

GOVERNMENT NOTICE NO..... published on.....

THE CIVIL AVIATION ACT
(CAP.)

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REGULATIONS
_____ (Made under Section
82.....)
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THE CIVIL AVIATION (REMOTELY PILOTED AIRCRAFT SYSTEMS) REGULATIONS,
2016

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PART I – PRELIMINARY PROVISIONS

1. Citation These regulations may be cited as the Civil Aviation (Remotely Piloted Aircraft Systems) Regulations, 2016

2. Interpretation In these regulations unless the context otherwise requires –

“Autonomous aircraft” means an unmanned aircraft that does not allow pilot intervention in the management of the flight.

“Autonomous operation” means an operation during which a remotely piloted aircraft is operating without pilot intervention in the management of the flight.

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

“Conspicuity” means quality of an aircraft (e.g. lighting or paint scheme), allowing it to be easily seen or noticed by others (e.g. by pilots, ATCOs, aerodrome personnel).

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

“Handover” means the act of passing piloting control from one remote pilot station to another.

“Operations specifications” means the authorizations, conditions and limitations associated with the RPAS operator certificate and subject to the conditions in the operations manual.

“Remote crew member” means a crew member charged with duties essential to the operation of a remotely piloted aircraft system during a flight duty period.

“Remote cruise relief pilot” means a remote flight crew member who is assigned to perform remote pilot tasks during cruise flight, to allow the remote pilot-in-command to obtain planned rest.

“Remote flight crew member” means a licensed crew member charged with duties essential to the operation of a remotely piloted aircraft system during a flight duty period.

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

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

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

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

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

“Remotely piloted aircraft system operating manual” means a manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the RPA and each associated RPS model and other material relevant to the operation of the remotely piloted aircraft system.

Note. — The remotely piloted aircraft system operating manual is part of the operations manual.

“Required communication performance (RCP)” means a statement of the performance requirements for operational communication in support of specific ATM functions.

“Required communication performance type (RCP type)” means a label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity.

“Rest period” means a continuous and defined period of time, subsequent to and/or prior to duty, during which remote crew members are free of all duties.

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

“RPAS operator certificate (ROC)” means a certificate authorizing an operator to carry out specified RPAS operations.

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

“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.

3. Application These regulations shall apply to all persons operating or maintaining RPAS registered in Kenya wherever they may be.

PART II – GENERAL

4. Categorization/
Classification
of RPAS
(equipment)

(1) RPAS shall be classified and categorized by weight and use.

(2) There shall be three classes of :

- (a) Class 1: that weigh 5 kilograms and below including any payload carried by the RPAS;
- (b) Class 2: that weight more than 5 kilograms but less than 25 kilograms including any payload carried by the ; and
- (c) Class 3: that weight 25 kilograms and above including any payload carried by the RPAS.

(3) There shall be three categories of :

- (a) Category A: utilized for recreational and sports purposes only;
- (b) Category B: utilized for private activities excluding recreational and sports purposes; and
- (c) Category C: utilized for commercial activities

	Cat A Recreational and Sports	Cat B Private	Cat C Commercial
Class 1 0 – 5kgs	1A	1B	1C
Class 2 5 – 25 kgs	2A	2B	2C

c. A company registered	Class 3 25 kgs and above	3A	3B	3C
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in Kenya

d. The Government of Kenya

5. Ownership of RPAS
- (1) A person shall be eligible to own a RPAS if they are –
 - a. A Kenyan Citizen above the age of 18 years old
 - b. Resident in Kenya
 - (2) Where a RPAS is owned by a person below the age of 18 years old it shall be registered in the name of their legal guardian or parent
6. Registration of RPAS
- (1) An operator or owner of a RPAS shall register with the Authority
 - (2) The Authority shall establish and implement a system for registration and identification of RPAS in Kenya
 - (3) Notwithstanding the provisions of sub—regulation (1) the Authority may exclude certain categories and classes of RPAS from registration requirements.
7. Airworthiness of RPAS
- (1) A RPAS owner or operator shall ensure that all its components are in working order and in accordance with the suppliers’ user manual
 - (2) The Authority may require RPAS of a certain class and category with a type certificate to obtain a certificate of airworthiness

