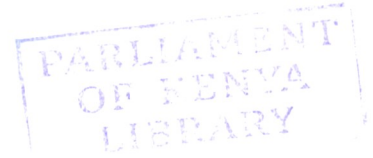


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THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (AERONAUTICAL SEARCH AND RESCUE) REGULATIONS, 2018

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SCHEDULE

## THE CIVIL AVIATION ACT

(No. 21 of 2013)

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

## CIVIL AVIATION (AERONAUTICAL SEARCH AND RESCUE) REGULATIONS, 2018

## PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Aeronautical Search and Rescue) Regulations, 2018. Citation.

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

“accident” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked or in the case of unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—

- (a) a person is fatally or seriously injured as a result of—
  - (i) being in the aircraft; or
  - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
  - (iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which—
  - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
  - (ii) would normally require major repair or replacement of the affected component;

except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or

- (c) the aircraft is missing or is completely inaccessible;

“Aeronautical Information Publication, (AIP)” means a publication issued by or with the Kenya Civil Aviation Authority and containing aeronautical information of a lasting character essential to air navigation;

“Aeronautical Rescue Coordination Centre, (RCC)” means a unit responsible for promoting efficient organization of Aeronautical Search and Rescue services and for coordinating the conduct of Aeronautical Search and Rescue operations within a Aeronautical Search and Rescue region ;

“Aeronautical Rescue Sub-Centre, (RSC)” means a unit subordinate to a rescue coordination centre, established to complement the latter according to particular provisions of the responsible authorities ;

“Aeronautical Search” means an operation normally coordinated by a rescue coordination centre or rescue sub-centre using available personnel and facilities to locate persons in distress;

“Aeronautical Search and Rescue aircraft” means an aircraft provided with specialized equipment suitable for the efficient conduct of Aeronautical Search and Rescue missions ;

“Aeronautical Search and Rescue facility” means any mobile resource, including designated Aeronautical Search and Rescue units, used to conduct Aeronautical Search and Rescue operations;

“Aeronautical Search and Rescue service” means the performance of distress monitoring, communication, coordination and Aeronautical Search and Rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including cooperating aircraft, vessels and other craft and installations;

“Aeronautical Search and Rescue region (SRR)” means an area of defined dimensions, associated with a rescue coordination centre, within which Aeronautical Search and Rescue services are provided;

“Aeronautical Search and Rescue unit” means a mobile resource composed of trained personnel and provided with equipment suitable for the expeditious conduct of Aeronautical Search and Rescue operations;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“alerting post” means any facility intended to serve as an intermediary between a person reporting an emergency and a rescue coordination centre or rescue sub-centre;

“alert phase” means a situation wherein apprehension exists as to the safety of an aircraft and its occupants;

“Authority” means the Kenya Civil Aviation Authority established under section 4 of the Act;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to Civil Aviation;

“Convention” means the Convention on International Civil Aviation adopted at Chicago on the 7<sup>th</sup> December, 1944;

“COSPAS-SARSAT” means the Space System for the Search of Vessels in Distress-Aeronautical Search and Rescue Satellite Aided Tracking;

“Director Air Navigation Services” means the Director for the time being responsible for air navigations services provided by the Authority;

“Director-General” means the Director-General of Kenya Civil Aviation Authority;

“distress phase” means a situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger and require immediate assistance;

“ditching” means the forced landing of an aircraft on water;

“emergency phase” is a generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase;

“EPIRB” means Emergency Position Indicating Radio Beacon;

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

“IBRD” means International Beacon Registration Database;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“International Civil Aviation Organization” means the specialized agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in Chicago on 7<sup>th</sup> December 1944;

“Joint Rescue Coordination Centre (JRCC)” means a rescue coordination centre responsible for both aeronautical and maritime Aeronautical Search and Rescue operations;

“operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“person” means any institution or organization equipped to assist in a Aeronautical Search and Rescue operation, an organ of state, a government and an agency of the government of a foreign country;

“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;

“PLB” means Personnel Locator Beacon;

“rescue” means an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;

“State of Registry” means the State on whose register the aircraft is entered;

“uncertainty phase” means a situation wherein uncertainty exists as to the safety of an aircraft and its occupants; and

“vessel” means any water-navigable craft of any type, whether self-propelled or not.

3. These Regulations shall apply to all aircraft requiring Aeronautical Search and Rescue services and to persons or organizations responsible for the maintenance and operation of Aeronautical Search and Rescue services in Kenya and in areas over the high seas to which Kenya has been given responsibility under the regional air navigation plan.

Application.

#### PART II—AERONAUTICAL SEARCH AND RESCUE ORGANIZATION

4. (1) The Director of Air Navigation Services is the designated Aeronautical Search and Rescue agency for Aeronautical Search and Rescue operations in Kenya.

Provision of  
Aeronautical Search  
and Rescue services.

(2) The designated Aeronautical Search and Rescue agency shall be responsible to the Director-General for coordinating and directing the prompt provision of Aeronautical Search and Rescue services within Kenya, including portions of the high seas as determined on the basis of regional air navigation agreements, to ensure that assistance is rendered to persons in distress.

(3) The designated Aeronautical Search and Rescue agency shall in coordination with the Authority—

- (a) determine the type and degree of Aeronautical Search and Rescue services to be provided within the Aeronautical Search and Rescue region, and shall coordinate such services in accordance with these Regulations;
- (b) establish a system for reporting occurrences and the conduct of Aeronautical Search and Rescue operations to the Authority; and
- (c) ensure the availability of sufficient resources and facilities to coordinate the Aeronautical Search and Rescue operations at any one time.

(4) The Authority in coordination with the designated Aeronautical Search and Rescue agency shall ensure availability of resources, communication facilities and a skilled manpower to coordinate and provide the Aeronautical Search and Rescue functions.

(5) The designated Aeronautical Search and Rescue agency shall establish processes to improve service provision, including the aspects of planning domestic and international cooperative arrangements and training.

(6) In providing assistance to aircraft in distress and to survivors of aircraft accidents, the designated Aeronautical Search and Rescue agency shall do so regardless of the nationality or status of such persons or the circumstances in which such persons are found.

(7) Aeronautical Search and Rescue units and other available facilities shall be used to assist any aircraft or its occupants that are or appear to be in a state of emergency.

(8) Where separate aeronautical and maritime rescue coordination centres serve the same area, the designated Aeronautical Search and Rescue agency shall ensure the closest possible cooperation and coordination between the relevant aeronautical, maritime and military emergency response services.

(9) The designated Aeronautical Search and Rescue agency shall facilitate consistent and cooperative engagement between aeronautical and maritime Aeronautical Search and Rescue services.

(10) The designated Aeronautical Search and Rescue agency may cooperate in establishment of joint rescue coordination centres to coordinate aeronautical and maritime Aeronautical Search and Rescue operations where practical.

5. The Aeronautical Search and Rescue region within which Aeronautical Search and Rescue services shall be provided, will be coincident to the national boundary of Kenya including portions of the high seas as determined on the basis of regional air navigation agreements.

Aeronautical Search and Rescue region.

6. (1) The designated Aeronautical Search and Rescue agency shall establish and publish in the AIP, a rescue coordination centre, equipped with appropriate facilities and personnel to—

Establishment of Aeronautical Rescue coordination centre and rescue sub centres.

- (a) facilitate efficient organization of Aeronautical Search and Rescue services; and
- (b) coordinate the conduct of Aeronautical Search and Rescue operations within the Aeronautical Search and Rescue region.

(2) The designated Aeronautical Search and Rescue agency may establish and publish in the AIP search and rescue sub centres, subordinate to the rescue coordination centre, where this is considered to improve the efficiency of Aeronautical Search and Rescue services within Kenya.

(3) The rescue coordination centre, and as appropriate, rescue sub centre, shall be staffed 24 hours a day by trained personnel proficient in the use of English language used for radiotelephony communications.

(4) The rescue coordination centre personnel involved in the conduct of radiotelephony communications shall be proficient in the use of the English language.

(5) The designated Aeronautical Search and Rescue agency shall make formal arrangements for cooperative and appropriate use of public and private Aeronautical Search and Rescue units that are suitably located, equipped and crewed for Aeronautical Search and Rescue operations throughout the Aeronautical Search and Rescue region.

(6) The designated Aeronautical Search and Rescue agency shall maintain an accurate and complete database of Aeronautical Search and Rescue Units and other Aeronautical Search and Rescue facilities and resources within the Aeronautical Search and Rescue region and make arrangements for the timely advice to the Rescue Coordination Centre of any change in their readiness or capability.

(7) In areas where telecommunications facilities would not permit persons observing an aircraft in emergency to notify the rescue coordination centre concerned directly and promptly, suitable units of public or private services shall be designated and such units shall be published in the AIP as alerting posts.

7. (1) The designated Aeronautical Search and Rescue agency shall ensure that the rescue coordination centre shall have means of rapid and reliable two way communication with—

Aeronautical Search and Rescue communications.

- (a) associated air traffic services units;
- (b) associated rescue sub-centres;
- (c) appropriate direction-finding and position-fixing stations;
- (d) where appropriate, coastal radio stations capable of alerting and communicating in the region;
- (e) the headquarters of Aeronautical Search and Rescue units in the region;
- (f) all maritime rescue coordination centres in the region and aeronautical, maritime or joint rescue coordination centres in adjacent regions;
- (g) a designated meteorological office or meteorological watch office;
- (h) Aeronautical Search and Rescue units;
- (i) alerting posts; and
- (j) the COSPAS-SARSAT Mission Control Centre servicing the Aeronautical Search and Rescue region.

(2) The designated Aeronautical Search and Rescue agency shall ensure that each rescue sub centre have means of rapid and reliable two-way communication with—

- (a) adjacent rescue sub centres;
- (b) a meteorological office or meteorological watch office;
- (c) Aeronautical Search and Rescue units; and
- (d) alerting posts.

8. The designated Aeronautical Search and Rescue agency shall—

Aeronautical Search and Rescue operations.

