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NIGERIAN COMMUNICATIONS ACT, 2003
NIGERIA COMMUNICATIONS (ENFORCEMENT
PROCESS, ETC.) REGULATIONS, 2019



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S. I. No. 13 of 2019

NIGERIAN COMMUNICATIONS ACT (NO. 19 OF 2003)

**NIGERIA COMMUNICATIONS (ENFORCEMENT
PROCESS, ETC.) REGULATIONS, 2019**

[11th Day of January, 2019]

Commence-
ment.

In exercise of the powers conferred by section 70 of the Nigerian Communications Act and of all other powers enabling it in that behalf, the Nigerian Communications Commission hereby makes the following Regulations—

PART I—PRELIMINARY PROVISIONS

1. The Commission shall in the exercise of its monitoring and enforcement powers, comply with processes and procedures provided by the Act and these Regulations.

Monitoring
and
enforcement
processes
and
procedures.

2.—(1) The Commission shall exercise its monitoring and enforcement powers—

Processes
for initiating
monitoring
and
enforcement.

(a) independently and at its discretion ; or

(b) in response to a written report made by any person in such form or manner specified in Form A1 of the First Schedule to these Regulations.

(2) The Commission shall in using Form A2 of the First Schedule to these Regulations, acknowledge the receipt of any report made by any person pursuant to sub-regulation (1)(b) of this regulation.

(3) The Commission shall, prior to exercising its monitoring and enforcement powers pursuant to a report made by any person under sub-regulation (1)(b) of this regulation, satisfy itself in the manner and on the issues specified in section 62(2) of the Act.

(4) The Commission shall publish on its website, on a quarterly basis, details of its monitoring and enforcement activities pursuant to sub-regulation (1) of this regulation and such publication shall include full details of any action taken by the Commission as regards the report made to it pursuant to sub-regulation (1)(b) of this regulation.

(5) The Commission shall in addition to sub-regulation (4) of this regulation, inform an Operator of any enforcement action taken against it by the Commission.

PART II—GENERAL PROCESSES AND PROCEDURES FOR EXERCISING
MONITORING AND ENFORCEMENT POWERS

General principles for monitoring and exercising enforcement powers.

3. Subject to the Act and any Regulations made thereunder or any licence issued pursuant to the Act, the Commission shall, in exercising its monitoring and enforcement powers, be guided by the following principles and considerations—

- (a) transparency, fairness and non-discrimination ;
- (b) provision of modern, qualitative, affordable and readily available communication services in all parts of Nigeria ;
- (c) promotion of fair competition and investment in the communications industry ;
- (d) the proportionality of the enforcement sanctions to the contravention committed, taking into account the various factors specified in regulation 16(2) of these Regulations ; and
- (e) such other principles and considerations as the Commission may from time to time, consider necessary in the national interest.

Civil enforcement proceedings.

4.—(1) Subject to any specific provision of the Act or any Regulations made thereunder or any licence issued pursuant thereto, the Commission may, in the exercise of its enforcement powers, institute civil proceedings in the Court against any person for any remedy, including injunctive relief, recovery of administrative fines, specific performance or other pecuniary awards or damages.

(2) The Commission may issue directions in writing to any person or licensee, where it deems necessary.

(3) The Commission may seek the assistance of any law enforcement agency to enforce compliance with any directions issued under sub-regulation (2) of this regulation.

Procedure for exercising power to seal off premises or to seize and detain equipment, etc.

5.—(1) In exercising the powers of entry and investigation pursuant to section 141 (2) of the Act, the Commission or any of its authorised officers or appointed Inspectors may ;

- (a) demand the testing or operation or use howsoever of any radio communication station or apparatus or other communication equipment or facilities by the person in whose custody the equipment or facility is ; and
- (b) subject to sub-regulations (2) and (3) of this regulation, the Commission may seal off or seize and detain in its custody for such period and on such terms as it may consider expedient or necessary to carry out and conclude the relevant monitoring and enforcement procedure of any—
 - (i) radio communication station or apparatus or other communications equipment or facilities,

- (ii) building or premises, or
- (iii) book, record, document or other information storage system.

