

NIGERIAN COMMUNICATIONS ACT 2003

LICENSING REGULATIONS 2013

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- (4) Where the Commission determines that a communications licence be reclassified under any of the classes stated in Regulation 2(a), (b) or (c), the basis for the re-classification of the category will be on terms determined by the Commission.

CHAPTER II- LICENSING PROCESS AND EXEMPTIONS

4. All communication services provided in Nigeria must be provided pursuant to a licence granted by the Commission. Pre-condition for Communications Services
5. (1) In granting a licence under the Act, the Commission shall ensure that the terms and conditions imposed on the licensee are non-discriminatory. Non-discriminatory Provisions
- (2) For the purpose of sub regulation 1, a licence is issued on non-discriminatory terms if ó
- (a) telecommunications providers of similar types of telecommunications networks or telecommunications services are treated similarly;
- (b) the Licence does not favour any one telecommunications provider or class of telecommunications providers
- (c) the issuance of the Licence is likely to enhance competition in any market.
6. Notwithstanding the provisions of Regulation 4, the Commission may issue an exemption order exempting specified activities or classes of persons from the requirement to hold a licence. Exemptions from Licensing
- (1) In making an exemption order, the Commission shall be satisfied that that no interference or harm shall result from the service to be provided under such exemption to either a service provider or consumers. .
- (2) The Commission shall maintain a register of all exemptions granted.
7. The use of any non-radio communications equipment which is not used to provide public telecommunications service or telecommunications service to customers, whether or not it may be connected to a licensed telecommunications operator's network or system, shall be exempted from the requirement of licensing. Exemptions from Non-Radio Telecommunications Equipment

Provided that:

- (1) The equipment does not cause harmful interference with other telecommunications equipment or system authorized by the Commission under the Act.
 - (2) It is used in a manner that makes it possible to comply with any direction given by the Commission for avoiding interference with other telecommunications equipment or system authorised under the Act or Regulations made pursuant to the Act.
 - (3) The equipment tolerates interference from other telecommunications equipment or any system authorised under the Act; and
 - (4) The equipment is type approved by the Commission in accordance with Section 132 of the Act.
- 8.** (1) A Licence authorises its holder to own or operate the communication network, or provide a communication service as prescribed in that Licence only. Scope of Licence
- (2) No person shall operate any service which is not expressly stated in its licence or for which the Commission has specified a separate licence or authorisation.
- 9.** (1) An application for a licence will only be valid where the applicant: Licence Application Conditions
- (a) is a corporate body registered under the laws in force in Nigeria.
 - (b) meets the Commission's technical requirements for operating such a licence.
 - (c) possesses sufficient financial capacity to provide long term services to the satisfaction of the Commission.
 - (d) satisfies any other condition the Commission may require.
- (2) Any application for the communication licences listed in Schedules 2 and 3 of these Regulations shall be made to the Commission in the prescribed application forms obtainable from the Commission's website or offices, accompanied with the prescribed application fee
- (3) All applications for communication licences shall be subject to the payment of the required licensing and administrative fees, in such amount and upon such terms as the Commission may, from time to time determine.

10. A licensee of a communications service shall:

Licensing Process for
Pre-existing Licences

- (1) operate the licence until it either expires or is revoked in accordance with section 45 of the Act and these Regulations.
- (2) where a renewal of the licence is required, a licensee shall apply for renewal of the licence in accordance with section 43 of the Act and Regulation 12 of these Regulations.

11. Where it is proposed that the number of licences to be granted for the operation of a particular type of telecommunications network or the provision of a particular type of telecommunications service should be limited, the Commission shall:

Limitation on
Issue of Licences

- (1) publish a consultative document containing detailed reasons for the proposed limitation;
- (2) consider any representations made to it in respect of the proposed limitation but shall not be bound by such representations in making its decision.

12. The Licensee shall provide a good, efficient and continuous service that meets grade-of-service thresholds periodically specified by the Commission and in a manner satisfactory to the Commission and shall not reduce or cease to provide the service unless with the express written approval of the Commission.

Quality of Service

CHAPTER III- INDIVIDUAL LICENCES

13. (1) The Commission may grant an individual licence using any of the following methods:

Grant of Individual
Licences

- (a) Auction
- (b) Tender
- (c) Fixed Price
- (d) Competitive Bid Process
- (e) Any other method which the Commission considers appropriate

- (2) Where the Commission adopts the Auction process, it shall stipulate the terms and requirements of the Auction in the Auction Information Memorandum.

