

Electronic Communications (Amendment) Act, 2016 ACT 910

ARRANGEMENT OF SECTIONS

Section

1. Section 20 of Act 775 amended
2. Section 20A inserted
3. Sections 73A and 73B inserted
4. Section 97 of Act 775 amended
5. Section 101 of Act 77 5 amended
6. Transitional provisions

REPUBLIC OF GHANA

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

ELECTRONIC COMMUNICATIONS (AMENDMENT) ACT, 2016

AN ACT to amend the Electronic Communications Act, 2008 (Act 775) to provide for clearing house services through an Interconnect Clearinghouse and to provide for related matters.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President:

Section 20 of Act 775 amended

1. The Electronic Communications Act, 2008 (Act 775) referred to in this Act as the "principal enactment" is amended in section 20

(a) by the substitution for subsection (1) of

"(1) A network operator or service provider shall provide interconnection of its electronic communications network, service or application through any of the Inter connect

Clearinghouses licensed by the Authority and shall comply with guidelines and standards established by the Authority to facilitate interconnection."; and

(b) by the repeal of subsections (3) to (7).

Section 20A inserted

2. The principal enactment is amended by the insertion after section 20 of new section 20A "Scope of licence of Interconnect Clearinghouse services

20A. An Interconnect Clearinghouse shall provide the services specified in the licence granted by the Authority except that, an Interconnect Clearinghouse shall not

(a) provide tax revenue assurance service; and

(b) be responsible to account for tax revenue to Government. " .

Sections 73A and 73B inserted

3. The principal enactment is amended by the insertion after section 73 of new sections 73A and 73B

"Termination of an international call

73A. (1) A network operator or service provider shall comply with the directives established by the Authority to

(a) prevent;

(b) detect; or

(c) disconnect

the use of the subscriber identity module or the user identity module of that operator, for terminating an international call on any network in Ghana as a local call.

(2) A person who uses a subscriber identity module or user identity module for terminating an international call on any network in Ghana as a local call, commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units for each subscriber identity module or user identity module used in terminating the international call as a local call or to a term of imprisonment of not more than five years or to both.

Prohibition of dealing in pre-registered subscriber identity module or user identity module

73B. (1) A person shall not deal in a pre-registered subscriber identity module or user identity module.

(2) Any person who knowingly deals in a pre-registered subscriber identity module or user identity module, commits an offence and is liable on summary conviction to a fine of not more than three thousand penalty units or to a term of imprisonment of not more than five years or to both.

(3) For the purposes of this section, a "pre-registered subscriber identify module or user identity module" means a module that has been registered with the data of a person other than the person who finally acquires the module for use on a network except as permitted by law." .

Section 97 of Act 775 amended

4. The principal enactment is amended by the repeal of subsection (3) of section 97.

Section 101 of Act 775 amended

5. The principal enactment is amended in section 101 by the insertion after "harmful interference" of

""Interconnect Clearinghouse" means a centralised interconnection system;".

Transitional provisions

6. (1) A network operator or service provider shall, within six months after the coming into force of this Act, connect and route its traffic to other operators through an Interconnect Clearinghouse determined by the Authority.

(2) A network operator or service provider that contravenes subsection (1), commits an offence and is liable to pay to the Authority an administrative penalty of ninety thousand penalty units and in the case of a continuing offence to a further administrative penalty of two thousand penalty units per day.

Date of *Gazette* notification: