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**GAZETTE NOTICE**  
**BILL PRESENTED TO PARLIAMENT**

In accordance with article 106 (2) (b) of the Constitution, **The National Petroleum Bill, 2024**, was first presented to Parliament on 22<sup>nd</sup> December, 2023.

The Bill was subsequently withdrawn on 18<sup>th</sup> June, 2024, re-introduced and Read the First Time at the Fifth Sitting of the Third Meeting of the Fourth Session of the Eighth Parliament, held on **Tuesday, 18<sup>th</sup> June, 2024**.



**GUIDELINES ON PROCEDURE FOR GRANTING APPROVAL  
TO DISCONNECT TELECOMMUNICATIONS SERVICE OPERATORS**

*APRIL, 2024*

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**National Communications Authority (NCA)**  
**Guidelines on Procedure for Granting Approval to**  
**Disconnect Telecommunications Service Operators**

**Part I: General**

**1. Introduction**

- (1) The National Communications Authority Act, 2008, Act 769 establishes the National Communications Authority as the central body to license and regulate communications activities and services in Ghana; and to provide for related purposes. In furtherance of its mandate, the Authority is empowered in section 3(r) of Act 769 to issue guidelines and standards from time to time.
- (2) Such guidelines are intended, among other things, to ensure fair competition amongst its licensees, authorisation holders, operators of communications networks and service providers of public communications, whilst protecting the interests of consumers or users of communications networks or communications services, and in particular, their freedom of choice, and right to quality of service and value for money.
- (3) Furthermore, the Authority acknowledges that in their dealings with each other licensees, authorisation holders, and service providers may enter into arrangements, which impose financial obligations with far-reaching consequences on their business prospects and the industry as a whole.
- (4) Whilst such obligations may be contractual and private to the parties, disputes arising from non-performance, willful defaults or non-payment of liabilities due and owing could impact their financial sustainability, the quality of service and customer experience, and erode investor confidence in the telecommunications industry.
- (5) Whereas the parties are free to explore various dispute resolution mechanisms, including reference to arbitration by the Dispute Resolution Committee of the Authority, section 6 (m) of the Electronic Communications Act, 2008, Act 775 prohibits a service provider from impairing or terminating the electronic communications service provided to a user during a dispute without the written approval of the Authority.
- (6) These Guidelines are developed to ensure that the procedure for granting approval for the impairment, termination or disconnection of a user is founded on a predetermined framework to engender transparency, certainty and fairness.

## 2. Interpretation

(1) In these Guidelines, unless the context otherwise requires, all terms shall have the same meaning as under the National Communications Act, 2008 (Act 769)

(2) For specific purposes of these Guidelines;

*"Act"* means the National Communications Act, 2008 (Act 769)

*"Applicant"* means the licensee bringing an application for disconnection

*"Application"* means the documentation of a request for approval for disconnection

*"Authority"* means the National Communications Authority

*"Days"* means working days

*"Disconnection"* means not only the mere absence of physical connection between operators previously connected but also the reduction of the scope of service in both directions; partial or complete denial of access or flow; allowing only uni-directional flow as against bi-directional flow and the general restriction of traffic however called

*"Licensee"* means anyone who holds a licence or authorisation under the Act

*"Parties"* refers to both the Applicant and the Respondent

*"Previous record"* means documents with the Authority filed after each default establishing that a User has failed to meet its financial obligations three times in a twelve (12) month period;

*"Undertaking"* means a signed commitment by the Respondent to settle its financial obligations by a definite date and according to a specified schedule;

*"User"* means a customer, licensee, operator or provider of electronic communications network or service;

*"Respondent"* means an entity against whom an application for disconnection is made.

## 3. Guiding Principles

(1) The Authority shall not consider any disconnection request unless:

(a) There is a subsisting agreement specifying the obligations between both parties, a copy of which must be duly filed with the Authority upon submission of the Application;

(b) The parties are in agreement on the accuracy of the billing or invoices issued consistent with the standard and specifications determined by the Authority. Any

discrepancies must have been independently verified and accounts reconciled between the parties;

- (c) The parties have exhausted all internal dispute settlement mechanism contained in their agreements for resolving the dispute in question and prior to commencing formal arbitration or litigation.

- (2) In granting approval for the disconnection of service, the Authority shall be guided by the need for a fair balance between the protection of consumer interest, on one hand, and the service provider's right to full consideration for its services, on the other.
- (3) Other relevant issues to guide the decision of the Authority shall include the public interest in observing the sanctity of contracts, the rule of law, and the need to entrench good corporate governance practices among operators.

