



THE KENYA SPACE BILL, 2024

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THE KENYA SPACE BILL, 2024

A Bill for

AN ACT of Parliament to provide for the establishment of the Kenya Space Agency with the responsibility to coordinate, regulate and promote the orderly development of space activities in the Republic of Kenya, and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

PART I- PRELIMINARY	
Short Title	1. This Act shall be cited as the Kenya Space Act, 2024.
Interpretation	2. In this Act, except where the context otherwise requires— “ Agency ” means the Kenya Space Agency established under section 4 of this Act; “ Astronomy ” includes but not limited to the scientific study of celestial objects such as stars, galaxies, planets, moons, asteroids, comets, and nebulae and phenomena that originate outside the Earth's atmosphere; “ Cabinet Secretary ” means the Cabinet Secretary for the time being responsible for matters relating to space science and technology; “ Communication Satellite ” means an artificial satellite designed to amplify, utilize and relay electromagnetic signals from one location to another; “ Compliance Certificate ” means a certificate issued by the Agency certifying compliance to specific standards, requirements and regulations. “ Consigned Launch ” means a launch activity provided to third-party organizations or companies to transport their payloads on an Agency’s contracted launch vehicle; “ Consignor ” means an entity that is contracted to undertake a launch activity; “ Damage ” means loss of life, personal injury or any other impairment of health; or loss of or damage to property of States or of

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<p>LN No. 22 of 2017.</p>	<p>persons, natural or judicial or property of international intergovernmental organizations caused by space activity;</p> <p>“Director-General” means the Director-General of the Agency appointed under Section 12 of this Act;</p> <p>“Earth Observation” means gathering of information about planet earth's physical, chemical and biological systems through remote sensing technologies;</p> <p>“Entity” means a body including a company or association or body of persons corporate or unincorporate whether foreign or Kenyan;</p> <p>“Financial Year” means the period of twelve months commencing on the first day of July and ending on the thirtieth day of June the succeeding year;</p> <p>“Former Agency” means the Agency established by the Kenya Space Agency Order, 2017;</p> <p>“Launch” means the process of placing a spacecraft or payload into space by means of a launch vehicle, whether successful or not;</p> <p>“Launch Vehicle” means vehicle that is designed to transport a spacecraft or payload into space;</p> <p>“License” means a certification that a product, service or process is compliant with Agency’s specific standards, requirements and regulations;</p> <p>“Military Space Operations” means Space activities of a military character, including but not limited to space activities involving weapons; rendezvous and proximity operations; retaliation; countermeasures; and the discovery, recovery and return of military objects;</p> <p>“Orbit” means the path that an object, such as a spacecraft or a celestial body, follows around another object due to the influence of gravity;</p> <p>“Operator” means a natural or legal person carrying out space activities;</p> <p>“Outer Space” means the universe not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;</p>
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	<p>“Remote Sensing” means the acquisition of information about the Earth and its environment from a distance by use of sensors;</p> <p>“Satellites” means an artificial object that is placed into orbit around a celestial body for various purposes including but not limited to scientific research, Earth observation, telecommunications; positioning, navigation and timing;</p> <p>“Space activity” means the launching of objects into outer space, the operation of a launch or re-entry site, the operations and guidance of space objects, design and manufacturing of spacecraft, the application of space sciences and technology, and exploration activities and research;</p> <p>“Space Object” means any object launched or intended to be launched into outer space including its component parts as well as its launch vehicle and parts thereof.</p> <p>“Space Science” means any of several scientific disciplines that study phenomena occurring in the upper atmosphere, in space or on celestial bodies other than Earth and involves space exploration and study natural phenomena and physical bodies occurring in outer space; and</p> <p>“Space Infrastructure” includes facilities, equipment and technologies that support space activities and includes ground infrastructure.</p>
Objects of the Act.	3. The object and purpose of this Act shall be to coordinate, regulate and promote orderly development of national space activities for the benefit of the Republic of Kenya.
Application of the Act. <i>Act no. 25 of 2012</i>	4. (1) This Act shall apply to all peaceful uses of outer space (2) The provisions of this Act shall not apply to Military Space Operations. (3) The general control and supervision of Military Space Operations shall be the function of the Defence Council as established under Article 241 (5) of the Constitution and Section 19 of the Kenya Defence Forces Act.
PART II - ESTABLISHMENT OF THE AGENCY	
Establishment of the Agency.	5. (1) There is hereby established an Agency to be known as the Kenya Space Agency, which shall be the successor of the Kenya Space Agency established under the Kenya Space Agency Order.

