

# THE CIVIL AVIATION ACT

(No. 21 of 2013)

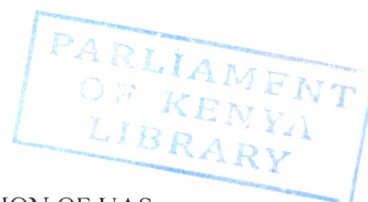
## THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2019

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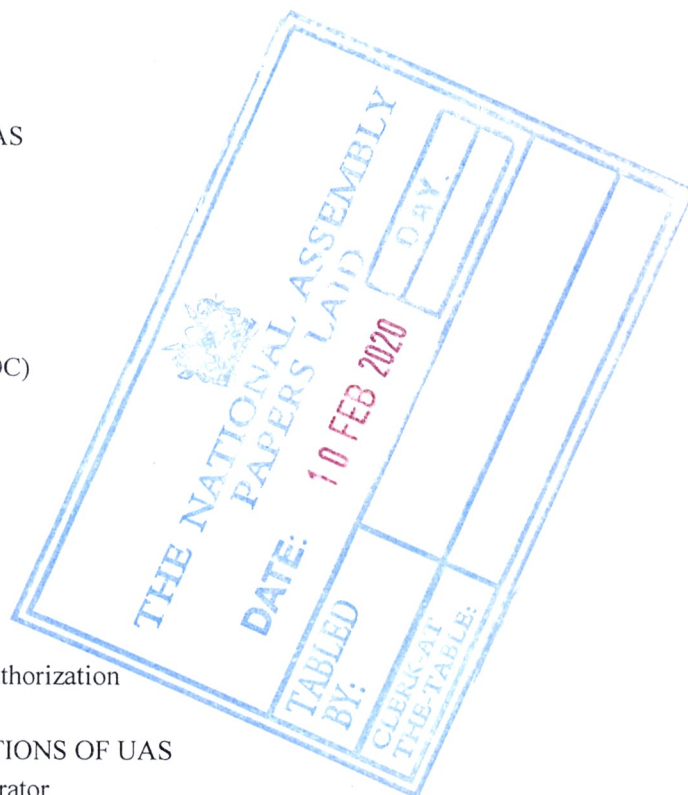
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**“Aerodrome”** means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

**“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.*

**“Authority”** means Kenya Civil Aviation Authority;

**“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;

**“Body Corporate”** means any legal entity registered pursuant to statutory law or established by any law in Kenya;

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

**“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;

**“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.

**“extended visual line of sight (EVLLOS) operations”** means operating method whereby the remote pilot in command (PIC) relies on one or more remote observers to keep the unmanned aircraft in visual sight at all times,

relaying critical flight information via radio and assisting the remote pilot in maintaining safe separation from other aircraft (manned or unmanned).

**“Image”** means a record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which capture conditions existing on or about real property or an individual located on that property;

**“Imaging device”** means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image;

**“Operator”** means a person, organization or enterprise engaged in or offering to engage in an aircraft operation and in the context of unmanned aircraft, an aircraft operation includes the unmanned aircraft systems;

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

**“Remote 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.

**“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.

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

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

**"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;

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

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

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

**"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;

**"Surveillance"** means:

1. with respect to a person, the observation of such person with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
2. with respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

**"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, modifies 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) Risk to public interest and safety
- (c) Proposed use of the UAS
- (d) Whether the 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 body corporate; 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, modify, test, sell or otherwise deal in 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 which shall be displayed on the UAS at all times
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;
- (d) In the interest of national security;
- (e) Where the Authority determines that the owner or operator has violated these regulations; or
- (f) In any other circumstance that the Authority deems fit.

11. Temporary permit
- (1) The Authority may, upon application, grant a temporary permit to an applicant for the operation of a UAS for a period not exceeding thirty (30) days, which shall be 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 and national security; and
    - (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 authorize 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:

- (a) an adequate organization,
- (b) method of control and supervision of flight operations,
- (c) training programme, and
- (d) ground handling and maintenance arrangements.

