

LEGAL NOTICE NO.

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

**THE KENYA INFORMATION AND COMMUNICATIONS (RADIO
COMMUNICATIONS AND FREQUENCY SPECTRUM) REGULATIONS, 2026**

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THE KENYA INFORMATION AND COMMUNICATIONS ACT

(Cap. 411A)

IN EXERCISE of the powers conferred by section 38(1) 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 (RADIO COMMUNICATIONS AND FREQUENCY SPECTRUM) REGULATIONS, 2026

PART I—PRELIMINARY

Citation.

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

Interpretation.
Cap. 411A.

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

“Act” means the Kenya Information and Communications Act;

“Authority” means the Communications Authority of Kenya established under section 3 of the Act;

“authorised frequency” means the frequency assigned to a station;

“harmful interference” means radiation or induction which—

(a) endangers the functioning of a radio navigation service or a safety service; or

(b) obstructs or repeatedly interrupts an authorised radio communication or telecommunications service;

“International Telecommunication Convention” means the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), as amended;

“Kenya Table of Frequency Allocations” means the publication issued by the Authority setting out the national table of radio frequency allocations;

“licensee” means a person licensed under the Act;

“network” means two or more stations operated by a person and used, or intended to be used, in communication with one another;

“radio emission” means an emission of electromagnetic energy of frequencies below three hundred gigahertz without a continuous artificial guide, or of such other frequencies as the Authority may specify by notice in the Gazette;

“safety service” means a radio communication service used for the safeguarding of human life, and includes a maritime, an aeronautical or any other service designated as safety-related by the Authority;

“spectrum assignment” means an authorisation issued by the Authority to a person to access specified frequencies or frequency pairs for use within a given allocation and, where applicable, at specified geographic locations;

“station” means a transmitter, a receiver, a combination of transmitters and receivers or an accessory thereto, which is used or intended to be used for radio communication;

“transmitter” means a device, irrespective of its primary function or purpose of design, which is capable of radio emission; and

“user” means a person or body of persons who uses or operates radio communication services.

Objects of the Regulations.

3. The objects of these Regulations are to—

- (a) promote and support the orderly development and efficient operation of radio communication systems and services;
- (b) ensure the proper planning, utilisation and management of the spectrum resource in accordance with the Act, national policy and international agreements;
- (c) promote the efficient use of the radio frequency spectrum; and
- (d) ensure the equitable and fair allocation and assignment of spectrum resources.

PART II—LICENSING AND ASSIGNMENT OF FREQUENCY SPECTRUM

General licensing conditions.

4. (1) A person shall not possess, establish, install or use a radio communication station which requires licensing under these Regulations, in any place or on board any local vessel, aircraft or vehicle, without a valid licence issued by the Authority.

(2) A radio communication licence does not confer on the licensee any proprietary or ownership right in a frequency.

(3) A licensee shall not transfer an assigned frequency, or a right in an assigned frequency, without the written consent of the Authority.

(4) A licensee shall comply with the International Telecommunication Convention and with the other applicable instruments of the International Telecommunication Union, as communicated by the Authority.

(5) The Authority may grant a temporary authorisation for the use of the radio frequency spectrum for a period not exceeding one month, and the minimum fee applicable to a temporary authorisation is the fee prescribed for one month.

(6) A person may apply to the Authority for temporary access to the frequency spectrum for reasonable, justifiable and safe purposes, including trials, experiments, research or the development of new technologies.

(7) The grant of temporary spectrum access under sub-regulation (6) does not confer any entitlement or priority in respect of the subsequent assignment of the frequencies.

Criteria for frequency assignment.

5. (1) In considering an application for a frequency assignment, the Authority shall take into account—

- (a) the availability of spectrum for the type of service and the proposed location;
- (b) whether the proposed service can be satisfied by any other means of communication;
- (c) the need to protect the distress and safety radio communication services from harmful interference; and
- (d) the current technological advances which promote the efficient use of spectrum.

(2) The Authority may assign frequencies after taking into account all the technical data relating to the equipment and the associated accessories which the applicant proposes to use.

Assignment of frequencies.

6. (1) The Authority may assign frequencies where it is satisfied that the assignment will not cause harmful interference to a station or a licensee operating in accordance with the Kenya Table of Frequency Allocations.

