

**MINISTRY OF TRANSPORT AND INFRASTRUCTURE
DEVELOPMENT**

**EXPLANATORY MEMORANDUM TO THE CIVIL AVIATION
(REGULATORY FEES AND CHARGES FOR UNMANNED AIRCRAFT
SYSTEMS) REGULATIONS, 2020.**

Name of the statutory instrument : Kenya Gazette Supplement No.....
Legislative Supplement No. **5 of 2021**
Legal Notice No.....

Name of the Parent Act : The Civil Aviation Act (No. 21 of 2013)

Enacted Pursuant to : Section 82 of the Civil Aviation Act
(No. 21 of 2013)

Name of the Ministry : Ministry of Ministry of Transport
Infrastructure, Housing, Urban
Development and Public Works

Gazetted on : **29th January, 2021**

1. Purpose of the Statutory Instrument

The purpose of the instrument is to provide the Regulatory Fees and Charges applicable for the operations of Unmanned Aircraft Systems (UAS) in the country. It prescribes the amounts chargeable prior to importation and registration of a UAS, certification of operators and training institutions as well as licensing of UAS Pilots.

2. Legislative Context

The Civil Aviation (Unmanned Aircraft Systems) Regulations 2020 were promulgated on 30th March, 2020. Consequently, KCAA has held deliberations with the stakeholders and proposes the applicable fees and charges applicable for provision of services to the general public.

The Civil Aviation Act, 2013 Section 8(1) and Section 35 provides that KCAA may determine, set out and levy rates, charges, dues or fees for any services performed by the Authority, or for use by any person of the facilities provided by the Authority or for the grant, renewal or validation of a licence, permit or certificate.

3. Policy Background

The Civil Aviation Act “provides for 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.

UAS are a new component of the global aviation system. Kenya is working towards integrating UAS into its civil aviation regulatory framework. It is Kenya’s policy to promote and facilitate civil aviation activities involving UAS by ensuring there exists a balance between facilitating growth of the UAS industry and recovery by the Authority of the resources it has invested to facilitate the operation and use of UAS in Kenya.

4. Consultation Outcome

Due to the challenges posed by the pandemic and to be compliant with the directives in place dissuading from the holding of public gatherings, the Authority did not hold a meeting to discuss the charges, instead, KCAA advertised and invited for stakeholders to give their input through online platform.

The advertisement as well as a sample of the comments and input received from some stakeholders is attached as **Annex 1**.

The proposed Regulatory Fees and Charges before the stakeholder’s comments and input is attached as **Annex 2**.

The cross cutting proposal from the industry was a request for reduction of the proposed charges.

The Final Regulatory Fees and Charges after the stakeholder's comments and input is attached as **Annex 3**.

5. Impact

KCAA will upon acceding of the Civil Aviation (Regulatory Fees and Charges for Unmanned Aircraft Systems) Regulations, 2020 publish the fees and charges in an Aeronautical Information Circular providing for a period of thirty (30) days before the fees and charges can be applicable. This will afford the general public an opportunity to familiarize themselves with the fees and charges relating to UAS and UAS operation in Kenya.

The fees and charges are expected to have a positive effect on the Authority as a new revenue stream will be created that will enable KCAA enhance its regulatory oversight mandate on UAS operations in Kenya.

6. Monitoring and review

KCAA shall closely monitor the effects of the UAS fees and charges to ensure that the same are facilitatory and not prohibitive to the growth of the UAS industry in Kenya. During implementation some of the identified areas and events that may warrant review include:

- a) Receipt of request/information from stakeholders regarding the application and/or implementation of the regulation that may enhance safe and secure UAS operations;
- b) Significant change in the size and complexity of the UAS operations in Kenya;
- c) Change in technology that may warrant review of the UAS fees and charges;
- d) Review for purposes of enhancing efficiency of the UAS safety oversight system.