- (a) publish in the AIP, as Aeronautical Search and Rescue units, elements of public or private services suitably located and equipped for Aeronautical Search and Rescue operations;



- (b) publish in the AIP, as parts of the Aeronautical Search and Rescue plan of operation, elements of public or private services that do not qualify as Aeronautical Search and Rescue units but are able to participate in Aeronautical Search and Rescue operations; and
- (c) have equipment capable of communicating any distress information with the designated Mission Control Centre (MCC).

9. (1) All ELTs on board aircraft and all PLBs used during aviation sports activities shall be registered in the National IBRD.

Registration of ELTs & PLBs.

(2) The Director-General of the Authority shall maintain the National IBRD.

10. (1) The designated Aeronautical Search and Rescue agency shall ensure that—

Aeronautical Search and Rescue equipment.

- (a) Aeronautical Search and Rescue units are provided with equipment for locating promptly, and for providing adequate assistance at the scene of an accident;
- (b) Aeronautical Search and Rescue units have means of rapid and reliable two-way communication with other Aeronautical Search and Rescue facilities engaged in the same operation;
- (c) Aeronautical Search and Rescue aircraft are equipped to be able to communicate on the aeronautical distress and on-scene frequencies and on such other frequencies as may be determined by the Authority;
- (d) Aeronautical Search and Rescue aircraft are equipped with a device for homing on distress frequencies;
- (e) Aeronautical Search and Rescue aircraft, when used for Aeronautical Search and Rescue over maritime areas, are equipped to be able to communicate with vessels;
- (f) each Aeronautical Search and Rescue aircraft, when used for Aeronautical Search and Rescue over maritime areas, carry a copy of the International Code of Signals to enable it to overcome language difficulties that may be experienced in communicating with ships;
- (g) at least one of the aircraft participating in an Aeronautical Search and Rescue operation, carries droppable survival equipment, unless it is known that there is no need to provide supplies to survivors by air.

(2) The designated Aeronautical Search and Rescue agency shall ensure that appropriate survival equipment, suitably packed for dropping by aircraft are located at aerodromes.

### PART III—COOPERATION AND CO-ORDINATION OF AERONAUTICAL SEARCH AND RESCUE SERVICES

11. (1) The designated Aeronautical Search and Rescue agency shall in its operations—

Cooperation and coordination with other States and agencies.

- (a) ensure that the Aeronautical Search and Rescue organization is coordinated with those of neighbouring States where these operations are proximate to adjacent Aeronautical Search and Rescue regions; and
  - (b) develop common search and rescue plans and procedures to facilitate coordination of search and rescue operations with those of neighboring States.
- (2) The Authority, through the rescue coordination centre shall—
- (a) request from other rescue coordination centres such assistance, including aircraft, vessels, persons or equipment, as may be needed;
  - (b) grant any necessary permission for the entry of such aircraft, vessels, persons or equipment into its territory; and
  - (c) make the necessary arrangements with the appropriate customs, immigration or other authorities with a view to expediting such entry.
- (3) The rescue coordination centre shall when requested, provide assistance to other rescue coordination centres and coordinate any assistance required by those centres in the form of aircraft, vessels, persons or equipment.
- (4) The designated Aeronautical Search and Rescue agency shall make arrangements for—
- (a) joint training exercises involving its Aeronautical Search and Rescue units, those of other States and operators, in order to promote Aeronautical Search and Rescue efficiency; and
  - (b) periodic liaison visits by personnel of its rescue coordination centres and sub-centre to the centres of neighboring States.

12. (1) The designated Aeronautical Search and Rescue agency in coordination with the Authority and relevant government authorities shall establish letters of agreement with Aeronautical Search and Rescue service providers within the State and with all Aeronautical Search and Rescue agencies of contiguous States, to strengthen Aeronautical Search and Rescue cooperation and coordination.

Aeronautical Search and Rescue letters of agreement.

(2) Subject to sub-regulation (1), the designated Aeronautical Search and Rescue agency shall set forth in the agreements, the conditions for entry of each other's Aeronautical Search and Rescue units into respective territories and ensure that these agreements also provide for expediting entry of such units with the least possible formalities.

13. (1) The Director-General shall in coordination with relevant government authorities and subject to such conditions as may be prescribed by such authorities, permit immediate entry into the Kenyan territory, Aeronautical Search and Rescue units of other States for the

Entry into the territory of Kenya by other States' parties.

purpose of searching for the site of aircraft accidents and rescuing survivors of such accidents.

(2) Other States parties, who wish their Aeronautical Search and Rescue units to enter the territory of Kenya for Aeronautical Search and Rescue purposes shall transmit a request, giving full details of the projected mission and the need for it, to the Director-General.

(3) Subject to sub-regulation (2), the Director General shall—

- (a) acknowledge the receipt of such a request; and
- (b) in coordination with relevant State agencies, as soon as possible, indicate the conditions, if any, under which the projected mission may be undertaken.

14. (1) All aircraft, vessels and local services and facilities, which do not form part of the Aeronautical Search and Rescue organization shall cooperate fully with the latter in Aeronautical Search and Rescue and extend any possible assistance to the survivors of aircraft accidents.

Cooperation with other services not forming part of the Aeronautical Search and Rescue organization.