- (3) Where the Commission adopts the Tender process, the terms and requirements of the Tender shall be contained in the Commission's Invitation for Tender.
 - (4) Where the Commission adopts the Fixed Price process, it shall determine the price and stipulate the terms and requirements.
 - (5) Where the Commission adopts the Competitive Bidding Process, it shall issue a public notice to invite bids.
- 14.**
- (1) The Commission may at any time after the receipt of an application for an individual licence, requests the applicant to give, any further information, or documents in support of the application.
 - (2) If any information or document required in sub-regulation (1) above is not provided by the applicant within the time specified in the request or any extension of time granted by the Commission, the application shall be deemed to be withdrawn.
 - (3) The information contained in an application or submitted in connection with an application shall be accurate and complete.
 - (4) Where before the grant or refusal to grant an individual licence, information submitted with an application is no longer accurate and complete, the applicant shall within fourteen (14) days of such change in status, amend or request the amendment of its application so as to furnish such additional or amended information.
 - (5) Where an applicant fails to supply the accurate and complete information to the Commission in an application for an individual licence or to supply the additional or corrected information as provided in the sub-regulations above, a licence issued on the basis of the inaccurate or deficient information submitted shall be revoked.
- 15.**
- (1) The Commission shall upon receipt of a valid application, process the application within the time and in the manner specified in Section 41 of the Act.
 - (2) Where an applicant does not comply with the provisions of the Act or these Regulations, the Commission shall issue a letter of deficiency to the applicant notifying the applicant in writing of the non-compliance and informing the applicant that the defect must be corrected within the time specified by the Commission.

Requirements for
Information and
Documents

Processing of
Application

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| 16. | No individual licence shall be issued to an applicant who has a controlling interest in another licensee if the Commission is satisfied that anti-competitive issues are likely to arise in the event that such a licence is issued. | Restriction on Individual Licence |
| 17. | The grant of individual licences shall remain conditional, until undertakings as contained in the application form for individual licence or as may be requested for in any other manner by the Commission, are duly completed and submitted to the Commission by an applicant. | Undertakings for Individual Licence |
| 18. | A licence shall automatically terminate on the date stated in the licence unless the licensee gives the Commission notice of its intention to renew same not later than three (3) months prior to the termination of the said licence. | Duration and Expiration of Individual Licence |
| 19. | In the absence of a licence termination date, the licence shall terminate after 12 months from the date of issuance or unless otherwise stated in the licence. | Absence of Expiry Date |
| 20. | Where a licence terminates for the reason provided in Regulation 19 of these regulations, a licensee shall automatically have its name removed from the register of licensees and shall not be re-listed until such licence is renewed on the terms and conditions stipulated by the Commission. | Removal from list of Licensees |
| 21. | An individual licence may be renewed by completing the forms provided for that purpose, obtainable from the Commission's website or offices. | Renewal of Individual Licence |
| 22. | An individual licence may be surrendered at any time by applying to the Commission in the forms provided for that purpose, obtainable from the Commission's website or offices. Provided that | Surrender of Individual Licence |
| | (1) The licensee seeking to surrender its licence must give the Commission no less than ninety (90) days notice prior to the date determined by the licensee on which surrender of the licence will take effect. | |
| | (2) The customers of the licensee must be given a minimum of sixty (60) days notice of its intention to surrender the licence. | |
| | (3) All outstanding regulatory fees due to the Commission are paid by the date of application to surrender the licence and the licensee shall by the date of surrender deliver to the Commission the original licence document. | |

23. The Commission shall approve an application to surrender a licence and shall where it deems it necessary extend the time within which the surrender of licence shall take effect.
- Extension of time for Surrender of Licence