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<p><i>Legal Notice no. 22 of 2017</i></p>	<p>(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—</p> <ul style="list-style-type: none">(a) suing and being sued;(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;(c) receiving, investing, borrowing or lending money;(d) entering into contracts;(e) establishing a commercial entity for providing space services; and(f) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate. <p>(3) The Agency shall have its headquarters in Nairobi but may establish any other offices in the country for the discharge of its functions.</p>
<p>Functions of the Agency</p>	<p>6. (1) The Agency shall have the responsibility to—</p> <ul style="list-style-type: none">(a) co-ordinate and regulate space related activities in the country;(b) implement the Kenya space policy, Kenya Space Strategy, national Space programme and any related programmes;(c) advise the Government on the development of relevant legislation to facilitate the successful implementation of Kenya space programme;(d) advice the Government on the legislative and other measures necessary for implementation of the relevant Conventions, Treaties and Agreements that Kenya is a party;(e) develop and recommend to Government national space policies, strategies and programmes;(f) promote capacity building in space science and technology and its applications;(g) establish space centres;(h) ensure the observation of rules and norms of responsible behaviour in the use of outer space to enable safety, stability, security and long term sustainability of space activities,(i) oversee safe, stable, secure, sustainable and responsible utilization of resources;(j) authorize, license and continually supervise space activities;(k) promote and support acquisition for effective management and utilization of space-derived data;

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	<ul style="list-style-type: none"> (l) enter into mutually beneficial bilateral and multilateral agreements with persons, agencies, governments or bodies in furtherance of its mandate; (m) identify, prepare and facilitate the implementation of inventions and innovations in space technologies; (n) promote and support the growth of the domestic private space industry; (o) provide leadership in coordinating and supporting research in space science and technology; (p) liaise with the relevant institutions and Government agencies to ensure funding and implementation of space programmes; (q) promote awareness and appreciation at all levels of Kenyan society on the relevance and benefits of space science and technology; and (r) perform such other functions as the Cabinet Secretary may, from time to time, assign the Agency.
<p>Powers of the Agency</p>	<p>7. In the performance of its functions, the Agency shall have powers—</p> <ul style="list-style-type: none"> (a) Authorize and supervise space activities carried out from the Kenyan territory and those carried out elsewhere by Kenyan entities; (b) to establish advisory space committees from time to time to assist in any specified duties in carrying out its function; (c) determine, impose, levy and collect rates, dues or fees collected for the grant, renewal or validation of a license, permit or certificate for any services performed by the Agency; (d) contract out any of its services provided that such contracting shall not abrogate the agency’s regulatory function; and (e) offer its services to any person, organization or institution upon such terms as the Agency may from time to time determine.
<p>Board of the Agency</p>	<p>8. (1) The Agency shall be managed by a Board which shall consist of—</p> <ul style="list-style-type: none"> (a) Chairperson, who shall be a person with demonstrated knowledge and experience in Defence, Security, Engineering, Agriculture, Environmental Science, Space Activities or any other related field, appointed by the President;