(2) Close coordination between relevant aeronautical and maritime authorities shall be maintained to provide for the most effective and efficient Aeronautical Search and Rescue services.

(3) The designated Aeronautical Search and Rescue agency shall ensure that its Search and Rescue services cooperate with those agencies responsible for investigating accidents and with those responsible for the care of those who suffer from the accidents.

(4) To facilitate accident investigation, rescue units shall, when practicable, be accompanied by persons qualified in the conduct of aircraft accident and incident investigations.

(5) The Authority shall designate a search and rescue point of contact for the receipt of COSPAS-SARSAT distress data.

15. (1) The Cabinet Secretary shall in coordination with the relevant government departments, establish an Aeronautical Search and Rescue Committee to ensure a coordinated and effective Aeronautical Search and Rescue service within Kenya.

Establishment of Aeronautical Search and Rescue Committee.

(2) The Aeronautical Search and Rescue Committee shall comprise representatives from—

- (a) the Ministry responsible for civil aviation;
- (b) the Authority ;
- (c) air traffic services;
- (d) aircraft operators;
- (e) Kenya Defence Forces;
- (f) the Kenya Maritime Authority;
- (g) National Police Service;

- (h) the Meteorological Services;
- (i) Kenya Airports Authority;
- (j) Airline Pilots Association;
- (k) Accident Investigation Bureau;
- (l) the Disaster Management Unit; and
- (m) such other persons as may be determined by the Cabinet Secretary.

(3) The Cabinet Secretary shall appoint the chairperson of the committee from among the members, whose role shall be to coordinate the functions of the committee with the assistance of a secretary appointed by the committee from among its members.

(4) The committee shall in coordination with the designated Aeronautical Search and Rescue agency ensure the effective delivery of Aeronautical Search and Rescue services within the Aeronautical Search and Rescue region in accordance with these Regulations.

(5) Notwithstanding sub-regulation (4), the committee shall in coordination with the designated Aeronautical Search and Rescue agency, be responsible for—

- (a) developing and recommending the national strategic Aeronautical Search and Rescue policy;
- (b) coordination of administrative and operational matters regarding Aeronautical Search and Rescue of aircraft;
- (c) providing an interface between the national and other regional and international organizations involved in Aeronautical Search and Rescue operations;
- (d) overseeing the implementation of the Aeronautical Search and Rescue plan for Kenya and of procedures contained in the Aeronautical Search and Rescue Manual;
- (e) coordinating arrangements for Aeronautical Search and Rescue training and exercises required by the Aeronautical Search and Rescue plan including follow-up of actions recommended following the conduct of Aeronautical Search and Rescue exercises;
- (f) promoting effective use of all available facilities for Aeronautical Search and Rescue;
- (g) serving as a co-operative forum to exchange information and develop positions and policies of interest to Parties involved in the Plan;
- (h) promoting close co-operation and co-ordination between civilian and military authorities and organizations for the provision of effective Aeronautical Search and Rescue services;
- (i) improving co-operation among aeronautical, maritime and land Aeronautical Search and Rescue communities for the

provision of effective Aeronautical Search and Rescue services;

- (j) coordinating Aeronautical Search and Rescue exercises as necessary;
- (k) ensuring the availability of appropriately packed, droppable life support equipment that is securely positioned and maintained at strategic locations throughout the Aeronautical Search and Rescue region and readily available for rapid loading onto Aeronautical Search and Rescue Units;
- (l) determining other ways to enhance the overall effectiveness and efficiency of Aeronautical Search and Rescue services within Kenya and to standardize Aeronautical Search and Rescue procedures and equipment where practicable; and
- (m) conduct a post mortem following an Aeronautical Search and Rescue exercise or activity and advise the Director-General of its findings and recommendations.

(6) The Committee shall meet at least twice a year to discuss matters related to its functions pursuant to sub-regulation (5) and to make any necessary recommendations to the Director-General on matters affecting aeronautical Search and Rescue services in Kenya.

(7) The chairperson of the committee may at any time and in coordination with the designated Aeronautical Search and Rescue agency, call a special meeting of the committee when circumstances so require at a time and place to be determined and shall notify the members of the committee in writing.

16. (1) The designated Aeronautical Search and Rescue agency shall—

Dissemination of information.

- (a) publish in the Kenya AIP the Aeronautical Search and Rescue point of contact for the receipt of COSPAS-SARSAT distress data;
- (b) publish in the AIP the arrangements and information necessary for the entry into Kenya of Aeronautical Search and Rescue units of other States for the purpose of Aeronautical Search and Rescue of aircraft;
- (c) make available, through the rescue coordination centres or other agencies, information regarding Aeronautical Search and Rescue plans of operation.

(2) The Authority shall, to the extent desirable and practicable, disseminate information to the general public and emergency response authorities regarding actions to be taken when there is reason to believe that an aircraft's emergency situation may become cause for public concern or require a general emergency response.

