



MINISTRY OF ROADS AND TRANSPORT

EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (AIR TRAFFIC SERVICES) 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
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 contribute towards the safety, regularity and efficiency of air navigation. It provides for compliance to the International Civil Aviation Organization (ICAO) requirements in the development and maintenance of the Air Traffic Services within designated airspaces and at aerodromes for civil aviation purposes in Kenya. This is geared towards enhancing the safety of aircraft operations as they operate from one airport to another, as issued by the Kenya Civil Aviation Authority under the Civil Aviation Act.

2. Legislative Context

The Air Traffic Services within civil aviation are a critical component to the management of safe and secure operations within the civil aviation industry. Air Traffic Services form an original line of defense against risks that reside within the operational environment as it ensures safe operations of aircraft within the Kenyan airspace. The International Civil Aviation Organization (ICAO) has published an Annex 11 to the Convention on International Civil Aviation which provides international Standards and Recommended Practices (SARPs) as a basis for Contracting States to develop Air Traffic Services Regulations. 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, promulgation of the Air Traffic Services 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.

Air Traffic Services is a critical safety component of the civil aviation system, hence the need for effective regulation of the Air Traffic Services within the civil aviation system meet international standards established by ICAO. It is Kenya’s policy to promote and facilitate civil aviation activities by ensuring flights are operated in a safe and orderly manner under the Air Traffic Services Regulations. The policy objective therefore is to provide a regulatory framework to support the provision of Air Traffic Services within the civil aviation sectors throughout the country.

This policy is consistent with the existing legislation and will assist in the development of specific regulations for Air Traffic Services.

4. Consultation Outcome

In the development of the Air Traffic Services, 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, shall be responsible for ensuring the effective implementation of the Air Traffic Services Regulations.

7. Contact

The contact person in respect of this statutory instrument is:

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