



MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE:

**CIVIL AVIATION (OPERATION OF AIRCRAFT – COMMERCIAL AIR
TRANSPORT) REGULATIONS, 2025**

**CIVIL AVIATION (OPERATIONS OF AIRCRAFT – GENERAL
AVIATION) REGULATIONS, 2025**

**CIVIL AVIATION (OPERATIONS OF AIRCRAFT – HELICOPTER)
REGULATIONS, 2025**

**CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND
ADMINISTRATION) REGULATIONS, 2025**

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

1. Purpose of the Statutory Instrument

The purpose of the instruments is to provide the regulatory framework to facilitate the safe, controlled and regulated manner for the operation of commercial operation of civil aircraft in Kenya. The instruments define specific requirements for undertaking commercial operation of civil aircraft in Kenya for international air navigation, general aviation, helicopter operations and the certification and administration of air operators.

The instruments cover the operational requirements as well as the application and processing of air operator certificates. Further, the management of certified entities by Kenya Civil Aviation Authority under the Civil Aviation Act is also addressed in these instruments.

2. Legislative Context

Operational requirements for air operators engaged in international commercial operations, helicopter operations and general aviation compose the main activities for the civil aviation system in Kenya. Additionally, their safe and secure operations are dependent on effective oversight which stems from their certification and general management.

Certified operators form the basis upon which compliant and safe air operations are undertaken. The requirements for such certification are contained in the certification and administration regulations while the specific requirements to comply with are contained in the operation of aircraft regulations.

The International Civil Aviation Organization (ICAO) has published the following annexes to the Convention on International Civil Aviation which provides international Standards and Recommended Practices (SARPs) as a basis for Contracting States to develop operation of aircraft regulations:

- (a) Annex 6 Part I – Operation of Aircraft, International Commercial Air Transport – Aeroplane
 - (b) Annex 6 Part II – Operation of Aircraft, International General Aviation – Aeroplanes
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(c) Annex 6 Part III – Operation of Aircraft, International Operations – Helicopters

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 these four statutory instruments 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.

Operation of aircraft is a safety critical activity of the civil aviation system, hence the need for effective regulation to govern the operation of aircraft as well as certification of air operators within the Kenyan civil aviation system that meet international standards established by ICAO. It is Kenya’s policy to promote and facilitate civil aviation activities by ensuring only persons who meet operational, and management capacity required are allowed to exercise the privileges of operating aircraft for commercial or general aviation purposes. The policy objective therefore is to provide a regulatory framework to support the certification of air operators as well as operations of aircraft within the civil aviation sector throughout the country.

This policy is consistent with the existing legislation and will facilitate the certification of air operators and their operations in line with international standards and national requirements.

Operation of State aircraft provisions are not within the scope of the policy.

4. Consultation Outcome

In the development of the Air Operator Certification & Administration and Operation of Aircraft 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 air operator certification and administration regulations, operation of aircraft international commercial operations, operation of aircraft general aviation and the operation of aircraft helicopter regulations.

7. Contact

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