

THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2019

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THE CIVIL AVIATION ACT (No. 21 of 2013)

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

THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS)

REGULATIONS, 2019

PART I - PRELIMINARY

1. Citation

These Regulations may be cited as the Civil Aviation (Unmanned Aircraft Systems) Regulations, 2019.

2. Interpretation

“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;

“Accident” means an occurrence associated with the operation of UAS system which takes place between the time such 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;
- (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 a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, wheel, fairings, panels, landing gear doors, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the aerodrome);

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

“Authority” means Kenya Civil Aviation Authority:

“Certificate of Airworthiness”

“Command and Control (C2) link” means the data link between the remote piloted aircraft and the remote pilot station for the purposes of managing the flight;

“Controlled airspace” mean an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification

“State aircraft” means aircraft used in military, customs and police services of Kenya or of any other State or any other civil registered aircraft at the time performing a state function and fully converted to offer services to heads of States, military service, customs or police or to any other State;

“Resident” means a person holding a residence permit issued under the Kenya Citizenship and Immigration Act;

“Remote Piloted Aircraft (RPA)” means an unmanned aircraft which is piloted from a remote pilot station;

“Remote Aircraft Operators Certificate (ROC)” means a certificate authorizing an operator to carry out specified UAS operations;

“Beyond visual line-of-sight (BVLOS) Operation” means an operation in which neither the remote pilot nor RPA observer(s) can maintain direct unaided visual contact with the remotely piloted aircraft;

“Secondary Surveillance Radar” means is a surveillance radar system which uses transmitters/receivers (interrogators) and transponders.

“Automatic Dependent Surveillance-Broadcast (ADS-B)” refers to means by which aircraft, aerodrome vehicles and other objects can automatically transmit or receive data such as identification, position and additional data, as appropriate, in a broadcast mode via a data link;

“Aeronautical information product” means Aeronautical data and aeronautical information provided either as digital data sets or as a standardized presentation in paper or electronic media. Aeronautical information products include:

- Aeronautical Information Publication (AIP), including Amendments and Supplements;
- Aeronautical Information Circulars (AIC);
- Aeronautical charts;
- NOTAM; and
- Digital data sets.

Note.—Aeronautical information products are intended primarily to satisfy international requirements for the exchange of aeronautical information. Aeronautical Information Publication (AIP). A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.

“Contracting State” means any State which is party to the Chicago Convention;

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

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

Note. – In the context of remotely piloted aircraft, an aircraft operation includes the remotely piloted aircraft system.

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

“Remote pilot in command (RPIC)” means the remote pilot designated by the operator as being in command and charged with the safe conduct of a flight.

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

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

“Safety Management System (SMS)” means systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

“Segregated airspace” means airspace of specified dimensions allocated for exclusive use to a specific user(s).

“Terrorism” means an act or threat of action—

(a) which—

- (i) involves the use of violence against a person;
- (ii) endangers the life of a person, other than the person committing the action;
- (iii) creates a serious risk to the health or safety of the public or a section of the public;
- (iv) results in serious damage to property;
- (v) involves the use of firearms or explosives;
- (vi) involves the release of any dangerous, hazardous, toxic or radioactive substance or microbial or other biological agent or toxin into the environment;
- (vii) interferes with an electronic system resulting in the disruption of the provision of communication, financial, transport or other essential services;

- (viii) interferes or disrupts the provision of essential or emergency services;
 - (ix) prejudices national security or public safety; and
- (b) which is carried out with the aim of—
- (i) intimidating or causing fear amongst members of the public or a section of the public; or
 - (ii) intimidating or compelling the Government or international organization to do, or refrain from any act; or
 - (iii) destabilizing the religious, political, Constitutional, economic or social institutions of a country, or an international organization: Provided that an act which disrupts any services and is committed in pursuance of a protest, demonstration or stoppage of work shall be deemed not to be a terrorist act within the meaning of this definition so long as the act is not intended to result in any harm referred to in paragraph (a)(i) to (iv);

“Type certificate” means document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State;

“Temporary Permit” means a permit authorizing the holder to import into Kenya a UAS registered in another country without first deregistration.

“Unmanned Aircraft System (UAS)” means a an aircraft and its associated systems which are operated with no pilot on board;;

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

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

“Visual Meteorological Conditions (VMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima.

3. Application

- (1) These Regulations shall apply to any person who imports, exports, tests, owns, operates, procures, assembles, manufactures or maintains a UAS registered in Kenya wherever they may be and any other such aircraft operating in Kenya.
- (2) Notwithstanding paragraph (1) above, these Regulations shall not apply to-
 - a. State aircraft; and
 - b. Unmanned free balloons or airships.

PART II – CATEGORIZATION OF OPERATIONS & REGISTRATION OF UAS

4. Registration and licensing considerations

In determining whether to register a UAS or issue any authorization, licence or permit under these regulations, the Authority shall consider the following:

- (a) The national security of Kenya, and relevant international and regional obligations and commitments of Kenya under treaties and agreements;
- (b) Terrorism or organized criminal activities;
- (c) Preservation of regional peace, security and stability;
- (d) Risk of diversion of UAS to unauthorized end user or end use;
- (e) Risk to public safety;
- (f) If applicant is subject of investigations in ongoing criminal or civil proceedings related to national security; or
- (g) If applicant is subject to administrative investigations by the Authority.

5. Categorization of UAS Operations

(1) UAS operations shall be categorized based on the risk posed by the type of operations as follows:

(a) Category A Operations (Low risk). This category of operations poses low or minimal risk to the public, property and manned aviation. Operations under this category shall be undertaken in accordance with Part I of the First Schedule.

(b) Category B Operations (medium risk/regulated lower risk). Operations under this category pose medium risk to the public, property and manned aviation. Operations under this category shall be undertaken in accordance with Part II of the First Schedule.

(c) Category C Operations (High Risk/Manned Aviation Approach). This Category of operations poses high risk to safety of individuals, property and manned aviation. Operations under this category shall be undertaken in accordance with Part III of the First Schedule.

(2) The Authority may from time to time determine additional requirements and specifications for operations in each category.