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	<p>(b) The Principal Secretary in the Ministry for the time being responsible for the Office of the President or their representative;</p> <p>(c) Chief of Defence Forces, or their representative;</p> <p>(d) the Principal Secretary in the Ministry for the time being responsible for Defence or their representative;</p> <p>(e) the Principal Secretary in the Ministry for the time being responsible for Finance or their representative;</p> <p>(f) the Principal Secretary in the Ministry for the time being responsible for Interior and Coordination of National Government or their representative;</p> <p>(g) the Principal Secretary in the Ministry for the time being responsible for Research, Science and Technology or their representative;</p> <p>(h) the Principal Secretary in the Ministry for the time being responsible for Information, Communication and Technology or their representative;</p> <p>(i) the Attorney General or their representative;</p> <p>(j) four persons, not being public officers or employees or directors of any public company, appointed by the Cabinet Secretary by virtue of their knowledge and experience in matters relating to defence, security, engineering, agriculture, mining, environmental science or space activities or any other relevant fields; and</p> <p>(k) the Director General, who shall be an ex-officio of the Board.</p> <p>(2) The appointment of members under section 8(1) (a) and (j) shall be by name and by notice in the <i>Kenya Gazette</i>.</p> <p>(3) The Cabinet Secretary shall ensure that the principle of gender parity is observed in making appointments under this Act.</p> <p>(4) The Chairperson and members of the Agency appointed under section 8 (1) (a) and (j) shall serve for a term of three years and shall be eligible for re-appointment for one further term.</p>
<p>Qualifications for appointment as chairperson or member</p>	<p>9. A person shall be qualified for the appointment as a Chairperson or a member of the board if that person is –</p> <p>(a) a citizen of Kenya;</p> <p>(b) holds a degree from a recognized university;</p>

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	<p>(c) has experience in the relevant sector for a period of not less than ten years in the case of the chairperson and five years for any other member; and</p> <p>(d) satisfies requirements of Chapter Six of the Constitution.</p>
Powers of the Board	<p>10. The Board shall have powers to:</p> <p>(a) manage, control and administer the assets of the Agency in such manner and for such purposes as best promote the purpose for which the Agency is established;</p> <p>(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Agency;</p> <p>(c) acquire, hire, hold, lease out, dispose of all types of assets including intellectual property and other rights thereunder;</p> <p>(d) enter into association with any persons, agencies, governments or bodies within or outside Kenya as the Agency may consider appropriate and in furtherance of the purpose for which the Agency is established;</p> <p>(e) receive any gift, grant, donation or endowments made to the Agency or any other moneys in respect of the Agency and make legitimate disbursements there from in accordance with the provisions of this Act;</p> <p>(f) open and maintain a bank account for the funds of the Agency; and</p> <p>(g) offer its services to any person, organization or institution upon such terms as the Agency may from time to time determine</p>
Delegation of duties by the Board	<p>11. The Board may, by resolution, either generally or in any particular case, delegate to a Committee of the Board or to any member of the Board, officer or agent of the Agency the exercise of any of the powers or the performance of any of the function or duties the Agency is authorized by this Act to exercise or perform.</p>
Meetings of the Board	<p>12. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.</p> <p>(2) The Chairperson shall preside over all meetings of the Board and in the absence of the Chairperson, the other members present at the meeting shall appoint one of the members to act as Chairperson for the purpose of that meeting.</p> <p>(3) The quorum for a meeting shall be two thirds of the members of the Board.</p>

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	<p>(4) The Board may from time to time co-opt into its membership any person whose skills and experience are necessary for the performance of the functions of the Board to assist in any specified matter on need basis.</p> <p>(5) A person co-opted under sub-section (3) shall not have powers to vote on any matter before the Board.</p> <p>(6) Subject to the provisions of this Act, the Board may regulate its own procedure.</p>
Remuneration	<p>13. The Agency shall pay such remuneration, fees, allowances and such other reimbursement to members of the Board as may be recommended by the Salaries and Remuneration Commission.</p>
Vacancy in Office	<p>14. (1) The office of a member of the Board, other than an <i>ex officio</i> member, shall become vacant—</p> <ul style="list-style-type: none">(a) if the member resigns by giving notice in writing, in the case of the Chairperson, to the President, and in the case of any other member, to the Cabinet Secretary, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the President or the Cabinet Secretary, as the case may be;(b) if the member is—<ul style="list-style-type: none">(i) declared bankrupt or enters into a composition or scheme of arrangement for the benefit their creditors;(ii) convicted of a criminal offence,(iii) sentenced to a term of imprisonment exceeding six months;(iv) incapacitated by reason of infirmity of body or mind;(v) absent from three consecutive meetings of the Board without the leave of the Chairperson; or(vi) removed from the Board by the President or the Cabinet Secretary, as the case may be, where the member is found to be otherwise unable or unfit to discharge the duties of a member of the Board;(c) upon the death of the member. <p>(2) Where the office of the Chairperson or a member of the Board becomes vacant under sub section (1), the President or the Cabinet Secretary, as the</p>

