



LEGAL NOTICE NO.....

THE KENYA INFORMATION AND COMMUNICATIONS ACT
(Cap. 411A)

THE KENYA INFORMATION AND COMMUNICATIONS
(TARIFF) REGULATIONS, 2026

ARRANGEMENT OF REGULATIONS

Regulation.

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Object of the Regulations.

PART II—GENERAL TARIFF PRINCIPLES

- 4—Tariff setting
- 5—Filing of tariff rates
- 6—Regulated Services
- 7—Tariffs for regulated services
- 8—Decision on tariff application.

PART III—MARKET CONDUCT

9—Decision on tariff revision application.

10—Investigation of tariffs

11—Promotions and special offers

PART IV—MISCELLANEOUS PROVISIONS

12—General penalty

13—Revocation

14—Savings and transition

THE KENYA INFORMATION AND COMMUNICATIONS ACT

(Cap. 411A)

IN EXERCISE of the powers conferred by sections 27, 38, 46K and 66 of the Kenya Information and Communications Act, the Cabinet Secretary for Information, Communications and the Digital Economy, in consultation with the Communications Authority of Kenya, makes the following Regulations—

THE KENYA INFORMATION AND COMMUNICATIONS (TARIFF) REGULATIONS, 2026

PART I—PRELIMINARY

Citation.

1. These Regulations may be cited as the Kenya Information and Communications (Tariff) Regulations, 2026.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the Kenya Information and Communications Act;

Cap. 411A.

“anti-competitive tariff” means a tariff that is likely to—

- (a) prevent, restrict or distort competition within a relevant market;
- (b) hinder or impede consumer choice, or limit the entry of new service providers; or

(c) create an undue advantage within a relevant market in a manner that compromises the principles of fair competition or inhibits market efficiency;

“just and reasonable tariffs” means tariffs that enable a licensee to maintain its financial integrity, viability, attract capital, operate efficiently, foster innovation and fully compensate investors for risks borne;

“licensee” has the meaning assigned to it under section 2 of the Act;

“promotion or special offer” means discounted, free or bonus products or services availed by a licensee for a limited duration, with the intention of influencing consumer choice or behavior;

“regulated service” means a service offered or supplied by a licensee—

(a) in a relevant market that is uncompetitive;
or

(b) where the licensee has significant market power or been declared dominant in the relevant market.

“tariff” means any charge, price, levy and related terms and conditions imposed by a licensee for wholesale or retail services provided;

“uncompetitive market” means a relevant market in which—

- (a) there is insufficient competition in the provision of service; or
- (b) consumer choice of service provider or service is either absent, limited, or materially constrained.

“unjust tariff” means a tariff that appears unfair, inequitable or lacking in reasonable grounds and which results in—

- (a) undue financial burden on consumer, or creates imbalances in the distribution of costs and benefits; or
- (b) failure to provide adequate compensation to investors and licensees for the risks they bear.

“unreasonable tariff” means a tariff that is excessive or lacks justification or is not proportionate to the costs and benefits associated with the provision of services and includes, a tariff that—

- (a) is arbitrary in its rates, terms or conditions;
- (b) may result in an unfair allocation of costs between the licensee and consumers;
- (c) may hinder the licensee's financial viability, or discourage investment; or
- (d) may impede the efficient delivery of services.

Object of the Regulations.

3. The object of these Regulations is to provide a framework for the determination of tariffs and tariff structures for effective regulation of the communications sector.

PART II — GENERAL TARIFF PRINCIPLES

Tariff setting.

- 4.** (1) A licensee shall set tariffs that—
- (a) are just and reasonable;
 - (b) are clear and enables the end-user to determine the description of the service, the details relating to the nature of service and charges payable for the service;
 - (c) ensure financial integrity and viability to attract investment;
 - (d) protect interests of investors, consumers and other stakeholders;

- (e) provide market incentives for efficient operation and innovation; and
- (f) promote fair competition in the communications sector.

