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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION- 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

THE CONSIDERATION OF THE AIR PASSENGER SERVICE CHARGE
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025)

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI


 THE NATIONAL ASSEMBLY PAPERS LAID	
AUGUST, 2025	
DATE:	14 AUG 2025 DAY. Thursday
TABLED BY:	Hon Samuel Chepkonga On behalf of Chairperson
CLERK AT THE-TABLE:	Kandja Tillet

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ABBREVIATIONS

AAID	- Aircraft Accident Investigation Department
APSC	- Air Passenger Service Charge
ICAO	- International Civil Aviation Organization
KAA	- Kenya Airports Authority
KCAA	- Kenya Civil Aviation Authority
KMD	- Kenya Meteorological Department
KMSA	- Kenya Meteorological Service Authority
TF	- Tourism Fund
TPF	- Tourism Promotion Fund
WMO	- World Meteorological Organization

LIST OF ANNEXURES

Annexure 1: Signed list of Members who attended the sitting that considered and adopted the report.

Annexure 2: Minutes of the Committee on sittings considering the Bill and adoption of the report

Annexure 3: Copy of the Air Passenger Charge (Amendment) Bill, 2025.

Annexure 4: Correspondence to stakeholders requesting for submission of Comments.

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.

Annexure 6: Written submissions from Stakeholders.

CHAIRPERSON'S FOREWORD

The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) was read a First Time on 5th August 2025 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to the National Assembly Standing Order 127(1).

While conducting public participation, the Committee placed advertisements in the print media on 6th August, 2025, seeking comments from the public on the Bill pursuant to the provisions of Article 118 of the Constitution and Standing Order 127(3). The Committee also invited relevant stakeholders, namely the Ministry of Roads and Transport; the Ministry of Environment, Climate Change and Forestry and the Ministry of Tourism and Wildlife. Their submissions are included in this report.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to the Committee Members and the Committee Secretariat for their resilience and devotion to duty, which made the consideration of the Bill successful. Finally, I wish to express gratitude to the Members of the public who submitted their views and comments on the Bill in the course of public participation. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Committee and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Air Passenger Service Charge (Amendment) Bill, (National Assembly Bill No. 35 of 2025).

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON

CHAPTER I

I.0 PREFACE

I.1 Introduction and Committee Mandate

- I. The Departmental Committee on Transport and Infrastructure is established under the National Assembly Standing Orders No. 216 (I). The functions and mandate of the Committee as per Standing Orders, No. 216(5) include: -
 - a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - c) To study and review all the legislation referred to it;**
 - d) To study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
 - g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i) To examine any questions raised by Members on a matter within its mandate.
 - j) To examine treaties, agreements and conventions;
2. The subject matter of the Departmental Committee on Transport and Infrastructure are stated in the Second Schedule of the National Assembly Standing Orders as follows: Transport, including non- motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

1.2 Committee Subjects and Oversight

3. The Committee is mandated to consider the following subjects as per the Second Schedule of the Standing Orders:
 - (i) Transport, including non-motorized transport;
 - (ii) Construction and maintenance of roads;
 - (iii) Rails, air and marine transport; Seaports and national integrated infrastructure
 - (iv) policies and
 - (v) programmes; and
 - (vi) Transport safety.

4. The Committee oversees the Ministry of Roads and Transport which has three (3) State Departments namely:
 - i) The State Department for Roads;
 - ii) The State Department for Transport; and
 - iii) The State Department for Aviation and Aerospace Development.

5. Further, Committee oversees the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

I.3 Committee Membership

6. The Committee comprises the following Members:

The Hon. G.K. George Kariuki, CBS, M.P - **Chairperson**
Ndia Constituency
United Democratic Alliance Party

The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
Kimilili Constituency
United Democratic Alliance Party

The Hon. Arama Samuel. M.P
Nakuru Town West Constituency
Jubilee Party

The Hon. Abdul Rahim Dawood, M.P.
North Imenti Constituency
Independent

The Hon. Naicca, Johnson Many, CBS, M.P
Mumias West Constituency
Orange Democratic Movement Party

The Hon. Elsie Muhanda, M.P.
Kakamega County
Orange Democratic Movement Party

The Hon. Francis, Kajwang' Tom Joseph,
CBS, MP
Ruaraka Constituency
Orange Democratic Movement Party

The Hon. Chege John Kiragu, M.P.
Limuru Constituency
United Democratic Alliance Party

The Hon. Kiaraho, David Njuguna, M.P. OI
Kalao Constituency
Jubilee Party

The Hon. Kiunjuri Festus Mwangi, M.P.
Laikipia East Constituency
The Service Party

The Hon. Bady, Bady Twalib, M.P.
Jomvu Constituency
Orange Democratic Movement Party

The Hon. Abdirahman, Husseinweytan
Mohamed, M.P.
Mandera East Constituency
Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, M.P.
Bureti Constituency
United Democratic Alliance Party

The Hon. Saney Ibrahim Abdi, M.P
Wajir North Constituency
United Democratic Alliance Party

The Hon. Jhanda Zaheer, M.P
Nyaribari Chache Constituency
United Democratic Alliance

1.4 Secretariat

7. The following Members of Staff service the Committee:

Head of Secretariat
Ms. Tracy Chebet Koskei
Principal Clerk Assistant II

Mr. Mohamednur M. Abdullahi
Clerk Assistant

Ms. Clare Chopper Doye
Clerk Assistant

Mr. Abdinasir Y. Moge
Fiscal Analyst

Mr. Erick Kariuki
Research Officer

Ms. Faith Makena
Serjeant-at-Arms II

Ms. Patricia Gichane
Legal Counsel

Ms. Rinha Saineye
Media Relations Officer

Mr. Danton Kimutai
Audio Officer

CHAPTER TWO

2.0 BACKGROUND

2.1 Introduction

8. The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) is sponsored by Hon. Kimani Ichung'wah, EGH, M.P, the Leader of the Majority Party. The principal object of the Bill is to amend the Air Passenger Service Charge Act, Cap. 475, to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.
9. The Bill seeks to reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap 381). To limit duplication of roles, improve efficiency and enable the Government to support the financing of tourism-related projects from a single source.
10. The Bill also allocates proceeds to the Kenya Meteorological Service Authority to finance its key functions and responsibilities and thereby deliver on its statutory mandate efficiently and effectively.

2.2 Overview of the Bill

11. The Bill contains 3 Clauses for consideration:

- 1) Clause 1 of the Bill provides for the short title.
- 2) Clause 2 of the Bill amends section 3 of the Air Passenger Service Charge Act, Cap. 475, to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Board, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.
- 3) Clause 3 of the Bill provides for the amendment of the Tourism Act, Cap. 381 to reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund.

2.3 Situational analysis

i. Air Passenger Service Charge Act (Cap. 475)

12. The Air Passenger Service Charge Act (Cap. 475) commenced on 20th November, 1970 and has subsequently been amended twenty-four times to date. The Act provides for the modalities for imposing a service charge on passengers departing by air from an airport within Kenya.
13. Section 3 of the Act provides that there shall be paid by every person who purchases a ticket for an external or internal journey an air passenger service charge of—
 - (a) **fifty United States dollars** or the equivalent in specified currency or in Kenya shillings for an external journey: and
 - (b) **six hundred shillings** for an internal journey.
14. The Act empowers the Cabinet Secretary to vary the charges specified by notice in the *Gazette*, from time to time.
15. Further, the Act provides that all proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund in such manner as the Cabinet Secretary may, by notice in the *Gazette*, specify.

ii. The Air Passenger Service Charge (Apportionment) Order (Legal Notice 143 of 2018, Revised by Legal Notice 221 of 2023 on 31st December 2022)

16. The Air Passenger Service Charge (Apportionment) Order provides for the apportioning of the proceeds of the air passenger service charge among the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund as follows¹ (as revised on 31st December 2022).
 - (a) In the case of **fifty United States dollars** or the equivalent in specified currency or in Kenya shillings for an external journey (International Departures)
 - Sixty percent (60%) to Kenya Airports Authority;
 - Twenty percent (20%) to Kenya Civil Aviation Authority; and
 - Twenty percent (20%) to Tourism Promotion Fund
 - (b) In the case of **six hundred shillings** for an internal journey (Domestic Departures)
 - Fifty percent (50%) to Kenya Airports Authority;

- Thirty percent (30%) to Kenya Civil Aviation Authority; and
- Twenty percent (20%) to Tourism Promotion Fund

iii. Statistics on Domestic and International Departures

17. Table Two below portrays the number of domestic and international passenger departures as extracted from the Kenya National Bureau of Statistics “Economic Survey 2025”

Table 2: Domestic and International Departures from Kenyan Airports		
Year	Domestic Departures	International Departures
2020	1,147,000	751,300
2021	1,913,100	1,316,900
2022	2,524,000	2,513,500
2023	2,648,900	3,326,500
2024	2,647,500	3,645,400

Source: Economic survey 2025

iv. Reallocation of proceeds of Air passenger charges from Tourism Promotion Fund to the Tourism Fund

18. In January 2025, the Cabinet approved recommendations aimed at reforming State Corporations through measures that streamline government operations, reduce waste, and curb excesses. The reforms are aimed at addressing operational and financial inefficiencies, enhancing service delivery, and reducing reliance on the Exchequer.
19. The reforms include merging 42 State Corporations with overlapping or related mandates into 20 entities to improve operational efficiency and eliminate redundancy. In the proposed reforms, the **Tourism Promotion Fund** and the **Tourism Fund were earmarked for merger into a single** entity.
20. This Amendment aims to reallocate the proceeds designated initially for the Tourism Promotion Fund (TPF) to the Tourism Fund established under the Tourism Act (CAP. 381). This adjustment is intended to align with the executive's aspirations regarding State Corporations reforms.

v. Allocation of proceeds of Air Passenger charges to the Kenya Meteorological Service

21. The World Meteorological Organization documents that meteorological information is crucial for the safe, efficient, economical and environmentally friendly operation of civil aviation. Weather information helps to make informed decisions about: Safety; Flight schedules; flight planning; Air traffic management; and Airport operations².
22. National meteorological services and other designated agencies worldwide are responsible for providing a wide range of meteorological services, including observations, forecasts and warnings to the Aviation industry.
23. The International Civil Aviation Organisation (ICAO) establishes international standards and recommended practices for aeronautical meteorology, emphasising the importance of accurate weather information for flight planning and operations.
24. The Kenya Meteorological Department (KMD) provides meteorological services to the Kenya Civil Aviation Authority. The Aeronautical Meteorology Division of the Kenya Meteorological Department (KMD) is essential to the safety, efficiency, and regularity of both national and international air navigation. KMD provides accurate, real-time meteorological information and briefings to pilots, air traffic controllers, and airport operators.
25. The Civil Aviation (meteorological services for air navigation) Regulations, 2018, specifically section 10 on provisions for meteorological services for air navigations states that the objective of meteorological service shall be to contribute towards the safety, regularity and efficiency of air navigation.
26. Further, the regulations provide that the objective of meteorological services shall be achieved by supplying the following users with the meteorological information necessary for the performance of their respective functions;
 - (a) air operators and flight crew members;
 - (b) air traffic services units;
 - (c) search and rescue services units;
 - (d) airport management; and
 - (e) any other person as identified by the Authority.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT

27. To undertake public participation in the Constitution and Standard Orders, an Advertisement inviting the public to submit memoranda on the Bill was published in the newspaper on Wednesday, 6th August 2025. The Committee also invited comments on the Bill from relevant stakeholders namely; the Ministry of Roads and Transport vide a letter Ref: NA/DDC/IT&I/2025/065 dated 7th August 2025; the Ministry of Environment, Climate Change and Forestry vide a letter Ref: NA/DDC/IT&I/2025/068 dated 7th August 2025 and the Ministry of Wildlife and Tourism vide a letter Ref: NA/DDC/IT&I/2025/067 dated 7th August 2025.
28. The Committee received submissions from the following stakeholders:
- a) The Ministry of Roads and Transport;
 - b) The Ministry of Environment, Climate Change and Forestry;
 - c) The Ministry of Tourism and Wildlife;
 - d) Kenya Civil Aviation Authority (KCAA); and
 - e) Kenya Airways

29. The submissions of the stakeholders are outlined below:

3.1 Submission by the Ministry of Roads and Transport

30. The Ministry of Roads and Transport made submissions to the Committee vide a letter dated 13th August 2025.
31. The Ministry submitted that the purpose of the Air Passenger Service Charge Act is to impose a service charge on passengers departing by air from airports within the country. This charge is intended to generate revenue for the Kenya Airports Authority, Kenya Civil Aviation Authority, and the Tourism Promotion Fund.
32. The Ministry further submitted that it supports the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025 which seeks to replace the Tourism Promotion Fund with the Tourism Fund established under the Tourism Act (Cap. 381) and adds the Kenya Meteorological Service Authority (KMSA) as a new beneficiary to the charge.
33. The Ministry noted that the primary objective of the Bill is to eliminate duplication by consolidating tourism funding under a single Tourism Fund, thereby improving efficiency and enabling the strategic financing of tourism projects, and to provide KMSA with a dedicated funding stream to effectively fulfil its critical statutory mandate.
34. The Ministry, The proposed amendments to have the funds to be received by Tourism Fund provide for a more strengthened legal framework as Tourism Fund is established by an act of

Parliament (Tourism Act Cap.381) as compared to Tourism Promotion Fund established through a Legal Notice under Public Finance and Management (Tourism Promotion Fund Regulations) Act.

