

COMMUNICATIONS ACT

(CAP. 68:01)

COMMUNICATIONS (TYPE APPROVAL) REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 200 of the Communications Act, I,Minister of Information, Civic Education and Communications Technology, on recommendation from the Malawi Communications Regulatory Authority, make the following Regulations-

PART I

PRELIMINARY

- Citation
1. These Regulations may be cited as the Communications (Type Approval) Regulations, 2020.
- Interpretation
2. In these Regulations, unless the context otherwise requires-
- “accredited entity” means an institution accredited by a national or international accrediting body and recognized by the Authority to test an electronic equipment for purposes of type approval;
- “applicant” means any person who applies to the Authority for type approval of electronic equipment;
- “electronic equipment” means-
- (a) any equipment, appliance or device that forms part of the electronic communications network;
 - (b) customer equipment;
 - (c) any equipment, appliance or device as the Authority may prescribe from time to time.
- “customer equipment” means any terminal equipment or associated device located at a subscriber’s premises that is connected to an electronic communications service by end user;
- “declaration of conformity” means a declaration made by a manufacturer of an electronic equipment that the equipment conforms to the requirements of the

technical and performance standards recognized, established and published by the Authority in accordance with section 95 of the Act;

“electronic communications” means transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by radio, electro-magnetic, photo electronic or photo optical system;

“electronic communications network” means transmission systems used for electronic communications;

“provisional type approval” means type approval granted by the Authority for a period of not more than six (6) months in accordance with Regulation 87 of these Regulations for electronic communications equipment to be used for trial, research and demonstration on a non-commercial basis;

“type acceptance” means a procedure where by the Authority certifies the acceptability of electronic equipment that has been type approved by a recognized foreign national regulatory authority ;

“type approval” means a procedure where the Authority certifies the acceptability of an electronic equipment or product based on conformity of the equipment or the product to minimum regulatory technical and safety requirement before the equipment or the product is used;

Objectives
of these
Regulation

3. The objectives of these Regulations are-
 - (a) to streamline the type approval framework in accordance with the Act;
 - (b) to protect the integrity of public networks;
 - (c) to protect the interests of consumers and suppliers of electronic communications services;
 - (d) to avoid harmful interference with other communication systems;
and
 - (e) to specify the fee structure with respect to equipment type approval.

PART II

APPROVAL AND CERTIFICATION

Type
approval

4. (1) A person shall not use any electronic equipment or any modified version thereof or connect to an electronic communication network without prior type approval or type acceptance by the Authority.
- (2) The Authority shall type approve each model of equipment once, and subsequent users of the same model of electronic equipment shall not apply to the Authority for approval.
- (3) Notwithstanding subregulation (2), where there is a change of model, design or specification of an electronic equipment which had been type approved by the Authority, the electronic equipment shall be resubmitted for type approval.
- (4) The Authority shall, from time to time, publish type approval procedures which shall include-
 - (a) the manner of making an application;
 - (b) list of electronic equipment to be type approved;
 - (c) applicable fees; and
 - (d) any other information deemed necessary by the Authority.
- (5) The Authority shall maintain and publish in the Gazette and its website a list of accredited testing entities that are regarded by the Authority as suitable for performing tests demonstrating compliance of electronic equipment with relevant standards recognized by the Authority.
- (6) The Authority shall conduct type approval in accordance with the procedures published under subregulation (4).
- (7) In applying the type approval procedure, the Authority shall-
 - (a) examine the technical documentation of an electronic equipment to verify that it was manufactured in conformity with the relevant national and international standards;
 - (b) carry out necessary tests, on its own or through accredited entities, in order to ensure compliance with relevant national and international standards.

(8) A person shall use an electronic equipment that complies with applicable technical and performance standards established and published by the Authority in accordance with section 95 of the Act.

