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14 APR 2020

MOT&I/C/AT/028/336 VOL. II (28)

3rd April, 2020

Mr. Michael Sialai, EBS
Clerk of the National Assembly
Parliamentary Buildings
NAIROBI

DLSP
pse deal in A

Dear Michael,

7/24/20

THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS)
REGULATIONS, 2020

The Civil Aviation Unmanned Aviation Systems Regulations 2020 were published on 30th March, 2020 under Legal Notice 42. The Regulations create a framework for the regulations of the usage of drones.

The Regulations have been subjected to public participation and discussed with the Committee on Delegated Legislation and their comments incorporated in the Regulations.

Consequent to this process, I now forward herewith, the Regulations for onward consideration and approval by the Committee.

Yours Sincerely,

Hand table
for tabling. signed
8/31

Solomon Kitungu
PRINCIPAL SECRETARY

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14 APR 2020

CONSULTATIVE MEETING BETWEEN THE COMMITTEE ON DELEGATED LEGISLATION AND THE KENYA CIVIL AVIATION AUTHORITY
ON THE DRAFT CIVIL AVIATION REGULATIONS, 2020 AND CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS) REGULATIONS 2020
(Sunday 1st March, 2020 and Monday 2nd, March, 2020)
VENUE: HILTON GARDEN INN, MACHAKOS COUNTY

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6.	Lt Col Paul Kimitei	Kenya Air Force	SO1 Operations	0720970043	[Signature]
7.	MAJOR JOAN KWAMBATI	KENYA AIR FORCE	SO2 FLIGHT SAFETY	0722588509	[Signature]
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KCAA
Kenya Civil Aviation Authority

**CONSULTATIVE MEETING BETWEEN THE COMMITTEE ON DELEGATED LEGISLATION AND THE KENYA CIVIL AVIATION AUTHORITY
ON THE DRAFT CIVIL AVIATION REGULATIONS, 2020 AND CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS) REGULATIONS 2020
(Sunday 1st March, 2020 and Monday 2nd, March, 2020)
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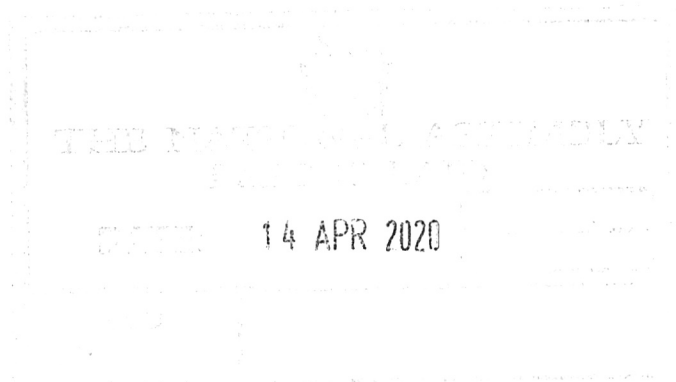
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21 MAY 2019

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SPECIAL ISSUE

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Kenya Gazette Supplement No. 34

30th March, 2020

(Legislative Supplement No. 22)

LEGAL NOTICE NO. 42

THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS)
REGULATIONS, 2020

Regulation

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THE CIVIL AVIATION ACT

(No. 21 of 2013)

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

THE CIVIL AVIATION (UNMANNED AIRCRAFT SYSTEMS)
REGULATIONS, 2020

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020.

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

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“accident” means an occurrence associated with the operation of Unmanned Aerial System which takes place between the time such Unmanned Aerial System is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—

- (a) a person is fatally or seriously injured as a result of direct contact with any part of the Unmanned Aerial System, including parts which have become detached from the Unmanned Aerial System;
- (b) a building, structure or animal comes into direct contact with any part of the Unmanned Aerial System including parts which have become detached from the Unmanned Aerial System; or
- (c) the Unmanned Aerial System sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the Unmanned Aerial System; and
 - (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, wheel, fairings, panels, landing gear doors, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the aerodrome);

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

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

- (a) Aeronautical Information Publication (AIP), including amendments and Supplements;
- (b) Aeronautical Information Circulars (AIC);
- (c) Aeronautical charts;
- (d) NOTAM; and
- (e) Digital data sets.

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

“Authority” means Kenya Civil Aviation Authority;

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

“body corporate” means any legal entity registered pursuant to statutory law or established by any law in Kenya;

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

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

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

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

“Extended Visual Line of Sight (EVLLOS) operations” means operating method whereby the remote pilot in command (PIC) relies on one or more remote observers to keep the unmanned aircraft in visual sight at all times, relaying critical flight information via radio and assisting the remote pilot in maintaining safe separation from other aircraft (manned or unmanned);

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

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

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

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

“psychoactive substances” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, but does not include coffee and tobacco;

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

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

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

No. 12 of 2011.

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

“Remote Pilot Station (RPS)” means the component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft;

“resident” means a person holding a residence permit issued under the Kenya Citizenship and Immigration Act, 2011;

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

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

“Secondary Surveillance Radar” means a surveillance radar system which uses transmitters or receivers (interrogators) and transponders;

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

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

“Surveillance” means—

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

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

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

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

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

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

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

3. (1) These Regulations shall apply to any person who imports, exports, tests, owns, operates, procures, assembles, manufactures, modifies or maintains a UAS registered in Kenya wherever they may be and any other such aircraft operating in Kenya.

