



**MINISTRY OF ROADS AND TRANSPORT**  
**EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION**  
**(AIRWORTHINESS) REGULATIONS 2025**

|                                  |                                                                      |
|----------------------------------|----------------------------------------------------------------------|
| Name of the statutory instrument | Kenya Gazette Supplement No. ....<br>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 managed of aircraft airworthiness status for the safety of Kenyan registered aircraft whenever they operate. It provides guidelines for the grant and renewal of certificates of airworthiness for all Kenyan registered aircraft.

**2. Legislative Context**

Airworthiness of aircraft is critical for the safety of air navigation and air transport system for Kenyan aviation industry and thus important that all Kenyan registered or operated aircraft engaged in air navigation activities meet airworthiness requirements.

The International Civil Aviation Organization (ICAO) has published Annexes 6 and 8 to the Convention on International Civil Aviation which provides international Standards and Recommended Practices (SARPs) as a basis for Contracting States for the management of safety.

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, promulgation of airworthiness regulations is imperative.

### **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.

Airworthiness of an aircraft is critical for the safety of the civil aviation system, hence the need for effective regulation of the licensing or personnel within the civil aviation system to meet international standards established by ICAO. It is Kenya’s policy to promote and facilitate civil aviation activities by ensuring only airworthy aircraft are permitted to engage in air navigation.

The Integrated National Transport Policy, 2012, aims to create an enabling framework that will nurture the development of a safe, efficient and affordable air transport system, whilst keeping at the leading edge of technological advancement in a rapidly changing and globalize environment. In addition, the Kenya Civil Aviation Authority developed procedures for development and amendment of the Civil Aviation Act, Regulations, and Technical Guidance Materials through Order CAA-O-GEN002F. The procedures provide for continuous monitoring of the aviation regulatory framework to align with ICAO SARPs through periodic review of applicable laws.

#### **4. Consultation Outcome**

In the development of the Airworthiness 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 under the Civil Aviation Act, KCAA shall be responsible for ensuring the effective implementation of the airworthiness regulations.

#### **7. Contact**

The contact person in respect of this statutory instrument is:

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