(9) The Authority shall ensure that technical and performance standards specified in subregulation (8) ensure-

- (a) compatibility and interoperability;
- (b) that no harm is caused to the networks of electronic communication licensees; and
- (c) safety to personnel during the connection to a network and during maintenance of the electronic equipment.

Application
for type
approval

5. (1) A person who seeks type approval of an electronic equipment shall apply to the Authority by-

- (a) submitting an Application Form prescribed by the Authority; and
- (b) submitting certified copies of documents specified in Schedule 1.

(2) Upon receipt of the application for type approval, the Authority shall issue an invoice to the applicant to pay type approval fees set by the Authority under regulation 6.

(3) Where an electronic equipment which is the subject of an application pursuant to subregulation (1) is designed to operate in conjunction with another electronic equipment, the applicant shall ensure that both electronic equipment are type approved by the Authority.

(4) The Authority may publish notices of applications for and grants of type approval on its website and shall issue public notices of applications for and grants of type approval that it considers to be of special interest to the public in a daily newspaper of general circulation in Malawi.

(5) A person who has an interest in an application for type approval of an electronic equipment stipulated in subregulation (3) may submit to the Authority comments on the application with copy to the applicant within seven (7) days of publication of the notice and the applicant may file a reply to the comments within seven (7) days of the filing of the comments.

(6) The applicant shall, unless exempted by the Authority, submit a sample of an electronic equipment for type approval together with test reports from accredited entities.

(7) Where an applicant submits a sample of an electronic equipment for purposes of type approval, he shall ensure that the sample is –

- (a) in a good working condition;
- (b) properly configured for testing and complete with the necessary test adapters; and
- (c) clearly marked with the name of the manufacturer, trade name, model and serial number.

(8) The Authority may retain the samples of the electronic equipment and associated documents submitted by the applicant.

(9) The Authority shall communicate its decision on an application within forty five (45) days from the date of receipt of the application.

(10) In the event that the Authority feels it will not be able to complete the type approval within the period prescribed in sub-regulation (8) above, the applicant shall be notified before the expiry date and reasons for the delay and a possible new due date.

Type
approval
fees

6. (1) The Authority shall set type approval fees which shall be published in the gazette.

(2) The Authority may from time to time revise the fees set under sub regulation (1) provided that the Authority shall conduct a public consultation before revising the fees.

Grant of
approval

7. (1) The Authority shall only grant type approval of an electronic equipment where –

- (a) the electronic equipment satisfies the requirements stipulated in these Regulations;
- (b) the information on the electronic equipment is provided in accordance with these Regulations;
- (c) the appropriate conformity assessment procedure in respect of the electronic equipment is carried out; and
- (d) a declaration of conformity is drawn up in respect of the manufacturer of the electronic equipment or a person responsible for the electronic equipment.

(2) The Authority shall reject an application for a grant of type approval where the application fails to meet any of the requirements stipulated in subregulation (1) and shall furnish the reasons for the rejection: Provided that the applicant may resubmit the application after rectifying the default.

(3) Upon granting a type approval, the Authority shall issue the grantee with-

- (a) a type approval certificate;
- (b) an identification mark which the grantee shall use in accordance with regulation 8.

(4) The type approval granted by the Authority shall remain valid until-

- (a) it is revoked, withdrawn, rescinded by the Authority;
- (b) it is surrendered by the grantee of the type approval;
- (c) the model of the electronic equipment has been modified by the manufacturer; or
- (d) the date of termination, where the Authority has specified such termination date.

(5) A grantee of a type approval shall not use the approval in respect of an electronic equipment model other than the model which the Authority has approved.

(6) The grant of type approval of any electronic equipment shall specify the conditions to be complied with which may be imposed on the person to whom the approval is granted.

(7) A type approval granted under this regulation shall not be construed as a guarantee by the Authority of the proper functioning, performance or quality of that electronic equipment.

(8) A person granted type approval certificate shall guarantee and give a warranty to the Authority that each unit of electronic equipment marketed under the grant and bearing the identification specified in the grant shall conform to the unit that was type approved.