Application.

(2) Notwithstanding sub regulation (1), these Regulations shall not apply to—

- (a) State aircraft; or
- (b) unmanned free balloons or airships.

PART II—CATEGORIZATION OF OPERATIONS & REGISTRATION OF UAS

4. In determining whether to register a UAS or issue any authorization, licence or permit under these Regulations, the Authority shall consider the following—

Registration and licensing considerations.

- (a) the national security of Kenya and relevant international and regional obligations and commitments of Kenya under treaties and agreements;
- (b) risk to public interest and safety;
- (c) proposed use of the UAS; and
- (d) whether the applicant is subject to administrative investigations by the Authority.
5. (1) Unmanned Aircraft System operations shall be categorized based on the risk posed by the type of operations as follows—
- Categorization of UAS Operations.
- (a) Category A Operations (Low risk). This category of operations poses low or minimal risk to the public, property and manned aviation. Operations under this category shall be undertaken in accordance with Part I of the First Schedule;
- (b) Category B Operations (medium risk/regulated lower risk). Operations under this category pose medium risk to the public, property and manned aviation. Operations under this category shall be undertaken in accordance with Part II of the First Schedule; and
- (c) Category C Operations (High Risk/Manned Aviation Approach). This Category of operations poses high risk to safety of individuals, property and manned aviation. Operations under this category shall be undertaken in accordance with Part III of the First Schedule.
- (2) The Authority may from time to time determine additional requirements and specifications for operations in each category.
6. (1) A person shall be eligible to own an Unmanned Aircraft System if that person is—
- Eligibility to own UAS.
- (a) a Kenyan Citizen or resident in Kenya of minimum age of eighteen years;
- (b) a body corporate; or
- (c) national government or county government.
- (2) A person shall not transfer ownership of an Unmanned Aircraft System without the prior approval of the Authority.
- (3) A person other than the national government shall not own, register or operate an Unmanned Aircraft System with military specifications.
7. (1) A person shall not import an Unmanned Aircraft System or a component thereof without a permit issued by the Authority.
- Import and Export of UAS.
- (2) Before issuing a permit referred to under sub regulation (1), the Authority shall seek and obtain the necessary security clearance and approval from the Ministry for the time being responsible for matters relating to defense.

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

8. Any person intending to manufacture, assemble, modify, test, sell or otherwise deal in Unmanned Aircraft System or a component thereof shall apply for authorization from the Authority.

Manufacture, assembly and testing of UAS.

9. (1) An operator or owner of an Unmanned Aircraft System shall register the Unmanned Aircraft System with the Authority and be issued with a certificate of registration.

Registration of UAS.

(2) The Authority shall establish and implement a system for registration and identification of Unmanned Aircraft System in Kenya which shall be displayed on the Unmanned Aircraft System at all times.

10. (1) The Authority may deregister or cancel the registration of Unmanned Aircraft System—

De-registration of UAS.

- (a) upon application of the owner for purposes of registering the it in another State;
- (b) upon its destruction;
- (c) upon its permanent withdrawal from use;
- (d) in the interest of national security;
- (e) where the Authority determines that the owner or operator has violated these Regulations; or
- (f) in any other circumstance that the Authority deems fit.

11. (1) The Authority may, upon application, and in accordance with regulation 13, grant a temporary permit to an applicant for the operation of an Unmanned Aircraft System for a period not exceeding thirty (30) days, which shall be renewable once.

Temporary permit.

(2) In issuing a temporary permit referred to in sub-regulation (1), the Authority may impose such terms and conditions as it deems fit and shall have regard to—

- (a) public interest and national security; and
- (b) the need to provide reasonable protection for Kenyan operators.

12. (1) An Unmanned Aircraft System owner or operator shall ensure that all its components are in working order and in accordance with the manufacturers' user manual.

Airworthiness of UAS.

(2) The Authority shall require an Unmanned Aircraft System with a type certificate to obtain a Certificate of Airworthiness.

13. (1) A person shall not operate an Unmanned Aircraft System in Kenya without authorization from the Authority.

Authorization of UAS operations.

(2) Unmanned Aircraft System operations shall be authorized in accordance with the category of operation as set out in regulation 5 of these Regulations.

(3) A person shall not operate an Unmanned Aircraft System in a category of operation other than the category for which it has been authorized to operate.

14. (1) Any person who operates an Unmanned Aircraft System for commercial activities, reward or hire shall obtain a Remote Aircraft Operators Certificate (ROC) from the Authority.

Remote Aircraft
Operators
Certificate
(ROC).

(2) The Remote Aircraft Operators Certificate referred to in sub regulation (1) shall authorize the operator to conduct Unmanned Aircraft System operations in accordance with the conditions and limitations detailed in the operations specifications attached to that Certificate.

(3) The issuance of a Remote Aircraft Operators Certificate by the Authority is dependent upon the Unmanned Aircraft System operator demonstrating—

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

(4) The requirements in sub regulation (3) shall be consistent with the nature and extent of the operations specified and commensurate with the size, structure and complexity of the organization.

15. (1) An operator applying to the Authority for a Remote Aircraft Operators Certificate shall submit an application in a form and manner prescribed by the Authority and containing any other information the Authority may require.

Application for
ROC.

(2) An operator shall make an application for an initial issue or reissue of an Remote Aircraft Operators Certificate at least ninety (90) days before the date of the intended operation.

