

GOVERNMENT NOTICE No. 16 published on 12/1/2024

THE LAND TRANSPORT REGULATORY AUTHORITY ACT,
(CAP. 413)

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RULES
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(Made under section 41(1)(d))

THE LAND TRANSPORT REGULATORY AUTHORITY (COMPLAINT HANDLING
PROCEDURES) RULES, 2024

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THE LAND TRANSPORT REGULATORY AUTHORITY ACT,
(CAP. 413)

RULES

(Made under section 41(1)(d))

THE LAND TRANSPORT REGULATORY AUTHORITY (COMPLAINT HANDLING
PROCEDURES) RULES, 2023

PART I
PRELIMINARY PROVISIONS

- Citation **1.** These Rules may be cited as the Land Transport Regulatory Authority (Complaint Handling Procedures) Rules, 2024.
- Application **2.** These Rules shall apply to complaints involving a service provider and a service consumer on regulated services submitted to the Authority for determination.
- Interpretation **3.** In these Rules, unless the context otherwise requires-
- Cap 413 “Act” means The Land Transport Regulatory Authority Act;
 “Authority” means the Land Transport Regulatory Authority established under the Act;
 “representative” means a person who represents a complainant or service provider to the department, Complaint Handling Committee or Authority;
 “Board” means the Board of Directors of the Authority established under the Act;
 “Committee” means a Complaint Handling Committee established under rule 6;
 “Director General” means the Director General of the Authority appointed under the Act;
 “department” means any department established by the Board under the Act;
 “regulated services” means services supplied or offered for supply in a regulated sector and include services

which the Authority declares to be such services under the Act; and

“regulated supplier” means any person engaged in activities in or in connection with a regulated sector and includes any person whom the Authority declares under the Act to be such supplier.

**PART II
DUTIES OF A REGULATED
SUPPLIER AND CONSUMER**

Duties of
regulated
supplier

4. A regulated supplier shall ensure that -

- (a) the regulated services or goods provided are safe, reliable and efficient to consumers and that there are no false or misleading representation with respect to the price and standards;
- (b) plans and systems are operated in a manner that provides the consumers with satisfactory standards of services as set forth in the licence and other document supplemental to such licence;
- (c) a language used to consumers is polite;
- (d) self-assessment reports with regards to complaints handling are submitted to the Authority as required from time to time as set out in the First Schedule;
- (e) internal consumer complaint procedures are established, published and submitted to the Authority for approval;
- (f) the consumer complaints are addressed in compliance with the procedure in paragraph (e); and
- (g) any other role prescribed under respective sector legislations are performed.

Duties of
consumer

5. The duties of consumer shall be to:

- (a) pay for the services offered;
- (b) properly use services offered;
- (c) timely report a complaint to the supplier on loss, delay or dissatisfaction of services;

- (d) ensure possession of relevant documents or evidence to support the complaints;
- (e) use polite language to regulated supplier;
- (f) present to the Authority identification card when submitting complaint; and
- (g) perform any other role prescribed under respective sector legislations.

**PART III
ROLE OF COMPLAINTS
HANDLING COMMITTEE**

Establishment of
Committee

6.-(1) There is hereby established a Complaints Handling Committee which shall be responsible for handling complaints involving a service provider and consumer on regulated goods and services.

(2) The members of the committee will be appointed from among the employees of the Authority.

Functions of
Committee

7. The functions of Committee shall be to:

- (a) receive unresolved complaints from the department submitted to it through the Director General;
- (b) evaluate a complaint and satisfy itself if the complainant has an interest in the matter;
- (c) conduct an inquiry to establish whether the complaint is not frivolous or vexatious;
- (d) summon the parties for hearing; and
- (e) prepare recommendation for the Board's order.

**PART IV
PROCEDURE FOR HANDLING COMPLAINTS**

Requirement to
submit
complaint
regulated
supplier

8.-(1) Where a person or his representative is dissatisfied by an act or omission by the regulated supplier shall within seven days from the date of such dissatisfaction, refer his complaint to the regulated supplier for consideration.

(2) The regulated supplier shall determine a complaint within twenty-one days from the date of receipt of the complaint.

(3) In the case of rejection, the regulated supplier shall state the reasons for the rejection.

Submission of complaint to Authority

9.-(1) Where a complainant is not satisfied with the response of regulated supplier to his complaint, he may submit the complaint to the Authority within fourteen days from the date of receipt of a response from the regulated supplier.

(2) The Authority shall receive a complaint and require the complainant or his representative to fill a Complaints Lodging Form as set out in the Second Schedule.

(3) The Form shall contain the following:

- (a) date, name, address and signature of the complainant;
- (b) statement in precise form explaining the complaint and relief claimed;
- (c) information as to whether the complaint has previously been referred to any other authority for adjudication; and
- (d) any other information necessary for determination of the complaint.

(4) The Authority may, for good cause, extend the time prescribed for making reference of a complaint.

