



National Communications Authority

- Press Release

NCA IS SHUTTING DOWN UNAUTHORISED RADIO STATIONS IN COMPLIANCE WITH RULING OF ELECTRONIC COMMUNICATIONS TRIBUNAL

Radio stations operating without valid authorisations as determined by the 2017 FM Broadcasting Audit are being shut down with immediate effect as enforcement action in view of the decision of the Electronic Communications Tribunal.

Following the FM Spectrum Audit in 2017, some stations were found to be in default and were fined by the Authority. However, some of the stations in default were not satisfied and proceeded to the various courts; Electronic Communications Tribunal (ECT) and the High Court to appeal against the NCA's decision.

This resulted in a decision by the ECT in 2018 which reviewed the status of expired FM Radio Broadcasting Authorisations and which ruled among others that Companies whose authorisations had expired reverted to the same position as a fresh applicant. While some stations shut down following this decision, others did not.

To this end, and in line with Regulations 65 (1) of the Electronic Communications Regulations, 2011, L. I. 1991, which states that "A person shall not use a radio frequency without authorisation from the Authority" the National Communications Authority (NCA) is enforcing the shutdown of FM radio stations who are operating without authorisation.

It should be noted that, as ruled by the ECT, submission of renewal application after expiry of authorisation is not a valid application and therefore shall not be considered by the Authority.

While companies affected by this shut down may submit fresh applications to the Authority if they so wish, these applications shall go through the required procedure for new FM Broadcasting Authorisation and the outcome will be communicated to the applicants.

The general public is also informed that entities are only authorised to use frequencies for a specific duration or period. Frequencies are national assets and not the properties of users as they are not assigned to users in perpetuity.

The Authority takes this opportunity to encourage all licence and authorisation holders to ensure compliance with the various terms of their licences and authorisations, and as well the relevant regulations.

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Editor's Note

About NCA

The National Communications Authority, (NCA), was established by an Act of Parliament, Act 524 in December 1996, which has been repealed and replaced by the National Communications Authority Act, 2008 (Act 769). The Authority is the statutory body mandated to license and to regulate electronic communication activities and services in the country.