



PARLIAMENT
OF KENYA
LIBRARY

MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (SAFE TRANSPORTATION OF DANGEROUS GOODS BY AIR) REGULATIONS, 2025

Name of the statutory instrument	Kenya Gazette Supplement No.77 Legislative Supplement No. 46
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	25 th March 2025
Tabled on	

1. Purpose of the Statutory Instrument

The purpose of these Regulations is to provide a comprehensive legal framework for the safe handling, packaging, labeling, documentation, storage, and transport of dangerous goods by air. These regulations aim to prevent accidents and incidents arising from the improper handling of hazardous materials, thereby protecting passengers, crew, aircraft, property, and the environment. The regulations mandate strict adherence to safety protocols and outline the responsibilities of operators, shippers, ground handling agents, and other stakeholders involved in the air transport of dangerous goods.

2. Legislative Context

Kenya is a contracting State to the Convention on International Civil Aviation (Chicago Convention), which obliges States to comply with ICAO Standards and Recommended Practices (SARPs), including those in Annex 18 – The Safe Transport of Dangerous Goods by Air. Annex 18 is supported by detailed technical instructions that outline procedures for classification, packing, labeling, and handling of dangerous goods.

Nationally, the Civil Aviation Act, 2013 grants the Cabinet Secretary the authority, under Section 82, to make regulations for the safety and security of civil aviation, including the transportation of hazardous materials. These proposed regulations are thus a domestication of ICAO requirements and are intended to bridge regulatory gaps by providing Kenya with up-to-date and enforceable rules for the safe transport of dangerous goods.

3. Policy Background

These regulations are aligned with Kenya’s commitment to maintaining a safe, efficient, and internationally compliant aviation sector as outlined in the National Civil Aviation Policy. They also support Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA) by promoting a secure aviation environment that facilitates trade, investment, and economic growth.

The increasing volume of air cargo traffic in Kenya—including pharmaceuticals, lithium batteries, chemicals, and other hazardous substances—necessitates robust regulations to manage associated risks. Additionally, the regulations support the country’s obligations under international agreements related to environmental protection and public safety. By ensuring that all parties involved in the handling of dangerous goods are trained and certified, the regulations will enhance Kenya’s standing in global aviation safety rankings and minimize the risk of aviation-related incidents involving hazardous materials.

4. Consultation Outcome

In the development of the Regulations, Stakeholder engagement was held from 12th to 14th June 2024 at the Panari Hotel, Nairobi where proposed amendments to the Regulations and stakeholder comments were incorporated in the Regulations.

The list of attendees and the matrix of stakeholder comments 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 implementation and monitoring of the Balloon Regulations.

Review of the regulations shall be conducted after three years or as and when there are changes in the corresponding SARPs that may require review.

7. Contact

The contact person in respect of this statutory instrument is:

Mr. Emile Nguza Arao
Director General
Kenya Civil Aviation Authority
PO Box 30163 – 00100
NAIROBI
info@kcaa.or.ke