35. This also guarantees continuity as the Tourism Promotion Fund regulations have provision for review and or winding of the fund after ten years.
36. in their submission, proposed an amendment to the Bill to also include the Aircraft Accident Investigation Department (AAID) in the current Air Passenger Service Charge revenue sharing arrangement.
37. They justified the need for the amendment as there was a need for both operational and financial independence of the AAID to ensure credible and timely investigations and reporting. Likewise, the International Civil Aviation Organization (ICAO) obligates Kenya to guarantee the financial independence of AAID. Further, the proposal aligns with these requirements and reinforces AAID's autonomy given its critical role in the aviation ecosystem.

3.2 Submission by the Ministry of Environment, Climate Change and Forestry

38. The Ministry of Environment, Climate Change and Forestry made a written submission vide a letter **Ref: MEF/ADM/16 VIL. XII** dated 8th August 2025 stated as follows;
39. That the Bill presents a unique opportunity to secure sustainable financing for the proposed Kenya Meteorological Service Authority (KMSA) to deliver safety-critical aeronautical meteorological services in accordance with Kenya's obligations under the Convention on International Civil Aviation, ICAO Annex 3, and World Meteorological Organization (WMO) standards.
40. The Ministry stated that Meteorological services constitute an indispensable component of civil aviation, providing the scientific basis for safe, regular, and efficient operations of aircraft. By furnishing timely and accurate forecasts, warnings, and real-time weather observations, these services enable pilots, air traffic controllers, and airline operators to anticipate and avoid hazards such as thunderstorms, turbulence, wind shear, icing, volcanic ash, and low visibility conditions. Such capability is directly aligned with Kenya's obligations under the Convention on International Civil Aviation and the standards prescribed in ICAO Annex 3, which mandate the provision of meteorological information in support of international air navigation.
41. In addition to enhancing safety, meteorological services underpin operational efficiency in the aviation sector. By facilitating optimal flight planning, route selection, and altitude profiling, these services contribute to fuel savings, reduced maintenance costs, and improved punctuality. The services also support the management of air traffic capacity during adverse weather, thus minimising delays and economic losses. The strategic integration of meteorological services into aviation operations ensures that Kenya's air transport system remains safe, competitive, resilient, and capable of meeting the highest

international standards, while safeguarding passengers, crew, and national economic interests.

42. The Ministry observed that the only beneficiaries recognised under the current Air Passenger Service Charge Act (Cap. 475) are the Kenya Airports Authority (KAA), the Kenya Civil Aviation Authority (KCAA), and the Tourism Promotion Fund. The Ministry therefore proposed that the Kenya Meteorological Service Authority be included as a statutory beneficiary in the proposed amendment and that the allocation be clearly defined. This is to enable the Kenya Meteorological Service Authority to finance its key responsibilities and functions and thereby deliver on its statutory mandate efficiently and effectively.
43. The Ministry proposed the following amendment to the Kenya Airports Authority Act No. 3 of 1991:

Part III – Functions and Powers of the Authority, Section 17c (b) to read that “*Monies for the expenditure of the Kenya Civil Aviation Authority, Kenya Meteorological Service Authority, and Tourism Fund in accordance with section 3(3) of the Air Passenger Service Charge Act.*”

Justification

44. This will align the Kenya Airports Authority Act No. 3 of 1991, Section 17c (b) with the proposed Air Passenger Service Charge (Amendment) Bill, 2025.

Committee Observation

The Committee rejected this proposal as it is beyond the scope of the Bill.

3.3 Submission by the Ministry of Tourism and Wildlife

45. The Ministry of Tourism and Wildlife made written submissions, vide letters **Ref: MT/I/24** dated 12th August 2025 and Ref. MT/I/24 dated 13th August, 2024, stated as follows;
46. The Ministry expressed its concurrence with the proposed amendments to Section 3 of the Air Passenger Service Charge Act and the consequential amendment to Section 66(2) of the Tourism Act, Cap. 381, stating that this was in enhancement of the Whole-of-Government approach and in pursuit of the Bottom-Up Transformation Agenda.
47. The Ministry further proposed the following additional consequential amendments to the Tourism Act, Cap 381;
- (a) Amend section 68(a) to read "*Finance the development of tourism products, services, programs, activities, events and promotion and branding of the tourism sector.*"

Justification

48. The amendment seeks to expand the scope of activities that the Tourism Fund can finance.

Committee Observation

49. The Committee rejected this proposal as it is beyond the scope of the Bill.

(b) Insert section 68 (h) immediately after 68 (g) to read "*Monitor and evaluate programmes, projects and initiatives funded by the Fund*".

Justification

50. The proposed amendment seeks to create a new paragraph (h) that widens the scope of utilisation of the Tourism Fund to include monitoring and evaluation of projects financed by the fund.

Committee observation

51. The Committee rejected this proposal as it is beyond the scope of the Bill.

(c) Amend section 69 I (a) to read "*collect the tourism levy imposed under section 105 of this act, receive and administer proceeds apportioned by section 3 of the air passenger service charge act*".

Justification

52. The proposed amendment seeks to extend the mandate of the Board of Trustees of the Fund to collect the Tourism levy and to receive and administer the air passenger service charge apportioned.

Committee observation

53. The Committee rejects the amendment as the Board of Trustees of the Tourism Fund is already vested with the mandate to operate and manage the Tourism fund under Section 66 (l) of the Act. Therefore, the Board can receive and administer the funds apportioned from the air passenger service charge upon enactment of the Bill.

(d) Amend section 69 (l)(e) insert the word "*in consultation and concurrence with the Cabinet Secretary responsible for Tourism matters*" immediately after the word disbursement.

(e) Insert immediately after section 69 (l)(f) "*To advise the Cabinet Secretary on amounts and timing for the fund levy collection or transfers into the Fund*".

(f) In section 73 (2) insert the words "*Tourism or Economic or Business management*" immediately after the word financial and a new paragraph immediately after 73(3) to read "*73(4) The Chief Executive Officer appointed under section 73(1) shall be the Administrator of the Fund.*" and the current section 73 (4) to be 73 (5).

Justification

54. The proposed consequential amendments are related to the Tourism Fund with regards to the appointment of the CEO, the functions of the Board of Trustees of the Fund and the objects and purpose of the Fund.

Committee observation

55. The Committee rejected the proposals as they fall outside the legislative scope of the Bill.
56. The Ministry of Tourism and Wildlife in its follow up submission, noted the proposal to fully reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund and subsequently leading to a total deprivation of the apportionment to Tourism Promotion Fund, therefore leaving the Promotion Fund with no financial provision to undertake the financial allocation and commitment already approved, appropriated and contractual agreement enacted by various tourism promotion projects and programs that are under implementation by Tourism Implementing agencies including Kenya Tourism Board, Kenya Wildlife Service, Kenyatta International Convention Centre, Tourism Regulatory Authority, State Department of Tourism and State Department of Wildlife.
57. The Ministry posited that, in order to mitigate against procedural and substantive risks to phasing out Tourism Promotion Fund, and stalling of Tourism Promotion and development projects and programs and TPF operational disruptions, the Committee considers the following amendments:
- (i) In the amendment of section 3 of the Air Passenger Service Charge Act Sub-Section 3 be amended and **retained** as it is, with Tourism Promotion Fund continue to get the apportionment and introduce and include Tourism Fund in the apportionment of the proceeds, together with Kenya Airports Authority, the Kenya Civil Aviation Authority, and Kenya Meteorological Service Authority, in such manner as the Cabinet Secretary may, by notice in the Gazette, specify".
 - (ii) The amendment of the Tourism Act is in section 66(2) by inserting the following new paragraph immediately after paragraph (c)-"*ca) proceeds received under section 3(3) of the Air Passenger Service Charge Act to be considered as is.* The proposed consequential amendment will ensure that the objectives and purpose of the designated mandate of Tourism Promotion Fund is maintained and strategic and blended funding approaches for capital projects through Tourism Fund is achieved.
58. The Committee, however, observed that the proposal to retain both Funds defeats the purpose and object of the Bill, which was to limit duplication of roles, improve efficiency and enable the Government to support tourism-related projects from a single source.

3.4 Submission by the Kenya Civil Aviation Authority (KCAA)

59. The Kenya Civil Aviation Authority (KCAA) made written submissions vide a letter **Ref. KCAA/CONF/001C/VOL.7** dated 13th August 2025. The Authority submitted as follows:
60. That KCAA supports the reallocation of proceeds from the Tourism Promotion Fund to the Tourism Fund based on the justification in the invitation to submit memoranda, but without a change in apportionment.
61. The Authority also submitted that it supports the allocation of proceeds to the proposed Kenya Meteorological Service Authority save for the Meteorology Services for Air Navigation component and attendant charges that are housed at KCAA based on the requirements of International Civil Aviation Organization (ICAO) Annex 3 to the convention on international civil aviation - Meteorological Service for International Air Navigation and attendant submissions made before the Environment Committee of Senate in the write-up attached hereto.
62. The Authority noted that the proposed allocation to the Kenya Meteorological Service Authority should not affect the current apportionment to KCAA because the apportionment amount was arrived at based on the *ICAO cost-recovery Principle 3*.
63. The Authority further proposed an amendment of section 6A of the Air Passenger Service Charge Act (Cap. 475) by Inserting the words "*...and the Kenya Civil Aviation Authority Fund established under the Civil Aviation Act, CAP 394, respectively,*" immediately after the words 'Kenya Airports Authority'; and Insert the words: "*...in proportions determined by the Cabinet Secretary pursuant to section 10 of this Act*" at the end of the sentence.
64. The justification of this amendment is to enable the Commissioner to remit KCAA's portion of the charge directly to KCAA as opposed to the current practice, where the charge is remitted through Kenya Airports Authority, a process that is fraught with reconciliation and delayed remittance challenges.
65. Further, as a consequence of the proposed amendment, the Authority also proposed the amendment of s. 17C(b) of the Kenya Airports Authorities Act, CAP 395 by deleting: the word '*monies for the expenditure of the Kenya Civil Aviation Authority*' in accordance with section 3(3) of the Air Passenger Service Charge Act."
66. The committee considered the submissions of KCAA on the administration of the KAA Fund; however, the proposed consequential amendment will unduly expand the subject of the Bill.

3.5 Submission by Kenya Airways

Kenya Airways made a written submission vide a letter dated 13th August, 2025 and submitted as follows:

67. The aviation industry has long been a critical sector for global economic activity, connecting people, goods, and services across countries. However, the industry continues to grapple with increased financial burdens due to a variety of taxes, fees and charge structures imposed by governments worldwide, airport authorities, and other stakeholders.
68. These taxes and charges significantly shape airlines' operational costs, have a massive influence on ticket pricing, profitability, and passenger demand/traffic.
69. The National Carrier submitted that it supported the inclusion of the Kenya Meteorological Service Authority as a new recipient of the Air Passenger Service Charge proceeds as it would strengthen meteorological services given their role in enhancing flight safety and operational reliability.
70. The National Carrier, however, noted that any change in allocation should be structured so that it does not reduce the resources available to agencies whose functions directly enable airline operations, such as KCAA and KAA. Safeguarding these allocations will ensure continued investment in infrastructure, oversight, and services that benefit both the airline and the wider aviation sector.
71. The Airline also noted that International practice typically funds aviation meteorological services via air navigation charges and cautioned that introducing funding from passenger charges may affect cost distribution between passengers and operators.
72. Regarding the replacement of the Tourism Promotion Fund with the Tourism Fund as a beneficiary, the Airline noted that the change addresses duplication in tourism sector funding mechanisms, but also noted that transition arrangements should be clearly defined to ensure no disruption to existing tourism promotion commitments already financed through the Tourism Promotion Fund.
73. As regards the apportionment authority, the National Carrier noted that the Bill retains the Cabinet Secretary's authority to apportion funds by Gazette notice, but clarifies the reference to the Ministry of Transport. This approach preserves flexibility in revenue distribution. It emphasised the importance of continued engagement with stakeholders during any review of allocations to ensure that funding decisions align with sector priorities and support the sustainability of all beneficiaries.
74. Kenya Airways appreciated that the Bill does not alter the existing rates (USD 50 for external journeys, KES 600 for internal journeys) or exemptions. Maintaining the current

rates provides stability for passengers and operators, while the inclusion of a new beneficiary offers an opportunity to optimize allocations within the existing revenue framework so that all mandated functions, including those that directly support airline operations, continue to be well resourced.

