect the taxi route to the assigned point.

(6) If the radio fails or two-way communication is lost, a pilot-in-command may continue a visual flight rules flight operation and land if-

(a) the weather conditions are at or above basic visual flight rules minimums; and

(b) clearance to land is received by light signals.

(7) During instrument flight rules operations, the two-way communications failure procedures prescribed in regulation 71 shall apply.

Access to and movement in the manoeuvring area.

42. (1) A person shall not enter the manoeuvring area of an aerodrome or drive a vehicle on the manoeuvring area of an aerodrome without the permission of the aerodrome control tower in

the case of a controlled aerodrome, or in the case of an uncontrolled aerodrome, the person in charge of the aerodrome, and in accordance with any conditions subject to which that permission may have been granted.

(2) A person shall not move, or move a vehicle on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purpose of this regulation may be granted either in respect of persons or vehicles generally or in respect of any particular person or vehicle or any class of persons or vehicles.

#### *Flight plans*

Pre-flight action.

43. (1) A pilot-in-command shall, before commencing a flight, be familiar with all available information appropriate to the intended operation.

(2) Pre-flight action by a pilot-in-command, for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules, shall include-

- (a) a careful study of available current weather reports and forecasts taking into consideration fuel requirements; and
- (b) an alternative course of action if the flight cannot be completed as planned.

(3) A pilot-in-command who is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the pilot-in-command to obtain indicates that he will arrive at that aerodrome when the ground visibility is less than eight kilometres or the cloud ceiling is less than 1,500 feet, unless the pilot-in-command has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

Flight plan.

44. Except as authorised by the Authority a person shall not commence a flight if he has not filed a flight plan.

Submission of a flight plan.

45. (1) Information relating to an intended flight or portion of a flight, to be provided to air traffic services units, shall be in the form of a flight plan.

(2) A pilot-in-command shall, prior to operating one of the following, file a flight plan for-

- (a) any flight, or portion thereof, to be provided with air traffic control service;
- (b) any flight to be conducted under instrument flight rules flight within advisory airspace;
- (c) any flight within or into designated areas, or along designated routes, when so required by the appropriate air traffic services authority to facilitate the provision of flight information, alerting and search and rescue services;
- (d) any flight within or into designated areas, or along designated routes, when so required by the appropriate air traffic services authority to facilitate co-ordination with appropriate military units or with air traffic control units in adjacent states in order to avoid the possible need for interception for the purpose of identification;
- (e) any flight across international borders; and
- (f) any flight departing from an aerodrome manned by the Authority.

(3) A pilot-in-command shall submit a flight plan before departure to the appropriate air traffic services reporting office or during flight, transmit to the appropriate air traffic services unit or air-ground control radio station, unless arrangements have been made for submission of a repetitive flight plan.

(4) Unless otherwise prescribed by the Authority, a pilot-in-command shall submit a flight plan to the appropriate air traffic services unit-

- (a) at least sixty minutes before departure and shall be valid for sixty minutes for instrument flight rules flights or one hundred and twenty minutes for visual flight rules flights; or
- (b) if submitted during flight, at a time which shall ensure its receipt by the appropriate air traffic control unit at least ten minutes before the aircraft is estimated to reach the-
  - (i) intended point of entry into a control area or advisory airspace; or
  - (ii) point of crossing an airway or advisory route.

(5) Where a Through Flight Plan, containing such particulars

as may be notified is submitted to and accepted by an air traffic services unit in respect of a flight through a number of intermediate aerodromes, this regulation shall be deemed to have been satisfied in respect of each sector of the flight.

(6) An air traffic control unit may exempt the pilot-in-command from the requirements of this regulation in respect of an intended flight which is to be made in a notified local flying area and in which the aircraft will return to the aerodrome of departure without making an intermediate landing.

(7) In order to comply with the instrument flight rules, before an aircraft either takes off from a point within any controlled airspace, or enters any controlled airspace, or in other circumstances prescribed for this purpose, the pilot-in-command shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(8) The pilot-in-command after he has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves that controlled airspace.

Contents of a flight plan.

46.(1) A person filing an instrument flight rules or visual flight rules flight plan shall include in it the following information-

- (a) aircraft identification;
- (b) flight rules and type of flight;
- (c) number and type of aircraft and wake turbulence category;
- (d) equipment;
- (e) departure aerodrome
- (f) estimated off-block time;
- (g) cruising speed;
- (h) cruising level;
- (i) route to be followed;
- (j) destination aerodrome and total estimated elapsed time;

- (k) alternate aerodrome;
- (l) fuel endurance;
- (m) total number of persons on board;
- (n) emergency and survival equipment; and
- (o) other information.

(2) A flight plan submitted under these regulations shall contain information, as applicable-

- (i) on relevant items up to and including an alternate aerodrome regarding the whole route or the portion thereof for which the flight plan is submitted; and
- (ii) on all other items when so prescribed by the Authority or when otherwise deemed necessary by the person submitting the flight plan.

Changes to a flight plan.

47. (1) Where a change occurs to a flight plan submitted for an instrument flight rules flight or a visual flight rules flight operated as a controlled flight, the pilot-in-command shall report that change as soon as practicable to the appropriate air traffic services unit.

(2) In the case of a visual flight rules flight other than that operated as a controlled flight, the pilot-in-command shall report significant changes to a flight plan as soon as practicable to the appropriate air traffic services unit.

(3) Any information submitted prior to departure regarding fuel endurance or total number of persons carried on board, if incorrect at the time of departure, constitutes a significant change to the flight plan and as such shall be reported.

Closing a flight plan.

48.(1) A pilot-in-command shall make a report of arrival in person or by radio or via data link to the appropriate air traffic services unit at the earliest possible moment after landing at the destination aerodrome, unless air traffic control automatically closes the flight plan.

(2) When a flight plan has been submitted only in respect of a portion of a flight, other than the remaining portion of a flight to destination, the pilot-in-command shall, when required, close it by an appropriate report to the relevant air traffic services unit.

(3) When no air traffic services unit exists at the arrival aerodrome, the pilot-in-command shall contact the nearest air traffic

services unit to close the flight plan immediately after landing and by the quickest means available.

(4) When communication facilities at the arrival aerodrome are known to be inadequate and alternate arrangements for the handling of arrival reports on the ground are not available, the pilot-in-command shall immediately prior to landing, transmit to the appropriate air traffic services unit, a message comparable to an arrival report, where such a report is required.

(5) The transmission referred to in sub-regulation (4) shall normally be made to the aeronautical station serving the air traffic services unit in charge of the flight information region in which the aircraft is operated.

(6) A pilot-in-command shall include the following elements of information in his arrival reports-

- (a) aircraft identification;
- (b) departure aerodrome;
- (c) destination aerodrome, in the case of a diversionary landing;
- (d) arrival aerodrome; and
- (e) time of arrival.

(7) A pilot-in-command of an aircraft who has caused notice of the aircraft intended arrival at any aerodrome to be given to the air traffic services unit or other authority at that aerodrome shall ensure that the air traffic services unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of forty five minutes or more.

#### *Signals*

Universal aviation signals.

49.(1) Where a signal is given or displayed, or whenever any marking specified in regulations 54, 55, 56 and 57 is displayed by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, the signal shall, when given or displayed in Kenya, have the meaning assigned to it, and no other signals likely to be confused with them shall be used.

(2) Upon observing or receiving any of the signals specified in sub-regulation (1), a pilot-in-command shall take such action as may be required by the interpretation of the signal specified in these Regulations.

(3) A signalman shall be responsible for providing standard marshalling signals to an aircraft in a clear and precise manner using the signals shown in these Regulations.

(4) A person shall not guide an aircraft unless that person is trained, qualified and approved by the relevant appropriate authority to carry out the functions of a signalman.

(5) A signalman shall wear a distinctive fluorescent identification vest to allow the flight crew to identify that he is the person responsible for the marshalling operation.

(6) Daylight-fluorescent wands, table-tennis bats or gloves shall be used for all signaling by all participating ground staff during daylight hours, while illuminated wands shall be used at night or in low visibility.

(7) None of the provisions in these Regulations shall prevent the use by an aircraft in distress of any means at its disposal to attract attention and make known its position.

Distress signals.

50. The following signals, used either together or separately, mean that grave and imminent danger threatens, and immediate assistance is requested-

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group SOS in the Morse Code);
- (b) a radiotelephony distress signal consisting of the spoken word MAYDAY;
- (c) a distress message sent via data link which transmits the intent of the word MAYDAY;
- (d) rockets or shells showing red lights, fired one at a time at short intervals;
- (e) a parachute flare showing a red light.