6. Eligibility to own a UAS

(1) A person shall be eligible to own a UAS if that person is –

(a) A Kenyan Citizen or resident in Kenya of minimum age of eighteen years;

(b) A company registered in Kenya: or

(c) The national government or County government.

(2) A person shall not transfer ownership of a UAS without the prior approval of the Authority.

(3) A person other than the national government shall not own, register or operate a UAS with military specifications.

7. Import and Export of UAS

(1) A person shall not import a UAS or a component thereof without a permit issued by the Authority.

(2) Before issuing a permit referred to under paragraph (1) above, the Authority shall seek and obtain the necessary security clearance and approval from the Ministry for the time being responsible for matters relating to defense.

- (3) A person who intends to export a Kenyan registered UAS shall notify the Authority in writing and obtain a deregistration certificate.

8. Manufacture,
Assembly and Testing of
UAS

Any person intending to manufacture, assemble, test or sell a UAS or a component thereof shall apply for authorization from the Authority.

9. Registration of
UAS

- (1) An operator or owner of a UAS shall register the UAS with the Authority and be issued with a certificate of registration.
- (2) The Authority shall establish and implement a system for registration and identification of UAS in Kenya and the display thereof.
- (3) Any modification to the specifications of a registered UAS shall be subject to approval by the Authority.

10. De-registration of
UAS

- (1) The authority may deregister or cancel the registration of UAS –
 - (a) Upon application of the UAS owner for purposes of registering the UAS in another State;
 - (b) Upon destruction of the UAS;
 - (c) Upon its permanent withdrawal from use; or
 - (d) In the interest of national security;
 - (e) Where the Authority determines that the owner or operator has violated these regulations.

11. Temporary permit

- (1) The Authority may, upon application, grant a temporary permit to an applicant for a period not exceeding thirty (30) days renewable once.
- (2) In issuing a temporary permit referred to in sub-regulation (1), the Authority may impose such terms and conditions as it deems fit and shall have regard to—
 - (a) public interest;
 - (b) the need to provide reasonable protection for Kenyan operators;
- (3) Despite sub regulation (1) a holder of a temporary permit shall obtain authorization to operate the UAS in accordance with regulation 13.

12. Airworthiness of UAS
- (1) A UAS owner or operator shall ensure that all its components are in working order and in accordance with the manufacturers' user manual.
 - (2) The Authority shall require a UAS with a type certificate to obtain a Certificate of airworthiness.
13. Authorization of UAS operations
- (1) A person shall not operate a UAS in Kenya without authorization from the Authority.
 - (2) UAS operations shall be authorized in accordance with the category of operation as set out in Regulation 5.
 - (3) A person shall not operate a UAS in a category of operation other than the category for which it has been authorized to operate.
14. Remote Aircraft Operators Certificate (ROC)
- (1) Any person who operates a UAS for commercial activities, reward or hire shall obtain a Remote Aircraft Operators Certificate (ROC) from the Authority.
 - (2) The ROC referred to in sub regulation (1) shall authorise the operator to conduct UAS operations in accordance with the conditions and limitations detailed in the operations specifications attached to the ROC.
 - (3) The issuance of an ROC by the Authority is dependent upon the UAS operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme as well as ground handling and maintenance arrangements consistent with the nature and extent of the operations specified and commensurate with the size, structure and complexity of the organization.
15. Application for ROC
- (1) An operator applying to the Authority for an ROC shall submit an application in a form and manner prescribed by the Authority and containing any other information the Authority may require.
 - (2) An applicant shall make the application for an initial issue or reissue of an ROC at least ninety days before the date of the intended operation.

16. Issuance of an ROC
- (1) The Authority may issue an ROC to an applicant if that applicant;
- (a) has its principal place of business and it is registered in the Kenya;
 - (b) meets the applicable regulations and standards for the holder of an ROC;
 - (c) is properly qualified and adequately staffed and equipped to conduct safe operations in commercial operations of the UAS;
 - (d) holds a security clearance issued by the Ministry of Defence; and
 - (e) has an approved aircraft operator security programme in accordance with the Civil Aviation (Security) Regulations, and meets any other requirements as specified by the Authority.
17. Validity and renewal of ROC
- (1) A ROC issued by the Authority shall be valid for 12 months from the date of issue or renewal unless -
- (a) a shorter period is specified by the Authority;
 - (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (c) an ROC holder surrenders it to the Authority;
 - (d) the ROC holder notifies the Authority of the suspension of operations.
- (2) An ROC which is suspended or revoked shall be returned to the Authority.
- (3) An applicant for an ROC which has expired shall make an initial application.
18. Amendments of an ROC
- The Authority may amend an ROC if the;
- (a) Authority determines that the amendment is necessary for the safety of commercial UAS operations.
 - (b) ROC holder applies for an amendment and the authority determines that the amendment is necessary.
 - (c) The ROC holder shall operate in accordance with the amendment unless it is subsequently withdrawn.
19. Safety management
- (1) The holder of an ROC shall establish a safety management system commensurate with the size of the organisation or entity and the complexity of its operations,

- (2) The safety management system established in terms of subregulation (1) shall include-
 - (a) A process to identify actual and potential safety hazards and assess the associated risks;
 - (b) A process to develop and implement remedial action necessary to maintain an acceptable level of safety;
 - (c) Provision for continuous and regular assessment of the appropriateness and effectiveness of safety management activities.

20. Licence

- (1) A person shall not act as a remote pilot in command or as a remote co-pilot of an RPA unless that person is a holder of a remote pilot licence issued by the Authority.
- (2) A person shall not act as a UAS pilots for category (B) and (C) operations unless that person is a holder of a remote pilot licence issued by the Authority.
- (3) Remote pilot Licence required by sub regulations (1) and (2) shall be issued in accordance with provisions established in the Second Schedule to these regulations.

21. Training

No person shall provide training or instruction on the operation of UAS without an authorization issued by the Authority.

