

NIGERIAN COMMUNICATIONS ACT
(2003)

ENFORCEMENT REGULATIONS 2004

ARRANGEMENT OF SECTIONS

SECTION

Chapter I – Scope and Introductory Provisions

1. Commission’s Monitoring and Enforcement Powers
2. Monitoring and Enforcement of Act, Regulations, License Conditions, etc.
3. Commencement Processes for Monitoring and Enforcement

Chapter II – Monitoring and Enforcement Powers and Procedures Generally

4. Monitoring and Enforcement powers, principles and procedures generally
5. Civil Proceedings
6. Commission’s powers to seal off or seize and detain equipment and facility
7. Letter of authority and warrant pursuant to Section 141 of the Act
8. National Interest Matters

Chapter III – Consumer Affairs and Technical Regulations

9. Guidelines for promotion and advertisement of services
10. Type Approval Processes and Procedures
11. Spectrum Frequency Interference
12. Contravening acts in Technical Regulations etc
13. Quality of Service
14. Administrative sanctions for contravention of Technical Regulations

Chapter IV – Administrative Fines

15. Imposition of administrative fines generally
16. Specific administrative fines

CHAPTER V – Determination of License

17. Revocation of License
18. Return of License to Commission

Chapter VI – Definitions and Short Title

19. Definitions
20. Short Title

First Schedule - General Forms

Second Schedule - Specific Administrative Fines

Commencement:

In exercise of the powers conferred upon it by Section 70 of the Nigerian Communications Act 2003 and all other enabling powers in that behalf, the Commission hereby makes the following Regulations:

Chapter I – Scope and Introductory Provisions

1. With effect from the Commencement Date of this Regulations the Commission shall exercise its monitoring and enforcement powers in accordance with the provisions of the Act and this Regulations

Commission's monitoring and enforcement powers

2. The Commission shall pursuant to the Act and this Regulations monitor and enforce compliance by all persons who are subject to the Act with –

Monitoring and Enforcement of Act, Regulations, License Conditions, etc.

(a) The provisions of the Act and Regulations;

(b) Specific Directions of the Commission pursuant to the Act, Regulations or any License Condition; and

(c) License Conditions

particularly but not limited to where there are no specific monitoring and enforcement provisions in the relevant provisions of the Act, Regulations or License Condition.

3. –(1) Subject to subsection (2) of this section, the Commission shall exercise its monitoring and enforcement powers –

Commencement Processes for Monitoring and Enforcement

(a) On its own initiative; or

(b) In response to a written enforcement report made by a person in the form or substantially in the form specified in Form A1 in Schedule 1 to this Regulations.

Schedule 1

(2) Prior to exercising its monitoring and enforcement powers pursuant to any enforcement report made by a person under subsection (1)(b) of this Section, the Commission shall first satisfy itself in the manner and on the issues specified in Section 62(2) of the Act

(3) The Commission shall promptly respond to enforcement reports made by persons pursuant to subsection (1)(b) of this Section, in the form or substantially in the form specified in Form A2 in Schedule 1 to this Regulations.

(4) The Commission shall publish on a quarterly basis on its website the details of its monitoring and enforcement activities pursuant to subsection (1) of this section. Such publication shall include sufficient details on the actions taken by the Commission in regard to enforcement reports made by persons pursuant to subsection (1)(b) of this section.

Chapter II – Monitoring and Enforcement

Powers and Procedures Generally

4. In carrying out its monitoring and enforcement duties and all other functions ancillary thereto the Commission –

Monitoring and Enforcement powers, principles and procedures generally

(a) Shall at all times be guided by the following principles and considerations, subject however to specific monitoring and enforcement provisions contained in the Act, Regulations and Licenses –

- (i) Transparency, fairness and non-discrimination;
- (ii) The need to provide modern, qualitative, affordable and readily available communications services in all parts of Nigeria;
- (iii) The need to promote fair competition and investment in the communications industry;

- (iv) Proportionality of the enforcement sanctions with the contravention taking into account the factors specified in Section 15(2) of this Regulations;
 - (v) Such other principles and considerations as the Commission may from time to time consider necessary and in the national interest.
- (b) Shall exercise and rely and found upon relevant provisions of the Act and, in particular but without any limitation whatsoever, the provisions on its powers, processes and procedures and all other matters ancillary thereto; and
- (c) May issue directions in writing to any person; and
- (d) May enlist and rely on the assistance of law enforcement agencies and other relevant departments, ministries and agencies of the Federal Government of Nigeria.

5. Without prejudice to the specific provisions of the Act, Regulations or any License Condition, the Commission may, in the exercise of its enforcement powers pursuant to this Regulations and the Act, institute civil proceedings in Court against any person for remedies that may include injunctive relief, recovery of administrative fines, specific performance or pecuniary awards or damages.

Civil Proceedings

6. –(1) In exercising the powers of entry and investigation pursuant to Section 141 of the Act, the Commission, through its authorised officials or appointed inspectors –

Commission's powers to seal off or seize and detain equipment and facility

- (a) May demand the testing or operation or use howsoever of any radio communication station or apparatus or other communications equipment or facilities by the person in whose custody the equipment or facilities are; and
- (b) May, subject to subsections (2) and (3) of this section, seal off or

seize and detain in the Commission's custody for such periods and on such terms as the Commission considers necessary to carry out and conclude the relevant monitoring and enforcement procedure:

- (i) any such radio communication station or apparatus or other communications equipment or facilities;
- (ii) any building or premises; or
- (iii) any book, record, document or other information storage system.

(2) The Commission may seize and detain or seal off any building or premises or any of the items specified in subsection (1) of this section in the following circumstances –

- (a) Where such constitute part of an unlawful or unauthorised operation; or
- (b) Where such is relevant and required for the prosecution in court of a person under the Act or Regulations; or
- (c) It is in the national interest to so seize and detain or seal off the building or premises or any of the aforementioned items; or
- (d) Such other circumstances that are expressly provided for under the Act.

(3) In seizing and detaining or sealing off any building or premises or any of the items specified in subsection (1) of this section pursuant to the Act or Regulations, the Commission shall –

- (a) Obtain a warrant from a Magistrate or Judge.
- (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 **provided** that there shall be no need for the issuance of such receipt where the item is sealed off but remains in the custody of the owner or his agent.

7. – (1) In exercising its powers pursuant to Section 141 of the Act, the Commission may issue letters of authority to its officials or appointed inspectors in the form or substantially in the form specified in Form B in Schedule 1 to this Regulations.

Letter of authority pursuant to Section 141 of the Act

Schedule 1

(2) Any person who assaults, obstructs or resists or aids any other person to assault, obstruct or resist any official or appointed inspector of the Commission in the performance of his duties shall be guilty of an offence and on conviction be liable to a fine not exceeding N100,000.00 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(3) Any person who impersonates any official or appointed inspector of the Commission shall be guilty of an offence and on conviction be liable to a fine not exceeding N100,000.00 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

8. – (1) A Licensee shall provide any basic information that may be required by any relevant authority, pursuant to and in the context of Section 146 of the Act, upon presentation to the Licensee of a written request therefor from the relevant authority (without any more), duly signed by an officer of the Nigerian Police not below the substantive rank of Assistant Commissioner of Police or its equivalent in any of the relevant authorities.

National Interest Matters

Schedule 1

(2) Subject to subsection (1) of this section, a Licensee shall provide such non-basic information as may be required by any relevant authority, pursuant to and in the context of Section 146 of the Act, upon the presentation to the Licensee by the relevant authority of the sanction therefor by a Judge or Magistrate in the form or substantially in the form specified in Form C1 in Schedule 1 to this Regulations.

(3) The provisions of subsections (1) and (2) of this section shall not

apply to the Commission in regard to the exercise of its powers under and pursuant to Section 146 of the Act.

Chapter III – Consumer Affairs and Technical Regulations

9. –(1) The Commission 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.

Guidelines for promotion and advertisement of services

(2) Licensees shall obtain the prior written approval of the Commission in respect of the contents and representations contained in any promotion of products or services whatsoever and howsoever. The failure to obtain such required approval shall constitute a contravention under and pursuant to this Regulations.

(3) The Commission shall cause the approval or otherwise of the content and representations of promotional products or services to be communicated to the operator within one week of the date of the request for approval.

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

Type Approval Processes and Procedures

11. Where Licenses 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 by the Commission and specified from time to time or in the License, the Licensee must ensure that the strength of radio signals from his 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.

Spectrum Frequency Interference

12. Without prejudice to such other enforcement measures as are or may be contained in the Act, Regulations or any License Condition, the

Contravening acts in Technical Regulations etc

following acts or conducts by any licensee or person shall constitute contravention pursuant to and under this Regulations :

- (a) Occasioning harmful interference in the context of Section 11 of this Regulations;
- (b) Breach or violation howsoever of the guidelines and standards that may be specified and published by the Commission in respect of advertisements and promotions of products and services by Licensees pursuant to Section 9(1) of this Regulations;
- (c) Failure to meet such power limits as the Commission may from time to time specify and publish pursuant to Section 10 of the Act in respect of the radio frequency power output of any transmitting device;
- (d) Failure to fulfil and/or satisfy howsoever the type approval provisions and requirements in the Act, Regulations or License;

13. Without prejudice to such other enforcement measures as are or may be contained in the Act, Regulations or any License Condition, the failure by any Licensee to 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 shall constitute contravention pursuant to and under this Regulations.

Quality of Service

14. Without prejudice to such other enforcement measures as are or may be contained in the Act, Regulations or any License Condition, contravention of the provisions contained in Sections 9, 12 and 13 of this Regulations shall attract the administrative sanctions specified in Schedule 2 to this Regulations.

Administrative sanctions for contravention of Technical Regulations, etc.
Schedule 2

Chapter IV – Administrative Fines

15. –(1) Without prejudice to the specific enforcement provisions contained in the Act, Regulations or relevant License, the Commission may

Imposition of administrative fines generally

at its discretion but subject to subsections (2) and (3) of this section impose administrative fines for enforcement purposes, pursuant to the Act and this Regulations, particularly but not limited to instances where specific enforcement sanctions have not been provided for in the Act, Regulations or License

(2) In imposing administrative fines as sanctions the Commission shall be guided generally by the following factors and considerations –

- (a) The severity of the contravention and the need to impose such fine or the amount thereof as would act as deterrent both to the contravening person and other persons;
- (b) The need to be non-discriminatory and transparent in the imposition of sanctions generally and particularly but not limited to sanctions on different persons for similar offences committed in identical circumstances;
- (c) The prevalence of the contravention in the industry generally and the likelihood of repetition by the contravening person and 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 contravening person;
- (f) Record of previous similar contravention by the contravening person;
- (g) Record of previous contraventions generally by the contravening person;
- (h) Attitude and conduct of the contravening person prior to and

leading up to the act of contravention and consequent upon the contravention;

- (i) Danger to life and property consequent upon the contravention;
- (j) Effect of contravention on relevant service provision generally;
- (k) Any gain (financial or otherwise) made by the contravening person directly or indirectly consequent upon the contravention;
- (l) The degree of harm caused or increased cost incurred by Consumers or other Communications Sector participants;
- (m) Size and annual turnover of the contravening person;
- (n) The extent to which any contravention was caused by a third party or any relevant circumstances beyond the control of the contravening person;
- (o) The absence, ineffectiveness or repeated failure of internal mechanisms or procedures intended to prevent contravention by the contravening person;
- (p) Possible mitigating circumstances such as 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;
 - (ii) Whether the contravening person took immediate steps to remedy the contravention soon after knowing of the contravention;
- (q) Such other factors as the Commission may in specific circumstances consider relevant and necessary.

(3) The Commission shall be guided in determining the specific administrative fine amount payable by a contravening person by the factors and considerations specified in subsection (2) of this Section.

16. –(1) Without derogating from the general provisions of Section 14 and Section 15 of this Regulations, the Commission may impose administrative fines in the amounts specified in Schedule 2 to this Regulations for each occurrence of the contravening acts or conducts of licensees or calculate such fines in the manner specified in the said Schedule 2.

Specific
administrative
fines

Schedule 2

(2) Any administrative fine imposed by the Commission pursuant to the Act, Regulations or License shall become due and payable by the contravening person within 14 (fourteen) days from the date of the receipt of the notification document issued by the Commission to the contravening person therefor.

(3) Payment of an administrative fine by a contravening person shall be without prejudice to the Commission's power to impose any other enforcement sanctions under the Act, Regulations or Licence.

Chapter V –Determination of License

17. –(1) Without prejudice to any other provision of the Act, Regulations or License Conditions and notwithstanding any contrary provision in any License contained, the Commission may at any time revoke any License by giving 3 (three) months notice in writing to the Licensee in any of the following circumstances:

Revocation of
License

- (a) If the Licensee ceases for a continuous period of 30 (thirty) 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 License was granted;
- (b) If any amount payable under any License Condition remains unpaid after it became due and remains unpaid for a period of 21

(twenty one) days after the Commission notifies the Licensee in writing that the payment is due;

- (c) If the Licensee fails to ensure that its equipment is type approved by the Commission pursuant to Section 132 of the Act;
- (d) If within 12 (twelve) months of the effective date of the License, the Licensee has not commenced full licensed operations to the satisfaction of the Commission **provided** 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 (thirty) days of the notice.
- (e) If the Licensee makes any statement of a material nature in the course of applying for a License which statement is subsequently established to be false or misleading howsoever .

(2) Without derogating from the provisions of subsection 1 of this section, the Commission may, as an alternative to License revocation pursuant to the Act, Regulations or License but solely at its discretion and wherever applicable,–

- (a) Impose the administrative fines stipulated in Schedule 2 to this Regulations in respect of the contraventions specified in the said subsection 1 of this section; or
- (b) Require that the Licensee makes such changes in its management as the Commission may consider necessary and within such time as the Commission may specify; or

Schedule 2

Provided that where the Commission determines that a License shall be revoked the Commission may also impose the administrative fine as aforesated.

(3) The License fees that have been paid in respect of a License that has been revoked pursuant to subsection (1) of this section shall not be refunded

whether in part or whole consequent upon such revocation.

18. The original copy of any License that has been determined howsoever shall be returned to the Commission by the Licensee within 14 (fourteen) days of the effective date of the License determination.

Return of
License to
Commission

Chapter VI – Definitions and Short Title

19. –(1) In this Regulations –

Definitions

“**Act**” means Nigerian Communications Act 2003.

“**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 and/or used by a consumer; and such other information as the Commission may from time to time define and publish as basic information.

“**Commercial Launch Date**” means the date on which a Licensee commences provision of commercial services.

“**Contravention**” means, as the context requires, non-compliance with or infringement of any of the provisions of the Act, Regulations or License.

“**Enforcement**” means and includes all required acts for ensuring compliance with or sanctioning the infringement of any of the provisions of the Act, Regulations or License including but not limited to administrative actions by the Commission, License suspension or revocation and, criminal or civil prosecution of contravening persons before the courts.

“**Facility**” means Network Facilities as defined in the Act.

“**Harmful Interference**” means Interference which endangers the functioning of a radionavigation service or of other safety services or

seriously degrades, obstructs, or repeatedly interrupts a radiocommunication 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 radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy.

“License” means any License that has been granted by the Commission pursuant to the Act and includes subsisting Licenses that were granted by the Commission prior to the commencement date of the Act.

“Licensed Area” means the geographical area covered by the License and within which area the Licensee is authorised to provide the Service.

“Monitoring” refers to the powers of the Commission to monitor compliance with and infringement of any of the provisions of the Act, Regulations and License by all persons who are subject to the Act.

“Non-basic Information” means any information required by a Relevant Authority which is not a Basic Information under this Regulations.

“Regulations” means any Regulation or Guideline that has been published by the Commission pursuant to the Act.

“Relevant Authority” means Nigerian Police, National Intelligence Agency, State Security Services, Economic and Financial Crimes Commission, National Drug Law Enforcement Agency and any other organisation or agency as the Commission may from time to time specify and publish.

“Unauthorised” means an act or omission not within the scope of operating Licence, the Act or any subsidiary Legislation.

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

(2) All definitions in the Act shall have the same meanings and intendments in this Regulations as in the Act.

Short Title

20. This Regulations may be cited as the Enforcement Regulations 2004.

Schedule 1 General Form

Form A1
Section 3(1)(b)

NIGERIAN COMMUNICATIONS COMMISSION ENFORCEMENT REGULATIONS 2004 ENFORCEMENT REPORT FORM

1. Particulars of Person making Report

Names

Address:

Occupation:

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(c) Provided and which is basis for Report:

Contact Person for purposes of investigating Report:

Telephone Numbers:

Facsimile Number:

Mobil Telephone Number:

E-mail Address:

Any other Relevant Detail or Information:

3. Full details of Enforcement Report based only on personal knowledge of 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 Enforcement Report, photocopies and samples (where possible) of which must be sent with the Report.**

Attestation of Person Reporting: I, the Person making the Report in this matter, do hereby state that all the facts that are contained in this Enforcement 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

*Print on Commission's letterhead and insert
name and address of Person Making Report*

ACKNOWLEDGEMENT OF ENFORCEMENT REPORT
PURSUANT TO ENFORCEMENT REGULATIONS 2004

THIS IS TO ACKNOWLEDGE receipt of your Enforcement Report dated
day of 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 Enforcement Regulations 2004.

PLEASE NOTE that the Commission routinely publishes at 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 of _____

SIGNED FOR THE COMMISSION

*Print on Commission's letterhead and insert
name of Commission Official or appointed inspector*

LETTER OF AUTHORITY PURSUANT TO
SECTION 141 NIGERIAN COMMUNICATIONS ACT 2003

TAKE NOTICE that this letter serves as requisite mandate and authority given to you 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 judgement 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 aforestated 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 _____

SIGNED FOR THE COMMISSION

IN THE _____ COURT OF _____ STATE OF NIGERIA
IN THE _____ JUDICIAL DIVISION

**APPLICATION FOR ASSISTANCE PURSUANT TO
PROVISIONS OF ENFORCEMENT REGULATIONS 2004
MADE UNDER NIGERIAN COMMUNICATIONS ACT 2003**

*Insert Licensee's names
and address*

Application under Regulation 8 (1) in conjunction with section 146 of the Act
.....

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 constomer:-
.....
.....
.....
.....
.....

for: (Name of Agency)
(Rank of Officer.....)
(Signature /Stamp.....)

I the undersigned
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

Magistrate or Judge

Schedule 2

Specific Administrative Fines

A. Fines calculated on basis of each occurrence of Contravention

| No. | Act of Contravention | Maximum Fine for each occurrence |
|-----|--|--|
| 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 | N1,00,000.00 |
| 2. | Obstructing or preventing howsoever the exercise of the powers of the Commission in regard to monitoring and enforcement pursuant to Section 141 of the Act | N1,000,000.00 |
| 3. | Occasioning Harmful Interference in the context of Section 11 of this Regulations | N2,000,000.00 |
| 4. | Contravention of Section 133(2) of the Act (apart from seizure of such equipment) | N5,000,000.00 |
| 5. | 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. | N250,000.00 |
| 6. | Violation howsoever of the guidelines that may be published from time to time by the Commission specifying <i>inter alia</i> minimum standards and requirements in respect of advertisements of products and services by Licensees pursuant to Section 9 of this Regulations | N,000,000.00 |
| 7. | Failure to obtain the prior approval of the Commission in respect of any promotion of products or services by a Licensee. | N2,000,000.00 |
| 8. | Failure to file with the Commission as at when due any required returns, forms or information pursuant to the Act, Regulations or License Conditions | N500,000.00 |
| 9. | Failure to maintain required records, data, forms or information pursuant to the Act, Regulations or License Conditions | N500,000.00 and a further sum of N500,000.00 per day after the expiration of the notice for as long as the contravention persists. |
| 10 | Operation of services outside the scope of License other than contravention of Section 31 of the Act | N5,000,000.00 |
| 11. | Contravention of Section 100 of the Act and Section 103 (to the extent that it incorporates by reference aforementioned Section 100) of the Act | N1,000,000.00 |
| 12. | Failure to comply with the Commission's Direction | N5,000,000.00 |

| | | |
|-----|---|---|
| | | and a further sum of N500,000.00 per day after the expiration of the notice for as long as the contravention persists.. |
| 13. | 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. | N2,000,000.00 |
| 14. | Using antenna specifications other than that which are contained in the Licensee's License. | N500,000.00 |

B. Fines Calculated on Other Basis

| No. | Act of Contravention | Maximum Fine Amount and basis for calculation |
|-----|--|--|
| 1. | Failure to meet minimum standard of quality of service specified by the Commission pursuant to Section 104(a) of the Act | N500,000.00 per month for every month that the contravention persists and calculated from the deadline specified by the Commission for the Licensee to meet the minimum standard of quality of service |
| 2. | Non-payment as at when due of annual levy or any other fees or charges imposed by the Commission pursuant to the Act, Regulations or License | N100,000.00 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 |
| 3. | Failure by Licensee to commence full licensed operations to the satisfaction of the Commission within 12 (twelve) months of the effective date of the License provided 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 (thirty) days of the notice | N50,000.00 per day payable for as long as the contravention persists and calculated from the date following the expiration date of the 30 (thirty) days remedial step notice given by the Commission to the Licensee |
| 4. | Contravention of Section 111 of the Act | Forfeiture to the Commission of the entire margin between the approved tariffs or charges and the unapproved tariffs or charges applied by the Licensee calculated on the basis of the subscriber numbers of the Licensee during the period of the contravention and payable for as long as the contravention persists |
| 5. | 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 a License was granted. | A maximum of N5,000,000.00 for the first one month and thereafter N500,000.00 per day for as long as the contravention persists. |
| 6. | 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 License | N500,000.00 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. |
| 7. | 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. | N100,000.00 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. |

| | | |
|----|--|---|
| 8. | Using frequency modulation other than that which is authorised under the Licensee's License | N50,000.00 for every day that the contravention persists. |
| 9. | Using carrier frequencies other than those which are authorised under the Licensee's License | N50,000.00 for every day that the contravention persists. |