PART III – OPERATION OF RPAS

8. General obligation of an RPAS owner and operator
- (1) The RPAS operator shall obtain an RPAS Operating Certificate issued by the Authority
 - (2) The RPAS operator shall be responsible for the safe conduct of its operations. This includes establishing and implementing a safety management system (SMS) established and maintained in accordance with their operational requirements established under the Civil Aviation Act or any other regulations made there under.
 - (3) The RPAS operator shall comply with all requirements established by the Authority regarding its operation.
 - (4) The RPAS operator shall be responsible for contracting services from providers (e.g. communications service providers), as necessary, to carry out its operations.
 - (5) Responsibility for operational control shall rest with the registered owner/operator of the RPAS.
 - (6) The RPAS owner/operator shall ensure that it is registered in accordance with the provisions of these regulations
- (1) A person shall not operate a RPAS in Kenya without authorisation from the Authority.
9. Authorisation of RPAS operations
- (2) Notwithstanding the provision of sub-regulation (1) RPAS operators shall be authorised in accordance with the category of use, in the case of:
 - a) RPAS used for recreation and sports, authorisation shall be through registered clubs established in accordance with the provisions of regulation xx;
 - b) RPAS for private use, authorisation shall be granted to the operator directly by the Authority in accordance with the provisions of regulation xx;
 - c) RPAS for commercial use, authorisation shall be issued in accordance with the provisions of regulation xx.
10. Prohibited operation of RPAS
- (1) A person shall not operate a RPAS -
 - (a) In manner that endangers other aircraft, persons or property;
 - (b) In prohibited areas;
 - (c) In restricted, danger areas or any other area notified by the Authority except with the permission of and in accordance with any conditions imposed by the Authority.

11. RPAS Operating limitations
- (1) A person shall not operate a RPAS under private and recreational or sports category above 400 feet Above Ground Level
 - (2) Notwithstanding the provisions of sub regulation (1), operations for commercial category of RPAS shall be conducted at such heights as specified by the Authority.
 - (3) A person shall not operate a RPAS – (a) In conditions other than VMC;
(b) At night;
12. Certifications of RPAS Pilot
- (1) RPAS pilots for commercial operations shall be certified by the Authority in accordance with Fourth Schedule to these regulation
13. Reporting of incidents and accidents relating to RPAS operations
- (1) RPAS operator shall ensure that all incidents and accidents involving RPAS are reported to the Authority in accordance to the provisions of the Civil Aviation (Safety Management) Regulations
 - (2) Air Accident and Incident Investigation Department shall be responsible for investigating all RPAS accidents and serious incidents
14. Authorisation for RPAS
- (1) A person shall not conduct an RPAS flight commencing at a place within Kenya and terminating at a place outside without operations authorisation from the State of destination or any other State over whose airspace the RPAS shall fly.
 - (2) A person shall not conduct a RPAS flight commencing at a place outside Kenya and terminating at a place within Kenya or overflying the Kenyan airspace without authorisation from the Authority
 - (3) Any person who intends to conduct a RPAS operation shall seek authorisation from the Authority prior to conducting any operations

