



**REPUBLIC OF KENYA
MINISTRY OF ROADS AND TRANSPORT**

**REGULATORY IMPACT ASSESSMENT
For
The Civil Aviation (Aeronautical Charts) Regulations, 2024**

This Regulatory Impact Assessment has been prepared by the Cabinet Secretary responsible for Roads and Transport pursuant to sections 6 and 7 of the Statutory Instruments Act, Cap 2A of the Laws of Kenya.

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1.0 Chapter One – Introduction

1.1 Establishment and regulation making authority

Kenya Civil Aviation Authority is established under the Kenya Civil Aviation Act, Cap. 394 (“the Act”) with the primary mandate being Regulation and Oversight of Aviation Safety and Security; Economic Regulation of air services and development of Civil Aviation; Provision of Air Navigation Services; and Training of aviation personnel as guided under the provisions of the Convention on International Civil Aviation, related ICAO Standards and Recommended Practices (SARPs), the Act, and the Civil Aviation Regulations.

The purpose for which the Authority was established are, to economically and efficiently plan, develop and manage civil aviation, regulate and operate a safe civil aviation system in Kenya in accordance with the provisions of the Act.

Section 82 (1) of the Act empowers the Cabinet Secretary responsible for matters relating to civil aviation, to make Regulations to give effect to and for the better carrying out of the objects and purposes of the Act, and to provide generally for regulating air navigation, air transport, air accident investigation and carrying out and giving effect to any convention.

Further, section 82(2) of the Act specifies the areas where regulations may be made. Against this background, the Cabinet Secretary has developed the Civil Aviation (Aeronautical Charts) Regulations, 2024 which seeks to—

- (a) minimize or prevent interference with the use or effectiveness of apparatus used in connection with air navigation and air navigation services and prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;
- (b) generally, secure the safety, efficiency, and regularity of air navigation and safety of aircraft and of persons and cargo carried therein, and for preventing aircraft endangering other persons;
- (c) prohibit aircraft from flying over such areas in Kenya as the Cabinet Secretary may by order published in the Gazette declare to be prohibited areas;
- (d) exempt any aircraft or persons or classes of aircraft or persons from the provisions of any regulations made under this Act;
- (e) regulate the firing of rockets;
- (f) provide for the classification and use of airspace and the control and use of air routes and provisions of search and rescue facilities; and
- (g) provide for the control and operation of the aircraft within or directly above the aerodrome for the purpose of limiting or mitigating the effect of noise.

1.2 Requirements of the Statutory Instruments Act

The Statutory Instruments Act, Cap. 2A (SIA) is the legal framework governing the conduct of RIA in Kenya. Sections 6 and 7 require that if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the Regulation-Making Authority (RMA) shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument. SIA further sets out certain key elements that must be contained in the RIA namely—

- (a) a statement of the objectives of the proposed legislation and the reasons for them a statement explaining the effect of the proposed legislation including in the case of a proposed legislation which is to amend an existing statutory instrument the effect on the operation of the existing statutory instrument
- (b) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options;
- (c) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives;
- (d) the reasons why the other means are not appropriate;
- (e) any other matters specified by the guidelines;
- (f) a draft copy of the proposed statutory rule.

1.3 What is a Regulatory Impact Assessment (RIA)?

RIA is a systemic approach of critically assessing the positive and negative effects of proposed or existing regulations and non-regulatory alternatives. It is an analytical report to assist decision makers to arrive at an informed policy decision.

As an aid to decision making, RIA includes an evaluation of possible alternative regulatory and non-regulatory approaches with the overall aim of ensuring that the final selected regulatory option provides the greatest net public benefit.

Typically, the structure of RIA should contain the following elements: title of the proposal, the objective and intended effect of the regulatory policy, an evaluation of the policy problem, consideration of alternative options, assessment of all their impacts distribution, results of public consultation, compliance strategies, and processes for monitoring and evaluation.

RIA promotes evidence-based policymaking as new regulations typically lead to numerous impacts that are often difficult to foresee. From a societal viewpoint, RIA confirms whether a proposed regulation is welfare enhancing, in that, the benefits will surpass costs.

RIA therefore has an overall objective of not only improving understanding of the real-world impact of regulatory action, including both the benefits and the costs of action, but also integrating multiple policy objectives, improving transparency and consultation; and enhancing governmental Authority.

2.0 Chapter Two – The Civil Aviation (Aeronautical Charts) Regulations, 2024

2.1 Scope

These Regulations apply to a person or entity providing an aeronautical charts service within designated airspaces and at aerodromes for civil aviation purposes in Kenya.

2.2 Objective

The general objective of the regulations is to ensure compliance to the International Civil Aviation Organization (ICAO) requirements in the development and maintenance of the aeronautical charts service within designated airspaces and at aerodromes for civil aviation purposes in Kenya. This is geared towards enhancing the safety of aircraft operations as they operate from one airport to another.

2.3 Specific objectives

The specific Objectives are to:

- (a) allow the development of charts that shall provide information relevant to the function of the chart and which will facilitate its optimum use at the following phases of a flight:
 - (i) Phase 1 — Taxi from aircraft stand to take-off point;
 - (ii) Phase 2 — Take-off and climb to en-route ATS route structure;
 - (iii) Phase 3 — En-route ATS route structure;
 - (iv) Phase 4 — Descent to approach;
 - (v) Phase 5 — Approach to land and missed approach; and
 - (vi) Phase 6 — Landing and taxi to aircraft stand.
- (b) require the service provider to take all reasonable measures to ensure that the information it provides and the aeronautical charts made available are adequate and accurate and that they are maintained up to date by an adequate revision service; and
- (c) ensure that the presentation of information on each type of chart permits smooth transition from chart to chart as appropriate to the phase of flight.

2.4 An Overview of the Proposed the Civil Aviation (Aeronautical Charts) Regulations 2024: Salient Features

This overview aims to evaluate the clarity, consistency and comprehensiveness of the proposed Regulation in relation to the identified issues. It is essential that the regulations are easily understood by those who may be impacted. To achieve this, the Kenya Civil Aviation Authority has implemented measures to enhance the clarity of both the text and structure of the proposed Regulation.

The structure of the proposed Civil Aviation (Aeronautical Charts) Regulations 2024 is as follows:

Part I—Preliminary Provisions
Part II—General Specifications

Part III—Aerodrome Obstacle Chart – International Civil Aviation Organization Type A
(Operating Limitations)

Part IV—Aerodrome Obstacle Chart – International Civil Aviation Organization Type B

Part V—Aerodrome Terrain and Obstacle Chart – International Civil Aviation Organization
(Electronic)

Part VI—Precision Approach Terrain Chart - International Civil Aviation Organization

Part VII—En-Route Chart - International Civil Aviation Organization

Part VIII—Area Chart- International Civil Aviation Organization

Part IX—Standard Departure Chart – Instrument (SiD) - International Civil Aviation
Organization

Part X—Standard Arrival Chart – Instrument (STAR) - International Civil Aviation
Organization

Part XI—Instrument Approach Chart - International Civil Aviation Organization

Part XII—Visual Approach Chart – International Civil Aviation Organization

Part XIII—Aerodrome/Heliport – International Civil Aviation Organization

Part XIV—Aerodrome Ground Movement Chart – International Civil Aviation
Organization

Part XV—Aircraft Parking/Docking Chart International Civil Aviation Organization

Part XVI—World Aeronautical Chart - International Civil Aviation Organization 1:1 000
000

Part XVII—Aeronautical Chart - International Civil Aviation Organization 1:500 000

Part XVIII—Aeronautical Navigation Chart-International Civil Aviation Organization
Small Scale

Part XIX—Plotting Chart – International Civil Aviation Organization

Part XX—Electronic Aeronautical Chart Display –International Civil Aviation
Organization

Part XXI—Air Traffic Control Surveillance Minimum Altitude Chart –International Civil
Aviation Organization

Part XXII—Personnel Competency

Part XXIII—Exemptions

Part XXIV—Miscellaneous Provisions

Part XXV—Offences and Penalties

Part XXVI—Transitional and Savings Provisions

SCHEDULES

First Schedule—Marginal Layout

Second Schedule— ICAO Charts and Symbols

Third Schedule—Colour Guide

Fourth Schedule—Hypsometric tint guide

Fifth Schedule—Sheet Layout for the World Aeronautical Chart ICAO 1: 1,000,000.

3.0 Chapter Three – Background and Context

3.1 Policy Background

The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.

