

PUBLIC NOTICE

NOTIFICATION OF REGULATORY IMPACT STATEMENTS ON THE KENYA INFORMATION AND COMMUNICATIONS REGULATIONS, 2025

PURSUANT to section 8 of the Statutory Instruments Act (Cap. 2A), the Cabinet Secretary for Information, Communications and the Digital Economy notifies the public that Regulatory Impact Statements for the following Regulations have been prepared. –

- (a) the proposed Kenya Information and Communications (Radio Communications and Frequency Spectrum) Regulations, 2025 have been made pursuant to section 38 (1) of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to provide for the efficient and orderly use of radio spectrum which is a limited natural resource.

Specifically, the proposed Regulations seek to–

- (i) promote and support the orderly development and efficient operation of radio communication systems and services to meet the country's socioeconomic, security and cultural needs;
- (ii) ensure proper planning, utilization and management of the spectrum resource in accordance with the Act, policy objectives and international agreements;
- (iii) promote the efficient use of frequency spectrum resources; and
- (iv) ensure the equitable and fair allocation and assignment of spectrum.
- (b) the proposed Kenya Information and Communications (Broadcasting) Regulations, 2025 have been made pursuant to section 46K of the Kenya Information and Communications Act (Cap. 411A). The objective of the proposed Regulations is to provide a framework for the effective provision of broadcasting services in Kenya for the benefit of the public.

Specifically, the proposed Regulations seek to–

- (i) Provide for licensing procedure for broadcasting service providers;
- (ii) provide for the facilitation, promotion and maintenance of diversity and plurality of views for a competitive marketplace of ideas;
- (iii) promote broadcast of local content; and
- (iv) provide for the carriage of content, in keeping with public interest obligations, across licensed broadcasting services.
- (c) the proposed Kenya Information and Communications (Electronic Communications Equipment Type Approval) Regulations, 2025 have been made pursuant section 27 of the Kenya Information and Communications Act (Cap. 411A). The objective of the proposed Regulations is to ensure that communication equipment is safe, compatible with existing networks, and conforms to national standards.

Specifically, the proposed Regulations seek to–

- (i) provide a regulatory framework for the manufacture, possession, connection, installation, distribution, sale, lease, offer for sale, lease, importation, use and disposal of communications equipment;
- (ii) ensure the connection of any equipment to communications network does not cause harmful interference or compromise the integrity and availability of communications network;
- (iii) ensure electronic communications equipment adhere to quality of service levels and meet the set standards for security of network operations, maintenance of network integrity, interoperability, data protection principles and protection of environment; and
- (iv) ensure the safety of end-users, members of the public, communications networks and equipment and to avoid harmful interference.
- (d) the proposed Kenya Information and Communications (Domain Names Administration) Regulations, 2025 have been made pursuant to section 83F of the Kenya Information and Communications Act (Cap. 411A). The main objective of these Regulations is to organize and manage the assignment and use of domain names within a specific namespace (such as .ke for Kenya) or for the internet as a whole. The proposed Regulations will ensure a structured and reliable system for identifying websites and online resources, preventing conflicts, and protecting intellectual property rights..

Specifically, the proposed Regulations seek to–

- (i) provide a framework for the administration and management of the Ke ccTLD; and;
- (ii) specify requirements for licensing of registrars and the Registry.
- (e) the proposed Kenya Information and Communications (Electronic Certification Administration) Regulations, 2025 have been made pursuant to section 83R of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to establish a framework for the issuance and management of digital certificates, ensuring secure and reliable electronic transactions. These proposed Regulations aim to build trust in electronic signatures and other online activities by verifying the identities of individuals and organizations involved.

Specifically, the proposed Regulations seek to provide a framework for the administration and issuance of electronic certification service providers licences.

- (f) the proposed Kenya Information and Communications (General Licensing) Regulations, 2025 have been made pursuant to sections 27, 38, 46K, 66 and 83R of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to provide a licensing framework for broadcasting services, telecommunication services, communication systems, postal and courier services, electronic commerce services, electronic certification services and domain name administration.

Specifically, the proposed Regulations seek to provide for the general requirements for the issuance of a license including the procedures for the application, renewal, revocation and transfer of a license.

- (g) the proposed Kenya Information and Communications (Infrastructure Sharing) Regulations, 2025 have been made pursuant to section 85A (3) of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to provide a regulatory framework for the sharing and access of Information Communication and Technology infrastructure.

Specifically, the Regulations seek to–

- (i) create a framework for better cooperation in infrastructure sharing;
- (ii) eliminate unnecessary duplication of Information, Communications and Technology infrastructure;
- (iii) maximize the use of the existing and future Information, Communications and Technology infrastructure;
- (iv) mitigate on the undesirable impacts on public health, safety and environmental impacts resulting from the proliferation of infrastructure installations;
- (v) promote competition in the provision of Information, Communications and Technology networks and services;
- (vi) promote orderly and effective planning in terms of Information, Communications and Technology service provision in the country; and
- (vii) promote investment and innovation in the provision of Information, Communications and Technology services.
- (h) the proposed Kenya Information and Communications (Interconnection) Regulations, 2025 have been made pursuant to section 27 of the Kenya Information and Communications Act (Cap. 411A). The proposed Regulations will ensure fair competition and efficient operations within the communications industry by governing how different networks connect and exchange traffic.