75. As regards the power of the Cabinet Secretary to vary Charges, the Bill retains the provision empowering the Cabinet Secretary to vary these charges, from time to time, by notice in the Gazette. However, Kenya Airways noted that such variations, if done without consultations with the sector stakeholders, can have significant implications for the sector, particularly on ticket pricing and operational planning. It is therefore important that any proposed changes be preceded by a structured stakeholder engagement to ensure that adjustments are predictable, transparent, and aligned with sector priorities.
76. Discourses on aviation charges in Africa today appreciate the fact that the aviation sector in Africa is seriously being overtaxed, making travel by air very expensive. There is growing consensus on the need to use any available opportunity to reduce and or rationalize aviation taxes, charges and levies to spur air passenger and cargo traffic and thereby grow Africa's aviation.
77. Kenya Airways submitted that, according to the Official Airline Guide (OAG), Intra-Africa passenger traffic is only 30%, Domestic 37% and 33% international. Africa has a paltry less than 2% share of the global air passenger traffic. The lower traffic demand is mainly attributed to economical factors, low trade between states and other economic barriers. The high costs to airlines of operations, leases, ground handling, navigation, high government taxes among others lead to high fares, exacerbates the cost of travel and makes Africa's aviation noncompetitive.
78. The Airline brought to the attention of the Committee that in November 2024, the ECOWAS Experts and Ministers-in-Charge of Air Transport held a consultative Meeting in *Lome-Togo*, focusing on Aeronautical Charges. The meeting rightly observed that the aviation sector in Africa is seriously being overtaxed, making travel by air very expensive.
79. The Commission made the bold recommendation of removal of four taxes: *Ticket tax*, *Solidarity tax*, *Tourism tax* and *Foreign travel tax* as they do not contribute directly to the development of aviation and yet have a high adverse impact on the competitiveness of airlines. According to the Commission, the removal of these taxes would create/stimulate new and additional demand for air transport services, reduce the airfare by 40% and generate more revenue for the States.
80. Additionally, the Commission further recommended a minimum reduction of 25% of passenger charge and security charge, both considered excessive relative to the services provided. These were to enter into force by 1st January 2026. The total fare price of tickets within the EAC/ Northern Corridor region is impacted by the high taxation.

81. Kenya Airways made the following recommendations to ensure operationalisation of the Bill once passed:

- i) Ensure that the inclusion of the Kenya Meteorological Service Authority is implemented in a manner that sustains or enhances the funding of functions that directly support airline operations, such as air navigation oversight, safety regulation, and airport infrastructure.
- ii) Need to explore funding models for aviation meteorological services that align with ICAO principles and sector best practice, ensuring they are cost-neutral to airlines and passengers while still strengthening service delivery.
- iii) Put in place clear transition arrangements for the shift from the Tourism Promotion Fund to the Tourism Fund to safeguard ongoing programmes and maintain predictable funding flows.
- iv) Continue structured engagement with the aviation sector in any review of apportionment ratios so that allocation decisions reflect operational realities and support long-term sector growth.
- v) The charge should be maintained as is or in the worst-case scenario, reduced so as not to further impact the competitiveness of Kenya's aviation. Where the Cabinet Secretary exercises the authority to vary Air Passenger Service Charges, ensure that this is preceded by comprehensive consultation with the sector stakeholders, with adequate notice to allow for operational and commercial planning. Such engagement will help ensure that any adjustments are predictable, transparent, and aligned with sector sustainability.

82. Kenya Airways noted that the current Act does not provide a formal dispute resolution mechanism for disagreements between the Commissioner and collection agents. The Airline therefore proposed an amendment to introduce a structured process starting with written notice and engagement between the parties, followed by a formal objection procedure, and allow appeals to the Tax Appeals Tribunal and higher courts.

83. This amendment would provide a transparent and predictable process for resolving disputes, minimize uncertainty and protracted disagreements, reduce litigation costs, and enhance compliance while protecting revenue timelines.

Committee observation

84. The Committee rejected this amendment as it is outside the scope of the Bill.

85. In concluding its submissions, Kenya Airways presented that it fully supports measures that enhance aviation safety, operational efficiency, and service reliability, including improved

meteorological services that contribute to safe and timely flight operations. In implementing the Bill, it is important to maintain funding levels for functions that directly support airline operations, such as regulatory oversight and airport infrastructure. We encourage the adoption of an implementation framework that safeguards these priorities, ensures smooth transitions, and delivers outcomes that strengthen Kenya's position as a competitive regional aviation.

CHAPTER FOUR

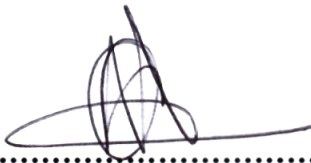
4.0 COMMITTEE OBSERVATIONS

- (g) The Committee, having had engagements with stakeholders and considered submissions received, made the following observations;
- 1) The proposed amendment aims to reallocate the proceeds originally designated for the Tourism Promotion Fund (TPF) to the Tourism Fund established under the Tourism Act (CAP. 381) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.
 - 2) The Kenya Meteorological Service Authority is a proposed entity that will be established under the Meteorology Bill 2023, which the Senate Majority Leader sponsors. At the time of considering this report, the National Assembly had passed the Senate Bill with proposed amendments. If this amendment to the Air Passenger Service Charge Act (Cap. 475) passes earlier than the creation of the Authority, funds will be earmarked for an entity that is legally non-existent;
 - 3) The Aeronautical Meteorology Division of the Kenya Meteorological Department (KMD) is essential to the safety, efficiency, and regularity of both national and international air navigation. KMD provides accurate, real-time meteorological information and briefings to pilots, air traffic controllers, and airport operators; and
 - 4) The Air Passenger Service Charge Act (Cap. 475) provides that all proceeds of the air passenger service charge shall be apportioned among the entities in such manner as the Cabinet Secretary may, by notice in the *Gazette*, specify. As the aviation sector continues to expand, the revenue generated from this charge is expected to increase significantly. This growth highlights the need for Parliament to enact legislation that clearly defines an equitable formula for sharing these funds.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

(h) The Committee, having had engagements with stakeholders and considered submissions received, recommends that the House **approves** the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) with amendments as per the schedule of amendments forming Chapter 6 of this report.

SIGNED.......... DATE.....14-08-2025.....

HON. GK GEORGE KARIUKI, CBS, M.P.

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TRANSPORT AND
INFRASTRUCTURE**

6.0. SCHEDULE OF AMENDMENTS

Upon considering the Air Passenger Service Charge (Amendment) Bill, 2025, National Assembly Bill No. 35 of 2025 and submissions from stakeholders, the Committee proposes the following amendments:

CLAUSE 2

THAT Clause 2 of the Bill be amended by—

- (a) inserting the word 'and' immediately after the words "Kenya Civil Aviation Authority"
- (b) deleting the words "and the Kenya Meteorological Service Authority" appearing after the words "Tourism Fund".

Justification:

The amendment seeks to ensure that the Bill does not allocate public funds to a non-existent Authority by removing reference to the Kenya Meteorological Service Authority that is yet to be established in statute.

Annexure I: Signed list of Members who attended the sitting that considered and adopted the report.



REPUBLIC OF KENYA THE
NATIONAL ASSEMBLY

13TH PARLIAMENT - FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

MEMBERS ADOPTION SCHEDULE

DATE: 14-08-2025 START: 9:20 am END: 10:50 am

VENUE: Committee Room 2, 1st Floor, Bunge Tower

AGENDA: Consideration and Adoption of the Air Passenger Service Charge Bill, 2025 (National Assembly Bill No. 35 of 2025)

NO.	NAME	SIGNATURE
1.	The Hon. GK George Kariuki, CBS, MP – Chairperson	
2.	The Hon. Didmus Barasa, MP- Vice Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, MP	
4.	The Hon. Abdul Rahim Dawood, MP	
5.	The Hon. Arama Samuel, MP	
6.	The Hon. Bady, Bady Twalib, MP	
7.	The Hon. Francis, Kajwang' Tom Joseph, CBS, MP	
8.	The Hon. Kiaraho, David Njuguna, MP	
9.	The Hon. Naicca, Johnson Many, CBS, MP	
10.	The Hon. Chege, John Kiragu, MP	
11.	The Hon. Elsie Muhanda, MP	
12.	The Hon. Saney, Ibrahim Abdi, MP	
13.	The Hon. Hussein Weytan Mohamed, MP	
14.	The Hon. Jhanda Zaheer, MP	
15.	The Hon. Komingoi, Kibet Kirui, MP	

Annexure 2: Minutes of the Committee on sittings considering the Bill and adoption of the report



**THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES**

**MINUTES OF THE THIRTY-THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY, 12TH AUGUST 2025 AT
COMMITTEE ROOM 2, 1ST FLOOR, BUNGE TOWER AT 10:00 AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P.
3. The Hon. Abdul Rahim Dawood, M.P.
4. The Hon. Arama Samuel, M.P.
5. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
6. The Hon. Muhanda Elsie, M.P.
7. The Hon. Chege John Kiragu, M.P.
8. The Hon. Kiaraho, David Njuguna, MP.
9. The Hon. Saney Ibrahim Abdi, M.P.
10. The Hon. Hussein Weytan Mohamed, MP
11. The Hon. Komingoi Kibet Kirui, M.P.

APOLOGIES

1. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
2. The Hon. Bady, Bady Twalib, M.P.
3. The Hon. Naicca, Johnson Many, CBS, MP
4. The Hon. Jhanda Zaheer, M.P.

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Ms. Chebet Koskei | - Principal Clerk Assistant II |
| 2. Mr. Ronald Walala | - Senior Legal Counsel |
| 3. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 4. Mr. Erick Kariuki | - Research Officer |
| 5. Ms. Patricia Gichane | - Legal Counsel |
| 6. Ms. Rina Sainey | - Media Relations Officer |
| 7. Mr. George Maina | - Intern |

MIN./NO.184/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at twenty minutes past Ten O'clock (10:20 am) with prayer by the Chairperson. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Kibet Kirui Komingoi, MP, and seconded by the Hon. Chege John Kiragu, M.P, as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Briefing by the Legal Counsel on the following Bills:**
 - i. **The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2025) sponsored by Hon. Peter Kaluma, CBS, MP on behalf of the General Legislative Caucus;**
 - ii. **The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) sponsored by the Leader of the Majority Party**
5. Pending Business
6. Any Other Business
7. Adjournment

MIN./NO.185/NA/T&I/2025:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

This agenda was deferred

MIN./NO.186/NA/T&I/2025:

CONSIDERATION OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

The Legal Counsel informed the Committee that the Kenya Roads (Amendment) Bill, 2025, sponsored by Hon. Peter Kaluma, MP, seeks to amend the Kenya Roads Act, Cap. 408, to classify public roads into national trunk roads and county roads, vesting the management of county roads under county governments.

The Bill aims to provide clarity in the maintenance, rehabilitation, and development of the road network, aligning with paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

The Bill also proposes amendments to Section 6 of the Kenya Roads Board Act, Cap 408A, to re-apportion the Road Maintenance Levy Fund (RMLF) between national government agencies and county governments. New subsections (3), (4), and (5) are introduced to outline the utilization of the Fund by county

governments and the Board's role in ensuring compliance.

The Legal Counsel brought to the attention of the Committee that the amendments follow the High Court judgment in Petition No. E423 of 2024: Council of County Governors & 4 others vs. the National Assembly of Kenya & 8 others, where the court declared the exclusion of county governments from the RMLF unconstitutional, citing violations of Article 186 and the Fourth Schedule of the Constitution. The court emphasized the need for consultation and collaboration between national and county governments to uphold devolution.

The Legal Counsel informed the Committee that the proposed amendments to the Kenya Roads Act seek to clarify and streamline the classification and management of public roads in Kenya.

The amendments are structured into several clauses, each addressing specific aspects of the Act as follows;

Clause 2: Interpretation

The Legal Counsel brought to the attention of the Committee that Clause 2 proposes amendments to Section 2 of the Kenya Roads Act (referred to as the "principal Act"). The amendments include:

- Deleting the definition of the term "national roads" and substituting it with a new definition:
- "national trunk roads" means national trunk roads as classified under Part A of the First Schedule.
- Inserting a new definition for "county roads" in its proper alphabetical sequence:
- "county roads" means county roads as classified under Part B of the First Schedule.

The Legal Counsel noted that these amendments provide clear definitions for national and county roads, aligning with the functional classification outlined in the First Schedule.

Clause 3: Roads to be Classified

The Legal Counsel informed the Committee that Clause 3 proposes to delete Section 47 of the principal Act and substitute it with a new section. The new Section 47 stipulates that:

- A public road shall be classified in the manner set out in the First Schedule to the Act.
- Where a new public road is established, the responsible Authority or county government shall submit a written request to the Cabinet Secretary for classification.
- The Cabinet Secretary shall ensure that the classification accurately reflects the function served by the public road and that all parts of the country have reasonable access to a national trunk road or a county road.
- The Cabinet Secretary shall be responsible for the classification of public roads and shall review the classification at least once every five years.