7. Contact

The contact person at Kenya Civil Aviation Authority, Capt. Gilbert M. Kibe (gmkibe@kcaa.or.ke, +254 722 51467) may be contacted in case of any questions or clarifications.



efficiently managing air safety

KENYA CIVIL AVIATION AUTHORITY

KCAA/ASSR/GEN/2002Q/31

23rd December, 2020

The Principal Secretary

Ministry of Transport, Infrastructure, Housing,
Urban Development and Public Works
State Department of Transport
P.O. Box 52692-00100

NAIROBI

Dear PS,

THE CIVIL AVIATION (REGULATORY FEES AND CHARGES FOR UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2020

Following the promulgation of Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020 (Legal Notice No. 42) in the Kenya Gazette Supplement No. 34 of 30th March, 2020, the Authority seeks the promulgation of regulatory fees and charges to be levied for various UAS oversight activities.

The Authority has developed the Civil Aviation (Regulatory Fees and Charges for Unmanned Aircraft Systems) Regulations, 2020 and the same have been subjected to public participation as stipulated in the Statutory Instruments Act, 2013.

The purpose of this letter is to forward a draft Explanatory Memorandum for tabling before Parliament, evidence of stakeholder participation and outcome of the stakeholder participation. Kindly facilitate promulgation of the Civil Aviation (Regulatory Fees and Charges for Unmanned Aircraft Systems) Regulations, 2020 to enable KCAA implement the Civil Aviation (Unmanned Aircraft Systems) Regulations, 2020.

Please find attached a copy of the UAS fees and charges for your further action.

Yours Sincerely,

Capt. Gilbert M. Kibe
DIRECTOR GENERAL

Encl.




STAKEHOLDER COMMENTS ON DRAFT UAS CHARGES

Following the promulgation of the Civil Aviation (Unmanned Aircraft Systems) - Drones Regulations 2020, Kenya Civil Aviation Authority is in the process of ensuring implementation of the regulations. To this end and in compliance with the provision of the Civil Aviation Act, draft charges for Unmanned Aircraft Systems (UAS) have been developed and published on the KCAA website for stakeholder consultation and comments.

Noting the adverse effects of COVID-19 and in particular the impossibility of gatherings for purposes of conducting stakeholder consultation and reception of comments, KCAA will be accepting comments on the draft charges electronically.

The general public wishing to make comments on the draft charges are required to complete attached form for consideration.

The stakeholder consultation will be undertaken 19th May 2020 through 26th May 2020. Comments should be submitted on or before 27th May 2020.

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Kenya Civil Aviation Authority

584 photos & videos

Following

Kenya Civil Aviation Authority @CAA_Kenya · May 23

To complement the current UAS (Drones) Draft Charges comments form, you can now submit your comments via this online form. Follow this link bit.ly/uascommentsform to submit your comments.



STAKEHOLDER COMMENTS ON DRAFT UAS CHARGES

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Kenya Civil Aviation Authority

Following

854 Photos & videos



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KCAA

Kenya Civil Aviation Authority @CAA_Kenya · May 7

After promulgation of the Unmanned Aircraft Systems - Drones Regulations 2020, we have developed draft charges published on our website for stakeholder consultation here bit.ly/3bct6VI

Make your comments by completing the comments form and email it to rpas@kcaa.or.ke

DRONE CATEGORY	CHARGE	REGISTRATION FEE	OPERATIONAL FEE	INSURANCE FEE	TRAINING FEE	OTHER CHARGES
Category 1
Category 2
Category 3
Category 4
Category 5
Category 6
Category 7
Category 8
Category 9
Category 10

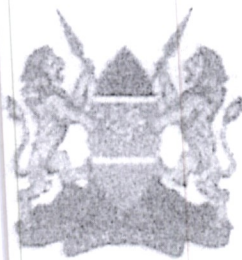


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The Kenya Civil Aviation Authority

STAKEHOLDER COMMENTS ON DRAFT UAS CHARGES

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The general public wishing to make comments on the draft charges are required to complete the attached form and email it to rpas@kcaa.or.ke for consideration.

