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**NIGERIAN COMMUNICATIONS ACT
(No. 19, 2003)**

**NIGERIAN COMMUNICATIONS
(CONSUMER CODE OF PRACTICE) REGULATIONS, 2024**



ARRANGEMENT OF REGULATIONS

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SCHEDULE

S. I. No. 24 of 2024

NIGERIAN COMMUNICATIONS ACT
(No. 19, 2003)

NIGERIAN COMMUNICATIONS
(CONSUMER CODE OF PRACTICE) REGULATIONS, 2024

[29th Day of July, 2024]

Commence-
ment

In exercise of the powers conferred on it by sections 70 and 106 of the Nigerian Communications Act, No. 19, 2003 ("the Act") and all other powers enabling it in that behalf, the Nigerian Communications Commission ("the Commission") makes the following Regulations —

PART I — OBJECTIVES AND APPLICATION

1.—(1) The objectives of these Regulations are to —

Objectives

(a) prescribe the procedures to be followed by a Licensee in preparing approved Consumer Code of Practice by a Licensee in accordance with section 106 of the Act and the Schedule to these Regulations ; and

(b) determine the contents and features of a Consumer Code of Practice to be prepared by a Licensee.

2. These Regulations shall apply to all Licensees of the Commission.

Application

PART II — CONSUMER CODES OF PRACTICE

3.—(1) The General Consumer Code of Practice (the "General Code") developed by the Commission shall provide for the minimum standard to be followed by a Licensee for the provision of services and related consumer practices.

General
Code

(2) The General Code shall be as set out in the Schedule to these Regulations.

4.—(1) A Licensee shall prepare and submit to the Commission an individual consumer code of practice of its services and related consumer practices for approval.

Individual
Consumer
Code of
practice

(2) The individual consumer codes of practice submitted pursuant to subregulation (1) of this regulation shall include the terms and conditions of the General Code, or equivalent terms and conditions that are not less favourable to consumers than the General Code.

5.—(1) The Commission shall within 30 days of submission of an individual consumer code of practice by a Licensee —

Approval
by the
Commission

(a) approve such proposed individual consumer code of practice ;

(b) identify areas that require amendment in such proposed individual consumer code of practice, and direct the Licensee to resubmit it after correction to the Commission for approval ; or

(c) inform the Licensee of any extension of time required by the Commission to review the proposed consumer code.

(2) Pending the approval of the individual consumer code of practice submitted to the Commission by a Licensee, the General Code in the Schedule to these Regulations shall apply.

Publication of approved individual consumer code of practice

6.—(1) A Licensee shall, within 30 days of the approval of an individual consumer code of practice by the Commission, publish the Code on its website, in one national newspaper, and any social media platform the Licensee may choose.

(2) The approved individual consumer code of practice shall regulate the provision of services and related consumer practices applicable to that Licensee from the date of publication.

(3) Notwithstanding the provisions of subregulation (1) of this regulation, the Commission may approve the publication or distribution of individual consumer codes of practice as it deems appropriate.

(4) A Licensee shall provide a copy of its approved individual consumer code of practice to a consumer on request.

PART III — COMPLIANCE AND ENFORCEMENT

Compliance provision

7. A Licensee shall comply with these Regulations.

Contravention and enforcement

8.—(1) A Licensee that contravenes any of the provisions of these Regulations and the General Code is liable to such fines, sanctions or penalties, including any enforcement penalties as may be determined under the Enforcement Regulations.

(2) The Commission may issue a caution notice to a Licensee with no previous record of non-compliance with these Regulations, identifying remedial measures to be undertaken but imposing no other penalties or sanctions.

PART IV — MISCELLANEOUS PROVISIONS

Power to give directives

9. The Commission may issue directives on any aspect of these Regulations, which may be of general application or specific to a Licensee.

10.—(1) The Commission may amend the Schedule to these Regulations where the need arises.

Power to amend the Schedule to these Regulations by the Commission

(2) Where the Schedule to these Regulations is amended pursuant to subregulation (1) of this regulation, the Commission shall direct the Licensees to make necessary alterations to previously approved individual consumer codes of practice.

(3) Any amendment to the Schedule to these Regulations shall have the same effect on the application of the provisions of these Regulations.

11.—(1) The Consumer Code of Practice Regulations, No. 32, 2007 is revoked.

Revocation and savings

(2) The revocation of the Regulations specified in sub-regulation (1) of this regulation shall not affect anything done or purported to be done under the revoked Regulations.