Urgency signals.

51.(1) The following signals, used either together or separately, mean that an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance-

- (a) the repeated switching on and off of the landing lights; or
- (b) the repeated switching on and off of the navigation lights in such manner as to be distinct from flashing navigation lights.

(2) The following signals, used either together or separately, mean that an aircraft has a very urgent message to transmit

concerning the safety of a ship, aircraft or other vehicle, or of some person on board or within sight-

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group XXX;
- (b) a signal sent by radiotelephony consisting of the spoken words PAN, PAN;
- (c) an urgency message sent via data link which transmits the intent of the words PAN, PAN.

Aircraft interception and interception signals.

52.(1) When an aircraft is intercepted by a military or government aircraft, a pilot-in-command of that aircraft shall comply with the command of the intercepting aircraft, by interpreting and responding to visual signals as shown in Table 2.

(2) The intercepting aircraft shall interpret visual signals from an intercepted aircraft as shown in Table 3.

(3) By day and by night, a series of projectiles discharged from the ground at intervals of 10 seconds, each showing, on bursting, red and green lights or stars will indicate to an unauthorized aircraft that it is flying in or about to enter a restricted, prohibited or danger area, and that the aircraft is to take such remedial action as may be necessary.

TABLE 2 - SIGNALS INITIATED BY INTERCEPTING AIRCRAFT

<i>Series</i>	<i>INTERCEPTING Aircraft Signals</i>	<i>Meaning</i>	<i>INTERCEPTED Aircraft Responds</i>	<i>Meaning</i>
1	DAY or NIGHT-. - Rocking aircraft and flashing navigational lights at irregular intervals (and landing lights in the case of a helicopter) from a position slightly above and ahead of, and normally to the left of, the intercepted aircraft (or to the right if the intercepted aircraft is a helicopter) and, after acknowledgement, a slow level turn, normally to the left, (or to the right in the case of a helicopter) on the desired heading.	You have been intercepted. Follow me.	DAY or NIGHT - Rocking aircraft. Flashing navigational lights at irregular intervals and following.	Understood , will comply.

<i>Series</i>	<i>INTERCEPTING Aircraft Signals</i>	<i>Meaning</i>	<i>INTERCEPTED Aircraft Responds</i>	<i>Meaning</i>
	<p>Note 1. -Meteorological conditions or terrain may require the intercepting aircraft to reverse the positions and direction of turn given above in Series 1.</p> <p>Note 2. - If the intercepted aircraft is not able to keep pace with the intercepting aircraft, the latter is expected to fly a series of race-track patterns and to rock the aircraft each time it passes the intercepted aircraft.</p>			
2	DAY or NIGHT - An abrupt break-away manoeuvre from the intercepted aircraft consisting of a climbing turn of 90 degrees or more without crossing the line of flight of the intercepted aircraft.	You may proceed.	DAY or NIGHT - Rocking the aircraft.	Understood, will comply.
3	DAY or NIGHT - Lowering landing gear (if fitted), showing steady landing lights and overflying runway in use or, if the intercepted aircraft is a helicopter, overflying the helicopter landing area. In the case of helicopters, the intercepting helicopter makes a landing approach, coming to hover near to the landing area.	Land at this aerodrome.	DAY or NIGHT - Lowering landing gear (if fitted), showing steady landing lights and following the intercepting aircraft and, if, after overflying the runway in use or helicopter landing area, landing is considered safe, proceeding to land.	Understood, will comply.

TABLE 3 - SIGNALS INITIATED BY INTERCEPTED AIRCRAFT AND RESPONSES BY INTERCEPTING AIRCRAFT

<i>Series</i>	<i>INTERCEPTED Aircraft Signals</i>	<i>Meaning</i>	<i>INTERCEPTING Aircraft Responds</i>	<i>Meaning</i>
4	DAY or NIGHT -Raising landing gear (if fitted) and flashing landing lights while passing over runway in use or helicopter landing area at a height exceeding 300 m (1,000 ft) but not exceeding 600 m (2,000 ft) (in the case of a helicopter, at a height exceeding 50 m (170 ft) but not exceeding 100 m (330 ft) above the aerodrome level, and continuing to circle runway in use or helicopter landing area. If unable to flash landing lights, flash any other lights available.	Aerodrome you have designated is inadequate.	DAY or NIGHT- If it is desired that the intercepted aircraft follow the intercepting aircraft to an alternate aerodrome, the intercepting aircraft raises its landing gear (if fitted) and uses the Series 1 signals prescribed for intercepting aircraft.  If it is decided to release the intercepted aircraft. The intercepting aircraft uses the Series 2 signals prescribed for intercepting aircraft.	Understood, follow me.  I understood, you may proceed.
5	DAY or NIGHT- Regular switching on and off of all available lights but in such a manner as to be distinct from flashing lights.	Cannot comply.	DAY or NIGHT- Use Series 2 signals prescribed for intercepting aircraft.	Understood.
6	DAY or NIGHT- Irregular flashing of all available lights.	In distress.	DAY or NIGHT- Use Series 2 signals prescribed for intercepting aircraft.	Understood.

Visual signals to warn an unauthorised aircraft entering notified airspaces.

53. A pilot-in-command shall take such remedial action as may be necessary, when by day or night, a series of projectiles is discharged from the ground at intervals of ten seconds, each showing, on bursting, red and green lights or stars indicating to an unauthorised aircraft that it is flying in or about to enter a restricted, prohibited or danger area.

Signals for aerodrome traffic.

54. (1) An aerodrome control tower shall use and a pilot shall obey the lights and pyrotechnic signals shown in Table 4 and illustrated in Figure 10.

(2) A pilot shall acknowledge aerodrome control tower signals as follows—

(a) when in flight—

- (i) during the hours of daylight by rocking the aircraft's wings, except that this signal shall not be expected on the base and final legs of the approach;
- (ii) during the hours of darkness by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

(b) when on the ground—

- (i) during the hours of daylight by moving the aircraft's ailerons or rudder; and
- (ii) during the hours of darkness by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

(3) An aerodrome authority shall use the visual ground signals as shown in Figures 11 to 20 during the situations indicated therein.

TABLE 4 - LIGHT AND PYROTECHNIC SIGNALS FROM AERODROME CONTROL

<i>Light</i>		<i>From Aerodrome control tower to-</i>	
		<i>Aircraft in flight</i>	<i>Aircraft on the ground</i>
Directed towards aircraft concerned	Steady green	Cleared to land	Cleared for take-off
	Steady red`	Give way to other aircraft and continue circling	Stop
	Series of green flashes	Return for landing*	Cleared to taxi
	Series of red flashes	Aerodrome unsafe, do not land	Taxi clear of landing area in use
	Series of white flashes	Land at this aerodrome and proceed to apron*	Return to starting point on the aerodrome
Red pyrotechnic		Notwithstanding any previous instructions, do not land for the time being	
* Clearances to land and to taxi will be given in due course			

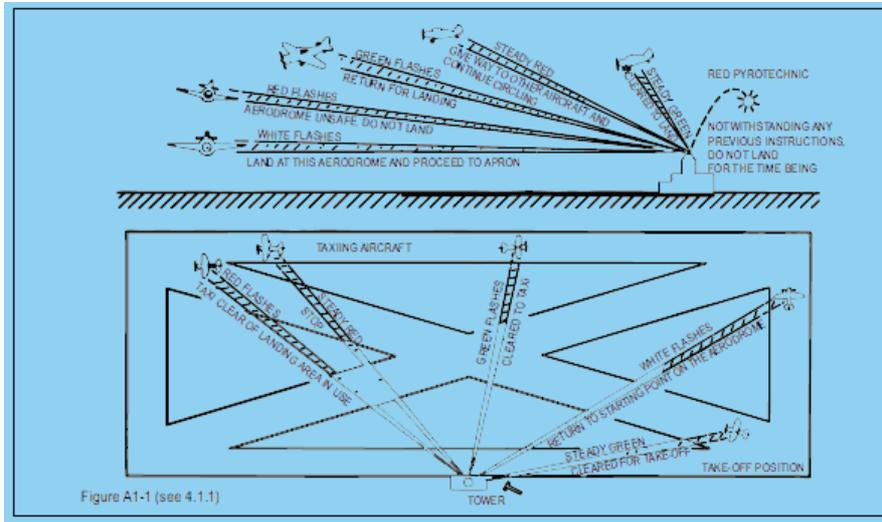


Figure 10- Light and Pyrotechnic Signals from Aerodrome Control

(a)



Figure 11

prohibition of landing - a horizontal red square panel with yellow diagonals, as shown in Figure 11 when displayed in a signal area indicates that landings are prohibited and that the prohibition is liable to be prolonged;

(b)



Figure 12

need for special precautions while approaching or landing - a horizontal red square panel with one yellow diagonal, as shown in Figure 12 when displayed in a signal area indicates that owing to the bad state of the manoeuvring area, or for any other reason, special precautions must be observed in approaching to land or in landing;

(c)



Figure 13



Figure 14

use of runways and taxiways-

- (i) a horizontal white dumb-bell, as shown in Figure 13 when displayed in a signal area indicates that aircraft are required to land, take off and taxi on runways and taxiways only;
- (ii) the same horizontal white dumb-bell as in Figure 13 but with a black bar placed perpendicular to the shaft across each circular portion of the dumb-bell, as shown in Figure 14 when displayed in a signal area indicates that aircraft are required to land and take off on runways only, but other manoeuvres need not be confined to runways and taxiways;

(d)



Figure 15

closed runways or taxiways - crosses of a single contrasting colour, yellow or white, as shown in Figure 15, displayed horizontally on runways and taxiways or parts thereof indicate an area unfit for movement of aircraft;

(e)



Figure 16



Figure 17

directions for landing or take-off-

- (i) a horizontal white or orange landing T, as shown in Figure 16, indicates the direction to be used by aircraft for landing and take-off, which shall be in a direction parallel to the shaft of the T towards the cross arm and when used at night, the landing T is

either illuminated or outlined in white coloured lights.

- (ii) a set of two digits , as shown in Figure 17, displayed vertically at or near the aerodrome control tower indicates to aircraft on the manoeuvring area the direction for take-off, expressed in units of 10 degrees to the nearest 10 degrees of the magnetic compass;

(f)

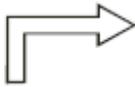


Figure 18

right-hand traffic - when displayed in a signal area, or horizontally at the end of the runway or strip in use, a right-hand arrow of conspicuous colour , as shown in Figure 18 indicates that turns are to be made to the right before landing and after take-off;

(g)



Figure 19

air traffic services reporting office - the letter C displayed vertically in black against a yellow background , as shown in Figure 19 indicates the location of the air traffic services reporting office;

(h)



Figure 20

glider flights in operation- a double white cross displayed horizontally , as shown in Figure 20 in the signal area indicates that the aerodrome is being used by gliders and that glider flights are being performed;

(i)



Figure 21

Helicopter operations a white letter H displayed horizontally as shown in Figure 21 indicates that helicopters shall take off and land within the designated area;

Marshalling signals-  
signalman to a pilot.

55. (1) The marshalling signals shown in Figures 22 to 56 shall be used from a signalman to a pilot of an aircraft.

(2) The signals are designed for use by the signalman, with hands illuminated as necessary to facilitate observation by the pilot, and facing the aircraft in a position-

(a) for fixed-wing aircraft, the signalman shall be positioned forward of the left-wing tip within view of the pilot and,

(b) for helicopters, where the signalman can best be seen by the pilot.

(3) The meaning of the relevant signals remains the same if bats, illuminated wands or torch lights are held.

(4) The aircraft engines are numbered, for the signalman facing the aircraft, from right to left (that is No. 1 engine being the port outer engine).

(5) Signals marked with an asterisk are designed for use to hovering helicopters.

(6) Prior to using the signals, as shown in Figures 22 to 56 the signalman shall ascertain that the area within which an aircraft is to be guided is clear of objects which the aircraft might otherwise strike.

 <p>Figure 22</p>	<p><b>Wingwalker/guide</b></p> <p>Raise right hand above head level with wand pointing up; move left-hand wand pointing down toward body.</p> <p><i>Note</i> – This signal provides an indication by a person positioned at the aircraft wing tip, to the pilot/marshaller/ push-back operator, that the aircraft movement on/off a parking position would be unobstructed.</p>
 <p>Figure 23</p>	<p><b>Identify gate</b></p> <p>Raise fully extended arms straight above head with wands pointing up.</p>
 <p>Figure 24</p>	<p><b>Proceed to next signalman or as directed by tower/ground control</b></p> <p>Point both arms upward; move and extend arms outward to sides of body and point with wands to direction of next signalman or taxi area.</p>
 <p>Figure 25</p>	<p><b>Straight ahead</b></p> <p>Bend extended arms at elbows and move wands up and down from chest height to head.</p>
 <p>Figure 26</p>	<p><b>Turn left (from pilot's point of view)</b></p> <p>With right arm and wand extended at a 90-degree angle to body, make signal with left hand. The rate of signal motion indicates to pilot the rate of aircraft turn.</p>

 <p>Figure 27</p>	<p><b>Turn right (from pilot's point of view)</b></p> <p>With left arm and wand extended at a 90-degree angle to body, make come ahead signal with right hand. The rate of signal motion indicates to pilot the rate of aircraft turn.</p>
 <p>Figure 28</p>	<p><b>Normal stop</b></p> <p>Fully extend arms and wands at a 90-degree angle to sides and slowly move to above head until wands cross.</p>
 <p>Figure 29</p>	<p><b>Emergency stop</b></p> <p>Abruptly extend arms and wands to top of head, crossing wands.</p>
 <p>Figure 30</p>	<p><b>Set brakes</b></p> <p>Raise hand just above shoulder height with open palm. Ensuring eye contact with flight crew, close hand into a fist. <b>Do not</b> move until receipt of thumbs up acknowledgement from flight crew.</p>
 <p>Figure 31</p>	<p><b>Release brakes</b></p> <p>Raise hand just above shoulder height with hand closed in a fist. Ensuring eye contact with flight crew, open palm. <b>Do not</b> move until receipt of thumbs up acknowledgement from flight crew.</p>

 <p>Figure 32</p>	<p><b>Chocks inserted</b></p> <p>With arms and wands fully extended above head, move wands inward in a “jabbing” motion until wands touch. <b>Ensure</b> acknowledgement is received from flight crew.</p>
 <p>Figure 33</p>	<p><b>Chocks removed</b></p> <p>With arms and wands fully extended above head, move wands outward in a jabbing motion. <b>Do not</b> remove chocks until authorized by flight crew.</p>
 <p>Figure 34</p>	<p><b>Start engine(s)</b></p> <p>Raise right arm to head level with wand pointing up and start a circular motion with hand; at the same time, with left arm raised above head level, point to engine to be started.</p>
 <p>Figure 35</p>	<p><b>Cut engines</b></p> <p>Extend arm with wand forward of body at shoulder level; move hand and wand to top of left shoulder and draw wand to top of right shoulder in a slicing motion across throat.</p>
 <p>Figure 36</p>	<p><b>Slow down</b></p> <p>Move extended arms downwards in a patting gesture, moving wands up and down from waist to knees.</p>

 <p>Figure 37</p>	<p><b>Slow down engine(s) on indicated side</b></p> <p>With arms down and wands toward ground, wave either <i>right</i> or <i>left</i> wand up and down indicating engine(s) on <i>left</i> or <i>right</i> side respectively should be slowed down.</p>
 <p>Figure 38</p>	<p><b>Move back</b></p> <p>With arms in front of body at waist height, rotate arms in a forward motion. To stop rearward movement, use signal 6 a) or 6 b).</p>
 <p>Figure 39</p>	<p><b>Turns while backing (for tail to starboard)</b></p> <p>Point left arm with wand down and bring right arm from overhead vertical position to horizontal forward position, repeating right-arm movement.</p>
 <p>Figure 40</p>	<p><b>Turns while backing (for tail to port)</b></p> <p>Point right arm with wand down and bring left arm from overhead vertical position to horizontal forward position, repeating left-arm movement.</p>
 <p>Figure 41</p>	<p><b>Affirmative/all clear</b></p> <p>Raise right arm to head level with wand pointing up or display hand with thumbs up; left arm remains at side by knee.</p> <p><i>Note. This signal is also used as a technical/servicing communication signal.</i></p>

