



**NIGERIAN COMMUNICATIONS ACT
2003 No. 19
DRAFT CONSUMER CODE OF PRACTICE REGULATIONS 2018**

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Regulation

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SCHEDULE

General Consumer Code of Practice

THE NIGERIAN COMMUNICATIONS ACT 2003

CONSUMER CODE OF PRACTICE REGULATIONS 2018

In exercise of the powers conferred upon it by section 70 of the Nigerian Communications Act, 2003 and all other powers enabling it in that behalf, the Nigerian Communications Commission hereby makes the following Regulations -

[] Commencement

PART I- SCOPE, APPLICATION AND OBJECTIVES

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| <p>1. (1) These Regulations are made pursuant to Part I of Chapter VIII of the Act, and provide a further definition of the procedures and substantive requirements for developing consumer codes to govern the provision of services by licensed telecommunications operators in Nigeria and related consumer practices.</p> <p>(2) Specifically, these Regulations are made pursuant to section 106 of the Act and the functions of the Commission identified in section 4 (1) (b) and (p) of the Act.</p> | <p>Scope of Regulations</p> |
| <p>2. These Regulations apply to all Licensees of the Commission.</p> | <p>Application</p> |
| <p>3. The specific objectives of these Regulations are to</p> <p>(a) prescribe the procedures to be followed by a Licensee in preparing approved consumer codes of practice in accordance with section 106 of the Act; and</p> <p>(b) to determine and describe the required contents and features of any consumer code prepared by, or otherwise applicable to a Licensee.</p> | <p>Objectives</p> |

PART II—CONSUMER CODES OF PRACTICE

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| <p>4. The General Consumer Code of Practice (the “General Code”), in Schedule 1 of these Regulations prescribes the minimum set of requirements and the minimum standard for the provision of services and related consumer practices applicable to all Licensees.</p> | <p>General Code</p> |
| <p>5. (1) A Licensee shall prepare an individual consumer code for the provision of all its services and related consumer practices applicable to the Licensee, and submit such individual consumer code to the Commission for approval.</p> <p>(2) Individual consumer codes prepared and submitted by Licensees shall include at least the terms and conditions of the General Code, or equivalent terms and conditions that are no less favourable to consumers than the General Code.</p> | <p>Individual Consumer Code of Practice</p> |

6. (1) Within thirty days of submission of an individual consumer code by a Licensee, the Commission shall take one of the following actions:
- (a) approve the proposed individual consumer code;
- (b) identify areas that require amendment in the proposed consumer code, and direct the Licensee to resubmit it to the Commission for approval; or
- (c) Inform the Licensee of any extension of time required by the Commission for review of the proposed consumer code.
- (2) Pending approval by the Commission of any individual consumer code submitted by a Licensee, the provision of services and related consumer practices applicable to that Licensee shall be governed by the General Code.
7. (1) Following approval by the Commission of an individual consumer code submitted by a Licensee, the individual consumer code shall be published by the Licensee in two national newspapers within 30 days and the approved individual consumer code shall govern the provision of services and related consumer practices applicable to that Licensee beginning on the date of publication.
- (2) Approved individual consumer codes may be published or distributed by the Commission in any way it deems appropriate.
- (3) Every Licensee shall provide a copy of any approved individual consumer code to any consumer on request.

Approval by
Commission

Publication of
Approved
Individual
Consumer Code

PART III—COMPLIANCE AND ENFORCEMENT

8. Every Licensee shall be subject to the compliance provisions set out in Part IX provisions of the General Code, or equivalent provisions of any approved individual consumer code.
9. Any Licensee that contravenes any of the provisions of these Regulations is liable to such fines, sanctions or penalties, including any enforcement penalties determined under the Enforcement Regulations.

Compliance
Provisions

Contravention
and
Enforcement

PART IV—MISCELLANEOUS

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| 10. | The Commission may from time to time issue additional rules, directions or guidelines on any aspect of these Regulations, which shall be of general application or specific to a Licensee. | Power of the Commission to give Directives, etc |
| 11. | The Commission may also revise the General Code at any time by publishing a replacement schedule to these Regulations and may direct a licensee to make alterations to any previously approved individual consumer codes as required to give effect to the amendment to the General Code. | Amendment of General Code |
| 12. | <p>In these regulations:</p> <p>“Act” means the Nigerian Communications Act, 2003 and any succeeding legislation thereto;</p> <p>“Commission” means the Nigerian Communications Commission established under the Act;</p> <p>“Enforcement Regulations” means the Nigerian Communications (Enforcement Processes, etc.) Regulations 2005, as may be amended from time to time;</p> <p>“Licence” means any Licence that has been granted by the Commission pursuant to the Act and includes subsisting Licences that were granted by the Commission prior to the commencement date of the Act.</p> <p>“Licensee” is as defined in the Act and includes Network Operators and Non-Network Operators.</p> <p>“Consumer” or “subscriber” means any person who subscribes to or uses a communication service;</p> | Interpretation |
| 13. | These regulations may be cited as the Consumer Code of Practice Regulations 2018. | Citation |

SCHEDULE – (Section 4 (2))
GENERAL CONSUMER CODE OF PRACTICE
ARRANGEMENT OF CODES

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GENERAL CONSUMER CODE OF PRACTICE