- (4) RPAS shall meet the performance and equipment carriage requirements for the specific airspace in which the flight is to operate.
- (5) Unless otherwise specified by the Authority the request for authorization shall include the following:
 - (a) name and contact information of the operator;
 - (b) RPAS characteristics (type of aircraft, maximum certificated take-off mass, number of engines, wing span);
 - (c) copy of certificate of registration;
 - (d) aircraft identification to be used in radiotelephony, if applicable;
 - (e) copy of the certificate of airworthiness;
 - (f) copy of the RPAS operator certificate;
 - (g) copy of the remote pilot(s) licence;
 - (h) copy of the aircraft radio station licence, if applicable;
 - (i) description of the intended operation (to include type of operation or purpose), flight rules, visual line-of-sight (VLOS) operation if applicable, date of intended flight(s), point of departure, destination, cruising speed(s), cruising level(s), route to be followed, duration/frequency of flight;
 - (j) take-off and landing requirements;
 - (k) RPAS performance characteristics, including:
 - (i) operating speeds;
 - (ii) typical and maximum climb rates;
 - (iii) typical and maximum descent rates;
 - (iv) typical and maximum turn rates;
 - (v) other relevant performance data (e.g. limitations regarding wind, icing, precipitation); and
 - (vi) maximum aircraft endurance;
 - (l) communications, navigation and surveillance capabilities:
 - (i) aeronautical safety communications frequencies and equipment, including:
 - ATC communications, including any alternate means of communication;
 - command and control links (C2) including performance parameters and designated operational coverage area;
 - communications between remote pilot and RPA observer, if applicable;
 - (ii) navigation equipment; and
 - (iii) surveillance equipment (e.g. SSR transponder, ADS-B out);

- (m) detect and avoid capabilities; (n) emergency procedures, including:
 - (i) communications failure with ATC;
 - (ii) C2 failure; and
 - (iii) remote pilot/RPA observer communications failure, if applicable;
- (o) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;
- (p) document attesting noise certification, if applicable;
- (q) confirmation of compliance with aviation security requirements of Annex 17 to the Chicago Convention; (r) payload information/description; and (s) proof of insurance/liability coverage.

(6) Where documents identified in sub-regulation (5) above are issued in a language other than English, the RPAS operator shall ensure that an English translation is included.

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| 15. Detect and avoid | RPAS to be operated Beyond Visual Line Of Sight shall be equipped with a detect and avoid system |
| 16. Command and control | A RPAS owner or operator shall ensure that they have command and control of the RPAS at all times during the flight |
| 17. ATC communication | <ul style="list-style-type: none"> (1) RPAS pilots shall ensure that 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 shall establish procedures, acceptable to the Authority, for integration of RPAS operation into the airspace to ensure aviation safety. Such procedures shall include communication and radar detection; (3) Procedures referred to in sub-regulation (2) shall prescribe required information to be passed to ATC by RPAS pilot before and during RPAS operations; |
| 18. Operation in (1) | <p>A person shall not operate a RPAS - the Vicinity of (a) within 10 kilometers of an aerodrome from the aerodrome reference point for code C, D, E and F aerodromes;</p> <ul style="list-style-type: none"> (b) within 7 kilometers of an aerodrome from the aerodrome reference point for code A and B aerodromes; (c) on approach and take-off paths; (d) within the vicinity of navigation aids; (e) within the aerodrome traffic circuit; |

(f) within terminal traffic holding patterns;

except with the written permission of the owner or operator of the aerodrome and approval from the Authority

19. Operations at (1) The Authority may upon approval of RPAS operation at an Aerodrome aerodrome –

- (a) Impose operating restrictions on the approval in the interest of safety;
- (b) Publish details of the approval by way of NOTAM or AIP Supplements;
- (c) Revoke or change the conditions that apply to such approval and publish details of any revocation or change in conditions in a NOTAM or AIP Supplements.

PART IV – COMMERCIAL OPERATION OF RPAS

20. ROC (1) An operator shall not engage in commercial RPAS operations unless Compliance the operator holds a valid RPA operator certificate (ROC) issued by the Authority

(2) The ROC referred to in sub regulation (1) shall authorise the operator to conduct RPAS 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 RPAS 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.

21. Application for an RPAS Operator Certificate (1) An operator applying to the Authority for an RPAS operator certificate (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 sixty days before the date of the intended operation.