(2) A licensee shall, upon request, provide accurate billing information to enable customers to verify charges they are billed.

(3) A licensee shall not apply tariffs that prevent market entry or materially distort competition.

(4) The tariff shall be non-discriminatory and shall ensure equality of treatment.

(5) In setting a tariff, a licensee shall not be in breach of this regulation where the licensee demonstrates that legitimate commercial considerations justify the tariff, including, —

- (a) different costs of providing the service;
- (b) a different identifiable relevant market with different ability to pay; and
- (c) different levels of usage and customer preference.

Filing of tariff rates.

5. (1) A licensee shall file a notice with the Authority for any new or revised tariff, including those

of its agents and correspondents, four working days prior to implementation.

(2) A licensee may implement a new or revised tariff upon expiry of the notification period, unless otherwise directed by the Authority in accordance with these Regulations.

(3) A licensee shall not apply a tariff that has not been notified to the Authority under this regulation.

(4) A licensee shall publish and publicise tariff rates for retail services on its website and at all its points of sale of the relevant service, prior to their effective date.

(5) A licensee shall annually file the schedules of their tariff rates, including those of its agents and correspondents with the Authority.

Regulated
services.

6. (1) The Authority may, by notice, declare a service in a relevant market to be a regulated service.

(2) A licensee shall not discontinue the provision of a regulated service without the prior written notification and approval by the Authority.

(3) Where the Authority determines that a service no longer meets the criteria of a regulated service, the

Authority shall publish a notice declaring that the service is no longer regulated.

(4) A licensee may, at any time, request the Authority to review the status of a regulated service and such request shall be accompanied by information as may be required under the regulations relating to fair competition and equal treatment.

(5) The Authority shall respond within thirty days of receipt indicating its decision to—

(a) retain the service as regulated; or

(b) review the service with a view of declaring it no longer regulated.

(6) A dominant service provider or provider with significant market power, in filing for approval of a tariff shall prove to the Authority that the tariff can be profitably replicated by other licensees in the relevant market.

(7) The obligations relating to a regulated service shall cease when a licensee ceases to be dominant, the relevant market becomes competitive, or upon declaration by the Authority that the service is no longer regulated.

(8) The Authority may publish a schedule of regulated services.

Tariffs for
regulated services.

7. (1) A licensee shall use a tariff approved by the Authority to charge for regulated services offered.

(2) A licensee who intends to introduce, adjust or withdraw a tariff applicable to a regulated service shall seek an approval from the Authority, at least fourteen days before the proposed effective date.

(3) An application under paragraph (2) shall—

(a) outline the proposed tariff, terms and conditions, and description of the service; and

(b) be accompanied by relevant supporting documents, including calculations, explanatory notes and any other information in support of the application.

(4) Upon receipt of an application under this regulation, the Authority may publish a notice inviting public representations and the notice shall—

(a) identify the licensee and the service to which the proposed tariff applies;

(b) state the proposed tariff and the reasons for the revision; and

(c) include any other relevant information supporting the application.

(5) The Authority may conduct a market analysis in reviewing an application under this regulation.

(6) Where the Authority does not approve the tariffs proposed by a licensee for a regulated service and recommends that the licensee makes adjustments specified to the proposed tariffs, the Authority shall communicate its decision within forty days from the date of receipt of the complete application.

Decision on tariff application.

8. (1) The Authority shall determine an application for approval on introduction or revision of tariffs for regulated services within seven days after the lapse of the notice published in regulation 7(4).

(2) Upon determining the application under paragraph (1), the Authority shall within seven working days, publish a notice of its decision.

(3) The notice under paragraph (2) shall—

(a) contain the name and particulars of the licensee or class of license, stating the service to which the tariffs are applicable;

(b) state the new tariff and the reasons for the proposed review of the tariff; and

(c) be accompanied by relevant documents and information in support of the application.