(9) The Authority shall not be liable for any harmful interference caused to any other electronic equipment or for injury, loss of life or damage to property as a direct or indirect result of the use of any type approved electronic equipment.

(10) Where there is doubt relating to the interpretation of a type approval specification, the method of carrying out the test or the validity of the statements made by the manufacturers of the equipment, the interpretation of the Authority shall prevail.

Use of
identification
mark

8. (1) A grantee of the type approval shall cause the identification mark issued under regulation 7 to be permanently affixed to the electronic equipment in a manner that an identification mark is readily visible.

(2) Where it is not possible to affix an identification mark on the electronic equipment due to the physical characteristics of such equipment, a grantee of type approval shall cause the identification mark to be affixed on the packaging of the electronic equipment or its user manual

(3) In addition to affixing an identification mark on the electronic equipment pursuant to sub regulation 1, a grantee of type approval may cause the identification mark to be affixed on the packaging of the electronic equipment or its user manual.

(4) The identification mark shall be affixed onto any electronic equipment which is of the same model as the tested sample and subsequently marketed by the grantee of the type approval.

(5) The identification mark shall contain -

(a) the logo of the Authority;

(b) the model of the equipment;

(c) the alphanumeric identifications of the equipment; and

(d) any information as determined by the Authority.

(6) The Authority may, at the request of a grantee of a type approval issue an e-identification mark instead of a printed identification mark.

(7) A grantee of a type approval may, upon approval by the Authority, use an e-identification mark in place of a physical identification mark in which case he shall indicate in his request how the e-identification mark will be displayed on the electronic equipment.

(8) A grantee of a type approval shall ensure that the identification mark issued under these Regulations is not altered.

(9) A grantee of a type approval shall display the e-identification mark using at least one of the following methods-

- (a) during the equipment's power up sequence;
- (b) under the equipment's system information page; or
- (c) under the help menu on the equipment.

Provisional
type approval

9. (1) The Authority may grant provisional type approval for electronic equipment to be used –

- (a) for research or demonstration on non commercial basis;
- (b) as test electronic equipment in Malawi; or
- (c) for any purpose as the Authority may determine on case by case basis.

(2) The applicant for provisional type approval shall disclose details of the nature and purposes of the electronic equipment for which provisional type approval is required.

(3) A provisional type approval granted by the Authority shall be -

- (a) for a period not exceeding six (6) months;
- (b) granted exclusively to the holder thereof; and
- (c) on such terms and conditions that the Authority may determine.

(4) Upon granting a provisional type approval, the Authority shall issue a provisional type approval certificate to the successful applicant.

(5) When granting provisional type approval, the Authority may, where it considers necessary, limit the number of units of electronic equipment that an applicant is allowed to use until final type approval is granted.

(6) The grantee of provisional type approval shall apply for final type approval before the expiry date of the provisional type approval.

(7) Where final type approval is not granted, the holder of the provisional type approval shall within thirty (30) days from the expiry of the provisional type approval ensure that all electronic equipment deployed are withdrawn at his own cost.

(8) A holder of a provisional type approval shall provide the Authority with a report of the test or demonstration in respect of which the provisional type approval was granted at the lapse of the provisional type approval period.

Type
acceptance

10. (1) The Authority may type accept electronic equipment where it is satisfied that the electronic equipment has been type approved by a recognized foreign national regulatory authority.

(2) An application by any person for type acceptance shall include-

(a) a sample of the equipment, where necessary;

(b) copies of test results;

(c) type approval certificates from that country or jurisdiction.

(d) a technical report containing –

(i) the full name and mailing address of the manufacturer of an electronic equipment and the applicant;

(ii) a copy of installation and operating instructions to be furnished to a user; and

(iii) detailed technical or operational documentation.

(3) The Authority may, on its own or upon an application by any person, conduct inquiries to determine whether technical standards from other countries or jurisdictions should be recognized in Malawi for purposes of exempting any equipment from type approval or testing requirements.