 <p>Figure 42</p>	<p><b>*Hover</b></p> <p>Fully extend arms and wands at a 90-degree angle to sides.</p>
 <p>Figure 43</p>	<p><b>*Move upwards</b></p> <p>Fully extend arms and wands at a 90-degree angle to sides and, with palms turned up, move hands upwards. Speed of movement indicates rate of ascent.</p>
 <p>Figure 44</p>	<p><b>*Move downwards</b></p> <p>Fully extend arms and wands at a 90-degree angle to sides and, with palms turned down, move hands downwards. Speed of movement indicates rate of descent.</p>
 <p>Figure 45</p>	<p><b>*Move horizontally left (from pilot's point of view)</b></p> <p>Extend arm horizontally at a 90-degree angle to right side of body. Move other arm in same direction in a sweeping motion.</p>
 <p>Figure 46</p>	<p><b>*Move horizontally right (from pilot's point of view)</b></p> <p>Extend arm horizontally at a 90-degree angle to left side of body. Move other arm in same direction in a sweeping motion.</p>

 <p>Figure 47</p>	<p><b>*Land</b></p> <p>Cross arms with wands downwards and in front of body.</p>
 <p>Figure 48</p>	<p><b>Fire</b></p> <p>Move right-hand wand in a fanning motion from shoulder to knee, while at the same time pointing with left-hand wand to area of fire.</p>
 <p>Figure 49</p>	<p><b>Hold position/stand by</b></p> <p>Fully extend arms and wands downwards at a 45-degree angle to sides. Hold position until aircraft is clear for next manoeuvre.</p>
 <p>Figure 50</p>	<p><b>Dispatch aircraft</b></p> <p>Perform a standard salute with right hand and/or wand to dispatch the aircraft. Maintain eye contact with flight crew until aircraft has begun to taxi.</p>
 <p>Figure 51</p>	<p><b>Do not touch controls (technical/servicing communication signal)</b></p> <p>Extend right arm fully above head and close fist or hold wand in horizontal position; left arm remains at side by knee.</p>

 <p>Figure 52</p>	<p><b>Connect ground power (technical/servicing communication signal)</b></p> <p>Hold arms fully extended above head; open left hand horizontally and move finger tips of right hand into and touch open palm of left hand (forming a. At night, illuminated wands can also be used to form the above head.</p>
 <p>Figure 53</p>	<p><b>Disconnect power (technical/servicing communication signal)</b></p> <p>Hold arms fully extended above head with finger tips of right hand touching open horizontal palm of left hand (forming ; then move right hand away from the left. <b>Do not</b> disconnect power until authorized by flight crew. At night, illuminated wands can also be used to form the above head.</p>
 <p>Figure 54</p>	<p><b>Negative (technical/servicing communication signal)</b></p> <p>Hold right arm straight out at 90 degrees from shoulder and point wand down to ground or display hand with thumbs down left hand remains at side by knee.</p>
 <p>Figure 55</p>	<p><b>Establish communication via interphone (technical/servicing communication signal)</b></p> <p>Extend both arms at 90 degrees from body and move hands to cup both ears.</p>
 <p>Figure 56</p>	<p><b>Open/close stairs (technical/servicing communication signal)</b></p> <p>With right arm at side and left arm raised above head at a 45-degree angle, move right arm in a sweeping motion towards top of left shoulder.</p> <p><i>Note. This signal is intended mainly for aircraft with the set of integral stairs at the front.</i></p>

(6) Manual signals shall only be used when vertical communication is not possible with respect to technical/servicing communication signals

(7) Signalmen shall ensure that an acknowledgement is received from the flight crew with respect to technical/servicing communication signals.

Marshalling signals-  
pilot to a signalman.

56.A pilot shall use the signals shown in Table 5 when communicating with a signalman on the ground-

TABLE 5 MARSHALLING SIGNALS PILOT TO GROUND SIGNALMAN

Description of Signal	Meaning of Signal
(a) Raise arm and hand with fingers extended horizontal in front of face, then clench fist	Brakes engaged.
(b) Raise arm with fist clenched horizontally in front of face, then extend fingers.	Brakes released.
(c) Arms extended palms facing outwards, move hands inwards to cross in front of face.	Insert chocks.
(d) Hands crossed in front of face, palms facing outwards, move arms outwards.	Remove chocks
(e) Raise the number of fingers on the hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left, for example No. 1 engine shall be the port outer engine, number 2 engine shall be the port inner engine, number 3 engine shall be the starboard inner engine and number 4 engine shall be the starboard outer engine.	Ready to start engine.

Standard emergency  
hand signals

57. (1) Hand signals to be used for emergency communication between aircraft rescue and fire fighting incident commander, aircraft rescue fire fighters and the cockpit and/or cabin crew of the incident aircraft shall be as indicated in Table 6.

(1) Aircraft rescue and fire fighting emergency hand signals shall be given from left front side of the aircraft for the flight crew.

(2) Notwithstanding sub regulation (2), emergency hand signals may be given by aircraft rescue and fire fighters from other positions in order to communicate effectively with the cabin crew.

TABLE 6 TECHNICAL/SERVICING COMMUNICATION SIGNALS

	<p>1.Recommend evacuation</p> <p>Evacuation recommended based on aircraft rescue fire fighting and incident commander’s assessment of external situation. Arm extended from body and held horizontal with hand upraised at eye level. Execute beckoning arm motion angled backward. Non-beckoning arm held against body.</p> <p>Night – same with wands.</p>
	<p>2.Recommended stop</p> <p>Recommend evacuation in progress be halted. Stop aircraft movement or other activity in progress.</p> <p>Night – same with wands.</p>
	<p>3.Emergency contained</p> <p>No outside evidence of dangerous conditions or “all-clear.”</p> <p>Arm extended outward and down at a 45-degree angle. Arms moved inward below waistline simultaneously until wrists crossed, then extended outward to starting position (umpire’s “safe” signal).</p> <p>Night – same with wands</p>
	<p>4.Fire</p> <p>Move right-hand in a “fanning” motion from shoulder to knee, while at the same time pointing with left hand to area of fire.</p> <p>Night – same with wands.</p>

*Time*

Time.

58. (1) A pilot-in-command flying an aircraft shall use Co-ordinated Universal Time which shall be expressed in hours and minutes and, when required, seconds of the twenty four hour day beginning at midnight.

(2) A pilot-in-command shall obtain a time check prior to operating a controlled flight and at such other times during the flight as may be necessary, such time check shall be obtained from an air traffic services unit unless other arrangements have been made by the operator or by the Authority.

(3) Wherever time is utilized in the application of data link communications, it shall be accurate to within one second of Co-ordinated Universal Time.

*Air traffic control service*

Air traffic control clearances.

59. (1) A pilot-in-command shall not commence a flight in an aircraft unless he has obtained an air traffic control clearance prior to operating a controlled flight, or a portion of a flight as a controlled flight.

(2) A pilot-in-command shall request air traffic control clearance referred to in sub-regulation (1) through the submission of a flight plan to an air traffic control unit.

(3) Where a pilot-in-command has requested a clearance involving priority, that pilot-in-command shall submit a report explaining the necessity for such priority, if requested by the appropriate air traffic control unit.

(4) A person operating an aircraft on a controlled aerodrome shall not taxi on the manoeuvring area without clearance from the aerodrome control tower and shall comply with any instructions given by that unit.

(5) The pilot-in-command of an aircraft shall fly in conformity with the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless the pilot-in-command—

(a) is able to fly in uninterrupted visual meteorological conditions for so long as he remains in controlled airspace; and

(b) has informed the appropriate air traffic control unit of his

intention to continue the flight in compliance with visual flight rules and has requested that unit to cancel his instrument flight rules flight plan:

Provided that if an emergency arises which requires an immediate deviation from an air traffic control clearance, the pilot-in-command of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

Potential re-clearance in flight.

60. (1) If prior to departure, a pilot-in-command anticipates that depending on fuel endurance and subject to re-clearance in flight, a decision may be taken to proceed to a revised destination aerodrome, he shall notify the appropriate air traffic control units by the insertion in the flight plan of information concerning the revised route, where known, and the revised destination.

(2) The intent of sub-regulation (1) is to facilitate a re-clearance to a revised destination, normally beyond the filed destination aerodrome.

Adherence to flight plan and air traffic control instructions

61.(1) A pilot-in-command shall, except as provided for in regulations 59 and 63, adhere to the current flight plan or the applicable portion of a current flight plan submitted for a controlled flight unless a request for a change has been made and clearance obtained from the appropriate air traffic control unit, or unless an emergency situation arises which necessitates immediate action by the pilot-in-command, in which event as soon as circumstances permit, after such emergency authority is exercised, the appropriate air traffic control unit shall be notified of the action taken and that this action has been taken under emergency authority.