22. Cancellation, suspension or variation of authorization

- (1) Notwithstanding the provisions of regulation 13, the Authority may cancel, suspend or vary any authorization or approval granted under these Regulations –
 - (a) in the interest of public safety or national security; (b) for violating these regulations;
 - (c) for violating any requirement, restriction, term or condition imposed by the Authority; or (d) for any other public interest.
- (2) The Authority may seize any UAS or a component thereof belonging to a person who contravenes the provisions of these Regulations pending further administrative action.
- (3) The Authority may apply to a Magistrate’s Court or the High Court as the case may be for an order authorizing the Authority to destroy or otherwise dispose of anything confiscated under sub regulation (2).

PART III – GENERAL REQUIREMENTS FOR OPERATIONS OF UAS

23. General obligation of a UAS owner or operator

- (1) A UAS owner or operator shall-
 - (a) be responsible for the safe conduct of its operations;
 - (b) comply with all requirements, terms and conditions established by the Authority regarding its operation;
 - (c) be responsible for contracted services from providers including communications service providers, as necessary, to carry out its operations;
 - (d) be responsible for operational control of the UAS; and
 - (e) ensure that it is registered in accordance with the provisions of these Regulations.
 - (f) ensure secure storage of the UAS or components thereof at all times.
- (2) Unless otherwise specified by the Authority a request for authorization for operation of a UAS shall include the following-
 - (a) name and contact information of the operator;
 - (b) UAS characteristics (type of aircraft, maximum certificated take-off mass, number of engines and wing span);
 - (c) copy of certificate of registration;
 - (d) aircraft identification to be used in radiotelephony, if applicable;
 - (e) copy of the certificate of airworthiness if applicable;
 - (f) copy of the UAS operator certificate if applicable;
 - (g) copy of the Remote pilot(s) licence if applicable;
 - (h) copy of the aircraft radio station licence, if applicable;
 - (i) description of the intended operation, to include type of operation or purpose), flight rules, visual line-ofsight (VLOS) operation if applicable, date of intended flight(s), point of departure, destination, cruising speed(s), cruising level(s), route to be

followed, duration or frequency of flight; take-off and landing requirements;

- (j) UAS performance characteristics, including –
 - (i) operating speeds;
 - (ii) typical and maximum climb rates;
 - (iii) operating frequencies;
 - (iv) typical and maximum descent rates;
 - (v) typical and maximum turn rates;
 - (vi) other relevant performance data including limitations regarding wind, icing and precipitation; and
 - (vii) maximum aircraft endurance;
- (k) communications, navigation and surveillance capabilities;
- (l) aeronautical safety communications frequencies equipment, including-
 - (i) ATC communications, including any alternate means of communication;
 - (ii) command and control (C2) links including
 - (iii) performance parameters and designated operational coverage area;
 - (iv) communications between remote pilot and Remote Piloted Aircraft (RPA);
 - (v) Remote Piloted Aircraft observer, if applicable;
 - (vi) navigation equipment;
 - (vii) surveillance equipment, including Secondary Surveillance Radar transponder and Automatic Dependent Surveillance- Broadcast (ADS-B);
- (m) detect and avoid capabilities;
- (n) emergency procedures, including-
 - (i) communications failure with Air Traffic Control (ATC);
 - (ii) C2 failure;
 - (iii) remote pilot or remote piloted aircraft observer communications failure, if applicable;
 - (iv) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;
 - (v) document attesting noise certification, if applicable;
 - (vi) confirmation of compliance with the Civil Aviation (Security) Regulations;
 - (vii) payload information or description; and (viii) proof of adequate insurance coverage.

(3) A UAS shall meet the performance and equipment carriage requirements for the specific airspace in which the flight is to operate.

- (4) Where documents identified in paragraph (2) above are issued in a language other than English, the UAS operator or owner shall ensure that an English translation is included.

24. UAS operating limitations

- (1) A person shall not operate a UAS –
 - (a) at above 400 feet Above Ground Level (AGL) and within 50 meters of any person, vessel, vehicle or structure which is not under the control of the person in charge of the UAS except with the authorization of the Authority;
 - (b) in conditions other than Visual Meteorological Conditions (VMC);
 - (c) at night, unless specifically cleared by the Authority on a case by case basis;
 - (d) where cameras, imaging devices or other sensors capture information, pictures or videos extending beyond the prescribed area of approved operation.
- (2) Where cameras, imaging devices or other sensors capture information, pictures or videos referred to in paragraph (1)(d) above, such information shall not be reproduced, processed, shared, distributed or published.
- (3) Notwithstanding the provisions of paragraph (1)(a) above UAS operations may be conducted at such higher heights and lateral distances as the Authority may approve.
- (4) Notwithstanding the provisions of paragraph (1)(b) above, UAS operations may be conducted in conditions other than VMC provided that the pilot is duly rated, the UAS meets required specifications and is approved by the Authority.

25. Reporting of incidents and accidents

- (1) UAS operator shall ensure that all incidents and accidents involving such a system are reported to the Authority in accordance with the provisions of the Civil Aviation (Safety Management) Regulations.
- (2) The Authority shall establish a mechanism for members of the public to report accidents, incidents and alleged violations of the regulation by the UAS operators or owners.
- (3) A person who owns or operates a UAS shall notify the Authority immediately of the loss or theft of a UAS or its components thereof.
- (4) The Authority shall upon receipt of a report of the loss, theft, incident or accident involving a UAS, determine the nature and type of any additional investigation or enforcement action that requires to be taken.

26. Prohibited operation of UAS

- (1) A person shall not operate a UAS in a negligent or reckless manner.
- (2) For the purposes of paragraph (1) above, a person operates a UAS in a "negligent" or "reckless" manner where that person-
 - (a) in the course of operation, endangers other aircraft, persons or property;
 - (b) operates in or around a prohibited or a restricted and danger areas, the particulars of which have been duly published in the Kenya Aeronautical Information Publication (AIP), except in accordance with the conditions of the restrictions or by permission granted by the Authority; or
 - (c) operates in or around strategic installations, ANS facilities, high tension cables and communication masts, prisons, police stations, courts of law, scenes of crime, schools and hospitals except in accordance with the conditions of the restrictions or by permission granted by the Authority.