(2) The Commission may seize and detain in its custody or seal off any building or premises or any of the items mentioned in sub-regulation (1) of this regulation in the following circumstances—

- (a) where such item mentioned in sub-regulation (1)(b) of this regulation constitutes part of an unlawful or unauthorised operation ; or
- (b) where such item mentioned in sub-regulation (1)(b) of this regulation is relevant and required for the prosecution in court of a person who violated any of the provisions of the Act or any Regulations made thereunder ; or
- (c) such other circumstances that are expressly provided for in the Act.

(3) In seizing, detaining or sealing off of any premises or building and any of the items specified in sub-regulation (1)(b) of this regulation, the Commission shall—

- (a) obtain a warrant from a Judge of a court of competent jurisdiction ; and
- (b) provide to the owner or his agent, a written inventory in evidence of the seizure of the seized equipment, facility, book, record, document or other information storage system except that there shall be no need for the issuance of such receipt where the item is sealed off and remains in the custody of the owner or agent certifying.

(4) Where any item has been seized and detained or any premises or building has been sealed off under sub-regulation (2)(a) of this regulation, the Commission reserves the right to release the item or unseal the premises or building upon the Commission certifying that—

- (a) steps have been taken by the affected person to regularise its operation ; or
- (b) sanction imposed by the Commission for the unlawful or unauthorised operation has been complied with.

(5) Where any of the powers of the Commission under section 141 of the Act is to be exercised by any authorised officer or appointed inspector, the Commission shall issue a letter of authority to such officer or inspector in the form specified in Form B of the First Schedule to these Regulations.

6.—(1) Any person who assaults, obstructs, resists or aids any other person to assault, obstruct or resist any official or appointed inspector of the Commission in the performance of its monitoring and enforcement duties under the Act or these Regulations, commits an offence and shall be liable on conviction to the penalty provided under section 140 of the Act.

Obstruction
of
monitoring
and
enforcement
duties etc.

(2) Any person who impersonates any official or appointed inspector of the Commission, commits an offence and shall be liable on conviction to a penalty as provided under section 140 of the Act.

Providing false subscriber information for Registration.

7. Any person who knowingly provides false subscriber information or data for registration pursuant to the Registration of Telephone Subscribers Regulations made by the Commission, commits an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000.00 or imprisonment for a term not exceeding 1 year or to both.

Call data records.

8.—(1) Every licensee shall keep records of Call Data in accordance with the Cybercrime (Prohibition, Prevention; etc) Act 2015 and the Consumer Code of Practice Regulations.

(2) Every licensee shall—

(a) make available basic information that may be required by any relevant authority pursuant to section 146 of the Act upon presentation to the licensee a written request from such Relevant Authority and without any further assurance, duly signed by a police officer not below the rank of Assistant Commissioner of Police or its equivalent in any of the Relevant Authorities;

(b) subject to sub-regulation (1) of this regulation, provide such non-basic information as may be required by any relevant authority, pursuant to section 146 of the Act, upon the presentation to the licensee by the relevant authority of the court order by a Judge or Magistrate in the form or manner specified in Form C1 of the First Schedule to these Regulations ; and

(c) The provisions of sub-regulations (1) and (2) of this regulation, shall not apply to the Commission with respect to the exercise of its powers under or pursuant to section 146 of the Act.

PART III—CONSUMER AFFAIRS AND TECHNICAL REGULATIONS

Guidelines for promotion and advertisement of services.

9. The Commission—

(a) may from time to time, for the purposes of protecting consumers and ensuring ethical marketing and promotional standards by licensees, publish guidelines specifying inter alia minimum standards and requirements in respect of advertisements and promotions of products and services by licensees ;

(b) shall grant to every licensee, a prior written approval in respect of the contents and representations contained in any promotional products or services, the failure to obtain such required approval shall constitute a contravention under these Regulations ; and

(c) shall cause the approval or otherwise of the content and representations of promotional products or services to be communicated to the licensee within 14 days from the date of the receipt of the request for approval.

10. The Commission shall in carrying out its type approval functions pursuant to section 132 of the Act, determine and publish its processes and procedures, from time to time.

Type approval processes and procedures.

11.—(1) Where licences are issued based on assigned bands of frequencies and operating geographical regions, either in accordance with state boundaries or other such boundaries as may be delineated and specified by the Commission from time to time, either by way of regulation or licence, the licensee shall ensure that the strength of radio signals from its network emitting into adjacent or other licensee’s regions or frequency bands are not such as to cause harmful interference in such regions or frequency bands.

Miscellaneous provisions relating to spectrum frequency interference.

(2) A licensee shall be deemed not to have contravened sub-regulation (1) of this regulation, where it proves to the satisfaction of the Commission, that any harmful interference was unintended and that the licensee immediately took steps to rectify the interference.

12.—(1) Without prejudice to such other enforcement measures as may be contained in the Act, any regulations made thereunder or in a licence, the following acts or conducts of licensee or person shall constitute a contravention under these Regulations—

Acts constituting contravention, etc.

(a) any act occasioning harmful interference mentioned in regulation 11 of these Regulations ;

(b) a breach or violation of any guidelines and standards as may be specified or issued by the Commission, from time to time, on advertisements and promotions of products and services by licensees pursuant to regulation 9 (1) of these Regulations ;

(c) a breach or violation of any regulations, order, rule or direction issued by the Commission from time to time ;

(d) a failure to meet such power limits as the Commission may, from time to time, specify and publish pursuant to section 130 of the Act with respect to radio frequency power output of any transmitting device ; or

(e) a failure to fulfill or satisfy howsoever the type approval provisions and requirements in the Act, any regulations made thereunder or in any licence.

(2) Any act caused by a licensee in an event of force majeure or other circumstances beyond the control of a licensee and not the wilful or negligent act or omission of such licensee, shall not be construed as a contravention under these Regulations.

B 90

Quality of service.

13. Without prejudice to such other enforcement measures as may be contained in the Act, any Regulations made thereunder or any licensing conditions, a licensee shall meet such minimum standards of quality of service as the Commission may, from time to time specify and publish pursuant to section 104 of the Act and the Quality of Service Regulations made by the Commission.

Administrative sanctions for contravention of technical regulations etc.

14. Notwithstanding such other enforcement measures as may be provided under the Act, any Regulations made thereunder or any licensing condition required to be complied with, the Commission may at its discretion impose administrative fines specified in the Second Schedule to these Regulations for contravention of regulations 9, 12 and 13 of these Regulations.

PART IV—ADMINISTRATIVE FINES

Imposition of general administrative fines.

15.—(1) Subject to the specific enforcement provisions under the Act, any regulations made thereunder or any relevant licence, the Commission may, subject to sub-regulation (2) of this regulation, impose administrative fines for enforcement purposes, provided that such administrative fines relate only to instances where specific enforcement sanctions have not been provided for in the Act, any Regulations made thereunder or in any licence.

(2) The Commission in imposing administrative fines as sanctions, shall generally be guided by the following factors and considerations—

(a) the severity of the contravention and the need to impose such fine or the amount thereof to serve as a deterrent to both the person who committed such contravention and other persons ;

(b) non-discriminatory and transparency in the imposition of sanctions generally including but not limited to sanctions on different persons for similar contraventions committed in identical circumstances ;

(c) the prevalence of the contravention in the industry generally and the likelihood of repetition by the person who committed the contravention or other persons ;

(d) the duration of the contravention ;

(e) the circumstances of the contravention and in particular, but not limited to, a consideration of whether or not the contravention was deliberately or recklessly or negligently committed by the person who committed the contravention ;

(f) the record of previous or similar contravention by the person who committed the contravention or other persons ;

(g) the danger to life and property consequent upon the contravention ;

(h) the effect of such contravention on relevant services provided generally ;

(i) any gain either financial or otherwise, derived by the person who committed the contravention directly or indirectly arising from such contravention ;

(j) the degree of harm, injury, discomfort or the incremental cost caused or occasioned by such contravention to consumers or other stakeholders in the communications sector ;

(k) the previous record of the licensee with regards to regulatory compliance and frequency of contravention ;

(l) the annual turnover of the person who committed the contravention ;

(m) the extent to which any contravention was caused by a third party ;

(n) the absence, ineffectiveness or repeated failure of internal mechanisms or procedures required to prevent such contravention by the person who committed the contravention ;

(o) the possible mitigating circumstances including but not limited to—

(i) whether or not the contravention was of a minor nature and the consequences and effect thereof were equally minor in nature, and

(ii) whether or not the person who committed the contravention took immediate steps to remedy the contravention soon after having knowledge of the contravention ;

(p) such other factors as the Commission may, from time to time, determine.

16.—(1) Without prejudice to the generality of the provisions of regulation 15 of these Regulations, the Commission may impose administrative fines as specified in the Second Schedule to these Regulations for each contravention or non-compliance by licensees.