PART I—INTRODUCTION

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| 1. | (1) | This General Consumer Code of Practice (General Code) is published by the Nigerian Communications Commission pursuant to section 106 of the Nigerian Communications Act 2003 (in these Codes referred to as “the Act, which contemplates the development of a consumer code that would govern the provision of services by every licensee. | Scope and Objectives |
| | (2) | This General Code is to be read in conjunction with the Consumer Code of Practice Regulations 2018, the Nigerian Communications Act, 2003 and the Nigerian Communications (Enforcement Processes; etc) Regulations 2005 as may be amended from time to time. | |
| 2. | | Any term used in this General Code is either defined herein or has the meaning as defined in the Act. | Definitions |
| 3. | (1) | The General Code applies to all Licensees, and in regard to all telecommunications services offered to the public. It is intended to guide the development of individual codes by each Licensee using the substantive content of this General Code as a minimum set of requirements. | Application of Code |
| | (2) | It is recognized that in developing individual versions of the code there may be some differences due to the service platforms and prototypes of services involved, such as wireless versus fixed line or telephony versus data services. | |
| | (3) | Pending approval by the Commission and publication by any Licensee of individual code, this General Code shall apply. | |
| 4. | (1) | The Industry Consumer Advisory Forum established by the Commission which is made up of industry and consumer representatives shall assist in reviewing and making recommendations to the Commission with respect to the General Code to ensure that it is up to date and adequately addresses consumer issues. | Code Administration |
| | (2) | Complaints procedure and Code Compliance provisions are described in Part VIII and IX of this General Code. Compliance monitoring checks on the procedure and code administration will be undertaken by the Consumer Affairs Department of the Commission, or such other departments or authorities within the Commission as are designated from time to time. | |
| 5. | (1) | The Commission, acting on its own initiative or with the assistance of the Industry Consumer Advisory Forum, may | Code Amendment |

recommend amendments to this General Code and/or any individual Licensee's consumer code.

- (2) In amending the General Code, the Commission shall be guided by the provisions of sections 57 and 58 of the Act.

PART II—PROVISION OF INFORMATION TO CONSUMERS

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| 6. | <p>(1) Every Licensee shall provide consumers with complete, accurate, up-to-date information about its services in simple, clear language.</p> <p>(2) Every Licensee shall endeavour to respond in a timely manner to consumer requests for information on their services and such information shall be provided free of charge and shall include at least the following :</p> <p>(a) current service arrangements, including rates, terms and conditions for all services offered to the public, at all retail offices of the Licensee and on its website.</p> <p>(b) services that are subject to price or tariff regulation by the Commission shall be described in service tariff pages published in an accessible form, including being made available at designated company offices and on the Licensee's web site;</p> <p>(c) for those Licensees that publish consumer directories, the terms of service shall be printed in the first section of such directories; and</p> <p>(d) where a Licensee seeks any change in the tariff rates for services, affected consumers shall be notified by the Licensee of the proposed price change in a manner that, in particular, avails them an opportunity to submit comments to the Commission on the proposed changes. After approval by the Commission, consumers shall also be notified by the Licensee of the approved tariff changes.</p> | <p>Obligation to Provide Information to Consumers</p> |
| 7. | <p>Every Licensee shall supply or make available on request, a copy of the contract or agreement for the provision of its services, and such contracts shall be written in plain and clear language.</p> | <p>Service Contracts</p> |
| 8. | <p>(1) Before entering into a contract for any service, consumers shall be provided a complete description of the service in clear and plain language, avoiding unnecessary technical terms. Where other services are required in order to effectively utilize the service, the consumer shall be sufficiently informed of such requirements or service dependencies.</p> | <p>Description of Service</p> |

- (2) The Licensee shall also provide information on the service quality levels offered, the waiting time for initial connection and any service areas and coverage maps if applicable.
 - (3) The Licensee shall provide specific information regarding compensation, refund or other arrangements if contracted quality service levels are not met, along with the procedures and methods for resolving disputes in respect of the service contract.
 - (4) Where services are bundled with one or more other services or products, the Licensee shall provide the consumer with the following information in relation to each service or product:
 - (a) description of each component service or product, and where the Licensee sells the service or product component separately, the price that the Licensee would charge for the component on a stand-alone basis; and
 - (b) for services that are bundled with services from third parties, Licensees shall be fully responsible for the effective performance of the entire package including service support, maintenance, complaints handling, dispute resolution and other administrative requirements.
 - (5) Where services are subject to upgrade or migration options, consumers shall be provided with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration.
9. The Licensee shall provide the consumer with clear instructions on the medium and procedure for subscribing to a service. Service Subscription
10. Before a contract for service is entered into, the Licensee shall inform the consumer of: Pricing Information
- (a) the applicable rates or charges;
 - (b) what the charges include;
 - (c) each part or element of an applicable charge, and the method of its calculation;
 - (d) the frequency of the charge or other circumstances that give rise to the charge;
 - (e) whether the charges or elements thereof are subject to change from time to time, the circumstances of such changes and how the consumer will be informed of such changes.

11. The contract document shall contain information regarding the terms and conditions which include the following:
- (a) the commencement date of the contract;
 - (b) where applicable, the minimum contract period and the manner and consequences of termination;
 - (c) the procedure for early termination;
 - (d) the amount or method of calculating any charges payable upon early termination;
 - (e) renewal of the contract, if applicable;
 - (f) disconnection and reconnection of services and any applicable fees;
 - (g) procedure for the refund of any deposit including timing and any deductions or charges applicable ;
 - (h) the interruption, withdrawal or discontinuation of the service; and
 - (i) delivery, installation or activation of the service.
12. (1) Before entering into a contract to provide services, the Licensee shall inform the consumer whether there is any contractual warranty relating to products supplied for use in connection with the service, including how to obtain warranty service if needed.
- (2) Where a warranty exists but is not provided with the products, the Licensee shall inform the consumer how and where to obtain it.
- (3) Licensees will provide specific information regarding any maintenance services offered.
13. Every Licensee shall provide services within any service supply time targets set out in the Commission's Quality of Service Regulations, subject to the following:
- (a) in the event a Licensee encounters technical problems that interfere with provisioning of the service(s), the time for provisioning will be subject to any time or process of rectification permitted by the Commission;
 - (b) A Licensee will not be responsible for any readiness of premises or availability of infrastructure or equipment that is beyond the reasonable control of the Licensee; and
 - (c) A Licensee will not be responsible for delays or refusals of service requests caused by the consumer being identified as not credit-worthy.
14. (1) Every Licensee shall provide facilities and processes necessary to enable Consumers report faults at any time of the day.