22. Issuance of an ROC
- (1) The Authority may issue an RPAS operator certificate (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 RPAS;
 - (d) holds a security clearance issued by the Ministry of Defence
 - (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.
23. Validity and renewal of an RPAS operator certificate
- (1) An RPAS operator certificate (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.
24. Amendments of an ROC
- The Authority may amend an RPAS operator certificate (ROC) if the;
- (a) Authority determines that the amendment is necessary for the safety of commercial RPAS 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.
25. Conducting surveillance, tests and inspections
- The Authority shall conduct surveillance, inspections and tests on the RPAS operator certificate (ROC) Holder to ensure continued eligibility to hold an ROC and associated approvals.

26. Personnel required for RPAS commercial operations
- (1) RPAS operator shall have accountable manager acceptable to the authority, with corporate authority for ensuring that all necessary resources are available to support ROC operations.
 - (2) The accountable manager shall have sufficient qualified and competent personnel for the planned tasks and activities to be performed in accordance with the applicable requirements;
 - (3) An RPAS operator should establish initial and recurrent training to ensure continuing competence of its personnel.
27. Operations Manual
- (1) An RPAS operator shall develop and submit an operation manual in accordance with requirements prescribed by the authority.
28. Authorisation for commercial RPAS operations
- (1) A person who meets the requirements in Part **XX** shall only undertake commercial operations of RPAS after authorisation by the Authority
 - (2) Authorisations referred to in sub-regulation (1) shall be specific to particular operations.
29. Licensing of commercial RPAS Pilots
- (1) A person shall not operate a RPAS without a valid licence issued by the authority in accordance with these regulations
 - (2) An applicant for RPAS Pilots licence referred in sub-regulation (1) above shall:
 - (a) At least 18 years old
 - (b) A current medical certificate
 - (c) Demonstrate English proficiency
 - (d) Pass an initial aeronautical knowledge test covering the areas specified in **Schedule XX** here-in
 - (3) Where applicable RPAS pilot shall hold an appropriate rating for the type of operations they will perform including:
 - (a) Type rating
 - (b) Instrument rating
 - (c) Night rating
 - (d) Instructor rating
30. Validity of RPAS Pilots licence
- (1) The RPAS pilots licence shall be valid for period of 24 months subject to validity of the holder's medical certificate.

31. Training requirements for commercial RPAS operations (1) The RPAS pilots will be trained in accordance with training requirements in Schedule **XX** here-in
32. Instruments and equipment requirements (1) The Authority shall prescribe instrument requirements for RPAS operators for specific operations depending on – (a) The class and category of the RPAS
(b) Type of operations
(c) Special authorisations sought

PART V – RECREATIONAL RPAS OPERATIONS

33. RPAS (1) RPAS operations for recreation and sports purposes shall be operation for conducted within registered clubs which are recognised by the recreational Authority in accordance with prescribed procedures purposes
(2) The Authority shall develop a system for recognition of clubs including requirements for composition, documentation and club rules and regulations
(3) The clubs referred to in sub-regulation (1) shall provide the Authority with details of their operation areas and times for approval
(4) The Authority shall segregate and notify through NOTAM or any other means of such airspaces designated for use by RPAS operators, including limitations that may apply
34. Training (1) Clubs referred to in regulation 25 above shall prescribe minimum requirements training requirements required for one to operate RPAS under the for recreational club purposes
(2) Training requirements referred to in sub-regulation (1) above shall be documented and submitted to the Authority for acceptance

PART VI – SECURITY REQUIREMENTS FOR RPAS OPERATIONS

35. Security (1) A person or a club shall not operate a RPAS from or within Kenya programme without an Operator Security Programme approved by the Authority. requirements
(2) An Operators Security Programme shall specify the measures, procedures and practices to be followed by the operator to protect pilots and facilities from acts of unlawful interference and shall include, at a minimum—

