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THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT, 2003
(No. 12 of 2003)

REGULATIONS

THE TANZANIA COMMUNICATIONS (CONSUMER PROTECTION)
REGULATIONS, 2005

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SCHEDULE

THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT, 2003
(No. 12 of 2003)

REGULATIONS

(Made under section 47(1))

THE TANZANIA COMMUNICATIONS (CONSUMER PROTECTION)
REGULATIONS, 2005

PART I

PRELIMINARY PROVISIONS

Citation	<p>1. These Regulations may be cited as the Tanzania Communications (Consumer Protection) Regulations, 2005. Regulations, 2005 and shall come into operation on the date of publication.</p>
Application	<p>2. These Regulations shall apply in relation to the regulated goods and services.</p>
Interpretation	<p>3. In these Regulations except where the context requires otherwise-</p>
Act No. 12 of 2003	<p>“Act” means the Tanzania Communications Regulatory Authority Act, 2003;</p> <p>“Association” means the Tanzania Consumers Association and any other registered body representing consumers in Tanzania;</p> <p>“bills” means a written statement of money owed for services provided by postal or electronic communication operators;</p> <p>“Authority” means the Tanzania Communications Regulatory Authority established under section 4 of the Act;</p> <p>“complaint” means any statement of dissatisfaction of services by postal or electronic communications service consumer;</p> <p>“consumer” means a customer of electronic communication or postal services;</p>

“contract of services” means an agreement entered into between the licensee and the customer for the provision of the licensed services to the customer;

“licensee” means an entity licensed by the Authority to provide and/or facilitate provision of postal or electronic communication services. In these Regulations he is also referred to as the “Operator”.

“outageoutage credit” means a credit to be paid to a customer for a period of time when the services are not operating for reasons not caused by the customer.

PART II CONSUMER CARE SYSTEM

Customer care system

4.-(1) Each licensee shall establish a customer care system within which customers may make inquiries and complaints.

(2) Electronic communication operators shall establish a customer care system within six months from the date of being licensed by the Authority.

(3) Postal operators shall establish a customer care system immediately within three months from the date of being licensed by the Authority. after being granted a licence by the Authority.

Powers Oof the Authority

5. The Authority shall have powers to: investigate and determine any complaint in accordance with the provisions of Part VIII of the Tanzania Communications Authority Act, 2003.

Complaint handling procedure

6.-(1) All postal and electronic communication operators shall be required to notify customers about the availability of consumer complaint procedures and have in place forms to be used for registering complaints.

(2) The Authority shall issue a complaint registration procedure and forms as provided in the Schedule to these Regulations which shall include information on:

- (a) the nature of the contravention or non-compliance of conditions of licence;
- (b) the extent to which such contravention or non-compliance of the conditions of licence had impact on the complainant;
- (c) the relief sought as a result of such alleged contravention or non-compliance; and
- (d) any other relevant information which may facilitate investigation of the complaint.

(3) The complaint form shall be filled in duplicate, and a copy shall all be retained by the customer.

(4) Each licensee shall provide a response to the customer's complaint within twenty one business days of receipt of the inquiry or complaint from the cCustomer.

(5) Where a customer who is dissatisfied with the licensee's response provided under sub-regulation (4), he may refer the complaint, to the Authority.

(6) The Authority shall investigate any complaint referred to it and require information to be submitted by the licensee.

(7) Upon completing investigation on the complaint, the Authority shall make a decision in writing and inform the customer and the licensee that the complaint:-

- (a) merits a formal hearing and advise parties of the date, time and place of hearing, or
- (b) does not merit a formal hearing and advise parties of its determination and proceed to decide the matter.

(8) Where the Authority conducts a formal hearing of the complaint, it shall after due consideration of all the evidence and reports, make an order of determination or issue an appropriate directive, including payment of a fine as the Authority may deem fit.

Act No. 8 of
2003

7. Any person aggrieved by the decision of the Authority under these Rregulations may, within thirtyfourteen days of the receipt of the decision, appeal to the Fair Competition Tribunal established by the Fair Competition Act 2003..

Information for
consumers

8.- (1) A licensee shall provide a clear and understandable description of available services and the terms, conditions, rates, and charges for the services.

(2) A basic postal and electronic communication operator shall regularly publish or arrange to be published, directories and guide for the services they offer.

Contract for
service

9. A licensee shall enter into a contract for service with a consumer.

Outage credit
system

10. A licensee shall within six months from the date of the grant of the licence establish a system of outage credits to be given to a customer.

(2) The outage credit system shall be submitted to the Authority for its approval or modification, and shall become part of the contract of services.

(3) Outage credits to be given to the consumers for continuous interruption of services for a period exceeding twenty four hours; and

(4) The licensee shall have no liability to customers for outages arising from events outside the control of the licensee and which constitute an incidence of *force majeure*.

G.N.No.325 of
2001

11. Notwithstanding the provisions of regulation 9 an outage credit system established under the Consumer Protection Regulation, 2001 shall be deemed to have been approved under this Regulation.

Confidentiality

12. A licensee shall not monitor or disclose the content of any information of any customer transmitted through the licensed systems, except as required or permitted by any written laws in force.

Emergency
services

13. A licensee shall provide free of charge access to emergency services in accordance with the National Numbering Scheme.

Commercial
practice

14.- (1) A licensee shall deliver to each customer during the first six months of the commencement of the service, a code of commercial practices, approved by the Authority.

(2) The code of commercial practices referred to under sub-regulation (1) shall-

- (a) include without limitation, the written form of the complaint process, the system of outage credits and the system of emergency services;
- (b) not replace or diminish any benefit of price assurance provided to the customer by the contract of service;
- (c) act as supplement to the contract of service and not in diminution of customer's consumer rights; and
- (d) be consistent with consumer protection laws of the United Republic.

Provision of
Service

15. A licensee shall provide services without discrimination among customers or among members of the public who wish to become customers.

Billing

16. A electronic communications licensee shall install a billing system that permits, upon request of a customer, to issue bills that identify the rates charged to the customer, the number called, the duration of each call, the charge per call, applicable discounts and the class of service.

Penalty

17. Any person who contravenes any of the provisions of these Regulations commits an offence and upon conviction is shall be liable to a fine as may be determined by the Authority not exceeding the equivalent in Tanzania shillings of United States dollars five hundred.

Revocation
GN. No.
325 of 2001

18. The Consumer Protection Regulations, 2001 are hereby revoked.

SCHEDULE

THE UNITED REPUBLIC OF TANZANIA

TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

COMPLAINT FORM

(As per regulation 6(2))

A: PARTICULARS

1. Name of Complainant/Operator _____

Address: _____

Occupation: _____

2. Name of Respondent: _____

Address: _____

Occupation: _____

B: NATURE/FACTS OF THE COMPLAINT

(State the facts disclosing the cause of action precisely and concisely)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

C: RELIEF (S) SOUGHT

D: VERIFICATION

.....

SIGNATURE OF THE COMPLAINANT

Presented for filing this date of 2005

Dar es Salaam
3rd September, 2005

MARKARK J. MWANDOSYAWANDOSYA
Minister for Communications and Transport