



NATIONAL COMMUNICATIONS AUTHORITY

SCHEDULE OF PENALTIES

OFFENCES FOR WHICH PENALTIES ARE PROVIDED FOR IN THE ELECTRONIC COMMUNICATIONS ACT, 2008, ACT 775 AND THE ELECTRONIC COMMUNICATIONS REGULATIONS, L.I.1991

A. ILLEGAL OPERATIONS

1. Providing electronic communications service without a licence where a licence is required for that service contrary to Section 73(1) of the EC Act 775.
2. Selling or manufacturing any system, equipment, card, plate or other device or offering for sale, producing, distributing electronic communications service without a licence contrary to Section 73(1) of the EC Act 775.
3. Installation, establishment and operation of communications equipment and systems without authorisation from the Authority and assembling or manufacturing of communication equipment and systems without authorisation from the Authority (Regulation 87 of L.I. 1991)

Penalty- i. An offence which is liable on summary conviction to a fine of not more than 3000 penalty units or to a term of imprisonment of not more than five years or to both.

ii. Where the offence is committed by a corporate entity that entity is liable to a fine of not more than 9000 penalty units and each director of that entity shall be deemed to have committed the offence.

4. Involvement in any illegal service not specified in a licence or authorisation of an operator (Regulation 87(2) of L.I. 1991)

Penalty- Seizure and confiscation of the communication equipment

B. USE OF RADIO FREQUENCY (REGULATION 65)

1. Use of a radio frequency without authorisation from the Authority
2. Use of an allocated frequency for a service other than that for which it was allocated.
3. Altering the authorised installation, operation or characteristics for the use of frequencies, the transmitting power and other technical parameters related to the use of the radio frequency without **the prior written approval of the Authority**.
4. Providing any unauthorised communications service or use of a frequency beyond the limit of the geographical area assigned by the Authority.
5. A service provider transmitting signals not in accordance with the duly authorised output power, bandwidth, frequency or band.

Penalty- An offence which is liable on summary conviction to a fine not exceeding five hundred penalty units.

C. COMMUNICATION EQUIPMENT AND SYSTEMS

1. Installation, establishment and operation of communications equipment and systems without authorisation from the Authority.
2. Assembling or manufacturing of communication equipment and systems without authorisation from the Authority (Regulation 87 of the L.I. 1991)

PENALTY- Seizure and confiscation of communications equipment and systems by the Authority.

D. COMMUNICATION AND RADIO INTERFERENCE

1. Knowingly obstructing or interfering with the sending, transmission, delivery or reception of communication contrary to Section 73(1) (e) of the EC Act, Act 775.
2. Intercepting or procuring another person to intercept, without the authorisation of the provider or user or a court order, or otherwise obtaining or procuring another person to obtain, unlawful access to communication transmitted over electronic communications network contrary to Section 73(1) (f) of the EC Act, Act 775.

3. Using or attempting to use the content of any communication, knowing or having reason to believe that the content was obtained through unlawful interception or access contrary to Section 73(1) (g).
4. A person who is not the sender or intended recipient of a transmitted message or data but who interferes with, alters or modifies, diverts, unlawfully discloses or decodes the transmitted message or data or facilitates the commission of these act contrary to Section 73 (1) h.
5. Stealing a transmitted message or data contrary to Section 73 (1) j.

Penalty- An offence which is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or both.

6. 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 contrary to Regulation 71 of L.I. 1991.

- Penalty-**
- i. An offence which is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to term of imprisonment of not more than twelve months.
 - ii. Confiscation of the appliance or equipment used in the commission of the offence.

E. INSPECTORS

Section 71 of Act 775 mandates an authorised officer of the Authority to enter, search and conduct inspection in a place, vehicle, vessel, aircraft or other contrivance from which electronic communications network or service is operated.

1. Wilfully obstructing, hindering, molesting or assaulting personnel of the Authority duly conducting inspection (**Section 73(1) k**)

Penalty- An offence which is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or to both.

2. Offering directly or indirectly an inspector or any other agent or employee of the Authority a material inducement to vary the result of an inspection, whether or not the inspector or the agent accepts the offer contrary to Regulation 88(7).

