

**PUBLIC UTILITIES REGULATORY AUTHORITY (ENFORCEMENT)
REGULATIONS, 2026**

**PUBLIC UTILITIES REGULATORY AUTHORITY ACT
CAP. 32:05 VOL. 5 LAWS OF THE GAMBIA, 2009
(ENFORCEMENT) REGULATIONS, 2026
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IN EXERCISE of the powers conferred on the Minister responsible for the Public Utilities Regulatory Authority by section 54(1) of the Public Utilities Regulatory Authority Act, Cap. 32:05 Vol. 5 Laws of The Gambia, and on the advice of the Public Utilities Regulatory Authority, these Regulations are made –

PART I – PRELIMINARY

1. Citation and Commencement

- (1) These Regulations may be cited as the **Public Utilities Regulatory Authority (Enforcement) Regulations, 2026**.
- (2) These Regulations shall come into force on such date as the Minister may appoint by Notice published in the Gazette.

2. Application

- (1) These Regulations apply to—
 - (a) all public utilities, licensees, service providers and regulated persons under the Public Utilities Regulatory Authority Act;
 - (b) all sectors regulated by the Authority, including communications, broadcasting, energy, petroleum, water, sewerage, and any other sector designated by law; and
 - (c) any person whose acts or omissions give rise to a contravention of—
 - (i) the Act,
 - (ii) subsidiary legislation made under the Act,
 - (iii) licence conditions,
 - (iv) directives, orders or determinations of the Authority.
- (2) These Regulations apply irrespective of—
 - (a) the sector in which the contravention arises; or
 - (b) whether enforcement action is initiated following—
 - (i) a complaint;
 - (ii) an investigation;
 - (iii) a formal hearing; or
 - (iv) the Authority's own motion.

3. Objects of the Regulations

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The objects of these Regulations are to –

- (a) establish a unified, coherent and multisector enforcement framework applicable to all regulated sectors under the Authority;
- (b) provide effective, proportionate and dissuasive enforcement mechanisms to ensure compliance with regulatory obligations;
- (c) promote accountability, deterrence, consumer protection and regulatory credibility;
- (d) ensure fairness, due process and transparency in enforcement actions; and
- (e) support the effective implementation of—
 - (i) the Public Utilities Regulatory Authority Act;
 - (ii) the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026;
 - (iii) the Public Utilities Regulatory Authority (Unified Fees) Regulations, 2026; and
 - (iv) any other subsidiary legislation, directives, or regulatory instruments issued under the Act.

4. Guiding Enforcement Principles

In the administration and enforcement of these Regulations, the Authority shall be guided by the following principles—

- (a) legality, ensuring that enforcement actions are taken in accordance with the Act and applicable law;
- (b) proportionality, such that enforcement measures are commensurate with the nature, gravity and impact of the contravention;
- (c) consistency, to ensure that similar contraventions attract similar enforcement responses across all regulated sectors;
- (d) deterrence, to discourage non-compliance and repeated violations;
- (e) procedural fairness, including notice and opportunity to be heard where required by law;
- (f) protection of the public interest and consumers; and
- (g) regulatory efficiency, including the avoidance of duplication and unnecessary delay.

5. Interpretation

In these Regulations, unless the context otherwise requires –

“**Act**” means the Public Utilities Regulatory Authority Act, Cap. 32:05 Laws of The Gambia;

“**Authority**” means the Public Utilities Regulatory Authority established under section 3 of the Act;

“**appropriate person**” has the meaning assigned to it under section 20(2) of the Act;

“**contravention**” includes—

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- (a) a breach of the Act or subsidiary legislation;
- (b) non-compliance with licence conditions;
- (c) failure to comply with a lawful directive, order or determination of the Authority; or
- (d) obstruction of, or failure to cooperate with, regulatory, investigative or enforcement processes;

“determination” means a decision, ruling or order issued by the Authority following a complaint, investigation or formal hearing;

“directive” includes any instruction, order, requirement or remedial measure lawfully issued by the Authority;

“enforcement action” means any administrative, civil or regulatory measure taken under these Regulations, including penalties, sanctions, compliance orders or corrective measures;

“licensee” means a person authorised by the Authority to provide a regulated public service;

“public utility” has the meaning assigned to it under the Act;

“regulated person” includes a licensee, public utility, contractor, agent, intermediary or any person subject to regulatory obligations under the Act or subsidiary legislation.

**PART II – ENFORCEMENT POWERS AND COMPLIANCE
TOOLS**

6. General Enforcement Mandate of the Authority

- (1) The Authority shall have the power to take enforcement action for the purpose of ensuring compliance with—
 - (a) the Act;
 - (b) these Regulations;
 - (c) the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026;
 - (d) the Public Utilities Regulatory Authority (Unified Fees) Regulations, 2026;
 - (e) sector-specific legislation and subsidiary legislation;
 - (f) licence conditions, approvals, permits, or authorisations issued by the Authority; and
 - (g) lawful directives, orders, or determinations of the Authority.
- (2) Enforcement action under these Regulations may be taken—
 - (a) following a complaint, investigation, hearing, or determination; or

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- (b) on the Authority's own initiative, where the Authority has reasonable grounds to believe that a contravention has occurred or is likely to occur.