27. Carriage of dangerous goods

- (1) A person shall not take on board or cause to be taken on board a UAS or deliver or cause to be delivered for loading thereon any goods which that person knows or has reasonable cause to know to be dangerous goods unless approved by the Authority.
- (2) For the purposes of paragraph (1) above, "dangerous goods" includes any substance that is classified as such in the ICAO Technical Instructions for Carriage of Dangerous Goods.

28. Operations in congested areas and crowds

A person shall not operate a UAS at lateral distance of less than 50 metres from any person, building, structure, vehicle, vessel or animal not associated with the operations of UAS unless authorized by the Authority.

29. Operations in the vicinity of public roads

No person shall operate a UAS over public road, along the length of a public road of at a distance of less than 50m from a public road unless –

- (a) The operation has been approved by the Authority; or
- (b) Such road has been closed from public use; and
- (c) Reasonable care has been taken to ensure the safety of road users and pedestrians in the event of loss of control of the RPA

36. Air Traffic Control (ATC) communication

- (1) A UAS pilot shall ensure that Air Traffic Control (ATC) is made aware of any operations that shall take place in areas which are likely to affect manned and controlled air traffic.
- (2) The Air Navigation Service Provider (ANSP) shall establish procedures, acceptable to the Authority, for integration of UAS operation into the airspace to ensure aviation safety and such procedures shall include communication and surveillance detection.
- (3) Procedures referred to in paragraph (2) above shall provide for required information to be passed to Air Traffic Control by UAS pilot before and during UAS system operations.

37. Operation in the vicinity of aerodromes

Except with the written permission of the owner or operator of an aerodrome, the appropriate Air Navigation Service Provider and approval from the Authority, a person shall not operate a UAS (a) within ten (10) kilometres of an aerodrome from the aerodrome reference point for code C, D, E and F aerodromes;

- (b) within seven (7) kilometres of an aerodrome from the
- (c) aerodrome reference point for code A and B aerodromes;
- (d) on approach and take-off paths;
- (e) within the vicinity of navigation aids; (f) within the aerodrome traffic zone; and
- (g) within terminal traffic holding patterns.

38. Operations at an aerodrome

The Authority shall upon approval of UAS operation at an aerodrome-

- (a) impose operating restrictions on the approval in the interest of safety;
- (b) publish details of the approval in the appropriate Aeronautical Information Product;
- (c) revoke or change the conditions that apply to such approval and publish details of any revocation or change in conditions in the appropriate element of the Aeronautical Information Product.

39. Record keeping

- (1) A UAS owner or operator shall establish a system of recordkeeping that allows adequate storage and reliable traceability of all activities developed, covering at a minimum-
 - (a) operator's organization;
 - (b) safety management systems;
 - (c) personnel training and competence verification;
 - (d) documentation of all management system key processes;
 - (e) maintenance records; and
 - (f) security management records
- (2) A person who deals in UAS or its components shall keep records of all transactions involving a UAS or any component thereof.
- (3) Records shall be stored in a manner that ensures protection from damage, alteration and theft.
- (4) Records identified in this regulation shall be current and have sufficient details to determine whether the experience and qualification requirements are met for the purpose of UAS operations.
- (5) The Authority shall be entitled at any reasonable time to inspect and take copies of extracts from the records kept in accordance with sub regulation (1).

40. Insurance

- (1) A person shall not operate, or cause to be operated or commit any other person to operate UAS unless there is in force a minimum insurance policy in respect of third party risks.
- (2) The minimum sum of insurance in respect of any UAS insured in accordance with paragraph (1) above shall be notified by the Authority.
- (3) An operator of UAS shall make available third party liability insurance certificate(s), in the authentic form, at the location of the UAS operator's operational management or any other location specified by the Authority.
- (4) Notwithstanding the provisions of paragraph (1) above, the Authority may dispense with the requirement for insurance depending on the category of the UAS.

41. Privacy of person and property

- (1) Any person conducting operations using UAS fitted with cameras or other sensing equipment shall operate them in a responsible way to respect the privacy of other persons and their property.

- (2) Without prejudice to the generality of paragraph (1) above, no person shall use a UAS to do any of the following-
 - (a) conduct surveillance of-
 - (i) a person without the person's consent;
 - (ii) private real property without the consent of the owner;
 - (b) photograph or film an individual, without the individual's consent, for the purpose of publishing or otherwise publicly disseminating the photograph or film.
- (3) Infrared or other similar thermal imaging technology equipment fitted on UAS shall only be for the sole purpose of-
 - (a) mapping and evaluating the earth's surface, including terrain and surface water bodies and other features;
 - (b) investigation of forests and forest management;
 - (c) search and rescue; and
 - (d) other similar investigations of vegetation or wildlife.

42. Discharge or dropping goods

- (1) A person shall not cause an object to be dropped or discharged from a UAS unless the authorization granted expressly provides for such dropping or discharge.
- (2) For purposes of this regulation, an object includes gases, liquids, solids, electromagnetic pulse or any other thing capable of being discharged or dropped from a UAS.

PART IV – SECURITY

43. Security

- (1) The holder of an ROC issued under these Regulations shall-

- (a) Conduct background checks on all personnel recruited for deployment, handling and storage of any UAS;
- (b) Conduct criminal record checks every 24 months on all personnel employed in the deployment, handling, and storage of UAS;
- (c) Ensure that UAS not in use are stored in a secure manner to prevent and detect unauthorized interference or use;
- (d) Ensure that the UAS is protected from acts of unlawful interference;
- (e) Ensure that the UAS is stored and prepared for flight in a manner that will prevent and detect tampering and ensure the integrity of vital systems;
- (f) Designate a security coordinator responsible for the implementation, application and supervision of the security controls; and
- (g) Ensure that all personnel employed in the deployment, handling, and storage of UAS have received security awareness training as may be prescribed by the Authority.

44. Consumption of psychoactive substances

- (1) No UAS pilot or observer shall-
 - (a) consume alcohol less than 8 hours prior to reporting for duty;
 - (b) commence a duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0.04 grams per 100 milliliters;
 - (c) consume alcohol or any psychoactive substance during the duty period or whilst on standby for duty; or
 - (d) commence duty period while under the influence of alcohol or any psychoactive substance having a narcotic effect.