CHAPTER IV- CLASS LICENCE

24. (1) An application for a class licence shall be submitted to the Commission in the prescribed application form accompanied with the prescribed application fee and relevant documents.
- Application for Class Licence
- (2) The Commission shall within thirty (30) days of receipt of the application, decide whether a class licence should be granted or refused and the Commission will notify the applicant in writing of its decision.
- (3) In deciding whether or not to grant the class licence, the Commission shall consider the matters set out in the application, along with any accompanying submissions and other relevant matters as it may determine from time to time.
- (4) Where no notice granting a class licence as provided in sub-Regulation (2) above is received, the application shall be deemed to have been refused, unless a notice granting the application is received by the applicant from the Commission even after the 14 days expires.
- (5) An applicant for a communications service covered by a class licence shall apply to be registered with the Commission under the appropriate class licence.
- (6) A licensee registered under a specific class licence, shall not operate any other telecommunications service outside the particular class.
25. The grant of a class licence shall be conditional upon undertakings as contained in the application Form for a class licence or as may be requested for in any other manner by the Commission, are duly completed and submitted to the Commission.
- Undertakings for Class Licences
26. The holder of a class licence shall notify the Commission of any change or inaccuracy in its corporate details, the description and scope of telecommunication systems and services run by it and any other information submitted to the Commission.
- Obligation to provide accurate information

De-registration

27. A registered licensee under a class licence may be de-registered in accordance with the provisions of Section 51 of the Act.
28. A class licence may also be de-registered if any of the following events occur:
- (1) If the Licensee is in breach of any of the Conditions attached to the Licence and such breach has not been rectified within 14 days after the Commission has notified the Licensee of same;
 - (2) If the Licensee requests the Commission in writing to de-register the Licence;
 - (3) If the Licensee ceases to carry on the activity for which the Licence is granted;
 - (4) If the Licensee is unable to pay its debts, enters into liquidation or is otherwise declared insolvent or involved in any fraudulent activity.

Grounds for
De-registration

CHAPTER V- FREQUENCY LICENCE

29. (1) The Commission may issue a frequency licence using any of the following methods:
- (a) Auction
 - (b) Tender
 - (c) Fixed Price
 - (d) Competitive Bidding Process
 - (e) Administrative
 - (f) Any other method which the Commission at its discretion may adopt.
- (2) Where the Commission adopts the Auction process, it shall stipulate the terms and requirements of the Auction in the Auction Information Memorandum.
- (3) Where the Commission adopts the Tender process, the terms and requirements of the Tender shall be contained in the Commission's Invitation to Tender.

Issuance of
Frequency
Licence

- (4) Where the Commission adopts the Fixed Price process, it shall determine the price and stipulate the terms and requirements, for same.
- (5) Where the Commission adopts the Competitive Bidding Process, it shall issue a public notice to invite bids and shall state the requirements.

30. A frequency licence will not be granted unless:

Conditions for
Grant of a
Frequency
Licence

- (a) The proposed frequency licensee is a holder of an operational licence granted by the Commission, or:
- (b) The proposed frequency licensee has submitted N application for an operational licence to the Commission.

31. (1) An application for a frequency licence shall be submitted to the Commission in the prescribed application form, obtainable from the Commission's website or offices, accompanied with the prescribed application fee.

Application and
Processing of
Frequency
Licence

- (2) Upon receipt of an application for the issuance of a frequency licence, the Commission shall:
 - (a) review the application and notify an applicant of any further information required to process the application.
 - (b) subject to Regulation 30 (1) above, process the application within 90 days of receipt of the application.
- (3) Where no notice granting a frequency licence as provided in sub-regulation (2) (b) above is received, the application is deemed to have been refused, unless a notice granting the application is received by the applicant from the Commission even after the 90 days expires.

Provided that:

- (a) the grant of a licence that is frequency, spectrum or network dependent, does not convey an automatic ownership of the frequency, spectrum or network, unless where it exists and has been reserved for the specific licence granted.

- (b) the grant of an individual licence for a frequency dependent service shall be conditional upon meeting the requirements for the grant of a frequency.
- 32.** All applications for the grant of a frequency licence are subject to any prior or subsequent Public Notice, whenever one is issued by the Commission regarding the frequency. Application
Subject to Public
Notice
- 33.** The Commission shall cause to be published, a notice of the applications received for the grant of frequency licences. Publishing of
Public Notice
- 34.** An application for the grant of a frequency licence may be refused when: Refusal to grant
Frequency
Licence
- (1) the Commission does not possess any usable frequencies which could be granted to the applicant, or
- (2) the applicant does not provide the information which is reasonably required by the Commission to grant a licence.
- 35.** The grant of a frequency licence shall be conditional upon undertakings as contained in the application form for a frequency licence or as may be requested for in any other manner by the Commission, are duly completed and submitted to the Commission. Undertakings for
Frequency
Licence
- 36.** Unless otherwise stated in a licence, a frequency licence issued under these Regulations shall subsist for a period of One (1) year in the first instance, and shall expire automatically, unless the licensee gives the Commission notice of its intention to renew same not later than three (3) months prior to the expiration of the said licence. Duration and
Termination of
Frequency
Licence
- 37.** (1) A frequency licence may be renewed by completing the Forms provided for that purpose, obtainable from the Commission's website or offices. Renewal of
Frequency
Licence
- (2) The Commission shall at its discretion renew a frequency licence upon evaluation of the effective use of such frequency by the licensee.
- 38.** A frequency licence may be surrendered by completing the Forms provided for that purpose, obtainable from the Commission's website or offices and upon such terms as the Commission deems fit. Surrender of
Frequency
Licence