(2) Sub-regulation (1) does not prohibit a pilot-in-command from cancelling an instrument flight rules clearance when operating in visual meteorological conditions or cancelling a controlled flight clearance when operating in airspace that does not require controlled flight.

(3) When operating in airspace requiring controlled flight, a pilot-in-command shall not operate contrary to air traffic control instructions, except in an emergency.

(4) A pilot-in-command who deviates from an air traffic control clearance or instructions in an emergency, shall notify air traffic control of that deviation as soon as possible.

Route to be flown.

62. (1) Unless otherwise authorised or directed by the appropriate air traffic control unit, a pilot-in-command of a controlled flight shall, in so far as practicable-

- (a) when on an established air traffic services route, operate along the defined centre line of that route; or
- (b) when on any other route, operate directly between the navigation facilities or points defining that route.

(2) A pilot-in-command shall notify the appropriate air traffic control unit of any deviation from the requirements in sub-regulation (1).

(3) A pilot-in-command of a controlled flight operating along an air traffic services route defined by reference to very high frequency omnidirectional range shall change over for primary navigation guidance from the facility behind the aircraft to that ahead of it at, or as close as operationally feasible to, the change-over point, where established.

Air traffic control clearance-inadvertent changes.

63.(1) A pilot-in-command of an aircraft shall take the following action in the event that a controlled flight inadvertently deviates from its current flight plan-

- (a) if the aircraft is off track, the pilot-in-command shall adjust the heading of the aircraft to regain track as soon as practicable.
- (b) the pilot-in-command shall inform the appropriate air traffic control unit if the average true airspeed at cruising level between reporting points varies from that given in the flight plan or is expected to vary by plus or minus five per cent of the true airspeed; and
- (c) the pilot-in-command shall notify the appropriate air traffic control unit and give a revised estimated time given as soon as possible if the time estimate for the next applicable reporting point, flight information region boundary, or destination aerodrome, whichever comes first, is found to be in error in excess of three minutes from that notified to air traffic control unit, or such other period of time as is prescribed by the appropriate air traffic services authority or on the basis of air navigation regional agreements.

(2) In addition to sub-regulation (1), when an Automatic Dependent Surveillance agreement is in place, air traffic service unit shall be informed automatically via data link whenever changes occur beyond the threshold values stipulated by the Automatic Dependent Surveillance event contract.

Air traffic control clearance-intended changes.

64.A pilot-in-command requesting for air traffic control clearance changes shall include the following information in the request-

(a) for change of cruising level-

- (i) aircraft identification;
- (ii) requested new cruising level and cruising speed at this level; and
- (iii) revised time estimates, when applicable, at subsequent flight information region boundaries;

(b) for change of route-

(i) destination unchanged-

- (aa) aircraft identification;
- (bb) flight rules;
- (cc) description of new route of flight including related flight plan data beginning with the position from which requested change of route is to commence;
- (dd) revised time estimates; and
- (ee) any other pertinent information;

(ii) destination changed-

- (aa) aircraft identification;
- (bb) flight rules;
- (cc) description of revised route of flight to revised destination aerodrome including related flight plan data, beginning with the position from which requested change of route is

to commence;

(dd) revised time estimate;

(ee) alternate aerodrome; and

(ff) any other relevant information.

Position reports.

65.(1) A pilot of a controlled flight shall report to the appropriate air traffic control unit, as soon as possible-

(a) the time and level of passing each designated compulsory reporting point, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by an air traffic control unit need be reported, together with any other required information, unless exempted from this requirement by the appropriate air traffic control unit under conditions specified by the Authority;

(b) any unforecasted weather conditions encountered; and

(c) any other information relating to the safety of flight, such as hazardous weather or abnormal radio station indications

(2) A pilot of a controlled flight shall make position reports in relation to additional points when requested by the appropriate air traffic control unit.

(3) In the absence of designated reporting points, a pilot of a controlled flight shall make position reports at intervals prescribed by the Authority or specified by the appropriate air traffic control unit.

(4) A pilot-in-command of a controlled flight providing position information to the appropriate air traffic control unit via data link communications shall only provide voice position reports when requested.

(5) A pilot of a controlled flight shall, except when landing at a controlled aerodrome, advise the appropriate air traffic control unit as soon as the flight ceases to be subject to air traffic control service.

Air traffic control clearances for visual flight rules flights.

66. A pilot of a visual flight rules flight shall comply with the provisions of regulations 59, 60, 61, 63, 64, 65 and 71 when-

- (a) operated within Classes B, C and D airspace;
- (b) forming part of aerodrome traffic at controlled aerodromes; or
- (c) operated as special visual flight rules.

Visual flight rules flight within designated areas.

67. A pilot-in-command operating a visual flight rules flight within or into areas, or along routes, designated by the Authority in accordance with regulation 45 sub-regulation (2)(c) or (d) shall maintain continuous air-ground voice communication watch on the appropriate communication channel of, and report its position as necessary to, the air traffic services unit providing flight information service.

Weather deterioration below visual meteorological conditions.

68. A pilot-in-command of a visual flight rules flight operated as a controlled flight shall, when it becomes evident that flight in visual meteorological conditions in accordance with its current control flight plan will not be practicable-

- (a) request an amended clearance enabling the aircraft to continue in visual meteorological conditions to its destination or to an alternative aerodrome, or to leave the airspace within which an air traffic control clearance is required;
- (b) if no clearance can be obtained in accordance with paragraph (a), continue to operate in visual meteorological conditions and notify the appropriate air traffic control unit of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome;
- (c) operating within a control zone, request authorisation to operate as a special visual flight rules; or
- (d) request clearance to operate in instrument flight rules, if currently rated for instrument flight rules operations.

Operation under instrument flight rules in controlled airspace malfunction reports.

69. (1) A pilot-in-command of an aircraft operated in controlled airspace under instrument flight rules shall report as soon as practical to air traffic control unit any malfunctions of navigation, approach, or communication equipment occurring in flight.

(2) In each report specified in sub-regulation (1), the pilot-in-command shall include-

- (a) the aircraft identification;
- (b) the equipment affected;
- (c) the degree to which the capability of the pilot to operate under instrument flight rules in the air traffic control system is impaired; and
- (d) the nature and extent of assistance desired from air traffic control unit.

## Communications

70.(1) A person operating an aircraft as a controlled flight shall maintain a continuous air-ground voice communication watch on the appropriate radio frequency of, and establish two-way communication as required, with, the appropriate air traffic control unit.

(2) Automatic signalling devices may be used to satisfy the requirement to maintain a continuous listening watch, if authorised by the Authority.

(3) A person operating an aircraft as a controlled flight shall maintain an –air-ground voice communication watch even when controller pilot data link communication has been established.

## Communication failure- air-to-ground.

71.(1) Where a pilot-in-command has been unable to establish contact with an aeronautical ground station in order to comply with regulation 70 the pilot-in-command shall attempt to establish communications with the appropriate air traffic control unit using all other available means.

(2) Where an aircraft forms part of the aerodrome traffic at a controlled aerodrome, the pilot-in-command shall keep a watch for such instructions as may be issued by visual signals.

(3) Where an aircraft is equipped with secondary surveillance radar transponder, the pilot-in-command shall select Mode A, Code 7600.

(4) If a pilot-in-command is unable to establish communication in accordance with sub-regulation (1) and is in visual meteorological conditions, he shall-

- (a) continue to fly in visual meteorological conditions, land at the nearest suitable aerodrome and report his arrival by the most expeditious means to the appropriate air traffic control unit;

- (b) if considered advisable, complete an instrument flight rules flight in accordance with sub-regulation (5).

