



LEGAL NOTICE NO.....

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

**THE KENYA INFORMATION AND COMMUNICATIONS
(COMPLIANCE AND ENFORCEMENT) REGULATIONS, 2026**

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

IN EXERCISE of the powers conferred by sections 27, 38, 46K, 66 and 83A 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 COMMUNICATION (COMPLIANCE AND ENFORCEMENT) REGULATIONS, 2026

PART I—PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Kenya Information and Communications (Compliance and Enforcement) Regulations, 2026.
- Interpretation **2.** In these Regulations, unless the context otherwise requires—
- Cap. 411A. “Act” means the Kenya Information and Communications Act;
- “Authority” means the Communications Authority of Kenya established under section 3 of the Act;
- “contravention” means any act or omission that constitutes a breach of the Act, these Regulations, or any condition of a licence issued under the Act;
- “enforcement” means any administrative, regulatory or legal action taken by the Authority to secure compliance with the Act, Regulations or any conditions of a licence;
- “licence” means a licence issued under the Act;
- “licensee” means a person licensed under the Act;
- “monitoring” means the continuous assessment of the licensee’s operations to ensure compliance with the Act, the Regulations and the conditions of a licence;

“quality of service” means the performance level of a communications service, determined by reference to the standards and parameters published by the Authority from time to time; and

“Tribunal” means the Communications and Multimedia Appeals Tribunal established under section 102 of the Act.

Objects of the Regulations.

3. The objects of these Regulations are to—

- (a) provide for compliance and enforcement of the provisions of the Act, Regulations and the licence conditions; and
- (b) promote and facilitate compliance with quality of service standards for communication services and systems.

PART II— COMPLIANCE MONITORING AND ENFORCEMENT

Compliance monitoring and enforcement powers.

4. (1) The Authority shall monitor compliance with the Act, these Regulations and conditions of licences.

(2) For purposes of monitoring, inspection and enforcement under paragraph (1), the Authority may establish, manage and maintain such systems, including automated or electronic systems, as may be necessary.

(3) The systems established under paragraph (2) may include systems for continuous monitoring, assessment and verification of compliance by licensees.

Principles of compliance, monitoring and enforcement.

5. In the exercise of its powers under the Act and these Regulations, the Authority shall be guided by the principles of—

- (a) transparency, fairness and non-discrimination;
- (b) proportionality, including the use of enforcement measures that are commensurate with the nature and gravity of the contravention;
- (c) promotion of quality, affordability and availability of communications services;

(d) promotion of competition, innovation and investment in the communications sector; and

(e) protection of public interest.

Responsibilities of the Authority.

6. For purposes of ensuring compliance with the Act, these Regulations and the conditions of licences, the Authority may—

(a) issue written directions to a licensee or any person to secure compliance;

(b) cooperate with, and seek assistance from, law enforcement agencies and other government entities in accordance with the Act;

(c) appoint a suitably qualified person to inquire into and report to the Authority on any matter relating to compliance; and

(d) conduct periodic surveillance on any operations of a licensee.

Commencement of the compliance.

7. The Authority may undertake compliance monitoring, inspection and enforcement action—

(a) on its own motion; or

(b) upon receipt of a complaint or representation made by a person who, in the opinion of the Authority, has a sufficient interest in the matter.

Duty of Licensee.

8. (1) A licensee shall comply with the Act, these Regulations and the conditions of its licence.

(2) Without prejudice to paragraph (1), a licensee shall submit to the Authority such reports, returns or other information as may be required under the conditions of its licence.

(3) Unless otherwise provided, the reports required under paragraph (2) shall be submitted on a quarterly basis.

(4) A licensee shall submit to the Authority—

(a) its annual audited financial statements; and

- (b) financial statements prepared in accordance with the Regulatory Accounting Guidelines issued by the Authority from time to time.

(5) A licensee may request the Authority to treat any information submitted under these Regulations as confidential business information, and the Authority shall determine such request in accordance with the Act and any applicable written law.

Investigations by the Authority.

9. (1) The Authority may commence an investigation where it has reasonable cause to believe that a licensee has—

- (a) contravened the Act, these Regulations or the conditions of its licence;
- (b) failed to comply with construction, installation or service provision requirements issued under the Act; or
- (c) failed to comply with any of the performance obligations under the Act or Regulations.

(2) In conducting an investigation under paragraph (1), the Authority may have regard to—

- (a) any complaint made by a customer or member of the public;
- (b) any representation made by a person who, in the opinion of the Authority, has a sufficient interest in the matter; and
- (c) any other relevant information or inquiries that the Authority considers necessary.

(3) A licensee shall keep proper records in accordance with its licence conditions and shall allow the Authority to access such records for purposes of an investigation under these Regulations.

(4) The Authority may, by a notice in writing, require a licensee to submit reports, statistics, data and any other information that it considers necessary for purposes of determining compliance within fourteen days of receipt of the notice or such other period as the Authority may specify.

(5) The Authority may engage a suitably qualified person to assist it in carrying out investigations, procedures or tests relating to compliance, including compliance with financial reporting requirements.

(6) The Authority may publish compliance or investigation reports, or a summary thereof, where it considers it necessary in the public interest.

Issuance of an enforcement notice.

10. (1) Where the Authority is satisfied, after an investigation or upon receipt of a complaint, that a licensee is in contravention of the Act, these Regulations or the conditions of its licence, the Authority may issue an enforcement notice in writing to the licensee.

