

PUBLIC UTILITIES (COMPLAINTS PROCEDURE) REGULATIONS 1999

LI 1665

In exercise of the powers conferred on the Public Utilities Regulatory Commission under sections 30 and 48 of the Public Utilities Regulatory Commission Act, 1997 (Act 538) these regulations are made this 24th day of December, 1999.

Form of Complaint

1 (1) Any person may file a complaint concerned with a service provided by a public utility to the Public Utilities Regulatory Commission referred to in these Regulations as the "Commission".

(2) A complaint to the Commission may be in writing or given orally.

(3) A written complaint shall be addressed to the Commission.

(4) Where an oral complaint is made or where the complainant cannot read or write, the complaint shall be reduced into writing by an officer of the Commission designated to receive the complaint or by any person selected by the complainant.

(5) A person who writes an oral complaint of any person shall

(a) read over and explain the contents of the written complaint to the complainant;

(b) make a declaration on the document that the complainant has fully understood or appears to understand the contents of the complaint; and

(c) make the complainant append his signature or thumb print on the written complaint.

Contents of Complaint.

2. (1) A complaint lodged with the Commission shall contain

(a) the full name and contact address of the complainant;

(b) the person against whom the complaint is made;

(c) particulars of the nature of the complaint together with copies of any document in support of the complaint;

(d) the nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of the person against whom the complaint is made;

- (e) the relief sought by the complainant; and
- (f) any other matter relevant to the complaint.

(2) A person who lodges a complaint on behalf of another person shall state in writing the capacity in which he does so and the reason for so doing.

3. (1) The Commission may use the services of any expert to assist it in the resolution of a complaint.

(2) Where a complaint is made against a person, the Commission shall cause a copy of the complaint to be sent to the person against whom the complaint is made within seven days from the date of receipt of the complaint.

(3) The person against whom a complaint is made shall within five days from the date of receipt of the complaint or such further period as the Commission may specify submit his response to the Commission.

Initial settlement of complaint

4. (1) the Commission shall make a preliminary enquiry into the complaint.

(2) If the Commission considers that the complaint may be mediated upon and settled, it shall invite the parties concerned and initiate a settlement of the complaint.

(3) If the complaint cannot be settled, the commission shall follow the procedure for a formal hearing of the complaint as provided in these regulations.

Formal hearing of complaint

5. (1) For the purpose of making a full enquiry by formal hearing into a complaint, the Commission shall in writing invite

(a) the complainant

(b) the person against whom the complaint is made; and

(c) any other person considered relevant to the complaint by the commission

to appear before it at a date, time and place specified in the notice.

(2) The date for attendance at the formal hearing shall be not less than seven days from the date of notice.

(3) The person appearing before the Commission to answer a complaint shall

(a) take an oath

(b) be informed again of the particulars of the complaint and the relief sought: and

(c) be afforded full opportunity to answer the complaint.

4. Persons appearing before the Commission shall appear themselves or may be represented by counsel or another expert.

5. The Commission shall take a decision on the complaint and a record of the proceedings shall be kept by the Commission.

Conduct of formal hearing

6.(1) The Commission may on the recommendation of the Chairman or any other member of the Commission constitute a panel to conduct a formal hearing of the complaint.

(2) The panel shall comprise at least three and not more than five persons who shall be employed by the Commission but any person selected by the Commission may be co-opted to serve on the panel.

(3) The chairman of the panel shall be a member of the Commission or any legal officer of the Commission.

(4) A person appearing before a panel may raise an objection to the membership of the panel to the chairman who shall refer the objection to the Commission for determination.

(5) Any question before a panel shall be determined by a majority of the members present and voting.

Powers of the Commission at a formal hearing

7.(1) Subject to regulation 5, the formal hearing shall be conducted with fairness and impartiality and may:

(a) order public utilities to provide copies of information in their possession and state the form in which the information is to be provided;

(b) request a consumer to provide information in his possession which may be relevant to prove facts the subject of the complaint; and

(c) order the public utility to conduct such tests and inspection as may be necessary to resolve the complaint.

(2) The commission or panel shall regulate the course of proceedings and conduct of the parties and their representatives and may question any person or enquire into any matter related to the complaint.

(3) A panel shall make a full report and the Commission may accept or reject the recommendations.

(4) The Commission may on application by any of the parties review its previous decision.

Withdrawal of complaint

8. (1) A complainant may withdraw a complaint after it has been submitted to the Commission.

(2) Withdrawal of a complaint shall not limit the right of a complainant to file the complaint subsequently.

Enforcement of decision

9. In furtherance of Section 32 of the Public Utilities Regulatory Commission Act, 1997 (Act 538) the Commission may apply to the High Court for the enforcement of the decision or direction of the Commission.

Offences

10.(1) No person or public utility shall obstruct or refuse to co-operate with the Commission or a panel in the performance of its functions under these Regulations.

(2) Any person who contravenes sub-regulation (1) of this regulation commits an offence and is liable on summary conviction to a fine not exceeding ₦5 million or imprisonment for a term not exceeding one year or both.

(3) In the case of a continuing offence is committed by a public utility which is a body corporate or by a partnership or other firm, every director or officer or the body corporate or any member of the partnership or other person concerned with the management of the public utility shall also be guilty of an offence and shall on conviction be liable to a fine not exceeding ₦10 million for the offence and shall in addition be liable to the payment of compensation for any damage resulting from the breach unless he proves to the satisfaction of the court that

(a) he exercised due diligence to secure compliance with the provision of this Act; and

(b) the offence was committed without his knowledge, consent or connivance.

Interpretation

11. In these Regulations unless the context otherwise requires "Act" means the Public Utilities Regulatory Commission, Act, 1997 (Act 538)

"Commission" means the Public Utilities Regulatory Commission.

"Public utility" has the same meaning as under the Act.

NANA(DR) S.K.B. ASANTE

Chairman, Public Utilities Regulatory Commission.

Date of Gazette notification: 30th December, 1999