12. In these Regulations —

Interpretation

“*Act*” means the Nigerian Communications Act, No. 19, 2003 ;

“*Commission*” means the Nigerian Communications Commission established under the Act ;

“*Consumer*” or “*Subscriber*” means any person who subscribes to or uses a communications service ;

“*Consumer or Subscriber Information*” means the personal information of a Consumer or Subscriber, recorded and stored by Licensees ;

“*Enforcement Regulations*” means the Nigerian Communications (Enforcement Process, etc.) Regulations, No. 13, 2019 ;

“*Licence*” means any Licence that has been granted by the Commission pursuant to the Act ; and

“*Licensee*” means a person who either holds an individual licence or undertakes activities which are subject to a class licence or authorisation granted under the Act.

13. These Regulations may be cited as the Nigerian Communications (Consumer Code of Practice) Regulations, 2024.

Citation

SCHEDULE

(Regulations 1(1)(a) and 3(2))

GENERAL CONSUMER CODE OF PRACTICE

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GENERAL CONSUMER CODE OF PRACTICE

1. Scope and objectives

(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, No. 19, 2003 ("the Act"), which provides for the development of an Individual Consumer Code of Practice by a Licensee of the Commission.

(2) This General Code is to be read in conjunction with the Act, these regulations and the Nigerian Communications (Enforcement Process, etc.) Regulations, No. 13, 2019.

2. Definitions

Any term used in this General Code shall have the same meaning as defined under the Act and these Regulations:

3. Application of code

(1) This General Code applies to Licensees, in relation to all communications services offered to the public, and it is provided to guide the development of individual codes by a Licensee using the substantive content of this General Code as a minimum set of requirements.

(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 a Licensee of an individual code, this General Code shall apply.

4. Code administration

(1) The Industry Consumer Advisory Forum established by the Commission shall be made up of industry and consumer representatives, which shall assist to review and make recommendations to the Commission with respect to this General Code to ensure that it is up-to-date and adequately addresses consumer issues.

(2) Complaints procedure and Code Compliance provisions are described in Parts VIII and IX of this General Code.

(3) Compliance monitoring checks on the procedure and code administration will be undertaken by the Consumer Affairs Bureau, the Compliance Monitoring and Enforcement Department of the Commission, or such other departments or authorities within the Commission as are designated from time to time.

5. Amendment of the General Code

The Commission may at its discretion and in conjunction with the Industry Consumer Advisory Forum, recommend an amendment to this General Code and a Licensee's individual consumer code of practice.

PART II — PROVISION OF INFORMATION TO CONSUMERS

6. Obligation to provide information to consumers

(1) A Licensee shall provide to consumers complete, accurate and up-to-date information about its services in clear language.

(2) A Licensee shall respond within 96 hours to consumer requests for information on their services and the information shall be provided free of charge, including the following information —

(a) current service arrangements, rates, terms and conditions for all services offered to the public, at all retail offices of the Licensee and on its website ;

(b) services that are subject to price or tariff regulation by the Commission which shall be described in service tariff pages published in an accessible form, made available at designated company offices and on the Licensee's website ; and

(c) for the Licensees that publish consumer directories, the terms of service shall be printed in the first section of such directories.

7. Service contracts

A Licensee shall make available on its website or on request, a copy of the contract or agreement for the provision of its services, and such contracts shall be written in clear language.

8. Description of service

(1) Before entering into a contract for any service, consumers shall be provided with a complete description of the service in clear language, avoiding unnecessary technical terms.

(2) Where other services are required in order to effectively utilize the service, the consumer shall be informed of such requirements or service dependencies.

(3) A Licensee shall also provide information on the service quality levels offered, the waiting time for initial connection, any service areas and coverage maps, where applicable.

(4) A Licensee shall provide specific information regarding compensation, refund or other arrangements where contracted quality service levels are not

met, along with the procedures and methods for resolving disputes in respect of the service contract.

(5) Where services are bundled with one or more other services or products, a 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 a 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.

(6) 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.

(7) All the information on the description of a Licensee's service shall be published on the Licensee's website and social media platforms.

9. Service subscription

A Licensee shall provide the consumer with clear instructions on the medium and procedure for subscribing to a service.

10. Pricing information

Before a contract for service is entered into, a Licensee shall inform the consumer of the following —

(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 ; and

(e) whether the charges or elements are subject to change from time to time, the circumstances of such changes and how the consumer will be informed of such changes.

11. Contract terms and conditions

The contract document shall contain information regarding the terms and conditions which include —

(a) the commencement date of the contract ;

- (b) the minimum contract period, the manner and consequences of termination, where applicable ;
- (c) the procedure for early termination ;
- (d) the amount or method of calculating any charges payable upon early termination ;
- (e) renewal of the contract, where 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 discontinuance of the service ;
- (i) delivery, installation or activation of the service ; and
- (j) whether the provisions or elements of the service are subject to change and how the customer will be notified of such changes.

