



MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (PERSONNEL LICENSING) REGULATIONS, 2025

Name of the statutory instrument	Kenya Gazette Supplement No.76.... Legislative Supplement No.45.....
Name of the Parent Act	The Civil Aviation Act (CAP 394)
Enacted Pursuant to	Section 82
Name of the Ministry	Ministry of Roads and Transport
Gazetted on	25th March, 2025
Tabled on	

1. Purpose of the Statutory Instrument

The purpose of the instrument is to provide the regulatory framework to facilitate the safe, controlled and regulated manner for the approval of training organisations within the aviation industry. It defines the requirements for application, processing as well as the privileges and obligation of approved training organisations certified by the Kenya Civil Aviation Authority under the Civil Aviation Act.

2. Legislative Context

Training of licensed personnel within the civil aviation industry is a critical component to the management of safe and secure operations within the civil aviation industry. Oversight of training organisations is therefore critical to ensure that the capacity and proficiency of licensed personnel is appropriate for the operational

environment in Kenya as it ensures appropriate knowledge, skills and competence for safe and secure operations. The International Civil Aviation Organization (ICAO) has published an Annex 1 to the Convention on International Civil Aviation which provides international Standards and Recommended Practices (SARPs) as a basis for Contracting States to certify training organisations.

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

3. Policy Background

The purpose of the Civil Aviation Act is to ensure “control, regulation and orderly development of civil aviation in Kenya”. The Act establishes the Kenya Civil Aviation Authority (KCAA) whose object and purpose is to economically and efficiently plan, develop and manage civil aviation

Personnel licensing is a critical safety component of the civil aviation system, hence the need for effective regulation of the licensing of personnel within the civil aviation system to meet international standards established by ICAO. It is Kenya’s policy to promote and facilitate civil aviation activities by ensuring only persons who meet the qualification, skill and expertise required are allowed to exercise the privileges of the various licenses covered under the personnel licensing regulations.

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 Safety Management Regulations, stakeholder engagement meetings were held on various dates as follows:

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

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

5. Regulatory Impact Assessment

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

6. Monitoring and review

As part of the KCAA mandate provided for under the Civil Aviation Act, KCAA shall be responsible for ensuring the effective implementation of the personnel licensing regulations.

7. Contact

The contact person in respect of this statutory instrument is:

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