- (a) The objectives of the programme and responsibility for ensuring its implementation;
 - (b) The organisation of the operator’s security functions and responsibilities, including the designation of the person in charge of aviation security
- (3) A RPAS operator shall carry out and maintain security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation
- (1) at a remote pilot station,
 - (2) on an RPAS and
 - (3) at any facility under the control of the RPAS operations,.
- (4) The specific security measures referred to in sub-regulation (3) shall provide —
- (a) That the premises used for preparing, storing, parking including RPAS 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 safety 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 RPAS;
 - (f) That persons engaged in RPAS operations are subject to recurrent background checks and selection procedures and are adequately trained;

36. Security obligations for RPAS operators (1) The operator of RPAS shall be responsible for the safety and security of RPAS operations including associated facilities, personnel and equipment
37. Acts of unlawful interference against civil aviation (1) The operator shall have response procedures for operations personnel for threats and incidents involving RPAS operations.
- (2) RPAS operator or owner shall ensure that reports on acts of unlawful interference are promptly submitted to the Authority as per the Civil Aviation (Security) Regulations.

PART VII – GENERAL PROVISIONS

38. Records (1) A RPAS operator should establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering at a minimum-
- a) operator's organization;
 - b) SMSs;
 - c) Personnel training and competence verification
 - d) Documentation of all management system key processes
 - e) Maintenance records
 - f) Security management records
- (2) Records shall be stored in a manner that ensures protection from damage, alteration and theft.
- (3) Records identified in this sub regulation shall be current and in sufficient detail to determine whether the experience and qualification requirements are met for the purpose of commercial operations
39. Insurance (1) A person shall not operate, or cause to be operated or commit any other person to operate RPAS unless there is in force an adequate insurance policy in respect of third party risks.
- (2) The minimum sum of insurance in respect of any RPAS insured in accordance with sub-regulation (1) shall be notified by the Authority.
- (3) An operator of RPAS shall make available third party liability insurance certificate(s), in the authentic form, at the location of the RPAS operator's operational management or other location specified by the Authority
- (4) Notwithstanding the provisions of sub-regulation (1), the authority may dispense with requirement depending on the class and category of the RPAS
40. Reports of (1) Any person who knows of a violation under these regulations, shall violation report it to the Authority.
- (2) The Authority will determine the nature and type of any additional investigation or enforcement action that requires to be taken.
41. Offences and (1) A pilot or the person in charge of the RPAS or the owner thereof who penalties operates, or cause to be operated or commit any other person to operate a RPAS in such a manner as to endanger the safety of the air space, other aircraft, persons and

property on the ground, unless he proves that the RPAS was so flown without his consent, commits an offence and shall be liable upon conviction, to a fine not exceeding five hundred thousand or imprisonment not exceeding three (3) months or both.

(2) A person who operates a RPAS within or outside Kenya, without authorisation commits an offence and shall commits an offence and shall be liable upon conviction, to a fine not exceeding five hundred thousand or imprisonment not exceeding three (3) months or both.

(3) A person who fails to display a unique identifier or the registration number commits an offence and shall commits an offence and shall be liable upon conviction, to a fine not exceeding five hundred thousand or imprisonment for three months or both.

(4) A person who operates, or cause to be operated or commit any other person to operate an RPAS which has not been registered by the Authority commits an offence and shall upon conviction, to a fine not exceeding five hundred thousand or imprisonment for three months or both;

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

(6) An RPAS operator who fails to comply with any of the obligations provided for by these Regulations shall be liable to upon conviction, to a fine not exceeding five hundred thousand or imprisonment or both A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other such document revoked or suspended.

42. Saving and (1) Any RPAS operated prior to February, 2016 must be registered no transitional later than May 31, 2016. provisions

FIRST SCHEDULE

Regulations 12

Certification of RPAS Pilot

SECOND SCHEDULE

Regulation 29

Aeronautical Knowledge required of RPAS Pilots

THIRD SCHEDULE

Regulations 31

Training Requirements for RPAS Pilots

FOURTH SCHEDULE

regulations

FIFTH SCHEDULE

regulations