Specific administrative fines.

(2) Any administrative fine imposed by the Commission pursuant to the Act or any Regulations made thereunder, shall become due and payable by the person who committed the contravention within 14 days from the date of receipt of notice of imposition of fine.

(3) The payment of an administrative fine shall not be construed as a limitation or foreclosure of the power of the Commission to impose any other enforcement sanctions under the Act and any regulations made thereunder in any violation of licence condition.

17. Without prejudice to the provisions of regulations 15 and 16 of these Regulations, the Commission may in addition to imposing a general or specific fine, withhold regulatory assistance to any licensee, on such terms as the Commission may specify, for any continuing or repeated contravention of the Act, any Regulations or licence conditions.

Withholding of Regulatory Assistance.

Grounds and procedure for revocation of licence.

PART V—GROUNDS AND PROCEDURE FOR REVOCATION OF LICENCE

18.—(1) Without prejudice to the provisions of the Act and any regulations made thereunder or any provision to the contrary contained in any licence, the Commission may, in addition to suspension or revocation of licence under section 45 of the Act, revoke a licence under the following circumstances and procedures, where—

(a) the licensee ceases for a continuous period of 30 days at any time after commercial launch date, to provide, in the licensed area or any part or location thereof, the service for which the licence was granted ;

(b) any amount payable under any condition of a licence remains unpaid after it has become due and remains unpaid for a period of 21 days after the Commission notifies the licensee in writing that the payment is due ;

(c) the licensee fails to obtain type approval of equipment or facilities or comply with the conditions attached to any type approval certificate issued by the Commission pursuant to section 132 of the Act ;

(d) within 12 months from the effective date on the licence, the licensee has not commenced full licensed operations to the satisfaction of the Commission ;

(e) the licensee makes any statement in the course of applying for a licence and the statement is subsequently discovered to be false or misleading in any material particular,

provided that the Commission shall give prior notice to the licensee, specifying the details of the default by the licensee and requiring that remedial steps be taken within 30 days of such notice.

(2) Without prejudice to the provisions of the Act or sub-regulation (1) of this regulation, the Commission may, as an alternative to revocation of a licence pursuant to the Act or any regulations made thereunder, and where necessary—

(a) impose administrative fines stipulated in the Second Schedule to these Regulations in respect of the contravention specified in sub-regulation (1) of this regulation ; or

(b) require that the licensee makes such changes in its management as the Commission may consider necessary and within such time as may be specified.

(3) The licence fees that have been paid in respect of a licence revoked pursuant to the Act or sub-regulation (1) of this regulation, shall not be refunded whether in part or whole upon such revocation.

19. The original of any licence that is revoked pursuant to the Act or any regulations made thereunder shall be returned to the Commission by the licensee within 14 days of the effective date of the revocation.

Return of
Licence to
Commission.

PART VI—MISCELLANEOUS PROVISIONS

20.—(1) Terms and expressions used in these Regulations shall have the same meaning as in the Act, unless the context otherwise requires—

Interpretation.

“*the Act*” means, the Nigerian Communications Act, 2003 ;

“*Administrative fine*” means monetary penalties or fines assessed and imposed by the Commission ;

“*Basic information*” means subscriber account information or details; call data which, in the context of this definition, shall include the data of any communication service subscribed to or used by a consumer; and such other information as the Commission may, from time to time, determine; and excludes biometric information as defined under the Registration of Telephone Subscribers Regulations issued by the Commission ;

“*Commercial launch date*” means the date on which a licensee commences provision of commercial services ;

“*Commission*” means Nigerian Communications Commission ;

“*Contravention*” includes non-compliance with or the infringement of any of the provisions of the Act, any regulations made thereunder or of any licence condition ;

“*Enforcement*” means any action or processes for securing compliance with any of the provisions of the Act, any regulations made thereunder or of any licence including but not limited to suspension or revocation of licence, criminal or civil proceedings against any person who committed the contravention and any administrative action by the Commission ;

“*Facility*” means network facilities as defined in the Act ;

“*Harmful interference*” means interference which endangers the functioning of a radio-navigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radio communication service operating in accordance with Radio Regulations ;

“*Interference*” means the effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radio communication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy ;

“*licence*” means any licence that has been granted by the Commission pursuant to the Act and includes subsisting licences that were granted by the Commission prior to the commencement of the Act ;

“*licensed area*” means the geographical area covered by the licence and within which area the licensee is authorised to provide the service ;

“*Monitoring*” refers to the powers of the Commission to monitor compliance with or infringement of any of the provisions of the Act, any regulations made thereunder or any licence ;

“*Non-basic information*” excludes biometric information and means any information required by a relevant authority which is not basic information under these Regulations and relates to the operations of the subscriber’s account with the licensee ;

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

“*Relevant Authority*” or “relevant authorities” means the Nigeria Police Force, National Intelligence Agency, State Security Services, Economic and Financial Crimes Commission, National Drug Law Enforcement Agency, Independent Corrupt Practices and Other Related Offences Commission and any other organisation or agency as the Commission may from time to time specify and publish ;

“*Regulatory assistance*” means any function or action, which a licensee may require from the Commission to perform on its behalf under the Act and any Regulations made thereunder ;

“*The Court*” means Federal High Court of Nigeria ;

“*Unauthorised*” means an act or omission not within the scope of operating licence specified by the Act or any Regulations or business rules issued by the Commission ;

“*Unlawful*” means any act or omission that is contrary to or against the Act or any regulations made thereunder or any other law governing the telecommunications industry.

Citation.

21. These Regulations may be cited as the Nigerian Communications (Enforcement Processes, Etc.) Regulations, 2019.

FIRST SCHEDULE *Regulation 2(1) (b)*

GENERAL FORMS

FORM A 1

NIGERIAN COMMUNICATIONS COMMISSION
NIGERIAN COMMUNICATIONS (ENFORCEMENT PROCESSES,
ETC.) REGULATIONS 2019

REPORT FORM

1. PARTICULARS OF PERSON MAKING REPORT.

Names :

Address :

Occupation :

Rank :

Telephone Number :

Facsimile Number :

Mobile Telephone Number :

E-mail Address :

Any other relevant detail or information on person reporting.

2. PARTICULARS OF PERSON AGAINST WHOM REPORT IS MADE

Names :

Head office or relevant operational address :

Service(s) provided, which constitute basis of report :

Contact person for purposes of investigating report :

Telephone Number(s) :

Facsimile Number :

Mobile Telephone Number :

E-mail Address :

Any other relevant detail or information.

3. Full details of report based only on personal knowledge of the person reporting. Also indicate circumstances of the personal knowledge. (Additional sheets may be used for details).

4. List of supporting documents and materials in proof of report, photocopies and samples (where possible) of which must be sent with the report.

Attestation of Person Reporting :

I,, do hereby state that all the facts that are contained in this report are true and within my personal knowledge and that I am ready, willing and able to orally testify thereto at any time, in any place and in any circumstance, before any person or body including but not limited to the Commission or any of its constituted organs or any judicial body or person and I further state that I am willing, ready and able to make such testimony before and in the presence of the person against whom this report is made or his representative whomsoever.

.....
Date Signature of person Reporting

FORM A2

Regulation 2 (3)

To be printed on the Commission's Letterhead and insert the Name and Address of Person Making Report

ACKNOWLEDGEMENT OF REPORT
PURSUANT TO NIGERIAN COMMUNICATIONS (ENFORCEMENT
PROCESSES, ETC.) REGULATIONS 2019.

THIS IS TO ACKNOWLEDGE the receipt of your Report dated this..... day of 20..... in respect of (insert name and particulars of person against whom the report was made]. Be assured that the Commission shall, on the basis of your report, carry out its monitoring and enforcement processes and procedures in accordance with its mandate under the Nigerian Communications Act 2003 and the Nigerian Communications (Enforcement Processes, Etc.) Regulations, 2005.

PLEASE NOTE that the Commission routinely publish on its website (www.ncc.gov.ng) on quarterly basis, developments and progress reports on its monitoring and enforcement activities and you may wish to check periodically on the said website for further developments in regard to your Report.

DATED this.....day of20.....

Signed.....

Name.....

Position.....

For and on behalf of the Commission

FORM B

Regulation 5

Print on Commission's Letterhead and insert the Name of Commission Official or Appointed Inspector

LETTER OF AUTHORITY PURSUANT TO SECTION 141 OF THE NIGERIAN COMMUNICATIONS ACT 2003

TAKE NOTICE that this letter serves as requisite mandate and authority given to (name of person authorised) by Nigerian Communications Commission ("the Commission"), in exercise of its powers under Section 141 of the Nigerian Communications Act 2003 ("the Act"), to carry out, on its behalf, the functions and duties specified hereunder—

.....
.....
.....
.....
.....

[Provide details of Assignment]

AND FURTHER understand that you are expected to exercise your best of judgment and reasonable discretion in carrying out the said functions and duties, with the sole aim of attaining the Commission's objectives and goals pursuant to the aforementioned section of the Act.

BY THIS letter of authority, you are also authorised to carry out all functions and duties that are ancillary and related howsoever to the specific assignments detailed in this letter and that are necessary and required for carrying out and achieving the specific assignment and objective of the Commission detailed hereafter.

DATED this.....day of.....20.....

Signed.....

Name.....

Position.....

For and on behalf of the Commission

FORM C1

Regulation 8(2)

IN THECOURT OF.....STATE OF NIGERIA

IN THE.....JUDICIAL DIVISION

APPLICATION FOR RELEASE OF INFORMATION PURSUANT TO PROVISIONS OF THE NIGERIAN COMMUNICATIONS (ENFORCEMENT PROCESSES, ETC.) REGULATIONS 2019

MADE UNDER THE NIGERIAN COMMUNICATIONS ACT 2003

Insert Licensee’s names and address

Application under regulation 8(2) and pursuant to section 146 of the Nigerian Communications Act 2003

I hereby apply for an order of this Honourable Court that (insert particulars of Agency) or any authorised officer be at liberty to inspect and obtain any records of Telephone number/Name.....being a customer of the above named licensee.....

Showing the following information on the within-named customer for :

(Name of Agency.....)

(Rank of Officer

(Signature /Stamp

Magistrate/Judge, therefore make an Order as requested above.

Facilities as prayed above be granted to the (insert name of Agency) or any authorised officer.

DATED this.....day of.....20.....

..... Magistrate or Judge

SECOND SCHEDULE *Regulation 16(1)*

SPECIFIC ADMINISTRATIVE FINES

PART A—FINES CALCULATED ON THE BASIS OF EACH OCCURRENCE
OR CONTRAVENTION

- | | | |
|----|---|--|
| 1. | Failure to provide information required by the Commission or providing such information which the person knows or has reason to believe is false or misleading | N5,000,000.00 |
| 2. | Obstructing or preventing whosoever the exercise of the powers of the Commission in regard to monitoring and enforcement pursuant to section 141 of the Act | N5,000,000.00 |
| 3. | Occasioning harmful interference in the context of regulation 11 of these Regulations | N5,000,000.00 |
| 4. | Failure of a licensee to obtain Type Approval Test Certificate from the Commission | N5,000,000.00 and a further sum of N500,000.00 per each model of equipment. |
| 5. | Contravention of section 133(2) of the Act (apart from seizure of such equipment). | N5,000,000.00 and a further sum of N500,000.00 per each model of equipment |
| 6. | Breach of the provisions of any order, rule, decision, directive, Code or other regulatory instrument issued by the Commission where a specific penalty for such breach is not specified in the Act or the instrument. | N5,000,000.00 |
| 7. | Exceeding such Power Limits as the Commission may from time to time specify and publish pursuant to section 130 of the Act in respect of radio frequency power output of any transmitting device. | N5,000,000.00. |
| 8. | Violation howsoever of the Guidelines issued by the Commission including guidelines specifying inter alia minimum standards and requirements in respect of advertisements of products and services by Licensees pursuant to regulation 10 of these Regulations. | N10,000,000.00 and forfeiture to the Commission of all proceeds obtained from the unapproved promotion/ advertisement for as long as the contravention persists. |