(4) The type acceptance under sub regulation (1) shall have the same effect as a grant of type approval made by the Authority under regulation 7(1)

(4) The Authority shall communicate its decision on an application within forty five (45) days from the date of receipt of the application.

List of
electronic
equipment

11. (1) The Authority shall, from time to time, issue and publish -

(a) a list of approved electronic equipment with their technical specifications;

- (b) a list of exempted electronic equipment; and
- (c) a list of prohibited electronic equipment.

(2) Any person who supplies, imports or distributes for use any electronic equipment prohibited by the Authority commits an offence under these Regulations.

Technical
standard for
electronic
equipment

12. (1) The Authority may make or adopt the following types of standards-
- (a) technical standards for all electronic equipment including customer equipment;
 - (b) standards relating to the features of electronic equipment that are designed to cater for the special needs of persons with disabilities; and
 - (c) technical standards for the interconnection of networks or network elements.
- (2) The technical standards adopted by the Authority shall consist of requirements which are necessary or convenient for –
- (a) protecting the integrity of an electronic communications network or network elements;
 - (b) protecting the health or safety of persons who operate, work on, use services supplied by means of, or are likely to be affected by the operation of an electronic communications network or network elements;
 - (c) ensuring that customer equipment is capable of accessing emergency services;
 - (d) ensuring the interoperability of customer equipment with an electronic communications network; and
 - (e) giving effect to any matters prescribed by these Regulations or any other law.
- (4) The Authority shall, before adopting technical standards, ensure that-
- (a) interested persons are given adequate opportunity to make representations about the proposed standards; and

(b) the proposals received under paragraph (a) are taken into consideration.

Registration of importers, distributors

13. (1) Any person who imports, distributes or supplies electronic equipment for re-sale in Malawi shall register with the Authority.
- (2) On registration under sub regulation (1), a person shall provide the following information to the Authority:
- (a) full name;
 - (b) in the case of an individual, a certified copy of his national identity card;
 - (c) in the case of an entity a certified copy of its registration certificate; and
 - (d) residential and business or physical address
- (3) Upon registration, the Authority shall issue the person with dealership licence.
- (3) The registration under subregulation (1) shall be a once off activity and without imposing a cost on the applicant.
- (4) Registration shall only be available to a person domiciled in Malawi.
- (5) Where the details provided when registering an importer, distributor or supplier change the onus shall be on the applicant to supply to the Authority with latest updated information within thirty (30) days of the occurrence of the change

Conformity of electronic equipment

14. (1) An authorized representative or distributor shall ensure that any electronic equipment distributed by them in Malawi has a declaration of conformity drawn up by the manufacturer, in accordance with these Regulations.
- (2) An authorized representative or distributor of any electronic equipment shall maintain technical documentation from the manufacturer relating to an electronic equipment for at least five years for the purpose of periodic inspections by the Authority to ensure conformity with a type approval.
- (3) An authorized representative or distributor of any electronic equipment shall ensure that the technical documentation relating to the electronic equipment-
- (a) enables the assessment of the conformity of the product with the essential requirements and covers the manufacture and operation of the electronic equipment; and

(b) includes-

- (i) a general description of the electronic equipment;
- (ii) summary of technical specifications of the electronic equipment;
- (iii) user manual of the electronic equipment; and
- (iv) the test reports.

(4) An authorized representative or distributor of any electronic equipment shall keep a copy of the declaration of the conformity with the technical documentation.

(5) An authorized representative or distributor of any electronic equipment shall ensure that the electronic equipment is compliant with the technical documentation and these regulations.

(6) Where a manufacturer of an electronic equipment, is established within Malawi, he shall be responsible for the undertakings stipulated in this regulation.

(7) The Authority may, at any time, request a dealer or his representative to submit an electronic equipment to the Authority for the purpose of assessing its continuous compliance with the technical and performance standards published by the Authority under these Regulations.