The stakeholder consultation process will be undertaken from **19 May 2020** through **26 May 2020**. Comments should be received on or before **27 May 2020**.

SPECIAL ISSUE

Kenya Gazette Supplement No.....

..... May, 2020

Legislative Supplement No.)

LEGAL NOTICE NO.

THE CIVIL AVIATION ACT*(No. 21 of 2013)*

IN EXERCISE of the powers conferred by Section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations-

THE CIVIL AVIATION (REGULATORY FEES AND CHARGES FOR AIR NAVIGATION SERVICES) (AMENDMENT) REGULATIONS, 2020

1. These Regulations may be cited as the Civil Aviation (Regulatory Fees And Charges For Air Navigation Services)(Amendment) Regulations, 2020
2. The First Schedule is amended by inserting Part 23 immediately after Part 22 to make provision for Regulatory Fees for Unmanned Aircraft Systems.

NO	SERVICE	CHARGES (USD)	CHARGES (Kshs.)	Current charge of similar items	REMARK
A.	UAS IMPORT & REGISTRATION				
	Issuance of Import Permit	30	3,000		Reg 7
	Registration	30	3,000	6,000 (glider)	Reg 9
	Certificate of Registration Deregistration or Cancellation	20	2000	10,000	Reg 10
	Copy of the UAS Register			3,000	Reg 9
	Change of ownership	25	2,500		
	Amendment of a certificate of registration	40	4,000		
	Issuance of temporary permit	100	10,000	8,000 special flight permit less than 5700 kgs	Reg 11
B.	Airworthiness				
	Issue of Certificate of Airworthiness	To be complied as per current AIW charges		7,000 gliders not exceeding 1000 kgs	Reg 12

C.	Remote Air Operator Certificate (ROC)				
	Initial issue	1000	100,000	100,000 for aircraft below 5,700 kgs	Reg 14 & 16
	Renewal of ROC	500	50,000	80% of the initial	Reg 17
	Amendments of ROC				Reg 18
	Addition of UAS to the ROC.	50	5,000	20% of initial issue of AOC	
	Inclusion of new UAS Type	200	20,000		
	Approval of manuals.	50	5,000	30,000	
D.	TRAINING ORGANIZATION				
	Training organization approval	1000	100,000	100,000	Reg 21
	Renewal of ATOs certificate			80,000	Reg 21
	Modification/Amendment of Approval	500	50,000		Reg 21
E.	AUTHORIZATIONS				
	Operation authorizations	20	2,000		Category A Reg 5 & 13
		25	2,500		Category B & C Reg 5 & 13
	Overflight permit	100	10,000		
	Carriage of dangerous goods		20,000	30,000 Opspecs approval less than 5,700 kgs	Reg 27
Discharge or dropping goods				Reg 42	
F.	LICENSING				
	Issue of SRPL		1,000	1,000	Reg 20 and Schedule 2
	Issue of RPL	40	4,000		Reg 20 and Schedule 2
	Beyond Visual Line of Sight (B-VLOS) Rating		1,000	2,000	Reg 20 and Schedule 2
	Extended Visual Line of Sight (E-VLOS) Rating		1,000	2,000	Reg 20 and Schedule 2
	RPA Observer Certificate				Reg 20 and Schedule 2
	RPA Certificate (for class A operations)				Reg 20 and Schedule 2