Contract Terms and Conditions

Product Warranties and Maintenance

Provision of Service

Fault Repair and Service Interruption

- (2) Every Licensee shall comply and cause its agents to comply with the relevant fault repair standards set out in the Quality of Service Regulations issued by the Commission.
- (3) Licensees shall endeavour to give advance warning of anticipated service disruptions or planned outages, including details of the disruption or outage, the services and service areas affected and any applicable compensation or other remedies.
- (4) In the event that a disruption of service is caused by the occurrence of a force majeure event, the Licensee shall notify its Consumers where possible and shall endeavour to rectify the fault within such period of time as may be reasonable in the circumstances.
15. (1) Every Licensee shall ensure that its consumers can access:
 (a) operator assistance services; and
 (b) a directory enquiry facility containing directory information on all consumers in Nigeria, subject to sub-section (3). Operator Assistance, Directories and Directory Assistance
- (2) Where the Licensee assigns telephone numbers to consumers, it shall ensure that each of those consumers is, on request, supplied free of charge, with a directory containing directory information on all consumers who have been assigned telephone numbers in the consumer's local area. Provided that every consumer shall have the right to opt-out from having its information in the directory.
- (3) Any directories supplied shall not contain directory information for those consumers who have exercised their right to have their directory information suppressed or removed.
- (4) A directory may be produced by or for the Licensee, or by another person not acting on behalf of a Licensee. Where a directory is produced by or for the Licensee, the Licensee shall ensure that it is updated at least once a year.
- (5) The Licensee may charge consumers a reasonable fee for providing directory enquiry services, subject to the approval of the Commission, and may charge a reasonable fee for any additional directories requested by consumers.
16. (1) Every Licensee shall from time to time consult the Industry Consumer Advisory Forum to ensure that the requirements and interests of consumers with disabilities and special Services for Consumers with Disabilities and Special Needs

needs are fully taken into account in the development and provision of its services.

- (2) Every Licensee shall comply with any specific obligations that the Commission may impose on operators in respect of special services or service arrangements for consumers with disabilities and special needs.
 - (3) A Licensee shall offer additional services on request to consumers who are older or may have a disability, including:
 - (a) Large Button Telephones;
 - (b) Priority Fault repair and assistance;
 - (c) Copies of bills in large print, on computer disc or Braille for customers who have difficulties reading their bills;
 - (d) Larger print Correspondence.
 - (4) A Licensee shall on request make available to consumers with special needs copies of the Licensee's code of practice in larger prints and other reasonable formats as may be required.
17. (1) Every Licensee shall comply with any network or other requirements that may be approved by the Commission in respect of the provision of emergency services, including such measures as location identification information, special numbers and routing to emergency services locations.
- (2) Calls to emergency services shall be free of charge.

Access to Emergency Services

PART III—ADVERTISING AND REPRESENTATION OF SERVICES

18. The Advertising Practitioners Council of Nigeria (APCON) regulates advertising practices in Nigeria, and has established the Nigerian Code of Advertising Practice. Licensees shall comply with the advertising standards established by APCON, and any other applicable laws or standards, in addition to the rules regarding the advertising or other promotion of telecommunications services set out in this General Code.
19. (1) Licensees shall make clear in advertising materials which promote the availability of a service, any geographical or technical limitations on the availability of the service to consumers which:
- (a) substantially affect the performance of the service; and
 - (b) are known to the Licensee.

The Advertising Practitioners Council of Nigeria (APCON)

Availability of Services

- (2) Licensees shall make clear, in any advertising materials which promote a service offer, any limitations in the offer which restrict it—
- (a) to a particular group of people;
 - (b) to a particular zone, region or other geographical area within the country;
 - (c) to a particular period of time; or
 - (d) through the limited availability of equipment, facilities or other materials.
20. (1) Where a Licensee represents in advertising materials that a service is provided as part of a package, the Licensee shall ensure it is able to supply all components of the service package. In the event the Licensee is or may be unable to supply any component of the package, appropriate information about this limitation shall be included in the advertising materials.
- (2) Where advertising materials indicate the price of a component of a service package, a Licensee shall include in the advertising materials a statement of the minimum total charge for the package, and indicate any conditions that may apply to obtain the component at the stated price.
- (3)
- (a) A Licensee shall clearly communicate any condition, limitation, qualification or restriction on an offer in a manner that is reasonable, having regard to the medium used and the intended audiences;
 - (b) A Licensee shall clearly communicate any call connection fee not included in any stated call rate, in a manner that is reasonable having regard to the medium used and the intended audience;
 - (c) If a telecommunications product is offered for a limited period or in a limited quantity, a Licensee shall communicate such limitation;
 - (d) If a telecommunications product is available only to a limited class of consumers, a Licensee shall clearly communicate the eligibility requirements;
 - (e) Advertising material shall contain sufficient details of any Special Offer, including
 - i. its principal elements
 - ii. any conditions or limitations; and
 - iii. any future start date and any known end date;
- Advertising of
Packaged Services

(f) All prints for advertising material should be clear, legible and bold.

21. A Licensee shall give written notification to the Commission of all advertisements for goods and services within a minimum of fourteen (14) days of the proposed or planned publication of an advertisement, in order to ensure that such advertisements meet the minimum standards and requirements that may from time to time be set out by the Commission, including those published in the Guidelines on Advertisements and Promotions. Minimum Standards and Requirements for Advertisements
22. (1) Where a consumer permits the sending of promotional materials, a Licensee shall only send advertisements and notice of promotions through print media, radio, mail, blogs, its website, text messages, electronic mail, and/or visual media, and ensure the accuracy and clarity of the goods and services being offered. Advertorial Medium
- (2) No advertisement or notice of a promotion shall contain any obscenities or profanities unsuitable for young persons and children or contain any racial or prejudicial content relating to national origin, religion, sex, gender or age.
- (3) A Licensee shall provide sufficient detail in its advertisement as is appropriate to the manner in which the advertisement is displayed to consumer. In so doing the Licensee shall:
- (a) ensure the principal message and the main terms are captured in the body of the advertisement;
 - (b) ensure that the use of any disclaimer does not negate the principal message and main terms of the advertisement; and
 - (c) take into account the number of times that Consumers are able to view the particular advertising in deciding how much information to include in the advertisement.
 - (d) in print media, the price details shall be provided in a clearly legible manner in a minimum type size of 10 points, as measured in *Times New Roman* font, not narrowed, in direct connection with the call number. In the case of a poster or anything of a similar nature, the minimum font size shall be correspondingly larger.
23. (1) A Licensee shall ensure that any advertising communication on its platform does not unfairly discredit, disparage or attack other competing products, services, advertisements or companies, or exaggerate the nature or importance of competitive differences of either. Comparative Advertising