(5) If a pilot-in-command is unable to establish communication in accordance with sub-regulation (1) and is in instrument meteorological conditions or when the pilot-in-command of an instrument flight rules flight considers it inadvisable to complete the flight in accordance with sub-regulation (4)(a), the pilot-in-command shall-

- (a) in airspace where radar is not used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of twenty minutes following the pilot-in-command failure to report the aircraft position over a compulsory reporting point and thereafter adjust level and speed in accordance with the filed flight plan;

- (b) in airspace where radar is used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of seven minutes following-

- (i) the time the last assigned level or minimum flight altitude is reached; or

- (ii) the time the transponder is set to Mode A, Code 7600; or

- (iii) the pilot-in-command failure to report the aircraft position over a compulsory reporting point;

whichever is later, and thereafter adjust level and speed in accordance with the filed flight plan;

- (c) when being radar vectored or having been directed by air traffic control to proceed offset using Area Navigation without a specified limit, rejoin the current flight plan route no later than the next significant point, taking into consideration the applicable minimum flight altitude;

- (d) proceed according to the current flight plan route

to the appropriate designated navigation aid or fix serving the destination aerodrome and, when required to ensure compliance with sub-paragraph (e) below, hold over this aid or fix until commencement of descent;

- (e) commence descent from the navigation aid or fix specified in sub-paragraph (d) at, or as close as possible to the expected approach time last received and acknowledged or, if no expected approach time has been received and acknowledged, at or as close as possible to the estimated time of arrival resulting from the current flight plan;
- (f) complete a normal instrument approach procedure as specified for the designated navigation aid or fix; and
- (g) land, if possible, within thirty minutes after the estimated time of arrival specified in sub-paragraph (e) or the last acknowledged expected approach time, whichever is later.
- (h) if unable to land as specified in sub-paragraph (g), the pilot-in-command shall not approach and land visually and shall leave the vicinity of the aerodrome and any associated controlled airspace at the specified altitude and on the specified route, and if no altitude or route is specified the pilot-in-command shall fly at the last assigned altitude or minimum sector altitude, whichever is the higher, and avoid areas of dense traffic, then he shall either-
  - (i) fly to an area in which flight may be continued in visual meteorological conditions and land at a suitable aerodrome there; or (if this is not possible),
  - (ii) select a suitable area in which to descend through cloud, fly visually to a suitable aerodrome and land as soon as practicable.

Communication  
failure- ground-to-  
air.

72. (1) Where an aeronautical station has been unable to establish contact with a pilot-in-command after calls on the frequencies on which the pilot-in-command is believed to be

listening, the station shall-

- (a) request other aeronautical stations to render assistance by calling the pilot-in-command and relaying traffic information, if necessary;
- (b) request pilot-in-command of other aircraft on the route to attempt to establish communication with the aircraft and relay traffic information, if necessary.

(2) The provisions of sub-regulation (1) shall also be applied-

- (a) on request of the air traffic service unit concerned;
- (b) when an expected communication from a pilot-in-command has not been received within a time period such that the occurrence of a communication failure is suspected.

(3) The time period referred to in sub-regulation (2)(b) shall be prescribed by the Authority.

(4) Where the attempts specified in sub-regulation (1) fail, the aeronautical station shall transmit messages addressed to the pilot-in-command, other than messages containing air traffic control clearances, by blind transmission on the frequency on which the pilot-in-command is believed to be listening.

*Unlawful interference and interception of aircraft*

Unlawful  
interference.

73. (1) A pilot-in-command of an aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of this fact, any significant circumstances associated therewith and any deviation from the current flight plan necessitated by the circumstances, in order to enable the air traffic services unit to give priority to the aircraft and to minimize conflict with other aircraft.

(2) A pilot-in-command shall, when and if possible, operate the secondary surveillance radar Mode A Code 7500 to indicate that the aircraft is being subjected to unlawful interference or secondary surveillance radar Mode A, Code 7700 to indicate that it is threatened by grave and imminent danger and requires immediate assistance.

(3) When an air traffic service unit knows or believes that an aircraft is being subjected to unlawful interference, no reference shall be made in air traffic services air-ground communications to the nature of the emergency unless it has first been referred to in

communications from the aircraft involved and it is certain that such reference will not aggravate the situation.

(4) The pilot-in-command of an aircraft subjected to unlawful interference, shall attempt to land as soon as practicable at the nearest suitable aerodrome or at a dedicated aerodrome assigned by the appropriate authority unless considerations aboard the aircraft dictate otherwise.

(5) The pilot-in-command of an aircraft subjected to unlawful interference shall when unable to notify an air traffic service unit shall attempt to continue flying on the assigned track and at the assigned cruising level at least until able to notify an air traffic service unit or until within radar or ADS-B coverage.

(6) The pilot-in-command of an aircraft subjected to unlawful interference and which must depart from its assigned track or its assigned cruising level without being able to notify an air traffic service unit shall-

- (a) attempt to broadcast warnings on the VHF channel in use or on the designated emergency frequency unless considerations aboard the aircraft dictate otherwise;
- (b) proceed at a level which differs from the cruising levels normally used for IFR flight by-
  - (i) 500 ft when flying in an area where vertical separation minimum of 1000 ft is applied
  - (ii) 1000 ft in an area where vertical separation minimum of 2000 ft is applied

Interception of  
civil aircraft.

74. (1) Interception of civil aircraft shall-

- (a) be undertaken only as a last resort;
- (b) if undertaken, be limited to determining the identity of the aircraft, unless it is necessary to return the aircraft to its planned track, direct it beyond the boundaries of national airspace, guide it away from a prohibited, restricted or danger area or instruct it to effect a landing at a designated aerodrome;
- (c) not be undertaken for practice of interception of civil aircraft;
- (d) ensure that navigational guidance and related information will be given to an intercepted aircraft by radiotelephony, whenever radio contact can be established; and

- (e) ensure that, in the case where an intercepted civil aircraft is required to land in the territory overflown, the aerodrome designated for the landing is suitable for the safe landing of the aircraft type concerned.

(2) A pilot-in-command of a civil aircraft, when intercepted shall immediately-

- (a) follow the instructions given by the intercepting aircraft, interpreting and responding to visual signals in accordance with the specifications in regulation 52;
- (b) notify, if possible, the appropriate air traffic service unit;
- (c) attempt to establish radio communication with the intercepting aircraft or with the appropriate intercept control unit, by making a general call on the emergency frequency 121.5 MHz, giving the identity of the intercepted aircraft and the nature of the flight, and if no contact has been established and if practicable, repeating this call on the emergency frequency 243 MHz;
- (d) if equipped with secondary surveillance radar transponder, select Mode A, Code 7700, unless otherwise instructed by the appropriate air traffic service unit.

(e) if equipped with automatic dependent surveillance-broadcast or automatic dependent surveillance-contract, select the appropriate emergency functionality, if available, unless otherwise instructed by the appropriate air traffic service unit.

(3) If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by visual signals, the pilot-in-command of the intercepted aircraft shall request immediate clarification while continuing to comply with the visual instructions given by the intercepting aircraft.

(4) If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by radio, the pilot-in-command of the intercepted aircraft shall request immediate clarification while continuing to comply with the radio instructions given by the intercepting aircraft.

(5) In intercepting a civil aircraft, the intercepting aircraft shall take due account of the performance limitations of civil aircraft, the need to avoid flying in such proximity to the intercepted aircraft that a collision hazard may be created and the need to avoid crossing the intercepted aircraft flight path or to perform any other manoeuvre in such a manner that the wake turbulence may be hazardous, particularly if the intercepted aircraft is a light aircraft.

(6) Pilots of intercepting aircraft equipped with a secondary surveillance radar transponder shall suppress the transmission of pressure-altitude information (in Mode C replies or in the AC field of Mode S replies) within a range of at least 37 km (20 NM) of the aircraft being intercepted in order to prevent the airborne collision avoidance system in the intercepted aircraft from using resolution advisories in respect of the interceptor, while the airborne collision avoidance system traffic advisory information will remain available.

(7) If radio contact is established during interception but communication in a common language is not possible, attempts shall be made to convey instructions, acknowledgement of instructions and essential information by using the phrases and pronunciations in Table 7 and transmitting each phrase twice-

Table 7 - PHRASES AND PRONUNCIATIONS USED DURING INTERCEPTION

<i>Phrases for use by INTERCEPTING aircraft</i>			<i>Phrases for use by INTERCEPTED aircraft</i>		
<i>Phrase</i>	<i>Pronunciation<sup>1</sup></i>	<i>Meaning</i>	<i>Phrase</i>	<i>Pronunciation<sup>1</sup></i>	<i>Meaning</i>
CALL SIGN	<u>KOL SA-IN</u>	What is your call sign?	CALL SIGN  (call sign) <sup>2</sup>	<u>KOL SA-IN</u>  (call sign)	My call sign is (call sign)
FOLLOW	<u>FOL-LO</u>	Follow me	WILCO  Will comply	<u>VILL-KO</u>	Understood
DESCEND	<u>DEE-SEND</u>	Descend for landing	CAN NOT	<u>KANN NOTT</u>	Unable to comply
YOU LAND	<u>YOU LAAND</u>	Land at this aerodrome	REPEAT	<u>REE-PEET</u>	Repeat your instruction
PROCEED	<u>PRO-SEED</u>	You may proceed	AM LOST	<u>AM LOSST</u>	Position unknown
			MAYDAY	<u>MAYDAY</u>	I am in distress
			HIJACK <sup>3</sup>	<u>HI-JACK</u>	I have been hijacked
			LAND	LAAND	I request to land at

<i>Phrases for use by INTERCEPTING aircraft</i>			<i>Phrases for use by INTERCEPTED aircraft</i>		
<i>Phrase</i>	<i>Pronunciation<sup>1</sup></i>	<i>Meaning</i>	<i>Phrase</i>	<i>Pronunciation<sup>1</sup></i>	<i>Meaning</i>
			(place name)	(place name)	(place name)
			DESCEND	DEE- <u>SEND</u>	I require descent
1. In the second column, syllables to be emphasized are underlined.					
2. The call sign required to be given is that used in radiotelephony communications with air traffic services units and corresponding to the aircraft identification in the flight plan.					
3. Circumstances may not always permit, nor make desirable, the use of the phrase "HIJACK"					

*Miscellaneous*

Reporting of hazardous conditions.