7. Objectives of Enforcement Action

- (1) In exercising its enforcement powers, the Authority shall seek to—
- (a) prevent, stop, or remedy non-compliance;
 - (b) protect consumers and the public interest;
 - (c) deter future contraventions;
 - (d) promote regulatory compliance and good industry practice; and
 - (e) ensure fairness, proportionality, and due process.
- (2) In determining the appropriate enforcement response, the Authority may have regard to—
- (a) the nature, seriousness, and duration of the contravention;
 - (b) whether the contravention was deliberate, reckless, or negligent;
 - (c) any remedial or corrective action taken by the regulated person; and
 - (d) the need to ensure effective deterrence and regulatory compliance.
- (3) The taking of remedial or corrective action by a regulated person shall not, by itself, prevent the Authority from imposing administrative penalties or other enforcement measures.

8. Forms of Enforcement Action

- (1) Subject to the Act, the Authority may take one or more of the following enforcement actions—
- (a) issuance of a warning or compliance notice;
 - (b) issuance of a corrective or remedial directive;
 - (c) imposition of administrative penalties or fines;
 - (d) recommendation to the appropriate person for the suspension or cancellation of a licence, or other licence-related measures in accordance with the Act;
 - (e) imposition of conditions or compliance undertakings;
 - (f) recovery of unpaid regulatory fees or charges in accordance with the Unified Fees Regulations;
 - (g) referral of a matter for prosecution where permitted by law; or
 - (h) any other enforcement measure authorised under the Act.
- (2) The Authority may combine enforcement actions where necessary to achieve compliance.

9. Principles governing enforcement decisions

- (1) In determining whether to take enforcement action and the nature of such action, the Authority shall have regard to—
- (a) the nature, gravity, and duration of the contravention;

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- (b) the degree of harm or risk posed to consumers, public safety, or the environment;
- (c) whether the contravention was intentional, reckless, negligent, or inadvertent;
- (d) any history of non-compliance by the regulated person;
- (e) the extent of cooperation with the Authority;
- (f) any remedial action voluntarily taken; and
- (g) the need for deterrence and regulatory credibility.

(2) Enforcement action shall be proportionate to the circumstances of the case.

10. Persons Subject to Enforcement Action

(1) Enforcement action under these Regulations may be taken against—

- (a) a licensee or public utility;
- (b) a service provider operating within a regulated sector;
- (c) any person who contravenes the Act or these Regulations; or
- (d) any person who aids, abets, induces, or knowingly benefits from a contravention.

(2) Liability under these Regulations shall not be limited to the holder of a licence where another person is responsible for the contravention.

11. Enforcement following Complaints and Investigations

(1) Where a contravention is established following—

- (a) a complaint handled under the Complaints, Investigations and Consumer Protection Regulations, 2026;
- (b) an investigation conducted by the Authority; or
- (c) a determination or order of the Authority,

the Authority may initiate enforcement action in accordance with these Regulations.

(2) A failure to comply with a lawful order, directive, or determination of the Authority shall constitute a separate and continuing contravention.

12. Enforcement Independent of Complaints

(1) The Authority may take enforcement action notwithstanding that—

- (a) no complaint has been lodged; or
- (b) a complaint has been withdrawn or settled.

(2) Settlement of a complaint shall not bar enforcement action where the Authority considers it necessary in the public interest.

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**PART III – COMPLIANCE NOTICES AND CORRECTIVE
DIRECTIVES**

13. Compliance Notices

- (1) Where the Authority has reasonable grounds to believe that a regulated person has—
- (a) contravened the Act;
 - (b) contravened these Regulations;
 - (c) contravened the Complaints, Investigations and Consumer Protection Regulations, 2026;
 - (d) failed to comply with an obligation to pay a fee or charge due under the Unified Fees Regulations, 2026;
 - (e) breached a licence condition, directive, or approval; or
 - (f) failed to comply with a lawful order or determination of the Authority,
- the Authority may issue a compliance notice.

- (2) A compliance notice shall—

- (a) identify the nature of the contravention or non-compliance;
- (b) specify the legal provision, licence condition, or directive breached;
- (c) require the regulated person to remedy the non-compliance; and
- (d) specify the timeframe within which compliance is required.

- (3) A compliance notice may be issued—

- (a) as a standalone enforcement measure; or
- (b) prior to, or in lieu of, further enforcement action.

14. Legal Effect of Compliance Notices

- (1) A compliance notice issued under these Regulations shall constitute the formal regulatory notice for the purposes of enforcement under the Act.
- (2) Without prejudice to sub-regulation (1), a compliance notice shall be deemed to perform the function previously served by a legal notice under the Public Utilities Regulatory Authority (Enforcement) Regulations, 2010.
- (3) Any reference in an existing licence, guideline, administrative instrument or prior enforcement process to a “**legal notice**” shall, on and after commencement of these Regulations, be construed as a reference to a compliance notice issued under these Regulations.

15. Purpose of Compliance Notices

- (1) The purpose of a compliance notice is to—

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- (a) secure prompt compliance with regulatory obligations;
- (b) prevent further or continuing contraventions;
- (c) remedy harm or potential harm to consumers or the public;
- (d) promote corrective action without immediate resort to punitive measures; and
- (e) formally notify the regulated person of an alleged contravention and afford that person an opportunity to respond or show cause why further enforcement action should not be taken.

(2) A compliance notice shall not, by itself, constitute a finding of guilt or liability.