(8) A dealer or his representative required to submit an electronic equipment under subregulation (7) shall prepare and submit information demonstrating compliance using a measurement procedure approved by the Authority.

(9) The information submitted pursuant to subregulation (8) shall indicate the specific standards or measurement procedure used as envisaged under subregulation (8).

(10) Where a test of electronic equipment that is subject to type approval is being conducted pursuant to subregulation (7), the Authority or any accredited entity involved in the testing of the electronic equipment, shall comply with the following parameters that were used at the time when the type approval was granted-

- (a) the location of the test site;

- (b) the physical description of the test site, accompanied by the photographs;
- (c) a drawing showing the dimensions of the test site, physical layout of all supporting structures.;
- (d) a description of the structures used to support an electronic equipment under test;
- (e) a list of testing equipment used;
- (f) information concerning the calibration of the testing equipment, including the frequency and the last date the equipment was calibrated; and
- (g) any information deemed necessary by the Authority.

Responsibility for equipment

15. (1) Liability for any electronic equipment granted type approval by the Authority shall be borne by the following-
- (a) the person who has been granted type approval;
 - (b) the person who modifies the electronic equipment without the knowledge of the person who was granted an approval;
 - (c) the manufacturer or the assembler where the equipment is assembled at component level and the resulting system is subject to type approval;
 - (d) the importer where the electronic equipment is imported.

Marketing of electronic equipment

16. (1). A person may advertise or display an electronic equipment that has not been type approved by the Authority at a trade show or exhibition provided that the electronic equipment shall contain a conspicuous notice stating that-
- (a) the electronic equipment is not type approved by the Authority; and
 - (b) that it shall not be offered for sale or lease until type approval is granted by the Authority.
- (2) Where a person displays a prototype of an electronic equipment that has been granted type approval by the Authority but bears significant modifications from the type approved electronic equipment, it shall contain a

notice with a disclaimer and state that the prototype is not for sale until type approval has been granted by the Authority

(3) A person shall not affix a type approval identification mark to the electronic equipment before grant of type approval certificate by the Authority, however an electronic equipment may be operated without the identification mark for the following purposes -

- (a) compliance testing;
- (b) demonstration at a trade show or exhibition;
- (c) evaluation of product performance and the determination of customer acceptability at a manufacturer's facility during the developmental, design or pre production stages; or
- (d) evaluation of product performance and the determination of customer acceptability, where customer acceptability of the electronic equipment cannot be determined at a manufacturer's facility because of size or the unique capability of the electronic equipment .

Provided that the electronic equipment shall contain a conspicuous notice stating that-

- (i) the electronic equipment is not type approved by the Authority; and
- (ii) that it shall not be offered for sale or lease until type approval is granted by the Authority.

“Import and
Sale
Restrictions
”

17. (1) A person shall not import electronic equipment unless a type approval has been granted by the Authority in respect to such equipment, unless the equipment is required for testing or for purposes of applying for type approval.

(2) On importation of electronic equipment, an authorized representative or importer of electronic equipment shall present to a Government Agency responsible for customs clearance a type approval certificate issued by the Authority in respect to the electronic equipment being imported.

(3) For purposes of this regulation, an importer of electronic equipment shall mean any person that imports electronic equipment for resale or commercial use.

(4) The Authority may, in enforcing these Regulations, conduct inspection at the ports of entry.

- (5) The Authority may confiscate any electronic equipment -
 - (a) found to be non-compliant with these Regulations
 - (b) imported by a person who does not have a dealership license issued under regulation (12).
- (6) The Authority shall, in respect to electronic equipment confiscated under subregulation (5) -
 - (a) charge storage fees on electronic equipment kept by the Authority for a period exceeding ten (10)days
 - (b) destroy the electronic equipment after ninety (90)days from the date of confiscation, if it does not comply with technical standards set by the Authority; or
 - (c) dispose the equipment by auction or otherwise after ninety (90)days from the date of confiscation if the equipment is compliant with technical standards set by the Authority.

