

PUBLIC NOTICE

The Malawi Communications Regulatory Authority (MACRA) wishes to inform the public that at the 78th meeting of its Board, which was held on 22nd December 2022, the following decisions were made on operators that had violated some provisions of the Communications Act (Cap. 68:01 of the laws of Malawi) and the terms and conditions of respective licences. The Board further considered various requests from some operators who sought upgrading licences, renewal of licences, waiver of payment of licence fees and extension of the period for settling outstanding licence fees. The following are the details of the decisions:

1. Operators in breach of the Communications Act

#	OPERATOR	BREACH	PENALTY
1	Inq. Digital	Failure to maintain 20% local shareholding contrary to section 35 of the Communications Act	(i) to pay a fine of K5 million kwacha within 90 days from the date of communication by the Authority. (ii) to be given a period of 12 months to have a minimum 20% local shareholding; and (iii) to report to the Authority every three months the progress made towards having the minimum 20% local shareholding.
2	Gala Tobacco Ltd	failure to pay annual spectrum licence fees amounting to MK8, 010, 558.00 contrary to section 52 of the Communications Act	The Authority will conduct the verification of who is occupying the frequencies and take the necessary action.

3	Ankolo.Com	Failure to pay annual licence fees contrary to section 52(1)(b) of the Communications Act	To pay outstanding licence fees of K3,200,000 within 90 days from the date of communication on the issue.
4	Afrimax Limited	failure to pay annual licence fees amounting to MK163, 345, 704.48 contrary to section 52(1)(b) of the Communications Act	To pay outstanding licence fees determined after reconciliation within 12 months.
5	Maziko Radio Station	failure to pay annual licence fees amounting to MK16,780,035.14 contrary to section 52(1)(b) of the Communications Act	To settle the outstanding licence fees within 180 days
6	VB Courier	failure to pay annual licence fees amounting to MK7, 925, 000.00 contrary to section 52(1)(b) of the Communications Act	To settle the outstanding licence fees within 180 days

2. Requests for licence upgrades

The MACRA Board approved the requests made by the following operators to be extended to new licence categories pending payment of any outstanding licence fees;

#	OPERATOR	INITIAL LICENCE CATEGORY	NEW CATEGORY
1	Ankolo.com	Domestic Intercity	Domestic National
2	Times Courier	Domestic Intercity	Domestic National

3. Renewal of Courier licences

The Board approved the renewal of the courier licence for **Kwezy Buses Courier** and **Sososo Buses Courier** subject to clearance of outstanding levies.

4. Request by Galaxy to suspend the revocation of its licence

The Authority did not approve the request by Galaxy FM for MACRA to suspend the revocation of its licence and to extend the period for settling the outstanding licence fees. The Board found the reasons for the request unsatisfactory.

The Board resolved to advise Galaxy Radio to re-apply for a licence if it is still interested to provide radio content services in Malawi.

5. Request by Beyond FM for an extension of the period to settle outstanding licence fees and for waiver of the enforcement of the obligation to pay licence fees during the time when Beyond FM was off-air

The Board resolved to:

- a) decline the request to extend the period to pay licence fees by 60 days;
- b) direct that Beyond FM pays outstanding licence fees within 30 days from the date of communication of the Authority's decision;
- c) decline Beyond FM's request for waiver of licence fees during the period Beyond FM was off the air due to internal fighting from September 2016;
- d) approve a waiver of licence fees during the period Beyond FM was off the air due to the moratorium issued by MACRA on broadcasting frequencies in 2019; and
- e) direct Beyond FM to cease and desist from broadcasting.

6. Conclusion

The Authority wishes to commend operators who followed the right channel of engaging the regulator on licence extensions and renewals and who had to wait until the Board's decision on their requests. For those that had various breaches, the Authority has already advised the outcome of their hearings through communications made to them and would like to urge them to operate in line with the Communications Act and licence conditions. If there is a need for clarification on an issue, they are advised to liaise with MACRA Management from time to time to avert further breaches resulting in penalties.

Dated this 5th January 2023



Daud Saleman
DIRECTOR GENERAL