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	case may be, may appoint another person as a replacement of the person vacating office in accordance with this Act.
Appointment of the Director General	<p>15. (1) There shall be a Director-General of the Agency who shall be appointed by the Board on such terms and conditions of service as the Board may determine.</p> <p>(2) A person shall be qualified to be appointed as the Director-General if the person—</p> <ul style="list-style-type: none"> (a) is a citizen of Kenya; (b) possess a Bachelor’s degree from a University recognized in Kenya; (c) possesses a post-graduate degree from a university recognized in Kenya; (d) has at least fifteen years’ demonstrable knowledge and experience in matters related to space science and technology; (e) has at least ten years’ management experience at a senior level in the public or private sector; and (f) meets the requirements of Chapter Six of the Constitution. <p>(3) The Director- General shall be responsible to the Board for the day to day management of the affairs of the Agency.</p> <p>(4) The Director General shall be the Chief Executive Officer of the Agency.</p> <p>(5) The Director-General shall hold office for a term of five years from the date of appointment but shall, upon the recommendation of the Board, be eligible for re-appointment for one further term of a period not exceeding five years.</p>
Responsibility of the Director General	<p>16. The Director General shall be responsible for the day to day administration and management of the affairs of the Agency subject to the directions of the Board.</p>
Delegation of Powers	<p>17. The Director-General may from time to time, in writing, either generally or particularly, delegate to any person all or any of the powers, exercisable by him under any written law.</p>

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Removal from office of the Director General	<p>18. The Director General may be removed from office by the Board in accordance with the terms and conditions of service, for—</p> <ul style="list-style-type: none"> (a) inability to perform functions of the office arising out of physical or mental infirmity; (b) gross misconduct or misbehaviour; (c) incompetence or negligence of duty; (d) violation of the Constitution and any other written law; or (e) any other grounds specified in the terms and conditions of service of Director General.
Staff of the Agency	<p>19. (1) The Board may appoint such professional, technical and administrative staff as may be necessary for the proper discharge of its functions under this Act, and upon such terms and conditions of service as the Agency may determine.</p> <p>(2) The staff appointed under sub- section (1) shall serve on such terms and conditions as the Board may determine, in consultation with the Salaries and Remuneration Commission may determine.</p> <p>(3) The Board shall prescribe a Code of Conduct for members of the Board and the staff of the Agency.</p>
PART III - OPERATIONS UNDER THE ACT	
Principle of Operation of the Agency	<p>20. The Agency shall perform its functions for peaceful use of outer space to promote the socio- economic development, national interest and security of the country.</p>
Establishment of Space Centres	<p>21. The Cabinet Secretary may, on the recommendation of the Agency, by notice in the Gazette, establish Space Centres with relation to: -</p> <ul style="list-style-type: none"> (a) Earth Observation; (b) Navigation and Positioning; (c) Space Science and Astronomy; (d) Satellite Communications; (e) Space Systems Engineering; (f) Launch activities; and (g) any other centre as may be deemed necessary.
Earth Observation	<p>22. (1) The Agency shall be responsible for the coordination and regulation of Earth Observation in Kenya.</p>

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	<p>(2) The Agency shall coordinate the acquisition and dissemination of satellite imagery in Kenya on behalf of the Government.</p> <p>(3) In fulfilling its mandate in sub-section (2) above, the Agency shall: -</p> <ul style="list-style-type: none">(a) collaborate with other entities in the development of national Earth Observation capacity; and(b) collaborate with other entities in the collection, consolidation, archival, processing, analysis and dissemination of Earth Observation data; <p>(3) The Agency will maintain a database of service providers of Earth Observation data and services.</p>
Launch and Launch Activities	<p>23. (1) The Agency shall undertake all space launch activities on behalf of the Republic of Kenya.</p> <p>(2) The Agency shall have the mandate to establish, approve or lease launch sites within the Republic of Kenya in coordination with relevant Government Agencies.</p> <p>(3) The Agency with the approval of the Cabinet Secretary may establish, lease or approve overseas launch sites outside the Kenyan territory.</p> <p>(4) Where the Agency undertakes launch on behalf of Government in sus section (1), the Agency may enter into an agreement with a consignor for purposes of launch activities.</p> <p>(5) Where the Agency enters into such an agreement for a Consigned Launch, the Agency shall: -</p> <ul style="list-style-type: none">(a) Inform the Cabinet Secretary of the intended launch;(b) Enter into necessary arrangements with respect to its liability for compensation for damages caused by the consigned launch to any persons or entities other than those related to the consigned launch; and(c) Have the right of claiming compensation from such parties for the expense already paid by the Agency for any damage caused by the wilful misconduct of any of the parties related to the consigned launch. <p>(6) A Kenyan entity shall not undertake any launch activities in Kenya or oversees without the approval of the Agency.</p>