Specifically, the Regulations seek to–

- (i) establish a regulatory framework for interconnection between licensees and their subscribers under the Act;
- (ii) define the role of the Authority in facilitating interconnection negotiations among telecommunications licensees; and
- (iii) promote a conducive environment for interconnection within Kenya
- (i) the proposed Kenya Information and Communications (Numbering) Regulations, 2025 have been made pursuant to section 27 of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to provide a structured framework for the control, planning, administration, and management of numbering and addressing within Kenya's communication systems and services.

Specifically, the proposed Regulations require the Authority to establish a National Communication and Numbering and Addressing Plan and in so doing to liaise with the relevant international and local organizations, and stakeholders dealing with numbering, naming and addressing resources.

- (j) the proposed Kenya Information and Communications (Tariff) Regulations, 2025 have been made pursuant to sections 27, 38, 46K and 66 of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to establish a framework for determining the prices (tariffs) of telecommunications services.

Specifically, the proposed Regulations seek to is to provide a framework for the determination of tariffs and tariff structures for effective regulation of the sector.

- (k) the proposed Kenya Information and Communications (Consumer Protection) Regulations, 2025 have been made pursuant to sections 27, 38, 39, 46K, 66 and 83R of the Kenya Information and Communications Act (Cap. 411A). The main objective of these Regulations is to protect the interests and welfare of consumers across the information and communications sector generally.

Specifically, the Regulations create rights and obligations for consumers; mandates licensees to provide appropriate technical and organizational measures to safeguard the security of its services; and obligates Licensees to establish customer care systems for their customers.

- (l) the proposed Kenya Information and Communications ((Postal and Courier Services) have been made pursuant to section 59 and 66 of the Kenya Information and Communications Act (Cap 411A). The main objective of these Regulations is to guide the development, promotion, and regulation of postal and courier services for the benefit of the general population, industry players and other stakeholders in the sub-sector.

Specifically, the proposed Regulations will provide clarity on–

- (i) designated quality standards of equipment and service for the provision of postal and courier services; and
- (ii) investigation of complaints or disputes arising from postal and courier services.
- (m) the proposed Kenya Information and Communications (Compliance and Enforcement) Regulations, 2025 have been made pursuant to sections 27, 38, 46K and 66 of the Kenya Information and Communications Act (Cap 411A). The main objective of the proposed Regulations is to ensure that licensees in the ICT sector adhere to the Kenya Information and Communications Act, Regulations, and license conditions.

Specifically, the proposed Regulations seek to–

- (i) provide for compliance and enforcement of the provisions of the Act, Regulations and licence conditions; and
- (ii) ensure the provision of quality-service-standards for communication services and systems.
- (n) the proposed Kenya Information and Communications (Fair Competition and Equality of Treatment) Regulations, 2025 have been made pursuant to sections 84R (3), 84W (1) and (2) of the Kenya Information and Communications Act (Cap. 411A). The main objective of the proposed Regulations is to provide a framework that promotes fair competition and equal treatment within the communications sector in Kenya.

Specifically, the Regulations seek to–

- (i) provide a regulatory framework for the promotion of fair competition and equal treatment in the communications sector;
- (ii) protect against the abuse of market power or other anti-competitive practices within the communications sector;
- (iii) promote consumer markets which offer choice, quality and affordability; and
- (iv) promote investor confidence in the communications sector by enhancing economic efficiency and free trade.
- (o) the proposed Kenya Information and Communications (Universal Access and Service) Regulations, 2025 have been made pursuant to section 84P of the Kenya Information and Communications Act (Cap 411A). The main objective of the proposed Regulations is to establish a framework for designing and implementing universal access and service in Kenya, and to manage the Universal Service Fund. This proposed framework aims to ensure that a wide range of information and communication services are accessible to all citizens, particularly those in underserved or unserved areas.

Specifically, the proposed Regulations seek to–

- (i) support widespread access to information and communications technology services;
- (ii) support capacity building information and communications technology services; and
- (iii) promote innovation in information and communications technology services.

This is to request the public to take note of Gazette Notice No. 11800 (Vol. CXXVII–No. 178 dated 22nd August, 2025). We therefore request the public and all persons likely to be affected by the proposed Regulations to submit written memoranda to reach the undersigned within fourteen (14) days from the date of publication of this Notice. Written memoranda should be addressed to:

The Principal Secretary
State Department for Broadcasting and Telecommunications
Ministry of Information, Communications and the Digital Economy
Telposta Towers, 11th Kenyatta Avenue,
P.O. Box 30025 – 00100, Nairobi
Website: www.ict.go.ke

or

E-mail: legal@moict.go.ke

The Regulatory Impact Statements and proposed instruments are available on the Ministry's website www.ict.go.ke. Hard copies may also be requested through the Ministry's email address during normal working hours.

William Kabogo Gitau,
Cabinet Secretary
for Information, Communications and the Digital Economy.