12. Product warranties and maintenance

(1) Before entering into a contract to provide services, a 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) A Licensee shall provide specific information regarding any maintenance services offered, including a reasonable timeline for repairs, replacement and compensation.

13. Provision of service

(1) A 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) where a Licensee encounters technical problems that interfere with the provision of services, the time for the provision may be subject to any time or process of rectification permitted by the Commission ;

(b) a Licensee may not be responsible for any readiness of premises or availability of infrastructure or equipment that is beyond the reasonable control of a Licensee ; and

(c) a Licensee may not be responsible for delays or refusals of service requests caused by the consumer being identified as not credit-worthy.

14. Fault repair and service interruption

(1) A Licensee shall provide facilities and processes necessary to enable consumers report faults at any time of the day.

(2) A 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) A Licensee 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) Where there is a disruption of service that is caused by a *force majeure*, a 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.

(5) Where there is a service disruption as determined by the Quality of Service Business Rules, a Licensee shall publish such outage notice to the public, outlining the extent of disruption and remedial measures it intends to take.

15. Operator assistance, directories and directory assistance

(1) A Licensee shall ensure that its consumers can access —

- (a) operator assistance services ;
- (b) a directory enquiry facility containing directory information on all consumers in Nigeria, subject to sub-paragraph (3) of this paragraph ; and
- (c) self-service facilities.

(2) Where a Licensee assigns telephone numbers to consumers, it shall ensure that each of those consumers are, on request, supplied free of charge with a directory containing information on all consumers who have been assigned telephone numbers in the consumer's local area; provided that consumers shall have the right to opt-out from having its information in the directory.

(3) Any directory supplied shall not provide information of those consumers who have exercised their right to have their information suppressed or removed.

(4) A directory may be produced by or for a Licensee, and the Licensee shall ensure that the directory is updated at least once in a year.

(5) A 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 information from the directory requested by consumers.

16. Services for consumers with disabilities and special needs

(1) A Licensee shall comply with specific obligations that the Commission may impose on operators in respect of special services or service arrangements for consumers with disabilities, special needs and the elderly.

(2) 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 storage devices or Braille for customers who have difficulties reading their bills ; and
- (d) larger print correspondence.

(3) 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. Access to emergency services

(1) A 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.

PART III — ADVERTISING AND REPRESENTATION OF SERVICES

18. Advertisement

A Licensee shall comply with the advertising standards established by the Advertising Practitioners Council of Nigeria, and any other applicable laws or standards, in addition to the rules regarding the advertising or other promotion of communications services set out in this General Code.

19. Availability of services

(1) A Licensee shall publish in advertising materials that promote the availability of a service, any geographical or technical limitations on the availability of the service to consumers which —

- (a) affect the recommended quality of service ; and
- (b) are known to the Licensee.

(2) A Licensee shall publish 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 Nigeria ;
- (c) to a particular period of time ; or
- (d) through the limited availability of equipment, facilities or other materials.

20. Advertising of packaged services

(1) Where advertising materials indicate that a service is provided as part of a package, a Licensee shall ensure to supply all components of the service package, and where the Licensee is 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 Licensee shall communicate —

(a) conditions, limitations, qualifications or restrictions on an offer in a manner that is reasonable, having regard to the medium used and the intended consumer ;

(b) call connection fees not included in any stated call rate, in a manner that is reasonable having regard to the medium used and the intended consumer ;

(c) limitations, where a communications product is offered for a limited period or in a limited quantity ; and

(d) the eligibility requirements, where a communications product is available only to a limited class of consumers.

(4) Advertising material shall provide 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.

(5) All prints for advertising material shall be clear, legible and bold.

21. Minimum standards and request for approval

A Licensee shall obtain the written approval of the Commission for advertisements for goods and services 30 days prior to the date of the planned publication of the 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.

22. Advertorial medium

(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, visual media, and ensure the accuracy and clarity of the goods and services being offered.

(2) An advertisement or notice of a promotion shall not provide any obscenities or profanities unsuitable for young persons and children or provide 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 consumers and also —

(a) ensure the principal message and 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 ;

(c) take into account the number of times that consumers are able to view the particular advertisement and decide on the information to be included in the advertisement ; and

(d) provide the price details in —

(i) print media,

(ii) a clearly legible manner,

(iii) a minimum type size of 10 fonts,

(iv) Times New Roman font not narrowed,

(v) direct connection with the call number, and

(vi) a poster or anything of a similar nature, the minimum font size shall correspondingly be larger.

