



NATIONAL COMMUNICATIONS AUTHORITY

SCHEDULE OF PENALTIES

A. ILLEGAL OPERATIONS

1. Installation, establishment and operation of communication equipment and systems without licence/authorization from the Authority (Sections 9 & 43 (1) (a) of Act 524; Reg. 104 (1) (b) of L.I. 1719) (Also under “Comm. Equipment and Systems”)

Penalty - i. An offence which is liable on conviction to a fine of not less than GH¢100 or to imprisonment for a term not exceeding one (1) year or to both on first conviction; and

ii. A fine of not less than GH¢500 or to imprisonment for a term not exceeding two (2) years or to both for subsequent conviction;
(Section 43 (1) of Act 524)

iii. Seizure and confiscation of the communication equipment and systems used in the illegal operation (Section 43 (3) of Act 524; Reg. 104 (1) of L.I. 1719)

2. Involvement in any illegal service not specified in a licence or authorization of an operator (Reg. 104 (2) of L.I. 1719)

Penalty - i. Seizure and confiscation of communication equipment and systems used in the illegal service (Reg. 104 (2) of L.I. 1719)

ii. The Authority may impose a fine where the service is regularized

3. Provision of unauthorized communications service or use of a frequency beyond the limit of the geographical area assigned by the Authority (Reg. 81 (5) of L.I. 1719) (Also stipulated under “Radio Frequency”)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

4. The use of communications services for purposes that contravene national security or public safety.

Penalty - Suspension of Licence/Authorisation pending final determination of the case.

B. TRANSFER OF LICENCE/FREQUENCY/STATION

5. Transfer, assignment, delegation or encumbrance of the rights, interests or obligations under licenses or Authorisations without the prior written approval of the Authority (Section 15 of Act 524; Reg. 121 of L.I. 1719)

Penalty - Cancellation of the licence by the Board after hearing procedure set out in Regs. 118, 119 & 120 has been followed (Reg. 121 (3) of L.I. 1719)

6. Transfer of Radio Station from one location to another without the prior written approval of the Authority (Reg. 122 (1) of L.I. 1719)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 122 (2) of L.I. 1719)

7. Transfer of an assigned frequency without the prior written consent of the Authority (Reg. 81 (4) of L.I. 1719) (Also under “Radio Frequency”)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

C. RADIO FREQUENCY

8. Use of any frequency not assigned or allocated by the Authority (Sections 26, 43 (1) (b) of Act 524)

Penalty - i. An offence which is liable on conviction to a fine of not less than GH¢100 or to imprisonment for a term not exceeding one (1) year or to both on first conviction; and

ii. A fine of not less than GH¢500 or to imprisonment for a term not exceeding two (2) years or to both for subsequent conviction;
(Section 43 (1) of Act 524)

iii. Seizure and confiscation of the communication equipment and systems used (Section 43 (3) of Act 524)

9. Acquisition of any frequency from an individual or company duly licensed or authorized to provide communication services in accordance with the provisions of Act 524 and the Regulations, L.I. 1719.

Penalty - Withdrawal of Frequency

10. Alteration of an authorized installation, operation or characteristics for the use of frequencies, the transmitting power and other technical parameters related to the use of a radio frequency without the prior written approval of the Authority.
(Reg. 81 (3) of L.I. 1719)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

11. Effecting changes in the design of a radio equipment or frequency without the prior written approval of the Authority (Reg. 122 (1) of L.I. 1719) (Also under “Comm. Equipment and Systems”)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 122 (2) of L.I. 1719)

12. Transfer of an assigned frequency without the prior written consent of the Authority
(Reg. 81 (4) of L.I. 1719) (Also under “Transfers”)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

13. Provision of unauthorized communications service or use of a frequency beyond the limit of the geographical area assigned by the Authority (Reg. 81 (5) of L.I. 1719) (Also under “Illegal Operations”)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

14. Transmission of signals not done in accordance with the duly authorized output power, bandwidth, frequency or band (Reg. 81 (6) of L.I. 1719)

Penalty - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (Reg. 81 (12) of L.I. 1719)

D. COMMUNICATION EQUIPMENT AND SYSTEMS

15. Importation of communication equipment and systems without the prior written approval of the Authority (Reg. 95 (1), 104 (1) (a) of L.I. 1719)

- Penalty** - i. An offence which is liable on summary conviction to a fine of not less than twice (2) the cost of the equipment imported and not exceeding five (5) times the landed cost of the equipment (**Reg. 95 (3) of L.I. 1719**)
- ii. Seizure and confiscation of the communication equipment and systems (**Reg. 104 (1) of L.I. 1719**)
16. Installation, establishment and operation of communication equipment and systems without authorization from the Authority (**Section 9 of Act 524; Reg. 104 (1) (b) of L.I. 1719**) (**Also under “Illegal Operations”**)
- Penalty** - Seizure and confiscation of communication equipment and systems (**Reg. 104 (1) of L.I. 1719**)
17. Assembling or manufacturing of communication equipment and systems without authorization from the Authority (**Reg. 104 (1) (c) of L.I. 1719**)
- Penalty** - Seizure and confiscation of the communication equipment and systems (**Reg. 104 (1) of L.I. 1719**)
18. Effecting changes in the design of a radio equipment or frequency without the prior written approval of the Authority (**Reg. 122 (1) L.I. 1719**) (**Also under “Radio Frequency”**)
- Penalty** - An offence which is liable on summary conviction to a fine not exceeding 500 penalty units (**Reg. 122 (2) of L.I. 1719**)
19. Using communications equipment for the purpose of interfering with any communications station
- Penalty** - i. An offence which is liable on conviction to a fine of not less than GH¢100 or to imprisonment for a term not exceeding one (1) year or to both on first conviction; and
- ii. A fine of not less than GH¢500 or to imprisonment for a term not exceeding two (2) years or to both for subsequent conviction; (**Section 43 (1) of Act 524**)

