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THE CIVIL AVIATION ACT

(Cap. 394)

THE CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2025

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THE CIVIL AVIATION ACT

(Cap. 394)

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

THE CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2025

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Civil Aviation (Licensing of Air Services) Regulations, 2025. Citation.

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

“Act” means the Civil Aviation Act, 2013; Cap. 394.

“aeronautical authority” means the Cabinet Secretary responsible for matters relating to civil aviation in Kenya;

“air carrier” or “airline” means an enterprise licensed and approved by a competent authority of a state to offer or operate an air service;

“aircraft interchange” means an arrangement between two air operators in which the aircraft of the first air carrier is crewed by the crew of the second operator at an interchange point linking their respective routes where operational control is transferred to the second operator for the period of the interchange;

“air waybill” means an air cargo document that constitutes the contract of carriage or the forwarding agreement between the shipper and the air carrier;

“air operator certificate” means a certificate authorizing an air carrier to carry out specified commercial air transport operations;

“air ticket” means the document issued by or on behalf of carrier and including condition of contract for carriage of a passenger;

“air service” means any service performed by means of an aircraft for hire or reward;

“air transport officer” means any person appointed as such under regulation 73;

“approved training organization” means an organization established to conduct aviation training courses as approved by the Authority;

“Authority” has the meaning assigned to it under section 2 of the Act;

“authorization” means granting of permission in the form of designation, licence, operating authorization, temporary licence, short term licence or any other approval issued under these regulations to operate an aircraft for an air service or in transit with or without a stop in Kenya;

“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;

“capacity” means the number of seats or cargo space or both offered to the general public on an air service over a given period;

“code share” means a marketing arrangement in which airlines place their designator code on a flight operated by another airline and sells seats or cargo space for that flight;

“concerted practice” means co-operative or coordinated conduct between eligible airlines, achieved through direct or indirect contact, that replaces their independent action, but which does not amount to an agreement;

“Contracting State” means a State which is a party to the Convention on international civil aviation signed at Chicago on the Seventh Day of December, 1944;

“damp lease” means a wet lease arrangement whereby the lessor provides an aircraft with cockpit crew to the lessee but not with cabin crew;

“designation” means authorization granted by the aeronautical Authority to an airline, whose principal place of business is in Kenya, to carry out international scheduled air service;

“Director-General” has the meaning assigned to it under section 2 of the Act;

“domestic scheduled air service” means an air service where flights are undertaken between two or more airports within Kenya according to a published flights timetable with each flight being open to use by members of the public;

“dominant position” means a situation where an eligible airline either by itself or acting in collusion with one or more eligible airlines, is in a position to control the relevant market by means of, amongst other factors, revenue generated for a particular service or group of services;

“dry lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessee;

“essential air service obligation” means any public service obligation imposed upon an air carrier to take all necessary measures to ensure the provision of a service satisfying fixed standards of continuity, regularity, capacity and pricing, which standards the air carrier would not assume if it were solely considering its commercial interest;

“foreign aircraft” means an aircraft registered in a foreign State;

“franchise” means the rights and privileges granted by an airline to another airline to use various of its corporate identity elements under a franchise agreement;

“franchise agreement” means an agreement under which a franchise is granted;

“franchise approval” means an approval granted by the Authority to an airline to operate franchise business;

“interchange agreement” means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft to or from another air operator at an airport for a limited duration;

“internal air service” means an air service operated within Kenya, and includes an air service which may pass through the airspace of another state without providing air service in that other state;

“international air service” means an air service provided between Kenya and at least one other state and excludes an air service which may pass through the airspace of another state without providing air service in that other state;

“international non-scheduled air service” means an air service other than an international scheduled air service undertaken with a specific flight or a series of flights;

“inclusive tour charters” means a tour which is sold as a package consisting of—

- (a) such fixed accommodation and other land arrangements of services as may be appropriate for such persons in Kenya; and
- (b) the transport of persons by air to and from any destination in Kenya;

“international scheduled air service” means an air service where flights are undertaken between Kenya and one or more countries according to a published flights timetable with each flight being open to use by members of the public;

“lease” means an agreement by a person (the lessor) to furnish an aircraft to another person (the lessee) to be used for compensation or hire purposes.

“lessee” means the party using the aircraft under the provisions of a lease;

“lessor” means the party furnishing the aircraft under a lease;

“licence” means a licence granted under these Regulations;

“material fact” means any information that can reasonably be expected to have a significant effect on the person making a decision;

“Maximum Take-Off Mass (MTOM)” in relation to an aircraft, means the maximum total mass of the aircraft and its contents at which the aircraft may take off in accordance with the certificate of air worthiness of the aircraft;

“misrepresentation” means a statement represented as fact that the person making it knew or ought to have known to be untrue at the time it was made;

“operating authorization” means a licence issued under regulation 13;

“operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft, or the regularity or efficiency of the flight;

“passenger” means any person, other than a crew member, who travels in an aircraft with the consent of the air carrier and includes the baggage of such person;

“seat” means any area in an aircraft designed to be occupied by a passenger, other than the area occupied by the luggage of such passenger;

“short-term licence” means a licence granted under regulation 34; and

“sub-charter” means a short term wet lease arrangement under which an air carrier buys space on an aircraft operated by another air operator for a period not exceeding five consecutive days; and

“temporary licence” means a licence granted under regulation 33;

“Tribunal” has the meaning assigned to it under section 2 of the Act;

“undertaking” means a sole proprietor, a partnership or a company;

“wet lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessor.

PART II—LICENSING OF INTERNAL AIR SERVICES

3. A person shall not use an aircraft within Kenya for the provision of any air service except under and in accordance with the terms and conditions of a licence issued by the Authority under these Regulations.

Prohibition of operating without a licence

4. (1) A person who—

Application for a licence under this Part.

- (a) intends to provide any air service;
- (b) intends to renew a licence for an existing air service;
- (c) intends to vary the terms or conditions specified on the licence; or
- (d) is deemed by the Authority to have made significant changes as provided under regulation 21(3),

shall apply to the Authority for a licence.

(2) An application for a licence for any type of air service under any of the categories of air service set out in the First Schedule shall be made to the Authority in a prescribed form and shall contain the particulars as set out in the Second Schedule.

(3) The Authority shall develop procedures for processing an application for licence under this Part.

(4) An application for a licence shall be signed by—

- (a) in the case of a sole proprietor, the owner;
- (b) in the case of a body corporate, a director or an authorised officer; and
- (c) in the case of a partnership, a partner or an authorised officer.

(5) An application for a licence, other than a short-term licence, shall be made to the Authority not less than ninety days before the date on which it is desired to take effect.

(6) Where an application is made in a consolidated form for different types of air services, the provisions of these Regulations relating to payment of fees shall apply to each type of air service as if the applications were lodged separately.

5. (1) A licence may be issued for any type of air service and aircraft under any categories as set out in the First Schedule and the Third Schedule respectively if the applicant satisfies the Authority that—

Issuance of licence under this Part.

- (a) the applicant is a citizen of Kenya; or
- (b) in the case of a body corporate or a partnership, at least fifty-one percent of the voting rights are ultimately held by the State, a citizen of Kenya or both:

Provided that the Authority may exempt any person from the requirements of this provision having regard to the special nature of the air service;

- (c) the aircraft which will be used in operating the air service is a Kenyan registered aircraft:

Provided that the Authority may after considering the application, accept such other foreign registered aircraft subject to the aircraft meeting the operational, safety and technical standards in force in Kenya;

- (d) the applicant has met the requirements of regulations 19, 20 and 47;
- (e) the applicant is able to meet the requirements of the Authority for an air operator's certificate for the type of air service and aircraft under the categories set out in the First Schedule and Third Schedule; and
- (f) the applicant meets the requirements of any law relating to aviation safety and security, public health, environmental protection and business operations in general.

(2) For the purpose of this regulation "special nature of the air service" shall include service in the interest of social welfare, charity, for purposes of salvage on humanitarian grounds or of assistance in saving life or in the public interest.

6. An air carrier licensed to operate scheduled air service within Kenya and whose principal place of business is in Kenya shall be required prior to commencement and during continuance of such operations to ensure that it—

Additional requirements for scheduled internal air service.

- (a) has an effective reservations and sales system;
- (b) has a sufficient number of aircraft to cope with the proposed route-schedule;
- (c) has toilet facilities on board aircraft operating on a sector with a flight duration of ninety minutes or more;

- (d) has submitted a flight timetable and obtained approval by the Authority prior to operation;
- (e) files monthly traffic and tariff statistics with the Authority; and
- (f) is qualified for self-passenger handling or has engaged a qualified passenger handling entity at each airport of operation.

7. (1) The Authority may, in the interest of aviation safety and security, environmental protection, public health, and in order to ensure fair trading practices or for any other reason in the interest of the public impose conditions to a licence that—

Conditions to a licence for internal air service.

- (a) specify the routes or areas that may be operated under the licence;
- (b) determine the classes or descriptions of passengers or goods that may be carried; and
- (c) the approved schedule of air services shall be observed.