CHAPTER VI – TRANSFER OF LICENCE AND CORPORATE RESTRUCTURING

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| <p>39. (1) Where a licensee wishes to assign or transfer a licence under Section 38 of the Act, the licensee shall apply to the Commission for approval.</p> <p>(2) Any assignment by a licensee or transfer of a licence without notifying the Commission shall be void.</p> <p>(3) A licensee who makes an application under sub-regulation (1) above shall submit information supporting the legal, technical and financial qualifications of the proposed assignee or transferee.</p> <p>(4) A licensee making an application for transfer or assignment of its licence must pay any outstanding fees due to the Commission.</p> <p>(5) The assignee or transferee in an application made under sub-regulation (1) above shall satisfy the criteria for grant of the licence under the Act and these Regulations.</p> | <p>Transfer of
Licence</p> |
| <p>40. Any licensee wishing to transfer ownership or control of the licensee in an amount exceeding ten percent (10%) of the total share capital of the licensee shall apply to the Commission in writing at least ninety (90) days prior to the proposed date of transfer, or such other period as may be determined by the Commission.</p> | <p>Transfer of
Shares</p> |
| <p>41. Where the Commission determines that the acquisition of ownership or control of the licensee is likely to lead to anticompetitive issues in that segment of the telecommunications market, the Commission may refuse the transfer and shall notify the applicant in writing of the reasons for the refusal. Where the Licensee proceeds to complete the transfer of control of the licensee, the Commission shall revoke the licence of the Licensee.</p> | <p>Anticompetitive
Measures</p> |
| <p>42. Where a licensee changes its name in accordance with the Companies and Allied Matters Act, it shall notify the Commission within one week of such change.</p> | <p>Change of Name</p> |
| <p>43. A licensee shall notify the Commission within one week of any change in its registered or operational office address.</p> | <p>Change of
Address</p> |
| <p>44. The holder of a licence shall notify the Commission in writing if any of the following occurs:</p> <p style="padding-left: 40px;">(1) changes in a material respect of any matters forming part of the licence application pertaining to information provided, and within the knowledge of the licensee</p> | <p>Notice of Change
of Information
and intention to
enter into
agreements</p> |

(2) the licensee intends to enter into any agreement to merge part or all of its telecommunications activities with any person;

45. Except in such manner as may be contained in the terms and conditions of a licence, the licensee shall seek and obtain the prior approval of the Commission in respect of any change in the control of any of the shares in the licensee.

Prior Approval for
Change in Control
of Shares

CHAPTER VII- REGISTERS

46. (1) The Commission shall maintain registers at its head office containing:
- (a) All individual, class and frequency licences granted by the Commission;
 - (b) the names and registered office of each licensee;
- (2) A register maintained pursuant to sub-regulation (1) above shall be open to public inspection during normal working hours and may be made available in electronic or any format the Commission considers appropriate
- (3) The Commission shall make available copies or extracts of the register to members of the public upon payment of the prescribed fee

Registers of
Licences

CHAPTER VIII- SANCTIONS

Revocation of Licence

47. Where the Commission proposes to vary, suspend or revoke a Licence, it shall notify the Licensee.
- (a) of the reasons for the proposed variation, suspension or revocation, and
 - (b) of the date on which the variation, suspension or revocation is proposed to take effect, and the period within which representations on the Proposal may be made;
48. Where the proposal is the result of a breach of a term, provision or limitation of the licence:

Notice to Vary,
Suspend or
Revoke

Confirmation of
Withdrawal or
Modification of
Proposal

- (1) the notice given to the licensee shall state that the proposal will be withdrawn or modified if the breach is remedied within the time prescribed by the Commission; and
- (2) the Commission shall within the period of thirty (30) days following the period referred to in sub-regulation (1), confirm, modify or withdraw the proposal.