45. Security Programmes Requirements

- (1) A person shall not operate a UAS without operator security procedures developed in accordance with the provisions of the Civil Aviation (Security) Regulations and accepted by the Authority.
- (2) A UAS shall be subject to security inspection at any time during its operations without prior notification to the operator.

(3) A UAS operator shall-

- (a) specify the security measures, procedures and practices to be followed by the operator to protect pilots and facilities from acts of unlawful interference;
- (b) carry out and maintain security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation- (i) at a remote pilot station;

(ii) on a remote piloted aircraft system; and
(iii) any facility under the control of the remote piloted aircraft system operations.

(4) The specific security measures referred to in paragraph (3)(a) shall provide-

- (a) that the premises used for preparing, storing, parking including remote piloted aircraft system ground station shall be secured at all times against unauthorized access;
- (b) for protection of critical information technology and communication systems used for operations purposes from interference that may jeopardize the security of civil aviation;
- (c) for protection of flight documents;
- (d) that commercial operators requesting to operate with a camera shall be required to include details of the camera usage in the application for security review and approval;
- (e) requirements for checks and searches of specific areas and accessible compartments of the interior and exterior of UAS; and
- (f) that persons engaged in remote piloted aircraft system operations are subject to recurrent background checks and selection procedures and are adequately trained

46. Security obligations for UAS operators.

An operator of a UAS shall-

- (a) be responsible for the security of such system operations including associated facilities, personnel and equipment;
- (b) ensure that the UAS or any component thereof that is no longer in use is completely disabled or destroyed to prevent unauthorized use; and
- (c) comply with any security directives or circulars issued by the Authority.

47. Acts of unlawful interference with civil aviation.

An operator or owner of a UAS shall-

- (a) have response procedures for operations personnel for threats and incidents involving UAS operations; and
- (b) ensure that reports on acts of unlawful interference are promptly submitted to the Authority in accordance with the Civil Aviation (Security) Regulations.

48. Interference of UAS operations.

- (1) Except as provided in regulation 48, no person shall interfere with duly authorized operation of UAS or intercept a UAS in any manner whatsoever.
- (2) Any person who unlawfully interferes with duly authorized operation of UAS commits an offence and shall be liable upon

conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both.

49. Interception of UAS.

- (1) Where the Authority has reason to believe that an unmanned aircraft is being operated in a manner —

- (a) that contravenes any provision of these Regulations;
- (b) that poses a serious and an imminent risk to safety of the public; or
- (c) that prejudices national security the Authority may, exercise all or any of the powers in sub regulation (2) in relation to the UAS for the purpose of:
 - (i) preventing further contravention of any provision of these regulations;
 - (ii) preventing or stopping any actual or imminent occurrence that endangers or threatens to endanger the safety of the public; or
 - (iii) safeguarding national security

- (2) For the purposes of sub regulation (1), the powers that may be exercised by the Authority in relation to a UAS include: —
- (d) direct any person whom the Authority reasonably believes to be involved in the operation of the UAS —
 - (i) to end the flight of the UAS or land it, safely in the fastest practicable way; or
 - (ii) to fly the UAS in the manner specified by the Authority
 - (e) with such assistance and by such force as is necessary—
 - (i) to assume control of the UAS to fly the UAS or to end the flight of the UAS or land it, safely in the fastest practicable way; or
 - (ii) to end the flight of the UAS in the fastest and safest practicable way; or
 - (f) to confiscate the UAS and any component thereof or other thing, that the Authority believes on reasonable grounds —
 - (i) to be evidential material; or
 - (ii) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under the Act or these regulations.
- (3) The powers granted to the Authority under sub regulation (2) may be exercised by the national security organs.

PART V – MISCELLANEOUS PROVISIONS

50. Protection from personal liability

- (1) No matter or action taken by the Authority or by any member of staff or agent of the Authority shall, if the matter or action taken was in good faith for the purposes of performing the functions of the Authority under the Act or these regulations, render the Authority or the person liable for any action, claim or demand.
- (2) Any expenses incurred or to be incurred by any person mentioned in subsection (1) in defending an action, claim or demand in any suit brought against that person in respect of any act or omission done or purported to be done by that person under these Regulations, or on the direction of the Authority, shall be reimbursed or borne by the Authority unless the act or omission was done in bad faith.

51. Penalty

- (1) Any person who fails to comply with any direction given pursuant to these Regulations by the Authority or by any authorized person under any provision of the Act or these Regulations commits an offence and shall be liable upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both.
- (2) If any provision of these Regulations, orders, notices or proclamations made under these regulations is contravened in relation to a UAS, the operator of that UAS and the pilot, even if the operator or the pilot is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he or she exercised all due diligence to prevent the contravention.
- (3) A person who contravenes any provision specified as an “A” provision in the Third Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one million shillings for each offence and or to imprisonment for a term not exceeding one year or to both.
- (4) A person who contravenes any provision specified as a “B” provision in the Third Schedule to these Regulations commits an offence and is liable upon conviction to a fine not exceeding two million shillings for each offence and or to imprisonment for a term not exceeding three years or to both.
- (5) Any UAS operator who contravenes the provisions of these Regulations and whose penalty has not been specified in these Regulations commits an offence and shall be liable upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both

52. Saving and transitional provisions

An owner of UAS already imported into Kenya at the commencement of these regulations shall apply to the Authority for registration within six months upon commencement date of these Regulations.

FIRST SCHEDULE

Regulation 5

CATEGORIZATION OF UAS OPERATIONS

Part I – Category A Operations (Low Risk)

1. UAS that will be operated within visual line of site and at a maximum height of 400 feet above ground level and 50 meters lateral distance from any persons, building or object not associated with the operations. All operations under this category shall be approved/authorized by the Authority. Such operations shall only be conducted within Visual line-of-sight (VLOS).
2. UAS operated in this category shall not be more than 25kg maximum take-off mass together with associated payloads.
3. Such operations shall be conducted within segregated airspaces and away from any notified prohibited, restricted and/or danger areas unless expressly authorized by the Authority.
4. UAS operators in this category shall possess a certificate issued by the Authority permitting them to conduct operations.