(2) Any person having a financial interest in the business of the licensee shall—

- (a) refrain from stipulating that any other person shall refuse booking facilities to any other licensee;
- (b) deny booking facilities to any other licensee; or
- (c) refrain from granting such facilities to other licensees on onerous terms.

8. In exercising its discretion under regulation 5, the Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomic overlap, and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities and in particular the Authority shall have regard to—

Public interest and development of air service.

- (a) the existence of other air services in the area through which the proposed air service is to be operated;
- (b) the possibilities of air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;

- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
- (f) the financial resources of the applicant;
- (g) the type of aircraft proposed to be used on the service;
- (h) the competence of the applicant, having regard to his previous conduct and experience, organization, staffing, his equipment, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified; and
- (i) any representation made under regulation 25.

9. (1) The Authority may, upon consultation with the Cabinet Secretary, impose an essential air service obligation to an air carrier in respect of scheduled air services to an airport serving a peripheral region or low density routes in Kenya which are considered vital for—

Essential service obligation.

- (a) the availability of services to all consumers including low income, rural and disadvantaged passengers and shippers; and
- (b) economic development of the region in which the airport is located.

(2) The Cabinet Secretary shall publish the existence of this essential service obligation in the *Kenya Gazette*.

(3) The Authority in imposing an essential air service obligation shall assess the adequacy of the service referred in sub-regulation (1) having regard to—

- (a) public interest;
- (b) the possibility for the region, of having recourse to other forms of transport and the ability of such forms to meet the transport needs under consideration; and
- (c) the airfares and conditions which can be quoted to users.

(4) In instances where other forms of transport cannot ensure an adequate and uninterrupted service, the Authority may include in the essential service obligation the requirement that any air carrier intending to operate the route gives a guarantee that it shall operate the route for a minimum period of two years in addition to the other terms of the essential service obligation.

(5) The right to operate the service referred to under sub regulation (4) shall be granted by way of a public tender for an airport or route.

(6) Where no air carrier is willing to offer the required level of service following the tendering process, the Authority may nominate any three air carriers for appointment by the Cabinet Secretary to offer the service.

(7) The Cabinet Secretary may put in place compensation mechanism based on the prevailing market rates, grant exclusive rights to the nominee referred in sub-regulation (6) and shall review the situation after a period of two years.

PART III—LICENSING OF INTERNATIONAL AIR SERVICES

10. A person shall not use an aircraft for the provision of any air service to, from or in transit through Kenya, except under and in accordance with the terms and conditions of a licence issued by the Authority under these Regulations.

Prohibition of operating without a licence

11. (1) A person who—

Application for a licence under this Part.

- (a) intends to provide any air service;
- (b) intends to renew a licence for an existing air service;
- (c) intends to vary the terms or conditions specified on the licence; or
- (d) is deemed by the Authority to have made significant changes as provided under regulation 21(3),

shall apply to the Authority for a licence.

(2) An application for a licence of any type of air service under any of the categories set out in the First Schedule shall be made to the Authority in the specified form and shall contain the particulars set out in the Second Schedule.

(3) The Authority shall process applications for licence under this part in accordance with established procedures.

(4) An application for a licence shall be signed by—

- (a) in the case of a sole proprietor, the owner;
- (b) in the case of a body corporate, a director or an authorized officer; and
- (c) in the case of a partnership, a partner or an authorized officer.

(5) An application for a licence, other than a short-term licence, shall be made to the Authority not less than ninety days before the date on which it is desired to take effect.

(6) Where an application is made in a consolidated form for different types of air services, the provisions of these Regulations relating to payment of fees shall apply to each type of air service as if the applications were lodged separately.

12. A licence may be issued for any type of air service under any category of air service and aircraft as set out in the First Schedule and Third Schedule respectively, if the applicant satisfies the Authority that—

Issuance of a licence under this Part.

- (a) the applicant is a citizen of Kenya; or
- (b) in the case of a body corporate or a partnership, fifty-one percent of the voting rights are ultimately held by the State, a citizen of Kenya or both:

Provided that for the purposes of this regulation, the Authority may accept any applicant eligible under a criterion set out in any multi-lateral agreement or arrangement to which Kenya is signatory;

- (c) the aircraft which will be used in operating the air service is a Kenyan registered aircraft:

Provided that the Authority may after considering the application, accept such other foreign registered aircraft subject to the aircraft meeting the operational, safety and technical standards in force in Kenya;

- (d) the applicant has met the requirements of regulations 19, 20 and 47;
- (e) the applicant is able to meet the requirements of the Authority for an air operator's certificate for any type of air service under any category of air service and aircraft as those set out in the First Schedule and Third Schedule respectively;
- (f) the applicant meets the requirements of any law relating to aviation safety and security, public health, environmental protection and business operations in general.

13. (1) An airline whose principal place of business is in a foreign State shall not operate a scheduled air service to, from, or across Kenya unless there is in force an operating authorization for that air service issued by the Authority in accordance with sub-regulation (2).

Issuance of operating authorization.

(2) The Authority shall, upon application, issue to an airline referred to in sub regulation (1) an operating authorization on condition that—

- (a) there is in force between Kenya and the State in which the airline has its principal place of business an air service agreement or arrangement under which scheduled air services may be operated;
- (b) the airline has been designated in accordance with the provisions of the relevant agreement or arrangement; and
- (c) the Authority is satisfied that the airline conforms to and complies with the terms and conditions of the relevant agreement or arrangement.

(3) An operating authorization shall remain valid as long as the relevant agreement or arrangement is in force.

(4) The operating authorization referred in sub-regulation (2) may be amended, suspended or revoked in accordance with the terms and conditions of the relevant agreement or arrangement.

(5) The Authority shall issue an operating authorization in accordance with established procedures.

14. A licensed air carrier whose principal place of business is in Kenya shall not engage in the provision of air services outside Kenya except under and in accordance with the terms and conditions of the licence issued by the Authority.

Terms and conditions of licence.

15. An air carrier whose principal place of business is in Kenya may establish an international scheduled air transport service if the air carrier is licensed and—

Conditions for international scheduled air service.

- (a) has an effective reservations and sales system;
- (b) has a sufficient number of aircraft to cope with the proposed route-schedule;
- (c) has toilet facilities on board aircraft operating on a sector with a flight duration of ninety minutes or more;
- (d) has submitted a flight timetable and obtained approval from the Authority and State of destination prior to operation;
- (e) files monthly traffic and tariff statistics with the Authority;
- (f) is qualified for self-passenger handling or has engaged a qualified passenger handling entity at each airport of operation; and

- (g) the applicant has held a licence for domestic scheduled air service or non-scheduled air service or both and has operated for a minimum period of one year;
- (h) has been duly designated for the service by the aeronautical authority in Kenya, in accordance with the relevant air service agreement or arrangement.

16. (1) A foreign aircraft shall not fly in transit non-stop across Kenya or land in Kenya for non-traffic purposes in the course of a non-scheduled flight unless authorized by the Authority.

Foreign aircraft in transit not to overfly or land unless authorized.

(2) In granting authorization under sub-regulation (1), the Authority may impose on the flight such conditions and requirements as it deems necessary to ensure compliance with the general principles contained in the Chicago Convention and the aircraft shall comply.

(3) Where a foreign registered aircraft makes a non-scheduled flight into Kenya it shall not take on or discharge passengers, cargo or mail for reward except in accordance with the terms and conditions of the authorization issued.

(4) The Authority shall cause to be published procedures to be followed and particulars to be supplied by applicants and the applicable fee for an authorization referred to in this regulation.

(5) Where it appears that a foreign registered aircraft intends, in the course of a non-scheduled flight over Kenya, to proceed over regions without adequate air navigation facilities, the Authority may direct, for reasons of safety, that the aircraft follows an established air route and such a flight shall be conducted in accordance with such terms and conditions as the Authority may impose.

17. (1) A licence may be issued or varied for non-scheduled international air service if the applicant satisfies the Authority that—

Conditions for non-scheduled international air service licence.

- (a) the international air service concerned shall be operated in a manner that complies with the applicable international conventions which Kenya has ratified;
- (b) the applicant is fit and able to operate the international air service;
- (c) in the case of a foreign applicant, the applicant is appropriately certificated by a competent authority in the home State for the service; and
- (d) the proposed air service does not disrupt the existing scheduled air service.

(2) When processing the application, the Authority shall have due regard to fairness, equity and reciprocal treatment accorded to Kenyan air carriers by the State of the applicant.

18. (1) A foreign air carrier issued with a licence by the Authority to operate a non-scheduled international air service shall—

Conditions for operating a non-scheduled air service.

- (a) not take on any traffic at any point in Kenya, for discharge within Kenya, except that traffic which the air carrier originally brought in;
- (b) furnish the Authority with any statistics, within thirty days from the date of the request;
- (c) make the necessary arrangements to ensure that the operation of the air service is facilitated at the terminal airport in Kenya at the time of arrival and departure; and
- (d) for air carriers operating inclusive tour charters, transport only inclusive tour package passengers unless specifically authorized by the Authority to transport other traffic.

(2) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall, on conviction, be liable, in the first instance, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or both and for every subsequent offence, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or to both.