16. Corrective Directives

(1) Where the Authority, on the basis of information available to it, establishes the existence of a prima facie contravention or regulatory failure, and considers it necessary to prevent or address—

- (a) ongoing or imminent harm to consumers;
- (b) risks to public safety, service continuity, or system integrity; or
- (c) serious or systemic non-compliance with regulatory obligations,

the Authority may issue a corrective directive requiring a regulated person to—

- (i) take specified remedial action;
- (ii) cease or refrain from specified conduct;
- (iii) implement corrective systems, controls, or safeguards; or
- (iv) take such other measures as the Authority considers necessary.

(2) A corrective directive may be issued—

- (a) following the issuance of a compliance notice; or
- (b) without prior issuance of a compliance notice, where the Authority determines that immediate regulatory intervention is required in the public interest.

(3) The issuance of a corrective directive shall be based on a prima facie assessment of non-compliance and shall not, of itself, constitute a final finding of guilt, liability, or breach.

(4) Where a corrective directive is issued without a prior compliance notice, the Authority shall, as soon as reasonably practicable, afford the regulated person an opportunity to—

- (a) make representations;
- (b) show cause why further enforcement action should not be taken; or
- (c) propose alternative remedial measures,

in accordance with these Regulations.

(5) Compliance with a corrective directive shall not preclude the Authority from—

- (a) continuing investigations;

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- (b) issuing a compliance notice; or
- (c) initiating enforcement proceedings under these Regulations or the Enforcement Regulations.

17. Content of Corrective Directives

- (1) A corrective directive shall—
 - (a) state the grounds for its issuance;
 - (b) specify the action required to be taken or ceased;
 - (c) indicate the timeframe for compliance; and
 - (d) warn of the consequences of non-compliance.
- (2) A corrective directive may include interim measures pending full compliance.

18. Service of Compliance Notices and Directives

- (1) A compliance notice or corrective directive shall be served on the regulated person in such manner as the Authority may determine, including—
 - (a) personal service;
 - (b) electronic communication; or
 - (c) any other prescribed or reasonable means.
- (2) Service shall be deemed effective on the date specified by the Authority.

19. Duty to Comply

- (1) A regulated person shall comply with a compliance notice or corrective directive within the timeframe specified.
- (2) Failure to comply with a compliance notice or corrective directive constitutes a contravention for the purposes of these Regulations.

20. Extension, Variation, or Withdrawal

- (1) The Authority may, on its own initiative or upon application by a regulated person—
 - (a) extend the timeframe for compliance;
 - (b) vary the terms of a compliance notice or corrective directive; or
 - (c) withdraw a compliance notice or corrective directive.
- (2) An application under sub-regulation (1) shall not suspend the obligation to comply unless expressly directed by the Authority.

21. Effect of Compliance

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- (1) Where a regulated person complies fully with a compliance notice or corrective directive—
 - (a) the Authority may consider the matter resolved; or
 - (b) the Authority may proceed with further enforcement action where necessary in the public interest.
- (2) Compliance with a notice or directive does not prevent the Authority from—
 - (a) taking enforcement action for past contraventions; or
 - (b) imposing administrative penalties where justified.

22. Relationship with Penalties and Sanctions

- (1) A compliance notice or corrective directive may be issued—
 - (a) before the imposition of administrative penalties; or
 - (b) independently of any sanction.
- (2) Non-compliance with a compliance notice or corrective directive shall be an aggravating factor in determining penalties under these Regulations.

23. Record of Compliance Actions

- (1) The Authority shall maintain records of—
 - (a) compliance notices issued;
 - (b) corrective directives issued;
 - (c) compliance outcomes; and
 - (d) follow-up actions taken.
- (2) Records under this regulation may be used for—
 - (a) monitoring compliance trends;
 - (b) informing future enforcement decisions; and
 - (c) reporting purposes.

**PART IV – INFORMATION GATHERING, INSPECTION AND
INVESTIGATORY POWERS**

24. Power to Require Information and Documents

- (1) The Authority may, for the purpose of enforcing the Act or these Regulations, by written notice require a regulated person to—
 - (a) provide information, data, records or documents specified in the notice;
 - (b) produce such information in the form and manner specified; and

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(c) do so within the timeframe specified by the Authority.

(2) A notice under sub-regulation (1) may require information relating to—

- (a) compliance with regulatory obligations;
- (b) operational, technical, financial or service delivery matters;
- (c) consumer complaints or dispute resolution; or
- (d) any matter relevant to enforcement action.

25. Duty to Provide Accurate and Complete Information

(1) A regulated person shall ensure that any information or document provided to the Authority—

- (a) is accurate, complete and not misleading; and
- (b) is provided within the time specified.

(2) A person who knowingly or recklessly provides false, misleading or incomplete information commits a contravention for the purposes of these Regulations.

26. Power of Inspection and Access

(1) The Authority may, for enforcement purposes, at reasonable times and upon reasonable notice—

- (a) enter premises used for the provision of a regulated service;
- (b) inspect equipment, systems, records or facilities; and
- (c) conduct tests, audits or examinations relevant to compliance.

(2) Where the Authority considers that prior notice may—

- (a) defeat the purpose of the inspection; or
- (b) pose a risk to public safety or service continuity,

the Authority may conduct an inspection without prior notice.