75. A pilot-in-command shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic service unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Altimeter settings.

76. A person operating an aircraft registered in Kenya shall set the aircraft altimeters to maintain the cruising altitude for flight level reference in accordance with the procedure notified by-

- (a) the State where the aircraft may be; or
- (b) the Aeronautical Information Publication.

Classification of airspace.

77. Air traffic services airspaces classification in Kenya is shown in the Aeronautical Information Publication and classified and designated in accordance with Table 8.

TABLE 8 - CLASSIFICATION OF AIR TRAFFIC SERVICES AIRSPACES

<i>Class</i>	<i>Type of flight</i>	<i>Separation provided</i>	<i>Service provided</i>	<i>Speed limitation</i>	<i>Radio communication frequency</i>	<i>Subject to an ATC clearance</i>
A	IFR only	All aircraft	Air traffic control service	Not applicable	Continuous two-way	Yes
B	IFR	All aircraft	Air traffic control service	Not applicable	Continuous two-way	Yes
	VFR	All aircraft	Air traffic control service	Not applicable	Continuous two-way	Yes
C	IFR	IFR from	Air traffic control service	Not applicable	Continuous two-	Yes

<i>Class</i>	<i>Type of flight</i>	<i>Separation provided</i>	<i>Service provided</i>	<i>Speed limitation</i>	<i>Radio communication frequency</i>	<i>Subject to an ATC clearance</i>
		IFR  IFR from VFR			way	
	VFR	VFR from IFR	1) Air traffic control service for separation from IFR;  2) VFR/VFR traffic information (and traffic avoidance advice on request)	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	Yes
D	IFR	IFR from IFR	Air traffic control service, traffic information about VFR flights (and traffic avoidance advice on request)	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	Yes
	VFR	Nil	IFR/VFR and VFR/VFR traffic information (and traffic avoidance advice on request)	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	Yes
E	IFR	IFR from IFR	Air traffic control service and as far as practical, traffic information about VFR flights	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	
	VFR	Nil	Traffic information as far as practical	250kt IAS below 3050m (10 000 ft)	No	No

<i>Class</i>	<i>Type of flight</i>	<i>Separation provided</i>	<i>Service provided</i>	<i>Speed limitation</i>	<i>Radio communication frequency</i>	<i>Subject to an ATC clearance</i>
				AMSL		
F	IFR	IFR from IFR as far as practicable	Air traffic advisory service; flight information service	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	No
	VFR	Nil	Flight information service	250kt IAS below 3050m (10 000 ft) AMSL	No	No
G	IFR	Nil	Flight information service	250kt IAS below 3050m (10 000 ft) AMSL	Continuous two-way	No
	VFR	Nil	Flight information service	250kt IAS below 3050m (10 000 ft) AMSL	No	No
* When the height of the transition altitude is lower than 0 350 m (10 000ft) AMSL, FL 100 should be used in lieu of 10 000 ft.						

Authority of pilot-in-command of an aircraft.

78. The pilot-in-command shall have final authority as to the disposition of the aircraft while in command.

Weather limitations for visual flight rules flights.

79. A person shall not commence a flight to be conducted in accordance with visual flight rules unless available current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under visual flight rules, shall, at the appropriate time, allow visual flight rules operations.

Flight in Class A airspace.

80. A pilot-in-command shall, in relation to flights in visual meteorological conditions in Class A airspace, comply with regulations 54 and 61 as if the flights were instrument flight rules flights but shall not elect to continue the flight in compliance with the visual flight rules for the purposes of regulation 54.

Co-ordination of activities potentially hazardous to aircraft.

81. (1) A person shall not carry out activities potentially hazardous to aircraft whether flying over Kenya or over the territorial waters of Kenya without approval from the Authority.

(2) Notwithstanding the generality of sub-regulation (1)—

(a) a person shall not intentionally project, or cause to be projected, a laser beam or other directed high intensity light at an aircraft in such a manner as to create a hazard to aviation safety, damage to the aircraft or injury to its crew or passengers;

(b) a person using or planning to use lasers or other directed high-intensity lights outdoors in such a manner that the laser beam or other light beam may enter navigable airspace with sufficient power to cause an aviation hazard shall provide written notification to the competent authority;

(c) a pilot-in-command shall not deliberately operate an aircraft into a laser beam or other directed high-intensity light unless flight safety is ensured. This may require mutual agreement by operator of the laser emitter or light source, the pilot-in-command and the competent authority.

(3) A person shall not release into the atmosphere any radio active material or toxic chemicals which could affect the safety of aircraft operating within the Kenyan airspace.

#### PART III—VISUAL FLIGHT RULES

82. Except when operating a special visual flight rules flight, a person shall conduct a visual flight rules flight so that the aircraft is flown in conditions of visibility and distance from clouds equal to or greater than those specified in Table 9.

Visual meteorological conditions.

Altitude band	Airspace class	Flight visibility	Distance from cloud
At and above 3 050 m (10 000 ft) AMSL	A* B C D E F G	8 km	1,500 m horizontally 300 m (1,000 ft) vertically
Below 3050 m (10000 ft) AMSL and above 900 m (3 000 ft) AMSL, or above 300 m (1 000 ft) above terrain, whichever is the higher	A*B C D E F G	5 km	1,500 m horizontally 300 m (1,000 ft) vertically
At and below 900 m (3 000 ft) AMSL, or 300 m (1 000 ft) above terrain, whichever is the higher	A*B C D E	5 km	1,500 m horizontally 300 m (1,000 ft) vertically
	F G	5 km	Clear of cloud and with the surface in sight

TABLE 9- VISUAL METEOROLOGICAL CONDITIONS VISIBILITY AND  
DISTANCE FROM CLOUD MINIMA

\* The visual meteorological conditions minima in Class A airspace are included for guidance to pilots and do not imply acceptance of visual flight rules flights in Class A airspace.

Visual flight rules  
within a control zone.

83. A pilot-in-command of a visual flight rules flight shall not take off or land at an aerodrome within a control zone, or enter the aerodrome traffic zone or traffic pattern when—

- (a) the ceiling is less than 450 metres (1,500 ft); or
- (b) the ground visibility is less than 5 kilometres,

except when a clearance is obtained from an air traffic control unit,

Minimum safe visual  
flight rules altitudes.

84. Except when necessary for take-off or landing, or except by permission from the Authority, a visual flight rules flight shall not be flown—

- (a) over congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 1,000 feet above the highest obstacle within a radius of 600 metres from the aircraft;
- (b) elsewhere than specified in paragraph (a), at a height less than 500 feet above the ground or water.

Choice of visual  
flight rules or  
instrument flight  
rules.

85. (1) Subject to regulation 80 a person shall fly an aircraft in accordance with visual flight rules or instrument flight rules, provided that—

- (a) an aircraft flying at night shall be flown in accordance with the instrument flight rules, or, in a control zone, in accordance with the instrument flight rules or the provisions of the proviso to paragraph (b) of regulation 86;
- (b) irrespective of meteorological conditions, the pilot-in-command shall, when operating within the Nairobi Flight Information Region at or above flight level 150 and within airways irrespective of flight level, fly in accordance with instrument flight rules.

(2) Unless authorised by an appropriate air traffic services authority, a person shall not operate an aircraft in visual flight rules—

- (a) above flight level 145; or

Visual flight rules  
outside and within  
controlled airspace.

(b) at supersonic or transonic speeds.