PART IV – GENERAL PROVISIONS RELATING TO LICENCES

19. (1) An applicant for an air service licence shall—

Further conditions to application for licence.

- (a) demonstrate to the satisfaction of the Authority the ability to—
 - (i) meet at any time, its actual and potential obligations, according to its business plan for a period of two years from the start of operations;
 - (ii) meet its fixed and operational costs incurred from operations according to its business plan established under realistic assumptions, for a period of three months from the start of operations without relying on revenue generated by the operations;
- (b) provide all relevant information, in particular the data referred to in Part A of the Fourth Schedule.

(2) For the purpose of sub-regulation (1), an applicant shall submit a business plan for the first two years of operation, which shall be in accordance to the format set out in the Fifth Schedule.

(3) In respect of foreign air carriers, the Authority may accept as sufficient evidence, the production of licences, certificates and documents issued by competent authorities in their home States for purposes of assessing competence, technical and financial fitness of the air carrier.

(4) An air carrier licensed under these Regulations shall submit to the Authority audited financial accounts relating to the previous financial year.

(5) An air carrier who wishes to vary the terms and conditions of licence issued by the Authority shall provide the particulars listed in Part B of the Fourth Schedule.

20. (1) The Authority may require, for the purpose of issuing a licence, proof that the person who shall continuously and effectively control the operations of the air carrier is of unquestionable integrity or that they have not been declared bankrupt or convicted of a criminal offence by an appropriate authority.

Proof of integrity
of persons to
control operations.

(2) For the purposes of sub-regulation (1) the Authority may accept as sufficient evidence in respect of foreign nationals, the production of documents issued by competent authorities in the States of origin or the State from which the foreign national comes showing that those requirements are met.

21. (1) An air carrier shall notify the Authority in writing at least fourteen days in advance of plans for the—

Notification of
change in
operation by air
carrier.

- (a) commencement of operation of an authorized scheduled air service or a non-scheduled air service to a route, continent or region not previously served;
- (b) changes in the number of aircraft to be used and the aircraft ownership details or a substantial change in provision of air service or air carrier's previous capacity over a period of six months or more which represents more than fifty percent;
- (c) changes in the particulars of the membership of a partnership or changes in its legal status;
- (d) changes in the controlling shareholding or changes in the ownership of any single shareholding which represents ten percent or more of the total shareholding of the air carrier or its parent or ultimate holding company; or
- (e) changes in the particulars of the key personnel appointed by the licensee to be responsible and accountable for the operations of the air service.

(2) An air carrier shall submit a one year business plan two months in advance of the period to which it refers for the purpose of changes to current operations and circumstances which are included in that business plan.

(3) If the Authority deems the changes notified under sub-regulation (1) and (2) to have a significant bearing on the finances or control of the air carrier, it shall require the air carrier to submit an application for a licence.

22. (1) The ownership of an aircraft shall not be a condition for granting or maintaining a licence.

Aircraft ownership not a condition for licence.

(2) Without prejudice to sub-regulation (1)—

(a) an applicant for an air service licence shall have one or more aircraft through ownership or dry lease, at its disposal and under its operational control;

(b) aircraft used by an air carrier shall be registered in its national register.

(3) The Authority may upon request by an air carrier approve operation of an aircraft under a dry lease arrangement for an initial renewable period of twelve (12) months:

Provided that there exists evidence of adequate insurance cover for the operation under dry-lease arrangement.

(4) The Authority may upon request by an air carrier approve operation of an aircraft under a wet lease or damp lease arrangement to meet temporary and exceptional requirements of an on-going air service operation for a period not exceeding twelve months:

Provided that:

(a) the number of wet leased or damp leased aircraft shall not exceed fifty percent of the Kenyan registered aircraft on the applicant's Air Operator Certificate or five aircraft whichever is less;

(b) there exists evidence of adequate insurance cover and justification for the operation under wet or damp lease arrangement.

(5) Notwithstanding sub regulation (4) an air carrier requiring the services of a wet leased or damp leased aircraft beyond the wet lease or damp lease period shall make arrangements within the period of the approval to transit to dry leasing arrangements.

(6) For the purpose of this regulation "exceptional circumstances" shall include air carrier's capacity constraints due to its aircraft

undergoing heavy maintenance checks, clearance of backlog due to shortage of aircraft and temporary upsurge in demand for services.

23. (1) No air carrier shall use an aircraft from another carrier or provide its aircraft to another carrier for operations without prior approval from the Authority.

Approval for use of aircraft from another operator.

(2) In granting the approval referred under sub-regulation (1), the Authority shall have regard to—

- (a) the ability of the air carrier maintaining air operator certificate requirements;
- (b) liability standards and the extent of incorporation of the arrangement in the insurance cover;
- (c) extent of disclosure of the arrangement by carrier to the public; and
- (d) regularity of air service provided under such arrangement.

(3) The conditions of the approval under sub-regulation (2) shall be part of the wet or dry lease, sub charter, code share or aircraft interchange agreement between the parties.

(4) The Authority may during the currency of a lease, sub-charter, interchange or code share approval on its own volition or on the application by a lessee or lessor, sub-charterer or a party to an interchange or a code share arrangement, vary, suspend or revoke any of the terms or conditions of any of these approvals or the approval in its entirety.

(5) The Authority shall develop procedures to be followed, the particulars or documents to be supplied by applicants and publish the applicable fee for the lease, sub charter, code share or aircraft interchange agreement approval referred to in this regulation.

24. A licensee under this regulation shall not provide or cause to be provided—

Condition for provision of air service.

- (a) air services except under a valid air operator certificate;
- (b) flying instructions except under a valid approved training organization certificate,

issued by the Authority.

25. (1) The Authority shall, after the receipt of an application for a licence other than applications for short-term licence or temporary licence cause to be published in the *Kenya Gazette*, a notice containing the particulars of the application and such particulars shall be those set out in the Sixth Schedule.

Application particulars to be published.

(2) Any person may, within twenty-one days after the publication of the notice referred to in sub-regulation (1), make a representation in writing to the Authority, in favour of or against an application.

(3) Every representation in favour of or against an application for a licence shall—

- (a) be in writing;
- (b) state the specific grounds on which it is based;
- (c) specify any conditions to be attached to a licence if issued; and
- (d) be signed by the person making it, or a person authorized in the case of a body corporate or a partnership.

(4) A copy of every representation in favour of or against an application for a licence shall be sent by the person making it to the applicant at the same time it is sent to the Authority using registered mail.

(5) The Authority may dismiss any representation to an application for a licence where it considers the same to be frivolous and vexatious.

26. (1) The Authority shall hold a hearing at such places as may be notified for the purpose of determining an application. Public hearing.

(2) The Authority shall give notice of the day, time and venue of the hearing to the applicant and the public.

(3) A person making a representation to the Authority may appear at the hearing of an application in person, by a legal representative or other duly authorized representative, but shall not be entitled to recover any costs from the Authority incurred by him or her in the proceedings.

(4) The Authority shall keep record of the proceedings.

(5) The Authority shall make a decision on an application not later than thirty days after the hearing of the application.

(6) In making a decision on an application, the Authority shall consider all representations, relevant information and supporting documents.

(7) The Authority may defer determination of an application in order to obtain further information provided that such a deferment shall not exceed six months from the date of notification of the deferment.

27. (1) The Authority shall, upon request by an applicant or a person who objected the application specify the reasons in writing for the refusal to issue licence: Reasons for refusal to issue licence.

Provided that where the reason for the decision relates to matters of national security, the Authority shall not disclose the same except with the consent of the Cabinet Secretary or by a court order.

(2) An applicant whose application for a licence has been unsuccessful may, upon expiry of three months from the date of notification of the decision, submit a new application to the Authority.

28. The Authority shall publish decisions on applications for licence, revocation and suspension of licence in the *Kenya Gazette* containing the particulars specified in the Seventh Schedule.

Decisions to be published.

29. (1) A licence shall be issued to an applicant for any type of air service under any category set out in the First Schedule on condition—

Conditions attached to a licence.

- (a) that the licensee is sufficiently insured in relation to the type of air service and type of aircraft endorsed on the licence including third party liability;
- (b) that the requirements of any law relating to aviation and any air traffic control procedure for the time being in force in Kenya are complied with during the currency of the licence; and
- (c) that uplift and discharge of air traffic in Kenya complies with national laws and rules relating to aviation safety and security, environment, customs, immigration and public health.

30. (1) A licence shall lapse—

Lapse of a licence.

- (a) where an air carrier ceases operations for six consecutive months;
- (b) where operations have not commenced during the validity period of the licence issued;
- (c) as soon as the licensee is under liquidation, sequestrated, incapacitated or placed under receivership as the case may be:

Provided that in the case of incapacity, bankruptcy, sequestration or liquidation of the holder of a licence, the appointed receiver manager or trustee of the licensee shall forthwith notify the Authority and submit an application for a new licence within fourteen days for purposes of continuity of operations.

(2) For purposes of this regulation, an air carrier shall be deemed—

- (a) to have ceased operations if the air carrier has not carried out any flight six months after the last recorded revenue flight; or

- (b) not to have commenced operations if within the validity period of the licence issued the air carrier has not operated a revenue flight under the terms and conditions of the licence.