(2) An enforcement notice issued under paragraph (1) shall specify—

(a) the act or omission constituting the contravention;

(b) the provisions of the Act, these Regulations or the licence conditions that have been contravened;

(c) the measures required to remedy the contravention;

(d) the period within which the contravention shall be remedied, which shall not exceed three months unless otherwise specified by the Authority; and

(e) the consequences of failure to comply.

(3) A licensee shall, upon remedying the contravention specified in the enforcement notice submit to the Authority a report setting out the remedial action taken.

(4) Where a licensee fails, without reasonable cause, to comply with an enforcement notice, the Authority may impose the penalty prescribed under section 83A (1) of Act.

(5) Without prejudice to paragraph (4), the Authority may revoke a licence where a licensee persistently or materially fails to comply with the Act, these Regulations, the conditions of a licence or an enforcement notice.

(6) A licensee aggrieved by the decision of the Authority under this Regulation may appeal to the Tribunal in accordance with the Act.

Payment of penalty. **11.** Any penalty imposed by the Authority under the Act or these Regulations shall be payable within thirty days from the date of service of the enforcement notice or decision imposing the penalty, unless otherwise specified by the Authority.

Appointment of Inspectors. **12.** (1) The Authority may designate an officer of the Authority as an inspector for purposes of carrying out inspections under these Regulations.

(2) The Authority may appoint an external person as an inspector for purposes of independent inspections or audits.

(3) The Authority shall issue an inspector with an identification card, which shall be produced on request.

(4) An inspector may, at all reasonable times, enter into premises owned or occupied by a licensee where the inspector has reasonable grounds to believe that there is any document, information or apparatus relevant for purposes of ensuring compliance.

(5) An inspector may examine and make copies of any document, record, equipment, apparatus or system relevant to compliance.

(6) Where an inspector removes any document, information or apparatus for examination or reproduction, the inspector shall—

(a) prepare an inventory of the items removed;

(b) sign the inventory; and

(c) provide a copy of the inventory to the person in charge of the premises.

(7) An inspector may, by notice in writing, require any person to—

(a) furnish any document specified in the notice;

(b) produce for inspection any record or return in the possession or control of the licensee; or

(c) produce for inspection any equipment, apparatus or system.

(8) The Authority shall put in place measures for the preservation, return or disposal of any items obtained under this regulation, once they are no longer required.

Right of access.

13. (1) Subject to sections 89 and 90 of the Act, a licensee shall permit an inspector access to its premises, facilities and installations for purposes of inspection and verification under these Regulations.

(2) An inspector shall not have the authority to compel a person to produce a document which the person could not be compelled to produce in civil proceedings.

(3) Any person who wilfully obstructs an inspector in the performance of their duties commits an offence and is liable on conviction to penalty under section 89 (4) the Act.

Civil Proceedings.

14. Without prejudice to any other powers conferred under the Act, the Authority may institute civil proceedings against any person for purposes of securing compliance, including proceedings for—

- (a) injunctive relief;
- (b) recovery of penalties;
- (c) specific performance; or
- (d) any other remedy available in law.

PART III—QUALITY OF SERVICE STANDARDS AND REPORTING

Quality of service standards.

15. The Authority may determine quality of service standards for communications services and systems by standards prescribing based on the—

- (a) parameters defining the applicable quality-of-service measurements for specific services;
- (b) methods of measuring service performance against predetermined parameters;
- (c) measurable service characteristics of parameters determined; and
- (d) any applicable targets for parameters identified.

Measurement, reporting, and record keeping.

16. (1) The Authority may publish, in the Gazette or by such other means as it may determine, the quality-of-service parameters and reporting requirements applicable under these Regulations.

(2) A notice under sub-regulation (1) shall specify measurement and reporting intervals for quality-of-service parameters.

(3) A licensee shall, for each parameter determined by the Authority —

(a) take measurements using the method specified for the parameter;

(b) compile, summarize and submit the measurements to the Authority within the specified period;

(c) submit any additional information required by the Authority, including details of the times, places, and other particulars of the measurements, as the Authority may from time to time direct; and

(d) retain all quality-of-service data, including all measurements and related records, for a minimum of twelve months after the reporting period or as the Authority may direct.

Inspections and investigations relating to quality of service.

17. The Authority may inspect or investigate matters relating to the measurement of the quality-of-service, of a licensee from time to time to ensure compliance.

Publication of quality-of-service reports.

18. The Authority may publish quality of service reports, including measurement results submitted by licensees, on its official website or in the Gazette.

PART IV – MISCELLANEOUS PROVISIONS

Offences.

19. A person who contravenes these Regulations commits an offence and shall on conviction be liable to the penalty prescribed under section 89(4) and 84T (6) of the Act, as applicable.

Revocation.

20. The Kenya Information and Communications (Compliance, Monitoring, Inspections and Enforcement) Regulations, 2010 are hereby revoked.

Savings and transitional provisions.

21. Any proceedings, investigation, notice, directive, enforcement action, instrument, right of review or appeal, or any period of time which had commenced under the revoked Regulations and which was subsisting immediately before the commencement of these Regulations shall, so far as it

is not inconsistent with these Regulations, continue in force as if commenced under these Regulations.

Made on the....., 2026.

William Kabogo Gitau,

Cabinet Secretary,

Ministry of Information, Communications and the Digital Economy.