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	<p>(7) A Kenyan entity that undertakes launch activities in Kenya or oversees without the approval of the Agency commits an offence and shall be liable on conviction to fine not exceeding one hundred million Kenya shillings.</p> <p>(8) The Agency may prescribe in its conditions of approval that the entity shall conduct operations in such a way as to—</p> <ul style="list-style-type: none"> (a) prevent the contamination of outer space or cause adverse changes in the environment of the earth; (b) avoid interference with the activities of other space objects; (c) ensure peaceful exploration and use of outer space; (d) ensure safety, sustainability and environmental conservation; (e) have sustainable systems or mechanisms of deorbiting the payload from outer space on the termination of operations; (f) avoid breach of any international obligations of the Republic of Kenya; and (g) preserve the national security of the Republic of Kenya.
<p>Navigation and Positioning Services</p>	<p>24. The Agency may provide navigation and positioning services for which it may levy fees as may be prescribed.</p>
<p>Space Weather</p>	<p>25. (1) The Agency shall have the mandate to establish, operate and maintain space weather centres and systems on behalf of Government.</p> <p>(2) In fulfilment of sub-section (1), the Agency may sell, license, maintain and release space weather data to government and private entities at a fee to be prescribed fee.</p> <p>(3) No entity shall construct, build, maintain or operate a space weather centre in Kenya without the approval of the Agency. In granting the approval, the Agency shall require the following information: -</p> <ul style="list-style-type: none"> (a) a notification on the name, type and specifications of the equipment; (b) the purpose and use of the equipment; and (c) the intended geographical location of the equipment <p>(4) The Agency shall maintain a national register of all space weather equipment in Kenya.</p>

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	<p>(5) An entity that builds, maintains or operates a space weather centre without an approval commits an offence and shall be liable upon conviction to a fine not exceeding one million Kenya shillings.</p>
Space related training and certification	<p>26. (1) The Agency may establish a space research and training centres for purposes of professional training and certification in space related specializations.</p> <p>(2) In fulfilling its function in sub-section (1), the Agency shall engage other relevant stakeholders for the effective roll out of space training curriculum in Kenya.</p> <p>(3) The Agency shall promote space science and technology education programs in institutions of higher learning.</p> <p>(4) The Agency shall promote and support space education in primary and tertiary schools.</p>
Ground Infrastructure	<p>27. (1) An entity may establish ground infrastructure for purposes of-</p> <ul style="list-style-type: none">(a) telemetry, tracking and control;(b) receiving satellite data;(c) transmitting and receiving satellite signals; or(d) having a space observatory station; or(e) any other space related ground infrastructure. <p>(2) Any entity that seeks to install and operate any equipment to undertake activities in (1) shall do so with approval of the Agency, provided that: -</p> <ul style="list-style-type: none">(a) it is a body corporate registered to carry out business in Kenya;(b) it obtains all necessary licenses from relevant stakeholders before providing such service;(c) submits technical information on the ground station, indicating;<ul style="list-style-type: none">(i) the intended purpose;(ii) the users of data;(iii) frequency bands;(iv) the geographical site;(v) the parameters of the station; and(vi) any other relevant information required under the regulations; and

