



REPORT OF THE PUBLIC INQUIRY ON THE DRAFT AMENDED CONSUMER CODE OF PRACTICE REGULATIONS

1.0 INTRODUCTION

The Nigerian Communications Commission (the Commission) pursuant to its powers under Section 70 of the Nigerian Communications Act 2003 (the Act) developed the draft amended Consumer Code of Practice Regulations (draft Regulations). Based on the participatory rule-making procedure established by the Commission, the draft Regulations was published on its website for comments from the general public especially, telecommunications operators and other stakeholders.

A Public Inquiry was scheduled for March 16, 2018 and all stakeholders were duly notified. A Notice of the Public Inquiry on the Regulations was published in Daily Trust, This Day and Guardian Newspapers of February 20, 2018.

2.0 THE PUBLIC INQUIRY

The Public Inquiry held as scheduled at the Conference Hall of the Commission and commenced at 11:00 am. It was chaired by the Executive Vice Chairman, Prof. Umar Garba Danbatta who was represented by the Director, Spectrum Administration Department (DSA). Ninety (90) participants attended the Forum which included Staff of the Commission, telecommunications operators, interested stakeholders and the media.

The EVC welcomed everyone to the Public Inquiry and explained that it was part of the rule-making process aimed at ensuring wide consultations in the drafting of the Regulations by the Commission. He highlighted the primary objectives of the draft Regulation which include:

- The Regulations are made pursuant to Part 1 of Chapter VII of the Act.
- The Regulations prescribes a General Code and provides that, every Code prepared and submitted by a licensee, 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.

- It sets out the procedure to be followed by a licensee in preparing its Individual Consumer Code of Practice (Code).

The EVC encouraged all participants to freely make contributions that would assist the Commission in reviewing the draft Regulations appropriately.

The Director, Legal and Regulatory Services Department, Mrs. Yetunde Akinloye gave an overview of the draft Regulations. Comments received at the Public Inquiry are also covered by this Report.

A. General Overview of the Consumer Code of Practice Regulations

- The draft Regulations is made up of 4 Parts comprising 13 Sections and 1 Schedule
- Part I - Scope, Application and Objectives
- Part II - Consumer Codes Of Practice
- Part III - Compliance And Enforcement
- Part IV - Miscellaneous
- Schedule 1 - General Consumer Code of Practice

B. Review of Submissions Received

The Commission did not receive any submissions from stakeholders on the draft Regulations before the Public Inquiry.

C. Comments received at the Public Inquiry

i. Comments by Stakeholders:

Section 6 of Part 1 of the Code:- the provision did not provide for the consequence of non-compliance with the timelines stated therein, which is thirty (30) days. This may encourage operators to flout or abuse the timelines.

Response by the Commission:

The section will be further reviewed. However, it is pertinent to note that sanctions for non-compliance are already captured in other Regulations made by the Commission, particularly the Nigerian Communications (Enforcement Processes etc.) Regulations 2005.

ii. **Comments by Stakeholders:**

In Section 6 (2) and Section 33 (2) of the Code, the term “timely manner” is used, but this term is not defined in the draft Regulations. This should be amended for clarity.

Response by the Commission:

Comment Accepted.

iii. **Comments by Stakeholders:**

Section 16 (3) and (4) is limited to only visually impaired consumers. These provisions should be merged and also expanded to cover people with other impediments such as those with hearing and speech impairments.

Response by the Commission:

Comment Accepted.

iv. **Comments by Stakeholders:**

In Part 2 of the Code, provision has not been made as to who is responsible for the publication of the Code in the national dailies.

Response by the Commission:

The draft Regulations is explicit on the matter as it has provided that it is the responsibility of the licensees.

Dated this 30th Day of April, 2018.

**Prof. Umar Garba Danbatta
Executive Vice-Chairman/CEO
NIGERIAN COMMUNICATIONS COMMISSION**