23. Comparative advertising

(1) A Licensee shall ensure that advertising communication on its platform does not discredit, disparage or attack other competing products, services, advertisements or companies, or exaggerate the nature or importance of competitive differences of other platforms.

(2) A Licensee shall not 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. Internet connections

A Licensee offering internet services shall state the internet connection speed available to consumers as well as specific upload and download speed, and where the connection speed quoted is obtainable under special circumstances, such circumstances shall be made known to the consumer.

25. Special promotions

A Licensee shall communicate important limitations that apply to any special promotion to the consumer by taking the following actions —

- (a) disclose the key terms of the special promotion and 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. Disclaimers

A Licensee shall ensure that any disclaimer placed in an advertisement is understandable and that the —

- (a) disclaimer does not negate the principal message or object of the advertisement ;
- (b) contents of the disclaimer are clear and written in plain language having regards to the medium or format used ; and
- (c) intended consumer or recipient of the advertisement is clearly specified.

27. Compliance processes

(1) A Licensee shall develop, maintain and at all times comply with adequate review processes to ensure that its advertisement complies with any applicable law and the provisions of this General Code.

(2) For the purpose of ensuring compliance with sub-paragraph (1) of this paragraph, 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 a minimum of two years ; and

(d) substantiate any claim or representation in an advertisement when requested to do so by the Commission.

28. Unsolicited telemarketing

(1) A Licensee shall not 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 has an absolute right to cancel the agreement for purchase, lease or other supply of any product or service within seven days of the communication, by calling a specific toll-free telephone number (which the Licensee shall specifically state to the recipient during the communication), provided that the product or service has been supplied to and used by the person receiving the communication at that time.

(2) A Licensee shall conduct telemarketing in accordance with “call” or “do-not-call” preferences recorded by the consumer at the time of entering into a contract for services or after, and in accordance with other rules or guidelines issued by the Commission or any other competent authority.

(3) Without prejudice to subparagraph (1) of this paragraph, a Licensee shall ensure that —

(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 utilising any code provided by the Commission for purposes of subscribing to a preference, change of preference or cancellation of a preference ; and

(c) unsolicited short message services or voice calls are streamlined to ensure that a consumer can choose the option of stopping every unsolicited short message services or voice calls, or selecting the category of unsolicited short message service or voice calls that can be communicated to the consumer.

29. Voice calls

(1) When making an unsolicited sale, a Licensee shall ensure that its sales representative provides the call recipient with sufficient information as to the name and other unique identifier of the Licensee in addition to —

- (a) the primary purpose of the unsolicited sale ;
- (b) an adequate description of the product or service ; and
- (c) any conditions or restrictions that qualify the unsolicited sale.

(2) When attempting to set up a voice call to a consumer, the number of rings shall be limited to a maximum of three and a maximum of two attempts per day.

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

30. General Principles

(1) A Licensee shall at all times ensure that —

- (a) a bill is accurate and timely ;
- (b) accuracy of a bill is verifiable ;
- (c) appropriate information is provided on the bill or readily made available to the consumer for verification without any charge ;
- (d) upon a genuine request from a consumer, the consumer is provided with timely, accurate, current information about its billing terms and conditions or any options that are relevant to that consumer ; and
- (e) it retains records of a consumer's bill and related charges for a minimum period of two years.

(2) In this paragraph, references to “billing” or “bill” includes a Licensee's systems for recording and processing prepaid transactions, including the debiting of call charges against prepaid card balances.

31. Billing information

A Licensee shall ensure that at a minimum, the following information is provided in a bill issued by it or on its behalf —

- (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 specifically ;
- (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, 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.

32. Itemisation of charges

(1) A Licensee shall ensure that consumers have access to itemised details of all charges, either on the bill or on a separate statement provided by a Licensee upon request.

(2) Unless as otherwise requested by or agreed with the consumer, a Licensee shall provide itemised details during the current billing period and in addition, ensure that itemised details contained in previous bills are available for two years, or any period which may be required by applicable laws.

(3) A Licensee shall not charge consumers for bills or billing related information.

(4) Where the consumer requests information not required to be provided under this General Code such as requests for billing details more than two years, the Licensee shall inform consumers of the applicable charge resulting from a billing request, and obtain the consent of the consumer to any charge before it is imposed.