Goal 9 of the SDGs advocates for building resilient infrastructure, promoting inclusive and sustainable industrialization and fostering innovation. Kenya intends to provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport by 2030.

Kenya Vision 2030 is a nationwide multi-sectorial document that outlines the main policies, legal and institutional reforms as well as programs and projects that the Government plans to implement.

The 2030 Vision aspires to be a country firmly interconnected through a network of roads, railways, ports, air, water and sanitation facilities, and telecommunications. The expansion, modernization and management of the aviation sector continues to enhance air transport safety, security, and connectivity across the country and beyond. Civil aviation is a critical catalyst for global and national development. Air transport in Kenya has continued to grow and has contributed to job creation and increased interaction and trade with other countries.

Bottom-Up Economic Transformation Agenda (BETA): The Bottom-Up Economic Transformation Plan 2022-2027 is the manifesto of the ruling Kenya Kwanza administration. The agenda is built on six key pillars, to be implemented through five (5) MTP IV. The key pillars include infrastructural development whose objective is to enhance transport connectivity.

The Constitution of Kenya 2010 is the primary legislation from where all laws emanate. Under Part I of the Fourth Schedule, to the Constitution, civil aviation has been recognized as one of the functions of the national government.

Chapter 4 of the Constitution similarly provides for the Bill of Rights. Article 46 provides for the consumer rights. Aviation Consumers have rights for services of reasonable quality; information necessary for them to get full benefit from the services; and protection of their economic interests.

Chapter 6 of the Constitution provides for leadership and integrity including the conduct of state officers and public officers. Employees and officers of the Authority are public officers hence are bound by the principles of Chapter 6 of the Constitution. The regulations have largely provided for standardized ways of provision of quality services, information to be used by its consumers for protection of their economic interest, data protection issues, access to information while maintaining technical infrastructure within the aviation sector.

Article 94 (6) of the Constitution gives parliament the power to delegate its legislative authority to a State organ, State officer or person to make provision having the force of law in Kenya.

The Kenya Aviation Policy aims at fostering the growth of aviation business in Kenya to support job creation by positioning Kenya as a recognized regional leader in aviation; maximize the contribution of the aviation sector to Kenya's economic growth and development; and enhance Kenya's connectivity at a national and international level by ensuring safe, secure and competitive access which is responsive to the needs of businesses, tourism and the population.

The Policy covers the entire aviation sector in Kenya including key air transport challenges related to regulatory framework, safety, security, environmental aspects, economic regulation, institutional framework, air transport market and stakeholders, air transport infrastructure including planning, development, operation, and management, air transport personnel, and air transport statistics.

The Kenya Airspace Master Plan similarly, outlines the evolution and associated investments to be made by the Kenya Civil Aviation Authority (KCAA) in Air Navigation Services (ANS) over the next 15 years. The objectives of the Plan include global and regional consistency, legal/regulatory considerations, and stakeholder expectations. The plan covers operational evolutions, technical improvements, and human resources development.

The National Aviation Safety Plan (NASP) has been aligned with the International Civil Aviation Organization's (ICAO) Global Aviation Safety Plan (GASP), the NASP outlines objectives, strategic priorities, and safety actions to be taken over three years (2023 to 2025). The Plan includes key elements such as identification of national safety issues, setting aviation safety goals and targets, implementing safety enhancement initiatives (SEIs), and collaborating with industry stakeholders and agencies responsible for safety oversight. The NASP complements Kenya's State Safety Programme (SSP) Document.

Finally, the Civil Aviation Act, Cap. 394 sought to provide for the control, regulation and orderly development of civil aviation in Kenya; and for connected purposes. Section 4 of the Act provides that the establishment of the Kenya Civil Aviation Authority as a body corporate with perpetual succession and common seal. The Act applies to: aerodromes used for civil aviation in Kenya; air services established or operating in Kenya; any aircraft registered by the Authority; any foreign aircraft within the Kenya territory; aviation personnel and training schools certified by the Authority; enterprises operating in Kenya in the design, manufacture, maintenance, repair and modification of aircraft and aircraft parts or components; and air navigation facilities and services in Kenya. Section 82 gives the Cabinet Secretary responsible for civil aviation, the power to make regulations for the better carrying into effect the provisions of the Civil Aviation Act.