16. (1) The Authority may issue a Remote Aircraft Operators Certificate to an applicant if that applicant—

Issuance of an
ROC.

- (a) has its principal place of business and it is registered in Kenya;
- (b) meets the applicable regulations and standards for the holder of a Remote Aircraft Operators Certificate;
- (c) is properly qualified and adequately staffed and equipped to conduct safe operations in commercial operations of the Unmanned Aircraft System;
- (d) holds a security clearance issued by the Ministry responsible for matters relating to defence, which the Authority shall seek in the course of processing the application; and

- (e) has an aircraft operator security programme approved by the Authority and meets any other requirements as may be specified by the Authority.

17. (1) A Remote Aircraft Operators Certificate issued by the Authority shall be valid for 12 months from the date of issue or renewal unless—

Validity and renewal of ROC.

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, suspends, revokes or otherwise terminates the Certificate;
- (c) the Certificate holder surrenders it to the Authority;
- (d) the Certificate holder notifies the Authority of the suspension of operations.

(2) A Remote Aircraft Operators Certificate which is suspended or revoked shall be returned to the Authority.

(3) An applicant for a Remote Aircraft Operators Certificate which has expired shall make an initial application.

18. (1) The Authority may amend a Remote Aircraft Operators Certificate if—

Amendments of ROC.

- (a) the Authority determines that the amendment is necessary for the safety of commercial Unmanned Aircraft System operations; or
- (b) the Certificate holder applies for an amendment and the authority determines that the amendment is necessary.

(2) A Certificate holder shall operate in accordance with the amendment unless it is subsequently withdrawn.

19. (1) The holder of a Remote Aircraft Operators Certificate shall establish a safety management system commensurate with its size and the complexity of its operations,

Safety management.

(2) The safety management system established in terms of sub-regulation (1) shall include—

- (a) a process to identify actual and potential safety hazards and assess the associated risks;
- (b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety; and
- (c) provision for continuous and regular assessment of the appropriateness and effectiveness of safety management activities.

20. (1) A person shall not act as a remote pilot in command or as a remote co-pilot of an Remote Piloted Aircraft unless that person is a holder of a remote pilot licence issued by the Authority.

Licence.

(2) Without prejudice to sub-regulation (1), a person shall not act as a Unmanned Aircraft System pilot for category B and C operations,

as specified under regulation 5, unless that person is a holder of a remote pilot licence issued by the Authority.

(3) Remote Pilot Licence required by sub regulations (1) and (2) shall be issued in accordance with provisions established in the Second Schedule to these Regulations.

21. (1) No person shall provide training or instruction on the operation of Unmanned Aircraft System operations without an authorization issued by the Authority. Training.

(2) The authorization granted under sub-regulation (1) shall be valid for twenty four (24) months.

22. (1) Notwithstanding the provisions of regulation 13, the Authority may cancel, suspend or vary any authorization or approval granted under these Regulations— Cancellation, suspension or variation of authorization.

- (a) in the interest of public safety or national security;
- (b) for violating these Regulations;
- (c) for violating any requirement, restriction, term or condition imposed by the Authority; or
- (d) for any other public interest.

(2) The Authority may seize any Unmanned Aircraft System or a component thereof belonging to a person who contravenes the provisions of these Regulations pending further administrative action.

(3) The Authority may apply to a competent court for an order authorizing the Authority to destroy or otherwise dispose of any item confiscated under sub regulation (2).

PART III—GENERAL REQUIREMENTS FOR OPERATIONS OF UAS

23. (1) An Unmanned Aircraft System owner or operator shall— General obligation of a UAS owner or operator.

- (a) be responsible for the safe conduct of its operations;
- (b) comply with all requirements, terms and conditions established by the Authority regarding its operation;
- (c) be responsible for contracted services from providers including communications service providers, as necessary, to carry out its operations;
- (d) be responsible for operational control of the Unmanned Aircraft System;
- (e) ensure that it is registered in accordance with the provisions of these Regulations; and
- (f) ensure secure storage of the Unmanned Aircraft System or components thereof at all times.

(2) Unless otherwise specified by the Authority a request for authorization for operation of Unmanned Aircraft System shall include the following—

-
- (a) name and contact information of the operator;
 - (b) Unmanned Aircraft System characteristics (type of aircraft, maximum certificated take-off mass, number of engines and wing span);
 - (c) copy of certificate of registration of the Unmanned Aircraft System;
 - (d) aircraft identification to be used in radiotelephony, if applicable;
 - (e) copy of the certificate of airworthiness if applicable;
 - (f) copy of the Unmanned Aircraft System operator certificate, if applicable;
 - (g) copy of the Remote pilot(s) licence, if applicable;
 - (h) copy of the aircraft radio station licence, if applicable;
 - (i) description of the intended operation including the type of operation or purpose, flight rules, Visual Line-of Sight (VLOS) operation, if applicable, date of intended flight(s), point of departure, destination, cruising speed(s), cruising level(s), route to be followed, duration or frequency of flight; take-off and landing requirements;
 - (j) Unmanned Aircraft System performance characteristics, including—
 - (i) operating speeds;
 - (ii) typical and maximum climb rates;
 - (iii) operating frequencies;
 - (iv) typical and maximum descent rates;
 - (v) typical and maximum turn rates;
 - (vi) other relevant performance data including limitations regarding wind, icing and precipitation; and
 - (vii) maximum aircraft endurance;
 - (k) communications, navigation and surveillance capabilities;
 - (l) aeronautical safety communications frequencies equipment, including—
 - (i) ATC communications, including any alternate means of communication;
 - (ii) command and control (C2) links;
 - (iii) performance parameters and designated operational coverage area;
 - (iv) communications between remote pilot and Remote Piloted Aircraft (RPA);