The Legal Counsel highlighted that this amendment centralizes the classification authority with the Cabinet Secretary while ensuring equitable access to roads nationwide.

Clause 4: New Sections 47A and 47B

The Legal Counsel brought to the attention of the Committee that Clause 4 proposes the insertion of new sections immediately after Section 47:

Section 47A: Responsibilities of County Governments

- Each county government shall, within its jurisdiction:
- Maintain, rehabilitate, and develop county roads.
- Manage road reserves and facilitate access to roadside developments.
- Implement road policies for county roads.
- Ensure adherence to axle load control rules and guidelines.
- Ensure the quality of county road works complies with national standards.
- Oversee traffic and road safety management on county roads.
- Collect and collate data related to county roads for planning purposes.
- Monitor and evaluate the use of county roads.
- Plan the development and maintenance of county roads.
- Prepare county investment and annual road works programmes.
- Coordinate with other road Authorities or agencies.
- County governments shall implement national policies, standards, and guidelines issued by the Cabinet Secretary.
- The county executive committee member responsible for roads shall oversee these functions.

Section 47B: Road Signage

- A public road shall bear signage indicating its classification and the level of government responsible for its maintenance.
- The Cabinet Secretary shall prescribe the dimensions and additional information for signage.
- No person shall erect signage containing their name, image, or likeness.
- Violations of this provision shall attract a fine not exceeding one million shillings or imprisonment for up to two years, or both.

The Legal Counsel emphasized that these provisions clarify the roles of county governments and standardize road signage.

Clause 5: First Schedule

The Legal Counsel informed the Committee that Clause 5 proposes to delete the existing First Schedule and substitute it with a new classification system:

Part A: Classification of National Trunk Roads

A I. National Roads:

- Class As: Highways connecting cities, towns, etc., with grade separation and access control.
- Class A: Roads linking international boundaries and terminals (ports, airports).

- Class B: Roads forming national routes, linking county headquarters and cities.

A2. Urban Roads:

- Class Au: Major urban arterials in cities.
- Class Bu: Minor urban arterials.
- Class Cu: Major urban collectors.

A3. Rural Roads:

- Class C (Secondary national trunk roads): Roads linking sub-county headquarters.
- Class SP (Special purpose roads): Roads accessing places of national importance.
- Class SR (Special roads): Roads strategic to national security.

Part B: Classification of County Roads

- Class D: Inter-ward roads.
- Class E: Roads providing last access to villages and homes.
- Class Du: Main shopping and business streets in urban areas.
- Class Eu: Local residential streets.

The Legal Counsel noted that this reclassification aligns road categories with their functional roles.

Clause 6: Amendments to the Kenya Roads Board Act

The Legal Counsel brought to the attention of the Committee that Clause 6 proposes consequential amendments to Section 6(2) of the Kenya Roads Board Act, Cap 408A, to redistribute the Road Maintenance Levy Fund. Key changes include:

- Reducing the allocation to the Constituency Roads Fund from 22% to 21%.
- Reducing the allocation to national roads from 40% to 36%.
- Reducing the allocation to urban roads from 15% to 14%.

Introducing new allocations:

- 1% for roads in national parks and reserves (administered by Kenya Wildlife Service).
- 1.5% for the recurrent expenditure of the Board.
- 1.5% for the department responsible for roads under the Constitution.
- 5% to county governments under Article 202(2) of the Constitution.

The Legal Counsel also highlighted new subsections requiring county governments to:

- Designate a department for road maintenance.
- Open a special purpose account at the Central Bank of Kenya.
- Comply with national standards.
- Submit annual road programmes to the Board.

The Board is empowered to monitor compliance and take remedial measures.

The Legal Counsel concluded by summarizing that the proposed amendments aim to enhance clarity, efficiency and accountability in road classification, management and funding. The Committee was urged to consider these changes in light of their potential impact on national and county road infrastructure.

Members concerns and Clarification

i. Sponsorship of a Committee mandated Bill by a Legislative Caucus Member

Members raised concerns about another Member, acting on behalf of a general legislative caucus, sponsoring a bill that falls under the mandate of this Committee, especially when the Committee itself has the capacity to handle the matter. The Legal Counsel referred Members to Standing Order 259A, which states: "The Speaker may, upon written request, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective. The Legal Counsel further clarified that, the Committee's mandate remains intact despite the caucus's involvement, the Committee will still be responsible for conducting public participation, scrutinizing the Bill and reporting to the House. The Committee's report will inform discussions during the Second Reading, ensuring that the technical and consultative role of the Committee is preserved.

ii. Disadvantage to Agricultural Regions

Members questioned whether the removal of some existing classifications for instance coffee, tea and wheat access roads would disadvantage other agricultural regions. The Legal Counsel advised the Committee to seek clarification from the Cabinet Secretary during his appearance before the Committee on Thursday, 14th August 2025.

iii. Proposed funding

Members raised concerns on two parts of the proposed funding plan:

- (a) The 1.5% allocation to the roads department (Section 6(2)(d)(vii)) was criticized for creating a parallel funding structure outside the Kenya Roads Board's direct oversight, potentially leading to duplication of roles and lack of accountability.
- (b) The 10% Cabinet Secretary allocation.

iv. Authority to classify roads

Members raised concerns on the provision granting the Cabinet Secretary authority to classify roads, arguing this undermines devolution by encroaching on counties' constitutional mandate over their own roads under Schedule Four of the Constitution. Members noted that this could lead to arbitrary reclassification of county roads without the County being consulted.

MIN./NO.187/NA/T&I/2025: CONSIDERATION OF THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025) SPONSORED BY THE LEADER OF THE MAJORITY PARTY

The Legal Counsel informed the Committee that the Air Passenger Service Charge (Amendment) Bill, 2025, sponsored by the Hon. Kimani Ichungwah, CBS, Member of Parliament, seeks to amend the Air Passenger Service Charge Act, Cap. 475. The principal object of the Bill is to allocate proceeds derived from the air passenger service charge to the Tourism Board, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

The Legal Counsel further informed the Committee that the Bill proposes to reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap 381). This is aimed at limiting duplication of roles, improving efficiency, and enabling the Government to support the financing of tourism-related projects from a single source.

Additionally, the Legal Counsel noted that the Bill allocates proceeds to the Kenya Meteorological Service Authority to finance its key functions and responsibilities, thereby enabling it to deliver on its statutory mandate efficiently and effectively.

Regarding Clause 2 of the Bill, the Legal Counsel highlighted that the amendment gives reference to the Kenya Meteorological Service Authority, which is not currently established in Statute. It was noted that the Authority is proposed to be established under Clause 5 of the Meteorological Bill, Senate Bill No. 45 of 2023, which is currently awaiting consideration by the Committee of the Whole House. The Committee has also proposed consequential amendments to Section 3 of the Air Passenger Service Charge Act to ensure that the Kenya Meteorological Service Authority is allocated funds from the Air Passenger Service Charge.

On Clause 3, the Legal Counsel informed the Committee that the amendment provides an additional source of revenue for the Tourism Fund by inserting a new paragraph (ca) into Section 66(2) of the Tourism Act. This paragraph will include proceeds received under Section 3(3) of the Air Passenger Service Charge Act as part of the Fund's revenue streams.

The Legal Counsel concluded by emphasizing that the proposed amendments are aimed at enhancing efficiency, reducing duplication, and ensuring adequate funding for critical institutions involved in aviation, tourism, and meteorological services.

Members Concerns

Concerns Regarding the Kenya Meteorological Service Authority

Members raised concerns about the allocation of proceeds to the Kenya Meteorological Service Authority, noting that the Authority is not yet established in law. They pointed out that the Meteorological Bill (Senate Bill No. 45 of 2023), which seeks to establish the Authority, is still pending

before the Committee of the Whole House. Members questioned the legality of allocating funds to an entity that lacks a statutory framework and stressed the need for clarity on whether the amendments to the Air Passenger Service Charge Act are contingent upon the passage of the Meteorological Bill.

MIN./NO.188/NA/TI/2025: ANY OTHER BUSINESS

i. Matter of National Concern – Road Accidents

The Hon. Chairperson informed the meeting that a motion for adjournment to discuss the recent surge in road accidents across the country would be discussed in the House in the afternoon. Members were urged to be present on the floor of the House to contribute to this matter of national importance.

ii. Engagement with the Cabinet Secretary for Roads and Transport

The Hon. Chairperson further informed the Committee that a meeting has been scheduled with the Cabinet Secretary for Roads and Transport on **Thursday, 14th August 2025 at 10:00 am** to deliberate on the aforementioned Bills

iii. Proposed Inspection Visits

The Committee Clerk proposed that the Committee undertake inspection visits to assess ongoing road projects in Kisumu and visit the site of the fatal accident that claimed 25 Kenyan lives on 9th August 2024. Members were yet to make a resolution on this proposal.

MIN./NO.189/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at fifteen minutes past Ten Minutes to One O'clock (12:50 pm). The next meeting will be held on notice.

SIGNED..........DATE 14-08-2025.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**

Annexure 3: Copy of the Air Passenger Charge (Amendment) Bill, 2025.

SPECIAL ISSUE

Kenya Gazette Supplement No. 126 (National Assembly Bills No. 35)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

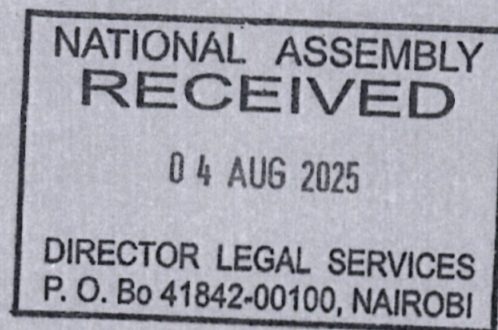
NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 16th July, 2025

CONTENT

Bill for Introduction into the National Assembly—

	PAGE
The Air Passenger Service Charge (Amendment) Bill, 2025	799



NATIONAL ASSEMBLY
RECEIVED
11 MAR 73
DIRECTOR LEGAL SERVICES
P. O. BOX 45842, NAIROBI

**THE AIR PASSENGER SERVICE CHARGE
(AMENDMENT) BILL, 2025**

A Bill for

AN ACT of Parliament to amend the Air Passenger Service Charge Act, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Air Passenger Service Charge (Amendment) Act, 2025.

Short title.

2. Section 3 of the Air Passenger Service Charge Act is amended by deleting sub-section (3) and substituting therefor the following new sub-section—

Amendment of section 3 of Cap. 475.

“(3) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority, the Tourism Fund and the Kenya Meteorological Service Authority in such manner as the Cabinet Secretary may, by notice in the Gazette, specify”.

3. The Tourism Act is amended in section 66(2) by inserting the following new paragraph immediately after paragraph (c)—

Consequential amendment. Cap. 381

“(ca) proceeds received under section 3(3) of the Air Passenger Service Charge Act”.

MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority. It seeks to reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap. 381). This would limit duplication of roles, improve efficiency, and enable the Government to support the financing of tourism-related projects from a single source especially those that require strategic and sometimes blended funding approaches. This would ensure efficiency in public resource utilization.

Further, it seeks to allocate proceeds to the Kenya Meteorological Service Authority to enable it finance its key responsibilities and functions and thereby deliver on its statutory mandate efficiently and effectively.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill neither delegates legislative powers to the Cabinet Secretary nor does it limit any fundamental rights or freedoms.

Statement as to whether the Bill concerns counties within the meaning of Article 110(1)

The Bill does not concern county governments in terms of Article 110(1)(a) of the Constitution, and does not affect the functions and powers of county governments stipulated in the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution, and its enactment shall not occasion additional expenditure of public funds.

Dated the 10th July, 2025.

KIMANI ICHUNGWAH,
The Leader of Majority Party.

Section 3 of Cap. 475 which it is intended to amend—

1. Subject to this Act, there shall be paid by every person who purchases a ticket for an external or internal journey an air passenger service charge of—

Imposition of passenger service charge.

- (a) fifty United States dollars or the equivalent in specified currency or in Kenya shillings for an external journey; and
- (b) six hundred shillings for an internal journey.
- (c) The Cabinet Secretary may, by notice in the *Gazette*, from time to time vary the charges specified in this section.
- (d) All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund in such manner as the Cabinet Secretary may, by notice in the *Gazette*, specify.