9. Failure to obtain the prior approval of the Commission in respect of any promotion of products or services by a licensee. ₦10,000,000.00.
10. Failure to file with the Commission as at when due any returns (including Individual Code of Practice, statistical data) forms or any information required pursuant to the Act, Regulations or licence conditions. ₦1,000,000.00.
11. Failure to maintain required records, data, forms or information pursuant to the Act, Regulations or licence conditions. ₦10,000,000.00 and a further sum of ₦500,000.00 per day after the expiration of the notice or as long as the contravention persists.
12. Operation of services outside the scope of Licence other than contravention of section 31 of the Act. ₦10,000,000.00
13. Contravention of section 100 of the Act and section 103 (to the extent that it incorporates by reference aforementioned section 100) of the Act. ₦10,000,000.00
14. Failure to comply with any direction of the Commission. ₦10,000,000.00 and a further sum of ₦1,000,000.00 per day after the expiration of the notice for as long as the contravention persists.
15. Transmission by a Licensee of any indecent, subversive or obscene material, as may be defined from time to time in and by any applicable criminal law in Nigeria provided that the material was prepared by and originated from the licensee. ₦10,000,000.00.
16. Using antenna specifications other than that which are stipulated in the licence issued to the licensee. ₦1,000,000.00.
17. Violation howsoever of any regulations issued or published, from time to time, by the Commission pursuant to regulation 13 of these Regulations. ₦10,000,000.00.

PART B—FINES CALCULATED ON OTHER BASIS

<i>Acts of Contravention</i>	<i>Maximum Fine Amount and Basis for Calculation</i>
1. Non-payment as at when due of annual operating levy or any other fees or charges imposed by the Commission pursuant to the Act, regulations or Licence.	₦100,000.00 per day payable for as long as the contravention persists and calculated from the date following the due date for the payment of the annual levy, fees or charges.
2. Failure by licensee to commence full licensed operations to the satisfaction of the Commission within 12 months of the effective date of the Licence except that the Commission would have given prior notice to the Licensee specifying the details of the default by the Licensee and requiring that remedial steps be taken within 30 days of the notice.	₦50,000.00 per day payable for as long as the contravention persists and calculated from the date following the expiration date of the 30 days remedial step notice given by the Commission to the Licensee.
3. Contravention of section 111 of the Act.	₦10,000,000.00 and forfeiture to the Commission of the entire margin between the approved tariffs or charges and the unapproved tariffs or charges applied by the Licensee during the period of the contravention.
4. Where a licensee charges below the approved floor price for any service.	₦10,000,000.00 and thereafter ₦100,000.00 per day for as long as the contravention persists.
5. Failure by a licensee to obtain the prior approval of the Commission before charging subscribers for any service.	₦10,000,000.00.
6. Failure by a Licensee to provide in the Licensed Area or any part or location thereof, for a continuous period of 30 days at any time after commercial launch date, the service for which the licence was granted.	A maximum of ₦5,000,000.00 for the first one month and thereafter ₦500,000.00 per day for as long as the contravention persists.

7. Transfer or assignment howsoever by a licensee to a third party, without the prior written consent of the Commission, of any rights interests or obligations under a Licence. ₦10,000,000.00 and a further ₦500,000.00 per day calculated from the effective date of the transfer or assignment as determined by the Commission and payable for as long as the contravention persists. Provided that for any licensee with a turnover less than ₦1,000,000,000.00 (One Billion Naira) the commission may impose a lump sum fine not exceeding ₦2,000,000.00.
8. Failure to obtain the prior written consent of the Commission in respect of any joint venture arrangement by or with a licensee or such percentage level of changes in the shareholding structure of a licensee as the Commission may from time to time specify. ₦5,000,000.00 and a further ₦500,000.00 per day calculated from the effective date of the joint venture arrangement or change in shareholding structure, as determined by the Commission, and payable for as long as the contravention persists.
9. Using frequency modulation other than that which is authorised under the Licence. ₦1,000,000.00 for every day that the contravention persists.
10. Using carrier frequencies other than those which are authorised under the Licence. ₦1,000,000.00 for every day that the contravention persists.
11. Sale of fully activated SIM Card ₦100, 000.00 for each SIM card pre-registered by a licensee or its agents and payable by the licensee.
12. Failure to capture Subscriber information/ data in accordance with the Registration Specifications pursuant to the Registration of Telephone Subscribers Regulations made by the Commission. ₦200,000.00 payable by the licensee for every identified contravention.
13. Unauthorized SIM Replacement ₦250,000.00 for every SIM replacement that is not carried out in accordance with the SIM Replacement Guidelines.

MADE at Abuja this 11th day of January, 2019.

PROF. UMAR GARBA DANBATTI, FREAS, FA Eng., FNSE
Executive Vice Chairman
Nigerian Communications Commission

EXPLANATORY NOTE

*(This note does not form part of the above Regulations
but is intended to explain its purport)*

These Regulations provides enforcement procedures for the exercise of monitoring and enforcement powers by the Nigerian Communications Commission.