Penalty- An offence which is liable on summary conviction to a fine of not more than five hundred penalty units or a term of imprisonment of not more than two years or to both.

F. FALSE INFORMATION

Knowingly giving false or misleading information to the Authority contrary to Section 74 of Act 775.

Penalty- An offence which is liable on summary conviction to a fine of not more than one thousand penalty units or to a term of imprisonment of not more than three years or to both.

G. False Signals

Knowingly transmitting or circulating false or deceptive distress, safety or identification signals. (Section 75 of Act 775)

Penalty- An offence which is liable on summary conviction to a fine of not more than three thousand penalty units.

H. MISREPRESENTATIONS /OMISSIONS

Wilful misrepresentation or deliberate omission of material information in a response to correspondence from the Authority, an inquiry, application, report or a written statement submitted to the Authority contrary to Regulation 138 of L.I. 1991.

- Penalty-**
- i. An offence which is liable on summary conviction to a fine of not more than two hundred and fifty penalty units.
 - ii. Suspension or cancellation of a licence or other authorisation relevant to the matter.

I. CONFIDENTIALITY AND DISCLOSURE OF PERSONAL INFORMATION

1. Intentionally disclosing communication which that person knows was obtained in contravention of Section 79 (1) (a) of Act 775.
2. Using or disclosing personal information in contravention of Section 79 (1) (b) of Act 775.

Penalty- An offence which is liable on summary conviction to a fine of not more than one thousand five hundred penalty units or to a term of imprisonment of not more than four years or both.

J. DAMAGE TO EQUIPMENT

1. Recklessly, maliciously or negligently damaging, removing or destroying a facility
2. Recklessly, intentionally or negligently interfering with, causing damage to, or accessing without authorisation a computer, switch or other facility used in connection with the operation or provision of electronic communications network or service. (Section 77 of Act 775)

Penalty- An offence which is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or both.

K. Mobile Number Portability Regulations, 2011, L.I. 1994

A participant or traffic originator who contravenes the Regulations under the Mobile Number Portability Regulations, 2011, L.I. 1994, directives or guidelines issued by the Authority pursuant to the Regulations commits an offence and is liable on summary conviction to a fine of not more than two thousand penalty units.

L. SUBSCRIBER IDENTITY MODULE REGISTRATION REGULATIONS, 2011, L.I 2006

1. A network operator or service provider activating a subscriber identity module for a subscriber before the completion of registration of the SIM in accordance with these Regulations contrary to Regulation 1 of L.I. 2006.

Penalty- An offence which is liable on summary conviction to a fine of Two thousand penalty units and one thousand penalty units for each day the offence continues.

2. Use of Subscriber Information

A network operator or service provider shall not use the information of a subscriber for a purpose inconsistent with these Regulations or any other law. (Regulation 4 of L.I. 2006)

Penalty – An offence liable on summary conviction to a fine of not more than two thousand penalty units.

M. UNSOLICITED ELECTRONIC COMMUNICATIONS UNDER THE ELECTRONIC TRANSACTIONS ACT, 2008, ACT 772

1. Sending an unsolicited electronic communications to a consumer without obtaining the prior consent of the consumer contrary to Section 50 of Act 772.

Penalty- An offence liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

2. Sending or continuing to send unsolicited electronic commercial communication after cancellation of the subscription.

Penalty- An offence liable on summary conviction to a fine of not more than five thousand penalty units or a term of imprisonment of not more than ten years or to both.

**N. OFFENCES FOR WHICH PECUNIARY PENALTIES ARE FIXED BY THE
AUTHORITY**

Pursuant to **Section 72(1) (e) of Act 775** and **Regulation 137** of **L.I. 1991**, the Authority enacts the following pecuniary penalties.

1. Failure of a service provider to respond within the time required to any request for information or order of inspection issued by the Authority.

Penalty- A fine of GH¢10,000 for each day the infraction persists.