E. INTERCONNECTION

20. Violation of interconnection requirements promulgated by the Authority. (**Reg. 108 (1) of L.I. 1719**)
- Penalty** - Refer to Clause 7.2 (Prompt Payment) of Interconnection Guidelines for fine. (**Reg. 108 (5) of L.I. 1719**)

F. CONTRAVENING LICENSING OBLIGATIONS

21. Contravening the obligations in a Licence or Authorisation (Reg. 136 (1) & 147 (1) of L.I. 1719)

Penalty - i. A fine between GH¢1,000.00 - GH¢2,000.00; or

ii. Any other sanction that the Authority may determine
(Reg. 136 (2) & 147 (2) of L.I. 1719)

22. Ceasing transmission without the Authority's prior written consent for more than fourteen (14) days

Penalty - A fine of GH¢3,000.00

G. COMMUNICATION/RADIO INTERFERENCE

23. Intentionally and unlawfully intercepting communications not intended for the general public

Penalty - i. An offence which is liable on conviction to a fine of not less than GH¢100 or to imprisonment for a term not exceeding one (1) year or to both on first conviction; and

ii. A fine of not less than GH¢500 or to imprisonment for a term not exceeding two (2) years or to both for subsequent conviction;
(Section 43 (1) of Act 524)

24. Failing to employ best international industry practice and as a result causing radio interference when operating a telephone system, therapeutic or industrial equipment, engines, power generators, electrical appliances or any other devices. (Reg. 87 (1) of L.I. 1719)

Penalty - i. An offence which is liable on summary conviction to a fine not exceeding 250 penalty units or imprisonment for a term not exceeding 12 months;

ii. Confiscation of the appliance or equipment used in the commission of the offence by an order of the court. (Reg. 87 (3) L.I. 1719)

H. INSPECTORS

25. Willfully obstructing, impeding or hindering the completion of an inspection or the production of information to the Authority (Section 39 of Act 524; Reg. 105 (6) of L.I. 1719)

Penalty - i. An offence which is liable on summary conviction to a fine not exceeding 250 penalty units; or

ii. Imprisonment for a term not exceeding 12 months or both
(Reg. 105 (6) of L.I. 1719)

26. Offering an inspector, agent or employee of the Authority a material inducement, directly or indirectly, to vary the result of an inspection; and failing to report such an offer promptly to the Authority whether or not the offer is accepted by the inspector, agent or employee of the Authority. (Reg. 105 (7) of L.I. 1719)

Penalty - i. An offence which is liable on summary conviction to a fine not exceeding 500 penalty units, or

ii. Imprisonment for a term not exceeding 2 years or to both (Reg. 105 (7) of L.I. 1719)

I. MISREPRESENTATIONS/OMISSIONS

27. Wilful misrepresentations or deliberate omission of material information in responses and statements to the Authority. (Reg. 183 (1) of L.I. 1719)

Penalty - i. An offence which is liable on summary conviction to a fine not exceeding 250 penalty units, and

ii. Suspension or cancellation of any licence or authorization relevant to the matter. (Reg. 183 (2) of L.I. 1719)

J. OTHER STATUTORY INFRINGEMENTS

28. Where an offence created under Act 524 or any Regulations made under it is committed by a body corporate or by a member of a partnership or other firm (Section 43 (2) of Act 524)

Penalty - i. Every director or officer of that body corporate or any member of the partnership or other person concerned with the management of the firm shall also be guilty of the offence; and

ii. The above persons shall, on conviction, be liable to a fine of not less than GH¢100.00 for the offence; and

iii. Shall in addition be liable to the payment of compensation for any damage resulting from the breach;

Unless he proves to the satisfaction of the court that:-

a. He exercised due diligence to secure compliance with the provisions of the Act; and

b. The offence was committed without his knowledge, consent or connivance (Section 43 (2) of Act 524)

29. Breach of any provision of the Regulations, L.I. 1719, unless a penalty is otherwise provided for in the Regulations (Reg. 182 (1) of L.I. 1719)

Penalty - A fine between GH¢2,000.00 - GH¢5,000.00.

K. OTHER MATTERS

30. Failure to respond within the time required to any request for information or order of inspection issued by the Authority

Penalty – A fine between GH¢500.00 - GH¢1,000.00

31. Failure to file or to file on time any reports or plans identified in the Act, Regulations, or in any Licence or Authorisation issued by the Authority for the provision of communication services

Penalty - A fine between GH¢500.00 - GH¢1,000.00

32. Failure of operator to attend Authority proceedings or requested meetings of which the operator has had reasonable advance notice. It may be deemed a failure to attend if the operator's representatives are not knowledgeable about the subject matter of the meeting when the operator has been given reasonable advance notice of the subject matter, or if the operator's representatives lack adequate decision-making authority

Penalty – A fine between GH¢500.00 - GH¢1,000.00

33. Failure to submit designs for deployment and network expansion to the Authority for its study and approval before implementation (Section 2 (b) of Act 524)

Penalty - A fine between GH¢500.00 - GH¢1,000.00

34. Failure to submit a list containing all the necessary technical and operational information of all and any communications equipment to the Authority for its study and approval before importation of such equipment for the purposes of providing communication services in the country (Section 2 (f) of Act 524)

Penalty - A fine between GH¢500.00 - GH¢1,000.00