33. Timing for issuance of a bill

(1) A Licensee shall process and issue a bill within 10 days of each billing period and include in the bill all charges incurred during the billing period except where —

(a) there is an existence of a separate agreement with the consumer to the contrary ;

(b) there is a delay as a result of the inclusion by a Licensee of information from other suppliers or service providers in the bill ;

(c) there is a delay as a result of change initiated by the consumer, such as where the consumer has requested a different billing frequency or billing period ;

(d) there is a delay as a result of the suspension of charges that are in dispute ;

(e) there is an occurrence of a billing system or processing problem, in which case the problem needs to be rectified and bills issued without undue delay and in accordance with any time periods identified by the Commission ; or

(f) a bill 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 a Licensee is delayed on account of any unforeseen event or circumstance out of its control or influence, a Licensee shall take immediate steps to ensure that such situation is rectified in a timely manner.

34. Receipts and consumer payment advice

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. Billing period

A Licensee shall provide consumers with advance written notification of any proposed changes in billing periods, such advance notification to be at most equal to two of its applicable billing periods of a minimum of 60 days in advance where the billing period being charged is monthly.

36. Non-payment of bills

Where a consumer has not paid all or part of a bill for services provided by the Licensee, any measures taken by a Licensee to effect payment or disconnection shall—

- (a) be proportionate and not unduly discriminatory;
- (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 services concerned, as far as technically feasible.

PART V — CONSUMER OBLIGATIONS**37. Acceptance of Licensee terms**

(1) A consumer shall be bound by a Licensee's terms of service on return of a signed service agreement or having accepted the service terms by any other means of communications.

(2) Pursuant to subparagraph (1) of this paragraph, the consumer shall be deemed to have accepted a Licensee's service terms upon commencement of the use of the service after communication by a Licensee of its service terms.

38. Access for maintenance

A consumer shall grant a Licensee or its authorized representatives, without charge, access to premises, equipment or facilities as reasonably required for provision, maintenance of the services, equipment or facilities.

39. Misuse of public communication service or tampering with equipment

(1) A consumer shall —

(a) not use any equipment or related facility 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 facility, without prior written authorization from a Licensee ; and

(b) be responsible for any loss of or damage to equipment or facilities that result from actions contrary to service terms or this General Code.

(2) A consumer shall not misuse public communications services in any way, including —

(a) dishonestly obtaining communications 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 regulations.

(3) Equipment owned by a Licensee and connected to a communications network may not be moved to a location or address other than the location or address where the service was installed, without prior written authorization of a Licensee, but this shall 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 authorisation of the Licensee.

(5) An equipment or device that interferes in any way with the operation of a communications service, including any equipment or device that intercepts or assists in intercepting or receiving any service offered by a Licensee that requires special authorization, shall not be installed by or on behalf of any consumer.

40. Reselling service without authorisation

A consumer 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.

41. Customer abuse of mobile number portability

(1) A consumer shall not accumulate bills with one Licensee for services used, then port to another Licensee without settling payment with the previous Licensee.

(2) Where a consumer ports without settling outstanding bills with a previous Licensee, a Licensee may recover the debt through any legal means.

PART VI — PROTECTION OF CONSUMER INFORMATION

42. Purpose

A Licensee shall ensure the protection of individual consumer information in accordance with the data protection law and any data protection principles issued by the Commission.

43. General principle

(1) A Licensee may collect and maintain information on individual consumers reasonably required for its business purposes, and the collection and maintenance of information on individual consumers shall be —

- (a) fairly and lawfully collected and processed ;
- (b) processed for limited and identified purposes ;
- (c) relevant ;
- (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, or any permission or approval of the Commission, or as otherwise permitted or required by other applicable laws or regulations.

(2) A Licensee shall fulfil the accepted fair information principles which includes —

- (a) providing notice as to the 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 provided to protect the information and the enforcement and redress mechanisms that are in place to remedy any failure to observe these measures.

(3) This General Code applies to individual consumer information provided both verbally and in written form, as long as that information is retained by a Licensee in any recorded form.

44. Access and implementation of a “protection of consumer information policy”

(1) A Licensee that collects information on individual consumers 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 sub-paragraph (1) of this paragraph, 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 discloses information gathered by it from the consumer shall have adopted and implemented an equally appropriate and efficient “Protection of Consumer Information Policy” as a Licensee.

(4) A “Protection of Consumer Information Policy” developed by a Licensee shall be made available to its consumers in a clear language, and shall include such matters as may from time to time be 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.

(6) The policy shall disclose the consequences, of a consumer’s refusal to provide information.

(7) The policy shall also include a clear statement of how to contact a Licensee regarding information issues and related information access or complaint mechanisms.