- (2) No Licensee shall imitate the slogans or illustrations of another advertiser in such a manner as to mislead the consumer as to the origin or object of the slogan or illustration.
24. A Licensee offering internet services shall state the internet connection speed available to end-users as well as specific upload and download speed. If the connection speed quoted is only obtainable under special circumstances, then such circumstances must also be made known to the consumer. Internet Connections
25. A Licensee must ensure that it communicates any important limitations that apply to any special promotion to the consumer and in that regard take the following actions: Special Promotions
- (a) disclose the key terms of the special promotion and any key limitations attached to it including whether product stocks are limited;
 - (b) state the period of time for which the special promotion shall remain available to the consumer; and
 - (c) state any special eligibility requirements attached to the advertisement including whether it is restricted to a specific class of consumers.
26. A Licensee shall ensure that any disclaimer placed in an advertisement is understandable and shall in this regard ensure: Disclaimers
- (a) that the disclaimer does not negate the principal message or object of the advertisement;
 - (b) that the contents of the disclaimer is clear and written in simple language having regard to the medium or format used; and
 - (c) that the intended audience or recipient of the advertisement is clearly specified.
27. (1) A Licensee shall develop, maintain and at all times comply with adequate review processes to ensure that its advertisement complies with any law for the time being in force and the provisions of this General Code. Compliance Processes
- (2) For the purpose of ensuring compliance with sub-section (1) of this section, a Licensee shall

- (a) maintain an approval process in which an advertisement is reviewed by a person trained in advertising matters to prevent any false or misleading communication;
- (b) provide training to marketing staff who prepare advertisements to ensure compliance with the provisions of any advertising legislation and this General Code;
- (c) monitor complaints about its advertisements and correct any non-compliance with the provisions of this General Code or any advertising legislation and retain evidence of compliance for at least two years; and
- (d) substantiate any claim or representation in an advertisement if requested to do so by the Commission;

28. (1) No Licensee shall engage in unsolicited telemarketing unless it discloses:
- (a) at the beginning of the communication, the identity of the Licensee or other person on whose behalf it is made and the precise purpose of the communication;
 - (b) during the communication, the full price of any product or service that is the subject of the communication; and
 - (c) that the person receiving the communication shall have an absolute right to cancel the agreement for purchase, lease or other supply of any product or service within seven (7) days of the communication, by calling a specific toll-free telephone number (which the Licensee shall specifically state to the recipient during the communication) unless the product or service has by that time been supplied to and used by the person receiving the communication.
- (2) A Licensee shall also conduct telemarketing in accordance with any “call” or “do-not-call” preferences recorded by the consumer at the time of entering into a contract for services or thereafter, and in accordance with any other rules or guidelines issued by the Commission or any other competent authority.
- (3) Without prejudice to subsection (1) of this section a Licensee shall, ensure that:

Unsolicited
Telemarketing

- (a) no unsolicited short message service or voice calls transits through its network unless it complies with the requirements outlined in these Regulations;
 - (b) a consumer shall at all times, be able to opt-in or opt-out of receiving any unsolicited short message service or voice calls. To this end, the Commission has provided 2442 as the short code for purposes of subscribing to a preference, change of preference or cancellation of a preference;
 - (c) all unsolicited short message service or voice calls are streamlined to ensure that a consumer can choose the option of stopping every unsolicited short message service or voice calls, or selecting the category of unsolicited short message service or voice calls that can be communicated to the consumer;
29. (1) When making an unsolicited sale, a Licensee must ensure that its sales representative shall provide the call recipient with sufficient information as to the name and or other unique identifier of the Licensee in addition to: Voice Calls
- (a) the primary purpose of the unsolicited sale;
 - (b) an adequate description of the product or service;
 - (c) any conditions or restrictions that qualify the unsolicited sale.
- (2) When attempting to set up a voice call, the number of rings must be limited to no more than three and no more than two (2) attempts per day shall be made to the consumer.

PART IV—CONSUMER BILLING, CHARGING, COLLECTION AND CREDIT PRACTICES

30. (1) A Licensee shall at all times ensure that General Principles
- (a) billing is accurate and timely;
 - (b) billing accuracy is verifiable;
 - (c) sufficient information shall be on the bill or otherwise readily available to the consumer for verification of the bill without any charge;
 - (d) upon a bona fide request from a consumer, the Licensee shall inform or provide the consumer with timely, accurate and current information about its billing terms and conditions and options relevant to that consumer;

- (e) it retains records of a consumer's bill and related charges for a minimum period of twelve (12) months; and
- (2) In interpreting the obligations described in this section, references to "billing" or "bill" include a Licensee's systems for recording and processing any prepaid transactions, including the debiting of call charges against prepaid card balances.
31. A Licensee shall ensure that, at a minimum, the following information is included in any bills issued by it or on its behalf: Billing Information
- (a) the consumer's billing name and address;
 - (b) the Licensee's current business name, address and registered number;
 - (c) a way of identifying the bill uniquely;
 - (d) the billing period ;
 - (e) a description of the charges (and credits) for which the consumer is billed ;
 - (f) the total amount billed, applicable credits, payments or discounts, and the net amount payable by the consumer (or repayable by the Licensee) ;
 - (g) the date on which the bill is issued;
 - (h) the bill (or refund) payment due date;
 - (i) methods of bill (or refund) payment;
 - (j) methods of contact for complaints and billing inquiries; and
 - (k) any call charges applicable for complaints and billing inquiry calls.
32. (a) A Licensee shall ensure that consumers have access to itemized details of all charges, either on the bill or on a separate statement provided by the Licensee upon request. Itemization of Charges
- (b) Unless otherwise requested by or agreed with the consumer, a Licensee shall provide itemized details during the current billing period. In addition, the Licensee shall ensure that itemized details contained in previous bills are available for 12 months, or any period which may be subsequently required by law.
- (c) A Licensee shall not charge consumers for bills or billing related information, except where the consumer requests information not required to be provided under this General Code such as requests for billing details more than twelve (12) months. The Licensee shall inform consumers of any applicable charge resulting from their billing requests, and shall obtain the consent of the consumer to any charge before it is imposed.