31. (1) The Authority may on its own volition —

Variation,
suspension or
revocation of
licence.

- (a) vary any terms or conditions of a licence; or
- (b) suspend, revoke or cancel a licence.

(2) Whenever it appears that an air carrier is experiencing financial problems, the Authority may, on its own volition and upon assessment of the carrier's performance, suspend or revoke the licence.

(3) The Authority may suspend or revoke a licence on the ground that the licensee —

- (a) has been found guilty of giving false information to the Authority under regulation 69;
- (b) has contravened any terms or condition of the licence; or
- (c) has contravened or failed to comply with any of the provisions of these Regulations.

(4) The Authority may recall a licence to amend errors of administrative nature provided that upon the lapse of twenty-one days' notice without response to such recall, the Authority shall revoke the licence.

32. (1) The Authority shall give the licensee twenty-one days' notice in writing before varying, revoking or suspending any licence or terms or conditions of a licence stating the grounds upon which it is proposed to vary, revoke or suspend the licence or the terms or conditions of the licence.

Procedure for
revocation,
variation or
suspension of
licence.

(2) At the expiry of the notice specified under sub-regulation (1), the Authority may —

- (a) direct a licensee to comply with such terms or conditions as it may specify within the period determined by the Authority;
- (b) vary the licence;
- (c) suspend the licence concerned for a period not exceeding two years; or
- (d) revoke the licence.

(3) Where a licence is revoked or suspended the Authority shall state in writing the reasons for its decision.

33. (1) The Authority may, upon application, grant a temporary licence to an applicant that holds an air operator certificate or approved training organization certificate for a period not exceeding one hundred and twenty days pending determination of the substantive application for licence.

Temporary licence.

(2) The provisions of these Regulations as to the publication of particulars of applications and representation shall not apply, if the Authority—

- (a) is of the opinion that compliance with the procedure for processing of the application referred to would defeat the objective of such application;
- (b) is satisfied that the applicant conforms to the general requirements relating to an application for licence;
- (c) is satisfied that the proposed service is in the interest of social welfare, charity, for purposes of salvage on humanitarian grounds or assistance in saving life or in the public interest:

Provided that a temporary licence shall not be issued for purposes of acquiring an air operator certificate, an approved training organization certificate or extending the duration of an expired licence.

(3) In issuing a licence under sub-regulation (1), the Authority may impose such terms and conditions as it deems fit and shall have regard to—

- (a) public interest;
- (b) urgency of the intended operations;
- (c) air carrier's level of preparedness to undertake the operations.

(4) The Authority shall process an application for authorization referred to in this regulation as per established procedures.

34. (1) The Authority may, on application, grant a short term licence to an applicant to operate an ad-hoc flight using foreign registered aircraft for a period not exceeding.

Short-term licence.

- (a) seven consecutive days for commercial operations;
- (b) fourteen consecutive days for non-commercial operations and overflights,

Provided that the Authority is satisfied that the application is in public interest and requires expeditious determination, in which case the provisions of these Regulations as to publication of particulars of application and representation shall not apply.

(2) In issuing a licence 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 air carriers of scheduled air services to ensure regularity of the service between Kenya and other States;
- (c) any resolution or decision of the International Civil Aviation Organization or of the International Air Transport Association that has been approved by the Authority and is relevant to the particular application.

(3) In the case where a request for a short term licence is made subsequent to a substantive application for a licence, the provisions of sub-regulation (1) (a) shall not apply.

(4) The Authority may refuse to grant an application for a short term licence on the basis of regularity of short term operations under this regulation.

(5) For the purpose of sub-regulation (4), “regularity of operations” shall mean twenty-one flights within the seven days’ period for commercial operations.

35. (1) A license issued by the Authority under these Regulations shall, subject to regulation 31, remain in force for such period as specified on the licence:

Validity of a licence.

Provided that—

- (a) the duration of a licence issued under these Regulations shall not exceed—
 - (i) five years for renewals from the date on which it is specified to take effect;
 - (ii) one year for initial applications from the date on which it is specified to take effect; or
- (b) if an application for renewal has been lodged with the Authority before expiry of the licence held by the applicant, the existing licence shall remain in force until such application has been determined.

(2) Notwithstanding the provisions of sub-regulation (1) (b), a licence shall be deemed to have lapsed if operations were not commenced within the validity period of the licence and in this regard the renewal application shall be treated as new.

(3) Any payment for a licence fee shall be made within thirty days from the date of gazettelement of the decisions.

(4) In the case where an applicant fails to make payment under sub-regulation (3), the applicant shall be deemed to have forfeited their right to a licence.

36. (1) When physical constraints or environmental problems exist the Authority may, subject to this regulation, impose conditions, limit or refuse the exercise of traffic rights in particular when other modes of transport can provide satisfactory levels of service.

Limitation of traffic rights in certain cases.

(2) Any action taken by the Authority under with sub-regulation (1) shall—

- (a) be non- discriminatory on grounds of identity of air carriers;
- (b) have a limited period of validity, not exceeding three years, after which it shall be reviewed;
- (c) not unduly affect the objectives of these Regulations;
- (d) not distort competition between air carriers; and
- (e) not be more restrictive than necessary in order to relieve the problems.

37. An application for a licence under these Regulations for any type of air service under any category of air service and aircraft set out in the First Schedule and Third Schedule respectively may be made separately or in a consolidated form and if the Authority considers it convenient, it may, in a similar manner issue a licence separately for each type of air service under any category of air service and aircraft or, in a consolidated form:

Form of application and licence.

Provided that where—

- (a) an application is made in a consolidated form for the types of air services under any category of air service and aircraft, the provisions of these Regulations relating to payment of fees shall apply to each separate type of air service and category of aircraft as if they were separate applications; and
- (b) a licence is issued in a consolidated form, the provisions of these Regulations relating to the payment of fees and to the imposition and variation of terms or conditions shall apply in respect of each separate type of air service and aircraft under any category of air service and aircraft as if it were a separate licence.

38. A licence issued under these Regulations shall not transferrable or assignable.

Licence not transferrable.

39. Notwithstanding the provisions of these Regulations, the Authority may require an applicant to disclose information as to his or her financial resources, and such information shall be treated as confidential.

Confidentiality of information disclosed.

40. (1) The holder of a licence shall perform all such reasonable services as the Communications Authority of Kenya may from time to

Provisions as to conveyance of

time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon air services operated under the licence.

mails.

(2) The remuneration for any services performed in pursuance of this regulation shall be such as may from time to time be determined by agreement between the Communications Authority of Kenya and the licence holder.

41. (1) The holder of a licence or operating authorization shall make monthly returns in writing to the Authority giving, in respect of the month to which the return relates, the particulars set out in the Eighth Schedule with regard to all air services authorized by the licence or operating authorization.

Filing of monthly returns.

(2) The returns to be made in accordance with sub-regulation (1) shall be made on a form prescribed by the Authority, and shall be sent to the Authority not later than two months after the expiration of the month to which the return relates.

42. The holder of a licence shall produce such licence for inspection upon a request from the Authority or any person authorized by the Authority.

Production of licence.

43. (1) In the event of the holder of a licence ceasing to operate the air service authorized thereby he or she shall forthwith notify the Authority in writing and the licence shall stand cancelled.

Cancellation of licence.

(2) The holder of a licence may at any time surrendered the licence to the Authority for cancellation.

(3) If a licence ceases to have effect, otherwise than by the effluxion of time, or is suspended or revoked, the holder thereof shall, within fourteen days after a notice to that effect has been delivered to him or her personally or sent to him or her by registered mail at the address shown in its application or last notified in accordance with regulation 45, send or deliver the licence to the Authority for retention during the time of suspension or cancellation, and the Authority shall on the removal of a suspension return the licence to the holder.

44. If a licence has been lost, destroyed or defaced the holder thereof shall forthwith notify the Authority which shall, if satisfied that licence has been lost, destroyed or defaced, issue a duplicate, so marked, and the duplicate so issued shall have the same effect as the original:

Replacement of a licence.

Provided that, in the case of a licence that has been defaced, the duplicate shall be issued only after surrender of the original to the Authority.

45. An air carrier shall, if it changes its address or company name during currency of its licence, notify such change to the

Change of name or address.

Authority within fourteen days of such change and surrender the licence to the Authority for amendment.

46. (1) The Authority shall keep a record of all decisions on applications for licence and such record shall contain particulars as set out below to enable the application to be identified— Records.

- (a) the date on which the licence is due to commence;
- (b) the date on which it is due to expire;
- (c) any terms and conditions attached to a granted licence;
- (d) in the case of a scheduled air service, terminal and intermediate landing places on the specified route;
- (e) in the case of an air service other than a scheduled one, a detailed description of the type of service and the geographical area of operation; and
- (f) in the case of a rejection or deferment, reasons as the case may be.

47. (1) There shall be paid in respect of an application for, and grant of an authorization or a licence, the applicable fee in respect of each type of air service, category of aircraft and duration of authorization or licence, as may be determined by the Authority from time to time. Fees.

(2) Any fee paid under these Regulations shall be non-refundable.