86.A pilot-in-command flying an aircraft-

- (a) outside controlled airspace shall remain at least 1,500 m horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km-
- (b) Provided that below 1,000 feet above ground or water this sub-regulation shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface in a flight visibility of not less than 1.5 km.
- (c) within controlled airspace shall remain at least 1,500m horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km:

Provided that in a control zone, in the case of a special visual flight rules flight, the aircraft shall remain clear of cloud and in sight of the ground or water and shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

- (d) shall unless where otherwise indicated by an appropriate air traffic services authority, maintain a cruising level appropriate to the track as specified in the table of cruising levels when operating above 3,000ft from ground or water.
- (e) shall maintain continuous air-ground voice communication watch on the appropriate communication channel of, and report its position as necessary to, the air traffic services unit providing flight information service

Changing from visual  
flight rules to  
instrument flight  
rules.

87.A pilot-in-command operating in visual flight rules who wishes to change to instrument flight rules shall-

- (a) if a flight plan was submitted, communicate the necessary changes to be effected to the current flight plan; or
- (b) when so required by provisions of regulation 45, submit a flight plan to the appropriate air traffic control unit and obtain a clearance prior to proceeding to operate in instrument flight rules when in controlled airspace.

PART IV—INSTRUMENT FLIGHT RULES

Aircraft equipment.

88. A pilot-in-command shall ensure an aircraft is equipped with suitable instruments and with navigation equipment appropriate to the route to be flown.

Instrument flight rules flights in controlled airspace.

89. A pilot-in-command of an aircraft operating an instrument flight rules flight in controlled airspace shall-

(a) fly the aircraft at a cruising level, or, if authorized to employ cruise climb techniques between two levels or above a level, selected from-

(i) Table 10 in areas where, on the basis of regional air navigation agreements and in accordance with conditions specified therein, a vertical separation minimum of 1000 ft is applied between flight level 290 and flight level 410 inclusive;

(ii) Table 1 in other areas;

(iii) a modified table of cruising levels, when so prescribed in accordance with Table 10 for flight above FL410;

except that the correlation of levels to track prescribed therein shall not apply whenever otherwise indicated in air traffic control clearances or specified by the Authority in the Aeronautical Information Publication.

(b) comply with the provisions of regulations 59, 60, 61, 63, 64, 65 and 70.

TABLE 10 TABLE OF CRUISING LEVELS -REDUCED VERTICAL SEPARATION MINIMA AIRSPACE

TRACK**											
From 000 degrees to 179 degrees***						From 180 degrees to 359 degrees***					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
FL.	Feet	Metres	FL.	Feet	Metres	FL.	Feet	Metres	FL.	Feet	Metres
010	1 000	300	-	-	-	020	2 000	600	-	-	-
030	3 000	900	035	3 500	1 050	040	4 000	1 200	045	4 500	1 350
050	5 000	1 500	055	5 500	1 700	060	6 000	1 850	065	6 500	2 000
070	7 000	2 150	075	7 500	2 300	080	8 000	2 450	085	8 500	2 600
090	9 000	2 750	095	9 500	2 900	100	10 000	3 050	105	10 500	3 200
110	11 000	3 350	115	11 500	3 500	120	12 000	3 650	125	12 500	3 800
130	13 000	3 950	135	13 500	4 100	140	14 000	4 250	145	14 500	4 400
150	15 000	4 550	155	15 500	4 700	160	16 000	4 900	165	16 500	5 050
170	17 000	5 200	175	17 500	5 350	180	18 000	5 500	185	18 500	5 650
190	19 000	5 800	195	19 500	5 950	200	20 000	6 100	205	20 500	6 250
210	21 000	6 400	215	21 500	6 550	220	22 000	6 700	225	22 500	6 850
230	23 000	7 000	235	23 500	7 150	240	24 000	7 300	245	24 500	7 450
250	25 000	7 600	255	25 500	7 750	260	26 000	7 900	265	26 500	8 100
270	27 000	8 250	275	27 500	8 400	280	28 000	8 550	285	28 500	8 700
290	29 000	8 850				300	30 000	9 150			
310	31 000	9 450				320	32 000	9 750			
330	33 000	10 050				340	34 000	10 350			
350	35 000	10 650				360	36 000	10 950			
370	37 000	11 300				380	38 000	11 600			
390	39 000	11 900				400	40 000	12 200			
410	41 000	12 500				430	43 000	13 100			
450	45 000	13 700				470	47 000	14 350			
490	49 000	14 950				510	51 000	15 550			
etc.	etc.	etc.				etc.	etc.	etc.			

\* Except when, on the basis of regional air navigation agreements, a modified table of cruising levels based on a nominal vertical separation minimum of 1 000 ft (300 m) is prescribed for use, under specified conditions, by aircraft operating above FL 410 within designated portions of the airspace.

\*\* Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.

\*\*\* Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.

Instrument flight rules flights outside controlled airspace.

90. (1) A pilot-in-command operating an instrument flight rules flight outside a controlled airspace-

- (a) shall fly at a cruising level selected from Table 1, except when otherwise specified by the Authority for flight at or below 1,000 ft above mean sea level ;
- (b) but within or into areas, or along routes specified in regulation 45 sub regulation (2) (c) or (d) shall maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary with air traffic services unit providing flight information services.

(2) An instrument flight rules flight operating outside controlled airspace and required by the appropriate ATS authority to-

- (a) submit a flight plan,
  - (b) maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service,
- shall report position as specified in regulation 65 for controlled flights.

(3) A pilot-in-command electing to use the air traffic advisory service whilst operating instrument flight rules within specified advisory airspace shall comply with air traffic services instructions, except that the flight plan and changes thereto shall not be subjected to clearances and shall maintain two-way communication with the unit providing the air traffic advisory service.

Minimum flight altitudes for instrument flight rules operations.

91.(1) Except when necessary for take-off or landing, an instrument flight rules flight shall be flown at a level which is not below the minimum flight altitude established by the authority of the State whose territory is overflown, or, where no such minimum has been established-

- (a) for flights over high terrain or in mountainous areas, at a level which is at least 600 metres (2,000 feet) above the highest obstacle located within 8 kilometres of the estimated position of the aircraft; and
- (b) elsewhere than as specified in sub-paragraph (a), at a level which is at least 300 metres (1,000 feet) above the highest obstacle located within eight kilometres of the estimated position of the aircraft.

(2) If unable to communicate with air traffic control and there is need to climb to clear an obstacle to determine climb for obstacle clearance, a pilot shall climb to a higher minimum instrument flight rules altitude immediately after passing the point beyond which that minimum altitude applies.

Change from instrument flight rules flight to visual flight rules flight.

92.(1) A pilot electing to change from instrument flight rules flight to visual flight rules flight shall notify the appropriate air traffic control unit specifically that the instrument flight rules flight is cancelled and then communicate the changes to be made to the current flight plan.

(2) Where a pilot operating under instrument flight rules is flying in or encounters visual meteorological conditions, the pilot shall not cancel the instrument flight rules flight unless it is anticipated, and intended, that the flight shall be continued for a reasonable period of time in uninterrupted visual meteorological conditions.

## PART V—GENERAL

Inspection of  
certificate of  
registration.

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

Change of name

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

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

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

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

(3) The Authority may change the certificate or such other document and issue a replacement thereof;

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) of this regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

Change of address.

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

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

(b) the mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

Replacement of  
documents.

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

Certificate  
suspension and  
revocations.

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

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

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction

and where it considers it to be in the public interest, revoke, suspend, or vary any document issued or granted under these Regulations.

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

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

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

Use and retention of certificates and records.

98. (1) A person shall not-

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked, or suspended, or to which he is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

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

Reports of violation.

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

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

Enforcement of directions.

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

Aeronautical user fees.

101. (1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

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

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

Application of regulations to Government and visiting forces, etc.

102. (1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the Department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these regulations to the same extent as if the visiting force formed part of the military force of Kenya.

Extra-territorial application of Regulations.

103. Except where the context otherwise requires, the provisions of these Regulations—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) 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 VI—OFFENCES AND PENALTIES

Contravention of Regulations.

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

Penalties.

105. (1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

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

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

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

#### PART VII—SAVINGS AND TRANSITIONAL PROVISIONS

Savings.

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

Transitional provisions.

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

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

Revocation of LN 36/2007.

108. The Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, 2008 are repealed.

Made on the 25th March, 2013.

AMOS KIMUNYA,  
*Minister for Transport.*