3.2 Domestic Context

The Kenya Civil Aviation Authority is established under the Civil Aviation Act with the object and purpose for which the Authority as established shall be, to economically and efficiently plan, develop and manage civil aviation, regulate and operate a safe civil aviation system in Kenya in accordance with the provisions of the Act. Further the Civil Aviation Act require that the Cabinet Secretary shall make regulations to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating air navigation, air transport, air accident investigation and carrying out and giving effect to any convention.

The Civil Aviation (Aeronautical Charts) Regulations, 2024 are meant to enable KCAA to effectively discharge its mandate by establishing operational standards that ensure that the aviation system in Kenya is aligned to the standards established internationally and applicable globally.

The Civil Aviation (Aeronautical Charts) Regulations 2024 therefore are issued in fulfilment of the obligations set forth in the Civil Aviation Act and in support of the mandate of KCAA.

3.3 International Context

The Convention on International Civil Aviation, which, has been ratified by Kenya established the International Civil Aviation Organization (ICAO) with a mandate to support, coordinate and help countries to diplomatically and technically realize a uniquely rapid and dependable network of global air mobility, connecting families, cultures, and businesses all over the world, and promoting sustainable growth and socio-economic prosperity wherever aircraft fly.

As a global forum of States for international civil aviation, ICAO develops policies and Standards, undertakes compliance audits, performs studies and analyses, helps and builds aviation capacity through many other activities and the cooperation of its Member States and stakeholders.

Article 37 of the Convention on International Civil Aviation provides for Adoption of international standards and procedures requiring each contracting State undertaking to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

The International Civil Aviation Organization adopts and amends international standards and recommended practices and procedures dealing with various aspects of air navigation and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Further, Article 12 of the Convention requires that each contracting State measures to ensure that every aircraft flying over or maneuvering within its territory and that every

aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and manoeuvre of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to ensure the prosecution of all persons violating the regulations applicable.

Internationally, each of the 193 contracting States has, in compliance with their national commitments and obligations under the Convention, established national civil aviation regulations with the objective of governing the aviation industry in their jurisdiction.

Article 12 of the Convention relating to scheduled air services provides that no scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

The lack of an appropriate set of regulations in one contracting state jeopardizes the safety, security and economic status of international air navigation. The Civil Aviation (Aeronautical Charts) Regulations 2024 are therefore proposed to ensure fulfilment of state obligation and alignment of the Kenyan aviation system with international requirements and allow Kenya effectively to explore the potential economic and geopolitical benefits of participating in international air navigation.

4.0 Chapter Four – Evaluation of the Problem

4.1 Currency of the Civil Aviation (Aeronautical Charts) Regulations 2024

The current regulations were promulgated under Legal Notice No. 134 dated 28th June 2018. During this period, the International Civil Aviation Organization reviewed the Annex 4 provisions as follows:

- (a) Amendment 60 via state letter: Ref.: AN 9/1.4-18/21 dated 22 March 2018;
- (b) Amendment 61 via state letter: AN 9/1.5-20/23 dated 6 April 2020; and
- (c) Amendment 62 via state letter: AN 9/1.6-24/30 dated 15 April 2024.

Article 37 Of the Chicago convention states that “Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters which such uniformity will facilitate and improve air navigation”. Taking into consideration the above requirement then it is imperative to revise the regulations so that they are consistent and in line with the International Civil Aviation Organization Standards and Recommended Practices.

4.2 Sustainability of Civil Aviation System

4.2.1 International Obligation

The Republic of Kenya is a signatory of the Chicago convention and hence has an obligation of amending it’s regulations from time in accordance with the provisions of article 37. This will enable the State to secure the highest practicable degree of uniformity in regulations, standards, procedures, and organization and in the long run facilitate and improve air navigation and the provisions be in tandem with those of ICAO.

ICAO guides too that the promulgation of regulations is to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

It is also the responsibility of a State to develop and implement a process to ensure the timely amendment of the specific operating regulations, as necessary, in order to keep pace with the amendments to the Annexes to the Convention. The system in place should ensure that the regulations are issued at the appropriate level, as provided for by the State’s primary legislation. It should also ensure that the overall legislation is consistent and, in particular, that regulations are repealed when replaced by new ones.

4.2.2 Aviation Safety

Aviation Safety is the state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled majorly through proactive means to an acceptable level.