(4) The requirements in sub regulation (3) shall be 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 operator shall make an 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, which the Authority shall seek in the course of processing the application; and
- (e) has an aircraft operator security programme approved by the Authority and meets any other requirements as may be 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 its size and the complexity of its operations,
  - (2) The safety management system established in terms of sub-regulation (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) Without prejudice to sub-regulations (1) above a person shall not act as a UAS pilot 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

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

(2) The authorization granted under sub-regulation (1) above shall be valid for twenty four months.

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 any item 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;
  - (e) ensure that it is registered in accordance with the provisions of these Regulations; and
  - (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 of the UAS ;
  - (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-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 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 (ADSB);
- (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 and provide a certificate of translation.

24. UAS  
limitations  
operating

- (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 UAS  
incidents and accidents

- (1) UAS operator shall ensure that all incidents and accidents involving such a system are reported to the Authority.
- (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 a prohibited, 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, Air Navigation Service 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.
- (3) The Authority in consultation with the Cabinet Secretary responsible for internal security, may by notice in the Kenya Gazette prohibit the use of UAS in any specific area in Kenya for any period in the interest of national security.

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.

30. Landing on roads                      No person shall use a public road as a place of landing or take-off of an UAS, except:
- (a) Where the operation has been approved by the Authority;
  - or
  - (b) In the event of an emergency.
31. Collision avoidance                      (1) UAS in all airspace shall operate in accordance with the Civil Aviation (Rules of the Air) Regulations and a remote pilot shall maintain awareness so as to see and avoid other aircraft and vehicles and shall yield the right-of-way to all aircraft and vehicles.
- (2) For the purposes of sub regulation (1), "yielding the right-of-way" means that the UAS shall give way to the manned aircraft or vehicle and may not pass over, under, or ahead of it unless well clear.
- (3) No person shall operate a UAS so close to another aircraft as to create a collision hazard.
32. International operations                      UAS    A person shall not conduct a UAS flight-
- (a) commencing at a place within Kenya and terminating at a place outside Kenya without authorization from the State of destination or any other State over whose airspace the UAS shall fly; or
  - (b) commencing at a place outside Kenya and terminating at a place within Kenya or over-flying the Kenyan airspace without authorization from the Authority.
33. Filing                      of flight plans    (1) All UAS flights in controlled airspace shall file flight plans.
- (2) Without prejudice to the generality of paragraph (1) above, all UAS flights in uncontrolled airspace shall at all times comply with the applicable rules of the air.
34. Emergency contingency links                      and                      All UAS operators shall develop and implement emergency and contingency procedures acceptable to the Authority.
35. Command and control                      (1) A UAS owner or operator shall ensure that he or she has command and control of the UAS at all times during the flight.
- (2) Any UAS owner or operator who loses command and control of his or her UAS shall report to the Authority immediately.

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) kilometers of an aerodrome from the aerodrome reference point for code C, D, E and F aerodromes;
  - (b) within seven (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 zone; and
  - (f) within terminal traffic holding patterns.
38. Operations at an aerodrome
- (1) 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.

- (2) The aeronautical Information products referred to in (1) (b) are:
  - (a) Aeronautical Information Publication (AIP), including Amendments and Supplements;
  - (b) Aeronautical Information Circulars (AIC);
  - (c) Aeronautical charts;
  - (d) Notice to Airmen (NOTAM); and Digital data sets.

#### 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 and products;
  - (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 and shall comply with all data protection laws of Kenya.
- (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 persons and property and nuisance

- (1) A UAS operator or owner shall not use a UAS equipped with an Imaging Device to conduct Surveillance on or take an Image of a person without the person's written consent.
- (2) A UAS operator or owner shall not use a UAS equipped with an Imaging Device to record an Image of privately owned or leased real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent.
- (3) For purposes of sub regulation (2), a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a UAS.
- (4) Notwithstanding sub regulation (1) and (2), a UAS equipped with an Imaging Device may with the approval of the Authority be used for the 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; or
  - (d) investigation of vegetation or wildlife.
- (5) Without prejudice to sub regulations (1) and (2), the owner or operator of a UAS equipped with Imaging device shall comply with any other law relating to protection of privacy or data.
- (6) A UAS operator or owner shall not operate a UAS in a manner that constitutes nuisance to the public, a person or to the property of another.

42. Discharge of goods      dropping (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 of UAS      (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 Requirement      Procedures (1) An ROC holder shall not operate a UAS without operator security procedures approved by the Authority.

(2) A UAS shall be subject to security inspection at any time during its operations by the Authority 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 An operator of a UAS shall-  
UAS operators.

- (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 49, 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: —
- (a) 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
  - (b) with such assistance and by such force as is necessary—
    - (iii) 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
    - (iv) to end the flight of the UAS in the fastest and safest practicable way; or
  - (c) to confiscate the UAS and any component thereof or other thing, that the Authority believes on reasonable grounds —
    - (v) to be evidential material; or
    - (vi) 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 agencies.

#### **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 this Regulation 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. Pamphlets and manuals

The Authority shall develop pamphlets and manuals to assist owners and operators in complying with these regulations.

53. 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 from the date of commencement 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

(Regulation 20 and 21)

### LICENSING OF RPAs PILOTS

#### Licences, Certification, Ratings and Authorizations

The authority may issue the following licences, ratings, certification and authorizations under these Regulations –

- (1) RPAs Pilot licence
  - Student Remote Pilot licence
  - Remote Pilot licence
- (2) Ratings issued
  - Beyond Visual Line of Sight (B-VLOS) Rating
  - Extended Visual Line of Sight (E-VLOS)
  - Instructor Rating
- (3) Certificate
  - RPA Observer Certificate
  - RPA Certificate (for class A operations)

#### Application and issue of remote pilot licences requirements

1. An applicant for Student Remote Pilot licence shall:
  - a) Be at least eighteen years of age;
  - b) Able to demonstrate the ability to read, speak, write and understand the English language; and
  - c) Be in possession of a valid Class 3 Medical Certificate issued under the Civil Aviation (Personnel Licensing) Regulations.
2. A student pilot shall pass knowledge tests may be prescribed by the Authority.

#### Student Remote Pilot Licence Privileges and Limitations:

- a) Unless under the supervision of, or with the authority of, an authorized RPAS instructor; or
- b) On an international RPA flight unless by special or general arrangement between the Member States concerned; or
- c) A student remote pilot should not act as solo remote pilot of an RPA

#### Validity

- a) 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

- b) 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.

2. An applicant for Remote Pilot licence shall:

- a) Be at least eighteen years of age;
- b) Able to demonstrate the ability to read, speak, write and understand the English language;
- c) Be in possession of a valid Class 3 Medical Certificate issued under the Civil Aviation (Personnel Licensing) Regulations;
- d) Receive an endorsement for a knowledge test from an authorised instructor as may be prescribed by the Authority; and
- e) Comply with requirements established by the Authority for the category and rating sought.

Remote Pilot Licence Privileges and Limitations

- (a) No person shall operate a remotely piloted aircraft system; under Category B and C; for purposes of flight unless that person has a remote pilot licence with a remotely piloted aircraft rating issued pursuant to these Regulations.
- (b) An application should be submitted to the licensing authority in a form and manner established by the Authority.

Validity

- (a) 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
- (b) 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.

3. RPA Observer Certificate

An applicant for Student Remote Pilot licence shall:

- (a) Be at least eighteen years of age;
- (b) Able to demonstrate the ability to read, speak, write and understand the English language;
- (c) Demonstrate understanding of the operations limitations for the category of operations; and
- (d) Be in a physical and mental condition to safely discharge the function of an observer.

An RPA Observer Certificate shall be valid for twenty four months.

4. Certificate

RPA Certificates shall be issued by the operator and endorsed by the Authority. Applicants for a Certificate shall:

- (a) Be able to demonstrate the ability to read, speak, write and understand the English language;
- (b) Be in a physical and mental condition to safely fly a UAS; and

(c) Demonstrate understanding of the operations limitations for Category A operations.

An RPA Certificate shall be valid for twenty four months.

### 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