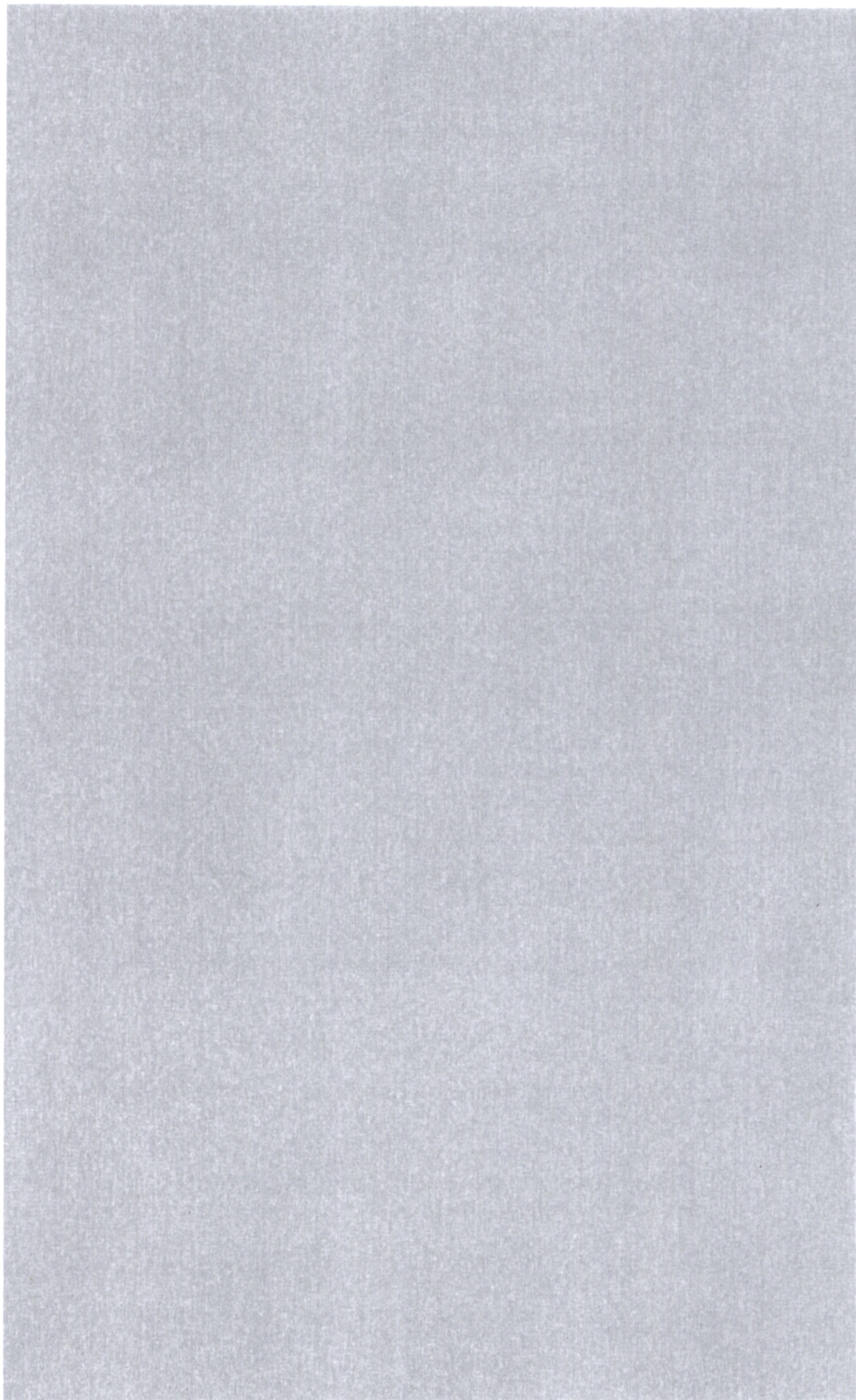
Section 66 of Cap. 381 which it is intended to amend—

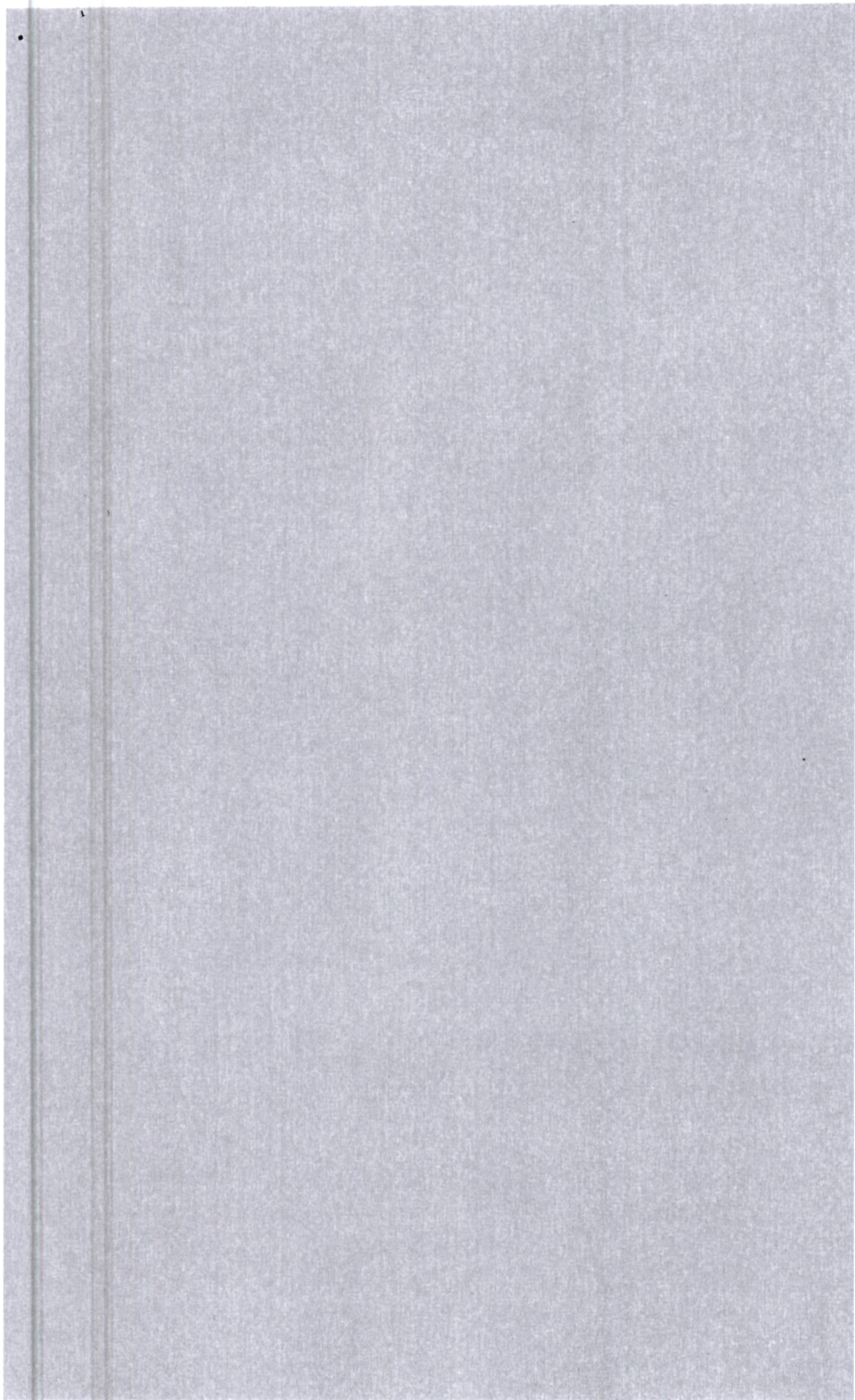
1. There is established a fund to be known as the Tourism Fund which shall vest in and be operated and managed by the Board of Trustees.

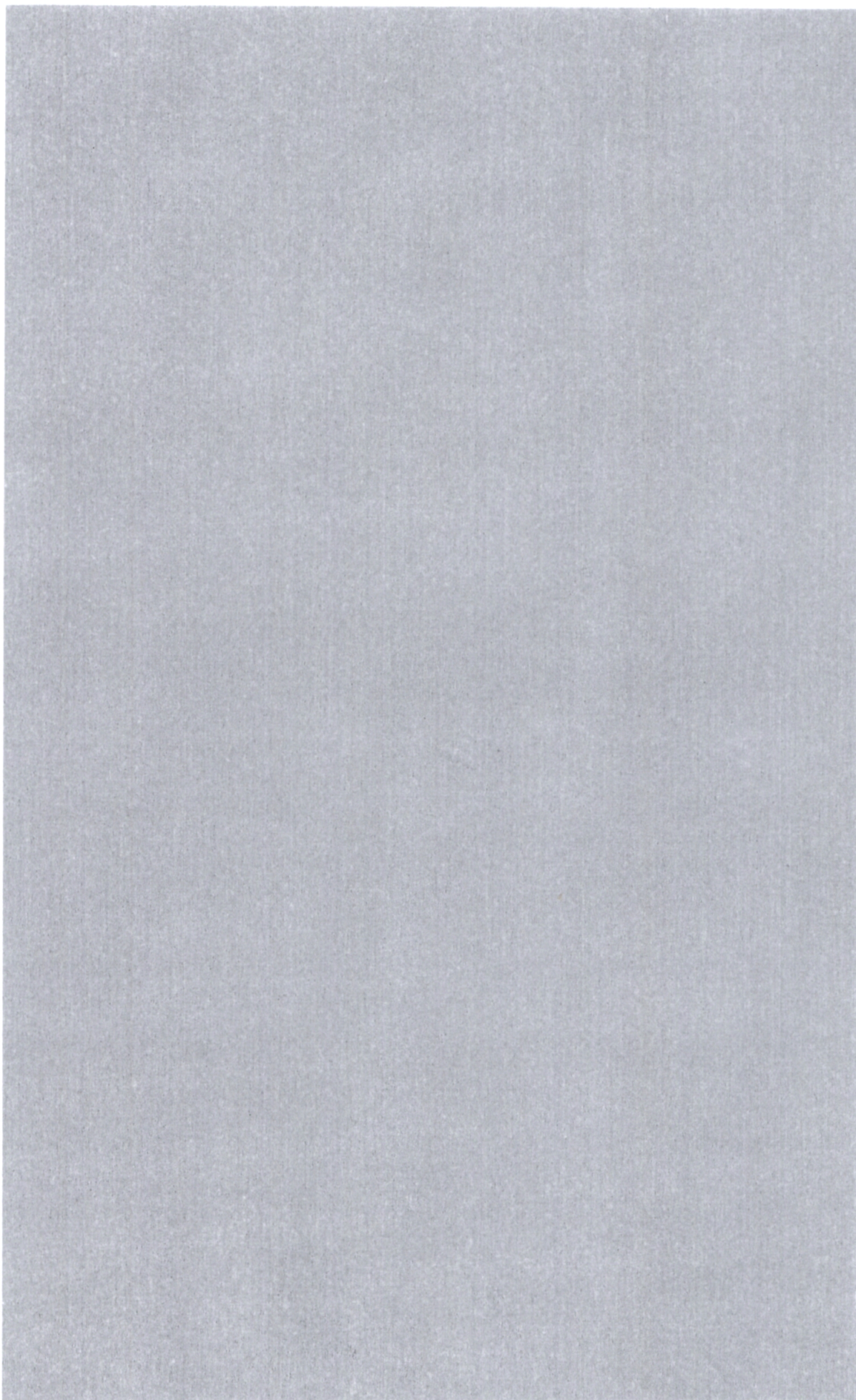
Establishment of Tourism Fund.

2. There shall be paid into the Fund—

- (a) monies appropriated by Parliament for the purposes of the Fund;
- (b) monies received under section 105(4), fees and other monies charged upon tourism activities and services;
- (c) income from investments made under section 69(e) or (j) by the Board of Trustees;
- (d) grants, donations, bequests or other gifts made to the Fund; and
- (e) monies from any other source approved by the Cabinet Secretary for the time being responsible for matters relating to finance.







Annexure 4: Correspondence to stakeholders requesting for submission of Comments.



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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www.parliament.go.ke/the-national-assembly

When replying, please quote
Ref: **NA/DDC/T&I/2025/067**

7th August, 2025

Mr. John Lekakeny Ololtuaa, CBS
Principal Secretary
State Department for Tourism
Ministry of Tourism and Wildlife
Tourism Fund Building, 10th Floor
NAIROBI

Dear

RE: REQUEST FOR WRITTEN SUBMISSIONS ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025)

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to amongst others, "*study and review all legislation referred to it*".

The **Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025)** was referred to the Departmental Committee for consideration and reporting to the House pursuant to Standing Order 127(3). The Bill, sponsored by the **Leader of Majority Party**, seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, the Committee requests written submissions from the Ministry of Tourism and Wildlife on the Bill.

It will be appreciated if the submissions are received by **Wednesday, 13th August 2025 at 5:00 pm**. We request that you provide twenty (20) copies of the written submissions and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke

The Liaison Officer facilitating this matter is **Ms. Tracy Chebet Koskei**, a Principal Clerk Assistant II, who may be contacted on tel. no. **0726416794** or email: ddc@parliament.go.ke.