48. (1) The holder of a licence for scheduled air service shall issue or cause to be issued an air ticket to each passenger to be transported. Air ticket.

- (2) An air ticket shall contain the following particulars—
- (a) name or trade name of the licensee issuing the ticket;
 - (b) name of the passenger to be transported;
 - (c) date of issue and period of validity of the ticket;
 - (d) places of departure and destination;
 - (e) place of issue of the ticket;
 - (f) serial number of the ticket;
 - (g) name, trade name or the designated International Air Transport Association code of the licensee transporting the passenger; and
 - (h) cost of the ticket including disclosure of any tax and terms and conditions attached,

Provided that where the air ticket is issued by electronic means, such ticket shall contain substantially the same particulars as set out in this sub-regulation.

(3) An air ticket issued under sub-regulation (1) shall contain an endorsement to the effect that the licensee referred to in sub-regulation (2) (g) is duly licensed and complies with the requirements of the Act and these Regulations.

(4) A licensee shall keep copies of all air tickets issued under sub-regulation (1) for a period of not less than twelve months from the date on which the flight to which the ticket relates took place.

(5) Subject to the provisions of sub regulation (4), a licensee shall upon request by the Authority, furnish it with copies of any air tickets, or any information thereon, for such period as may be determined.

49. (1) The holder of a licence shall issue or cause to be issued an air waybill in respect of each consignment of cargo to be transported. Airway bill.

(2) An airway bill shall contain the following particulars—

- (a) name or trade name of the licensee issuing the airway bill;
- (b) date of issue and date of flight;
- (c) contents of such consignment of cargo;
- (d) mass and volume of such consignment of cargo;
- (e) places of origin and destination;
- (f) serial number of the air waybill;
- (g) name, trade name or designated International Air Transport Association code of the licensee transporting the cargo; and
- (h) cargo tariff and disclosure of any tax and terms and conditions attached,

Provided that where the airway bill is issued by electronic means, such airway bill shall contain substantially the same particulars as set out in this sub regulation.

(3) An airway bill issued under sub-regulation (1) shall contain an endorsement to the effect that the licensee referred to in sub-regulation (2)(g) is duly licensed and complies with the requirements of the Act and these Regulations.

(4) A licensee shall keep copies of all airway bills issued under sub-regulation (1) for a period not less than twelve months from the date on which the flight to which the airway bill relates took place.

(5) Subject to the provisions of sub regulation (4), a licensee shall upon request by the Authority, furnish it with copies of any airway bills, or any information thereon, for such period as may be determined.

50. (1) The holder of a licence shall compile or cause to be compiled before each flight a passenger or cargo manifest or both where applicable, in respect of the flight and such a manifest shall be kept for a period not less than twelve months from the date on which the flight to which it relates took place.

Passenger and cargo manifest.

(2) A passenger manifest compiled in accordance with sub-regulation (1), shall at least contain the name and nationality of each passenger.

(3) Subject to sub-regulation (1), a licensee shall upon request by the Authority, furnish it with copies of any passenger or cargo manifests or both where applicable or any information thereon, for such period as may be determined.

51. (1) A licensee shall be insured at all times to a minimum amount equivalent to air carriage liability limits set from time to time by ICAO under the Montreal Convention of 1999 in respect of passenger, baggage, cargo and mail.

Insurance.

(2) Any third party liability minimum insurance coverage shall comply with the requirements of the State.

(3) The minimum amounts of coverage required for passengers, their baggage, cargo and third party liability may be insured for a combined single limit of insurance per any one occurrence.

PART V – FRANCHISING

52. (1) No airline registered in Kenya shall operate as a franchisee or enter into a franchise agreement except in accordance with the terms and conditions of a franchise approval granted by the Authority.

Franchise approval.

(2) No foreign registered airline shall operate as a franchisee within Kenya except under and in accordance with the terms and conditions of a franchise approval granted by the Authority.

(3) The Authority shall develop procedures for franchise approval.

53. A franchise approval shall be granted on condition that the prospective franchisee and franchisor are holders of—

Conditions for a franchise approval.

- (a) an air service license and air operator certificate, in the case of an airline registered in Kenya; and
- (b) an operating authorization issued in accordance with these Regulations, in the case where the franchisor is a foreign registered airline.

54. (1) Every application for a franchise approval shall be made to the Authority and shall contain the particulars set out in the Ninth Schedule.

Application for franchise approval.

(2) The Authority may grant franchise approval in accordance with these Regulations and impose such conditions as it deems appropriate.

(3) In exercising its discretion under sub-regulation (2), the Authority shall have regard to all relevant factors including—

- (a) the need to protect public interest; and
- (b) prevention of unfair competition.

55. (1) A franchisee shall disclose franchise information to the Authority in accordance with the Ninth Schedule.

Franchise information disclosure.

(2) The disclosure document shall be updated within sixty days after the end of the franchisor's fiscal year.

(3) Where there has been a material change in the information required to be disclosed under the Ninth Schedule, the disclosure document shall be updated within thirty days of the occurrence of that material change.

(4) If the disclosure document contains a misrepresentation of a material fact or if there is an omission of a material fact required to be disclosed under the Ninth Schedule, the Authority without prejudice to any other action may revoke or suspend the franchise approval.

(5) A franchisee shall ensure that every marketing, promotional or advertisement of its business shall contain a clear, unequivocal and prominent disclosure to the public that the franchisee is the actual operator.

(6) A franchisee shall cause to be disclosed to the public at the time of booking, ticketing, check-in and in the aircraft the identity of the actual operator of the flight.

56. Whenever the conditions of carriage of the franchisor contain more favorable terms to a passenger or shipper than those of the franchisee then those terms of the franchisor (including liability limitation) shall apply to operations by the franchisee.

Conditions of carriage.

57. The franchise approval shall not be deemed to confer the traffic rights of a franchisee upon the franchisor or vice versa.

Approval not to confer rights.

58. The Authority may during the currency of a franchise approval either on its own volition or on application by a franchisee or a franchisor vary, suspend or revoke any of the terms or conditions of the approval or the approval in its entirety.

Revocation, variation or suspension of a franchise approval

PART VI—APPEALS FROM DECISIONS OF THE AUTHORITY

59. (1) An applicant aggrieved by a decision of the Authority in respect of an application for licence shall have a right of appeal to the Tribunal. Right to appeal.

(2) A person who has made representations only in respect to an application shall not be considered to be a person aggrieved in terms of sub-regulation (1).

(3) This regulation shall not apply to operating authorisations made under regulation 13 of these Regulations.

PART VII —COMPETITION BETWEEN UNDERTAKINGS

60. (1) Any person engaged in the provision of air service shall not be a party to any— Prohibited agreements, decisions and practices.

- (a) agreements between undertakings;
- (b) decisions of associations of such undertakings; or
- (c) concerted practices of such undertakings,

which may affect provision of air service by having as their object or effect the prevention, restriction, lessening or distortion of competition in the air transport market in Kenya and any such agreements, decisions or practices are prohibited.

(2) Without prejudice to the generality of sub-regulation (1) agreements, decisions and practices prohibited shall include those that—

- (a) directly or indirectly fix air fares, rates and any conditions attached thereto;
- (b) limit or controls aircraft capacity, flight frequencies, technical development or investment;
- (c) limit sharing of air transport market or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts; or
- (f) otherwise prevent, distort or restrict competition.

(3) Notwithstanding the provision of sub-regulation (1) and (2), agreements decisions or practices may be exempted if their objective and effect is for improvement of provision of air services, promotion of technical development, investment for economic progress and allow consumers a fair share of the resulting benefit provided that they —

- (a) do not lead to attainment of the objectives referred to in sub-regulation (2);
- (b) afford such undertakings the possibility of promoting fair trading practices in provision of air service.

(4) Agreements, decisions or practices which may be exempted in sub-regulation (3) shall include joint planning, co-ordination of capacity, consultation on tariffs for scheduled air services and slot allocation.

(5) Notwithstanding the provisions of subregulation (3), any undertaking(s) shall apply to the Authority for exemption.

(6) Any person who contravenes this regulation commits an offence and shall be liable to penalties prescribed by the Government Agency responsible for regulating competition in the country.

61. (1) Any conduct which amounts to the abuse of a dominant position by affecting competition in the provision of air services in air transport market in Kenya is prohibited.

Abuse of
dominant position.

(2) Without prejudice to the generality of sub-regulation (1), abuse of dominant position may include —

- (a) directly or indirectly imposing unfair and unreasonably high or low air rates, air fares or any conditions attached thereto;
- (b) limiting aircraft capacity, flight frequencies, technical development or investment;
- (c) applying dissimilar conditions to equivalent transaction with other trading parties, thereby placing them at a competitive disadvantage;
- (d) limiting sharing of air transport market or sources of supply through predatory pricing or other practices; or
- (e) making the conclusion of contract subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

(3) Any person who contravenes this regulation commits an offence and shall be liable to penalties prescribed by the government agency responsible for regulating competition in the country.

62. (1) Any aid granted by the State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings engaged in the provision of air service shall, in so far as it affects trade between undertakings in air services, be incompatible with fair competition. State aid.