Procedure for handling complaints by Authority

10.-(1) The filed Complaint Form and its supporting documents shall be submitted to the Authority.

(2) The relevant department shall evaluate the filed complaint and satisfy itself-

- (a) if the complainant has interest in the matter to which the complaint relates; and
- (b) that the complaint is not frivolous or vexatious.

(3) Where the respective department is satisfied that the complaint is in order, shall summon the parties and facilitate to resolve the complaint amicably within

fourteen days.

(4) Where the department fails to handle the complaint, shall be referred forthwith to the Director General who shall submit the complaint to the Committee.

Notice of hearing

11. The Committee shall issue seven days written notice to the parties to appear before it for hearing.

Non-appearance by parties

12.-(1) Where a party fails to appear before the Committee on the date fixed for hearing on three times consecutively, without a good cause, the Authority may-

- (a) in the case of the complainant, the complaint shall be dismissed;
- (b) in the case of respondent, the complaint shall be heard *ex parte*.

(2) The Authority may, if is satisfied that failure to appear on the day of hearing was due to good cause may-

- (a) re- admit a complaint; or
- (b) consider hearing both parties on merit.

Hearing of complaint

13. The Committee shall within twenty-one days after receipt of the complaint hear the complaint and submit recommendation to the Board for determination.

Withdrawal of complaint

14.-(1) The complainant may make an application in writing for withdrawal of the complaint to the Authority at any time before the Authority makes a decision.

(2) The Authority shall, upon receipt of the application for withdrawal, withdraw such complaint and inform the parties accordingly.

PART V
POWERS OF THE BOARD IN COMPLAINT HANDLING

Powers to
determine and
make orders

15.-(1) The Board shall, in each case, determine and make such orders on each complaint submitted.

(2) The Board may make the following orders:

- (a) requiring the party to pay a sum of money;
- (b) instructing the party to provide services or goods for a specified period;
- (c) directing the party to provide services or goods on specific terms and conditions;
- (d) instructing the party to pay the costs of another party or a person attending the matter or producing documents;
- (e) dismissing the complaint;
- (f) imposing fines or refunding money;
- (g) requiring specific performance;
- (h) establishing an escrow fund;
- (i) appointing a trustee; and
- (j) providing other remedies as it deems appropriate.

(3) The Board shall within fourteen days determine and make the order which shall contain reasons for such decision.

Appeal
Cap. 285

16. Subject to the provisions of Fair Competition Act, a person aggrieved by the decision of the Board may appeal to the Fair Competition Tribunal.

PART VI
GENERAL PROVISIONS

Complaints not to
be dealt with

17. The Authority shall not deal with a complaint where-

- (a) a complaint is lodged and resolved amicably to the complainant's satisfaction as agreed by both parties;
- (b) a complaint has previous been lodged by the

- same complainant and resolved in accordance with these Rules;
- (c) the complaint or part of it is pending before any court, tribunal, arbitrator, judicial or quasi-judicial body or it was previously determined by any court, tribunal, arbitrator, judicial or quasi-judicial body; or
 - (d) a complaint is not submitted in accordance with these Rules.

Revocation
G.N No.
15 of
2008

18. The SUMATRA (Complaints and Review Procedures) Rules, 2008 are hereby revoked.

FIRST SCHEDULE

(Made under regulation 4(d))

SELF-ASSESSMENT REPORT OF HANDLING COMPLAINTS

1. Particulars

Name of (Owner of vehicle/Company):
Telephone/Mobile No:
Address:
Email:

2. List of complaints received:

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3. List of complaints handled:

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4. List of complaints submitted to the Authority:

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5. Nature of recurring complaints:

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6. Describe strategies used to reduce recurring of complaints:

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VERIFICATION

I..... verify that all that have been stated in item1,
2, 3, 4 ,5 and 6 are true to the best of my knowledge.

Dated atthis.....day of.....20.....

Signed by

(Regulated Supplier/ Representative)

SECOND SCHEDULE

(Made under regulation 9(2))

COMPLAINTS LODGING FORM

1. Name of Complainant:
Complainant's Mobile Phone:
Physical address:
E-mail:

2. Name of the Respondent:
Complainant's Mobile Phone:
Physical address:
E-mail:

3. Nature of Complaint:

4. Particulars of complaint:
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5. Adjudication: (State whether the Complaint has been previously referred to anyother Authority for adjudication)
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6. Relief sought:
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VERIFICATION

I, do hereby verify that what all is stated

Land Transport Regulatory Authority (Complaint Handling Procedures)

GN. NO.16 (Contd.)

above in item 1, 2, 3, 4 and 5 of this complaint form is true to the best of my own knowledge.

Applicant signature Date
.....

Presented for filling this day of
20.....

Authorised Officer's signature Date
.....

Dodoma,
2nd December, 2023

AHMED MOHAMED AME,
Chairman of the Board