



# Advisory Circular

CAA-AC-ATD003

MAY 2023

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## AIR SERVICE LICENCE

### 1.0 PURPOSE

- 1.1 This Advisory Circular (AC) is issued to provide information and guidance related to application for air service licence and Temporary Licence.

### 2.0 REFERENCES

- 2.1 The Civil Aviation Act, 2013 (as amended)
- 2.2 Civil Aviation (Licensing of Air Services) Regulations
- 2.3 Aeronautical Information Publication (AIP)
- 2.4 Aeronautical Information Circular (AIC) – Charges for Air Navigation Services and Regulatory Fees

### 3.0 DEFINITIONS AND ABBREVIATIONS

- 3.1 For purposes of this Advisory Circular the following terms and abbreviations shall have the following meanings:
  - 3.1.1 **Air Service** means any service performed by means of an aircraft for hire or reward.
  - 3.1.2 **Licence** means an authorization granted under Civil Aviation (Licensing of Air Services) Regulations.
  - 3.1.3 **Temporary Licence** means a licence issued under Regulation 33 of the Civil Aviation (Licensing of Air Services) Regulations, 2018
  - 3.1.4 **ICAO Doc** means International Civil Aviation Organization Document

3.1.5 **AATIS** – Advanced Air Transport Information System

3.1.6 **ASL** – Air Service Licence

3.1.7 **ITC** – Inclusive Tour Charters

## **4.0 GENERAL**

- 4.1 This Advisory Circular contains information on application for Air Service Licence (ASL).
- 4.2 Any entity intending to operate any air service in Kenya is required to apply for an air service Licence.
- 4.3 It is a requirement that for a body corporate that at least 51% of the shareholding of the entity or partnership is ultimately held by Kenya, its citizens or both.
- 4.4 A foreign air operator intending to operate international non-scheduled air services into Kenya is required to apply for an air service licence.
- 4.5 Documents to be submitted with the application shall be as listed in the applicable application forms.
- 4.6 The Authority issues licenses for the following categories of air services:
- 4.6.1 Scheduled Air Services (Locally registered companies)
  - 4.6.2 Non-Scheduled air Services
  - 4.6.3 Aerial work services
  - 4.6.4 Flying Instructions
- 4.7 Non-compliance with the terms and conditions specified in the granted licence may lead to sanctions, variation, suspension or revocation of the licence.
- 4.8 An applicant may request for a temporary licence upon submission of a substantive application for an air service licence and it will be considered in accordance with the regulatory requirements.

## **5.0 GUIDANCE AND PROCEDURE**

### **5.1 Air Service Licence**

5.1.1 Application for an Air Service Licence to the Authority will be made as described below:

5.1.1.1 The Application for an air service licence will be made using the forms listed below

- (a) Application form for a new ASL
- (b) Application form for renewal of ASL
- (c) Application form for variation of ASL
- (d) Application form for a Temporary Air Service Licence

5.1.2 The same application and the attachments will be submitted to the Air Transport Department of the Authority

5.1.3 The following documents will be submitted together with the application:

5.1.3.1 For a local New Applicant

- (a) Certified true copy of Certificate of Incorporation
- (b) Certified Company Registration Form 12 (CR12)
- (c) A copy or copies of the applicant's aircraft certificate(s) of registration for aircraft owned and intended for the operation and/or a duly executed dry lease agreement
- (d) Certified true copy of the insurance policy or insurance arrangements in place as appropriate
- (e) A business plan for a period of two years
- (f) Certified true copy of national identity card or passport and two passport size photographs in respect of each of the director of the company
- (g) Evidence of source(s) of funding or start-up capital
- (h) Any other document in support of the application for the air service

5.1.3.2 For a Foreign New Applicant

- (a) A copy of Air Operator Certificate (AOC) and Operations Specifications (OpSpecs) issued by the State of the Applicant
- (b) Certified Audited financial accounts for twelve months preceding the application
- (c) Certified true copy of the insurance policy in place
- (d) A copy or copies of certificate(s) of registration of aircraft intended for the operation
- (e) For inclusive tour charter applicants, also a copy of the charter agreement
- (f) Any other document in support of the application for the air service

5.1.3.3 For a Local or Foreign Applicant renewing or varying a licence

- (a) Certified true copy of the insurance policy in place
- (b) A certified copy of Air Operator Certificate (AOC) and Operations Specifications (OpSpecs) of the State of the applicant
- (c) A copy or copies of the applicant's aircraft certificate(s) of registration for aircraft owned and intended for the operation and/or a duly executed dry lease agreement
- (d) Certified copy of the charter agreement for inclusive tour charter applicants
- (e) Any other document supporting the application

- 5.1.4 The application will be submitted to the Authority together with the supporting documentation for evaluation.
- 5.1.5 The applicant will be required to make payment of applicable processing fee upon acceptance of the application after evaluation.
- 5.1.6 The Authority will acknowledge receipt of the applications in writing.
- 5.1.7 A notice of the particulars of the application will be published in the Kenya Gazette
- 5.1.8 After the publication of the Notice any person may, make representations in favor of or against the application in writing to the Authority within 21 days and at the same time serve a copy to the applicant through registered mail.
- 5.1.9 The Authority will hold a public meeting after 21 days of publication of the notice to consider the applications.
- 5.1.10 The Authority will give notice of the day, time and venue of the public meeting to the applicant(s) and the public.
- 5.1.11 An applicant or a person making representation(s) to the Authority may appear at the public meeting in person or by a legal representation or other duly authorized representative.
- 5.1.12 The Authority will make decisions on applications, publish a Notice on the same in the Kenya Gazette and notify the respective applicants in writing.
- 5.1.13 Applicants that have been granted licences will be required to make payment for the issuance of the licence within 30 days from the date of publication of the decisions in the Kenya Gazette.
- 5.1.14 Applicants who fail to make payment within 30 days of the gazettelement of the decisions shall be deemed to have forfeited their rights to the licence.
- 5.1.15 The Authority will require the applicant to collect the licence in person or by a duly authorized representative with credentials.
- 5.1.16 The licence will be valid for the period of time indicated on the licence.
- 5.1.17 The granted licence is not transferable or assignable.

## 5.2 **Temporary Air Service Licence**

- 5.2.1 Application for a Temporary Licence to the Authority will be made as described below:
- 5.2.2 An applicant is required to have successfully submitted and paid for a substantive application for an air service licence in order to request for a temporary licence.
- 5.2.3 An application for a temporary air service licence may be made for any category of air service except for international scheduled air service.
- 5.2.4 The applicant will be required to provide reasons for the application and justification with documentary evidence for the urgency of the intended operations.
- 5.2.5 The applicant will be required to submit a copy of a valid Air Operator Certificate (AOC), Operations Specifications (OpSpecs) and/ or Approved Training Organization Certificate (ATO) and be in possession of an aircraft to be deployed for the operations.
- 5.2.6 The Authority will consider the request and communicate the decision to the applicant in writing.
- 5.2.7 The applicant will be required to pay the applicable fees once a decision to grant the temporary air service licence has been made.
- 5.2.8 The Authority will require the applicant to collect the licence in person or by a duly authorized representative with credentials.
- 5.2.9 The licence will be valid for the period of time indicated on the temporary licence.
- 5.2.10 The period of validity of the temporary licence will be superseded by the decision on the substantive application for air service licence.
- 5.2.11 The granted licence is not transferable or assignable.