#### PART IV—PREPARATORY MEASURES

17. (1) The designated Aeronautical Search and Rescue agency shall make readily available, at all times, up to-date information

Preparatory information.

concerning the following in respect of its Aeronautical Search and Rescue region, Aeronautical Search and Rescue units, rescue sub-centres and alerting posts, and air traffic services units—

- (a) means of communication that may be used in Aeronautical Search and Rescue operations;
- (b) addresses and telephone numbers of all operators, or their designated representatives, engaged in operations in the region; and
- (c) any other public and private resources including medical and transportation facilities that are likely to be useful in Aeronautical Search and Rescue.

(2) The designated Aeronautical Search and Rescue agency shall ensure that the rescue coordination centre has readily available all other information of interest to Aeronautical Search and Rescue, including information regarding—

- (a) the locations, call signs, hours of watch, and frequencies of all radio stations likely to be employed in support of Aeronautical Search and Rescue operations;
- (b) the locations and hours of watch of services keeping radio watch, and the frequencies guarded;
- (c) locations where supplies of droppable emergency and survival equipment are stored; and
- (d) objects which it is known might be mistaken for unallocated or unreported wreckage, particularly if viewed from the air.

(3) The rescue coordination centre shall coordinate with the marine Aeronautical Search and Rescue units to have ready access to information regarding the positions, course and speed of ships within areas that may be able to provide assistance to aircraft in distress and information on how to contact such ships.

(4) The designated Aeronautical Search and Rescue agency shall in cooperation with other States and the maritime authority arrange communication links with Anvers or regional ship reporting systems to facilitate Aeronautical Search and Rescue operations at sea.

(5) The designated Aeronautical Search and Rescue agency shall provide relevant information on the availability of Aeronautical Search and Rescue Units within the Aeronautical Search and Rescue region for publication in the AIP.

18. (1) The designated Aeronautical Search and Rescue agency shall prepare detailed plans of operation for the conduct of Aeronautical Search and Rescue operations within the Aeronautical Search and Rescue region.

Aeronautical Search and Rescue plan of operation.

(2) Aeronautical Search and Rescue plan of operations shall be developed jointly with representatives of the operators and other public or private services that may assist in providing Aeronautical Search and

Rescue services or benefit from them, taking into account that the number of survivors could be large.

(3) The plans of operation shall specify arrangements for the servicing and refueling, to the extent possible, of aircraft, vessels and vehicles employed in Aeronautical Search and Rescue operations, including those made available by other States.

(4) The Aeronautical Search and Rescue plans of operation shall contain details regarding actions to be taken by those persons engaged in Aeronautical Search and Rescue, including—

- (a) the manner in which Aeronautical Search and Rescue operations are to be conducted in the Aeronautical Search and Rescue region;
- (b) the use of available communication systems and facilities;
- (c) the actions to be taken jointly with other rescue coordination centres;
- (d) the methods of alerting en-route aircraft and ships at sea;
- (e) the duties and prerogatives of persons assigned to Aeronautical Search and Rescue;
- (f) the possible redeployment of equipment that may be necessitated by meteorological or other conditions;
- (g) the methods for obtaining essential information relevant to Aeronautical Search and Rescue operations, such as weather reports, forecasts and appropriate NOTAM;
- (h) the methods for obtaining, from other rescue coordination centres, such assistance, including aircraft, vessels, persons or equipment, as may be needed;
- (i) the methods for assisting distressed aircraft being compelled to ditch to rendezvous with surface craft;
- (j) the methods for assisting Aeronautical Search and Rescue operation or other aircraft to proceed to aircraft in distress; and
- (k) cooperative actions to be taken in conjunction with air traffic services units and other authorities concerned to assist aircraft known or believed to be subject to unlawful interference.

(5) Aeronautical Search and Rescue plans of operation shall be integrated with airport emergency plans to provide for rescue services in the vicinity of aerodromes including, for coastal aerodromes and areas of water.

(6) Aeronautical Search and Rescue plans for operation shall be integrated with emergency response plans developed by the air operators in accordance with the provisions of the Civil Aviation (Operation of Aircraft) Regulations.

(7) To facilitate the implementation of the Aeronautical Search and Rescue plan, the designated Aeronautical Search and Rescue agency shall prepare and keep updated an Aeronautical Search and Rescue manual containing the necessary procedures for Aeronautical Search and Rescue operations and matters connected therewith.

19. The designated Aeronautical Search and Rescue agency shall ensure that each Aeronautical Search and Rescue unit—

Aeronautical Search and Rescue units.

- (a) is cognizant of all parts of the plans of operation described in regulation 14 that are necessary for the effective conduct of its duties;
- (b) keeps the rescue coordination centre informed of its preparedness;
- (c) maintains readiness and the required number of Aeronautical Search and Rescue facilities; and
- (d) maintains adequate supplies of rations, medical stores, signaling devices and other survival and rescue equipment.

20. The designated Aeronautical Search and Rescue agency shall provide for regular training of its Aeronautical Search and Rescue personnel and arrange appropriate Aeronautical Search and Rescue exercises to achieve and maintain maximum efficiency in Aeronautical Search and Rescue operations.

Training and exercises.

21. The Cabinet Secretary shall ensure that wreckage resulting from aircraft accidents within Kenya or, in the case of accidents on the high seas, within the Aeronautical Search and Rescue regions, is removed, obliterated or charted following completion of the accident investigation, if its presence might constitute a hazard or confuse subsequent Aeronautical Search and Rescue operations.

Procedure at the scene of accidents.

#### PART V—OPERATING PROCEDURES

22. (1) The rescue coordination centre shall immediately be given all available information concerning an aircraft believed to be in an emergency by the authority or any element of the search and rescue organization.

Information concerning emergencies.

(2) The rescue coordination centre shall, immediately upon receipt of information concerning aircraft in emergency, evaluate such information and assess the extent of the operation required.

(3) When information concerning aircraft in emergency is received from other sources than air traffic services units, the rescue coordination centre shall determine to which emergency phase the situation corresponds and apply the procedures applicable to that phase.

23. (1) The rescue coordination centre shall upon the occurrence of an uncertainty phase, cooperate to the utmost with air traffic services units and other appropriate agencies and services in order that incoming reports may be speedily evaluated.

Procedures for rescue coordination centre during emergency phases.

(2) The rescue coordination centre shall upon the occurrence of an alert phase, immediately alert Aeronautical Search and Rescue units and initiate any necessary action.



(3) The rescue coordination centre shall upon the occurrence of a distress phase—

- (a) immediately initiate action by Aeronautical Search and Rescue units in accordance with the appropriate plan of operation;
- (b) ascertain the position of the aircraft, estimate the degree of uncertainty of this position, and, on the basis of this information and the circumstances, determine the extent of the area to be searched;
- (c) notify the operator, where possible, and keep the operator informed of developments;
- (d) notify other rescue coordination centres, the help of which seems likely to be required, or which may be concerned in the operation;
- (e) notify the associated air traffic services unit, when the information on the emergency has been received from another source;
- (f) request at an early stage such aircraft, vessels, coastal stations and other services not specifically included in the appropriate plan of operation and able to assist to—
  - (i) maintain a listening watch for transmissions from the aircraft in distress, survival radio equipment or ELT 406Mhz;
  - (ii) assist the aircraft in distress as far as practicable; and
  - (iii) inform the rescue coordination centre of any developments;
- (g) from the information available, draw up a detailed plan of action for the conduct of the search or rescue operation required and communicate such plan for the guidance of the authorities immediately directing the conduct of such an operation;
- (h) amend as necessary, in the light of evolving circumstances, the detailed plan of action;
- (i) notify the appropriate accident investigation authorities; and
- (j) notify the State of Registry of the aircraft.

(4) Subject to sub-regulations (1), (2), and (3), the order in which the actions are described shall be followed unless circumstances dictate otherwise.

(5) In the event that an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more Aeronautical Search and Rescue regions, the following shall apply—

- (a) when a rescue coordination centre is notified of the existence of an emergency phase and is unaware of other centres taking appropriate action, it shall assume responsibility for initiating suitable action in accordance with these regulations and confer with neighboring rescue coordination centres with the objective of designating one rescue coordination centre to assume responsibility forthwith;
- (b) unless otherwise decided by common agreement of the rescue coordination centres concerned, the rescue coordination centre to coordinate Aeronautical Search and Rescue action shall be the centre responsible for—
  - (i) the region in which the aircraft last reported its position;
  - (ii) the region to which the aircraft was proceeding when its last reported position was on the line separating two Aeronautical Search and Rescue regions;
  - (iii) the region to which the aircraft was destined when it was not equipped with suitable two-way radio communication or not under obligation to maintain radio communication; or
  - (iv) the region in which the distress site is located as identified by the COSPAS-SARSAT system;
- (c) after declaration of the distress phase, the rescue coordination centre with overall coordination responsibility shall inform all rescue coordination centres that may become involved in the operation of all the circumstances of the emergency and subsequent developments;
- (d) all rescue coordination centres becoming aware of any information pertaining to the emergency shall inform the rescue coordination centre that has overall responsibility.

(6) The rescue coordination centre responsible for Aeronautical Search and Rescue action shall forward to the air traffic services unit serving the flight information region in which the aircraft is operating, information of the Aeronautical Search and Rescue action initiated when passing information to aircraft in respect of which an emergency phase has been declared.

24. Where the conduct of operations over the entire Aeronautical Search and Rescue region is the responsibility of more than one rescue coordination centre, each involved rescue coordination centre shall take action in accordance with the relevant plan of operations when so requested by the rescue coordination centre of the region.

25. The authorities immediately directing the conduct of Aeronautical Search and Rescue operations in the field or any part thereof shall—

- (a) give instructions to the units under their direction and inform the rescue coordination centre of such instructions; and

Procedures where responsibility for operations extends to two or more Rescue Coordination Centres (RCCs).

Procedures for authorities in the field.

- (b) keep the rescue coordination centre informed of any developments.

26. (1) Aeronautical Search and Rescue operations shall continue, when practicable, until all survivors are delivered to a place of safety or until all reasonable hope of rescuing survivors has passed.

Procedures for rescue coordination centre- termination and suspension of operations.

(2) The rescue coordination centre shall be responsible for determining when to discontinue Aeronautical Search and Rescue operations.