Yours

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Ms. Rebecca Miano, EGH
Cabinet Secretary
Ministry of Tourism and Wildlife
Tourism Fund Building
NAIROBI





THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
Ref: **NA/DDC/T&I/2025/067**

7th August, 2025

Mr. John Lekakeny Oloftuaa, CBS
Principal Secretary
State Department for Tourism
Ministry of Tourism and Wildlife
Tourism Fund Building, 10th Floor
NAIROBI

Dear *Sir*,

RE: REQUEST FOR WRITTEN SUBMISSIONS ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025)

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to amongst others, "*study and review all legislation referred to it*".

The **Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025)** was referred to the Departmental Committee for consideration and reporting to the House pursuant to Standing Order 127(3). The Bill, sponsored by the **Leader of Majority Party**, seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, the Committee requests written submissions from the Ministry of Tourism and Wildlife on the Bill.

It will be appreciated if the submissions are received by **Wednesday, 13th August 2025 at 5:00 pm**. We request that you provide twenty (20) copies of the written submissions and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke

The Liaison Officer facilitating this matter is **Ms. Tracy Chebet Koskei**, a Principal Clerk Assistant II, who may be contacted on tel. no. **0726416794** or email: ddc@parliament.go.ke.

Yours *Sincerely,*



Serah Kioko, MBS

FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Ms. Rebecca Miano, EGH
Cabinet Secretary
Ministry of Tourism and Wildlife
Tourism Fund Building
NAIROBI



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&I/2025/065

7th August, 2025

Eng. Joseph Mbugua, CBS
Principal Secretary
State Department for Roads
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Ms. Teresia Mbaika, CBS
Principal Secretary
State Department for Aviation and Aerospace Development
Ministry of Roads and Transport
NAIROBI

Dear *Madam,*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE TO CONSIDER BILLS BEFORE
THE COMMITTEE**

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to amongst others, "*study and review all legislation referred to it*".

The following Bills were referred to the Committee for consideration and reporting to the House pursuant to Standing Order 127(3);

- (1) The **Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025)** is sponsored by the **Hon. Peter Kaluma, MP** on behalf of the **House General Legislative Caucus**. The Bill seeks to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country and to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

(2) The **Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025)** is sponsored by the **Leader of Majority Party** that seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, the Committee has resolved to invite the Ministry of Roads and Transport to a meeting to make submissions on the Bills.

This is to invite the Cabinet Secretary for the Ministry of Roads and Transport to a meeting of the Committee scheduled for **Thursday, 14th August, 2025**, to be held in Committee Room 20, 5th Floor, Bunge Tower, Parliament Buildings, at **12.00 pm**.

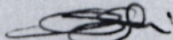
We request that you provide twenty (20) copies of the written submissions during the meeting and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke by **Wednesday, 13th August, 2025**.

We have enclosed herein a copy of the Bill for reference.

The Liaison Officer facilitating this matter is **Ms. Tracy Chebet Koskei**, a Principal Clerk Assistant II, who may be contacted on tel. no. **0726416794** or email: ddc@parliament.go.ke.

Yours

Sincerely,



Serah Kioko, MBS

FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads and Transport
Transcom House – Ngong Road
NAIROBI

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)

IN THE MATTER OF ARTICLES 118(1)(b), 246 (2) AND 250(2) OF THE CONSTITUTION AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT (CAP. 7F)
AND
IN THE MATTER OF SECTION 6(5) OF THE NATIONAL POLICE SERVICE COMMISSION ACT (CAP. 85)
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS THE CHAIRPERSON AND MEMBER OF THE NATIONAL POLICE SERVICE COMMISSION

NOTIFICATION OF APPROVAL HEARINGS AND INVITATION TO
SUBMIT MEMORANDA

WHEREAS, in accordance with provisions of Articles 246(2) and 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act (Cap. 85), His Excellency the President is empowered to nominate and, with the approval of the National Assembly, appoint the Chairperson and Members of the National Police Service Commission. In exercise of the said powers, His Excellency the President has nominated the following persons for appointment to the Commission –

S/No.	NOMINEE	POSITION
1.	Dr. Amani Yuda Komora, MBS, CHRP	Chairperson
2.	Ms. Angeline Yiamiton Siparo, EBS	Member

AND WHEREAS, following receipt of the nominations from H.E. the President, the Hon. Speaker of the National Assembly vide a Communication made on Tuesday, 5th August, 2025 conveyed the Message to the National Assembly and referred the names and *curricula vitae* of the nominees to the Departmental Committee on Administration and Internal Security for consideration and reporting to the House;

IT IS NOTIFIED to the general public that pursuant to Article 118(1)(b) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the Departmental Committee shall conduct Approval Hearings (Vetting) of the nominees on Wednesday 13th August 2025 in Committee Room 26, 5th Floor, Bunge Tower as per the schedule below –

S/No.	NOMINEE	POSITION	TIME
1.	Dr. Amani Yuda Komora, MBS, CHRP	Chairperson	9.30 am
2.	Ms. Angeline Yiamiton Siparo	Member	10.30 am

AND WHEREAS, Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F) provides that "any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated";

IN COMPLIANCE with Article 118(1)(b) of the Constitution and Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statements on oath (affidavits) with supporting evidence contesting the suitability of the candidates for appointment to the offices they have been nominated to.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Tuesday, 12th August, 2025 by 5.00 p.m.

IT IS FURTHER NOTIFIED THAT the nominees are required to –

- (1) Appear for the approval hearings with their original identity cards, academic and professional certificates and other relevant testimonials; and
- (2) Obtain letters/certificates of compliance from the following institutions –
 - (a) The Ethics and Anti-Corruption Commission;
 - (b) The Kenya Revenue Authority;
 - (c) The Higher Education Loans Board;
 - (d) The Directorate of Criminal Investigations;
 - (e) The Office of the Registrar of Political Parties; and
 - (f) A Credit Reference Bureau.

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
Wednesday, 6th August, 2025

"For the Welfare of Society and the Just Government of the People"



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:
(1) THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)
(2) THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025); AND
(3) THE PRIVATISATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2025).

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025); the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) and the Privatisation Bill (National Assembly Bill No. 36 of 2025), have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House.

IT IS NOTIFIED that –

- (1) The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) is a Bill sponsored by the Hon. Peter Kaluma, MP on behalf of the House General Legislative Caucus. The Bill seeks to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country and to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

- (2) The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) is a Bill sponsored by the Leader of Majority Party that seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

The Bill reallocates the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap. 381) to limit duplication of roles, improve efficiency, and enable the Government to support the financing of tourism-related projects from a single source especially those that require strategic and blended funding approaches.

Further, the Bill allocates proceeds to the proposed Kenya Meteorological Service Authority, which is intended to be funded from the proceeds of the service charge under clause 30 of the Meteorology Bill, 2023, to enable it finance its key responsibilities and functions and thereby deliver on its intended statutory mandate efficiently and effectively.

- (3) The Privatisation Bill, 2025 (National Assembly Bill No. 36 of 2025) is a Bill sponsored by the Leader of Majority Party that seeks to repeal and re-enact the regulatory framework for the privatisation of public entities with a view to improving the efficiency of public entities. The Bill is being re-enacted in view of the Court decision in *Orange Democratic Movement Party & 4 Others v Speaker of the National Assembly & 5 Others* [2024] KEHC 11494 KLR, which declared the Privatisation Act, 2023 unconstitutional. In accordance with the decision of the court, the Bill now provides for an elaborate role of the National Assembly in the privatisation process.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and the National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below: –

NO.	BILL	COMMITTEE
1.	Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025)	Transport and Infrastructure
2.	The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025);	
3.	The Privatisation Bill (National Assembly Bill No. 36 of 2025)	Public Debt and Privatization Committee

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Building, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Wednesday, 13th August, 2025 at 5.00 p.m.

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th August, 2025

"For the Welfare of Society and the Just Government of the People"

Annexure 6: Written submissions from Stakeholders



REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY
State Department for Environment & Climate Change
Office of the Principal Secretary

Telegrams: "NATURE", Nairobi
Telephone: 254-20- 2730808/9
Fax: 254-20- 2734722
Email : psoffice@environment.go.ke

SHA BUILDING
RAGATI ROAD
P. O. BOX 30126-00100
NAIROBI

When replying, please quote:

Ref. No. MEF/ADM/16 VOL. X11

8th August, 2025

Mr. Samuel Njoroge, CBS

Clerk of the National Assembly

Parliament Buildings

NAIROBI

Dear

Clerk,

**RE: REQUEST FOR WRITTEN SUBMISSIONS ON THE AIR
PASSENGER SERVICE CHARGE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.35 OF 2025)**

Reference is made to the above matter and to your letter Ref. No. **NA/DDC/T&I/2025/068** dated 7th August, 2025 requesting the Ministry to provide written submissions on Air Passenger Service Charge (Amendment) Bill, 2025 (National Assembly Bill No. 35 of 2025).

This Bill presents a unique opportunity to secure sustainable financing for the proposed Kenya Meteorological Service Authority (KMSA) to deliver safety-critical aeronautical meteorological services in

accordance with Kenya's obligations under the Convention on International Civil Aviation, ICAO Annex 3, and World Meteorological Organization (WMO) standards.

Meteorological Services constitute an indispensable component of civil aviation, providing the scientific basis for safe, regular, and efficient operations of aircraft. By furnishing timely and accurate forecasts, warnings, and real-time weather observations, these services enable pilots, air traffic controllers, and airline operators to anticipate and avoid hazards such as thunderstorms, turbulence, wind shear, icing, volcanic ash, and low visibility conditions.

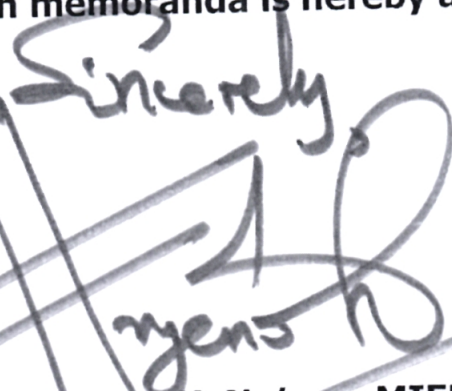
Such capability is directly aligned with Kenya's obligations under the Convention on International Civil Aviation and the standards prescribed in ICAO Annex 3, which mandate the provision of meteorological information in support of international air navigation.

In addition to enhancing safety, meteorological services underpin operational efficiency in the aviation sector. By facilitating optimal flight planning, route selection, and altitude profiling, these services contribute to fuel savings, reduced maintenance costs, and improved punctuality. The services also support the management of air traffic capacity during adverse weather, thus minimizing delays and economic losses.

The strategic integration of meteorological services into aviation operations ensures that Kenya's air transport system remains safe, competitive, resilient, and capable of meeting the highest international standards, while safeguarding passengers, crew, and national economic interests.

The Ministry observes that the only beneficiaries recognized under the current Air Passenger Service Charge Act (Cap. 475) are Kenya Airports Authority (KAA), Kenya Civil Aviation Authority (KCAA) and Tourism Promotion Fund. The Ministry proposes that Kenya Meteorological Service Authority is included as a statutory beneficiary in the proposed amendment and the allocation to be clearly defined **(a copy of the written memoranda is hereby attached).**

Yours

Sincerely,


Dr. Eng. Festus K. Ng'eno, MIEK, CBS
PRINCIPAL SECRETARY

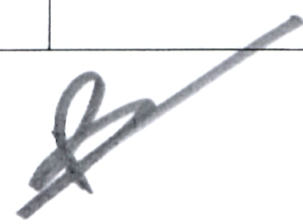
Encl.