2. Transfer of a radio station from one location to another without the prior written approval of the Authority.

Penalty- A fine of GH¢20,000

3. Failure to file or to file on time any report(s) or plan(s) identified in the Act, regulations, or in any licence or Authorisation issued by the Authority for the provision of communication services.

Penalty- A fine of GH¢10,000 for each day the infraction persists

4. Failure of a service provider to attend Authority proceedings or requested meetings of which the service provider has had reasonable advance notice. It may be deemed a failure to attend if the service provider'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 of GH¢10,000 for each day the infraction persists

5. Assignment of a licence/ frequency authorisation without the prior written approval of the Authority.

Penalty- A fine of GH¢20,000

6. Transfer of a licence or frequency authorisation without the prior written approval of the Authority.

Penalty- A fine of GH¢20,000

7. Failing to submit to the Authority in a manner and at the times as may be reasonably requested, documents, accounts, estimates, returns and other information that may be required under the Authorisation and in general give the Authority's inspectors the necessary facilities to carry out inspections of the communications system.

Penalty- A fine of GH¢10,000 for each day the infraction persists

8. Failing to pay on time any fees, duties, rates, fixed charges and other costs relating to the Frequency Authorisation.

Penalty-GH¢5000 for each day the infraction persists

9. Failing to seek the written prior approval of the Authority as specified in the Frequency Authorisation before effecting any change regarding the ownership, address, business name, location of operations, and technical specification of equipment.

Penalty- A fine of GH¢20,000

10. A network operator who activates a subscriber identity module for a subscriber before the completion of registration

Penalty- A fine of GH¢10,000 for each day the infraction persists.

11. Failure of a network operator or service provider to provide accurate information on any subscriber when required by law to do so.

Penalty- A fine of GH¢10,000 for each day the infraction persists.

12. A network operator charging a fee for the provision of emergency services.

Penalty- A fine of GH¢20,000

14. An operator charging a fee for the provision of customer services

Penalty- A fine ranging from GH¢20,000 to GH¢50,000

15. A network operator or service provider forwarding traffic to or from prohibited or unassigned numbers.

Penalty- A fine ranging from GH¢20,000 to GH¢50,000

16. Transfer of a numbering resource to another entity without the prior written approval of the Authority.

Penalty – A fine of GH¢20,000

17. An operator or service provider using a Short Numbering Resource (SNR) for more than one service.

Penalty- A fine of GH¢20,000

18. An operator or service provider using short codes for the provision of voice based services without the prior written approval of the Authority.

Penalty- A fine of GH¢20,000 for each day the infraction persists

19. An operator or service provider charging fees for toll free services.

Penalty- A fine of GH¢20,000 for each day the infraction persists

20. An operator or service provider charging interconnectivity rates for emergency services that is routed through their network from other communication network operators.

Penalty- A fine of GH¢ 20,000 for each day the infraction persists

21. An operator or service provider using unassigned or unallocated numbering resource without authorisation from the Authority.

Penalty- A fine ranging from GH¢20,000 to GH50, 000

22. An operator or service provider providing broadcasting recorded or promotional messages using numbers in E.164 format.

Penalty – A fine of GH¢20,000

23. Failure of an operator or service provider to give notice as soon as possible to the Authority, all affected persons including subscribers and other operators or providers of communications services for an anticipated or actual interruption in any licensed service.

Penalty- A fine of GH¢50,000 for each instance of default.

24. Any infraction of a frequency authorisation condition not stated above shall carry a sanction of **GH¢10,000**.
25. Any infraction of a dealership licence condition not stated above shall carry a sanction of **GH¢10,000**.
26. Any infraction of a value added service registration condition not stated above shall carry a sanction of **GH¢10,000**.
- 27.** Failure of a licensee or a frequency authorisation holder to commence operations within two years of the effective date of the licence or the frequency authorisation.

Penalty- A fine ranging from GH¢20,000 to GH¢50,000

- 28.** Importation, distribution and sale of electronic communications equipment that are not certified by the Authority.

Penalty- A fine ranging from GH¢20,000 to GH¢50,000

REVIEW: The pecuniary penalties are subject to review as and when the Authority determines.