(8) Information provided by the consumer in the course of using a paid or free service, shall not be used to generate market analytics to provide another paid service to the consumer, without the consumer’s consent and the full disclosure by a Licensee.

(9) Market analytics generated by a Licensee and containing personally identifiable information may not be transferred for free or for remuneration to a related or unrelated third party, where it may be used for the purpose of revenue generation or competitive advantage without the prior notification to and permission from the consumer.

45. Rules for safe and secure data

(1) A Licensee shall, at the point of registration of consumer information pursuant to the Registration of Communications Subscribers Regulations of the Commission, provide the consumer with the terms and conditions under which personal data is to be held and processed.

(2) A Licensee shall ensure that a consumer is 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 provided by it to prevent unauthorised access to communication and data in order to protect the confidentiality of consumers.

(4) The provisions of sub-paragraph (3) of this paragraph 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 the technical requirements for authorised interception in accordance with the Lawful Interception of Communications Regulations issued by the Commission.

(5) In offering publicly available electronic communication services over the internet to consumers, a Licensee shall ensure that consumers are regularly notified of measures to be taken by the consumers to protect security of their communications.

(6) A 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 paragraph 43 of this General Code.

(8) A Licensee shall have the right to retain and use consumer information on its network for such period and on such terms as permitted under the Registration of Communications Subscribers Regulations and Data Protection Principles issued by the Commission.

(9) This General Code shall supplement and be read in conjunction with the Registration of Communications Subscribers Regulations of the Commission and Data Protection Principles issued by the Commission.

46. Maintaining data quality

(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.

(2) A Licensee shall —

(a) establish appropriate processes or mechanisms so that inaccuracies in individual consumer information, including out of date information, may be identified and corrected ; and

(b) provide other procedures to ensure data quality that includes the 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. Calling and connected line identification

(1) Calling line identification service may be offered by a Licensee to a consumer free of charge, and where it is so offered, a Licensee shall —

(a) offer the calling consumer the option of preventing calling line identification on a per call or per number basis ;

(b) offer the called consumer the option of preventing an incoming call where the calling line identification has been prevented by the calling consumer ; and

(c) where the calling line identification service is presented prior to the call being connected, offer the called consumer the option of rejecting incoming calls where the calling line identification has been prevented by the calling consumer.

(2) Where connected line identification service is offered, a Licensee shall offer the called consumer the option of preventing a connected line identification to the calling consumer, free of charge.

(3) A Licensee that offers calling line or connected line identification service shall inform the public of the offering and the options provided in subparagraphs (1) and (2) of this paragraph by publishing a notice at least once a year, stating how that information may be obtained.

(4) A Licensee to whom subparagraphs (1) and (2) of this paragraph applies shall publish the information on its website and other consumer information manual or directory developed by it.

48. Co-operation of Licensee

For the purposes of paragraph 47 of this Code, a Licensee shall comply with any reasonable request made by another Licensee or other provider of the communication service by means of which facilities for calling or connected line identification are provided.

49. Tracing of malicious or nuisance calls

(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.

(2) Any term or condition relating to the prevention of caller identification and stated by a Licensee to a consumer for provision of a communication product or service shall have effect, subject always to subparagraph (1) of this paragraph.

(3) For the purposes of any action relating to the tracing of malicious or nuisance calls, nothing in this General Code shall prevent a Licensee from storing and making available to relevant authorities such data in accordance with any applicable laws and standards.

50. Emergency calls

(1) For the purposes of this General Code, “emergency calls” means calls made to any national or state emergency call number.

(2) In order to facilitate responses to emergency calls —

(a) a Licensee 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 paragraph 47(1) of this General Code ; and

(b) there shall be no restriction on the processing of location data.

PART VIII —COMPLAINTS HANDLING

51. Information to consumers

(1) A Licensee shall provide —

(a) customers care centre and facilities ;

(b) easily understandable information about its complaint processes in various media and formats, whether hard copy or accessible through a web link on the Licensee’s website, social media platforms ; and

(c) other information as may be directed by the Commission from time to time.

(2) A Licensee shall provide a complaint handling policy which entails complaint procedures that are transparent, readily accessible, effective, and facilitates appropriate access to Alternative Dispute Resolution (ADR).

(3) A Licensee shall ensure that consumers easily identify how a complaint may be lodged, either at a Licensee’s premises or using identified forms of communications.

(4) The complaint handling processes shall provide information —

(a) to consumers about their rights to complain ;

(b) on how the Licensee can be contacted in order to make a complaint ; and

(c) on the types of supporting documents or information the complainant needs to furnish in making a complaint.

(5) A complaint shall be recorded by a Licensee, and processed in accordance with identified practices and procedures.