(2) Notwithstanding the provision of sub-regulation (1), the following shall be compatible with fair competition—

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discriminating similarly related consumers;
- (b) aid to make good the damage caused by natural disasters or exceptional occurrences;
- (c) aid granted to the economy of certain areas of Kenya to compensate for the economic disadvantages;
- (d) aid to promote the economic development of areas where the standard of living is abnormally low or where there is a serious underemployment;
- (e) aid to promote the execution of an important national project or to remedy a serious disturbance in the economy;
- (f) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect air services conditions to an extent contrary to public interest; or
- (g) aid to promote culture and heritage conservation where such aid does not affect air service conditions and competition to an extent that is contrary to public interest.

63. Undertakings licensed to provide air service shall freely fix tariffs and such a tariffs shall be reasonable taking into consideration operational cost, service characteristics, commission rates and reasonable profits and any other relevant factor. Tariffs.

64. Undertakings entrusted with operation of services of general economic interest or having the character of revenue producing monopoly shall be subject to provisions of fair-trading practices in so far as the application of such provisions do not obstruct the performance, in law and in fact, for the particular tasks assigned to them and the development of trade in air services must not be affected to such an extent as would be contrary to the public interest. Monopoly not to affect public interest.

65. (1) The Authority shall, on its own volition or upon reference by a person whose rights or interests have been affected, review agreements, decisions or practices that may affect competition in the provision of air service and may examine books, other business Review of decisions and confidentiality.

records, take copies from extracts, ask for oral explanations and enter any premises, land and aircraft used by concerned parties.

(2) If after a review, referred to in sub-regulation (1), the Authority establishes that there has been an infringement, it shall take appropriate measures which may include—

- (a) issuing of restraining order;
- (b) imposition of a fine; or
- (c) suspension or revocation of licence.

(3) A person whose rights or interest have been affected by the decision arising from the review referred to in sub-regulation (1), may appeal to the Authority for review of the decision within twenty eight days.

(4) The Authority, its officers or servants shall not disclose information received pursuant to this regulation.

66. The Authority shall co-operate and co-ordinate matters under this part with the Government Agency responsible for regulating competition in the country.

Co-operation and co-ordination on competition.

PART VIII — ADVERTISING

67. (1) A person shall not advertise for any air service unless an air service licence and air operator certificate and/or approved training organisation certificate has been issued.

Prohibition of advertising without an air service licence.

(2) A licensee shall not make any statements, either in writing or orally, about itself that is false or is designed to mislead any person.

PART IX — OFFENCES AND PENALTIES

68. Any person who contravenes the provisions of Regulations 3,10,13,14,16, 23(1), 24, 41, 50, 51 or 67 commits an offence and in the case of an aircraft being used for—

Penalties.

- (a) international air service shall, on conviction, be liable, for a first offence, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both, and for a second or subsequent offence to a fine not exceeding three million shillings or to imprisonment for a term not exceeding three years or both; and
- (b) internal air service shall, on conviction, be liable for a first offence to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or both, and for a second or subsequent offence to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both.

69. Any person who—

Penalty for false information, etc.

- (a) falsifies, counterfeits, alters, defaces, or mutilates a licence or other approvals or is in possession of a licence or other approvals which have been thus falsified, counterfeited, altered, defaced or mutilated;
- (b) uses a licence or other approvals of which he or she is not the holder;
- (c) permits a licence or other approvals of which he or she is the holder, to be used by any other person; or
- (d) either on his own or through an agent knowingly gives false or misleading information on any matter which is material to an application, investigation, appeal to Authority or to any other matter,

commits an offence under these Regulations and shall on conviction, be liable, for a first offence to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years or both and for a second or subsequent offence to a fine not exceeding three million shillings or to imprisonment for a term not exceeding three years, or to both.

70. In any proceeding under these Regulations—

Presumption in certain cases.

- (a) an aircraft used for provision of an air service in contravention of these Regulations shall, until the contrary is proved, be presumed to have been used or caused to be used by an undertaking in whose name the aircraft is registered;
- (b) the conveyance in an aircraft of any person in addition to the normal operating crew or of any goods shall, until the contrary is proved, be presumed to be conveyance for hire or reward;
- (c) a licence issued under these Regulations, or a copy of any such document certified in writing as such by the Director-General shall be accepted as *prima facie* evidence of the facts stated therein; or
- (d) a document signed by the Director-General, stating that a licence has been granted by the Authority to a specified person, shall be accepted as *prima facie* evidence of the facts stated therein.

71. (1) Any person who contravenes or fails to comply with any of the provisions of these Regulations or of any terms or conditions of a licence or approval granted under the provisions of these Regulations for which no specific penalty has been provided, shall on conviction, be

General penalty.

liable for a first offence, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both and in the case of a second or subsequent offence to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

(2) In the case of the holder of a licence or any approval granted under these Regulations, any penalty imposed under this regulation shall be without prejudice to powers of revocation or suspension of the licence by the Authority under regulations 13(4), 23(4), 31(1) or 58.

(3) The Authority, or any authorised person may, without limiting the generality of this regulation, issue an infringement notice set out in the Act.

(4) An infringement notice may require that the operations of a particular operator be halted until the breach has been rectified.

PART X— MISCELLANEOUS PROVISIONS

72. (1) The Director-General may, subject to such terms and condition, delegate in writing to an authorised officer any powers or duties conferred upon him or her by the Act or under these Regulations.

Delegation of
powers by
Director- General.

(2) Delegation given under sub regulation (1) shall not preclude the Director-General from exercising any powers or performing any duties exercisable by him or her under the Act.

73. (1) The Director-General may appoint air transport officers for the purpose of securing compliance with the provisions of these Regulations and any terms or conditions attached to a licence or any authorization granted thereof.

Appointment of
air transport
officers.

(2) An air transport officer may at any time and on production if required of his or her authority—

- (a) enter and inspect any premises of an airline on which he has reasonable cause to believe that the business of the airline is being carried out in contravention of these Regulations;
- (b) examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of an airline;
- (c) seize any books, accounts or documents found in those premises relating to or appearing to relate to the business of an airline;
- (d) question any person who appears to him or her to be engaged in, or carrying on, or employed in the business of an airline in those premises on any matter concerning the application of or compliance with these Regulations or any terms or

conditions attached to a licence or any other authorization granted thereof;

- (e) require, by notice in writing, any person who appears to him to be engaged in or carrying on the business of an airline to appear before him at such time and place as he may specify in the notice and provide information or any other document as may be required by the Authority;
- (f) board, detain or recall an aircraft already in flight and search such aircraft if he has reasonable grounds to suspect that the aircraft is being used in contravention of these Regulations or that it contains any matter which may be used as evidence in respect of an offence under these Regulations.

74. (1) Where an air transport officer detains or recalls an aircraft already in flight he or she shall, unless he or she is of the opinion that due to the nature of the offence, the aircraft is likely to be allowed to proceed on its flight within a period not exceeding three hours, immediately report such detention or recall to the Director-General:

Procedure on
detention or recall
of Aircraft.

Provided that under no circumstances shall an air transport officer detain an aircraft for more than three hours from the time of its intended departure or from the time of landing after being recalled unless such longer detention has been authorized by the Director-General under this regulation.

(2) On receipt of a report under this regulation the Director-General may, pending further investigation, order the detained aircraft to proceed on its flight if he or she is of the opinion that the report does not constitute a contravention of these Regulations.

(3) An air transport officer after investigation and upon establishing that there was contravention of these regulations shall, issue an infringement notice stating the particulars of the violation, the period within which to comply as the case may be and the attendant penalty for the stated violation.

(4) The Director-General may, in writing, delegate to any person any of his or her powers under sub regulation (1) and (2).

PART XI— REVOCATION, SAVINGS AND TRANSITIONAL PROVISIONS

75. (1) The Civil Aviation (Licensing of Air Services) Regulations, 2018, are hereby revoked.

Revocation of L.
N. No.
167 of 2018.

(2) Notwithstanding the provisions of sub-regulation (1), any licence or approval in force at the date of entry into force of these Regulations shall remain in force until it expires or is cancelled by the Authority.

FIRST SCHEDULE

(rr.4(2); 5(1)(e); 11(2); 12; 29; 37)

CATEGORIES AND TYPES OF AIR SERVICE

Category A - Scheduled Air Service

Types of air service

1. International
Transport of passengers or cargo or mail or a combination thereof;
2. Domestic
Transport of passengers, or cargo or mail or a combination thereof;

Category B - Non-Scheduled Air Services

Types of air service

1. International
 - (a) Transport of passengers, or cargo or mail or combination thereof;
 - (b) Transport of passengers of an inclusive tour nature (inbound and outbound);
 - (c) Air Ambulance service;
 - (d) Self-fly hire.
2. Domestic
 - (a) Transport of passengers, or cargo and mail or combination thereof;
 - (b) Transport of passengers of an inclusive tour nature (inbound and outbound);
 - (c) Air Ambulance service;
 - (d) Self-fly hire.