27. Assistance and Cooperation

(1) A regulated person shall—

- (a) grant access to authorised officers of the Authority;
- (b) provide reasonable assistance during inspections or investigations; and
- (c) ensure that officers, employees or agents cooperate fully.

(2) Obstruction of, or failure to cooperate with, the Authority in the exercise of its enforcement powers constitutes a contravention.

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28. Power to Summon Persons

- (1) The Authority may require any person reasonably believed to have relevant information to—
 - (a) attend before the Authority;
 - (b) answer questions; or
 - (c) produce documents or records.

- (2) A person summoned under this regulation shall comply with the summons unless excused for reasonable cause.

29. Confidentiality and Use of Information

- (1) Information obtained under this Part shall be used only for—
 - (a) regulatory, enforcement or licensing purposes; or
 - (b) any other lawful purpose under the Act.

- (2) The Authority shall take reasonable measures to protect confidential or commercially sensitive information, subject to—
 - (a) the requirements of transparency; and
 - (b) any disclosure required by law or judicial process.

30. Admissibility and Reliance

- Information obtained under this Part may be relied upon by the Authority in—
- (a) enforcement proceedings;
 - (b) compliance assessments;
 - (c) licensing decisions; or
 - (d) referrals for prosecution, where applicable.

**PART V – COMPLIANCE STATUS ASSESSMENTS AND
REGULATORY HISTORY**

31. Compliance Status Assessments

- (1) The Authority may conduct periodic or ad hoc compliance status assessments in respect of any regulated person for the purpose of—

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- (a) evaluating the level of compliance with the Act, these Regulations and other applicable regulatory instruments;
- (b) identifying patterns of non-compliance or repeated contraventions; and
- (c) informing regulatory, licensing and enforcement decisions.

(2) A compliance status assessment may be conducted—

- (a) annually or at such intervals as the Authority may determine;
- (b) in connection with licence renewal, variation or review; or
- (c) following enforcement action or repeated complaints.

32. Scope of Compliance Status Assessment

A compliance status assessment may take into account—

- (a) compliance with the Act and subsidiary legislation;
- (b) compliance with licence conditions and approvals;
- (c) compliance with directives, orders and determinations of the Authority;
- (d) history of complaints, investigations and formal hearings;
- (e) responsiveness to compliance notices and corrective directives;
- (f) timeliness and adequacy of remedial actions taken; and
- (g) any other matter the Authority considers relevant to regulatory compliance.

33. Compliance Records and Regulatory History

(1) The Authority shall maintain compliance records in respect of each regulated person, including—

- (a) enforcement actions taken;
- (b) compliance notices and corrective directives issued;
- (c) penalties or sanctions imposed;
- (d) compliance outcomes; and
- (e) recurrence of contraventions.

(2) Compliance records maintained under this regulation may be used for—

- (a) compliance monitoring and risk assessment;
- (b) determination of appropriate enforcement measures;
- (c) assessment of regulatory fitness; and
- (d) licensing, renewal or approval decisions, in accordance with applicable law.

34. Compliance Status Reports

(1) The Authority may issue a compliance status report to a regulated person setting out—

- (a) the Authority's assessment of the person's compliance performance;

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- (b) identified areas of concern or improvement; and
- (c) recommendations or corrective expectations.

(2) A compliance status report may indicate whether a regulated person—

- (a) is compliant;
- (b) is partially compliant; or
- (c) has a history of material or repeated non-compliance.

35. Effect of Compliance Status on Regulatory Decisions

- (1) In exercising its regulatory powers, including licensing, renewal, variation or enforcement discretion, the Authority may have regard to the compliance status and regulatory history of a regulated person.
- (2) Persistent or repeated non-compliance may constitute grounds for—
 - (a) enhanced enforcement action;
 - (b) recommendation to the appropriate person to refuse renewal, extension, or grant of a licence; or
 - (c) the imposition of additional compliance obligations.
- (3) Nothing in this regulation shall—
 - (a) operate as an automatic bar to licence renewal; or
 - (b) replace the requirement for due process under the Act or applicable licensing instruments.

36. Opportunity to Make Representations

- (1) Before relying on a compliance status assessment or report to make an adverse regulatory decision, the Authority shall—
 - (a) notify the regulated person of the proposed reliance; and
 - (b) afford the regulated person an opportunity to make representations.
- (2) Representations under sub-regulation (1) shall be considered by the Authority prior to making a final decision.

37. Publication and Confidentiality

- (1) The Authority may publish aggregated or anonymised information arising from compliance status assessments, sector performance monitoring, and regulatory reporting.
- (2) Nothing in sub-regulation (1) prevents the publication of identified enforcement actions, penalties, determinations, compliance notices, or corrective directives where publication is expressly authorised under these Regulations.

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- (3) In publishing information under these Regulations, the Authority shall protect proprietary, confidential, or commercially sensitive information except where disclosure is required by law or necessary for consumer protection or the public interest.

**PART VI – ADMINISTRATIVE PENALTIES AND FINANCIAL
SANCTIONS**

38. Power to Impose Administrative Penalties

- (1) Subject to the Act, where the Authority determines that a regulated person has committed a contravention, the Authority may impose an administrative penalty in accordance with this Part.
- (2) An administrative penalty may be imposed—
- (a) following an investigation, formal hearing or determination; or
 - (b) where the facts of the contravention are not in dispute and the regulated person has been afforded an opportunity to be heard.
- (3) The imposition of an administrative penalty shall not preclude—
- (a) the issuance of a compliance notice or corrective directive; or
 - (b) the taking of any other enforcement action permitted under these Regulations or the Act.