52. Persons with special needs

(1) In cases where consumers specifically request assistance in lodging complaints, a Licensee shall provide such consumer with reasonable assistance.

(2) A Licensee shall make adequate provision to ensure that —

(a) people with physical disabilities, the elderly or other special needs access their complaint handling processes ; and

(b) consumers are easily represented by their authorised representatives in order to lodge a complaint, in accordance with customer client confidentiality ethic.

53. Complaint processes

(1) A Licensee shall ensure that the means by which they accept and process complaints do not unduly deter consumers from making a complaint.

(2) The process for complaints shall include —

(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 ;

(c) an email address ;

(d) web link on a Licensee's website through which the process may equally be accessed by a consumer ;

(e) social media platforms ; or

(f) any other process as may be directed by the Commission.

54. Timeframe for handling complaints

(1) A written complaint shall be acknowledged by a Licensee and acted upon within the timeframe set out in the Quality of Service Regulations issued by the Commission or as may be directed by the Commission from time to time.

(2) A Licensee shall acknowledge and respond to a complaint either verbally or in writing, and shall make reasonable efforts to make the initial response in the manner requested by the complainant.

(3) Where possible, a complainant shall be advised of the expected actions and timing for investigating and resolving the complaints.

(4) Where the Licensee regards the complaint as frivolous or vexatious, the consumer shall be informed accordingly and where dissatisfied the consumer shall have recourse to the escalation process described in subparagraph (7) of this paragraph, provided that, no consumer complaint shall remain unresolved for more than 90 days.

(5) A Licensee shall implement processes to provide consumers with sufficient information and the means to inquire on the progress of complaints, including complaint reference numbers or other identifiers in order to facilitate timely and accurate responses to subsequent enquiries by consumers.

(6) Consumers shall be informed of the outcome of the investigation of their complaint, and any resulting decision by the Licensee.

(7) 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 organisation.

(8) 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.

(9) 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 issued by the Commission.

55. Charges

(1) Complaint handling processes shall be free of charge, provided that, a Licensee may impose a reasonable charge for complaint handling where investigation of the complaint requires the retrieval of records of more than two years.

(2) Where that retrieval results in any incremental expense or significant inconvenience to a Licensee, any such charges shall be identified and agreed to by the consumer before being incurred.

56. Further recourse in relation to Service Level Agreement

(1) A complaint on any service, with provision for a resolution period of —

(a) seven days or more shall be escalated to the Commission after the resolution period and shall be completely resolved within 30 days from the day the complaint was first reported to a Licensee ; or

(b) less than seven days shall be resolved in accordance with the terms of the Service Level Agreement registered with 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. Action on disputed charges

(1) A Licensee shall —

(a) not impose 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 ; and

(b) 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 shall specifically notify the consumer before taking the intended action.

58. Internal data collection and analysis

(1) A Licensee shall have appropriate recording systems for complaints and their outcomes.

(2) The record of complaints referred to in subparagraph (1) of this paragraph shall be categorised and analysed by a Licensee from time to time to allow for the identification of recurring problems.

(3) A Licensee shall inform the consumers that records of complaints are being kept, and when requested by a consumer, the Licensee shall describe the complaint tracking system used.

59. Review of complaint handling and tracking processes

A Licensee shall —

(a) review its complaint handling and tracking processes from time to time to ensure effective processing of complaints ;

(b) report on the outcome of these reviews as may be requested by the Commission ; and

(c) make any changes to complaint handling and tracking processes identified by the Commission.

60. Changes to complaint handling process

A Licensee shall update any change regarding its complaint handling and tracking processes as appropriate, including information provided to consumers or the Commission.

61. Retention of records

Information collected and recorded as part of a Licensee's complaint handling processes shall be retained by a Licensee for a minimum period of two years following resolution of a complaint.

62. Audit of complaints handling and tracking processes by the Commission

The Commission may from time to time audit the complaints handling and tracking processes of a Licensee using any of the methods provided under section 141 of the Act.

63. Environmental, health and safety

(1) A Licensee shall comply with any relevant environmental, health and safety legislation including applicable policies and guidelines of the Commission.

(2) A Licensee may develop and implement environmental, health and safety codes which includes —

- (a) disposal of old devices and batteries ;
- (b) disposal or recycling of recharge cards to reduce solid waste ;
- (c) electro-magnetic emissions ; and
- (d) pollution.

(3) A Licensee shall promote the safe use of cellular telephones through consumer information campaigns that may include distribution of information at the time a consumer subscribes to a service, mails sent with billing information, public advertising campaigns and generally informing the consumer of hands-free devices and responsible use of telephone handsets.

