

## STATUTORY INSTRUMENT

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### THE NATIONAL TELECOMMUNICATIONS (UNIVERSAL ACCESS DEVELOPMENT FUND) REGULATIONS, 2019

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- (b) projects that are not economically feasible without support of the Fund;
- (c) projects necessary to create adequate economic incentives for investors.

Investment of funds.

14. The Fund Administrator may, subject to the approval of the Board of Trustees invest or apply the funds of the Fund in -

- (a) fixed bank deposits;
- (b) Government securities; or
- (c) any other investments approved by the Board of Trustees

Power to issue guidelines.

15 The Fund Administrator may, in consultation with the Board of Trustees, from time to time, issue guidelines relating to the management of the Fund.

MADE this            day of *October, 2019*.

ALHAJI MOHAMED FOUAD SHERIFF,  
*Chairman*  
*National Telecommunication Commission.*

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*THE TELECOMMUNICATIONS ACT, 2006*  
*(Act No. 9 of 2006)*

THE NATIONAL TELECOMMUNICATIONS (UNIVERSAL ACCESS  
DEVELOPMENT FUND) REGULATIONS, 2019

Short title

In exercise of the powers conferred on it by section 82 of the Telecommunications Act, 2006 the National Telecommunications Commission hereby makes the following Regulations –

PART I–PRELIMINARY

1. In these regulations, unless the context otherwise requires– Interpretation

"Act" means the Telecommunications Act, 2006 (Act No.9 of 2006);

"Board of Trustees" means the Universal Access Development Fund Board of Trustees;

"designated population" means individuals, households, groups, communities or institutions determined by the Commission, from time to time to be the target beneficiaries of universal access and service;

"Fund" means the Universal Access Development Fund established under section 13 of the Act;

"Fund Administrator" means the Fund Administrator appointed under Regulation 5;

"licensee" means any person licensed under the Act;

"operating principles" mean the codes, instruments or documents prescribed by the Board of Trustees for the implementation of specific universal access and service programs and projects;

"service provider" means person licensed under the Act;

"subsidie" means assistance, grants or subventions given to support universal service programmes and projects;

"universal access" means access of 100 percent by a designated population that can obtain, at the minimum, public access to quality and affordable communication systems and services;

"universal service" means any service of a specified quality that the Government desired to be available, affordable and accessible throughout Sierra Leone, to an individual, household or institution, including the provision of -

- (a) public voice telephony;
- (b) internet access; or
- (c) other services by which people can access efficient, affordable and modern communications systems and services;

"un-served area" means a geographic area where no designated level of universal access is currently available;

"universal access and service levy" means a levy charged on a service provider under Regulation 7;

"universal access and service programs" mean the general macro-level universal service initiatives aimed at achieving one or more of the universal service objectives;

"universal service projects" mean the specific micro-level implementation activities related to each universal service program;

"Minister" Means the Minister of Information and Communications.

2. (1) The purpose of these Regulations is to provide a regulatory framework for - Purpose of Regulations.

- (a) the administration of the Universal Access and Development Fund; and
- (b) the implementation of universal access projects and service programs in Sierra Leone.

(2) The object of the Universal Access Development Fund is to -

- (a) promote social and economic development by providing efficient access to and use of communications systems and services throughout Sierra Leone, focusing on rural, remote and under-served areas;
- (b) ensure reasonable availability and affordability of basic and advanced communications systems and services to persons with disabilities, at the household and individual levels, particularly where the market is unable to deliver such services in a financially viable manner;
- (c) support the development of information and communication technologies, including related human capacity and technological innovation;
- (d) provide support for the introduction and expansion of communication services to schools, health facilities and other organisations serving public needs; and
- (e) facilitate development of and access to a wide range of local and relevant content.

## PART II—ADMINISTRATION OF FUND

Board of Trustees.

3. The governing body of the Fund shall be a Board, to be known as the Board of Trustees which shall comprise the following -

- (a) The Permanent Secretary, Ministry of Information and Communications, Chairman;
- (b) The Director General, National Telecommunications Commission;
- (c) The Financial Secretary, Ministry of Finance;
- (d) One service provider, representing service providers, appointed by Minister;
- (e) One member of the public representing the interest of consumers, appointed by the Minister;
- (f) One member of a civil society organization specialising in information and telecommunication
- (g) One member representing Government institutions and agencies appointed by the Minister; and
- (h) The Fund Administrator, Secretary to the Board.

Functions of Board.

4. (1) The Board shall, subject to this Act, have control and supervision of the Fund, provide policy guidance and advice that will secure the efficient implementation of the objects of the Fund.

