



MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (SECURITY) REGULATIONS, 2025

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

1. Purpose of the Statutory Instrument

These regulations aim to safeguard civil aviation operations against acts of unlawful interference, enhance national security, and ensure compliance with international aviation security standards. They provide comprehensive guidelines for preventing, detecting, and responding to security threats within Kenya's aviation ecosystem, thereby promoting the safe, secure, and efficient operation of air transport services.

2. Legislative Context

The Regulations are grounded in the Civil Aviation Act, Cap 394, which provides the legal framework for managing civil aviation and are aligned with Kenya's

obligations under the Chicago Convention, particularly Annex 17 (Security), which sets international standards for safeguarding civil aviation against acts of unlawful interference. Kenya, as a signatory to the Convention, is required to establish and maintain a national aviation security program that meets or exceeds these standards.

In addition to international obligations, the regulations integrate Kenya's national security laws and align with regional aviation security frameworks, such as those developed by the African Civil Aviation Commission (AFCAC). The regulations also update provisions introduced in earlier versions of the Kenya Civil Aviation (Security) Regulations, addressing contemporary security challenges and reflecting advancements in aviation technology.

3. Policy Background

Aviation security is a critical component of Kenya's broader national security strategy and economic development agenda. With the aviation sector serving as a key enabler of trade, tourism, and regional connectivity, the government has prioritized measures to safeguard this vital industry against evolving security threats. By aligning with ICAO SARPS and other global benchmarks, the regulations help maintain Kenya's standing as a compliant member of the international aviation community, thereby avoiding sanctions and fostering confidence among international airlines and investors.

The underpinning consideration for these Regulations is the promotion of economic stability through enhanced security measures protect Kenya's aviation industry from disruptions, ensuring the continued flow of goods, services, and passengers, which is essential for economic growth.

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

4. Consultation Outcome

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

The list of attendees and the matrix of stakeholder comments is attached as Appendix 1.

5. Regulatory Impact Assessment

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

6. Monitoring and Review

As part of the KCAA mandate provided under the Civil Aviation Act, KCAA shall be responsible for ensuring the implementation and monitoring of the Security Regulations.

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

7. Contact

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