Copy to: **Mr. Edward Muriuki**
Ag. Director
Kenya Meteorological Department
NAIROBI

Part in the Regulation	Section in Draft Regulation	Current Provision in Regulations	Proposed Recommendation	Justification and Rationale
Cap. 475 Section 3	Section 3(3):	All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund in such manner as the Cabinet Secretary may, by notice in the <i>Gazette</i> , specify.	Amend to read "All proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority, the Kenya Civil Aviation Authority, Kenya Meteorological Service Authority , and the Tourism Fund in such manner as the Cabinet Secretary may, by notice in the <i>Gazette</i> , specify."	To enable Kenya Meteorological Service Authority, finance its key responsibilities and functions and thereby deliver on its statutory mandate efficiently and effectively
KAA Act No. 3 of 1991 PART III – Functions and Powers of the Authority	17c (b)	(b) monies for the expenditure of the Kenya Civil Aviation Authority in accordance with section 3(3) of the Air	Amend Kenya Airports Authority Act No. 3 of 1991 Section 17c (b) to include Kenya Meteorological Service Authority To read	Align Kenya Airports Authority Act No. 3 of 1991 17c (b) with the proposed Air Passenger Service Charge (Amendment) Bill, 2025



		Passenger Service Charge Act	"Monies for the expenditure of the Kenya Civil Aviation Authority, Kenya Meteorological Service Authority , and Tourism Fund in accordance with section 3(3) of the Air Passenger Service Charge Act."	
Subsidiary legislation Legal No. 23 of 2019	Section 2(a) and (b)	2. The proceeds of the charge collected under section 3(1) of the Act shall be apportioned among the Kenya Airports Authority, the Kenya Civil Aviation Authority and the Tourism Promotion Fund as follows— (a) in the case of the charge collected under paragraph (a)— (i) sixty percent thereof to the	Include Kenya Meteorological Service Authority (KMSA) with a proposed allocation commensurate to the services offered.	<ul style="list-style-type: none"> i. To operationalize the amended APSC by inclusion of KMSA in the apportionment of the APSC fund ii. Ensure certainty in the APSC revenue stream to support Kenya Meteorological Service Authority (KMSA) operations



		<p>Kenya Airports Authority, (ii) twenty percent to the Kenya Civil Aviation Authority; and (iii) twenty percent to the Tourism Promotion Fund; and (b) in the case of the charge collected under paragraph (b)—</p> <p>(i) fifty percent thereof to the Kenya Airports Authority; (ii) thirty percent to the Kenya Civil Aviation Authority, and (iii) twenty percent to the Tourism Promotion Fund.</p>		
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A handwritten signature in dark ink, consisting of a stylized, cursive letter 'B' followed by a long horizontal stroke that extends to the right.



**MINISTRY OF TOURISM & WILDLIFE
OFFICE OF THE CABINET SECRETARY**

Telephone: 254-020-3344230
Email: cs@tourism.go.ke
Website: www.tourism.go.ke
When replying please quote:

NSSF Building, Block 'A'
20th Floor, Eastern Wing
P. O. Box 30027-00100
NAIROBI

Ref. MT/1/24

12th August, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Building
P.O. Box 41842- 00100
NAIROBI

Dear *Mr. Njoroge*,

**RE: REQUEST FOR WRITTEN SUBMISSIONS ON THE AIR PASSENGER SERVICE
CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 35 OF 2025)**

Reference is made to your letter **Ref: No. NA/DDC/T&I/2025/067** dated 7th August, 2025 requesting for a written submission on the proposed amendment of the Air Passenger Service Charge Act (Cap.475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to Kenya Airports Authority and the Kenya Civil Aviation Authority.

Notably the amendment seeks to reallocate the proceeds currently designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap. 381) and enable the Government to support the financing of tourism-related projects from a single source, especially those that require strategic and sometimes blended funding approaches. Further, it seeks to allocate proceeds to the Kenya Meteorological Service Authority to enable it to finance its key responsibilities and functions and thereby deliver on its statutory mandate efficiently.

In enhancement of the whole of government approach and pursuing the bottom-up transformation agenda, we write to express our **concurrence** with the **proposed amendments** to section 3 of the air passenger service charge act and the consequential amendment to section **66(2) of the Tourism Act. Cap 381.**

The following additional **consequential amendments** are proposed to the Tourism Act 2011 cap 381;

1. Section 68(a) to read “**Finance the development of tourism products, services, programs, activities, events and promotion and branding of tourism sector.**”
2. Insert section **68 (h)** immediately after **68 (g)** to read “**Monitor and evaluate programmes, projects and initiatives funded by the Fund**”.
3. Section 69 1(a) to read “**collect the tourism levy imposed under section 105 of this act, receive and administer proceeds apportioned by section 3 of the air passenger service charge act. Cap 475 (amended 2025) or any other written law;**”
4. Section 69 (1)(e) insert the word “**in consultation and concurrence with the Cabinet Secretary responsible for Tourism matters**” immediately after the word disbursement.
5. Insert immediately after section 69 (1)(f) “**To advise the Cabinet Secretary on amounts and timing for the fund levy collection or transfers into the Fund**”.
6. In section 73 (2) insert the words “**Tourism or Economic or Business management**” immediately after the word financial.
7. Insert a new paragraph immediately after 73(3) to read “**73(4) The Chief Executive Officer appointed under section 73(1) shall be the Administrator of the Fund.**” and the current section **73 (4)** to be **73 (5)**.

The proposed further consequential amendment of the Tourism Act 2011 Cap 381, will ensure that, the objects and purpose of the proposed apportionment of Tourism Fund, currently designated to Tourism Promotion Fund is maintained and that there is well laid down provisions for receiving and disbursing the funds.

Yours *sincerely*,



Hon. Rebecca Miano, EGH
CABINET SECRETARY

KCAA/CONF/001C/VOL.7

13th August, 2025

Clerk of the National Assembly

Office of the Clerk
The National Assembly
Main Parliament Building
P. O. Box 41842-00100

NAIROBI

Dear Sir,

MEMORANDUM ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 35)

Please make reference to your Invitation to Submit Memoranda published in the Daily Nation of Wednesday, 6th August, 2025.

Kenya Civil Aviation Authority (KCAA) submits its memorandum on the Air Passenger Service Charge (Amendment) Bill, 2025 (National Assembly Bill No. 35) as follows:

1. KCAA supports the reallocation of proceeds from the Tourism Promotion Fund to Tourism Fund based on the justification in the invitation to submit memoranda but without change in apportionment.
2. KCAA supports the allocation of proceeds to the proposed Kenya Meteorological Service Authority save for the Meteorology Services for Air Navigation component and attendant charges that are housed at KCAA based on the requirements of International Civil Aviation Organization (ICAO) Annex 3 to the convention on international civil aviation - Meteorological Service for International Air Navigation and attendant submissions made before the Environment Committee of Senate in the write-up attached hereto. The proposed allocation to the Kenya Meteorological Service Authority should not affect the current apportionment to KCAA because the apportionment amount was arrived at based on an ICAO cost-recovery principle.
3. In addition, KCAA proposes the amendment of s.6A of the Air Passenger Service Charge Act as follows: Insert "*...and the Kenya Civil Aviation Authority Fund established under the Civil Aviation Act, CAP 394, respectively,*" immediately after the name Kenya Airports Authority; and Insert "*.....in proportions determined by the Cabinet Secretary pursuant to section 10 of this Act*" at the end of the sentence. This is to enable the Commissioner to remit KCAA's portion of the charge directly to KCAA as opposed to the current practice where the charge is remitted through Kenya Airports Authority, a process that is fraught with reconciliation and delayed remittance challenges.
4. And consequent to paragraph 3 above, KCAA proposes the amendment of s. 17C(b) of the Kenya Airports Authorities Act, CAP 395 as follows: Delete "(b)"

monies for the expenditure of the Kenya Civil Aviation Authority in accordance with section 3(3) of the Air Passenger Service Charge Act."

KCAA is available to make any clarification or provide any additional information and/or documentation required.

Submitted for your kind consideration.

Yours Faithfully,



George O. Mogaka
For: DIRECTOR GENERAL

A. World Meteorological Organization and International Civil Aviation Organization

World Meteorological Organization Technical Regulations Volume II, *Meteorological Service for International Air Navigation* was discontinued on 31st December, 2023 and ICAO Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation*, is currently in force.

ICAO Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation* is the standard currently in force

ICAO Annex 3 provides at Foreword – Relation to corresponding WMO publications

The Regulatory material contained in Annex 3 is, except for a few minor editorial differences identical with that appearing in the Technical Regulations (WMO-No. 49) Volume II - *Meteorological Service for International Air Navigation*, Parts I and II.

ICAO Annex 3 provides at 2.1 – Objective, determination and provision of meteorological service that:

- 2.1.1 The objective of meteorological service for international air navigation shall be to contribute towards the safety, regularity and efficiency of international air navigation;
- 2.1.2 The objective shall be achieved by supplying the following users: operators, flight crew members, air traffic services units, search and rescue services units, airport managements and others concerned with the conduct or development of international air navigation with the meteorological information necessary for the performance of their respective functions;
- 2.1.3 Each contracting state shall determine the meteorological service which it will provide to meet the needs of international air navigation. This determination shall be made in accordance with the provisions of the Annex and in accordance with regional air navigation agreement; it shall include the determination of the meteorological service to be provided for international air navigation over international waters and other areas which lie outside the territory of the State concerned;
- 2.1.4 Each contracting State shall designate the authority, hereinafter referred to as the meteorological authority, to provide or arrange for the provision of meteorological service for international air navigation on its behalf. Details of the meteorological authority so designated shall be included in the State aeronautical information publication in accordance with Annex 15 Chapter 5;
- 2.1.5 Each contracting state shall ensure that the designated meteorological authority complies with the requirement of the World Meteorological Organization in respect of qualifications, competencies, education and training of meteorological personnel providing services for international air navigation.

ICAO Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation has been domesticated in Kenya under the Civil Aviation Act, CAP 394 and Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166*

CIVIL AVIATION ACT, CAP 394

2. Interpretation

(1) In this Act, unless the context otherwise requires — "publication" includes information given in any of the following publications issued, whether before or after the commencement of this Act — (e) aeronautical information circulars for aviation meteorology;.....

82. Regulations

(1) The Cabinet Secretary shall make regulations to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating air navigation, air transport, air accident investigation and carrying out and giving effect to any convention.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations — k) requiring persons engaged in or in connection with meteorology to supply meteorological information for the purpose of air navigation;.....

THE CIVIL AVIATION (METEOROLOGY SERVICES FOR AIR NAVIGATION) REGULATIONS, 2018 - LEGAL NOTICE NO. 166

Part II — Provision of Meteorology Services for Air Navigation Provider

4. (1) The Authority shall designate a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.

(2) Details of the meteorological authority designated under sub regulation (1) shall be included in the Kenya Aeronautical Information Publication.

(3) A person shall not provide meteorology services for air navigation unless—

(a) such person has been authorized by the Authority in accordance with Civil Aviation (Certification of ANSPs) Regulations; and

(b) the services are provided in accordance with the requirements prescribed in these Regulations and any associated standards and procedures.

5. A person authorized to provide meteorology services for air navigation under regulation 4 shall do so in accordance with the procedures described in—

(a) the Manual of Operations required under these regulations; and

(b) the quality management system manual required under these Regulations.

6. (1) The provider of meteorology services for air navigation shall, before providing the services, be satisfied that—

(a) the personnel are adequate in number and have the necessary competency to provide the service;

(b) the Manual of Operations contains all the relevant information;

(c) the facilities, services and equipment are established in accordance with these Regulations;

(d) the operating procedures make satisfactory provision for the safety of aircraft;

- (e) an approved quality management system is in place;
- (f) the person has financial capability to provide the service; and
- (g) the applicant has insurance policy in force in relation to the services provided.

Under an Aeronautical Information Publication dated 18th April, 2024, Kenya Civil Aviation Authority and Kenya Meteorological Department have been designated as authorities, amongst others, concerned with facilitating international air navigation.

Proposed Submission

1. From the above review, the applicable standard for Meteorological Service for International Air Navigation is ICAO Annex 3 to the convention on international civil aviation, following discontinuation of the World Meteorological Organization Technical Regulations Volume II, *Meteorological Service for International Air Navigation* on 31st December, 2023.
2. The requirements of Annex 3 to the convention on international civil aviation have been domesticated under the Civil Aviation Act CAP 394, and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166, and hence there is already an existing legal and regulatory framework for provision of Meteorology Services for Air Navigation.
3. The Aeronautical Authority for the State of Kenya for purposes of international civil aviation is the ministry responsible for matters relating to civil aviation and in this case the Ministry of Roads and Transport – State Department for Transport.
4. The Authority responsible for oversight of civil aviation (including all other entities that have linkage to civil aviation) in Kenya is Kenya Civil Aviation Authority.
5. The Cabinet Secretary responsible for matters relating to civil aviation in exercise of powers bestowed under section 82 of the Civil Aviation Act has published regulations and amongst them, the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166 in compliance with the provisions of Article 37 to the Convention on International Civil Aviation as is the obligation of the State.
6. The Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 at 4(1) empower the Kenya Civil Aviation Authority with the responsibility of designating a person to provide or arrange for the provision of meteorological service for air navigation on its behalf.
7. Kenya Civil Aviation Authority has designated the Air Navigation Service Provider (a directorate functionally delinked from KCAA), and Kenya Meteorological Department as the entities to provide or arrange for the provision of meteorological service for air navigation on behalf of the State.
8. Clause 6 of the Meteorology Bill – *Object of the Authority* - which provides that 'The object of the Authority shall be the provision, regulation, co-ordination, monitoring, management and control of meteorological services' should be revised so as to remove 'meteorological services for air navigation' and wherever else appearing in the bill, which should be left for establishment and regulation under the Civil Aviation Act and Regulations - A framework that is currently in

existence and in operation. If to provide meteorology services as envisaged under Annex 3, Civil Aviation Act, and Civil Aviation Regulations, the Kenya Meteorological Services Authority will need to establish that function and apply for certification by Kenya Civil Aviation Authority and designation to enable it provide meteorological services for air navigation.

