

PUBLIC NOTICE

NOTICE OF ENFORCEMENT ACTION TAKEN AGAINST NON-COMPLIANT COMMUNICATIONS LICENSEES

Malawi Communications Regulatory Authority (MACRA) is the regulator for the ICT industry in Malawi, responsible for Telecommunications, Broadcasting, and Postal /courier Services. MACRA is also responsible for ensuring that all licensed operators comply with relevant laws and applicable licence conditions.

The Authority wishes to draw the attention of the listed licensees and the public to **section 173** of the Communications Act that mandates the Authority to enforce by imposing relevant regulatory sanctions against non-compliant licensees or applicants.

Take note that the Authority commenced regulatory action against the following listed communications licensees for failure to comply with relevant legal and regulatory obligations under the Act and relevant licence conditions, including failure to pay relevant fees and illegal spectrum usage.

Further, take note that the Authority ordered the listed licensees to comply with relevant licence conditions within stipulated timelines or risk further regulatory action including revocation in case of failure. The decision by the Authority was taken following disciplinary hearings against the licensees held between January and April 2022, where the Authority took into consideration undertakings made by the licensees in determining the duration for compliance.

1. Cancellation of licence offer

#	Name of Applicant / Licensee	Licence Category	Condition	Deadline timeline for compliance	Current Compliance Status	Consequences of non-compliance after the deadline
1.	Nile Flow Limited	Facilities Service Licence	Payment of initial licence fees (US\$100, 000)	31/07/2022	Not paid	Withdrawal of licence offer
2	National Bus Company	Courier Licence	Renewal of licence on condition of payment of outstanding fees amounting to K14,950,000.00	21/03/2022	Not paid	Renewal of licence withdrawn. National Bus Company has obtained a stay order pending judicial review
3	Angaliba Radio	Content	Renewal of	30/09/2022	Paid K1, 000,	Offer of licence

	and Television	Service Licence	Licence on condition of payment of outstanding licence fees amounting to K36,776,886.87		000.00 in June 2022	renewal withdrawn
4	Swift Courier	Courier Licence	Payment of initial licence fees amounting to USD 5,000	30/09/2021	Not paid	Offer of courier licence withdrawn
5	Shire Couriers	Courier Licence	Payment of Initial licence fees USD 2,000	30/09/2021	Not paid	Offer of Courier Licence withdrawn
6	Post Courier	Courier Licence	Renewal of Licence on condition of payment of outstanding fees amounting to K23,800,000.00	30/06/2023	Submitted a payment plan and has since paid K11,500,000	Withdrawal of renewal of licence

2. Revocation of licence unless applicable licence obligations are fulfilled within stipulated timelines

1	Access Communications Licence (ACL)	National Mobile Network Operator (MNO)	Failure to pay licence fees K703,852,606.36	12/05/ 2023	Not paid	Revocation
2	Malawi Digital Broadcast Network Limited (MDBNL)	Signal Carrier	Failure to pay licence fees (K89,000,000.00)	12/05/ 2023	Not paid	Revocation
			To submit a rollout plan within 14 days	27/05/ 2022	Not done	Further regulatory sanctions
			MDBNL to surrender unused frequencies or pay applicable frequency fees within 14 days	27/05/ 2022	Not done	Further regulatory sanctions
3	Wanachi Media Limited	Internet Service	To pay K285,000 ISP licence fees for one year within 30	13/06/ 2022	Not paid	Further regulatory sanctions

		Provider	days from the date of communication			
4	MTL	National Mobile Network Operator	To pay K1.98 billion outstanding fees for one year within 30 days from the date of communication	13/06/2023	Not paid	Revocation.
5	Radio Tigabane	Radio Broadcasting licence	To pay outstanding fees of K10,378,554.50	13/11/2022	Not paid	Revocation
6	Skynet Courier	Courier licence	To pay outstanding licence fees of K16,520,000.00	12/05/2023	Paid a total of K 2,000,000 between 10 June 2022 & 8 July 2022	Revocation
7	Radio Alinafe	Radio Broadcasting Licence	To pay outstanding licence fees of K10,383,032.20	13/11/2022	Not paid	Revocation
8	Radio Maria	Radio Broadcasting licence	To pay outstanding licence fees of K15,250,861.00	12/11/2022	Submitted Post Dated Cheques for the whole amount	Revocation
			To start using the 100.7 MHz frequency in Chitipa and the 105.9 MHz in Dwangwa within 90 days.	13/08/2022	Not in use	Frequency withdrawal
9	Joy FM and Joy Television	Radio Broadcasting and content service licences	To pay outstanding licence fees of K33,115,992 for Joy Radio and K15,612.00 for Joy Television	13/08/2022	Not paid	Revocation
10	Zodiak Broadroadcasting Station and Zodiak Television	Radio Broadcasting and Content service licences	To rectify transmitters and start using the frequency assigned	13/07/2022	Not done	Further regulatory sanctions