- (v) Remote Piloted Aircraft observer, if applicable;
- (vi) navigation equipment;
- (vii) surveillance equipment, including Secondary Surveillance Radar transponder and Automatic Dependent Surveillance- Broadcast (ADS-B);
- (m) detect and avoid capabilities;
- (n) emergency procedures, including—
 - (i) communications failure with Air Traffic Control (ATC);
 - (ii) C2 failure;
 - (iii) remote pilot or remote piloted aircraft observer communications failure, if applicable;
 - (iv) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;
 - (v) document attesting noise certification, if applicable;
 - (vi) confirmation of compliance with the Civil Aviation (Security) Regulations;
 - (vii) payload information or description; and
 - (viii) proof of adequate insurance coverage.

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

(4) Where documents identified in sub regulation (2) are issued in a language other than English, the Unmanned Aircraft System operator or owner shall ensure that an English translation is included and provide a certificate of translation.

24. (1) A person shall not operate an Unmanned Aircraft System—

UAS operating limitations.

- (a) at above 400 feet Above Ground Level (AGL) and within 50 meters of any person, vessel, vehicle or structure which is not under the control of the person in charge of the Unmanned Aircraft System.
- (b) except with the authorization of the Authority;
- (c) in conditions other than Visual Meteorological Conditions (VMC);
- (d) at night, unless specifically cleared by the Authority on a case by case basis;
- (e) where cameras, imaging devices or other sensors capture information, pictures or videos extending beyond the prescribed area of approved operation.

(2) Where cameras, imaging devices or other sensors capture information, pictures or videos referred to in sub regulation (1)(d), such information shall not be reproduced, processed, shared, distributed or published.

(3) Notwithstanding the provisions of sub regulation (1)(a), Unmanned Aircraft System operations may be conducted at such higher heights and lateral distances as the Authority may approve.

(4) Notwithstanding the provisions of sub regulation (1)(b), Unmanned Aircraft System operations may be conducted in conditions other than Visual Meteorological Conditions (VMC) provided that the pilot is duly rated, the System meets required specifications and is approved by the Authority.

25. (1) An Unmanned Aircraft System operator shall ensure that all incidents and accidents involving such a system are reported to the Authority.

Reporting of UAS incidents and accidents.

(2) The Authority shall establish a mechanism for members of the public to report accidents, incidents and alleged violations of the regulation by the System operators or owners.

(3) A person who owns or operates Unmanned Aircraft System shall notify the Authority immediately of the loss or theft of the system or its components thereof.

(4) The Authority shall upon receipt of a report of the loss, theft, incident or accident involving an Unmanned Aircraft System determine the nature and type of any additional investigation or enforcement action that requires to be taken.

26. (1) A person shall not operate an Unmanned Aircraft System in a negligent or reckless manner.

Prohibited operation of UAS.

(2) For the purposes of sub regulation (1), a person operates an Unmanned Aircraft System in a "negligent" or "reckless" manner where that person—

- (a) in the course of operation, endangers other aircraft, persons or property;
- (b) operates in a prohibited, a restricted and danger areas, the particulars of which have been duly published in the Kenya Aeronautical Information Publication (AIP), except in accordance with the conditions of the restrictions or by permission granted by the Authority; or
- (c) operates in or around strategic installations, Air Navigation Service facilities, high tension cables and communication masts, prisons, police stations, courts of law, scenes of crime, schools and hospitals except in accordance with the conditions of the restrictions or by permission granted by the Authority.

(3) The Authority in consultation with the Cabinet Secretary responsible for matters relating to internal security, may by notice in

the Gazette prohibit the use of Unmanned Aircraft System in any specific area in Kenya for any period in the interest of national security.

27. (1) A person shall not take on board or cause to be taken on board an Unmanned Aircraft System or deliver or cause to be delivered for loading thereon any goods which that person knows or has reasonable cause to know to be dangerous goods unless approved by the Authority.

Carriage
of
dangerous goods.

(2) For the purposes of sub regulation (1), "dangerous goods" includes any substance that is classified as such in the ICAO Technical Instructions for Carriage of Dangerous Goods.

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

Operations in
congested areas
and crowds.

29. No person shall operate an Unmanned Aircraft System over public road, along the length of a public road of at a distance of less than 50m from a public road, unless —

Operations in the
vicinity of public
roads.

- (a) the operation has been approved by the Authority; or
- (b) such road has been closed from public use; and
- (c) reasonable care has been taken to ensure the safety of road users and pedestrians in the event of loss of control of the Remote Piloted Aircraft.

30. No person shall use a public road as a place of landing or take-off of an Unmanned Aircraft System, except—

Landing on roads.

- (a) where the operation has been approved by the Authority; or
- (b) in the event of an emergency.