49. Where the Licensee fails to remedy the breach as stated in Regulation 46 of the Commission shall not later than seven (7) days after the last day for remedy by the Licensee: -

Suspension and
Revocation

- (a) Suspend the Licence for a period not exceeding three (3) months (the "Suspension Period") during which period the Licensee shall cease all activity related to its licence and shall remedy the breach;
- (b) revoke the Licence where the Licensee fails to remedy the breach during the Suspension Period.

50. (1) The Commission may suspend or revoke a licence where there has been a breach of any or more of the following;

Grounds for
Suspension and
Revocation

- (a) The terms and conditions of the licence
 - (b) The Act
 - (c) Enforcement Regulations, 2005 or any other Regulations issued by the commission
 - (d) These Regulations
 - (e) Any other Regulations providing for revocation and suspension
- (2) In addition to the grounds listed in Section 45 of the Act, the Commission, before revoking a licence may take into account, but shall not be limited to a consideration of the following grounds:
- (a) Serious and/or repeated breach of the licence conditions;
 - (b) Any fraud or misrepresentation by the licensee in the application for the licence; or
 - (c) Where the licensee ceases to be eligible to be granted a licence.
- (3) The Commission may, in pursuance of the provisions of Section 45 of the Act, revoke a licence where there exist:

- (a) a breach of Regulations 8, 9 and 11 of these Regulations;
or
- (b) new conditions coming to the attention of the Commission which would warrant a refusal to grant the licence on the original application;

51. Without prejudice to Regulations 4, 5, 6 and 7 of the Nigerian Communications (Enforcement Processes, etc) Regulations, 2005; any breach of the provisions of these Regulations and conditions incorporated in a licence may be enforced using the following procedures:

Enforcement.

- (1) The Commission may begin an investigation into an alleged or suspected breach of these Regulations or licence conditions, following:
 - (a) a complaint that provides particulars of such breach by any person;
 - (b) matters arising from an investigation of any licensee, as part of the Commission's performance of its duties of supervising the affairs of a licensee; or
 - (c) where the Commission obtains information by any other means, suggesting that a contravention of the licence terms or conditions or these Regulations may have occurred or is occurring;
- (2) Where the Commission determines or finds that there are reasonable grounds to suspect that a contravention of any condition of a licence or these Regulations has occurred, the Commission shall issue an investigation notice;
- (3) An investigation notice under sub-regulation (2) above shall state:
 - (a) that the Commission is investigating a possible breach of a condition of the licence;
 - (b) that the Commission is investigating a possible breach of a provision of these Regulations;
 - (c) the reasons for the suspicion of a contravention or breach, including any matter of fact or law which is relevant to the investigation;
 - (d) further information required from a licensee to complete the investigations; and

- (e) where appropriate, the steps to be taken to remedy the breach;
- (4) The Commission shall, in exercising its powers under this chapter against a licensee, avail the licensee the rights provided for in section 62(2) of the Act.
- (5) Upon issuing an investigation notice to a licensee, the Commission shall proceed to determine the matter in accordance with the Nigerian Communications (Enforcement Processes, etc) Regulations, 2005;
- (6) In arriving at its decisions on any matter concerning a breach of a condition of a licence or these Regulations, the Commission:
 - (a) shall not be bound by technicalities, legal forms or rules of evidence;
 - (b) shall act as expeditiously as a proper consideration of the matter may allow, having regard to the need to carefully and quickly inquire into and investigate such breach and all incidental matters; and
 - (c) may inform itself of any matter relevant to the breach in any way it thinks appropriate;
- (7) At any time during enforcement proceedings, the Commission may issue an interim order directing a licensee to stop a specified conduct, where the Commission is satisfied that:
 - (a) there is prima facie evidence that the licensee contravened the provisions of the Act and/or these Regulations or the condition of the licence;
 - (b) continuation of the licensee's conduct is likely to cause serious harm to other telecommunications operators, consumers or the general public;
 - (c) the potential harm in allowing a licensee to continue its conduct outweighs the burden on the licensee to refrain from the conduct; or
 - (d) the issuance of the order is in the overriding interest of the public;

