

**IN THE THIRD SESSION OF THE FIFTH
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**

REPORT OF THE COMMITTEE

ON SUBSIDIARY LEGISLATION

ON

**THE ELECTRONIC COMMUNICATIONS REGULATIONS, 2011
(L.I 1991)**

1.0 INTRODUCTION

The Electronic Communications Regulations, 2011 (L.I 1991) was laid in the House on Wednesday, 1st March, 2011 in accordance with Article 11(7) of the Constitution. Pursuant to Orders 77 (a) and 166 of the Standing Orders of the House, the Instrument was referred to the Committee on Subsidiary Legislation for consideration and report.

2.0 DELIBERATIONS

The Committee met with the Minister for Communications, Hon. Haruna Iddrisu and Officials of the Ministry of Communications and the National Communications Authority (NCA) to discuss the Instrument. In attendance were Officials from the Drafting Division of the Ministry of Justice and Attorney-General's Department to assist in the deliberations.

3.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Electronic Communications Act, 2008 (Act 775);
- iv. The Electronic Communications (Amendment) Act, 2008 (Act 786); and
- v. The National Communications Regulations, 2003 (L.I 1719).

4.0 BACKGROUND INFORMATION

4.1 The Country's Information and Communications Technology (ICT) Policy aims at integrating Ghana with the new emerging economic order to achieve competitiveness, investment, development of human capacity and improved governance. It is in the light of this that licenses have been given out for the operation of mobile telecommunications, Television and Radio Stations and the provision of Internet Services.

4.2 In line with the objectives of the Policy, the Electronic Communications Act, 2008 (Act 775) was passed in 2008 to regulate electronic communications, broadcasting, use of electronic magnetic spectrum and other related matters. Subsequent to this, the Electronic Communications (Amendment) Act, 2008 (Act 786) was

passed to provide the minimum rate for international incoming electronic communication traffic and to provide for related matters.

- 4.3 For the operations of telecommunication service providers in the country to be well regulated to meet quality standards, authority is given to the Minister for Communications on the advice of the NCA by Section 97 of Act 775 to make regulations for the effective implementation of the Act. Hence, the introduction of the Electronic Communications Regulations, 2011 (L.I 1991) to Parliament. The Instrument seeks to repeal the National Communications Regulations, 2003 (L.I 1719) to conform with the changes in the existing laws.

5.0 OBSERVATIONS

- 5.1 The Committee observed that the coming into force of the Instrument would promote universal access to telecommunication services. Telecommunication services are critical to the success of any economic and social policy geared towards the empowerment of its citizens. It is gratifying to note that the demands for equity and accessibility to telecommunication services for all have been addressed by the Instrument. Telecommunication Service Providers are required to extend telecommunication services to cover the entire country. This invariably would lead to opportunities for growth, social participation and personal expression.
- 5.2 The increasing erection of communication masts in the country especially in residential neighbourhoods has become a matter of public concern. The possibility of communication masts falling during rainstorms poses physical danger to residents especially children. The Committee noted that there are provisions in the Instrument to regulate the erection of masts by encouraging co-location among telecommunication service providers. This would go a long way to preserve the beauty of our residential neighbourhoods.
- 5.3 The Committee observed that the Instrument prohibits any act intended to steal, intercept, alter or decode a transmitted message or data without the consent of the sender or the receiver. This is in accordance with the provisions of Article 18(2) of the Constitution which guarantees privacy of communication. Operators of telecommunication services would be required to employ international best practices to promote privacy, secrecy and security of personal data of consumers.


5.4 Finally, the Committee noted that the Instrument would promote a harmonious working relationship between operators and consumers in the telecommunication industry. The Instrument provides a quick, reliable and smooth mechanism for dispute resolution which is a prerequisite for the development and growth of businesses. The Instrument mandates the NCA to ensure that operators in the industry establish a written complaint code to be known as the Consumer Complaints Code to provide a transparent, effective and accessible complaint handling procedure for the resolution of disputes. It is anticipated that such an arrangement will lead to a peaceful resolution of disputes between operators and consumers in the industry.

6.0 RECOMMENDATION & CONCLUSION

The Committee is satisfied that the Instrument meets the requirements of the provisions of the Constitution, the Electronic Communications Act, 2008 (Act 775) and the Electronic Communications (Amendment) Act, 2008 (Act 786).

The Committee hereby recommends to the House to adopt its Report on the Electronic Communications Regulations, 2011 (L.I 1991).

Respectfully submitted.


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HON. KWAME OSEI-PREMPEH
CHAIRMAN, COMMITTEE ON
SUBSIDIARY LEGISLATION


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ERIC OWUSU-MENSAH
CLERK TO THE COMMITTEE

March, 2011