31. (1) An Unmanned Aircraft System in all airspace shall operate in accordance with the Civil Aviation (Rules of the Air) Regulations and a remote pilot shall maintain awareness so as to see and avoid other aircraft and vehicles and shall yield the right-of-way to all aircraft and vehicles.

Collision
avoidance.

(2) For the purposes of sub regulation (1), "yielding the right-of-way" means that the Unmanned Aircraft System shall give way to the manned aircraft or vehicle and may not pass over, under, or ahead of it unless well clear.

(3) No person shall operate an Unmanned Aircraft System so close to another aircraft as to create a collision hazard.

32. A person shall not conduct an Unmanned Aircraft System flight—

International UAS
operations.

- (a) commencing at a place within Kenya and terminating at a place outside Kenya without authorization from the State of destination or any other State over whose airspace the Unmanned Aircraft System shall fly; or

- (b) commencing at a place outside Kenya and terminating at a place within Kenya or over-flying the Kenyan airspace without authorization from the Authority.
33. (1) All Unmanned Aircraft System flights in controlled airspace shall file flight plans. Filing of flight plans.
- (2) Without prejudice to the generality of sub regulation (1), all Unmanned Aircraft System flights in uncontrolled airspace shall at all times comply with the applicable rules of the air.
34. All Unmanned Aircraft System operators shall develop and implement emergency and contingency procedures acceptable to the Authority. Emergency and contingency links.
35. (1) An Unmanned Aircraft System owner or operator shall ensure that he or she has command and control of the System at all times during the flight. Command and Control.
- (2) Any Unmanned Aircraft System owner or operator who loses command and control of his or her System shall report to the Authority immediately.
36. (1) An Unmanned Aircraft System pilot shall ensure that Air Traffic Control (ATC) is made aware of any operations that shall take place in areas which are likely to affect manned and controlled air traffic. Air Traffic Control (ATC) communication.
- (2) The Air Navigation Service Provider (ANSP) shall establish procedures, acceptable to the Authority, for integration of the System operation into the airspace to ensure aviation safety and such procedures shall include communication and surveillance detection.
- (3) Procedures referred to in sub regulation (2) shall provide for required information to be passed to Air Traffic Control by the System pilot before and during the Unmanned Aircraft System operations.
37. Except with the written permission of the owner or operator of an aerodrome, the appropriate Air Navigation Service Provider and approval from the Authority, a person shall not operate an Unmanned Aircraft System — Operation in the vicinity of aerodromes.
- (a) within ten (10) kilometres of an aerodrome from the aerodrome reference point for code C, D, E and F aerodromes;
 - (b) within seven (7) kilometres of an aerodrome from the aerodrome reference point for code A and B aerodromes;
 - (c) on approach and take-off paths;
 - (d) within the vicinity of navigation aids;
 - (e) within the aerodrome traffic zone; and
 - (f) within terminal traffic holding patterns.
38. (1) The Authority shall upon approval of an Unmanned Aircraft System operation at an aerodrome — Operations at an aerodrome.

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

(2) The Aeronautical Information Products referred to in sub regulation (1)(b) are—

- (a) Aeronautical Information Publication (AIP), including Amendments and Supplements;
- (b) Aeronautical Information Circulars (AIC);
- (c) Aeronautical charts;
- (d) Notice to Airmen (NOTAM); and
- (e) Digital data sets.

39. (1) An Unmanned Aircraft System owner or operator shall establish a system of recordkeeping that allows adequate storage and reliable traceability of all activities developed, covering at a minimum—

Record keeping.

- (a) operator's organization;
- (b) safety management systems;
- (c) personnel training and competence verification;
- (d) documentation of all management system key processes and products;
- (e) maintenance records; and
- (f) security management records.

(2) A person who deals in Unmanned Aircraft System or its components shall keep records of all transactions involving the system or any component thereof.

(3) Records shall be stored in a manner that ensures protection from damage, alteration and theft and shall comply with all data protection laws of Kenya.

(4) Records identified in this regulation shall be current and have sufficient details to determine whether the experience and qualification requirements are met for the purpose of the Unmanned Aircraft System operations.

(5) The Authority shall be entitled at any reasonable time to inspect and take copies of extracts from the records kept in accordance with sub regulation (1).

40. (1) A person shall not operate, or cause to be operated or commit any other person to operate an Unmanned Aircraft System

Insurance.

UAS there is in force a minimum insurance policy in respect of third party risks.

(2) The minimum sum of insurance in respect of any Unmanned Aircraft System insured in accordance with sub regulation (1) shall be notified by the Authority.

(3) An operator of an Unmanned Aircraft System shall make available third party liability insurance certificate(s), in the authentic form, at the location of the System operator's operational management or any other location specified by the Authority.

(4) Notwithstanding the provisions of sub regulation (1), the Authority may dispense with the requirement for insurance depending on the category of the Unmanned Aircraft System.

41. (1) An Unmanned Aircraft System operator or owner shall not use a System equipped with an Imaging Device to conduct Surveillance on or take an Image of a person without that person's written consent.

Privacy of persons and property and nuisance.

(2) An Unmanned Aircraft System operator or owner shall not use a System equipped with an Imaging Device to record an image of privately owned or leased real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent.

(3) For purposes of sub regulation (2), a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property, licensed or leased property if that person is not observable by persons located at ground level in a place where they have a legal right to be.

