

ELECTRONIC COMMUNICATIONS (AMENDMENT) ACT, 2009 (ACT 786)

ARRANGEMENT OF SECTIONS

Section

1. Act 775 amended
2. Section 83 of principal enactment amended
3. Schedule to principal enactment

THE SEVEN HUNDRED AND EIGHTY-SIXTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

ELECTRONIC COMMUNICATIONS (AMENDMENT) ACT, 2009

AN ACT to amend the Electronic Communications Act, 2008 (Act 775) to provide a minimum rate for international incoming electronic communication traffic and for related matters.

DATE OF ASSENT: 31st December, 2009.

ENACTED by the President and Parliament.

Section 1—Act 775 amended

The Electronic Communications Act, 2008 (Act 775) referred to in this Act as the principal enactment is amended by the insertion after section 25 of section 25A

25A "Minimum rate for international incoming traffic

- (1) A network operator shall charge the minimum rate for all international incoming electronic communication traffic as specified in the Schedule.
- (2) A network operator that charges a lesser rate than that specified in subsection (1) is liable to pay to the Authority on behalf of government a penalty of twice the difference between the specified rate and the rate actually charged.
- (3) A network operator shall not charge its customers a higher fee for its services because of the minimum rate for international incoming electronic communication traffic.
- (4) Where it is established that a network operator has increased the fees for its services because of the minimum rate for international incoming electronic communication traffic, that operator is liable to pay to the Authority a penalty of twice the sum of the value of the increase.
- (5) The Authority shall establish mechanisms and institute measures to monitor compliance with this section and may in this regard carry out inspections and request any relevant information from a network operator.

(6) A network operator requested by the Authority to submit information under subsection (5), shall submit the information within fourteen days.

(7) A network operator who fails to submit the information to the Authority within the fourteen days is liable to pay to the Authority on behalf of government, a penalty of ten thousand penalty units for each day after the fourteen days that the information remains unsubmitted.

(8) The Authority shall bill and collect from a network operator moneys due to the government as a result of the minimum rate of international incoming electronic communication traffic and shall pay the moneys into the Consolidated Fund.

(9) Despite subsection (8), the Authority shall keep the percentage specified in the Schedule of any moneys it collects on behalf of government for the Authority's own use but the Authority shall account to the Minister for Finance for the moneys collected.

(10) The mechanisms and measures referred to in subsection (5) instituted shall not have the capability to actively or passively record, monitor or tap into the content of any incoming or outgoing electronic communication traffic, including voice, video and data existing discretely or on a converged platform whether local or international.

(11) The Minister acting on the advice of the Authority may by legislative instrument make Regulations to amend the rate and percentage specified in the Schedule.

Section 2—Section 83 of principal enactment amended

The principal enactment is amended in section 83 by the insertion of subsection (2)

"(2) Without limiting subsection (1), a person who fails to pay a fee, penalty or other levy payable to the Authority within the stipulated time is liable to pay to the Authority a fine of one and a half percent of the amount due for each month or part of a month after the stipulated time that the fee, penalty or other levy remained unpaid".

Section 3—Schedule to principal enactment

The principal enactment is amended by the insertion of a Schedule after section 102,

"SCHEDULE

Section 25A (1) and (9)

No.	Subject matter	Rate/Percentage
1.	Minimum rate for international incoming	US\$0.19
2.	Portion of money received to be kept by the	32%"

Date of Gazette Notification: 31st December, 2009.