The epitome of aviation safety is anchored on the need of each state to ensure that there is the promulgation and timely amendment of national legislation and

guidance to industry, as well as their effective implementation by service providers that is verified by the State in a continuous and systemic manner.

The inability of a state to have current regulations that are complied by the service providers is a mandatory requirement and in the event that the same is not available then the health of civil aircraft operations is threatened.

The goal of the regulations is to guarantee that an aircraft is always protected at each phase of the flight. This includes the protection against 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 on as may be required.

Hence for purposes of ensuring that there are safe aircraft operations there is need of ensuring that the regulations are current and in compliant with the ICAO SARPS and any other requirements that could enhance the safety of aircraft operations in the country.

4.2.3 Operational rights to other jurisdictions

The need to have globally harmonized standards is meant to enhance is a lack of compliance to the international standards in one State is bound to threaten the health of international civil aircraft operations. This state of affairs is as a result of the inter state aircraft operations. The way to achieve this uniformity is by bringing Kenyan regulations as close as possible with SARPS adopted and amended by ICAO.

4.2.4 Reduction of Cost of Doing Business

The regulatory framework in place may encourages or discourage people and organizations from doing business. The sustainability of the civil aviation system is increasingly linked to the cost of doing business. Civil aviation is a cost intensive venture requiring huge sums of money to procure aviation systems, establish the requisite infrastructure, purchase aircraft and run an airline to name a few. A poorly regulated industry may never thrive owing to the negative perception associated with it, the associated high cost of doing business, high insurance premiums and the losses resulting from doing business in such an environment.

To reduce unwarranted losses, high cost of doing business and an unstable business environment, current and comprehensive regulations are required. A robust regulatory framework goes a long way in assuring investors that they can invest without worrying about the possibility of their investment suddenly going down the drain because of preventable incidents, accidents, flight delays, unwarranted competition and inefficiencies.

From the perspective of the regulated, there are direct costs of compliance, including the time spent simply filling out paperwork disclosing the vast amount of information required by the regulating entity. Compliance costs also include losses that a service provider may accrue in meeting regulatory requirements associated

with their operations. It is on the above premise on the possible consequences that may arise from the implementation of the changes proposed by the ICAO. However on a close scrutiny the changes were found not to be impactful on cost when the changes will be implemented.

5.0 Chapter Five – Stakeholder Consultation

5.1 Legal requirements relating to public participation and consultation

The need to amend the Civil Aviation (Aeronautical Charts) Regulations, 2018, was necessitated largely by the ICAO amendments numbers 60, 61 and 62 to Annex 4 to the Chicago convention. Kenya as a contracting State is therefore required to bring its regulations into uniformity with the adopted and amended international standards to continue participating on equal grounds with the rest of the world.

Public participation plays a crucial role in democratic governance by ensuring transparency, inclusivity, and accountability in decision-making processes. The Constitution of Kenya 2010, places emphasis on public participation as a fundamental principle of governance. Article 10 of the Kenya Constitution outlines the values and principles of governance, including public participation, which is crucial for achieving accountability, transparency, and public involvement in decision-making processes.

In addition, Article 118 of the constitution establishes the right to public participation in legislative and other processes of the State, ensuring that the public has an opportunity to participate in matters that affect them directly.

The requirement for public participation applies to regulation making too. As such, before the draft regulations would be forwarded for promulgation, a series of stakeholder/public engagement was conducted.

5.2 The Process of Public Consultation

The first of a series of stakeholder meetings was physically held at the Ole Sereni Hotel in Nairobi on 30th April 2019. The second Stakeholders meeting was hybrid (both physically at Four Points Hotel and virtually) between 14th – 18th June 2021. The third public engagement was a physical meeting with stakeholders held at the Emara Ole Sereni Hotel between 14th and 15th February 2022.

In each of the engagements, comments and input from stakeholders were taken and incorporated into the regulations as appropriate and the outcome presented in the succeeding engagement forum. To conclude stakeholder engagement, the Authority organized for a final regulations validation workshop at the Panari Hotel in Nairobi between 6th and 8th May 2024 to allow stakeholders to confirm that the Authority had considered and incorporated their comments and input in the final drafts of the regulations. This was the final activity that paved way for the regulation review to proceed to the next stage.