Part II – Category B Operations (Medium Risk)

1. UAS operations in this category shall be operated within visual line of site (including extended visual line of site) at all time and heights above ground and distances from any persons, buildings or objects not associated with the operations as may be determined by the Authority. All operations under this category shall be approved/authorized by the Authority.
2. UAS operated under this category may be operated in non-segregated airspaces but away from controlled airspaces and shall have all such equipment as necessary to ensure the safe and secure operations.
3. Operations in category B shall be conducted away from any notified prohibited, restricted and/or danger areas unless expressly authorized by the Authority.
4. Personnel operating UAS in this category shall be in possession of a valid license issued by the Authority.

Part III – Category C Operations (High Risk/Manned Aviation Approach)

1. UAS operations in this category shall be conducted in any airspaces not classified as prohibited, restricted and/or danger and shall be subject to ATC instructions and guidance and at heights and lateral distances from any persons, buildings or objects as prescribed in the Civil Aviation (Rules of the Air) Regulations. All operations under this category shall be approved/authorized by the Authority.
2. UAS operations in this category may be conducted BVLOS provided that the RPA has the required capabilities and is fitted with appropriate equipment and the pilot is suitably qualified and holds appropriate ratings for such an operation.

3. UAS in operated in this category shall be issued with a Certificate of Airworthiness by the Authority; based on the type Certificate issued by the State of design/manufacture.
4. Personnel operating UAS in this category shall be in possession of a valid license issued by the Authority and endorsed with appropriate ratings for the type of UAS

SECOND SCHEDULE

Regulations 20 and 21

CERTIFICATION OF RPAs PILOT

LICENCES, CERTIFICATION, RATINGS AND AUTHORIZATIONS

- The authority may issue the following licences and certificates under these Regulations –
RPAs Pilot licence

- Student Remote Pilot licence
- Remote Pilot licence

Ratings issued

- Instrument Rating
- Night Rating
- Flight Instructor Rating
- Ground Instructor Rating

Application and issue of remote pilot licences and associated ratings, limitations and endorsement

English Language proficiency

- A holder of a remote pilot licence shall demonstrate the ability to speak and understand the English language to the level specified in the language proficiency requirements in the third schedule of the regulations.
- To do so, the applicant should demonstrate, in a manner acceptable to the licensing authority, the ability to:
 1. communicate effectively in voice-only and in face-to-face situations;
 2. communicate on common and work-related topics with accuracy and clarity;
 3. use appropriate communicative strategies to exchange messages and to recognize and resolve misunderstandings in a general or work-related context; and
 4. handle successfully, and with relative ease, the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
 5. use a dialect or accent which is intelligible to the aeronautical community.
- Except for remote pilots who have demonstrated language proficiency at an expert level, the language proficiency endorsement should be re-evaluated periodically, according to the level of language proficiency.

Durations of Licences certificates ratings and authorisations

- The Authority shall issue licences with specific expiry date except as specifically provided by these regulations.
- All authorisations and ratings issued under these regulations shall be valid for the term issued by the Authority but in any case not more than twelve months.

Student Remote Pilot Licence

Validity

- For a holder who is less than forty years of age, from the date the licence is issued or renewed by the authority for a period of the remainder of the twenty four months validity of the holder's medical certificate; or
- For a holder who is forty years of age or more, from the date the licence is issued or renewed by the authority for a period of the remainder of the twelve months validity of the holder's medical certificate.
- A student remote pilot should not act as solo remote pilot of an RPAS:
 1. Unless under the supervision of, or with the authority of, an authorized RPAS instructor; or
 2. On an international RPA flight unless by special or general arrangement between the Member States concerned.
- A Member State should not permit a student remote pilot to fly an RPA unless that student holds a current medical assessment.

Remote Pilot Licence

- No person shall operate a remotely piloted aircraft system for purposes of flight unless that person has a remote pilot licence with a remotely piloted aircraft rating issued pursuant to these Regulations.
- An application should be submitted to the licensing authority in a form and manner established by this authority for:
 1. The issuance, revalidation or renewal of the remote pilot licence and associated ratings, limitations and endorsements; or
 2. Additional ratings, removal of limitations or amendments of endorsements.
- The application should be accompanied by evidence that the applicant complies with the requirements as mentioned above.

In order to be eligible for a remote pilot licence, a person must:

1. Be at least 18 years of age;
2. Be able to read, speak, write, and understand the English language.
3. Pass an initial aeronautical knowledge test covering the areas of knowledge specified in the Regulation; and
4. Not know or have reason to know that he or she has a physical or mental condition that would interfere with the safe operation of a remotely piloted aircraft system.
5. Hold a current **Class 2** Medical Certificate

Validity

- For a holder who is less than forty years of age, from the date the licence is issued or renewed by the Authority for a period of the remainder of the twelve months validity of the holder's medical certificate; or
- For a holder who is forty years of age or more, from the date the licence is issued or renewed by the Authority for a period of the remainder of the six months validity of the holder's medical certificate.

An instrument rating is valid for a period of twelve months from the date of the initial or renewal flight test.

A night rating is valid for a period of twelve months from the date of the initial issue or renewal of the rating.

A flight instructor rating is valid for a period of twelve months from the date of the instructor flight test or renewal.

A ground instructor rating is valid for a period of twenty four months from the date of issue or renewal.

Obligation for Remote Pilots to carry documents

- When operating an RPA or RPS:
 1. A remote pilot must hold a current medical assessment;
 2. A remote pilot must have in his/her possession a valid remote pilot licence;
 3. An RPA observer should have proof of RPA observer competency issued by the RPAS operator or an approved training organization in his/her possession;
 4. The remote pilot must meet the requirements for recent experience established by the licensing authority or, if greater, the requirements for recent experience established by the State of the Operator; and
 5. In case of international flights, a copy of the remote pilot licence(s), must be provided to the involved authorities.

Remote pilot licence — minimum age

- An applicant for a remote pilot licence should be no less than 18 years of age.