39. Purpose of Administrative Penalties

The purpose of an administrative penalty is to—

- (a) deter non-compliance and repeated contraventions;
- (b) promote respect for regulatory obligations;
- (c) protect consumers and the public interest;
- (d) reinforce regulatory credibility and authority; and
- (e) ensure that non-compliance does not confer an economic or competitive advantage.

40. Factors to be Considered in Determining Penalties

- (1) In determining whether to impose an administrative penalty and the amount thereof, the Authority shall have regard to—
- (a) the nature, gravity and duration of the contravention;
 - (b) the degree of harm or risk caused to consumers, public safety or the environment;
 - (c) whether the contravention was intentional, reckless, negligent or inadvertent;
 - (d) any financial or commercial benefit derived from the contravention;
 - (e) the compliance history of the regulated person;
 - (f) the level of cooperation with the Authority;
 - (g) whether remedial action was taken voluntarily and promptly; and

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- (h) the need for effective deterrence.
- (2) No single factor shall be determinative.
- (3) Where a contravention is repeated, wilful or systemic, the Authority shall ordinarily impose an administrative penalty towards the upper end of the applicable penalty band, unless exceptional circumstances justify the imposition of a lower penalty.

41. Penalty Structure and Maximum Limits

- (1) The Authority may impose an administrative penalty in the form of—
 - (a) a fixed monetary penalty;
 - (b) a daily penalty for continuing contraventions; or
 - (c) a combination of both.
- (2) Subject to sub-regulation (3), the maximum administrative penalty that may be imposed shall be—
 - (a) as set out in the Administrative Penalties and Enforcement Costs Schedule; or
 - (b) a percentage of the regulated person's annual gross turnover attributable to regulated activities, where applicable.
- (3) Different penalty thresholds may apply to—
 - (a) different sectors;
 - (b) different classes of regulated persons; or
 - (c) different categories of contraventions,

provided that such differentiation is reasonable, proportionate and publicly disclosed.

42. Administrative Penalties and Enforcement Costs Schedule

- (1) The categories, bands, and applicable amounts of administrative penalties and enforcement-related costs under these Regulations shall be as set out in the Administrative Penalties and Enforcement Costs Schedule.
- (2) The Schedule forms an integral part of these Regulations.
- (3) Where a contravention falls within a category in the Schedule, the Authority may apply the corresponding penalty band, subject to the factors set out in regulation 40.

43. Continuing Contraventions

- (1) Where a contravention continues after the issuance of—

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- (a) a compliance notice;
- (b) a corrective directive; or
- (c) a determination of the Authority,

the Authority may impose a daily administrative penalty for each day the contravention continues.

- (2) A continuing contravention shall be treated as an aggravating factor for the purposes of penalty assessment.

44. Penalties Independent of Remedial Action

- (1) The taking of remedial or corrective action by a regulated person shall not, of itself—
 - (a) absolve liability for a contravention; or
 - (b) prevent the imposition of an administrative penalty.
- (2) Remedial action may be taken into account only as a mitigating factor in determining the quantum of the penalty.

45. Damage to Regulated Utility Infrastructure

- (1) A person commits a contravention under these Regulations where that person—
 - (a) wilfully, recklessly, or negligently damages, vandalises, destroys, removes, obstructs, interferes with, tampers with, or otherwise impairs any infrastructure, installation, equipment, network, system, or asset used in the provision of a regulated public service; or
 - (b) carries out construction, excavation, road works, drilling, blasting, or any similar activity in a manner that causes damage to regulated utility infrastructure without lawful authority or reasonable precaution.
- (2) For the purposes of sub-regulation (1), a contravention may occur whether or not the person responsible—
 - (a) is a consumer of the regulated public service;
 - (b) holds a licence or authorisation from the Authority; or
 - (c) is a third party, contractor, developer, road authority, utility service provider, or any other person.
- (3) Where the Authority establishes that damage to regulated utility infrastructure has occurred, the Authority may take one or more of the following enforcement actions—
 - (a) issue a compliance notice or corrective directive requiring immediate remedial action;
 - (b) order the cessation of any activity causing or likely to cause further damage;
 - (c) require the responsible person to repair, replace, or restore the damaged infrastructure at their own cost;

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- (d) impose an administrative penalty in accordance with these Regulations;
- (e) recover the reasonable costs incurred by the affected public utility or licensee as a regulatory debt; or
- (f) refer the matter for prosecution where the conduct constitutes an offence under any other written law.

(4) In determining the appropriate enforcement response under sub-regulation (3), the Authority shall have regard to—

- (a) the nature and extent of the damage;
- (b) whether the conduct was intentional, reckless, negligent, or inadvertent;
- (c) the impact on service continuity, public safety, or consumers;
- (d) any prior history of similar conduct by the responsible person; and
- (e) the need for deterrence and protection of regulated infrastructure.

(5) The taking of remedial action or payment of repair costs shall not, by itself, preclude the Authority from imposing an administrative penalty or other enforcement measure under these Regulations.

(6) Enforcement action under this regulation is without prejudice to—

- (a) any civil liability arising under contract or tort; or
- (b) any criminal liability under any other written law.