“Right to connect approved electronic equipment to network or system”

- 18. (1) A licensee of an electronic communication network shall ensure that any electronic equipment , connected to its network is type approved by the Authority.
- (2) Subregulation (1) shall not apply to electronic communication terminal equipment that is not supplied or distributed by a licensee of an electronic communication network.
- (3) A licensee shall not refuse or object to the connection of any electronic equipment that has been type approved by the Authority to its network or system.
- (4) Not withstanding sub-regulation (3) above, a licensee may refuse or restrict the connection of an approved electronic equipment to its network or system on the following grounds-
 - (a) security of network operation;
 - (b) maintenance of network integrity;
 - (c) interoperability;
 - (d) data protection; or
 - (e) prevention of any threats to the life and health or safety of users.

(5) A licence may refuse or restrict connection of an electronic equipment pursuant to sub regulation (4)(d), only on the basis of protection of personal data or confidentiality of information transmitted or stored on its network.

(6) Where the licensee refuses or restricts connection of an approved electronic equipment pursuant to sub-regulation (4), it shall, within 48 hours from the date of the refusal or restriction, notify the Authority, and give reasons for its decision.

(7) Where a licensee refuses or restricts connection of an approved electronic equipment and the Authority determines that there is no reasonable grounds for the refusal or restriction, it may, by written notice to the licensee, direct the licensee to connect the electronic equipment without any restrictions or on such conditions the Authority may determine .

(8) Where the Authority determines that a licensee had no reasonable grounds to refuse or restrict connection of an approved electronic equipment under sub-regulation (3) and that as a result of the disconnection a person has suffered loss or damage, that person may apply to the Authority for the recovery from the licensee, of the amount of loss or damage suffered pursuant to Section 173(2)(c) of the Act.

(9) The Authority may, by written notice to a licensee, declare that the operation, supply or possession of specified customer electronic equipment is prohibited for reasons that it shall specify in the notice.

(10) A notice issued by the Authority under sub regulation (9) shall relate to-

- (a) the protection of the integrity of an electronic communications network or electronic equipment; or
- (b) the protection of the health or safety of a person who operates, works on or uses services supplied by means of the electronic communications network or facility, or who is likely to be affected by the operation of the electronic communications network or facility.

(11) The Authority shall publish a copy of the notice referred to under sub-regulation (9).

“Complaint
against harmful
electronic
equipment ”

19. (1). Any person may complain to the Authority against use of any type approved electronic equipment.
- (2) A complaint made pursuant to sub regulation (1) above, shall include:

- (a) the name and address of the complainant;
- (b) the name and address, if known, of the person against whom the complaint is made;
- (c) the facts and supporting information, where available, showing that the electronic equipment does not conform to the requirements of these Regulations.; and
- (d) any other information deemed necessary by the Authority.

(3) Before resolving the complaint, the Authority shall forward a copy of the complaint to the applicant or holder of a type approval against whom the complaint was made for its representation.

(4) The Authority shall, in making a determination on a complaint made under this regulation consider any representations made by applicant or holder of a type approval against whom the complaint was made.

Power to investigate and inspect

20. (1) Where the Authority has reasonable grounds to believe that a person is contravening or has contravened any of the provisions of the Act or these Regulations, the Authority shall conduct an investigation for the purpose of securing compliance.
- (2) In carrying out its functions under sub-regulation (1), the Authority may:
- (a) require the licensed dealer to submit any electronic equipment to the Authority for testing to ensure compliance with the applicable technical standards
 - (b) examine the electronic equipment , its labels, packaging and certificates.