Theoretical knowledge examinations

- Applicants for a remote pilot licence should:
 1. Take those examinations applicable for the remote pilot licence and associated ratings they seek from the licensing authority of one Member State; and
 2. Only take the examination when recommended by the authorized instructor or approved training organization responsible for their training and upon completion of the appropriate elements of the training course to a satisfactory standard.
- The recommendation by an authorized instructor or approved training organization should be valid for a period established by the licensing authority. If the applicant has failed to attempt at least one theoretical knowledge examination within this period of validity, the need for further training should be determined by the authorized instructor or approved training organization, based on the needs of the applicant.

Pass standards

- A pass in a theoretical knowledge examination should be awarded to an applicant achieving the minimum percentage established by the licensing authority for that examination.
- Theoretical knowledge examinations, comprised of more than one test, should be completed by the applicant within a time period established by the licensing authority.

Validity period

- The successful completion of the theoretical knowledge examination should be valid for a period established by the licensing authority.

Subjects of knowledge

- The applicant for a remote pilot licence should have demonstrated a level of knowledge appropriate to the privileges granted to the holder of a remote pilot licence and appropriate to the category of RPA intended to be included in the remote pilot licence, in at least the following subjects:
 1. Air law;
 2. RPAS general knowledge;
 3. Flight performance, planning and loading of RPAs;
 4. Human performance;
 5. Meteorology;
 6. Navigation;
 7. Operational procedures;
 8. Principles of flight; and
 9. Radio telephony.

Practical skill test

- Before a skill test for the issue of a remote pilot licence is taken, the applicant should have passed the required theoretical knowledge examination(s). The theoretical knowledge instruction should always be completed before skill tests are taken.
- The applicant for a skill test should be recommended for the test by the authorized instructor or approved training organization responsible for the training, once the required training has been completed. The training records should be made available to the RPA examiner.
- An applicant for a remote pilot licence should pass a skill test to demonstrate the ability to perform, as remote PIC of the appropriate RPA category and associated RPS, the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.
- An applicant for a skill test for the remote pilot licence should have received instruction for operations on the same RPA category and associated RPS to be used in the test.
- The applicant for the issue of a remote pilot licence should demonstrate the ability to:
 1. Recognize and manage threats and errors;
 2. Operate the RPA within its limitations or those limitations imposed by regulation;
 3. Complete all manoeuvres with smoothness and accuracy;
 4. Exercise good judgement and airmanship;
 5. Apply aeronautical knowledge; and
 6. Maintain control of the RPA at all times in a manner such that the successful outcome of a procedure or manoeuvre is assured.
- Progress in acquiring the required skills should be continually assessed.

Experience requirement

- An applicant for a remote pilot licence should have appropriate experience as established by the licensing authority flying an RPA in actual or simulated flight.
- An applicant for a remote pilot licence should have completed the experience in an approved training course. The training should be competency-based and conducted in an appropriate RPAS environment.

RPAS instruction

- The applicant for a remote pilot licence should have received dual RPAS instruction from an authorized RPAS instructor in the appropriate RPA category and associated RPS for the category, type and class rating(s) sought.
- The RPAS instructor should ensure that the applicant for a remote pilot licence has operational experience in the following areas to the level of performance required for the remote pilot, if applicable:
 1. Recognize and manage threats and errors;
 2. Pre-flight operations, including RPA and RPS inspection and servicing, communications checks and control function verification, setup of RPS, loading and validation of flight planning information, and obtaining ATC clearances where appropriate;
 3. Aerodrome ground operations and traffic pattern operations where applicable, ground and airborne collision (CA) avoidance precautions and procedures including use of RPA observers and communications services if required;
 4. Control of the RPA by visual reference unless the RPAS does not provide for manoeuvres by visual reference;
 5. Recovery from flight at critically slow airspeeds, high sink rates and, in the case of RPA aeroplanes, spin avoidance;
 6. Recovery from unusual attitudes using flight instrumentation or by use of camera systems;
 7. Normal and crosswind take-offs and landings;
 8. Navigation procedures using all available means including change of destination or in-flight change of lost C2 link flight plan programming;
 9. Identification of hazardous meteorological conditions and avoidance procedures thereof;
 10. Abnormal and emergency procedures and manoeuvres including simulated aircraft engine and electrical failures, software failures, loss of C2 link, failures and malfunctions limited to the RPS, communications failure;
 11. In the case of RPA helicopters: abnormal and emergency procedures; autorotation, retreating blade stall, lower rotor rpm settling with power, forced landings, sloped ground operations, max performance take-off, steep approach, run-on landing and take-off.
 12. Compliance with airspace restrictions, lateral and vertical, compliance with ATC services instructions and procedures; and
 13. In the case of RPA helicopters: hovering — taxi and turns; transition from hovering to flight and from flight to hovering.

Crediting of flight time

- Unless otherwise specified in by the licensing authority, time to be credited for a remote pilot licence should have been acquired in operations of RPAS;
- An applicant for a remote pilot licence and associated rating should be credited in full with all flight time in the appropriate RPA category and associated RPS, for which the remote pilot licence and associated ratings are sought;
- The licensing authority should determine whether experience as a remote pilot under instruction in an RPA flight simulation training device (FSTD) is acceptable as part of the total RPA flight time required and to what extent such credit for experience will be granted; and

- When the applicant for a remote pilot licence has flight time as a pilot of manned aircraft or as a remote pilot of RPA in other categories, the licensing authority should determine whether such experience is acceptable and, if so, the extent to which the flight time requirements may be reduced.