#### 4. Request for Approval to Disconnect

- (1) Every operator (hereinafter referred to as "Applicant") has a right to apply to the Authority for approval to disconnect a User (hereinafter referred to as "Respondent") where:
- (a) The Respondent fails to settle its indebtedness after it becomes due;
  - (b) An agreement has been terminated for default of payment and a party is dissatisfied with the termination;
  - (c) There is a fundamental breach of the agreement;
  - (d) The Respondent is engaged in acts contrary to the terms of its licence; or
  - (e) For any other reasons established under the Act or any subsidiary legislation made by the Authority.
- (2) Applications for approval to disconnect a User on the grounds of failure or refusal to settle indebtedness should at all times be made on **NCA Request For Disconnection Form 1**, completed in triplicate and submitted to the Authority.
- (3) The information to be provided to the Authority under paragraph (2) above would however not be required where the request for disconnection is made for reasons other than failure or refusal to settle indebtedness.
- (4) In every request for approval to disconnect made under Paragraph 4 (1) above, the Authority shall within three (3) working days of receipt of the request, forward the request to the Respondent requiring a response within five (5) days giving reasons



against the approval of a disconnection.

- (5) The Respondent shall provide a reply to the disconnection request on a duly completed **NCA Disconnection Form 2**, completed in triplicate, and returned to the Authority within 5 days from receipt of the application.
- (6) Failure of the Respondent to give a written response to the request for disconnection shall be taken as an indication that it has no response and the Authority may proceed to take a decision solely on the submissions of the Applicant.
- (7) A Respondent may upon request and at the discretion of the Authority be granted an extension of no longer than three (3) days within to file a written response.

#### **5. Additional Information from the Applicant**

- (1) Notwithstanding the specific provisions of paragraph 4 above, nothing in these guidelines shall preclude the Authority from requesting any additional information which it may require in considering an application for approval to disconnect a User.

#### **6. Conditions for the Grant of Approval to Disconnect for Indebtedness**

- (1) In considering a request for approval to disconnect a User, the Authority may take into account the following:
  - (a) That the Applicant has paid up all regulatory fees to the Authority;
  - (b) That the Applicant had before the request for approval to disconnect provided all outstanding invoices to the Respondent and afforded reasonable time within each they are to be settled; and
  - (c) That such invoices have been reconciled and the outstanding amount is undisputed by the Respondent, yet no definite timelines are given for settlement.
  - (d) Previous payment record of the Respondent with the Applicant;
  - (e) The antecedents of the Respondent vis-à-vis payment obligations to other service providers.
- (2) The debt must have been outstanding for sixty (60) days inclusive of the period agreed between the parties in their agreement.

- (3) In the event that the Respondent has a previous record of not meeting debt obligations, the duration allowed for indebtedness may be reduced to forty-five (45) days inclusive of the period agreed by the parties in their agreement.

## **Part II: Decisions of the Authority**

### **7. Preliminaries and Time for Taking Decisions**

- (1) Without prejudice to provisions of these Guidelines, the Authority may at any time before rendering its decision on the request for approval to disconnect, invite the parties to attempt settlement after receipt of an application.
- (2) Where at such a meeting a Respondent shows demonstrable efforts by the payment of at least 50% of the indebtedness, the Respondent shall be required to execute a Personal Directors/Shareholders Guarantee to be bound by the terms agreed between the parties for payment of the outstanding obligation.
- (3) Refusal to execute the Guarantee or non-compliance with the terms of the Guarantee shall result in the grant of approval for disconnection of the Respondent.
- (4) The decision by the Authority in either granting or refusing a request for approval to disconnect shall be taken and communicated to the parties within ten (10) days from receipt of all requested comments or upon conclusion of the hearing as required herein.
- (5) If the Authority is unable to give its decision within the required timeframe, it shall provide reasons to both parties within five (5) days and avail further options for dealing with the Respondent's indebtedness.

### **8. Pre-Disconnection Notice**

- (1) If the indebtedness or a part thereof remains unpaid by the date agreed for payment in the Respondent's Guarantee Security, and the Applicant is unwilling to extend the period for payment, the Applicant shall notify the Authority of its intention to disconnect service to the Respondent.
- (2) Upon receipt of such notification, the Authority shall cause the Respondent to immediately publish a notice to its subscribers informing them of the service disruption and consequent remedial measures.
- (3) The Authority shall, within three (3) days of the Respondent's publication, issue a Pre-

disconnection Notice on its website as well as the electronic media stating reasons for the service disruption and options for redress available to consumers.

- (4) Upon issuance of such notification, the Authority shall at its discretion allow a grace period of not more than ten (10) days within which subscribers would be at liberty to migrate or port from the Respondent's network to another network.