Category C - Aerial Work Services

Types of air service

(International/Domestic)

- (a) advertising operations/banner towing;
- (b) aerial patrol/observation/surveys;
- (c) aerial photography/sightseeing;
- (d) agricultural spraying/seeding/dusting;

- (e) cloud spraying/seeding;
- (f) fire spotting/control/fighting;
- (g) disaster and emergency relief;
- (h) game and livestock selection/culling/counting/herding;
- (i) Parachute Jumping/tag operations and
- (j) Rotorcraft external operations

Category D - Flying instruction

Category E - Recreational Flying

- (a) Paragliding
- (b) Acrobatic operation

SECOND SCHEDULE

(rr.4(2); 11(2))

PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN APPLICATION
FOR A LICENCE1. *Scheduled Air Services*

- (a) Name and address of applicant;
- (b) Type(s) of air service
- (c) Names of places between which the air service is to be operated;
- (d) Base(s) of operation for the service;
- (e) Names of the regular stage stopping places for the purpose of taking on or setting down passengers, cargo or mail;
- (f) Times and frequencies of air service;
- (g) Aircraft registration marks, type(s) and ownership details;
- (h) Type of load to be carried;
- (i) Date of commencement of air service;
- (j) Period for which the licence is required;
- (k) List of other air services operated by the Applicant at the time of application;
- (l) Particulars of any working arrangements the Applicant may have with any other company providing air service;
- (m) Particulars of any financial interest which the Applicant has in any other undertaking providing passenger, cargo or mail transport facilities or controlling the business of any person who provides such facilities;
- (n) The nature of the person making the application, whether individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (i) the nominal and issued capital;
 - (ii) the names and nationalities of the directors;
 - (iii) the names and Country of incorporation of any other companies holding shares in the applicant's business and the names and nationalities of the directors;

- (iv) the names and Country of incorporation of any other subsidiary companies of the Applicant and the names and nationalities of the directors.

2. *Non-scheduled Air Services and Aerial Work*

- (a) Name and address of applicant;
- (b) Aircraft registration marks, type(s) and ownership details;
- (c) Base(s) of operation for the service;
- (d) Type of air service(s) to be carried out and the areas in which it is proposed to operate each type of service;
- (e) Maximum charges to be made for each type of service;
- (f) Date of commencement of air service;
- (g) Period for which licence is required;
- (h) List of other air services operated by the Applicant at the time of application;
- (i) Particulars of any working arrangements the Applicant may have with other companies providing air services;
- (j) Particulars of any financial interest which the applicant has in any other undertaking providing air service, facilities or controlling the business of any person who provides such facilities;
- (k) The nature of the person making the application, whether individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
 - (i) the nominal and issued capital;
 - (ii) the names and nationalities of the directors;
 - (iii) the names and Country of incorporation of any other companies holding shares in the applicant's business and the names and nationalities of the directors;
 - (iv) the names and Country of incorporation of any other subsidiary companies of the applicant and the names and nationalities of the directors.

3. *Flying Instructions*

- (a) Name and address of the Applicant;
- (b) Aircraft registration marks, type(s) and ownership details;
- (c) Base(s) of operation for the service;

- (d) Type of instructions to be carried out and place where it is proposed to be operated;
- (e) Maximum charges to be made for each type of flight instruction;
- (f) Date of commencement of the air service;
- (g) Period for which the licence is required;
- (h) List of other air services operated by the applicant at the time of application;
- (i) Particulars of any working arrangements the Applicant may have with other companies providing air services;
- (j) Particulars of any financial interest which the Applicant has in any other undertaking providing instructional facilities or controlling the business of any person who provides such facilities;
- (k) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private —
 - (i) the nominal and issued capital;
 - (ii) the names and nationalities of the directors;
 - (iii) the names and Country of incorporation of any other companies holding shares in the applicant's business and names and nationalities of the directors;
 - (iv) the names and Country of incorporation of any subsidiary companies of the applicant and names and nationalities of the directors.

4. Documents to be submitted with Application

Part A – New Application for Licence – Local

- (a) Certified true copy of certificate of incorporation;
- (b) Certified true copy of memorandum and articles of association or any other founding document of the Applicant;
- (c) Certified true copy or copies of the applicant's aircraft certificate(s) of registration intended for the operation or duly executed dry lease agreement;
- (d) Certified true copy of the insurance policy or insurance arrangements in place where applicable;
- (e) A business plan for a period of two years;
- (f) Certified true copy of national identity card or passport and two passport size photographs in respect of each of the directors of the company;

- (g) A certified true copy of the company registration form 12 (CR12).
- (h) Any other document in support of the application for the air service.

Part B – New Application for Licence - Foreign

- (a) A copy of Air Operator Certificate issued by the State of the applicant;
- (b) Certified true copy of audited financial accounts for twelve months preceding the application;
- (c) Certified true copy of the insurance policy;
- (d) A copy or copies of certificate(s) of registration of aircraft;
- (e) For inclusive tour charter applicants, also a copy of the charter agreement;
- (f) Any other document in support of the application for the air service.

Part C – Renewal or Variation Application

- (a) Certified true copy of audited financial accounts for twelve months preceding the application;
- (b) Monthly returns specified in the Eighth Schedule;
- (c) Certified true copy of the insurance policy in place;
- (d) Certified true copy of Air Operator Certificate issued by the State of the applicant;
- (e) Certified true copy or copies of the applicant's aircraft certificate(s) of registration intended for the operation or duly executed dry lease agreement;
- (f) For inclusive tour charter applicants, also a certified true copy of the charter agreement.

THIRD SCHEDULE

(rr.5(1); 12; 37)

CATEGORIES OF AIRCRAFT

Part A - Aircraft (fixed wing)	
Category	Maximum Take-off Mass (MTOM)
1 (LIGHT)	5700kg and below
MEDIUM LIGHT)	5701-13000kg
3 (MEDIUM)	13001-30000kg
4(MEDIUM HEAVY)	30001-80000kg
5 (HEAVY)	80,001kg -200,000kg
6 (SUPER HEAVY)	200,001kg and above
Part B – Helicopter	
Category	Maximum Take-off Mass (MTOM)
1 (LIGHT)	4500kg and below
2 (HEAVY)	4501kg and above
Part C - Balloons	
Category	Maximum Take-off Mass (MTOM)
1 (LIGHT)	650kg and below
2 (HEAVY)	651 Kg and above

FOURTH SCHEDULE

(r.19(1)(b) and (5))

INFORMATION FOR ASSESSMENT OF FINANCIAL FITNESS OF NEW
APPLICANT FOR AIR SERVICE LICENCE OR EXISTING AIR CARRIERS

Part A— Information to be provided by a New Applicant

- (a) The most recent internal management accounts and, if available, audited accounts for the previous financial year;
- (b) A two year projected balance sheet, including profit and loss account;
- (c) Route viability analysis including detailed projected expenditure, traffic and revenue forecasts based on such operating costs items such as fuel, airport charges, handling charges, aircraft lease, personnel, aircraft maintenance, catering depreciation, exchange rate fluctuations, insurance and any other relevant factor
- (d) Details of the start-up costs expected to be incurred in the period from submission of application to commencement of operations and an explanation of how it is proposed to finance these costs;
- (e) Documentary evidence of existing and projected sources of funds for the proposed operations, as appropriate;
- (f) Details of shareholders, including nationality and type of shares held, and the Memorandum and Articles of Association;
- (g) Projected cash-flow statements and liquidity plans for the first two years of operation;
- (h) Details of the financing of aircraft purchase, leasing including, in the case of leasing, the terms and conditions of contract.

Part B—Information to be provided by existing licence holders

- (a) Audited accounts for the previous financial year and where applicable, the most recent internal management accounts;
- (b) Precise details of all proposed changes such as change of type of service, share capital, shareholders, takeover or merger and any other change where applicable;
- (c) A balance sheet, with a profit and loss account, for the preceding financial year, including all proposed changes in structure or activities with a significant bearing on finances;

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- (d) Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges and insurance;
 - (e) Cash-flow statements and liquidity plans for the following year, including all proposed changes in structure or activities with a significant bearing on finances;
 - (f) Details of financing of aircraft purchase or leasing including, in the case of leasing, the terms and conditions of contract.

FIFTH SCHEDULE

(r.19(2))

A FORMAT OF A BUSINESS PLAN

A business plan shall contain the following—

- (a) The company's Vision and Mission;
- (b) Market analysis and strategy;
- (c) The company's ownership structure and personnel plan;
- (d) Aircraft fleet acquisition plan;
- (e) A financial plan including source(s) of funding with documentary evidence as appropriate;
- (f) the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or indirectly;
- (g) A balance sheet, break-even analysis, pro-forma income projections (profit and loss statements), cash flow analysis;
- (h) The proposed fares for passengers or cargo;
- (i) A strategy or the manner in which the applicant will maintain safety, regularity and reliability of the service to be operated;
- (j) Any other information in support of the Application.