Crediting of theoretical knowledge

- The applicant for a remote pilot licence should be credited towards the requirements for theoretical knowledge instruction and examination for a remote pilot licence in another category of RPA or type of RPS. This credit also applies to applicants for a remote pilot licence who have already successfully completed the theoretical knowledge examinations for the issuance of a remote pilot licence in another category of RPA or type of RPS.
- The applicant for a remote pilot licence should be credited towards the requirements for theoretical knowledge instruction and examination if they previously hold a licence for aircrafts or rotorcrafts from the following subjects:
 1. Air Law
 2. Human performance
 3. Principles of flight
 4. Meteorology
 5. Radio Telephony
 6. Operational Procedures

Recording of RPA flight time

- The remote pilot should keep a reliable record of the details of all RPA flights exercised in a form and manner established by the licensing authority.
 1. Log book
 2. Technical Log
 3. Navigation Log

Class and type ratings

- Holders of a remote pilot licence should not act in any capacity as remote pilots unless they have a valid and appropriate class or type rating, except when undergoing skill tests, or proficiency checks for issue or renewal of class or type ratings, or receiving RPAS instruction.
- If modification is made to the RPA or RPS type(s) for which the remote pilot is rated and that does not require the establishment of a different type, the remote pilot should be trained by the RPAS operator to perform the remotely piloted flights using the modified RPA/RPS types.
- A class rating should be established for RPA and RPS certificated for single-remote pilot operation, which have comparable handling, performance and characteristics, unless a type rating is considered necessary by the licensing authority.
- A type rating should be established for RPA and RPS certificated for operation with a minimum crew of at least two remote pilots or when considered necessary by the licensing authority.
- When a class rating is issued limiting the privileges to act as remote pilot only during the cruise phase of the flight, such limitation should be endorsed on the rating.
- When a type rating is issued limiting the privileges to act as remote co-pilot, or limiting the privileges to act as remote pilot only during the cruise phase of the flight, such limitation should be endorsed on the rating.

Night operations

- Night operations involve distinct skills and areas of knowledge, and it is expected that training programmes will incorporate those aspects into the training and testing of the remote pilot when practical.
- The licensing authority should require remote pilots to receive dual instruction in RPA night operations including take-off, landing and navigation before exercising the privilege of the remote pilot licence at night.

Medical fitness

- The remote pilot should hold a current medical assessment.
- No person shall act as a remote pilot if he or she knows or has reason to know that he or she has a physical or mental condition that would interfere with the safe operation of a remotely piloted aircraft system.
- A person shall not operate a remotely piloted aircraft if that person is or appears to be under the influence of:
 1. Alcohol, or
 2. Any drug that affects that person's faculties in any way contrary to safety.

RPAS INSTRUCTOR

General prerequisites and requirements

- Prior to the issuance of an RPAS instructor authorization by the licensing authority, an RPAS instructor applicant should:
 1. hold a remote pilot licence with appropriate category, class and type rating(s) for which the privilege to instruct is being sought;
 2. have sufficient training and experience to attain the required level of proficiency in all of the required tasks, manoeuvres, operations and principles, and methods of instruction; and
 3. be entitled to act as remote PIC of the RPAS during such RPAS instruction.
- Qualified and authorized RPAS instructors may be assigned to carry out specific assessment, checking or testing duties in instruction techniques for the relevant category or type of RPA and type of RPS to determine that all required performance standards have been satisfactorily achieved. These performance standards may be required as an end-state objective or on a continuous basis in competency-based training. In either case, the RPAS instructor is responsible for making a determination of the actual standards attained and any recommendation for immediate remediation, if necessary.
- Prior to training, RPAS instructors should be selected as being suitable for the RPAS instructor role, based upon appropriate motivation for the training role.
- In addition, selection of an RPAS instructor should be based on criteria intended to define proven capabilities for which he/she intends to instruct.

- Training programmes for the RPAS instructor role should focus on development of the competencies in the following areas:
 1. managing safety;
 2. preparing the training environment;
 3. managing the trainee;
 4. conducting training;
 5. performing trainee assessment;
 6. performing course evaluation; and
 7. continuously improving performance.

- All RPAS instructors should be trained to:
 1. prepare resources;
 2. create a climate conducive to learning;
 3. present knowledge;
 4. integrate TEM and crew resource management;
 5. manage time to achieve training objectives;
 6. facilitate learning;
 7. assess trainee performance;
 8. monitor and review progress;
 9. evaluate training sessions; and
 10. report outcomes.

Assessment of competence

- An applicant for an RPAS instructor authorization should pass an assessment of competence in the relevant type or class of RPA and type of RPS to demonstrate the ability to instruct a student remote pilot to the level required for the issue of the remote pilot licence.
- The assessment should be performed on the same type or class of RPA or type of RPS or FSTD used for the RPAS instruction.
- All RPAS instructors should receive refresher training, and be reassessed using a documented training and assessment process acceptable to the licensing authority, implemented by a certificated or approved organization, at intervals established by the licensing authority but not greater than 3 years.

Special conditions

- In the case of introduction of a new RPA or RPS in an operator's fleet, when compliance with the requirements established by the licensing authority is not possible, the licensing authority may consider issuing a specific authorization giving privileges for RPAS instruction. Such an authorization should be limited to the instruction flights necessary for the introduction of the new type of RPA or RPS. The licensing authority should determine the validity period of this authorization.

Revalidation and renewal of RPAS instructor rating

- When issuing further RPAS instructor authorizations, and for the purpose of revalidation, the licensing authority should credit:
 1. Applicants with the teaching and learning skills already demonstrated for the RPAS instructor authorization held; and
 2. Hours in the role of an RPAS examiner during skill test or proficiency checks in full towards revalidation requirements for all RPAS instructor authorizations held.
- The licensing authority should:
 1. Determine the validity period for the RPAS instructor authorization; and
 2. Establish methods for the revalidation and renewal of the RPAS instructor authorization.

THIRD SCHEDULE

Regulation 51

PENALTIES

REG. NO	TITLE	PART
6	Eligibility to Ownership of UAS	B
7	Import and Export of UAS	B
8	Manufacture, Assembly and Testing of UAS	B
9	Registration of UAS	B
12	Airworthiness of UAS	A
13	Authorization of UAS operations	B
20	Licence	A
21	Training	A
24	UAS operating limitations	B
25	Reporting of UAS incidents and accidents	A
26	Prohibited operation of UAS	B
27	Carriage of dangerous goods	B
28	Operations in congested areas and crowds	A
31	Collision avoidance	B
32	International UAS operations	B
33	Filing of flight plans	A
35	Command and control	A
37	Operation in the vicinity of aerodromes	B
39	Record keeping	A
40	Insurance	A
41	Privacy of persons and property	B
42	Discharge or dropping goods	B
48	Interference of UAS operations	B