46. Notice of Intention to Impose Penalty

(1) Before imposing an administrative penalty, the Authority shall issue a notice of intention to the regulated person specifying—

- (a) the nature of the alleged contravention;
- (b) the legal basis for the proposed penalty;
- (c) the proposed amount or method of calculation; and
- (d) the right to make representations within a specified period.

(2) The Authority shall consider any representations made before issuing a final penalty decision.

47. Decision and Payment of Penalties

(1) A decision imposing an administrative penalty shall—

- (a) be in writing;
- (b) state the reasons for the decision; and
- (c) specify the amount payable and the deadline for payment.

(2) An administrative penalty imposed under these Regulations shall be payable into such account as the Authority may designate.

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- (3) Failure to pay an administrative penalty within the specified period constitutes a further contravention.

48. Interest and Recovery

- (1) Where an administrative penalty is not paid within the prescribed period, the Authority may—
- (a) impose interest at a rate determined by the Authority; and
 - (b) recover the penalty as a civil debt.
- (2) Recovery under this regulation is without prejudice to any other enforcement action.

49. Relationship with Licence-Related Measures

- (1) The imposition of an administrative penalty may be taken into account in—
- (a) licence renewal or variation;
 - (b) compliance status assessments; and
 - (c) future enforcement decisions.
- (2) An administrative penalty shall not, by itself, operate as a suspension or cancellation of a licence except in accordance with the Act.

50. Publication of Penalties

The Authority may publish information relating to administrative penalties imposed under this Part where it considers publication necessary for deterrence, in the public interest, or relevant to consumer protection, and such publication may include the name of the regulated person, the nature of the contravention, and the penalty imposed, subject to confidentiality requirements under the Act and these Regulations.

**PART VII – ENFORCEMENT COST RECOVERY AND
ADMINISTRATIVE CHARGES**

51. Authority to Impose Administrative Fees

- (1) The Authority may impose reasonable administrative charges for the purpose of recovering costs incurred in the exercise of its enforcement, compliance and regulatory functions under these Regulations.
- (2) Administrative fees imposed under this Part are cost-recovery measures and shall not constitute penalties or sanctions.

52. Categories of Administrative Fees

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Administrative fees may be imposed in respect of—

- (a) investigations and inspections conducted under these Regulations;
- (b) formal hearings and related proceedings;
- (c) engagement of experts, assessors or technical specialists;
- (d) compliance status assessments and compliance reports;
- (e) monitoring, audits and verification exercises; and
- (f) any other enforcement-related activity prescribed by the Authority.

53. Determination and Publication of Fees

- (1) The amounts payable in respect of administrative fees and enforcement-related cost recovery under this Part shall be as set out in the Administrative Penalties and Enforcement Costs Schedule.
- (2) The Authority shall publish and make available the Schedule and any guidance issued for its consistent application.
- (3) In applying the Schedule, the Authority shall have regard to—
 - (a) the actual or estimated cost reasonably incurred;
 - (b) the complexity and duration of the regulatory activity;
 - (c) the sector concerned; and
 - (d) the principles of fairness, proportionality and transparency.

54. Liability for Administrative Fees

- (1) Administrative fees shall be payable by—
 - (a) the regulated person to whom the enforcement action, investigation or assessment relates; or
 - (b) such other person as the Authority may determine, having regard to responsibility for the matter.
- (2) Where multiple parties are involved, the Authority may—
 - (a) apportion fees between the parties; or
 - (b) require one party to bear the full cost, where just and reasonable.

55. Payment, Recovery and Consequences of Non-Payment

- (1) Administrative fees imposed under this Part shall be payable within the period specified by the Authority.
- (2) Failure to pay administrative fees may result in—
 - (a) suspension of regulatory processes;

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- (b) refusal to issue compliance clearance or compliance status reports;
- (c) consideration of non-payment in licensing or renewal decisions; or
- (d) recovery of the amount as a civil debt.

**PART VIII – LICENCE-RELATED ENFORCEMENT
MEASURES AND COMPLIANCE UNDERTAKINGS**

56. Recommendations Relating to Licensing Decisions

- (1) Where the Authority determines that a licensee or regulated person has committed a contravention, the Authority may, subject to the Act, make recommendations to the appropriate person in relation to—
 - (a) the grant, renewal or extension of a licence;
 - (b) the variation or restriction of a licence; or
 - (c) the suspension or cancellation of a licence.
- (2) Recommendations under sub-regulation (1) may include that—
 - (a) a licence be renewed or extended subject to additional or enhanced conditions;
 - (b) a licence not be renewed or extended;
 - (c) the scope, duration or terms of a licence be modified; or
 - (d) any other licensing measure permitted under the Act or applicable sector-specific legislation.

57. Amendment of Licence Conditions

- (1) In accordance with section 28 of the Act, the Authority may amend any provision, term or condition of a licence by agreement with the licensee.
- (2) Where the Authority considers that amendment of a licence condition is necessary to secure regulatory compliance, consumer protection, public safety or service continuity, the Authority may—
 - (a) propose amendments to the licensee; and
 - (b) take enforcement action under these Regulations in respect of non-compliance with existing licence conditions pending such amendment.

58. Suspension or Cancellation of Licence

- (1) The Authority may, in accordance with section 29 of the Act and with the approval of the appropriate person, suspend or cancel a licence where the Authority is satisfied that the licensee—
 - (a) is not complying with; or
 - (b) has not complied with,

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a provision, term or condition of the licence.