	Renewal of RPL	20	2,000	2,400	Reg 20 and Schedule 2
	Instructor rating for RPL	30	3,000		Reg 20 and Schedule 2
	Radio telephone exam		As per KCAA charges for the same		
	Reissuing of duplicate RPL	100	10,000		Reg 20 and Schedule 2
	Validation of RPL	50	5,000		Reg 20 and Schedule 2
	Examinations SRPL	40	4,000	1,500	Reg 20 and Schedule 2
	Examinations RPL		1500	2,500	Reg 20 and Schedule 2
	Examinations Repeat (partial pass)		500	Half of the normal rate	Reg 20 and Schedule 2
	Validation of ICAO Contracting States Licenses SRPL		1000	2,000	Reg 20 and Schedule 2
	Validation of ICAO Contracting States Licenses RPL		4000	4,500	Reg 20 and Schedule 2
G.	OTHER SERVICES				
	Issue/Reissue/Amendment of a letter of approval/no objection etc	40	4,000	7,000	

3. The Civil Aviation (Regulatory Fees and Charges for Remote Piloted Aircraft Systems Services) Regulations, 2017 are revoked. (Repeal LN 290 of 2017)

Dated theth April, 2020.

JAMES MACHARIA,

Cabinet Secretary for

Transport, Infrastructure, Housing and Urban Development.

SPECIAL ISSUE

Kenya Gazette Supplement No.....

.....
.... October, 2020

Legislative Supplement No.)

LEGAL NOTICE NO.

THE CIVIL AVIATION ACT

(No. 21 of 2013)

IN EXERCISE of the powers conferred by Section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works makes the following Regulations-

THE CIVIL AVIATION (REGULATORY FEES AND CHARGES FOR UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2020

1. These Regulations may be cited as the Civil Aviation (Regulatory Fees And Charges For Unmanned Aircraft Systems) Regulations, 2020
2. The fees and charges for services rendered by Kenya Civil Aviation Authority in relation to Unmanned Aircraft System shall be as specified in the Schedule to these Regulations.

SCHEDULE

NO	SERVICE	CHARGES (Kshs.)
A.	UAS IMPORT & REGISTRATION	
	Issuance of Import Permit	3,000
	Registration	3,000
	Certificate of Deregistration or Cancellation	2,000
	Reservation of special Registration Marks Series	10,000
	Copy of the UAS Register	3,000
	Change of ownership	2,500
	Amendment of a certificate of registration	2,000
	Issuance of temporary permit	20,000
B.	Airworthiness	
	Issue of Certificate of Airworthiness	5,000
C.	Remote Air Operator Certificate (ROC)	
	Initial issue	80,000
	Renewal of ROC	50,000
	Amendments of ROC	5,000

	Addition of UAS to the ROC.	2,000
	Inclusion of new UAS Type	10,000
	Approval of manuals.	5,000
D.	TRAINING ORGANIZATION	
	Training organization approval	80,000
	Renewal of ATOs certificate	50,000
	Modification/Amendment of Approval	5,000
E.	CERTIFICATION OF UAS RESALERS AND DISTRIBUTORS	
	Initial issue	80,000
	Renewal	50,000
	Modification/Amendment of Approval	5,000
E.	AUTHORIZATIONS	
	Operation authorizations	Category A 2,000 Category B & C 2,500
	Overflight permit	10,000
F.	LICENSING	
	Issue of SRPL	2,000
	Issue of RPL	4,000
	Beyond Visual Line of Sight (B-VLOS) Rating	2,000
	Extended Visual Line of Sight (E-VLOS) Rating	2,000
	RPA Observer Certificate	2,000
	RPA Certificate (for class A operations)	2,000
	Renewal of RPL	2,000
	Instructor rating for RPL	3,000
	Radio telephone exam	2,000
	Reissuing of duplicate RPL	10,000
	Validation of RPL	5,000
	Examinations SRPL	4,000
	Examinations RPL	4,000
	Examinations Repeat (partial pass)	2,000
	Validation of ICAO Contracting States Licenses SRPL	2,000
	Validation of ICAO Contracting States Licenses RPL	4,000
G.	OTHER SERVICES	
	Issue/Reissue/Amendment of a letter of approval/no objection etc	4,000