Revocation of Type Approval

21. (1) The Authority may subject to sub regulation (2), revoke any provisional or final type approval certificate granted under these Regulations.
- (2) The Authority may revoke any provisional or final type approval certificate, where it is satisfied that -
- (a) the holder of a final or provisional type approval certificate has violated its conditions;
 - (b) the electronic equipment is causing or is likely to cause harmful interference to communications network or is a risk to human health or the environment; or

(c) the holder of the provisional or final type approval certificate has committed a serious breach of these Regulations.

(3) Before making a determination to revoke any type approval certificate under this regulation, the Authority shall notify and consider any representations made by the holder of the relevant type approval certificate.

Disposal of
Electronic
equipment

22. (1) The Authority may destroy any electronic equipment that is subject of type approval for any of the following reasons -

(a) where destruction of the electronic equipment is an element of the testing process;

(b) where the Authority deems that the electronic equipment may not be suitable for return to the applicant or the holder of the type approval certificate; or

(c) where the electronic equipment is confiscated for non compliance with these Regulations.

(2) The Authority may destroy any electronic equipment pursuant to sub-regulation (1) above, after giving thirty (30) days notice to the applicant or the holder of a type approval certificate.

PART III

GENERAL PROVISIONS

Compliance
Notice

23. (1) The Authority may, where it has reasonable grounds to suspect that an identification mark has been affixed to an electronic equipment without compliance to these Regulations, serve a compliance notice in writing on –

(a) the local manufacturer of the electronic equipment or the importer of such equipment; or

(b) the person responsible for the placing the electronic equipment on the market in Malawi.

(2) A notice served under sub-regulation (1) shall –

(a) state that the Authority reasonably suspects that the identification mark was not correctly affixed to the electronic equipment ;

(b) specify the circumstances which gave rise to the Authority's suspicion of the anomaly and give particulars of the circumstances;

- (c) require a person to whom the notice is given –
 - (i) to ensure that any electronic equipment to which the notice relates conforms to the correct affixation of the authorized identification mark within such period as may be specified in the notice; or
 - (ii) to provide evidence within specified period to the satisfaction of the Authority, that an identification mark is correctly affixed; and
- (d) give a warning that if the non conformity continues, or if satisfactory evidence is not provided within the period specified in the notice, further action may be taken under these Regulations in respect of the electronic equipment or electronic equipment of similar type placed on the market by the person to whom the notice is given.

Offence
and Penalty

24. A licensee who fails to comply with any provision of these Regulations commits an offence and shall upon conviction be liable to a fine of MK5, 000, 000 and imprisonment for five (5) years.

Regulatory
Sanctions

25. Notwithstanding the criminal sanctions provided for in these Regulations, the Authority reserves the right to impose any of the following regulatory sanctions for any breach of these Regulations:
- (a) refuse to grant type approval certificate;
 - (b) impose administrative fines;
 - (c) issue warnings;
 - (d) issue a compliance order;
 - (e) issue a cease and desist order;
 - (f) revoke type approval certificate;
 - (g) make any other order deemed necessary.

Factors in
applying
enforcement
measures

26. In imposing any regulatory sanctions under regulation 25, the Authority may take into account any of the following factors:
- (a) duration of the breach;
 - (b) the nature, gravity and frequency of the breach;

- (c) any service credits or rebates that have been provided by the licensee to consumers who may have been inconvenienced or otherwise affected by the committed contraventions;
- (d) any failures to fulfill obligations that arise partly or wholly from the failures of another person; or
- (e) any other relevant consideration deemed necessary by the Authority.

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SCHEDULE 1: LIST OF DOCUMENTS

Reg. 5(1)

- (a) Formal application covering letter as stated in 1 above
- (b) FCC or ETSI Documents
- (c) Test Reports from accredited Labs
- (d) Technical Specifications
- (e) Authorization Letter (Power of Attorney)
- (f) Declaration of Conformity
- (g) Any Copies of Approval from ITU Region 1
- (h) Any other necessary Documents which will help in analyzing the Model. If the documents are too big then you can upload them using any convenient file sharing method.

Made the day of 2020

**Minister of Information, Civic
Education and Communications
Technology**