- (8) Where the Commission determines that a licensee has contravened any of the conditions of a licence, the Act or these Regulations, the Commission may, take any of the following enforcement actions:
- (a) Direct the licensee to cease engaging in the conduct;
 - (b) Direct the licensee to take specific remedial action;
 - (c) Impose financial penalties on the licensee
 - (d) Suspend the licence for a specified period; or
 - (e) Revoke the licence.
- (9) In imposing a financial penalty, the Commission may consider any aggravating factor, including:
- (a) The gravity of the contravention;
 - (b) The duration of the contravention;
 - (c) Whether the contravention resulted in any injury to a person or property;
 - (d) Whether the licensee acted knowingly, recklessly, or in a negligent manner;
 - (e) Whether the operator has a previous history of contravention; or
 - (f) Whether the operator made any effort to conceal the contravention;
 - (g) In imposing a financial penalty, the Commission may consider such mitigating factors as
 - i. Whether the contravention is minor;
 - ii. Whether the consequence from the contravention is minor;
 - iii. Whether a licensee took prompt action to correct the contravention;
 - iv. Whether the contravention was accidental; or

v. Whether the licensee voluntarily disclosed the contravention to the Commission.

(1) The Commission shall in all cases of enforcement, impose sanctions that serve as a significant deterrent to conduct that it considers a breach of licence conditions.

Chapter IX- Miscellaneous Provisions

- 52.** (1) An Applicant for a licence shall obtain an application form at any of the following places: Application forms
- (a) The Head Office of the Commission
 - (b) Zonal offices of the Commission
 - (c) The Commission's website
 - (d) Any location specified in a public notice issued by the Commission in such a manner and duration as may be advertised.
- 53.** In addition to sub-regulation (1) above, an applicant for either an individual licence or a class licence shall be required to pay: Payment of fees
- a. an application fee as determined by the Commission from time to time.
 - b. An administrative fee in the sum equal to five percent (5%) of the licence fee specified for the licence in the application Form; and
 - c. on grant of the licence, the fee as contained in the Form referred to in sub-regulation (2)(a) above or as may be reviewed by the Commission from time to time.
 - d. at the expiration of the licence period, a renewal fee (where applicable) as evaluated and approved by the Commission; provided the licensee has no outstanding obligations to the Commission in terms of Annual Operating Levy, Frequency Fees, National Numbering Plan Fees or any other regulatory fees.
- 54.** An applicant for a frequency licence will be required to pay the fees as set out in the Frequency Spectrum (Fees and Pricing etc) Regulations issued by the Commission. Spectrum fees

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| 55. | Fees not covered under sub-regulation (2) or (3) above which may be applicable to a licensee, shall be paid annually by the licensee in accordance with the procedures set out by the Commission. | Other fees |
| 56. | <p>(1) All licences issued pursuant to these Regulations require the licensee to:</p> <ul style="list-style-type: none"> i. provide such specified communications service as are indicated in the respective licences; ii. provide the services in sub-regulation (a) above at such places as shall be prescribed. iii. employ prudent management and engineering practices to ensure that consumers receive the best quality of service practicable. iv. adopt and pursue a maintenance program aimed at achieving efficient operations of its systems to render safe, adequate and uninterrupted service to its consumers. | Terms and Conditions |
| 57. | A licensee shall operate telecommunications systems and offer services in accordance with the Act, these Regulations and the terms and conditions of the licence issued. | General Duties of a Licensee |
| 58. | Where any condition of a licence is in conflict with any provision of these Regulations, the provision of the Regulations shall prevail. | Resolution of conflicts between Regulations and Licence |
| 59. | Except an undertaking is incorporated in an application form, a general undertaking as set out in Schedule 1 shall be submitted to the Commission by any prospective applicant for individual licences, class licences and frequency licences. | General Undertakings |

CHAPTER X- INTERPRETATION AND CITATION

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| 60. | <p>(1) The terms and expressions used in these Regulations shall have the same meaning as in the Act unless the context otherwise requires,</p> <p>(2) In these Regulations, unless the context otherwise indicates-</p> <p>“<i>Act</i>” means the Nigerian Communications Act, 2003</p> | Interpretation |
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“Class licence” means a licence for any or all persons to conduct a specified activity and may include conditions to which the conduct of that activity shall be subject ;

“Frequency Spectrum (Fees and Pricing, Etc.) Regulations 2004” means the Regulations that provide for the determination of all frequency spectrum fees for commercial activities in the telecommunications sector in Nigeria and any subsequent amendments made thereto.

“Individual licence” means a licence for a specified person to conduct a specified activity and may include conditions to which the conduct of that activity shall be subject ;

“Licence” means a communications licence granted under the Act.