SIXTH SCHEDULE

PARTICULARS OF APPLICANT TO BE PUBLISHED
(*r. 25(1)*)

1. Name and address of applicant;
2. Base (s) of operation for the service;
3. Type of service and type of aircraft to be used —
 - (a) If for scheduled air service—
 - (i) Places between which the air service is to be operated;
 - (ii) Names of the regular stage stopping places for the purpose of taking on or setting down passengers, cargo or mail;
 - (iii) Time and frequency of air service;
 - (iv) Type of load to be carried;
 - (v) Commencement date of the air service; and,
 - (vi) Period for which the licence is required;
 - (b) If for non-scheduled air service or aerial work —
 - (i) types of service to be carried out and the areas in which it is proposed to operate each type of service;
 - (ii) commencement date of the air service; and,
 - (iii) period for which licence is required.
 - (c) if for flying instruction—
 - (i) types of instruction offered and the places where it is proposed to operate;
 - (ii) commencement date of the air service; and
 - (iii) period for which the licence is required.

SEVENTH SCHEDULE

(r. 28)

PARTICULARS OF DECISIONS ON APPLICATIONS AND REVOCATION OR
SUSPENSION OF LICENCE TO BE PUBLISHED

Part A — Particulars of decisions on applications

- (a) Name and address of applicant;
- (b) The number and date of the Gazette notice in which the application was published;
- (c) Type(s) of air service, aircraft and the base(s) of operation;
- (d) An indication whether the licence was granted as applied for, granted with modifications, not granted, deferred or withdrawn.

Part B — particulars of revocation or suspension of licence to be published

- (a) Name and address of applicant;
- (b) Type(s) of air service, aircraft and the base(s) of operation;
- (c) The date from which revocation or suspension takes effect and, in the case of suspension, the period of suspension;
- (d) The grounds on which the licence has been revoked or suspended.

EIGHTH SCHEDULE

(r. 41)

PARTICULARS TO BE GIVEN BY A HOLDER OF A LICENCE AND OPERATING AUTHORIZATION IN MONTHLY RETURNS (EXCEPT WHERE OTHERWISE SPECIFIED) PASSENGERS SHOULD BE STATED IN NUMBERS, DISTANCES IN KILOMETRES AND CARGO AND MAIL IN KILOGRAMS

Part A - Scheduled air services

- (a) A list of the service numbers for all flights operated giving the names of the places between which services are operated, the names of the regular staging points on the route, the aircraft registration marks, types of aircraft used and the number of flights operated by each type(s);
- (b) A copy of the current flight timetable;
- (c) A copy of the current tariffs;
- (d) For services operated under a licence for international scheduled air service or an operating authorization for each service number—
 - (i) Total number of passengers, cargo and mail, terminating and in transit, arriving in Kenya by point of discharge within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift);
 - (ii) Total number of passengers, cargo and mail, originating and in transit, departing from Kenya by point of uplift within Kenya (showing in addition the point of discharge of passengers outside Kenya for each point of uplift);
 - (iii) In transit passengers at each staging point in Kenya on international services not included above, i.e. those whose airports of uplift and discharge are both within Kenya;
 - (iv) Total number of available passenger seats offered and the number of passengers carried on flights arriving in or departing from Kenya;
 - (v) Total capacity of cargo space offered and the weight of cargo carried on flights arriving in or departing from Kenya.
 - (vi) Total number of passengers, cargo and mail carried only within Kenya by points of uplift and discharge separately for traffic between each airport in each direction.
- (e) For services operated under a licence for international scheduled air service and on sectors not wholly within Kenya—
 - (i) For each staging point outside Kenya, the passengers, cargo and mail in transit;

- (ii) For each sector, the total number of available passenger seats offered, and the number of passengers carried; and the total capacity of cargo space offered, and the weight of cargo carried.
- (f) For services operated under the local licence the following shall be submitted including the service number—
 - (i) the total number of available passenger seats offered and the number of passengers carried;
 - (ii) the total capacity of cargo space offered and the weight of cargo carried.
- (g) The Passengers, cargo and mail carried in each direction, between all combinations of staging points.
- (h) Number of personnel employed by the airline and personnel expenditure for each category of personnel.
- (i) Point to point distances flown as the case may be.

PART B - Non-Scheduled Air Services and Aerial Works

- (a) Aircraft registration marks number and type(s) of aircraft operated during the month, actual dates of any changes made to be given;
- (b) Total number of kilometres flown on each class of work;
- (c) Total number of flights made on each class of work;
- (d) Total number of available passenger seats offered and the number of passengers carried;
- (e) Total capacity of Cargo space offered and the weight of cargo carried;
- (f) Number of flights commenced but not completed, giving cause;
- (g) Total number of requests for air service made which were not accepted given reasons.
- (h) Number of personnel employed by the airline and expenditure for each category of personnel.
- (i) Copy of current schedule of charges for air services.

PART C – Flying Instructions

- (a) Aircraft registration, number and type(s) of aircraft operated during the month;
- (b) The total number of hours flown—
 - (i) dual instruction;

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- (ii) Solo instruction;
 - (iii) total number of hours of non-flying instruction, per type of instruction.
 - (c) The total number of flights made; (i) dual instruction; and, (ii) Solo;
 - (d) The number of instructors employed and their salaries by grade;
 - (e) A copy of the current schedule for instructional charges;
 - (f) The total number of students under instruction, according to the class of pilot licence for which instruction is being given;
 - (g) The total number of pilot licences, per class, gained during the month;
 - (h) The total number of pilot licences, per class, held by students or members of the club; and,
 - (i) The total number of students or members.

NINTH SCHEDULE

(rr.54; 55(1), (3) and (4))

INFORMATION TO BE DISCLOSED FOR FRANCHISES

The franchisor and franchisee shall provide the following information in the disclosure document.

- (a) legal name, address and the principal place of business of the franchisor and the franchisee;
- (b) any name other than the legal name under which the Franchisor carries on or intends to carry on business;
- (c) a description of airline experience of the franchisor including the length of time during which the franchisor has offered franchises;
- (d) details of shareholding, directorship and senior management of Franchisor and Franchisee;
- (e) the names, business addresses, positions held, business experience and qualifications of any person who has senior management responsibilities for the franchisor's business operations in relation to the franchise;
- (f) relevant details relating to any criminal convictions or any finding of liability in a civil action involving franchises or other businesses relating to fraud, misrepresentation, or similar acts or practices of—
 - (i) the franchisor;
 - (ii) any affiliate of the franchisor who is engaged in franchising; and
 - (iii) any of the persons indicated in (d);
- (g) relevant details concerning any bankruptcy, insolvency or comparable proceeding involving the franchisor for the previous five years;
- (h) the total number of franchises in the Franchisor network;
- (i) the names and business addresses of all the franchisees;
- (j) information about the franchisees that have ceased to be franchisees of the franchisor during the five preceding fiscal years, with an indication of the reasons for which the franchisees have ceased to be franchisees of the franchisor. Disclosure of the following categories would fulfil the disclosure requirement: voluntarily terminated or not renewed; reacquired by purchase by the franchisor; otherwise reacquired by the franchisor; refused renewal by the franchisor; terminated by the franchisor;
- (k) the following information regarding the franchisor's intellectual property relevant for the franchise, in particular trademarks, service marks, logotypes and designator codes—

- (i) the registration or the application for registration, if any; and
 - (ii) litigation or other legal proceedings, if any, which could have a material effect on the franchisee's legal right, exclusive or non-exclusive, to use the intellectual property under the franchise agreement in the State in which the franchised business is to be operated;
- (l) financial matters, including —
- (i) financing offered or arranged by the franchisor, if any;
 - (ii) audited or otherwise independently verified financial Statements of the franchisor, including balance sheets and statements of profit and loss, for the previous three years and if the most recent audited financial statements are as of a date more than 180 days before the date of delivery of the disclosure document, then unaudited financial statements as of a date within 90 days of the date of delivery of the disclosure document;
- (m) a description of the franchise to be operated by the franchisees;
- (n) the term and conditions of renewal of the franchise;
- (o) a description of the initial and on-going training Programme;
- (p) the nature and extent of exclusive rights granted, if any, including rights relating to territory or customers;
- (q) the conditions under which the franchise agreement may be terminated by the franchisor or franchisee and the effects of such termination;
- (r) the limitations imposed on the franchisee, if any, in relation to territory or to customers;
- (s) in-term and post-term non-compete covenants;
- (t) any reservation by the franchisor of the right —
- (i) to use, or to license the use of, the trademarks covered by the franchise agreement;
 - (ii) to sell or distribute the goods or services authorized for sale by the franchisee directly or indirectly through the same or any other channel of distribution, whether under the trademarks covered by the agreement or any other trademark;
- (u) restrictions or conditions imposed on the franchisee in relation to services that the franchisee may offer;
- (v) Certified true copies of Air Service Licence, Air Operators Certificate issued to Franchisee and Franchisor.

- (w) Certified true copies of the current conditions of carriage for passenger baggage and mail of the prospective Franchisor and the prospective Franchisee;
- (x) Certified true copies of the current conditions of carriage for cargo of the prospective Franchisee and the prospective Franchisor;
- (y) Description of the safety record of the Franchisor for the past ten years;
- (z) Details of the financing of aircraft purchase and leasing of Franchisee;
- (aa) A draft of the proposed Franchise Agreement (excluding financial clauses);
and
- (bb) Any other information, data, certification or document the authority may request.

Made on the 15th December, 2025.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport.