

APPLICATION FOR AIR SERVICE LICENCE AND TEMPORARY LICENCE

1.0 PURPOSE

- 1.1 This Advisory Circular (AC) is issued to provide information and guidance on application for Air Service Licence and Temporary Licence.

2.0 REFERENCES

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

3.0 DEFINITIONS AND ABBREVIATIONS

- 3.1 For purposes of this 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 granted under the Civil Aviation (Licensing of Air Services)

3.1.4 **ASL** – Air Service Licence



3.1.5 **ITC** – Inclusive Tour Charters

4.0 GENERAL

- 4.1 This Circular contains information on application for Air Service Licence (ASL) and Temporary Licence.
- 4.2 Any entity intending to operate any air service in Kenya shall apply to the Kenya Civil Aviation Authority for an air service licence.
- 4.3 Any entity that is a body corporate or partnership shall be required to demonstrate that at least 51 per cent of its total shareholding is ultimately held by Kenya, its citizens or both.
- 4.4 A foreign air operator intending to operate international non-scheduled air service(s) into Kenya shall be required to apply to the Kenya Civil Aviation Authority for an air service licence.
- 4.5 Application forms shall be available and accessible on the Authority's website
- 4.6 Applications shall be accompanied with supporting documents as specified in the application form.
- 4.7 Licences shall be issued for the following categories of air services:
 - 4.7.1 Scheduled air services
 - 4.7.2 Non-scheduled air services
 - 4.7.3 Aerial work services
 - 4.7.4 Flying Instructions
 - 4.7.5 Recreational Flying
- 4.8 Non-compliance with the terms and conditions specified in the licence will be sanctioned through varying or, suspending or revoking the licence.
- 4.9 An applicant shall apply for a Temporary Licence in the case where the service to be provided is urgent and cannot wait for the determination of an application for Air Service Licence.

The Authority shall consider the application for a Temporary Licence if the justification is for:

- a) Public interest
- b) Interest of social welfare
- c) Charity
- d) Purpose of salvage on humanitarian grounds
- e) Assistance in saving lives

5.0 GUIDANCE AND PROCEDURE

5.1 Air Service Licence

5.1.1 Application for an air service licence shall be submitted to the Authority using the following forms as appropriate:

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

5.1.2 The following supporting documents will be submitted together with the application:

5.1.2.1 New Applicant - Local

- (a) Certified true copy of Certificate of Incorporation
- (b) Certified Official Search(CR12)
- (c) A copy or copies of the applicant's aircraft certificate(s) of registration
- (d) Duly executed dry-lease agreement if aircraft is not owned
- (e) Certified true copy of the insurance policy/certificate or insurance arrangements in place as appropriate
- (f) A business plan for a period of two years
- (g) Certified true copy of national identity card or passport and two passport size photographs in respect of each of the director of the company
- (h) Evidence of source(s) of funding or start-up capital
- (i) Any other document in support of the application for the air service

5.1.2.2 New Applicant - Foreign

- (a) A certified/notarized copy of Air Operator Certificate (AOC) including Operations Specifications) issued by the State of the



Applicant

- (b) Certified/notarized Audited financial accounts for the preceding financial year.
- (c) Certified/notarized copy of the insurance policy/certificate
- (d) A certified/notarized copy or copies of certificate(s) of registration of aircraft
- (e) A certified/notarized copy of the charter agreement if application is for inclusive tour charters (ITC) Any other document in support of the application

5.1.2.3 Applicant renewing or varying licence – Local or Foreign

- (a) Certified / notarized copy of the insurance policy / certificate
- (b) A copy of Air Operator Certificate (AOC) including Operations Specifications
- (c) A certified / notarized copy or copies of the aircraft certificate(s) of registration
- (d) Duly executed dry lease agreement or a copy or copies of valid lease approval(s) if aircraft is not owned (local)
- (e) A certified / notarized copy of the charter agreement if application is for inclusive tour charters (Foreign)
- (f) Any other document supporting the application

5.1.3 Applicant shall be required to make payment to the Authority as applicable for processing the application

5.1.4 The Authority will acknowledge receipt of the application.

5.1.5 The Authority will publish a notice of particulars of the application in the Kenya Gazette.

5.1.6 Any person shall, within twenty-one days after the publication of the notice, make a representation in writing to the Authority, in favour of or against an application.

5.1.7 A copy of every representation in favour of or against an application for a licence shall be sent by the person making it to the applicant at the same time it is sent to the Authority using registered mail.

5.1.8 The Authority will hold a public meeting after 21 days of publication of the notice to consider applications.

- 5.1.9 The Authority will notify applicants and the public on the day, time and venue for the public meeting.
- 5.1.10 Any applicant or person making representation(s) to the Authority shall appear at the public meeting in person or by a legal representation or duly authorized representative.
- 5.1.11 The Authority will make decisions on applications, publish a Notice on the same in the Kenya Gazette and formally notify respective applicants.
- 5.1.12 Applicants whose decisions confirm grant of licence will be required to make payment within 30 days from the date of gazettelement of the decisions.
- 5.1.13 In the case where an applicant fails to make payment within 30 days from the date of gazettelement of the decisions, the applicant shall be deemed to have forfeited their right to licence.
- 5.1.14 The Authority will require the applicant to collect the licence in person or by their authorized representative.
- 5.1.15 Validity of the licence will be as indicated on the licence.
- 5.1.16 Licence issued shall not be transferable or assignable.

5.2 Temporary Licence

- 5.2.1 Application for a Temporary Licence shall be submitted to the Authority using the prescribed form accessible on the Authority's website.
- 5.2.2 Applicant shall be required to provide reasons for the urgency, justification and documentary evidence for consideration for the licence.
- 5.2.3 Application for a Temporary Licence shall be accepted upon confirmation that the applicant has submitted a substantive application and paid the applicable processing fee.
- 5.2.4 Application for a Temporary Licence for international scheduled air service does not meet the national criteria on designation and therefore shall not be accepted.



5.2.5 The applicant will be required to submit the following documents / information in order to demonstrate the level of preparedness to commence the intended operations:

- i. Valid Air Operator Certificate including Operations Specifications
- ii. Valid Approved Training Organization Certificate including Training Specifications where applicable
- iii. Certificate of registration of aircraft
- iv. Valid insurance policy/certificate

5.2.6 The Authority will review the application within 10 days and communicate the decision to the applicant.

5.2.7 The applicant will be required to pay the applicable licence fee for issuance of the licence.

5.2.8 The Authority will require the applicant to collect the licence in person or by their authorized representative.

5.2.9 The licence will be valid for a period of 120 days.

5.2.10 Decision on the substantive application for air service licence will supersede the Temporary Licence.

5.2.11 Licence once granted shall not be transferable or assignable.



Civil Aviation Authority