33. (1) A Licensee shall process and issue bills within 10 days of each billing period. A bill shall include all charges incurred during the billing period except where:
- (a) there exists a separate agreement with the consumer to the contrary; or
 - (b) there is a delay as a result of the inclusion by the Licensee of information from other suppliers or service providers in the bill; or
 - (c) there is a delay as a result of a change initiated by the consumer, such as where the consumer has requested a different billing frequency or billing period; or
 - (d) there is a delay as a result of the suspension of charges that are in dispute; or
 - (e) there has occurred a billing system or processing problem, in which case the problem shall be rectified and bills issued without undue delay and in accordance with any time periods identified by the Commission; or
 - (f) billing is delayed by circumstances beyond the reasonable control of the Licensee, such as an event of force majeure.
- (2) Where issuance of a bill by the Licensee is delayed on account of any unforeseen event or circumstance out of its control or influence, the Licensee shall take immediate steps to ensure that such situation is rectified in a timely manner.
34. A Licensee shall ensure that consumers are able to verify their bill payment by acknowledgment of payment on the next bill issued, telephone confirmation by calling a specified number, or such other appropriate and accessible methods as may be made available by the Licensee.
35. A Licensee shall provide consumers with advance written notification of any proposed changes in billing periods, such advance notification to be at least equal to two (2) of its otherwise applicable billing periods (i.e. at least 2 months in advance where the billing period being changed is monthly).

Timing for Issuance of Bill

Receipts and Consumer Payment Advice

Billing Frequency

36. Where a consumer has not paid the Licensee all or part of a bill for services provided by the Licensee, any measures taken by the Licensee to effect payment or disconnection shall—
- (a) be proportionate and not unduly discriminatory; and
 - (b) be accompanied by appropriate warning to the consumer in advance of any resulting service interruption or disconnection ; and
 - (c) confine any service interruption or disconnection to the service(s) concerned, as far as technically feasible.

Non-Payment of Bills

PART V—CONSUMER OBLIGATIONS

37. Consumers shall be bound by a Licensee’s terms of service on return of a signed service agreement, or on clearly accepting the service terms by any form of Access for telecommunications. Consumers shall also be deemed to accept a Licensee’s service terms upon commencement of use of the service after adequate communication by the Licensee of its service terms.

Acceptance of Licensee Terms

38. Consumers shall grant the Licensee or its authorized representatives, without charge, access to premises, equipment or facilities as reasonably required for any provisioning or maintenance of the services, equipment or facilities.

Access for Maintenance

39. (1) Consumers shall not use any equipment or related facilities provided by a Licensee for reasons other than those related to normal service, and shall not do anything that interferes with the functioning of such equipment or facilities, without prior written authorization from the Licensee. Consumers shall be responsible for any loss of or damage to equipment or facilities that result from actions contrary to service terms or this General Code.

Misuse of Public Telecommunications Service/ Tampering with Equipment

- (2) Consumers shall not misuse public telecommunications services in any way, including:
- (a) dishonestly obtaining telecommunications services;
 - (b) possessing or supplying equipment that may be used to obtain such services dishonestly or fraudulently ; or
 - (c) using services to send messages that are obscene, threatening or otherwise contrary to applicable laws or regulation.

- (3) Equipment owned by the Licensee and connected to a telecommunications network may not be moved to a location or address other than the location or address where service was installed, without prior written authorization from the Licensee. This restriction should not apply to any equipment that is accompanied by operating instructions indicating that it may be disconnected and reconnected as part of its normal use.

- (4) Modification or attachment of any unauthorized device to the Licensee's equipment or facilities is prohibited without prior written authorization from the Licensee.
- (5) No equipment or device that interferes in any way with the normal operation of a telecommunications service, including any equipment or device that intercepts or assists in intercepting or receiving any service offered by the Licensee that requires special authorization, may be installed by or on behalf of any consumer.
40. Consumers shall not re-sell any service provided by a Licensee except as permitted by the service agreement of the Licensee (and subject to any applicable licensing or authorization by the Commission pursuant to the Act). Reselling Services without Authorisation
41. (1) In a competitive market, a consumer may be tempted to accumulate bills with one service provider for services used, then port to another service provider without settling payment with the previous service provider. In order to prevent abuse of the porting process, consumers shall be required to settle any valid bill/ invoice before porting to another service provider. Customer Abuse of Mobile Number Portability
- (2) If a consumer ports without settling outstanding bills with a previous service provider, the service provider may recover this debt through any legal means.

PART VI—PROTECTION OF CONSUMER INFORMATION

42. The purpose of this part is to set out the responsibility of a Licensee in the protection of individual consumer information. Purpose
43. (1) A Licensee may collect and maintain information on individual consumers reasonably required for its business purposes. However, the collection and maintenance of information on individual consumers shall be— General Principles
- (a) fairly and lawfully collected and processed;
 - (b) processed for limited and identified purposes;
 - (c) relevant and not excessive;
 - (d) accurate;
 - (e) kept not longer than necessary;
 - (f) processed in accordance with the consumer's other rights;
 - (g) protected against improper or accidental disclosure; and
 - (h) not transferred to any party except as permitted by any terms and conditions agreed with the consumer, as permitted by any permission or approval of the

Commission, or as otherwise permitted or required by other applicable laws or regulations.