5.3 Public Notice and awareness

All stakeholders' engagement fora were advertised at least 21 days before being held in at least major local daily in accordance with applicable requirements for stakeholder engagement. Additionally, formal notice of the same was posted on the KCAA official website. All sets of regulations to be discussed during the public participation fora were well spelt out in the adverts. An online registration form was provided on the website in

addition to a form to collect stakeholder comments which was uploaded alongside the regulations on the KCAA website www.kcaa.or.ke.

5.4 Public participation forum

The physical stakeholder engagement was conducted at the Ole Sereni Hotel in Nairobi on 30th April 2019 and attended by 102 participants. The virtual stakeholder engagement held between 14th and 18th June 2021 attracted a total attendance of 718 members of the public and aviation stakeholders. The Stakeholder engagement reports, Local daily newspaper adverts, copies of signed or digital attendance lists as applicable, Matrices containing input from stakeholders and how the same were incorporated in the regulations form Annexures to this report.

5.5 Analysis and Feedback

The Authority received many memoranda from the industry and general public using the forms provided to collect stakeholder feedback. Some memoranda were delivered physically, in writing or through email. Memoranda received before stakeholder meetings were analysed, the Authority's response documented in a matrix and the same presented during the physical or virtual stakeholder engagement sessions.

Every additional effort was made to analyse each comment and give feedback to every input received from stakeholders initially on the floor of the physical or virtual engagement during question-and-answer sessions which came immediately after regulation presentations, or in writing where stakeholder input and comments were received in writing or after the engagement sessions.

For stakeholder input and comments requiring substantial analysis and amendment to draft regulations, the stakeholders were invited to shed more light on their comments and requests through physical/virtual meetings, in writing or email. Their input was then discussed and analysed together with the regulation drafters and when consensus had been reached, the regulations were either redrafted to incorporate their input or retained as were where taking the industry comments in full would make the State to contravene ICAO standards to ensure that the State didn't contravene international standards and practices.

At all stages of regulation making, the Authority kept contact lines with stakeholders open to ensure that as important players they were fully involved and that they felt part of the process.

6.0 Chapter Six – Cost Benefit Analysis

6.1 Costs and Benefits Generally

Through the promulgation of the Civil Aviation (Aeronautical Charts) Regulations, 2024, The Kenya Civil Aviation Authority aims to ensure that the operation of aircraft in the Kenyan Airspace remains secure, sustainable, and resilient. The Aeronautical Charts to be published are used by aircraft flying and designed to facilitate safe and efficient aircraft operations at the various phases of flight. These charts are an essential component in the execution of a flight from one aerodrome to another especially for the major airports and hence the need of continued review and maintenance.

7.1.1 Costs

The implementation of the proposed changes are bound not to have a major cost other than consideration of training of the officers who are involved in the development of the aeronautical charts. Consideration may be given to the system upgrades in the event there is a deviation from how the current practice is undertaken.

7.1.2 Impact

The adoption and implementation of the proposed changes to the regulations will result to the following impact—

- (a) Safety impact: the Regulations provide clarification to the requirements and guidance where necessary; this results in an indirect positive impact to flight safety.
- (b) Financial impact: Minimal.
- (c) Environmental impact: easier implementation of PBN procedures will lead to more PBN procedures, which can result in the ability to provide solutions with shorter track miles.
- (d) Efficiency impact: easier implementation of PBN procedures will lead to more PBN procedures, which can result in the ability to provide solutions with shorter track miles.

7.1.3 Benefits

The benefits that will accrue through the promulgation of the revised Civil Aviation (Aeronautical Charts) Regulations, 2024 outweigh the projected costs to be incurred mainly by the air navigation services provider that will be responsible for the development of the charts.

Table 1: Cost Benefit analysis

PROBLEM	PROPOSED REFORM	BENEFITS	COST
Application	Application of the regulations amended for clarity	Enhances the understanding of the jurisdiction of the Authority and the service provider in clarifying the specific terms	Nil

