

S.M.C.D. 71
TELECOMMUNICATIONS (FREQUENCY REGISTRATION AND CONTROL) ACT, 1977

ARRANGEMENT OF SECTIONS

Establishment and Functions of the Authority

1. Establishment of the Authority.
2. Functions of the Authority.
3. Secretary of the Authority.
4. Staff.
5. Meetings of the Board.
6. Procedure at meetings of the Board.
7. Committees.

Licensing of Telecommunication Apparatus, Stations

8. Licensing of telecommunication stations.
9. Licence for the installation of telecommunication apparatus.
10. Licensing of dealers in telecommunication apparatus.
11. Registration of manufacturers of telecommunication apparatus.
12. Penalties for offences under sections 8 to 11.

Miscellaneous

13. Returns of telecommunication apparatus.
 14. Inspection of premises and request for information.
 15. Interference and unauthorised use.
 16. Misleading messages.
 17. Disclosure of messages.
 18. Offences.
 19. Payment of fees into Consolidated Fund.
 20. Appointment of public prosecutors.
 21. Application and exemptions.
 22. Regulations.
 23. Interpretation.
 24. Repeals and savings.
-

S.M.C.D. 71

TELECOMMUNICATIONS (FREQUENCY REGISTRATION AND CONTROL) ACT, 1977(1)

AN ACT to establish an Authority to allocate and control the use of radio frequencies and to provide for related matters.

Establishment and Functions of the Authority

1. Establishment of the Authority

(1) There is hereby established the Frequency Registration and Control Authority.

(2) The governing body of the Authority is a Board consisting of the chairman and a number of other persons that the President considers necessary.

(3) The chairman and the other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution and shall hold office on the terms and conditions determined by the President.

2. Functions of the Authority

The functions of the Authority are,

- (a) to allocate and control the use of radio frequencies in conformity with the laws of Ghana and international requirements;
- (b) to approve and issue licences to commercial and amateur radio operators;
- (c) to monitor the training of commercial radio operators;
- (d) to approve and issue licences for the sale, manufacture or assembling of telecommunication apparatus;
- (e) to do any other things that appear to the Board to be incidental or conducive to the performance of the functions of the Authority under this Act.

3. Secretary of the Authority

The Secretary to the National Security Council or an officer designated by that Secretary to act in that behalf shall be secretary to the Authority.

4. Staff

(1) The President shall, in accordance with article 195 of the Constitution provide the Authority with the staff that the Board may consider necessary for the efficient performance of the functions of the Authority under this Act.

(2) The staff of the Authority are public officers.

5. Meetings of the Board

(1) The Board shall meet for the despatch of its business at the times and places determined by the Board.

(2) The chairman shall preside at the meetings of the Board and in the absence of the chairman a member of the Board appointed by the members from among themselves shall preside.

(3) The quorum at a meeting of the Board is half the number of the members of the Board but where the number of the members is not divisible by two the quorum shall be half of the next higher number.

(4) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.

(5) The Board shall keep minutes of all its proceedings.

6. Procedure at meetings of the Board

Subject to section 5, the Board may determine its own procedure for the conduct of its meetings.

7. Committees

The Board may appoint the committees that it considers necessary for the efficient performance of its functions under this Act.

Licensing of the Telecommunication Apparatus, Stations

8. Licensing of telecommunication stations

A person shall not establish or use a station for telecommunication unless that person has obtained a licence to do so issued by the Board under this Act.

9. Licence for the installation of telecommunication apparatus

A person shall not install or use a telecommunication apparatus unless that person has obtained a licence to do so issued by the Board under this Act.

10. Licensing of dealers in telecommunication apparatus

Except in the circumstances prescribed by the Regulations, a person shall not carry on the business of the selling of a telecommunication apparatus, unless that person holds a valid dealer's licence issued by the Authority under this Act.

11. Registration of manufacturers of telecommunication apparatus

(1) A person shall not commence the business of manufacturing or assembling of telecommunication apparatus unless that person has been registered by the Authority under this section.

(2) A person who intends to commence the business of manufacturing or assembling of telecommunication apparatus shall, not less than one month before the commencement of the business give written notice to the Board stating

- (a) the date on which that person intends to commence business, and
- (b) the name and address of the business.

(3) The Board shall cause to be registered in a book to be kept by the Authority the particulars furnished to it under this section.

12. Penalties for offences under sections 8 to 11

A person who contravenes any of the provisions of sections 8 to 11 commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

Miscellaneous

13. Returns of telecommunication apparatus

(1) A person who deals in the course of business in the sale of a telecommunication apparatus shall in respect of each month and within fifteen days after the end of that month submit to the Authority a return stating the names and addresses of the persons to whom any of the apparatus has been sold during that month.

(2) A person who carries on the business of manufacturing or assembling of a telecommunication apparatus shall, in respect of each month and within fifteen days after the end of that month submit to the Authority a return stating the number of the apparatus manufactured or assembled during that month.

(3) The Commissioner of the Customs, Excise and Preventive Service shall in respect of each month and not later than fifteen days after the end of that month submit to the Authority a return stating the names and addresses of the persons who have imported during that month a telecommunication apparatus to which subsection (1) applies and the number of apparatus imported by each of those persons.

(4) A person who fails or refuses to comply with a provision of subsection (1), (2) or (3), or gives false information in a return required under that subsection commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

14. Inspection of premises and request for information

(1) A person authorised in writing by the Board may at a reasonable time enter and inspect any premises or telecommunication station in the presence of the occupier of the premises or station or the agent for the purpose of ensuring due compliance with the provisions of this Act or the Regulations.

(2) A person authorised to enter and inspect any premises or telecommunication station under subsection (1) shall not exercise that power unless that person first produces to the occupier of the premises or station or the agent the written authorisation issued by the Board.

(3) The Board may by writing request from a person an information reasonably required for ensuring that sections 8 to 11 are complied with and that person so requested shall supply the information.

(4) A person who

- (a) exercises, seeks or purports to exercise a power under subsection (1) or (2) when not authorised to do so, or otherwise than in accordance with the provisions of that subsection, or
- (b) obstructs or hinders a person in the exercise of a power under subsection (1) or (2), or
- (c) fails to supply an information requested under subsection (3), or supplies an information which that person knows to be false, or has no reason to believe to be true,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

15. Interference and unauthorised use

A person who

- (a) uses a telecommunication apparatus for the purpose of interfering with a radio communication, or
- (b) uses a radio frequency without the written consent of the Board, or
- (c) intercepts a radio communication not intended for the general public without the written consent of the Board,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

16. Misleading messages

A person who by means of radio communication sends a message, which to the knowledge of that person

- (a) is false or misleading, and
- (b) is likely to prejudice the efficiency of a radio service for the safety of life or likely to prejudice the safety of any vessel, aircraft, vehicle or person,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

17. Disclosure of messages

(1) A person who, except in the course of judicial proceedings or for the purpose of any report, discloses an information as to the contents, sender or addressee of a message being information which would not have come to the knowledge of that person but for the use of telecommunication apparatus by that person or by another person, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) Despite subsection (1) a person who receives a message by means of telecommunication affecting the security of the state shall within a reasonable time after the receipt of the message convey the contents of the message to a police officer not below the rank of an inspector.

(3) A person who after the receipt of the message fails to convey the contents to a police officer as required by subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

18. Offences

(1) Where an offence is committed under section 15 or 16 the Court which convicts the offender may order the forfeiture of the equipment or telecommunication apparatus used in the commission of the offence.

(2) Subject to subsection (4), where an offence under subsection (1) of section 15, is committed by a person on board any vessel or aircraft registered in Ghana, the captain or person for the time being in

charge of that vessel or aircraft shall be deemed to have committed that offence.

(3) Subject to subsection (4), where an offence under this Act is committed by a body of persons a person who at the time of the commission of the offence was director, general manager, secretary or any other similar officer or a partner of that body shall also be deemed to have committed that offence.

(4) A person shall not be convicted of an offence by virtue of subsection (2) or (3) if it is proved that the offence was committed without the consent or connivance of that person and that due diligence was exercised to prevent the commission of the offence as ought to have been exercised having regard to the nature of the functions in that capacity and to the circumstances.

19. Payment of fees into Consolidated Fund

Fees collected by the Authority in respect of licences issued by the Authority shall be paid into the Consolidated Fund.

20. Appointment of public prosecutors

Subject to article 88 of the Constitution, the Attorney-General may appoint an officer of the Authority or any other person under section 56 of the Criminal and Other Offences (Procedure) Act, (Act 30) to be a public prosecutor in respect of any of the offences under this Act.

21. Application and exemptions

Except as provided by the Regulations, this Act applies

- (a) to all stations or any telecommunication apparatus in or over Ghana, or for the time being in or over the territorial waters of the Republic,
- (b) to all stations or any telecommunication apparatus on board any vessel or aircraft registered in Ghana which is not for the time being in or over Ghana or its territorial waters.

22. Regulations

- (1) The President may, in consultation with the Board, by legislative instrument make Regulations
- (a) providing for the issue, conditions, duration, suspension or revocation of a licence under this Act;
 - (b) controlling the use of telecommunication stations or apparatus including apparatus on board any foreign vessel or aircraft within Ghana or its territorial waters;
 - (c) providing for the issue of certificates or licences held by operators of ships, aircraft radio telephone stations including a station on any ship or aircraft registered in Ghana or present in Ghana whether registered in Ghana or not;
 - (d) providing for the appointment of examiners and the conduct of examination for the purpose of granting such certificates or licences;
 - (e) providing for the qualification of candidates for the examinations and the class of certificates and any other matter connected with the examinations;
 - (f) providing for the disposal of telecommunication apparatus or equipment in respect of which a licence has been refused or revoked;
 - (g) prescribing fees for a licence under this Act;

- (h) prescribing penalty for the contravention of a provision of the Regulations not exceeding a fine of two hundred and fifty penalty units or a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment;
- (i) providing for exemptions from all or any of the provisions of this Act;
- (j) otherwise for giving full effect to the principles and purposes of this Act.

(2) Without prejudice to subsection (1), the Board from time to time may with the prior approval of the National Security Council issue technical manuals relating to specifications of telecommunication apparatus.

(3) A person who fails to comply with a specification prescribed in a technical manual issued by the Board under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

23. Interpretation

In this Act, unless the context otherwise refers,

“**Authority**” means the Frequency Registration and Control Authority established by section 1;

“**Board,**” means the governing body of the Authority;

“**Regulations**” means of the Regulations made under this Act;

“**telecommunication apparatus**” means an apparatus for the purpose of or intended to be used for, communication by wire, radio, visual or other electromagnetic system;

“**telecommunication**” means any transmission, emission, or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system;

“**telecommunication station**” includes telecommunication apparatus of a vessel or aircraft.

24. Repeals and savings

Omitted.2(2)

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Telecommunications (Frequency Registration and Control) Decree, 1977 ([S.M.C.D. 71](#)) made on the 15th day of December, 1977 and notified in the *Gazette* on 21st January, 1977.

2 (Popup - Footnote)

2. The system, provides for the repeal of certain enactments. It reads:

“(1) The following enactments are hereby repealed:

Telecommunications Act, 1962 (Act 112).

Telecommunications (Amendment) Decree, 1966 (N.L.C.D. 64).

Telecommunications (Amendment) (No. 2) Decree, 1966 (N.L.C.D. 127).

(2) Notwithstanding the repeal of the Telecommunications Act, 1962 (Act 112) and the amendments thereto, any statutory instrument made thereunder shall continue in force as if made under [section 22](#) of this Decree until amended or revoked.

(3) Notwithstanding the repeal of the Telecommunications Act, 1962 (Act 112) and the amendments thereto any licence granted by any person under that Act and in force immediately before the commencement of this Decree shall, subject to the provisions of this Decree, be deemed to have been issued by the Board.”