- (2) A Licensee shall meet generally accepted fair information principles including:
 - (a) providing notice as to that individual consumer information it collects, and its use or disclosure ;
 - (b) the choices consumers have with regard to the collection, use and, disclosure of that information ;
 - (c) the access consumers have to that information, including to ensure its accuracy ; and
 - (d) the security measures taken to protect the information, and the enforcement and redress mechanisms that are in place to remedy any failure to observe these measures.
- (3) These rules apply to individual consumer information whether initially provided verbally or in written form, so long as that information is retained by the Licensee in any recorded form.

44. (1) Any Licensee that collects information on individual consumer shall adopt and implement a “Protection of Consumer Information Policy” to provide for the proper collection, use and protection of that information.
- (2) For purposes of subsection (1) of this section, a Licensee shall develop a Code of Practice for Confidentiality of Consumer Information in accordance with its licence conditions.
- (3) A Licensee shall ensure that any other Licensee or other person with whom it exchanges or otherwise disclose information gathered by it from the consumer shall have adopted and implemented an equally appropriate and efficient “Protection of Consumer Information Policy” as the Licensee.
- (4) A “Protection of Consumer Information Policy” developed by a Licensee shall be made available to its consumers in a readily accessible form and easy to read manner, and shall include such matters as may from time to time be specifically directed by the Commission.
- (5) The policy shall state clearly what information is being collected; the use of that information; possible third party exchange or disclosure of that information; and the choices available to the consumer regarding collection, use and disclosure of the collected information.

Implementation of a “Protection of Consumer Information Policy” and Access to Policy

- (6) The policy shall disclose the consequences, if any, of a consumer's refusal to provide information.
 - (7) The policy shall also include a clear statement of how to contact the Licensee regarding information issues and related information access or complaint mechanisms.
45. (1) Every Licensee shall, at the point of registration of subscriber information pursuant to the Registration of Telephone Subscribers Regulations, provide the consumer with the terms and conditions under which personal data is to be held and processed. Rules for Safe and Secure Data
- (2) A Licensee shall ensure that a consumer is kept informed of consumer data being processed by it and the purpose and duration for which the data is being processed.
 - (3) A Licensee shall ensure that appropriate measures are taken by it to prevent unauthorised access to communication and data in order to protect the confidentiality of consumers.
 - (4) The provisions of sub-section (3) of this section shall not derogate from the powers of the Commission under Section 147 of the Act to determine that a Licensee implements authorised interception of communications, including stipulating the technical requirements for authorised interception.
 - (5) In offering publicly available electronic communication services over the internet to consumers, a Licensee shall ensure that users and consumers are regularly notified of measures to be taken by the users and consumers to protect security of their communications.
 - (6) The Licensee shall, at its own cost, take appropriate and immediate steps to remedy any new, unforeseen security risks and restore the normal security level of the service.
 - (7) A Licensee shall, at all times, ensure that the terms and conditions for the use and processing of a consumer's personal data are made open and accessible as provided for in section 43 of this Code.
 - (8) A Licensee shall have the right to retain and use its consumers' information on its network for such period and on such terms as permitted under the Registration of Telephone Subscribers Regulations.

- (9) This section shall supplement and be read in conjunction with the Registration of Telephone Subscribers Regulations issued by the Commission.
46. (1) A Licensee collecting, maintaining, using or disclosing individually identifiable consumer information shall take reasonable steps to ensure that the information is accurate, relevant and current for the purposes for which it is to be used. Maintaining Data Quality
- (2) A Licensee shall establish appropriate processes or mechanisms so that inaccuracies in individual consumer information, including out of date information, may be identified and corrected. Other procedures to ensure data quality may include use of reliable sources and collection methods, reasonable and appropriate consumer access and correction, and protection against incidental or unauthorized alteration.

PART VII—CALLING AND CONNECTED LINE IDENTIFICATION SERVICE

47. (1) Calling line identification service may be offered by a Licensee to a consumer free of charge using a simple means. Where it is so offered, the Licensee shall— Calling and Connected Line Identification
- (a) offer the calling party the option of preventing calling line identification on a per call or per number basis;
- (b) offer the called party the option of preventing an incoming call where the calling line identification has been prevented by the calling party; and
- (c) where the calling line identification service is presented prior to the call being established, offer the called party the option of rejecting incoming calls where the calling line identification has been prevented by the calling party.
- (2) Where connected line identification service is offered, the Licensee shall offer the called party, using a free of charge and simple means, the option of preventing a connected line identification to the calling party.
- (3) A Licensee that offers calling line or connected line identification service shall inform the public of the offering and of the possibilities contained in subsections (1) and (2) of this section by publishing a notice regularly, at intervals not less than once annually, stating how that information may be obtained.

- (4) A Licensee to whom subsection (1) or (2) applies shall publish the information on its website and other consumer information manual or directory developed by it.
48. For the purposes of section 47 every Licensee shall comply with any reasonable request made by another Licensee or other provider of the telecommunication service by means of which facilities for calling or connected line identification are provided. Co-operation of Licensees
49. (1) A Licensee may provide information regarding malicious or nuisance calls received on a consumer’s line to a Relevant Authority as defined in the Enforcement Regulations, and in accordance with the procedure prescribed therein. Tracing of Malicious or Nuisance Calls
- (2) Any term or condition relating to prevention of caller identification and stated by a Licensee to a consumer for provision of telecommunication product or service shall have effect, subject always to subsection (1) of this section.
- (3) For the purposes of any action relating to the tracing of malicious or nuisance calls, nothing in these Regulations shall prevent a Licensee from storing and making available to relevant authorities such data in accordance with any existing law.
50. (1) For the purposes of this regulation, “emergency calls” means calls made to any national or state emergency call number. Emergency calls
- (2) In order to facilitate responses to emergency calls—
- (a) Licensees shall ensure that emergency call numbers authorised by the Commission are excluded from the prevention and restriction of caller line identification and connected line identification stated in section 47(1) of this Code;
- (b) there shall be no restriction on the processing of location data.

PART VIII—COMPLAINTS HANDLING

51. (1) Every Licensee shall provide easily understood information about its complaint processes in various media and formats, whether hard copy or accessible via a web link on the Licensee’s website) and contain other information as may, from time to time, be specifically directed by the Commission. Information to Consumers

- (2) The information provided shall be in a manner that is easily understood and must contain all relevant information about the licences complaint processes.
 - (3) A Licensee shall provide a complaint handling policy that entails a line of complaint procedures that are transparent, readily accessible and effective and facilitates appropriate access to Alternative Dispute Resolution (ADR).
 - (4) A Licensee shall ensure that consumers can easily identify how a complaint may be lodged, either at a Licensee's premises or using identified forms of communications.
 - (5) Information on the complaints handling processes shall contain information—
 - (a) to consumers about their right to complain;
 - (b) on how the Licensee can be contacted in order to make a complaint; and
 - (c) on the types of supporting information including, documents the complainant needs to furnish when making a complaint.
 - (6) All complaints will be recorded by the Licensee, and processed in accordance with identified practices and procedures.
52. (1) A Licensee is encouraged to make adequate provision to ensure that people with physical disabilities or other special needs are able to access their complaint handling processes, including ensuring that consumers can be easily represented by their authorised representatives in order to lodge a complaint. Special Needs
- (2) In cases where consumers specifically request assistance in lodging complaints, the Licensee shall provide such consumer with reasonable assistance.
53. (1) Licensees shall ensure that the means by which they accept complaints and process complaints do not unduly deter consumers from making a complaint. The process for complaints shall include: Complaint Processes
- (a) a physical address where the consumer can attend in person to register or lodge a complaint;
 - (b) a number that a consumer can call toll-free; or
 - (c) an email address;
 - (d) web link on the Licensee's website through which the process may equally be accessed by a consumer.
54. (1) Written complaints shall be acknowledged by the Licensee and acted on within any time frames set out in the Quality of Service Regulations (or as otherwise directed by the Timeframe for Handling Complaints

Commission from time to time). A Licensee can acknowledge and otherwise initially respond to a complaint either verbally or in writing, but should make reasonable efforts to make the initial response in the manner requested by the complainant.

- (2) Non-written complaints shall be taken as acknowledged by the Licensee at the time the complaint was communicated to the Licensee.
 - (3) Where possible, consumers shall be advised when they make a complaint of the expected actions and timing for investigating and resolving the complaints. In the event that the Licensee regards the complaint as frivolous or vexatious, the consumer shall be informed accordingly and if dissatisfied the consumer shall have the further recourse described below. In any event, no consumer complaint shall remain unresolved for more than three (3) months.
 - (4) Every Licensee shall implement processes to provide consumers with sufficient information and the means to inquire on the progress of complaints. Such processes may include complaint reference numbers or other identifiers in order to facilitate timely and accurate responses to subsequent enquiries by consumers.
 - (5) Consumers shall be advised of the outcome of the investigation of their complaint, and any resulting decision by the Licensee.
 - (6) Where a consumer is not satisfied with a decision reached pursuant to a complaint, the Licensee shall give the consumer the option of pursuing an identified escalation process by which the decision may be examined by a suitably qualified person in the Licensee's organization. Where the consumer has already been provided with the benefit of the Licensee's escalation process and where there are no further escalation processes, the Licensee shall inform the consumer accordingly.
 - (7) Failure to deal with consumer complaints, and any related service failures, including payment of any specific service credits or rebates shall be treated in accordance with the provisions of the Quality of Service Regulations.
55. Complaint handling processes shall be provided free of charge. However, a Licensee may impose a reasonable charge for complaint handling where investigation of the complaint requires the retrieval of records more than twelve (12) months old. Where that retrieval results in any incremental expense or significant inconvenience to the Licensee, any such charges shall be identified and agreed to by the consumer before being incurred.

Charges

56. (1) In the event that a complaint, including any escalation process, has not been resolved to the consumer's satisfaction within sixty (60) days of being communicated to the Licensee, the Licensee shall advise consumers that they may refer the complaint to the Commission.
- (2) Any other dispute referred to the Commission shall be resolved using the processes set out in its Dispute Resolution Guidelines or any Dispute Resolution procedure which the Commission may deem appropriate in the circumstance.
57. (1) A Licensee shall avoid imposing any disconnection or credit management action regarding any service to which a complaint or billing dispute relates while the complaint or dispute is being investigated. The Licensee shall inform the consumer that, while the complaint or dispute, is being investigated, the consumer is obliged to make payment of any outstanding amounts other than the amount that is specifically in dispute.
- (2) Where a Licensee intends to take disconnection or credit management action against a consumer regarding any amount that has been the subject of a complaint or dispute, the Licensee will specifically notify the consumer before taking the intended action.
58. (1) Licensees shall have appropriate recording systems for complaints and their outcomes. Such complaints tracking is also needed to meet the requirements of the Quality of Service Regulations issued by the Commission.
- (2) Complaints tracking data shall be categorised and analysed by the Licensee from time to time to allow for the identification of recurring problems. The Licensee shall inform the consumer that a record of their complaint is being kept, and if requested by the consumer shall describe the complaint tracking system used by the Licensee.
59. Licensees shall review their complaint handling and tracking processes from time to time to ensure effective processing of complaints. Licensees shall also report on the outcome of these reviews as requested by the Commission, and shall make any changes to complaint handling and tracking processes identified by the Commission.
60. A Licensee shall update any information regarding its complaint handling and tracking processes as appropriate, including information provided to consumers or the Commission.

