



MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (INSTRUMENT, EQUIPMENT AND FLIGHT DOCUMENTS) REGULATIONS 2025

Name of the statutory instrument	Kenya Gazette Supplement No.75 Legislative Supplement No.4A
Name of the Parent Act	The Civil Aviation Act (CAP 394)
Enacted Pursuant to	Section 82
Name of the Ministry	Ministry of Roads and Transport
Gazetted on	, 2025
Tabled on	

1. Purpose of the Statutory Instrument

The purpose of the instrument is to provide the regulatory framework to facilitate the safe, controlled and regulated manner for the instrument, equipment and flight documents of aircraft operated in the Kenyan airspace whether registered in Kenya or operating into or through the Kenyan airspace.

The instrument is aimed at defining the aircraft instrumentation and equipment requirements as well as documents to be maintained on such aircraft and ensure that

they meet the international requirements for registration of aircraft as provided for in international protocols on aircraft instruments, equipment and flight documents for aircraft engaged in international air navigation.

2. Legislative Context

Instruments, equipment and flight documents carried on an aircraft are critical for the safe navigation of such aircraft in various classes and categories of airspace and for a variety of purposes.

Regulation of aircraft instruments, equipment and flight documents is therefore critical to ensure that aircraft can safely navigate through the airspace and possess the necessary documents aligned to requirements established in international protocol. The requirements for instruments, equipment and flight documents carried on board aircraft are established by the International Civil Aviation Organization (ICAO) and published in Annex 6 to the Convention as Standards and Recommended Practices (SARPs).

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, the 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.

Appropriate instruments, equipment and flight documents are safety critical for the safe conduct of flights, hence the need for effective regulation to ensure that they meet international standards established by ICAO. It is Kenya’s policy to promote

and facilitate civil aviation activities by ensuring safe air navigation that meets international requirements. The policy objective therefore is to provide a regulatory framework to support the provision of aeronautical information services throughout the country.

Instruments, equipment and flight documents for Military flights are not within the scope of the policy and this statutory instrument except to the extent that it supports air navigation in shared airspaces.

This policy is consistent with the existing legislation and will facilitate the authorization of civil flights in line with international standards and national requirements.

4. Consultation Outcome

In the development of the Instrument, Equipment and Flight Documents Regulations, stakeholder engagement meetings were held on various dates as follows and comments incorporated in the Regulations:

- (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 instruments, equipment and flight documents regulations.

7. Contact

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