(3) When an Aeronautical Search and Rescue operation has been successful or when a rescue coordination centre considers, or is informed, that an emergency no longer exists, the emergency phase shall be cancelled and the Aeronautical Search and Rescue operation terminated and any authorities, facilities or services that had been activated or notified, be promptly informed.

(4) If an Aeronautical Search and Rescue operation becomes impracticable and the rescue coordination centre concludes that there might still be survivors, the centre shall suspend on-scene activities pending further developments and promptly inform any agency, facility or service which has been activated or notified.

(5) Relevant information subsequently received shall be evaluated and Aeronautical Search and Rescue operations resumed when justified and practicable.

27. (1) The rescue coordination centre or rescue sub-centre shall designate one or more units on scene to coordinate all actions to help ensure the safety and effectiveness of air and surface operations, taking into account facility capabilities and operational requirements when multiple facilities are engaged in Aeronautical Search and Rescue operations on scene.

Procedures at the scene of an accident.

(2) A pilot-in-command who observes that either another aircraft or a surface craft is in distress, shall, if possible and unless considered unreasonable or unnecessary—

- (a) keep the craft in distress in sight until compelled to leave the scene or advised by the rescue coordination centre that it is no longer necessary;
- (b) determine the position of the craft in distress;
- (c) as appropriate, report to the rescue coordination centre or air traffic services unit as much of the following information as possible —
  - (i) type of craft in distress, its identification and condition;
  - (ii) its position, expressed in geographical or grid coordinates or in distance and true bearing from a distinctive landmark or from a radio navigation aid;
  - (iii) time of observation expressed in hours and minutes Coordinated Universal Time (UTC);

- (iv) number of persons observed;
- (v) whether persons have been seen to abandon the craft in distress;
- (vi) on-scene weather conditions;
- (vii) apparent physical condition of survivors;
- (viii) apparent best ground access route to the distress site; and
- (ix) act as instructed by the rescue coordination centre or the air traffic services unit.

(3) If the first aircraft to reach the scene of an accident is not an Aeronautical Search and Rescue aircraft, it shall take charge of on-scene activities of all other aircraft subsequently arriving until the first Aeronautical Search and Rescue aircraft reaches the scene of the accident.

(4) Subject to sub-regulation (3), if such aircraft is unable to establish communication with the appropriate rescue coordination centre or air traffic services unit, it shall, by mutual agreement hand over to an aircraft capable of establishing and maintaining such communications until the arrival of the first Aeronautical Search and Rescue aircraft.

(5) When it is necessary for an aircraft to convey information to survivors or surface rescue units, and two-way communication is not available, it shall, if practicable, drop communication equipment that would enable direct contact to be established, or convey the information by dropping a hard copy message.

(6) When a ground signal has been displayed, the aircraft shall indicate whether the signal has been understood or not by the means described in sub-regulation (5) or, if this is not practicable, by making the appropriate visual signal.

(7) When it is necessary for an aircraft to direct a surface craft to the place where an aircraft or surface craft is in distress, the aircraft shall do so by transmitting precise instructions by any means at its disposal and if no radio communication can be established, the aircraft shall make the appropriate visual signal.

28. Whenever a distress transmission is intercepted by a pilot-in-command of an aircraft, the pilot shall, if feasible—

- (a) acknowledge the distress transmission;
- (b) record the position of the craft in distress if given;
- (c) take a bearing on the transmission;
- (d) inform the appropriate rescue coordination centre or air traffic services unit of the distress transmission, giving all available information; and
- (e) at the pilot's discretion, while awaiting instructions, proceed to the position given in the transmission.

Procedures for a pilot-in-command intercepting a distress transmission.

29. (1) The air-to-surface and surface-to-air visual signals described in the Schedule shall, when used, have the meaning indicated therein and shall be used only for the purpose indicated and no other signals likely to be confused with them shall be used.

Aeronautical Search and Rescue signals.

(2) Upon observing any of the signals, aircraft shall take such action as may be required by the interpretation of the signal given in the Schedule.

30. (1) The rescue coordination centre shall keep a record of the operational efficiency of the Aeronautical Search and Rescue organization in the region.

Maintenance of records, appraisals and information sharing.

(2) The rescue coordination centre shall prepare appraisals of actual Aeronautical Search and Rescue operations in the region and the reports shall include any pertinent remarks on the procedures used and on the emergency and survival equipment, and any suggestions for improvement of those procedures and equipment.

(3) The appraisals which are likely to be of interest to other States shall be submitted to ICAO for information and dissemination as appropriate.

#### PART VI— GENERAL PROVISIONS

31. (1) The Cabinet Secretary may for purposes of any aeronautical Search and Rescue operation—

Requisition of aircraft or vessel.

- (a) make requisition for any civil aircraft or vessel;
- (b) request the assistance of any military aircraft or vessel; or
- (c) request any holder of a Kenya aircraft flight crew license or the master of a vessel to assist in the operation.

(2) Where the Cabinet Secretary contemplates requisitioning a civilian aircraft or vessel or requesting a civilian holder of a Kenyan aircraft flight crew license or the master of a vessel, the Cabinet Secretary may do so only if—

- (a) human life is in immediate and grave danger; and
- (b) there are no other means available to conduct the operation.