“Enforcement Regulations” means the Nigerian Communications (Enforcement Processes, Etc.) Regulations 2005 made pursuant to the Act.

“Non –Radio Communications” means Telecommunications other than by means of Radio waves.

“Radio Telecommunications” include telecommunications by means of Radio waves.

“Regulations” means any regulations or guidelines published or issued by the Commission pursuant to the Act.

“Public Telecommunications network” means a telecommunications network used in whole or in part for the provision of publicly available telecommunications services provided either by the operator of that telecommunications network or a third party.

“Telecommunications network” means any form of installation or group of installations which ensure either the transmission or the transmission and routing of telecommunications signals and associated exchange of the control and operational information between network termination points.

“*Telecommunications operator*” means a provider of telecommunications services duly licensed to manage and operate a public telecommunications network.

“*Telecommunications service*” means a service consisting of the conveyance or reception of any sound, sign, signal, writing or image by wire, optical or other electronically guided media system whether or not such sign, signal, writing, image, sound or intelligence has been subjected to re-arrangement, computation or other process by any means in the course of its transmission, emission or reception;

“*Telecommunications equipment*” means equipment, other than customer premises equipment, used by an operator to provide telecommunications services, including software integral to such equipment, and an upgrade other than switching equipment associated with the provision of switched telecommunications services;

“*Telecommunications system*” means a system for the conveyance through the agency of electric, magnetic, electro-magnetic, electro-chemical, electro-mechanical or light energy of-

- (a) Speech, music and other sound;
- (b) Visual image;
- (c) Signal serving for the importance of any matter otherwise than in the form of sound, visual image; or
- (d) Signal serving for the actuation or control of machinery or equipment, including telecommunications equipment situated in the Republic of Nigeria.

61. These Regulations may be cited as the Licensing Regulations 2013.

Citation

SCHEDULE 1

[Regulation 59]

GENERAL UNDERTAKINGS

SYSTEM AND SERVICE DETAILS

The applicant shall provide the following information:

1. Service or Trade Name (if any).
2. Description of the telecommunication system to be installed, including system configuration, architecture and operation and if appropriate, how the system is interconnected with other public telecommunications networks or services.
3. Description of the equipment (e.g. copper wire, fibre, radio transmitters/receivers, switches), the technical configuration and conformity information of each piece of equipment to applicable standards.
4. The technical and operational configuration of the system proposed should be explained fully, the explanatory information shall include:
 - (a) A description of the equipment to be used, and its technical specification,
 - (b) A statement of the equipment's conformity with applicable standards (i.e. confirmation of compliance with the International Telecommunication Union Telecommunication Standardization Sector [ITU-T] and the International Telecommunication Union Radio Communication Sector [ITU-R] recommendations and other specifications or standards which are specifically relevant to the proposed service),
 - (c) The source and availability of the equipment,
 - (d) A clear diagram showing the conveyance of messages from the beginning (i.e. ways of accessing the applicant's system) to the end (i.e. termination of the message) with directional arrows marked on the diagram and labels indicating the company running each part of the network, and
 - (e) A clear indication of where the applicant's system fits into the chain of conveyance of a call and what operation is performed by the applicant's system in respect of that call.

5. The geographic service area in which it is desired to provide service and to what number and categories of customer the services would be offered.
6. Where there is a requirement for spectrum this should be indicated and a copy of the applicant's spectrum licence application must be attached to any application.
7. Description of services to be provided, the expected commencement date for the provision of services and the implementation programme if it is proposed to introduce the service in phases. Each of the services or products to be offered should be described under sub-headings for each group - for example, "basic voice", "basic data" and "value added services".
8. Special operational features.

TECHNICAL SUPPORT DETAILS

1. Description of the technical support facilities in Nigeria.
2. Description of the technical personnel responsible for day-to-day operation and maintenance of the support facilities.
3. Description of the routine maintenance procedure.

EXPERIENCE IN TELECOMMUNICATIONS

1. The applicant should list its experience in telecommunications both in Nigeria and abroad.
2. The applicant should state whether it or any company in its shareholding structure has applied for a licence or been refused a licence elsewhere.

MARKETING STRATEGY

Referring back to the services or "products" listed in "services proposed" above, the applicant should usefully summarise its marketing strategy. What are the main target markets (e.g. other telecoms companies or retail companies e.g. business or domestic consumers) and what is its sales plan (e.g. direct selling through salesmen or advertising, or indirect selling through partnerships with retailers).