Clause 6 of the Meteorology Bill – *Object of the Authority* - should be revised to remove 'meteorological services for air navigation' and wherever else appearing in the bill, as well as any reference in the Bill to services relating to meteorological services for air navigation which should be established and regulated under the existing legal and regulatory framework domesticated from Annex 3 to the convention on international civil aviation - *Meteorological Service for International Air Navigation*.

9. The current civil aviation regulations state that a provider of meteorological services for air navigation must be authorized by the Authority in accordance with Civil Aviation (Certification of ANSPs) Regulations.
10. KCAA regulates Air Navigation Services (ANS) and meteorological services for air navigation is part of ANS as per ICAO definition. i.e. services provided to air traffic during all phases of operations including Air Traffic Management (ATM), Communication, Navigation and Surveillance (CNS), meteorological services for air navigation (MET), Search and Rescue (SAR) and Aeronautical Information Services (AIS). (Doc 9734- Safety Oversight Manual Part A- The establishment and management of a State Safety Oversight System) Third Edition, 2017.
11. There is currently no gap in the provision of meteorological services for air navigation and any services required from the Kenya Meteorological Services Authority will be provided under the framework of a memorandum of understanding or agreement.

B. COMMENTS ON THE KENYA METEOROLOGY BILL

	Clause	Citation	Comment	Justification
1.	Clause 2 – Interpretation	<p>“aeronautical meteorological services” means services provided to air navigation for safety and security reasons and comprise the following;</p> <ul style="list-style-type: none"> (a) en route meteorological forecast and warning services for both international and national flights; (b) low-level significant weather charts for general aviation; (c) aerodrome meteorological information; (d) provision of aviation specific research and development; and (e) provision of significant meteorological information; 	Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
2.		<p>“flight information region” means an air space of defined dimensions within which flight information and alerting services are provided:</p>	Delete	This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
3.		<p>“meteorological watch office” means an office designated to provide information concerning the occurrence or expected</p>	Delete	This is already provided for in the Civil Aviation Act,

		occurrence of specified en route weather and any other phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region;		CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166
4.	Clause 4 – Objects of the Act	The object of this Act shall be to- (a) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and (b) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, and in particular the Convention of World Meteorological Organization, to which Kenya is a party	Amend as follows: The object of this Act shall be to- (c) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and (d) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, <u>save for meteorological services for air navigation</u> , and in	The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166. The regulator for provision of air

			<p>particular the Convention of World Meteorological Organization, to which Kenya is a party</p>	<p>navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.</p>
5.	<p>Clause 6 – Objects of the Act</p>	<p>The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services.</p>	<p>Though this is a repetition of clause 4, we propose amendment as follows if retained:</p> <p>The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services, <u>save for meteorological services for air navigation.</u></p>	<p>The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No.</p>

				166. The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.
6.	Clause 7(d)	provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation;	Amend as follows: provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line-accordance with <u>the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;</u>	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
7.	Clause 7(e)	provide timely meteorological information for search and rescue services and accident investigation;	Amend as follows: provide timely meteorological	To avoid conflicting provisions in two statues, and ensure

			information for search and rescue services and accident investigation in accordance with the requirements of <u>Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;</u>	alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
8.	Clause 7(m)	in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers;	Amend as follows: in collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers in accordance with the requirements of Civil Aviation Act, CAP 394, and relevant Regulations thereunder on training of aviation personnel;	Training and rating of personnel in the aviation industry is regulated. For Kenya Meteorological Service Authority to train air traffic controllers, it will need to go through a process for certification as an approved training organizations as provided for under the Civil Aviation (Approved Training Organization) Regulations – Legal Notice No. 93
9.	Clause 8(b)	regulate and set standards for the provision of meteorological services;	Amend as follows: regulate and set standards	To avoid conflicting provisions in two statues, and ensure

			for the provision of meteorological services <u>save for meteorological services for air navigation</u> ;	alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
10	Clause 9(1)	The Authority shall regulate the meteorological services in Kenya.	Amend as follows: The Authority shall regulate the meteorological services in Kenya <u>save for meteorological services for air navigation</u> .	To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.
11	Clause 33(1)(g)	money collected under the Air Passenger Service Charge Act; and	Delete	Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and

				<p>cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).</p>
12	<p>Clause 43(1)(b)</p>	<p>the cost recovery for aeronautical meteorological and marine meteorological services;</p>	<p>Amend as follows:</p> <p>the cost recovery for aeronautical-meteorological and marine meteorological services;</p>	<p>To avoid conflicting provisions in two statues on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework. Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary</p>

				<p>may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges;</p>
13 Clause 11	<p>No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority</p>	<p>Amend as follows: No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority <u>save for air traffic controllers.</u></p>	<p>Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather which has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.</p>	



13th August 2025

Your ref: MFA.REL/63 VOL.9 (43)

Our Ref: GI_CNA_0825_631_DO

Clerk of the National Assembly
P.O. Box 41842 - 00100

NAIROBI

Dear Sir,

**RE: MEMORANDUM ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025)**

Kenya Airways presents its compliments to the Clerk of the National Assembly and hereby submits its memorandum on the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025).

We are available to meet and further clarify anything to the Committee even as we hope they will consider our recommendations. Thank you again for your support in advancing the course of the national carrier.

Yours Sincerely,

Mrs. Hellen Mwariri
Chief Innovation & Strategy Officer

MEMORANDUM ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT)
BILL, 2025

1. Introduction

The aviation industry has long been a critical sector for global economic activity, connecting people, goods, and services across countries. However, the industry continues to grapple with increased financial burdens due to a variety of taxes, fees and charge structures imposed by governments worldwide, airport authorities, and other stakeholders. These taxes and charges significantly shape airlines' operational costs, have a massive influence on ticket pricing, profitability, and passenger demand/traffic.

This memorandum presents Kenya Airways' observations and comments on the Air Passenger Service Charge (Amendment) Bill, 2025, with specific reference to the differences between the Bill and the current Air Passenger Service Charge Act (CAP 475). It aims to support constructive engagement during the public participation process.

2. Key Observations

a) Addition of Kenya Meteorological Service Authority as a Beneficiary

The Bill introduces the Kenya Meteorological Service Authority as a new recipient of the Air Passenger Service Charge proceeds.

Kenya Airways supports the strengthening of meteorological services given their role in enhancing flight safety and operational reliability. Any change in allocation should be structured so that it does not reduce the resources available to agencies whose functions directly enable airline operations, such as KCAA and KAA. Safeguarding these allocations will ensure continued investment in infrastructure, oversight, and services that benefit both the airline and the wider aviation sector.

International practice typically funds aviation meteorological services via air navigation charges. Introducing funding from passenger charges may affect cost distribution between passengers and operators.

b) Change from Tourism Promotion Fund to Tourism Fund

The Bill replaces the Tourism Promotion Fund with the Tourism Fund as a beneficiary. This change addresses duplication in tourism sector funding mechanisms, but transition arrangements should be clearly defined to ensure no disruption to existing tourism promotion commitments already financed through the Tourism Promotion Fund.

c) Apportionment Authority

The Bill retains the Cabinet Secretary's authority to apportion funds by Gazette notice, but clarifies reference to the Ministry of Transport.

This approach preserves flexibility in revenue distribution. Kenya Airways notes the importance of continued engagement with stakeholders during any review of allocations to ensure that funding decisions reflect sector priorities and support the sustainability of all beneficiaries.

d) Level of Charge and Exemptions

The Bill does not alter the existing rates (USD 50 for external journeys, KES 600 for internal journeys) or exemptions. Maintaining the current rates provides stability for passengers and operators, while the inclusion of a new beneficiary offers an opportunity to optimize allocations within the existing revenue framework so that all mandated functions, including those that directly support airline operations, continue to be well resourced.

e) Amendment Retains Power of Cabinet Secretary to Vary Charges

The Bill also retains the provision empowering the Cabinet Secretary to vary these charges, from time to time, by notice in the Gazette. Kenya Airways notes that such variations, if done without consultations with the sector stakeholders, can have significant implications for the sector, particularly on ticket pricing and operational planning. It is therefore important that any proposed changes be preceded by structured stakeholder engagement to ensure that adjustments are predictable, transparent, and aligned with sector priorities.

Discourses on aviation charges in Africa today appreciate the fact that the aviation sector in Africa is seriously being overtaxed making travel by air very expensive. There is growing consensus on the need to use any available opportunity to reduce and or rationalize aviation taxes, charges and levies to spur air passenger and cargo traffic and thereby grow Africa's aviation.

According to the Official Airline Guide (OAG), Intra-Africa passenger traffic is only 30%, Domestic 37% and 33% international. Africa has a paltry less than 2% share of the global air passenger traffic. The lower traffic demand is mainly attributed to economical factors, low trade between states and other economic barriers. The high costs to airlines of operations, leases, ground handling, navigation, high government taxes among others lead to high fares, exacerbates the cost of travel and makes Africa's aviation non-competitive.

In November last year, the ECOWAS Experts and Ministers-in-Charge of Air Transport held a consultative Meeting in Lome-Togo, focusing on Aeronautical Charges. The meeting rightly observed that the aviation sector in Africa is seriously being overtaxed making travel by air very expensive. The Commission made the bold recommendation of removal of four taxes: Ticket tax, Solidarity tax, Tourism tax and Foreign travel tax as they do not contribute directly to the development of aviation and yet have an high adverse impact on the competitiveness of airlines. According to the Commission, the removal of these taxes would create/stimulate new and additional demand for air transport services, reduce the airfare by 40% and generate more revenue for the States. The Commission further recommended a minimum reduction of **25% of passenger charge and security charge**, both considered excessive relative to the services provided. These were to enter into force by 1st January 2026.

The total fare price of tickets within the EAC/ Northern Corridor region is impacted by the high taxation. The table below (1.1) shows the government taxes directly collected by the

airlines in the tickets for submission to government as is. These exclude other taxes such as Income taxes, PAYE, VAT, levies, and fees.

	South Sudan	Kenya	Rwanda	Burundi	Uganda	Tanzania
Total Taxes (KES)	43,900.00	6,505.00	6,510.00	6,120.00	6,510.00	7,035.00
In USD	340.23	50.41	50.45	47.43	50.45	54.52

3. Recommendations

- Ensure that the inclusion of the Kenya Meteorological Service Authority is implemented in a manner that sustains or enhances the funding of functions that directly support airline operations, such as air navigation oversight, safety regulation, and airport infrastructure.
- Explore funding models for aviation meteorological services that align with ICAO principles and sector best practice, ensuring they are cost-neutral to airlines and passengers while still strengthening service delivery.
- Put in place clear transition arrangements for the shift from the Tourism Promotion Fund to the Tourism Fund to safeguard ongoing programmes and maintain predictable funding flows.
- Continue structured engagement with the aviation sector in any review of apportionment ratios so that allocation decisions reflect operational realities and support long-term sector growth.
- The charge should be maintained as is or in the worst case scenario reduced so as not to further impact the competitiveness of Kenya's aviation. Where the Cabinet Secretary exercises the authority to vary Air Passenger Service Charges, ensure that this is preceded by comprehensive consultation with the sector stakeholders, with adequate notice to allow for operational and commercial planning. Such engagement will help ensure that any adjustments are predictable, transparent, and aligned with sector sustainability.

4. Additional Kenya Airways Submissions

a) Section 6 – Failure to Remit Charge

Current Provision: The Act imposes a fine and a monthly penalty on collection agents who fail to remit the Air Passenger Service Charge within the prescribed period.

Proposal: Replace the current penalty with a 1% monthly interest on unpaid amounts and give the Commissioner discretion, upon written application, to remit interest wholly or partially where there is reasonable cause and subsequent compliance. The Commissioner would be required to record reasons for any remission, subject to audit.

Expected Result: Harmonize the APSC penalty framework with other tax laws, reduce disputes over differential treatment, and improve enforceability by adopting a regime consistent with the Tax Procedures Act.

b) Proposed New Provision – Dispute Resolution

Current Provision: The Act does not currently provide a formal dispute resolution mechanism for disagreements between the Commissioner and collection agents.

Proposal: Introduce a structured process starting with written notice and engagement between the parties, followed by a formal objection procedure, and allow appeals to the Tax Appeals Tribunal and higher courts.

Expected Result: Provide a transparent and predictable process for resolving disputes, minimize uncertainty and protracted disagreements, reduce litigation costs, and enhance compliance while protecting revenue timelines.

5. Conclusion

Kenya Airways fully supports measures that enhance aviation safety, operational efficiency, and service reliability, including improved meteorological services that contribute to safe and timely flight operations. In implementing the Bill, it is important to maintain funding levels for functions that directly support airline operations, such as regulatory oversight and airport infrastructure. We encourage the adoption of an implementation framework that safeguards these priorities, ensures smooth transitions, and delivers outcomes that strengthen Kenya's position as a competitive regional aviation hub.