Further Recourse

Action on Disputed Charges

Internal Data Collection and Analysis

Review

Changes to Complaint Handling Process

61. Information collected and recorded as part of a Licensee's complaint handling processes shall be retained by the Licensee for at least twelve (12) months following resolution of a complaint. Retention of Records
62. The Commission may from time to time audit the complaints handling and tracking processes of a Licensee using any method, including by exercising its powers pursuant to Section 141 of the Act. Audit by Commission
63. (1) A Licensee shall comply with any relevant environmental, health and safety legislation as well as policies of the Commission for the time being in force. Environmental, Health and Safety
- (2) A Licensee may develop and implement environmental, health and safety codes which include the following:
- (a) Disposal of old handsets and batteries;
 - (b) Disposal or recycling of recharge cards to reduce solid waste;
 - (c) Electro-magnetic emissions; and
 - (d) pollution and collocation of base sites among all Licensees.
- (3) A Licensee shall promote the safe use of cellular telephones through consumer information campaigns that may include distribution of information at the time of consumer subscription to service, mail sent with billing information, public advertising campaigns and generally inform the consumer of hands-free device and responsible use of telephone handsets.

PART IX—CODE COMPLIANCE

64. A Licensee shall — Licensee Responsibilities
- (a) develop appropriate policies and procedures for ensuring compliance with this General Code (or any individual consumer code approved by the Commission);
 - (b) ensure that the compliance policy, procedures and applicable code provisions are publicized to employees and other representatives of the Licensee ;
 - (c) develop appropriate procedures or programs to educate employees regarding code compliance issues;
 - (d) implement appropriate management structures and practices to monitor compliance with the policies, procedures and code provisions ; and
 - (e) provide information to the Commission, as provided for in this General Code or as otherwise requested by the

Commission, relevant to the Licensee's consumer code obligations and ongoing compliance efforts.

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| 65. | <p>(1) The Commission will monitor compliance with applicable code provisions on a regular basis to ensure the overall effectiveness of consumer codes in achieving their objectives, which include—</p> <ul style="list-style-type: none"> (a) complaints monitoring; (b) routine verification of code compliance by Licensees; and (c) identification of other consumer code issues. <p>(2) The Commission will publish quarterly progress reports to assist it in its ongoing monitoring and review of consumer codes and related issues. The progress reports will include—</p> <ul style="list-style-type: none"> (a) identified breaches of applicable code provisions, and any remedial actions taken ; (b) recurring complaints and actions taken to address these; (c) statistics on complaints and their resolution; and (d) steps taken by a Licensee in the development of in-house compliance systems. <p>(3) The Commission's annual report will contain a summary of all progress reports for the relevant year.</p> | Compliance Monitoring and Reporting by the Commission |
| 66. | <p>(1) Complaints about failure to comply with this General Code or any other applicable consumer code will arise in two broad categories: Consumer complaints and Industry complaints.</p> <p>(2) The Commission shall administer appropriate and impartial processes for the investigation and resolution of both consumer and industry complaints.</p> <p>(3) In the event the Commission finds that a complaint does not fall within its mandate, the Commission will notify the consumer accordingly, and may at its discretion refer the matter to the appropriate body.</p> | Complaints Regarding Compliance |
| 67. | <p>All complaints by consumers shall first be lodged and dealt with by the relevant Licensee in accordance with Part VII of this General Code. Where a consumer lodges a complaint with the Commission without having first contacted the Licensee, the Commission will forward the complaint to the Licensee for resolution in accordance with Part VII of this General Code.</p> | Consumer Complaints |
| 68. | <p>(1) Industry complaints are those made by one Licensee against another for an alleged breach of a consumer code. Industry complaints will also include complaints by a group representing consumer interests against a Licensee.</p> | Industry Complaints |

- (2) All industry complaints shall be lodged directly with the Commission. Where an industry complaint is lodged with a Licensee, without evidence that the complaint has been lodged with the Commission as well, the Licensee shall forward a copy of the complaint to the Commission without delay, and will notify the complainant that its further contact regarding the complaint should be with the Commission and not the Licensee.
69. (1) The Commission will oversee compliance with and administration of the General Code and any other applicable consumer codes. Commission Investigation
- (2) The Commission will analyse and investigate complaints in order to determine whether there has been a breach of the applicable code. In the event the Commission finds that there has been a breach, it will consider the following factors in arriving at a decision on the remedial actions or penalties to be imposed:
- (a) seriousness of the breach;
 - (b) past conduct of the Licensee with respect to compliance with the Code ;
 - (c) representations made by the Licensee with regards to the breach and related circumstances ; and
 - (d) any compensation offered by the Licensee to affected consumers for the breach.
- (3) The monitoring and enforcement of consumer codes will be exercised in accordance with the Enforcement Regulations. With respect to any penalties for contravention of applicable code provisions, the Commission will be guided by the considerations set out in Chapter IV (“Administrative Fines”) of the Enforcement Regulations.
- (4) The Commission may also issue a caution notice to a Licensee with no previous record of non-compliance with the Code, identifying remedial measures to be undertaken but imposing no other penalties or sanctions.
- (5) Unless otherwise specifically identified by the Commission, the parties to a dispute shall be responsible for their own costs or expenses associated with resolving the dispute. The Commission shall also identify any circumstances in which any costs or charges will be payable to the Commission in connection with its involvement in the resolution of any dispute, prior to a party incurring the payment obligation.
70. In the event that a decision by the Commission is not accepted by a party, that party will have the right to challenge the decision Appeals Process

pursuant to sections 86 to 88 of the Act, in accordance with the practices and procedures specified in those sections.

71. Information disclosed in the course of any complaint or compliance proceeding under this General Code or other applicable consumer code may be protected as confidential information as provided under the Act, including sections 59, 60 and 86(3) of the Act.

Confidentiality

Made at Abuja this _____ day of _____ 2018

PROF. UMAR GARBA DANBATTA
Executive Vice-Chairman

EXPLANATORY NOTE

(This note does not form part of the above Regulations but is intended to explain its purport)

The Regulations provide for General Consumer Code of Practice to govern the provision of services by licensed telecommunications operators in Nigeria and related consumer practices.