(2) A person licensed to operate radio communication systems or services shall apply to the Authority for the assignment of the required frequencies, in the Forms specified in the regulations relating to general licensing made under the Act, and shall pay the applicable fees specified in those regulations.

(3) Where the Authority is satisfied with an application, it may assign a frequency to the applicant.

(4) A licensee shall use an assigned frequency in accordance with the technical and operating parameters set out in the spectrum assignment.

(5) Where the frequencies applied for are not available, the Authority may assign frequencies in an alternative frequency band.

(6) The Authority may modify the technical or operational parameters of a spectrum assignment where necessary for the orderly use of the assigned frequencies or to prevent harmful interference.

Obligations of licensees.

7. (1) A licensee to whom frequencies are assigned shall—

- (a) maintain, and provide to the Authority on request, an inventory of the frequencies assigned;
- (b) pay, when due, the annual spectrum licence fees prescribed under the regulations relating to general licensing;
- (c) bring the assigned frequencies into use within the period specified in the spectrum assignment;

- (d) ensure that there are no unauthorised emissions, harmful interference or illegal use of the spectrum;
- (e) optimise the utilisation of the frequency spectrum resources in accordance with the conditions of the spectrum assignment; and
- (f) comply with all the licence conditions.

(2) The Authority may, where it considers it necessary for spectrum efficiency, require a licensee to migrate to a new frequency band.

(3) The Authority shall implement a migration under sub-regulation (2) through an arrangement which does not impose an unreasonable burden on the licensee involved.

(4) A licensee shall not make a material change to a licensed station, or change the station parameters specified in the licence, without the written authorisation of the Authority.

(5) A licensee shall obtain the written consent of the Authority where the licensee proposes to—

- (a) increase the height of a structure supporting the radiating portion of an antenna;
- (b) relocate an antenna, where the relocation would involve a change in the geographic coordinates of latitude or longitude of as much as one second, or a change in street address;
- (c) change an antenna parameter, including the height, the number of antenna elements, the radiation pattern or the polarisation; or
- (d) change the authorised technical or operating parameters associated with the assigned frequency.

(6) A licensee shall, unless exempted by the licence conditions, transmit the assigned call sign at the end of each complete transmission.

(7) Where the continuous, frequent or extended use of a transmitting apparatus is required, the call sign shall be transmitted at least once every thirty minutes.

(8) The Authority may revoke a frequency assignment which has not been brought into use within the period specified in the licence.

(9) Where a frequency assignment is revoked for non-utilisation, a licence fee paid in respect of the assignment is not refundable.

Spectrum holding limits.

8. (1) The Authority may determine—

- (a) the minimum or the maximum number of radio communication channels or frequencies which may be assigned to a user or a licensee; and
- (b) the spectrum caps applicable to any class of licensees.

(2) In determining the spectrum holding limits under sub-regulation (1), the Authority shall have regard to—

- (a) the availability of frequencies for the relevant service;
- (b) the need to ensure equitable and non-discriminatory access to the spectrum resource;
- (c) the need to prevent spectrum hoarding; and
- (d) the promotion of competition and of the efficient use of spectrum.

PART III—SPECTRUM SHARING AND PRICING

Sharing of frequencies.

9. (1) The Authority may, where necessary, require a licensee to share a frequency.

(2) The Authority shall implement the sharing in accordance with the terms and conditions set out in the licence conditions or with any technical or operational measures specified by the Authority.

Frequency spectrum pricing.

10. (1) The Authority shall determine the methodology for frequency spectrum pricing.

(2) The Authority shall not issue a frequency spectrum licence to a licensee unless the licensee has paid the frequency spectrum licence fees prescribed under the regulations relating to general licensing and complies with the licence conditions.

(3) The Authority may, on the recommendation of the Cabinet Secretary and in consultation with the National Treasury, waive spectrum fees for agencies and organisations providing safety-of-life, national security and emergency services.

Pricing parameters.

11. (1) In determining the pricing methodology or formula for a given spectrum band, the Authority may employ market-based or administrative mechanisms, or both.

(2) The pricing methodology or formula adopted under sub-regulation (1) shall take into account—

- (a) the size of the spectrum assigned;
- (b) the frequency band and the level of congestion within the band;
- (c) the market demand for the relevant band;
- (d) the power output; and
- (e) the geographical scope of the usage.