PROBLEM	PROPOSED REFORM	BENEFITS	COST
Availability of charts	Proposes the need of availing data /information on the request of another State provide all information relating to the state of Kenya and the area of jurisdiction for the provision of air traffic services to allow the development of various charts	Enhances the safety of air navigation by allowing the exchange of data that will facilitate the development of aeronautical charts;	Negligible (sharing of data that exists in one state)
Charts to be published	An aeronautical charts service provider shall publish the following charts, as applicable and in accordance with the requirements as specified by the Authority— (m) Any other chart as may be requested by a user	Inclusion of the statement allows the service provider to develop any chart that will facilitate the safety of air navigation	Negligible(use of the existing systems and personnel to execute the task)
Identification of various charts	The aeronautical charts service provider shall identify the chart by the name of the city or town or area which the aerodrome serves	Allows compliance to the ICAO SARPS and uniformity in the identity of various charts	Negligible (use of the existing systems and personnel to execute the task)
New ICAO requirement on the depiction of charts	For Performance Based Navigation (PBN) procedures, a provision of a PBN requirements box.	Allows compliance to the ICAO SARPS and uniformity in the understanding of the requirements to be met by the aircraft and pilot before the use of the particular chart	Nil

6.2 Consideration of the available alternatives

Table 2: Alternative Approaches to Aeronautical Charts Procedures regulation

Option	Impact
Option One: Maintenance of the Status Quo	(a) Maintaining status quo means that no regulations are developed, thus the challenges of currency and keeping up with the international obligations and requirements will not be addressed. (b) Kenya won't be complying with terms of the Convention to which it is a signatory and hence will attract ICAO Universal Safety Oversight – continuous Monitoring Approach (USOAP-CMA) Audit findings. (c) Lack regulations that are current will place Kenya behind other States with more current and robust regulations thereby denying the State the much desired investment in the aviation industry.
Option Two: Administrative measures	1. Involves issuance of directives and circulars to the various entities and hoping that they will be implemented. 2. Administrative measures do not have the force of law and may be challenged in court of law.
Option Three: Promulgating the Civil Aviation (Aeronautical Charts) Regulations 2024	Promulgation of the Civil Aviation (Aeronautical Charts) Regulations 2024 will enhance safety by ensuring that that Kenya; (a) Shall be able to effectively enhance the safety oversight of the air navigation services provider responsible for the development of charts. (b) Secures the highest practical degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation (c) Achieves a high effective implementation of standards and recommended practices by ensuring that there is adequate alignment with the ICAO standards.

6.3 Impact analysis of the available options

Table 3: Impact analysis of Aeronautical Charts options

Aviation Sector	Option one: Maintenance of the Status Quo	Option two: Administrative measures	Option three: Promulgating the Civil Aviation (Aeronautical Charts) Regulations 2024
Aeronautical charts service provider	The service provider will not be able to apply the current requirements in the development of aeronautical charts hence may compromise the safety of air navigation.	The administrative option will not suffice since it does not compel compliance. The state will not demonstrate compliance to the ICAO requirements	Will be able to guarantee compliance of the international requirements and enhance safety in the operation of aircraft since the execution of each phase of flight will be undertaken with the help of a current aeronautical chart
Provision of Air Navigation Services	Maintaining the current regulations poses the following challenges: 1. Safety of aircraft operation may degrade due to non-applicability of the of the international requirements. 2. Operational inefficiencies especially in airspace optimization. 3. Stakeholders, including passengers and industry partners, may lose confidence in the safety and reliability of air transport services. 4. Non-compliance with regulations can lead to legal challenges and	1. This will require the issuance of directives and circulars to the various service providers; 2. Administrative measures (these include Advisory Circulars and Aeronautical Information Circulars) do not have the force of law. 3. Without a framework of formal regulations, there may be variations in how administrative documents are interpreted and applied across different service provision organizations.	The provision of air navigation services will be supported with current aeronautical charts that are compliant with the international Civil Aviation organization Standards that have been accepted globally for adoption and implementation by various member states