BUSINESS PLAN

A summary business plan detailing committed and budgeted investment, anticipated revenues and a sign of when the applicant expects to move into profit on the proposal under consideration. Security of Financing should be stated.

MANAGEMENT STRUCTURE

A description of the management structure with résumés of the careers of key/managerial staff of the applicant to show its technical competence and experience

FINANCIAL INFORMATION

The applicant shall provide

1. A statement of accounts which shall contain

- (a) An income statement;
- (b) A balance sheet;
- (c) Statement of investment portfolio and portfolio transactions;
- (d) A statement of changes in net assets; and
- (e) Expenditure

2. An income statement referred to in paragraph (1) above, shall set out the following:

- (a) Dividend revenue;
- (b) Interest revenue;
- (c) Other revenue;
- (d) Management fees;
- (e) Audit fees;
- (f) Directors' fees;
- (g) Other fees;
- (h) Other expenses;
- (i) Income before taxes; and
- (j) Net income for the accounting period

3. A balance sheet referred to in paragraph (1) shall set out:

- i. Cash, term deposits and short term debt instruments, if such instruments are not included in the statement of investment portfolio;
- ii. Dividends and accrued interest receivable;

- iii. Accounts receivable;
- iv. Description of assets;
- v. Total assets;
- vi. Description of liabilities;
- vii. Total liabilities;
- viii. Aggregate proceeds on sale of services; and
- ix. Realized profit or loss on trade.

DOCUMENTS

The applicant **must** also provide the following documents:

1. A Certified True Copy of Certificate of Incorporation and Business Registration Certificate.
2. A certified true copy of the list of current directors or a certified true copy of "Notification of first secretary and directors" and where applicable, a certified true copy of "Notification of changes of secretary and directors" issued by Corporate Affairs Commission (CAC).
3. Documents showing the authorised, issued and paid-up share capital and the current share holding structure of the company, e.g. "Annual Return" or "Return of allotments"; howsoever called.
4. Audited reports of the company and its holding companies for the last 3 years (where applicable).
5. A budgeted Profit and Loss Statement for the proposed service for the first 5 years of operation. The statement should include the number of subscribers, planned system capacity, level of charge, annual revenue and costs.
6. Documentary evidence to demonstrate the financial capability of the applicant in providing the capital investment required. The financial document shall be in the form of banker's confirmation on amount deposited or credit facilities available.
7. Brochure or catalogue of equipment or system to be installed.
8. Schematic diagram showing the technical set-up and connections.

DECLARATION OF APPLICANT

To: The Nigerian Communications Commission

- (a) I/We hereby declare that the information and particulars given by me/us in this form and in the documents submitted are to the best of my/our knowledge true and correct;
- (b) I/We accept all the conditions above.

Signature:

Name (block letters):

Position held:

Date :

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SCHEDULE 2

Individual licences include the following:

1. Commercial Basic Radio Communications Network Services
2. Digital Mobile Licence
3. Electronic Directory Information Services
4. Fixed Telephony
5. Fixed Wireless Access Licence
6. Global Mobile Personal Communications by Satellite
7. Collocation and Infrastructure Sharing and Collocation Services
8. Interconnect Exchange
9. International Data Access
10. International Gateway
11. International Submarine Cable Infrastructure and Landing Station Licence.
12. Internet Exchange
13. Internet Service Provision
14. Metropolitan Fibre Cable Network
15. Mobile Number Portability
16. National Carrier
17. National Long Distance Licence
18. Non Commercial Basic Radio
19. Prepaid Calling Card
20. Private Network Links (Local Exchange Operator)
21. Private Network Links (Regional/National)
22. Public Mobile Communications (Commercial Trunk Radio Services)Network
23. Public Mobile Communications Licence (Trunk Radio Services)
24. Public Mobile Communications Licence (Vehicle Tracking Services)
25. Sales & Installations of Terminal Equipments
26. Unified Access Service Licence
27. Value Added Services
28. Any other communications undertaking that the Commission may from time to time determine as individual licence.

SCHEDULE 3

Class Licences include the following:

1. Payphone
2. Cybercafé
3. Telecenter
4. Sales and Installation of Terminal Equipments
5. Repairs and Maintenance of Telecommunication Facilities
6. Cabling
7. Any other undertaking that the Commission may, from time to time, determine as a class licence.

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