(4) Notwithstanding sub regulation (1) and (2), an Unmanned Aircraft System equipped with an imaging device may with the approval of the Authority be used for the purpose of—

- (a) mapping and evaluating the earth's surface, including terrain and surface water bodies and other features;
- (b) investigation of forests and forest management;
- (c) search and rescue; or
- (d) investigation of vegetation or wildlife.

(5) Without prejudice to sub regulation (1), the owner or operator of a System equipped with an imaging device shall comply with any other law relating to protection of privacy or data.

(6) An Unmanned Aircraft System operator or owner shall not operate the System in a manner that constitutes nuisance to the public, a person or to the property of another.

42. (1) A person shall not cause an object to be dropped or discharged from an Unmanned Aircraft System unless the authorization granted expressly provides for such dropping or discharge.

Discharge or dropping goods.

(2) For purposes of this regulation, an object includes gases, liquids, solids, electromagnetic pulse or any other thing capable of being discharged or dropped from an Unmanned Aircraft System.

PART IV— SECURITY

43. The holder of a Remote Aircraft Operators Certificate issued under these Regulations shall— Security of UAS.

- (a) conduct background checks on all personnel recruited for deployment, handling and storage of any Unmanned Aircraft System;
- (b) conduct criminal record checks every 24 months on all personnel employed in the deployment, handling, and storage of an Unmanned Aircraft System;
- (c) store an Unmanned Aircraft System that is not in use in a secure manner to prevent and detect unauthorized interference or use;
- (d) protect an Unmanned Aircraft System from acts of unlawful interference;
- (e) store and prepare for the flight of an Unmanned Aircraft System in a manner that will prevent and detect its tampering;
- (f) protect the integrity of vital systems of an Unmanned Aircraft System;
- (g) designate a security coordinator responsible for the implementation, application and supervision of the security controls; and
- (h) train all personnel employed in the deployment, handling, and storage of an Unmanned Aircraft System as may be specified by the Authority.

44. No Unmanned Aircraft System pilot or observer shall— Consumption of psychoactive substances.

- (a) consume alcohol less than 8 hours prior to reporting for duty;
- (b) commence a duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0.04 grams per 100 milliliters;
- (c) consume alcohol or any psychoactive substance during the duty period or whilst on standby for duty; or
- (d) commence duty period while under the influence of alcohol or any psychoactive substance having a narcotic effect.

45. (1) A Remote Aircraft Operators Certificate holder shall not operate an Unmanned Aircraft System without operator security procedures approved by the Authority. Security procedures requirement.

(2) An Unmanned Aircraft System shall be subject to security inspection at any time during its operations by the Authority without prior notification to the operator.

(3) An Unmanned Aircraft System operator shall—

- (a) specify the security measures, procedures and practices to be followed by the operator to protect pilots and facilities from acts of unlawful interference;
- (b) carry out and maintain security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation—
 - (i) at a remote pilot station;
 - (ii) on a remote piloted aircraft system; and
 - (iii) any facility under the control of the remote piloted aircraft system operations.

(4) The specific security measures referred to in sub regulation (3)(a) shall provide—

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

46. An operator of an Unmanned Aircraft System shall—

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

Security obligations for UAS operators.

47. An operator or owner of an Unmanned Aircraft System shall—

Acts of unlawful interference with civil aviation.

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

48. (1) Except as provided in regulation 49, no person shall interfere with duly authorized operation of an Unmanned Aircraft System or intercept an Unmanned Aircraft System in any manner whatsoever.

Interference of
UAS operations.

(2) Any person who unlawfully interferes with duly authorized operation of an Unmanned Aircraft System commits an offence and shall be liable, upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both.

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

Interception of
UAS.

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

(2) For the purposes of sub regulation (1), the powers that may be exercised by the Authority in relation to an Unmanned Aircraft System include the following—

- (a) direct any person whom the Authority reasonably believes to be involved in the operation of an Unmanned Aircraft System —
 - (i) to end the flight or land it, safely in the fastest practicable way; or
 - (ii) to fly the aircraft in the manner specified by the Authority;
- (b) with such assistance and by such force as is necessary—
 - (iii) to assume control of the Unmanned Aircraft System or fly it or to end the flight or land it safely in the fastest practicable way; or

- (iv) to end the flight in the fastest and safest practicable way; or
 - (c) to confiscate the Unmanned Aircraft System and any component thereof or other thing, that the Authority believes on reasonable grounds—
 - (v) to be evidential material; or
 - (vi) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under the Act or these Regulations.
- (3) The powers granted to the Authority under sub regulation (2) may be exercised by the national security agencies.

PART V — MISCELLANEOUS PROVISIONS

50. (1) No matter or action taken by the Authority or by any member of staff or agent of the Authority shall, if the matter or action taken was in good faith for the purposes of performing the functions of the Authority under the Act or these regulations, render the Authority or the person liable for any action, claim or demand.

Protection from personal liability.

(2) Any expenses incurred or to be incurred by any person mentioned in subsection (1) in defending an action, claim or demand in any suit brought against that person in respect of any act or omission done or purported to be done by that person under these Regulations, or on the direction of the Authority, shall be reimbursed or borne by the Authority unless the act or omission was done in bad faith.

51. (1) Any person who fails to comply with any direction given pursuant to these Regulations by the Authority or by any authorized person under any provision of the Act or these Regulations commits an offence and shall be liable upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both.

Offences and Penalties.