PART IX — ENFORCEMENT AND COMPLIANCE

64. Responsibilities of the Licensees

A Licensee shall —

(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 publicised to employees and other representatives of a Licensee ;

(c) develop appropriate procedures or programmes to educate employees regarding code compliance issues ;

(d) implement appropriate management structures and practices to monitor compliance with the policies, procedures and provisions of the code ; and

(e) provide information to the Commission in accordance with this General Code or as may be requested by the Commission, relevant to the Licensee's consumer code obligations and ongoing compliance efforts.

65. Compliance monitoring and reporting by the Commission

(1) The Commission shall monitor compliance with applicable provisions of the code on a regular basis to ensure the overall effectiveness of consumer codes in achieving their objectives, which include —

- (a) complaints monitoring ;
- (b) routine verification of code compliance by Licensees ; and
- (c) identification of other consumer code issues.

(2) The Commission may publish quarterly progress reports to assist in its ongoing monitoring and review of consumer codes and related issues.

(3) The progress reports referred to in subparagraph (1) of this paragraph may include —

- (a) identified breaches of applicable provisions of the code, and any remedial actions taken ;
- (b) recurring complaints and actions provided to address the issues ;
- (c) statistics on complaints and their resolution ; and
- (d) steps provided by a Licensee in the development of in-house compliance systems.

(4) The Commission's annual report shall provide a summary of all progress reports for the relevant year.

66. Complaints on non-compliance

(1) Complaints about failure to comply with this General Code or any other applicable consumer code may arise in two broad categories —

- (a) consumer complaints ; and
- (b) industry complaints.

(2) The Commission shall administer appropriate and impartial processes for the investigation and resolution of both consumer and industry complaints.

(3) Where a complaint is not within the mandate of the Commission, the Commission may notify the consumer or refer the matter to the appropriate body.

67. Consumer complaints

(1) Complaints by consumers shall first be lodged and dealt with by the appropriate Licensee in accordance with Part VIII of this General Code.

(2) Where a consumer lodges a complaint with the Commission without having first contacted a Licensee, the Commission shall forward the complaint to a Licensee for resolution in accordance with Part VIII of this General Code.

68. Industry complaints

(1) Industry complaints are those made by one Licensee against another for an alleged breach of a consumer code.

(2) Industry complaints may include complaints by a group representing consumer interests against a Licensee.

(3) All industry complaints shall be lodged directly with the Commission.

(4) Where an industry complaint is lodged with a Licensee, without evidence that the complaint has been lodged with the Commission, the Licensee shall forward a copy of the complaint to the Commission without delay, and shall notify the complainant that its further contact regarding the complaint shall be with the Commission and not the Licensee.

69. Monitoring and enforcement of compliance

(1) The Commission shall oversee the compliance and administration of this General Code and any other applicable consumer codes.

(2) The Commission shall analyse and investigate complaints in order to determine whether there has been a breach of the applicable code.

(3) Where the Commission noticed that there has been a breach, it shall 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 a Licensee with respect to compliance with the General Code ;
- (c) representations made by a Licensee with regards to the breach and related circumstances ; and
- (d) any compensation offered by a Licensee to affected consumers for the breach.

70. Appeal process

Where a decision by the Commission is not accepted by a party, that party shall have the right to challenge the decision pursuant to sections 86 to 88 of the Act, in accordance with the practices and procedures specified in those sections.

PART X — MISCELLANEOUS**71. Expenses on dispute resolution**

(1) Except as may be determined by the Commission, the parties to a dispute shall be responsible for their own costs or expenses associated with resolving the dispute.

(2) The Commission shall determine the circumstances in which any costs or charges may be payable to the Commission in connection with its involvement in the resolution of any dispute, prior to a party incurring the payment obligation.

72. Confidentiality

Any Information disclosed in the cause of a complaint or compliance proceeding under this General Code or other applicable consumer code may be protected as confidential information pursuant to sections 59, 60 and 86(3) of the Act.

MADE at Abuja this 29th day of July, 2024.

DR. AMINU MAIDA
Executive Vice-Chairman/CEO
Nigeria Communications Commission

EXPLANATORY NOTE

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

These Regulations prescribes the procedures to be followed by a Licensee in preparing approved Consumer Code of Practice by a Licensee in accordance with section 106 of the Nigerian Communications Act, 2003 and the Schedule to these Regulations; determine the contents and features of a Consumer Code of Practice to be prepared by a Licensee and provides the General Consumer Code of Practice to govern the provision of services by licensed communications operators in Nigeria and related consumer practices.