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	<p>(d) it complies with the provisions of the Act and any other legal or regulatory conditions.</p> <p>(3) The Agency shall grant a license at a fee and on such other terms as may be prescribed.</p> <p>(4) A Licensee shall not transfer or sub-license the rights to another third party.</p> <p>(5) The Agency may withdraw a license in sub-section (3) where: -</p> <ul style="list-style-type: none">(a) the entity installs the station at such other location other than that indicated in the application.;(b) the entity fails to declare the users of the data;(c) the station is used for purposes other than the indicated purpose;(d) there is an illegal or unlawful use of the data and or the station; or(e) the licensee contravenes any other licensing conditions as may be prescribed from time to time. <p>(6) Any entity whose application for license or approval under this section is declined may reapply within a prescribed period under the regulations.</p> <p>(7) The Agency may from time-to-time request to inspect earth and ground stations to ensure compliance with standards and license provided.</p> <p>(8) An entity that operates ground infrastructure without a license commits an offence and shall be liable on conviction to a fine not exceeding two hundred million Kenya shillings.</p>
Communication Satellites.	<p>28. (1) Any Kenyan entity that launches or operates communication satellites and or a high-altitude platform, whether for government, non-commercial or commercial satellite shall apply for approval from the Agency.</p> <p>(2) Where the approval is for purposes of launch of the communication satellite in outer space, the entity shall apply for approval not less than eighteen months before the expected date of launch.</p> <p>(3) The Agency shall ensure that the registration of the satellite is in compliance with international laws.</p>

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	<p>(4) Any entity that provides commercial satellite communications to offer commercial services in Kenya shall apply for approval from all relevant government agencies.</p> <p>(5) A foreign entity that provides satellite communications services in Kenya shall provide the following documents for purposes of approval:-</p> <ul style="list-style-type: none"> (a) proof of registration of the entity as a body corporate in the host country; (b) all necessary approvals from the body in charge of communications in Kenya; (c) technical information on the space object, possible uses, orbiting parameters, frequency bands and geographical areas to be covered and any other relevant data deemed relevant by the Agency; and (d) any other relevant data deemed relevant by the agency. <p>(6) In providing authorization, the Agency shall take into consideration among others: -</p> <ul style="list-style-type: none"> (a) lifetime of satellite, its orbit and inclination; and (b) other technical and operational specifications approved by relevant government agencies. <p>(7) In addition to the requirements in sub-section (5), the applicants shall also produce the International Telecommunication Unions coordination filings and license from the operator's host country communication regulator.</p> <p>(8) The tenure of a space segment authorization shall be the life span of the satellite in orbit as specified by the applicant.</p>
<p>Space Sciences, Astronomy and Astrophysics</p>	<p>29. (1) The Agency shall promote the establishment of appropriate infrastructure to facilitate studies and research in space science and astronomy.</p> <p>(2) The Agency shall collaborate with other institutions in the collection, consolidation, archival, processing, analysis and dissemination of space science and astronomy data.</p> <p>(3) The Agency will maintain a register of space-related facilities and equipment in use in Kenya.</p>

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Space Systems Engineering	<p>30. (1) All entities registered in Kenya that manufacture, assemble, integrate, test, own or sell space objects shall apply for license from the Agency.</p> <p>(2) An entity that violates the provisions of sub section (1) commits an offence and shall be liable upon conviction to a fine of not less than One Hundred Million Kenya Shillings.</p> <p>(3) The Agency may establish specialized facilities for system engineering including but not limited to facilities to support design development assembly and integration of space systems.</p> <p>(4) Any entity registered in Kenya that seeks to undertake activities in space systems design, manufacturing testing, own, sell operate shall apply for license from the Agency.</p> <p>(5) All entities undertaking activities in sub sections (1) and (2) will ensure that the undertakings are cognizant of recommended practices and guidelines to ensure space safety, sustainability and environmental conservation.</p> <p>(6) All entities in sub sections (1) and (2) shall undertake their activities in compliance with all applicable laws and regulations in the Republic of Kenya.</p> <p>(7) All entities in sub sections (1) and (2) shall undertake their activities cognizant of the Intellectual Property rights and export control regulations.</p>
Space Invention and Innovation	<p>31. (1) The Agency will support the registration of intellectual property rights of inventions in space science and technology.</p>
Registration of Space Objects	<p>32. (1) The Agency shall maintain a Nation register for space objects.</p> <p>(2) Any Kenyan entity that has launched or plans to launch a space object shall register the object with the Agency.</p> <p>(3) Any entity that has launched or plans to launch a space object from the territory of Kenya shall register the object with the Agency</p> <p>(4) There shall be entered in the register, particulars of such objects of space as the Agency considers appropriate to comply with the international obligations.</p>

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	(3) Any person may inspect a copy of the register on payment of such fees as the Agency may prescribe.
Supervision of Space Activities	33. The Agency shall undertake continuous supervision and monitoring of authorized space activities.
Powers to invest in Commercial Ventures	34. (1) The Agency may with the written approval of the Cabinet Secretary and other relevant Government Agencies form a company that would be a subsidiary of the Agency for purposes of commercial ventures. (2) The Agency may invest in capital infrastructure with the aim of generating income for the Agency.
Duty to Insure	35. (1) Any Kenyan entity seeking to undertake launch activities, shall procure insurance to cover against third-party loss and damage. (2) A Kenyan entity shall procure insurance to cover loss or damage to the launch vehicle, persons operating the launch vehicle or such other requirements as may be prescribed under the regulations. (3) A Kenyan entity that undertakes launch activities without procuring insurance commits an offence and shall be liable upon conviction to a fine of fifty million Kenya shillings or 10% of the gross annual turnover of the entity, whichever is higher. (4) Any entity seeking to undertake launch activities from Kenya shall procure insurance to cover against any third party loss and damage.
Requirement for insurance	36. (1) An entity shall procure insurance and indemnify the Government of the Republic of Kenya against any claim brought against the Government in respect of any damages or loss arising out of activities carried out. (2) An entity shall not launch any space objects without entering into an insurance contract by which it can secure the amounts necessary to compensate for damage incurred by others as a result of the launch of the Space objects. (3) Where the launch of Space Objects is to be performed by the Agency on behalf of an entity, the entity shall be required to procure insurance commensurate to the value of the probable loss and provide proof of the same to the Agency.

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PART IV- FINANCIAL PROVISIONS	
Financial year	37. The financial year of the Agency shall be the period of twelve months commencing first July and ending on the thirtieth June in the immediate succeeding year.
Sources of funds	38. (1) The funds of the Agency shall consist of— (a) funds appropriated by the National Assembly; (b) such monies as may accrue to the Agency in the performance of its functions under this Act; (c) such monies from any other source granted, donated or lent to the Agency; (d) interest on savings from investments made by the Agency; (e) money from any other lawful source. (2) There shall be paid out of the funds of the Agency, all expenditure incurred by the Agency in the exercise of its powers or the performance of its functions under this Act.
Annual Estimates	39. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Agency for that financial year. (2) The annual estimates shall make provision for all estimated expenditure of the Agency for the financial year concerned, and in particular provide for the— (a) payment of salaries, allowances and other charges in respect of the Board members and staff of the Agency; (b) payment of pensions, gratuities and other charges in respect to retirement benefits to the staff of the Agency; and (c) proper maintenance, repair and replacement of the equipment and other movable property of the Agency. (3) The Board shall approve the annual estimates before the commencement of the financial year to which they relate and once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval. (4) Expenditure shall not be incurred for the purpose of the Agency except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Board given with the prior approval of the Cabinet Secretary.

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Investment of funds	40. The Board may invest any of the funds of the Agency which are not immediately required for its purposes for the time being as the National Treasury may approve for the purpose.
Bank Accounts	41. The Board may place on deposit with such banks as it may determine any monies not immediately required for the purposes of the Agency.
Accounts and Audit. No. 34 of 2015	<p>42. (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Agency.</p> <p>(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Agency together with—</p> <p style="padding-left: 40px;">(a) a statement of income and expenditure during that year; and</p> <p style="padding-left: 40px;">(b) a statement of the assets and liabilities of the Agency on the last day of the financial year.</p> <p>(3) The accounts of the Agency shall be audited in accordance with the Public Audit Act.</p> <p>(4) Within a period of six months after the end of the financial year, the Auditor-General shall report on the examination and audit of the accounts of the Agency to the Board and to the Cabinet Secretary.</p> <p>(5) Nothing in this Act shall be construed to prohibit the Auditor-General from carrying out an inspection of the Agency's accounts or records when it appears to him/ her desirable and the Auditor-General shall carry out such an inspection at least once every six months.</p>
Annual Report	43. The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Agency for the immediately preceding year.
PART V - MISCELLANEOUS PROVISIONS	
Protection from personal liability	44. The Board members and staff of the Authority shall not be personally liable for an act which is done or purported to be done in good faith by such person, on the direction of the Authority or in the performance or intended performance of any duty or in the exercise of any power under this Act or the regulations made thereunder.