(3) The Authority shall review the pricing methodology or formula as the need arises and, in any event, at least once every five years, and shall publish the methodology or formula as reviewed.

PART IV—TECHNICAL APPROVALS AND MONITORING

Type approval and certification.

12. A licensee shall not use any frequency spectrum unless the radio equipment in respect of which the assignment is sought has been type approved, or type accepted, by the Authority in accordance with the regulations relating to the type approval of electronic communications equipment made under the Act.

Monitoring and inspection.

13. (1) The Authority shall monitor the emissions from licensed stations to ensure efficient spectrum utilisation and compliance with the licensed parameters.

(2) A licensee shall permit access, at all reasonable times, by the authorised officers of the Authority to the licensee's installations for the purposes of the inspection and verification of operational parameters.

(3) The owner or the management agent of a building or infrastructure hosting radio equipment shall—

(a) require proof of the licences and authorisations issued by the Authority before authorising the installation of a radio communication system;

(b) maintain records of all the equipment installed; and

(c) permit access by the authorised officers of the Authority for the inspection and verification of operational parameters.

(4) A licensee shall, on request, make available to the Authority the records relating to the operations of a station.

(5) A licensee shall report to the Authority, in writing, any harmful interference experienced.

(6) Where the Authority determines, whether pursuant to a report made to it or on its own initiative, that measures are required to prevent or mitigate harmful interference, the Authority may, by notice, require a licensee or a class of licensees to undertake specified corrective measures within the period specified in the notice.

Inspection, siting and maintenance of antenna structures.

14. (1) A licensee of a radio station which has an antenna structure shall paint and illuminate the antenna tower, and shall carry out routine inspection and maintenance of the tower and of any associated control equipment, so as to ensure that the tower remains properly marked and illuminated.

(2) A licensee shall comply with the directions issued by the Authority, in consultation with the Government agency responsible for civil aviation, in matters relating to antenna towers.

(3) A licensee shall ensure that the siting of antennas, towers and related infrastructure complies with the applicable laws to which they are subject.

(4) A licensee shall ensure that the siting and installation of transmitters, antennas and towers comply with the laws relating to radiation limits in force.

Protection of spectrum management and monitoring facilities.

15. The Authority may restrict the installation or operation of radio communication apparatus, or the erection of structures, within an area surrounding the radio spectrum management or monitoring facilities of the Authority, where the installation, operation or erection may cause harmful interference to, or impair the functioning of, those facilities.

PART V—MISCELLANEOUS PROVISIONS

Confiscation of
unlawful apparatus.
Cap. 38.

16. (1) The Authority may disable or confiscate a radio communication apparatus or station operated in contravention of the Act, these Regulations or the conditions of the applicable licence.

(2) Apparatus or equipment confiscated under sub-regulation (1) shall be held by the Authority for the period prescribed under the Disposal of Uncollected Goods Act.

(3) Where the equipment is not claimed within the period referred to in sub-regulation (2), or where the release of the equipment would contravene the Act, these Regulations or public safety requirements, the Authority may dispose of the equipment in accordance with the laws governing the disposal of uncollected or prohibited goods.

General offence.

17. A person who contravenes a provision of these Regulations commits an offence and is liable, on conviction, to the penalty specified in section 38(2) of the Act.

Revocation.
L.N. No. 58 of 2010.

18. The Kenya Information and Communications (Radio Communications and Frequency Spectrum) Regulations, 2010 are revoked.

Savings and
transitional provisions.

19. (1) A licence, a spectrum assignment or an authorisation subsisting under the revoked Regulations immediately before the commencement of these Regulations continues in force and shall be treated as having been issued or made under these Regulations.

(2) A legal action, proceeding, instrument and right of review or appeal subsisting under the revoked Regulations immediately before the commencement of these Regulations continue as if instituted or made under these Regulations.

(3) A period of time which began to run under the revoked Regulations and had not expired immediately before the commencement of these Regulations continues to run as if it had commenced under these Regulations.

Made on the, 2026.

WILLIAM KABOGO GITAU,
Cabinet Secretary for Information, Communications and the Digital Economy.