(2) Notwithstanding the generality of sub-regulation (1), the Board shall be responsible to -

- (a) provide strategic policy guidance for the implementation of the Fund;
- (b) oversee and provide broad policy directions for the management of the Fund and universal service programs;
- (c) approve the disbursement of funds from the Fund;
- (d) establish and ensure compliance with procedures for disbursement of funds from the Fund;
- (e) monitor and evaluate the Fund projects; and
- (f) perform any other function incidental to the object of the Fund.

5. (1) The Fund shall have a Fund Administrator who shall be appointed by the President, from among persons with proven knowledge and experience in Information and communications Technology, after consultation with the Minister.

(2) The Fund shall have, in addition to the Fund Administrator, other technical and administrative staff, as may be required for the efficient performance of the functions of the Fund.

(3) An officer or employee of the Fund or any person acting on the directions of an officer or employee of the Fund shall not be liable in respect of any matter or thing done by him in good faith under the Act.

6. (1) The Fund Administrator shall be responsible for the collection and disbursement of the funds in accordance with these Regulations and to provide overall leadership in the conduct and management of the day-to-day business or activities of the Fund.

(2) Notwithstanding the generality of subsection (1), the Fund Administrator shall be responsible to -

- (a) establish administrative mechanisms, systems and structures for proper management of the Fund;
- (b) develop specific indicators of communications access;
- (c) apply a competitive selection process for identifying of projects to be funded;
- (d) develop appropriate socio-economic criteria for identifying the geographical areas, population groups, institutions and organisations that maybe eligible to benefit from the Fund;
- (e) develop criteria for evaluating project proposals for funding;
- (f) formulate the annual operating principles of the Fund;
- (g) prepare and submit annual report to be submitted to the Board of Trustees and the Minister under Regulation 8; and
- (h) perform any other functions necessary for the attainment of the object of the Fund.

Universal access and service levy.

7. (1) There shall be charged on a service provider, in accordance with section 13 of the Act, a universal access and service levy of 0.75% of his gross income as declared for income tax purposes.

(2) A universal access and service levy under subsection (1) shall be paid annually, on the 1st day of January, at the commencement of the financial year of Government.

(3) A licensee who fails to pay a universal access and service levy under subsection (1), -

- (a) commits an offence and is liable to a penalty not exceeding 25% of the levy and an interest of 5% thereon;
- (b) shall be ineligible for the renewal of his licence under section 28 of the Act.

8. The funds from the Fund shall be applied to finance universal service programmes and projects including - Application of Fund.

- (a) identifying, approving, scheduling and financing private sector and local community investments in universal service provision projects; and
- (b) conduct of research and other relevant studies in information technologies.

### PART III –FINANCIAL PROVISIONS

9. The sources of funds for the Fund shall consist of - Funds of Fund.

- (a) the universal access and service levy charged on a service providers under subsection (1) of section 7;
- (b) any monies appropriated from time to time by Parliament for the purposes of the Fund;

- (c) all monies paid to the Fund in the form of gifts, endowments, bequests, grants or other contributions by persons or organisations for the purposes of the Fund; and
- (d) all other monies which may, from time to time, accrue to the Fund.

Accounts  
audit.

10. (1) The funds of the Fund shall be maintained in a separate account in a reputable bank in Sierra Leone.

(2) The Fund Administrator shall keep proper books of account and other records in relation to the activities, property and finances of the Fund in a form approved by the Auditor-General and shall prepare, in respect of each financial year of the Fund, a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(3) The accounts of the Fund kept under sub-regulation (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(4) For the purposes of sub-regulation (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Fund and to require such information and explanation as he may think fit.

(5) The Fund Administrator shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Fund.

(6) The Auditor-General or the auditor appointed by him shall submit to the Board of Trustees a report on the audited accounts and the financial statements referred to in sub-regulation (2) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Fund; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Board of Trustees.

11. The financial year of the Fund shall be the same as the year of the Government.

Financial  
year of Fund.

12. (1) The Fund Administrator shall, within 3 months after the end of the financial year, submit to the Board of Trustees a report on the performance of his functions during that year and on its policy and programmes.

Annual  
report.

(2) The annual report shall include the accounts and annual financial statement prepared under sub-regulation (2) of Regulation (10) and the report of the audit thereon.

(3) The report submitted to the Board of Trustees by the Fund Administrator under sub-regulation (1) shall be submitted to the Minister who shall lay copies of the annual report before Parliament within 2 months after he has received the report.

13. The Fund Administrator shall, for the purpose of identifying the projects to be funded by the Fund, in accordance with paragraph (c) of sub-regulation (2) of Regulation 4, give priority to -

Identification  
of Projects to  
fund.

- (a) efficient, self-sustaining projects, that will expand access to communications systems and services on their own initiative and with minimal funding;