(2) A person who contravenes any provision specified as an “A” provision in the Third Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one million shillings for each offence or to imprisonment for a term not exceeding one year, or to both.

(3) A person who contravenes any provision specified as a “B” provision in the Third Schedule to these Regulations commits an offence and is liable upon conviction to a fine not exceeding two million shillings for each offence or to imprisonment for a term not exceeding three years, or to both.

(4) If any provision of these Regulations is contravened in relation to an Unmanned Aircraft System, the operator of that System and the pilot, even if the operator or the pilot is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless he or she proves that

the contravention occurred without his or her consent or connivance and that he or she exercised all due diligence to prevent the contravention.

(5) Any Unmanned Aircraft System operator who contravenes the provisions of these Regulations and whose penalty has not been specified in this Regulations commits an offence and shall be liable upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years, or to both.

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

Pamphlets and manuals.

53. An owner of an Unmanned Aircraft System already imported into Kenya at the commencement of these Regulations shall apply to the Authority for registration within six months from the date of commencement of these Regulations.

Savings and transitional provisions.

FIRST SCHEDULE

(r. 5(1)(a),(b) &(c))

CATEGORIZATION OF UNMANNED AIRCRAFT SYSTEM OPERATIONS

Part I – Category A Operations (Low Risk)

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

Part II – Category B Operations (Medium Risk)

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

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

1. UAS operations in this category shall be conducted in any airspaces not classified as prohibited, restricted or danger and shall be subject to ATC instructions and guidance and at heights and lateral distances from any persons, buildings or objects as prescribed in the Civil Aviation (Rules of the Air) Regulations. All operations under this category shall be approved or authorized by the Authority.
2. UAS operations in this category may be conducted within BVLOS provided that the RPA has the required capabilities and is fitted with appropriate equipment and the pilot is suitably qualified and holds appropriate ratings for such an operation.
3. UAS in operated in this category shall be issued with a Certificate of Airworthiness by the Authority based on the type Certificate issued by the State of design/manufacture.
4. Personnel operating UAS in this category shall be in possession of a valid license issued by the Authority and endorsed with appropriate ratings for the type of UAS.

SECOND SCHEDULE

(r.20(3))

LICENSING OF RPAs PILOTS

Licences, Certification, Ratings and Authorizations

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

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

Application and issue of remote pilot licences requirements

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

Student Remote Pilot Licence Privileges and Limitations

A student remote pilot should not act as solo remote pilot of an RPA unless—

- (a) he or she is under the supervision of, or with the authority of, an authorized RPAS instructor; or
- (b) in case of an international RPA flight, special or general arrangement have been made between the Member States concerned.

Validity of licence

- (a) for a holder who is less than forty years of age, from the date the licence is issued or renewed by the authority for a period of the remainder of the twenty four months validity of the holder's medical certificate; or
 - (b) for a holder who is forty years of age or more, from the date the licence is issued or renewed by the authority for a period of the remainder of the twelve months validity of the holder's medical certificate.
3. An applicant for Remote Pilot licence shall—
 - (a) be at least eighteen years of age;

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

Remote Pilot Licence Privileges and Limitations

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

Validity of licence

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

4. RPA Observer Certificate—

An applicant for Student Remote Pilot licence shall—

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

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

5. Certificate:

RPA Certificates shall be issued by the operator and endorsed by the Authority.

Applicants for a Certificate shall—

- (a) be able to demonstrate the ability to read, speak, write and understand the English language;
- (b) be in a physical and mental condition to safely fly a UAS; and
- (c) demonstrate understanding of the operations limitations for Category A operations.

An RPA Certificate shall be valid for twenty four months.

THIRD SCHEDULE

(r.51(2)&(3))

PENALTIES

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

Dated the 23rd March, 2020.

JAMES MACHARIA,
*Cabinet Secretary for Transport, Infrastructure,
Housing, Urban Development and Public Works.*

THE NATIONAL ASSEMBLY
PARLIAMENTARY COMPLEX
NAIROBI

DATE: 14 APR 2020



**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,
URBAN DEVELOPMENT AND PUBLIC WORKS**

**EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION
(UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2020**

Name of the statutory instrument : Kenya Gazette Supplement No. 34
Legislative Supplement No. 22
Legal Notice No. 42

Name of the Parent Act : The Civil Aviation Act (No. 21 of 2013)

Enacted Pursuant to : Section 82 of the Civil Aviation Act
(No. 21 of 2013)

Name of the Ministry : Ministry of Ministry of Transport
Infrastructure, Housing, Urban
Development and Public Works

Gazetted on : 30th March, 2020

1. Purpose of the Statutory Instrument

The purpose of the instrument is to provide the regulatory framework to facilitate the safe, secure, controlled and regulated operations of Unmanned Aircraft Systems (UAS) in the country. It defines the prerequisite acquisition, registration, operation and the security requirements that must be adhered to prior to authorization being granted to own and/or operate UAS.

2. Legislative Context

The operations of Unmanned Aircraft Systems (UAS), even though not old in civil aviation industry, have developed rapidly in recent years despite the absence of harmonized universal regulatory framework. The International Civil Aviation Organization (ICAO) published a manual in 2015 (ICAO Doc. 10019) which contains broad guidelines for Contracting States to develop rules and procedures for the management of drones. Kenya as a signatory of the Chicago Convention and a member of ICAO has undertaken to comply with guidance provided by ICAO in Doc. 10019 and Standards and Recommended Practices (SARPs) contained in Annex 2 (Rules of the Air) to develop regulations for the operations of UAS pending the formulation of universal SARPs by ICAO.

