



MINISTRY OF ROADS AND TRANSPORT
EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION
(AIRCRAFT NATIONALITY AND REGISTRATION MARKS)
REGULATIONS 2025

Name of the statutory instrument	Kenya Gazette Supplement No. Legislative Supplement No.
Name of the Parent Act	The Civil Aviation Act (CAP 394)
Enacted Pursuant to	Section 82
Name of the Ministry	Ministry of Roads and Transport
Gazetted on	, 2025
Tabled on	

1. Purpose of the Statutory Instrument

The purpose of the instrument is to provide the regulatory framework to facilitate the safe, controlled and regulated manner for the registration and marking of aircraft registered in Kenya and those operating into or through the Kenyan airspace meet the international requirements for registration of aircraft as provided for in international protocols of the registration of aircraft.

The instrument defines specific requirements for the registration and marking of Kenyan registered aircraft including administrative requirements and conditions for the registration of aircraft in Kenya.

2. Legislative Context

Registration of aircraft is a critical for determination the jurisdiction under which it is managed throughout its active lifespan and thus critical for the civil aviation system in Kenya. Establishment of appropriate aircraft registration requirements and enabling administrative processes for such registration is therefore critical to ensuring that the obligation bestowed on the state is effectively discharged.

The requirements for registration of aircraft are established by the International Civil Aviation Organization (ICAO) and published in Annex 7 to the Convention as Standards and Recommended Practices (SARPs) for aircraft nationality and registration marking.

Kenya as a signatory of the Chicago Convention and a member of ICAO has undertaken to comply with these SARPs by ensuring their effective implementation within the Kenyan aviation industry as is its obligation under Article 37 to the Convention. To fulfil this obligation, enactment of these four statutory instruments is critical to ensure compliance with ICAO requirements.

3. Policy Background

The purpose of the Civil Aviation Act is to ensure “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.

Provision of aeronautical information services is safety critical activity in the civil aviation system, hence the need for effective regulation particularly relating to the design and operations as part of the Kenyan civil aviation system to ensure that they that meet international standards established by ICAO. It is Kenya’s policy to promote and facilitate civil aviation activities by ensuring appropriate registration and nationality marking of aircraft that that meets international requirement is available to support air navigation. The policy objective therefore is to provide a regulatory framework to support the provision of aeronautical information services throughout the country.

Registration of Military aircraft is not within the scope of the policy and this statutory instrument.

4. Consultation Outcome

In the development of the Aircraft Nationality & Registration Marks Regulations, stakeholder engagement meetings were held on various dates as follows:

- a) Stakeholder Engagement - Virtual Session (14th to 18th June 2021 at the Four Points Hotel, Nairobi);
- b) Stakeholder Engagement - 14th and 15th February 2022 at the Ole Sereni Hotel, Nairobi; and
- c) Stakeholder Validation Engagements (6th to 8th May 2024 and 12th to 14th June 2024 at the Panari Hotel, Nairobi).

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

5. Regulatory Impact Assessment

A regulatory impact assessment was prepared in respect of this statutory instrument. The Ministry received an expert opinion from the Kenya Law Reform Commission confirming that the regulatory impact statement and assessment were adequate and conformed with the Statutory Instruments Act.

6. Monitoring and review

As part of the KCAA mandate provided for under the Civil Aviation Act, KCAA shall be responsible for ensuring the effective implementation of the aircraft nationality and registration marks regulations.

7. Contact

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