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Liability Damages	for	<p>45. (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of space activities being carried out by the Agency over any property at a height above the ground as long as the provision of any other written law are complied with.</p> <p>(2) The provisions of this Act shall not relieve the Agency of the liability to pay compensation or damages to any person for any injury to him or his property or any of his or her interests caused by the exercise of any of the power conferred by this Act or by failure, whether wholly or partially, of any action.</p>
Common Seal		<p>46. (1) Subject to this Act, the common seal of the Agency shall be kept in such custody as the Board may direct and shall not be used except in the manner authorized by the Board.</p> <p>(2) All deeds, instruments, contracts or other documents shall be deemed to be duly executed by or on behalf of the Board-</p> <p style="margin-left: 40px;">(a) where they are required to be under seal, if sealed with the common seal of the Agency and authenticated by the signature of the Chairperson and the Director General; and</p> <p style="margin-left: 40px;">(b) where they are not required to be under seal, if executed in that behalf by the Chairperson or the Director General.</p>
Dispute Resolution		<p>47. (1) Where a dispute arises regarding anything done or not done pursuant to this Act, the parties shall in the first instance make efforts to resolve the dispute through mutual discussions and negotiations for an amicable settlement within thirty days.</p> <p>(2) Where a dispute under subsection (1) is not resolved, the parties may submit it to arbitration in accordance with the relevant laws and regulations in Kenya.</p>
Regulations		<p>48. (1) The Cabinet Secretary may, in consultation with the Agency, make regulations generally for giving effect to this Act.</p> <p>(2) Without prejudice to the generality of sub-section (1), regulations under this sub-section may provide for—</p> <p style="margin-left: 40px;">(a) procedure for registering space objects;</p> <p style="margin-left: 40px;">(b) registration of space centres;</p> <p style="margin-left: 40px;">(c) registration of space research and training institutions;</p> <p style="margin-left: 40px;">(d) procedure on insurance;</p> <p style="margin-left: 40px;">(e) procedure on licenses and approvals;</p> <p style="margin-left: 40px;">(f) procedures for space tourism;</p> <p style="margin-left: 40px;">(g) safety management systems and procedures;</p>

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	<p>(h) certification of professionals in the space sector;</p> <p>(i) procedure on handling Earth Observation data;</p> <p>(j) procedure for satellite systems evaluation;</p> <p>(k) registration of space communication satellites and equipment;</p> <p>(l) registration of commercial earth observation space service providers</p> <p>(m) registration for commercial users of earth observation data;</p> <p>(n) registration for commercial users of the satellite navigation service;</p> <p>(o) registration of space weather equipment;</p> <p>(p) fees applicable under the Act;</p> <p>(q) procedure for compensation for damages;</p> <p>(r) dispute resolution and complains handling procedure; and</p> <p>(s) any other matter that the Cabinet Secretary may deem necessary.</p>
General penalty.	<p>49. A person or entity that contravenes any provision of this Act for which no penalty has been prescribed, commits an offence and shall be liable upon conviction to a fine not exceeding one million Kenya shillings.</p>
Transitional Provision	<p>50. (1) Subject to this Act, all staff rights, obligations, assets and liabilities of the Agency existing at the commencement of this Act shall be automatically and fully transferred to the Agency and any reference to the Kenya Space Agency in any contract or document shall for all purposes be deemed to be reference to the Agency.</p>
Revocation of LN No. 22 of 2017.	<p>51. The Kenya Space Agency Order, 2017 is hereby <i>revoked</i>.</p>