- (2) Before suspending or cancelling a licence under sub-regulation (1), the Authority shall give the licensee written notice of its intention specifying—
 - (a) the cause for the Authority’s dissatisfaction;
 - (b) the action the Authority intends to take; and
 - (c) the proposed effective date of such action.
- (3) Where the Authority considers that the licensee is capable of taking rectifying action, the notice under sub-regulation (2) shall also specify—
 - (a) the action the Authority requires the licensee to take;
 - (b) the timeframe within which such action must be taken; and
 - (c) the action the Authority intends to take if the rectifying action is not taken within the specified timeframe.
- (4) The Authority shall afford the licensee a reasonable opportunity to be heard and to make representations before proceeding with a suspension or cancellation.
- (5) In deciding whether to proceed with a suspension or cancellation, the Authority shall take into account—
 - (a) any representations made by the licensee; and
 - (b) the extent to which the public or any section of the public is likely to suffer loss, damage or inconvenience as a result of the suspension or cancellation.

59. Effect of Enforcement History on Renewal and Extension

- (1) In advising the appropriate person on the grant, renewal or extension of a licence under sections 23 and 27 of the Act, the Authority may have regard to—
 - (a) the compliance history of the licensee or applicant;
 - (b) administrative penalties imposed under these Regulations;
 - (c) compliance notices and corrective directives issued and complied with;
 - (d) compliance status assessments and reports issued under Part V; and
 - (e) any history of repeated, systemic or serious contraventions.
- (2) Nothing in this regulation shall be construed as—
 - (a) creating an automatic bar to licence renewal or extension; or
 - (b) limiting the discretion of the appropriate person under the Act.

60. Relationship with Administrative Penalties and Other Enforcement Measures

- (1) The imposition of an administrative penalty under these Regulations shall not, of itself—

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- (a) suspend or cancel a licence; or
 - (b) preclude the Authority from making recommendations under this Part.
- (2) Where the Authority considers that a contravention warrants licence-related measures in addition to administrative penalties, the Authority shall proceed in accordance with these Regulations and the Act.

61. Savings and Due Process

- (1) All licence-related enforcement measures under this Part shall be exercised in accordance with—
- (a) the Act;
 - (b) applicable sector-specific legislation; and
 - (c) the principles of procedural fairness.
- (2) Nothing in this Part limits the right of a licensee to—
- (a) make representations; or
 - (b) seek review or appeal,

as provided under the Act or any other applicable written law.

**PART IX – APPEALS, TRANSITIONAL AND SAVINGS
PROVISIONS**

62. Right of Appeal

- (1) A person aggrieved by—
- (a) a determination, decision, directive, administrative penalty, or enforcement action taken by the Authority under these Regulations; or
 - (b) a recommendation of the Authority made under these Regulations that results in a licensing decision by the appropriate person,

may appeal in accordance with the provisions of the Act or any other applicable written law.

- (2) Nothing in these Regulations shall be construed as—
- (a) creating a new right of appeal beyond that provided under the Act; or
 - (b) limiting or restricting any right of appeal conferred by the Act or other written law.

63. Effect of Appeal

- (1) The lodging of an appeal shall not operate as a stay of—

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- (a) an enforcement action;
- (b) a compliance notice or corrective directive; or
- (c) an administrative penalty,

unless—

- (i) the Authority grants a stay; or
- (ii) a stay is ordered by a court or appellate body of competent jurisdiction.

(2) In considering whether to grant a stay, the Authority may have regard to—

- (a) the public interest;
- (b) the risk of irreparable harm;
- (c) the need to protect consumers, public safety, or service continuity; and
- (d) the likelihood of prejudice to regulatory objectives.

64. Relationship with Other Regulatory Instruments

(1) These Regulations shall apply in conjunction with—

- (a) the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026;
- (b) the Public Utilities Regulatory Authority (Unified Fees) Regulations, 2026; and
- (c) any sector-specific subsidiary legislation, licence conditions, directives or guidelines issued under the Act.

(2) Where there is any inconsistency between these Regulations and any other subsidiary legislation made under the Act, these Regulations shall prevail to the extent of the inconsistency, unless otherwise expressly provided by the Act.

(3) Nothing in these Regulations shall be construed as limiting the application of criminal law or civil remedies under any other written law.

65. Transitional Provisions

(1) Any enforcement action, investigation, compliance process, or administrative proceeding commenced under the Public Utilities Regulatory Authority (Enforcement) Regulations, 2010 and pending immediately before the coming into force of these Regulations shall—

- (a) continue as if commenced under these Regulations; and
- (b) be dealt with, so far as practicable, in accordance with these Regulations.

(2) Any—

- (a) legal notice, warning, directive, or enforcement instruction issued under the 2010 Regulations; or
- (b) administrative penalty imposed but not fully complied with,

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shall be deemed to have been issued or imposed under these Regulations, unless otherwise varied or withdrawn by the Authority.

- (3) References in any licence, guideline, administrative instrument or enforcement process to the Public Utilities Regulatory Authority (Enforcement) Regulations, 2010 shall, upon the coming into force of these Regulations, be construed as references to these Regulations.

66. Savings

(1) Nothing in these Regulations shall—

- (a) invalidate any lawful act, decision or enforcement action taken under the 2010 Regulations prior to their repeal; or
- (b) affect any right, liability or obligation accrued before the coming into force of these Regulations.