32. (1) If any Aeronautical Search and Rescue operation is undertaken in connection with any occurrence caused by the unlawful act or omission of any person, the Cabinet Secretary may recover from that person the whole or any portion of the expenses incurred in connection with that operation.

Recovery of certain expenses.

(2) The Cabinet Secretary may, after having recovered the expenses contemplated in sub-regulation (1), compensate any person who has incurred any loss or damage as a result of the operation.

(3) Subject to sub-regulations (1) and (2), the Cabinet secretary shall determine and notify in writing the expenses to be recovered depending on the nature of the unlawful act or omission.

33. The designated Aeronautical Search and Rescue agency shall retain all data relating to every Aeronautical Search and Rescue action

Record keeping by the designated Aeronautical Search

undertaken by the rescue coordination centre in an orderly and easily accessible manner for a period of at least twelve calendar months. and Rescue agency.

34. (1) Any person who fails to comply with any direction or instructions given to him or her under these Regulations shall be deemed for the purpose of these Regulations to have contravened that provision. Failure to comply with direction or instructions.

(2) Any person who becomes aware of a violation of the provisions of any of these Regulations, rules or orders issued thereunder, shall without delay report it to the Authority.

(3) The Authority shall upon being notified of a violation, determine the nature and type of investigation or enforcement action that need to be taken.

35. A person aggrieved with the decision of the Authority under these Regulations may within twenty one days of such decision appeal to the Tribunal. Appeals to the Tribunal.

36. (1) Any person carrying out any activities prescribed in these Regulations immediately before the coming into operation of these Regulations shall, within twelve months from the coming into force thereof, take all necessary measures to ensure full compliance with these Regulations. Transition provision.

(2) A license, certificate, approval or any other document issued prior to the commencement of these Regulations shall continue in force as if it was issued under these Regulations until it expires or is cancelled by the Authority.

#### SCHEDULE

(r. 29(1)&(2))

##### AERONAUTICAL SEARCH AND RESCUE SIGNALS

###### 1. Signals with surface craft

1.1. The following maneuvers performed in sequence by an aircraft mean that the aircraft wishes to direct a surface craft towards an aircraft or a surface craft in distress—

- (a) circling the surface craft at least once;
- (b) crossing the projected course of the surface craft close ahead at low altitude, but not -
- (c) lower than 500 ft above ground level, and
  - (i) rocking the wings;
  - (ii) opening and closing the throttle; or
  - (iii) Changing the propeller pitch

Note — Due to high noise level on board surface craft, the sound signals in (ii) and (iii) may be less effective than the visual signal in (i) and are regarded as alternative means of attracting attention.

- (d) heading in the direction in which the surface craft is to be directed.

Note—Repetition of such maneuvers has the same meaning.

1.2. The following maneuvers by an aircraft means that the assistance of the surface craft to which the signal is directed is no longer required—

- (a) crossing the wake of the surface craft close astern at a low altitude and—
  - (i) rocking the wings;
  - (ii) opening and closing the throttle; or
  - (iii) changing the propeller pitch.

Note: The following replies may be made by surface craft to the signal in 1.1—

- (b) for acknowledging receipt of signals—
  - (i) the hoisting of the “code pennant” (vertical red and white stripes) close up (meaning understood);
  - (ii) the flashing of a succession of “T’s” by signal lamp in the Morse code;
  - (iii) the changing of heading to follow the aircraft;
- (c) for indicating inability to comply—
  - (i) the hoisting of the international flag “N” (a blue and white checkered square);
  - (ii) the flashing of a succession of “N’s” in the Morse code.



Note.— See Note following 1.1 b), 3).

2. Ground-air visual signal code

2.1 Ground-air visual signal code for use by survivors

No.	Message	Code symbol
1	Require assistance	V
2	Require medical assistance	X
3	No or Negative	N
4	Yes or Affirmative	Y
5	Proceeding in this direction	↑

## 2.1. Ground-air visual signal code for use by rescue units.

No.	Message	Code symbol
1	Operation completed	LLL
2	We have found all personnel	LL
3	We have found only some personnel	++
4	We are not able to continue. Returning to base	XX
5	Have divided into two groups. Each proceeding in direction indicated	
6	Information received that aircraft is in this direction	
7	Nothing found. Will continue to search	NN

2.2. Symbols shall be at least 2.5 metres (8 feet) long and shall be made as conspicuous as possible.

Note 1.—Symbols may be formed by any means such as: strips of fabric, parachute material, pieces of wood, stones or such like material; marking the surface by tramping, or staining with oil.

Note 2. — Attention to the above signals may be attracted by other means such as radio, flares, smoke and reflected light.

## Air-to-ground signals

3.1. The following signals by aircraft mean that the ground signals have been understood—

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

3.2. Lack of the above signal indicates that the ground signal is not understood.

Made on the 9th May, 2018.

JAMES W. MACHARIA,  
*Cabinet Secretary for Transport, Infrastructure,  
 Housing and Urban Development.*