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Is your Toy Licensed to Fly in Kenya?

In October, 2017 Kenya incorporated remote piloted aircraft systems (hereinafter 'drones') into its civil aviation regulatory framework. This was done vide Legal Notice No. 259 of October 6, 2017 which kicked into effect the Civil Aviation (Remote Piloted Aircraft Systems) Regulations (hereinafter 'RPAS Regulations').

The RPAS Regulations essentially require all operators of drones to register them in a national database. The RPAS Regulations cover all types of unmanned flying devices except state aircraft, unmanned free balloons or airships and operation of toys.

Regulation 2 of the RPAS Regulations define a 'toy' as:

'...a remotely piloted aircraft system that is less than 2 kilograms gross weight, not capable of carrying any payload, not fitted with a camera and is not operated at a maximum height of 50 feet above ground level, a maximum lateral distance of 50 metres from the operator and a maximum speed of 10 knots'.

From the above definition it appears that some toy drones, no matter their size or use squarely fall within the ambit of the Kenya Civil Aviation Authority (KCAA). So, parents watch out! Before you allow your child to fly that quadcopter you bought on *Amazon*, check the specifications to confirm whether you are required to register it with KCAA. Indeed, children may actually have to stop operating some of the more sophisticated drones because the RPAS Regulations require owners and licensed drone pilots to be at least 18 years of age.

If you had already imported a drone into Kenya before the commencement of the 'RPAS Regulations in October 2017, you were required to have registered your drone with KCAA on or before April 6, 2018 (see Reg. 58). If you have not done this you are liable upon conviction to a fine of up to Kshs. 2,000,000/- or to imprisonment of six months, or to both.

