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EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION (SAFETY MANAGEMENT) 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 provide the regulatory framework to facilitate the safe, controlled and regulated management of safety within the aviation industry in Kenya. It defines the responsibilities, obligations and accountabilities for the management of safety by service providers (certified by the Kenya Civil Aviation Authority under the Civil Aviation Act) as well as sets out the requirements for the establishment and management of a state safety programme and the protection of aviation safety data from inappropriate use.

2. Legislative Context

Safety management is a critical component upon which the aviation industry ensures acceptable performance of all regulated entities and achievement of the aspiration for a safe and secure civil aviation system. Oversight of service providers' ability to

manage safety is therefore critical to ensure that operations and other risks within the aviation system are effectively managed in accordance with international requirements. The International Civil Aviation Organization (ICAO) has published an Annex 19 to the Convention on International Civil Aviation which provides international Standards and Recommended Practices (SARPs) as a basis for Contracting States for the management of safety.

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 safety management 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

Safety management is a critical 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 appropriate management of safety within the aviation system by service providers.

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 globalized 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 under the Civil Aviation Act, KCAA shall be responsible for ensuring the effective implementation of the safety management regulations.

7. Contact

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