#### **9. Notice to Parties**

The Authority shall not publish any notice under the paragraph above unless prior notice of the approval to disconnect has been given to both the Applicant and the Respondent.

#### **10. Partial Disconnection**

- (1) Where a determination is made by the Authority to approve a Respondent's request to disconnect, the approval may be interim or final.
- (2) An interim approval shall be given to an Applicant for a partial disconnection of service to the Respondent, where practicable.
- (3) Approval for partial disconnection, however, shall be for a period not exceeding two (2) weeks, subject to the provision of a mutually satisfactory payment arrangement by the Respondent to support the continuous provision of service by the Applicant.

#### **11. Other Remedial Steps for Non-Payment of Debts**

- (1) Where after approval for partial disconnection is granted, the Authority finds the remedial efforts of the Respondent unsatisfactory, the Authority may take any or all of the underlisted steps:
  - (a) Direct the migration of customers to another service provider, or payment of compensation or refund for pre-paid services;
  - (b) Decline any request for regulatory services or assistance on such terms and conditions as the Authority may specify;
  - (c) Publish names of operators with records of indebtedness in the newspapers;
  - (d) Withhold renewal of the Respondent's license.
- (2) Without prejudice to any other provision in these Guidelines, the Authority may take any or all of these remedial steps, where any operator or Respondent has a reputation for persistent default.

**12. Reconnection**

- (1) Where the Authority has approved a disconnection, the Respondent shall not be permitted to reconnect to the Applicant either directly or indirectly through any other licensee unless it has liquidated all outstanding debts to the Applicant.
- (2) For a reconnection to be made to the Applicant, the Respondent shall be required to provide a Bank Guarantee to the Applicant to ensure prompt payment of the outstanding debt.

**13. Registration of Payment Plan Agreements**

- (1) Notwithstanding the provisions in these Guidelines, licensees may at any time mutually negotiate and agree terms, including the provision of bank guarantees for payment of obligations due and outstanding, and notify the Authority accordingly.
- (2) Any terms of settlement executed in this regard, must be signed by both parties and registered as a Deed with Stamp Duty paid; and such agreements shall be adopted by the Authority within the context of these Guidelines.

SCHEDULE

**NCA REQUEST FOR DISCONNECTION FORM 1  
APPLICATION FOR APPROVAL TO DISCONNECT SERVICE**

**1. APPLICANT'S INFORMATION**

- A. Name:
- B. Address:
- C. Licence Category

**2. RESPONDENT'S INFORMATION**

- A. Name:
- B. Address:
- C. Licence Category

**3. DEBT PROFILE/ INFORMATION**

- A. Amount Outstanding:
- B. Due Date for payment of Debt:
- C. Has a previous application for disconnection been made in respect of the Respondent?  
(\*If Yes insert details)

.....  
 .....

**PARTICULARS OF CLAIM AMOUNT**

- D. Date of last payment demand?
- E. Is Reconciliation Complete?
- F. Amount Undisputed:
- G. Amount Disputed:
- H. Reason(s) for Disputed Amount:.....

.....  
 .....

**4. DETAILS OF COMPLIANCE WITH DISPUTE RESOLUTION MECHANISM  
CONTAINED IN AGREEMENT**

.....  
 .....

\_\_\_\_\_  
 NAME                                      SIGNATURE                                      DESIGNATION                                      DATE

*\*Forms are to be completed in triplicate. Original copy to NCA; Duplicate copy to Respondent; Triplicate copy for Applicant's records.*

**NCA DISCONNECTION FORM 2**

**RESPONSE TO APPLICATION FOR APPROVAL TO DISCONNECT SERVICE**

**1. RESPONDENT'S INFORMATION**

- A. Name:
- B. Address:
- C. Licence Category

**2. APPLICANT'S INFORMATION**

- A. Name:
- B. Address:
- C. Licence Category

**3. RECONCILIATIONS:**

- A. Is Reconciliation Complete?
- B. Amount owed:
- C. Amount Undisputed:
- D. Amount disputed:
- E. Particulars of Disputed Amount:.....  
.....
- F. Payment Proposal for Amount Undisputed:.....  
(Attach extra sheet, if necessary)

**4. DETAILS OF COMPLIANCE WITH DISPUTE RESOLUTION MECHANISM  
CONTAINED IN PARTIES' AGREEMENT**

.....  
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**5. COUNTERCLAIM (IF ANY):.....  
.....**

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NAME	SIGNATURE	DESIGNATION	DATE
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*\*Forms are to be completed in triplicate. Original copy to NCA; Duplicate copy to Applicant; Triplicate copy for Respondent's records.*