3. Policy Background

The Civil Aviation Act “provides for control, regulation and orderly development of civil aviation in Kenya”. The Act establishes the Kenya Civil Aviation Authority (KCAA) whose object and purpose is to economically and efficiently plan, develop and manage civil aviation.

UAS are a new component of the global aviation system. Kenya is working towards integrating UAS into its civil aviation regulatory framework. It is Kenya’s policy to promote and facilitate civil aviation activities involving UAS by ensuring provision of effective regulatory controls of their operations. The Policy objective therefore is to provide a regulatory framework to support the operations of UAS throughout the country in a safe, secure, harmonized, and seamless manner comparable to that of manned operations.

The following subjects are not within the scope of the current UAS Policy:

- a) State aircraft;
- b) Unmanned free balloons or airships ;

In the interest of national security and aviation safety, it is the policy of the Government of Kenya (GoK) that:

- a) All persons, institutions or entities intending to import, test, operate, procure, manufacture or assemble, UAS shall apply for authorization from the KCAA. The authorization shall be subject to necessary security clearance by relevant security agencies and approval by the Ministry of Defense.
- b) Any approval granted to import, test, operate, procure, manufacture or assemble UAS shall be subject to cancellation in the interest of national security and/or aviation safety
- c) UAS shall be operated in such a manner as to minimize hazards to persons, property or other aircraft and in accordance with the conditions specified by the Authority from time to time.
- d) No person shall operate a UAS unless it has been registered in accordance with the Civil Aviation Act and any regulations made there under.
- e) UAS operations shall not be in close proximity to danger areas, prohibited areas, protected areas and restricted areas as defined in national legislation.
- f) No Kenyan registered, UAS shall be flown over the territory of any other State without special authorization by that State.
- g) The transfer, deregistration and disposal of UAS shall be in accordance with the Civil Aviation Act and any regulations made there under.
- h) No Kenyan registered UAS shall be taken out of Kenya without authorization by KCAA.
- i) An UAS must have adequate security to protect the system from unauthorized modification, interference, corruption or control/command action.
- j) UAS shall be operated in accordance with the rules governing the flight of manned aircraft and meet equipment requirements applicable to the class of airspace within which they intend to operate except where KCAA shall provide otherwise.
- k) KCAA may declare any other area(s) within which operation of UAS are restricted or prohibited.

- l) Any person manning/controlling UAS operations must undergo training as prescribed by KCAA and be familiar with the relevant rules and procedures applicable within any airspace(s) through which the aircraft may be flown.
- m) The flight of UAS in airspace(s) open to other civil aircraft shall be so controlled as to obviate danger to civil aircraft in accordance with Civil Aviation (Rules of the Air) Regulations.
- n) Any UAS outside Kenyan segregated areas will not increase the risk to existing users and will not deny airspace to them.
- o) UAS for Commercial operations shall be subject to Civil Aviation (Safety Management) Regulations.
- p) Every UAS shall be insured, as a minimum against third party risk.
- q) UAS shall not be operated in such a manner as to infringe on the privacy of individuals or entities.
- r) Any authorization granted for operation of UAS may be withdrawn or cancelled in the interest of national security and/or aviation safety.

4. Consultation Outcome

Consultative meetings were held with stakeholders as follows:

- a) Public Stakeholders Consultative Meeting on Draft UAS Regulations – 21 May, 2019.
- b) Committee on Delegated Legislation on Draft UAS Regulations – 26 July, 2019.
- c) Committee on Delegated Legislation on Draft UAS Regulations – 29th February to 3rd March, 2020.

The list of attendees and the report of the consultations is attached as Appendix 1.

5. Impact

This Statutory Instrument is aimed at facilitating and enhancing efficiency in such critical applications as: provision of Emergency health services; filming industry; power line or pipeline inspection; News gathering by media houses; Mapping and

surveying; Aerial photography; Wildlife conservation and management; Security; and Agricultural sector (crop dusting and monitoring).

The above list is not exhaustive as the continued use of UAS will result in other forms of exploitation. These forms of exploitation of UAS have an added advantage of minimizing business operating costs hence facilitating economic growth.

6. Monitoring and review

KCAA intends to closely monitoring implementation and has identified areas and events that may warrant review i.e.

- s) Upon receipt and assessment of amendments to relevant ICAO Annexes and associated Procedures for Air Navigation Services (PANS) that necessitate a change of the UAS Regulations;
- t) Upon amendment to Civil Aviation Act that necessitates amendment to the UAS Regulations;
- u) Upon receipt of request/information from stakeholders regarding the application and/or implementation of the UAS Regulation that promote safe and secure aviation operations;
- v) Significant change in the size and complexity of the aviation system in Kenya;
- w) Change in technology that warrant to review of the UAS Regulation; and
- x) Review for purposes of enhancing efficiency of the security and safety oversight system.

7. Contact

The contact person at Kenya Civil Aviation Authority is the Director General, Capt. Gilbert M. Kibe gmkibe@kcaa.or.ke who may be contacted in case of any questions or clarifications.



Solomon Kitungu
PRINCIPAL SECRETARY