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AIRTIME AND DATA LENDING IN NIGERIA: CLARIFYING THE REGULATORY LANDSCAPE

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The Federal High Court's decision in *Wireless Application Service Providers Association of Nigeria (WASPAN) v. Federal Competition and Consumer Protection Commission (FCCPC)* has provided important clarity on the regulatory framework governing airtime and data lending in Nigeria.

The dispute arose following the FCCPC's issuance of the Digital, Electronic, Online or Non-Traditional Consumer Lending Regulations, 2025 (DEON Regulations), which extended consumer lending rules to airtime and data lending products. WASPAN challenged the Regulations, contending that airtime lending falls exclusively within the regulatory domain of the Nigerian Communications Commission (NCC) under the Nigerian Communications Act.

The central issue before the Court was whether the FCCPC possessed the statutory authority to regulate the consumer protection aspects of airtime and data lending, or whether such regulation was reserved exclusively for the NCC.

The Federal High Court dismissed the challenge and upheld the validity of the DEON Regulations. In doing so, the Court affirmed that the FCCPC has the legal authority under the Federal Competition and Consumer Protection Act to regulate consumer protection issues arising from digital lending, including airtime and data lending.

Significantly, the Court recognized that the FCCPC's powers do not displace those of the NCC. Rather, the two regulators exercise concurrent jurisdiction within their respective statutory mandates. While the NCC retains responsibility for licensing and regulating telecommunications services, the FCCPC is empowered to oversee competition and consumer protection issues within that market.

The judgment therefore reinforces an important principle of Nigerian regulatory law: where statutes confer complementary functions on different regulators, the existence of one regulator's mandate does not necessarily exclude the jurisdiction of another.

Although the Court's full written judgment is not yet publicly available, the reported decision establishes that the FCCPC's consumer protection mandate extends to airtime and data lending, while the NCC continues to exercise its telecommunications regulatory functions. The decision provides greater certainty for stakeholders and underscores the importance of coordinated regulation in increasingly convergent digital markets.