(2) Any investigation, enforcement action or liability arising from conduct that occurred before the coming into force of these Regulations may be pursued under these Regulations as if the conduct occurred after their commencement.

67. Repeal

The Public Utilities Regulatory Authority (Enforcement) Regulations, 2010 are hereby repealed.

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SCHEDULE 1

**ADMINISTRATIVE PENALTIES AND ENFORCEMENT COSTS
RECOVERY SCHEDULE**

(Regulation 42)

PART A – ADMINISTRATIVE PENALTY CATEGORIES AND BANDS

1. Penalty Categories

For the purposes of these Regulations, contraventions shall be classified into the following categories, and administrative penalties shall be imposed **within the minimum and maximum amounts specified** for each category.

Category I – Minor Contraventions

Description:

Minor, technical or procedural contraventions that—

- (a) do not result in material consumer harm;
- (b) do not significantly affect service continuity, public safety or market integrity; and
- (c) are not repeated or deliberate.

Administrative Penalty:

- **Minimum: GMD 100,000**
- **Maximum: GMD 500,000**

Category II – Moderate Contraventions

Description:

Contraventions that—

- (a) cause consumer detriment, service disruption or regulatory risk;
- (b) involve failure to comply with regulatory obligations or directives; or
- (c) reflect negligent conduct or repeated minor non-compliance.

Administrative Penalty:

- **Minimum: GMD 500,000**
- **Maximum: GMD 2,500,000**

Category III – Serious Contraventions

Description:

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Contraventions that—

- (a) are serious, repeated or systemic;
- (b) undermine regulatory oversight, consumer protection or fair competition; or
- (c) involve failure to comply with compliance notices or corrective directives.

Administrative Penalty:

- **Minimum:** GMD 2,500,000
- **Maximum:** GMD 10,000,000

Category IV – Major Contraventions

Description:

Contraventions that—

- (a) are wilful, reckless or grossly negligent;
- (b) obstruct or interfere with the Authority’s monitoring, investigation or enforcement functions;
- (c) involve operation without a licence or outside the scope of a licence; or
- (d) involve damage to regulated utility infrastructure.

Administrative Penalty:

- **Minimum:** GMD 10,000,000
- **Maximum:** GMD 30,000,000

Category V – Critical Contraventions

Description:

Contraventions that—

- (a) pose serious risks to public safety, national infrastructure or essential services;
- (b) cause widespread or prolonged service disruption;
- (c) involve systemic, large-scale or coordinated non-compliance; or
- (d) materially threaten regulatory integrity or market stability.

Administrative Penalty:

- (a) **Minimum:** GMD 30,000,000
- (b) **Maximum:** GMD 50,000,000

PART B – DAILY PENALTIES FOR CONTINUING CONTRAVENTIONS

Where a contravention continues after the issuance of a compliance notice, corrective directive or determination of the Authority, the following **daily administrative penalties** shall apply in addition to any other penalty imposed:

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Category	Daily Penalty
Category I	GMD 25,000 per day
Category II	GMD 100,000 per day
Category III	GMD 250,000 per day
Category IV	GMD 500,000 per day
Category V	GMD 1,000,000 per day

PART C – APPLICATION OF PENALTY BANDS

1. The Authority shall impose an administrative penalty not lower than the prescribed minimum and not exceeding the prescribed maximum for the applicable category.
2. A penalty below the minimum may only be imposed where—
 - (a) exceptional mitigating circumstances exist; and
 - (b) the Authority records written reasons justifying such departure.
3. In determining the appropriate penalty within a band, the Authority shall apply regulation 40.

PART D – ENFORCEMENT COST RECOVERY

1. Cost-Recovery Principle

Enforcement-related costs recoverable under these Regulations are administrative charges, not penalties, and shall reflect the reasonable costs actually incurred by the Authority.

2. Recoverable Enforcement Costs

The Authority may recover costs in respect of the following activities:

Enforcement Activity	Recoverable Amount
Investigation or inspection	GMD 250,000 – 2,000,000
Formal hearing (per matter)	Minimum GMD 500,000 plus actual costs
Engagement of experts or technical specialists	Full cost incurred
Compliance audit or verification	GMD 250,000 – 1,500,000
Follow-up inspection	GMD 150,000 – 500,000

3. Allocation of Costs

1. Enforcement costs shall be payable by—
 - (a) the regulated person responsible for the contravention; or
 - (b) any other person determined by the Authority to be responsible, where just and reasonable.
2. Where multiple persons are involved, the Authority may—

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- (a) apportion costs between them; or
- (b) require one person to bear the full cost.

PART E – INFRASTRUCTURE DAMAGE-SPECIFIC APPLICATION

Damage to regulated utility infrastructure under regulation 45 shall attract—

- (a) an administrative penalty under Category IV or Category V, as applicable; and
- (b) full recovery of repair, replacement or restoration costs, in addition to any penalty imposed.

PART F – STATUS OF SCHEDULE

1. This Schedule forms an integral part of the Public Utilities Regulatory Authority (Enforcement) Regulations, 2026.
2. The Authority shall apply this Schedule consistently across all regulated sectors.

Draft

MADE THIS DAY OF 2026.

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**HON. SEEDY KEITA
MINISTER OF FINANCE AND ECONOMIC AFFAIRS**