			To start using the frequency for Bangula within three months	13/08/2022	Not done	Frequency withdrawal
11	Sapitwa FM	Radio Broadcasting licence	To pay outstanding licence fees of K14,199.00 within three months.	13/08/2022	Not paid	Revocation
			To start using the 104MHz frequency in Lilongwe and 101.4 MHz frequency in Mangochi within 90 days	13/08/2022	Not done	Withdrawal of frequencies
12	Timveni Radio and Television Stations	Radio Broadcasting and Content Service licence	To pay outstanding licence fees of K21,234,466.22 within three months	13/08/2022	Paid K4 million.	Revocation
			To start using the 87.5 MHz frequency in Chikangawa and the 99.5 MHz Frequency in Karonga within 90 days	13/08/2022	Not done	Withdrawal of frequencies
13	Capital FM Radio	Radio Broadcasting licence	To pay outstanding within 3 months	13/08/2022	Paid K500,000 in June 2022	Revocation
			To start using the 97.2 MHz frequency in Zomba, Mangochi and Mzuzu within 90 days.	13/08/2022	Not done	Withdrawal of frequencies
14	Ufulu Radio	Radio Broadcasting content service licences	To pay outstanding of K27, 720,000.00 for Ufulu Radio and K18,100,000.00 for Ufulu	13/08/2022	Paid K5,000,000 on 1 st February 2022	Revocation

			Television.			
			To start using the 92.3 MHz frequency in Zomba and the 92.7 MHz frequency in Mzuzu within 90 days.	13/08/2022	Not in use	Withdraw of frequencies
15	Galaxy FM	Radio Broadcasting licence	To pay K29,893,000.00 outstanding licences fees within 3 months	13/08/2022	Paid K500,000 in April and May totalling K1,000,000	Revocation
			To start using the 100.7 MHz frequencies in Mzuzu within 3 months	13/08/2022	Not in use	Withdraw of Frequency
16	Kasupe FM	Radio Broadcasting licence	To pay K4,120,000 outstanding licence fees	13/08/2022	Paid K1, 400, 000	Revocation
			To start using the 96.7 MHz frequency in Salima, the 88.5 MHz frequency in Karonga, the 88.7 MHz frequency in Dwangwa and the 91.1 MHz frequency in Kasungu	13/08/2022	Not in use	Revocation
17	Radio Alinafe	Radio Broadcasting licence	To pay K10,383,032.20 outstanding licence fees within 3 months	13/11/2022	Not paid	Rvocation
18	Radio Tigabane	Radio Broadcasting licence	To pay K10,930,000.00 outstanding licence fees within 6 months	13/11/2022	Not paid	Revocation
19	Rainbow Television	Content Service	To pay K14,930,000	31/05/2022	Paid K10 million after	Revocation

		licence	outstanding licence fees		the deadline had passed	
20	CCAP Blantyre Synod	Radio Broadcasting licence	To pay K12,943,459.29 outstanding licence fees within 6 months.	13/11/2022	Paid K3,000,000 on 31 March 2022	Revocation
21	Calvary Family Church Radio (CFC)	Radio Broadcasting licence	To pay K12,229,392.00 outstanding licence fees within 6 months	13/11/2022	Not paid	Revocation
22	Living Waters Church Radio	Radio Broadcasting licence	To pay K15,768,404.40 outstanding licence fees within 6 months	13/11/2022	Paid K1,200,000.00 on 30 June 2022	Revocation
23	Voice of Livingstonia	Radio Broadcasting licence	To pay K12,809,392.58 outstanding licence fees	30/09/2022	Not paid	Revocation
24	Parliament Radio	Radio Broadcasting licence	To pay K8,017,500.00 outstanding licence fees	31/05/2022	Payment made	Case closed
25	Mzati FM Radio and Television	Radio Broadcasting and Content Service licences	To pay K6,199,875.10 for Mzati FM and K17,180,000.00 for Mzati Television	13/08/2022	Not paid	Revocation
26	Mibawa Television	Content Service Licence	To pay K16,770,000.00 outstanding licence fees	31/07/2022	On track. Submitted a post-dated cheque for the whole amount to be deposited on 31/07/2022	Revocation
27	Pentecostal Life FM	Radio Broadcasting Licence	To pay K8,379,549.00 outstanding licence fees	13/06/30	Not paid	Revocation

In accordance with **sections 31 and 122**, it is illegal to provide any form of telecommunications, broadcasting or postal/courier services without a valid licence issued by the Authority. Contravention of which may attract criminal sanctions whose liability is up to MK5,000,000 and imprisonment for five years.

The list is not exhaustive as it only includes non-compliant licensees that have appeared for disciplinary hearings before the Board. Other non-compliant licensees are scheduled to appear before the Board for disciplinary hearings.

Further, take note that once a licence is revoked, the applicant may re-apply for another.

Please take note that unless otherwise communicated in writing by the Authority, failure to comply with the regulatory requirements as notified in writing to each licensee or applicant in this notice within the stipulated timelines will imply that the affected party is no longer interested in providing the said communications service and as such, the Authority shall proceed to take further regulatory action including revocation or shutting down the associated service without further reference to the licensee or applicant.

Lastly, note that section 174 of the Communications Act provides that any person aggrieved with an order or any decision made by the Authority may appeal to the High Court within 30 days from the date when the order was made.

Dated this 14th July 2022.

A handwritten signature in black ink, appearing to read 'Daud Suleman', enclosed within a circular scribble.

Daud Suleman
DIRECTOR GENERAL