<i>No.</i>	<i>Service</i>	<i>Charges (KSh.)</i>
	Reissuing of duplicate RPL	10,000
	Validation of RPL	5,000
	Examinations SRPL	4,000
	Examinations RPL	4,000
	Examinations Repeat (partial pass)	2,000
	Validation of ICAO Contracting States Licenses SRPL	2,000
	Validation of ICAO Contracting States Licenses RPL	4,000
G.	OTHER SERVICES	
	Issue/Reissue/Amendment of a letter of approval/no objection etc	4,000

JAMES MACHARIA,
*Cabinet Secretary, Transport, Infrastructure,
Housing, Urban Development and Public Works.*

3. The Civil Aviation (Regulatory Fees and Charges for Remote Piloted Aircraft Systems Services) Regulations, 2017 are revoked. (Repeal LN 290 of 2017)

Dated theth October, 2020.

JAMES W. MACHARIA,

*Cabinet Secretary for
Transport, Infrastructure, Housing, Urban Development and Public Works.*

SPECIAL ISSUE

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Kenya Gazette Supplement No. 5

22nd January, 2021

(Legislative Supplement No. 4)

LEGAL NOTICE NO. 4

THE CIVIL AVIATION ACT

(No. 21 of 2013)

IN EXERCISE of the powers conferred by section 82 (2 (p) of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works makes the following Regulations—

THE CIVIL AVIATION (REGULATORY FEES AND CHARGES FOR UNMANNED AIRCRAFT SYSTEMS) REGULATIONS, 2020

1. These Regulations may be cited as the Civil Aviation (Regulatory Fees and charges for unmanned Aircraft Systems) Regulations, 2020. Citation.
2. The fees and charges for services rendered by the Kenya Civil Aviation Authority in relation to Unmanned Aircraft System shall be as specified in the Schedule to these Regulations. Fees for services rendered.
3. The Civil Aviation (Regulatory Fees and Charges for Remote Piloted Aircraft Systems Services) Regulations, 2017 are revoked. Revocation of L.N. No. 290 of 2017.

SCHEDULE

(r.2)

FEES AND CHARGES FOR SERVICES RENDERED BY KENYA CIVIL AVIATION
AUTHORITY IN RELATION TO UNMANNED AIRCRAFT SYSTEM

No.	Service	Charges (KSh.)
A.	UAS IMPORT & REGISTRATION	
	Issuance of Import Permit	3,000
	Registration	3,000
	Certificate of Deregistration or Cancellation	2,000
	Reservation of special Registration Marks Series	10,000
	Copy of the UAS Register	3,000
	Change of ownership	2,500
	Amendment of a certificate of registration	2,000
	Issuance of temporary permit	20,000
B.	Airworthiness	
	Issue of Certificate of Airworthiness	5,000
C.	Remote Air Operator Certificate (ROC)	
	Initial issue	80,000
	Renewal of ROC	50,000
	Amendments of ROC	5,000
	Addition of UAS to the ROC.	2,000
	Inclusion of new UAS Type	10,000
	Approval of manuals.	5,000
D.	TRAINING ORGANIZATION	
	Training organization approval	80,000
	Renewal of ATOs certificate	50,000
	Modification/Amendment of Approval	5,000
E.	CERTIFICATION OF UAS RESALERS AND DISTRIBUTORS	
	Initial issue	80,000
	Renewal	50,000
	Modification/Amendment of Approval	5,000
E.	AUTHORIZATIONS	
	Operation authorizations	Category A 2,000 Category B & C 2,500
	Overflight permit	10,000
F.	LICENSING	
	Issue of SRPL	2,000
	Issue of RPL	4,000
	Beyond Visual Line of Sight (B-VLOS) Rating	2,000
	Extended Visual Line of Sight (E-VLOS) Rating	2,000
	RPA Observer Certificate	2,000
	RPA Certificate (for class A operations)	2,000
	Renewal of RPL	2,000
	Instructor rating for RPL	3,000
	Radio telephone exam	2,000