(4) Where the Authority approves a new or revised tariff, a licensee shall notify its customers of the new or revised tariff through their website, direct messaging or through any other suitable method prior to implementation.

(5) The Authority may reject a tariff application for a regulated service if it determines that the proposed tariff is unjustifiable, unfair or unreasonable.

(6) Where the Authority rejects the application under this regulation, the Authority shall, within fourteen days of the decision, inform the applicant in writing stating the reasons for the rejection.

(7) Where an application for a revision of a tariff is rejected, the last approved tariff applicable to that regulated service shall remain in force.

PART III- MARKET CONDUCT

Decision on
tariff revision
application.

9. (1) The Authority may approve or reject an application for an introduction or revision of tariffs for regulated services within seven working days after the lapse of the notice published in regulation 7(4).

(2) The Authority may extend the period in paragraph (1), if—

- (a) it requests additional information necessary to consider the application;
- (b) the tariff is for a wholesale service or for other reasons the complexity of the matter requires more time to assess; or
- (c) it elects to publish a notice in the Gazette.

(3) Where the Authority rejects an application for revision of a tariff, the last approved tariff applicable to that regulated service under regulation 8(7) shall remain in force.

Investigation of
tariffs.

10.(1) The Authority may on its own motion or pursuant to a complaint, investigate any tariff set by a licensee alleged to be anti-competitive.

(2) Where a complaint lodged under paragraph (1), the Authority shall identify the licensee, set out the reasons for seeking an investigation of the tariff and interest of the complainant where applicable.

(3) Where, after investigations under this regulation, the Authority forms the view that the tariff is anti-competitive, it shall notify the licensee of the findings and require the licensee to make specified adjustments to the tariff within twenty working days.

Promotions and
special offers.

11.(1) A licensee shall notify the Authority, at least four working days before the date of the implementation of any promotion or special offer.

(2) A licensee may implement a promotion or special offer upon expiry of the notification period, unless otherwise directed by the Authority.

(3) A licensee shall ensure that a promotion or special offer—

- (a) indicates the duration and the commencement date where time-bound;
- (b) does not run for more than ninety days and is not repeated within ninety days after the expiry of the preceding promotion;
- (c) clearly states any threshold where the promotion is target-based;
- (d) contains the terms and conditions and method of participation;

- (e) is publicised to customers in a clear manner using appropriate channels, including electronic media;
 - (f) where a charge applies, specifies the applicable rate and publicises that rate;
 - (g) where involving games of chance, demonstrates that all required approvals of relevant authorities responsible for betting and gaming have been obtained and informs consumers accordingly;
 - (h) provides details on the minimum number and nature of any prizes, where applicable, including whether prizes are to be awarded in instalments or are to be shared among recipients;
 - (i) states any restrictions on participation;
 - (j) clearly identifies the licensee or, in the case of indirect promotions, the relevant third parties;
 - (k) does not overstate the likelihood of winning prizes; and
 - (l) is not discriminatory or anti-competitive.
- (4) The Authority may direct a licensee to discontinue a promotion or special offer that does not

comply with these Regulations and state the reasons for such direction.

(5) A dominant licensee or a licensee with significant market power shall not offer individually tailored loyalty schemes or promotions.

PART IV -MISCELLANEOUS PROVISIONS

General penalty. **12.** Any person who contravenes these Regulations commits an offence and shall upon conviction be liable to the penalty set out under section 27 (4) of the Act.

Revocation.
L.N. 27 of 2010. **13.** The Kenya Information and Communications (Tariff) Regulations, 2010 are revoked.

Savings and **14.** (1) Any act, approval, notice, direction, proceeding or other matter lawfully done under the revoked regulations shall be deemed to have been done under the corresponding provision of these Regulations.

(2) Any tariff that was approved or in force immediately before the commencement of these Regulations shall continue in force as if approved under these Regulations.

Made on the, 2026.

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