Aviation Sector	Option one: Maintenance of the Status Quo	Option two: Administrative measures	Option three: Promulgating the Civil Aviation (Aeronautical Charts) Regulations 2024
	increased liability for airlines and the state.		
Aircraft Operators	If the Authority was to maintain the current set of regulations, the following issues are bound to arise: 1. Inability to optimize the airspace capacity due to lack of current aeronautical charts; 2. Denys operators the benefits accrued from choosing the most optimum route for lack of assurance of the safety of their aircraft while transiting over the Kenyan airspace. 3. Air operators may find it difficult to implement new technology since there are no supporting regulations. 4. Regulations that are not updated will result the identification of non-compliances to the international requirements by ICAO hence resulting to a negative impact.	1. Air operators require clear and accurate flight procedures to allow them to navigate into or transit over the Kenyan Airspace. 2. Administrative documents lack the same legal standing as formal regulations and mainly contain procedural information. 3. Without a framework of formal regulations, there may be variations in how administrative documents are interpreted and applied across different air operators. 4. Administrative documents may not impose clear accountability measures, making it difficult to hold the service provider responsible for non-compliance.	1. The regulations will enhance safety standards, reducing the risk of accidents and incidents. 2. Well-defined regulations provide clear guidance to the service providers hence resulting to the development and maintenance of aeronautical charts that will facilitate safe execution of flights in the Kenyan Airspace. 3. By aligning regulations with international standards, the CAA can facilitate smoother operations and acceptance by foreign aviation authorities, improving global cooperation which is a benefit to air operators.
The Civil Aviation Authority	1. Difficulty on the part of the State carrying out effective oversight owing to deficiencies	1. Administrative documents lack the same legal standing as formal regulations	1. Provides the State with a basis on which to carry out oversight

Aviation Sector	Option one: Maintenance of the Status Quo	Option two: Administrative measures	Option three: Promulgating the Civil Aviation (Aeronautical Charts) Regulations 2024
	in the current regulations. 2. The State may lose its standing as a major aviation hub to other upcoming markets with more robust regulatory frameworks.	and mainly contain procedural information. 2. Dependence on these may lead to uncertainty in enforcement and compliance. 3. The process of developing administrative documents may not normally involve the same level of stakeholder consultation as formal regulatory development, potentially resulting in overlooked stakeholder concerns or needs which may negatively affect the State's credibility.	2. Enables the undertaking of enforcement action on violators 3. Enhances the State's standing among peers 4. Enables compliance with international standards.

6.4 Preferred Option

Based on the above analysis, it is clear that benefits of promulgating the Civil Aviation (Aeronautical Charts) Regulations, 2024 outweigh the costs and therefore the Kenya Civil Aviation Authority prefers option three over the other two options.

7.0 Chapter Seven – Compliance and Implementation

As different aspects of the proposed Regulations are evaluated and analyzed, it is important to determine how compliance and implementation of the actual provisions will be achieved. It is the duty of the Regulator to assess the adequacy of the institutional framework and other incentives through which the Regulations will take effect, and design responsive implementation strategies that make the best use of them.

In an ideal situation an institution responsible for enforcement of the Regulations should have the capacity of co-ordination of institutional frameworks from a whole-of-government perspective, independent and sufficient authority, political support at a high political level, and integration into a broad concept of reform.

KCAA has been implementing the current Regulations for over 5 years now and has demonstrated capacity to implement the proposed Regulations and has indeed put in place a plan as outlined in the Strategic Plan 2023/24-2027/28 of strengthening its institutional capacity to enable it enforce full compliance with the proposed Regulations.

8.0 Chapter Eight– Conclusions & Recommendations

Based on the above analysis, the following conclusions are drawn in respect of the draft Civil Aviation (Aeronautical Charts) Regulations, 2024:

- 8.1.1 Section 82 of the Civil Aviation Act empowers the Cabinet Secretary to make regulations to give effect to the provisions of the Civil Aviation Act.
- 8.1.2 Section 5 of the Statutory Instruments Act requires that a regulation making authority to conduct public consultations and drawing on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and to ensure that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content. Sections 6 and 7 require that RIA be prepared where a statutory instrument is likely to impose significant costs on the community.
- 8.1.3 The RIA structure and content requirements established in the Statutory Instruments Act requirements have been fully met. Additionally, public consultation requirements in respect of the Civil Aviation (Aeronautical Charts) Regulations have been fully adhered to.
- 8.1.4 This RIA thus contains certain the following key elements—
 - (a) a statement of the objectives of the proposed legislation and the reasons;
 - (b) a statement explaining the effect of the proposed legislation;
 - (c) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options.
 - (d) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives; and

(e) the reasons why the other means are not appropriate.

8.2 Recommendations

In view of the above conclusions, it is recommended that the draft Civil Aviation (Aeronautical Charts) Regulations, 2024 be adopted.

9.0 Annexures

9.1 The Draft Civil Aviation (Aeronautical Charts) Regulations 2024

9.2 Matrix for stakeholder consultations