

# **STATUTORY INSTRUMENT**

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## **ELECTRICITY AND WATER (COMPLAINTS HANDLING) REGULATIONS 2019**

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**STATUTORY INSTRUMENT NO. 11 OF 2019**

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**SIERRA LEONE ELECTRICITY AND WATER  
REGULATORY COMMISSION ACT, 2011  
(ACT NO. 13 OF 2011)**

ELECTRICITY AND WATER (COMPLAINTS HANDLING) REGULATION **Short title**  
2019

In exercise of the powers conferred on it by section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act, 2011, the Commission makes the following regulations –

**PART I – PRELIMINARY**

1. In these rules, unless the context otherwise requires –

**Interpretation**

“Act” means the Sierra Leone Electricity and Water Regulatory Commission Act of 2011;

“Commission” means the Sierra Leone Electricity and Water Regulatory Commission established by section 3 of the Act;

“consumer” means a person who purchases, receives or makes use of any service provided by a public utility and does not deliver or resell the service to others;

“Consumer Services Committee” means a committee established under paragraph (b) of subsection (1) of section 21 of the Act;

“public utility” means any provider of electricity and water to the public as defined in the Act;

“Review Committee” means the Review Committee established under paragraph (a) of subsection (1) of section 21 of the Act.

2. (1) A consumer who has a complaint against a public utility

**Filing a  
complaint**

shall in the first instance file the complaint directly to the public utility concerned for redress in accordance with the public utility's complaints handling procedures.

(2) Where a complaint filed directly to a public utility is not satisfactorily or promptly dealt with, the consumer shall redirect the complaint to the Commission to the address set out in Schedule 1.

(3) A complaint shall be in the form set out in Schedule 2.

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

(5) A person who writes down an oral complaint for any complainant shall –

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

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

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

**3.** (1) A complaint filed with the Commission shall contain the following –

**Content of complaint**

(a) the full name, contact address, telephone number and email, where applicable, of the complainant;

(b) the public utility against which the complaint is made;

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

(d) the nature of the matter complained of;

(e) the relief sought by the complainant; and

(f) any other matter relevant to the complaint.

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

**4.** (1) Where a complaint is filed, the Commission shall cause a copy to be sent to the public utility concerned within 3 working days from the date of receipt of the complaint.

**Informing the concerned public utility**

(2) The public utility shall within 5 working days from the date of receipt of the complaint or such further period as the Commission may specify submit its response to the Commission.

**5.** (1) A staff designated by the Commission as a mediator shall make a preliminary enquiry into the complaint.

**Initial settlement**

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

(3) Where the parties agree to a mediation, they shall sign a mediation agreement at the beginning and a settlement agreement if the mediation is successful.

(4) If the parties are not able to settle the matter by mediation, it may be referred to a more senior staff to hear the matter and keep a record of the hearing.

(5) If the complaint remains unsettled, the Commission shall refer the matter to the Consumer Services Committee.

6. (1) Members of the Consumer Services Committee with expertise relevant to the complaint filed shall sit on the matter.

**Consumer  
Services  
Committee**

(2) External experts may be co-opted to assist the Consumer Services Committee.

(3) The Commission shall appoint a member of the Consumer Services Committee to act as Chairman.

(4) The Consumer Services Committee shall send a notice to –

(a) the complainant;

(b) the public utility against whom the complaint is made; and

(c) any other person considered relevant to the complaint, inviting them to appear before it at a date, time and place specified in the notice.

(5) The date for attendance at the formal hearing shall be not less than 7 days from the date of notice issued under sub-rule (4).

(6) Any person appearing before the Consumer Services Committee to answer a complaint shall –

(a) take an oath;

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

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

(7) Persons appearing before the Consumer Services Committee shall appear themselves or may be represented by a legal practitioner or another expert.

7. (1) The formal hearing shall be conducted by the Consumer Service Committee with fairness and impartiality and the Committee

**Powers of the  
Consumer**

may –

**Service  
Committee**

(a) order public utilities to provide information and shall state the form in which the information is to be provided;

(b) request a consumer to provide information which may be relevant to prove facts on the subject of the complaints;

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

(2) Unless otherwise directed by the Commission, the Consumer Services Committee shall regulate the course of proceedings and conduct of the parties and their representatives and may question any person or enquire into any matter related to the complaint.

(3) At the end of the hearing, the Consumer Services Committee shall submit a report to the Commission containing its recommendations which the Commission may accept, vary or reject.

(4) Where the Commission rejects or varies the report, it shall provide reasons for the rejection or variation.

**8.** (1) A party dissatisfied with a decision of the Commission may appeal against the decision. **Appeal**

(2) The Commission shall refer the party's appeal to the Review Committee.

(3) Where a decision is referred to the Review Committee, the Review Committee shall re-consider the matter and make further recommendations to the Commission based on its findings.

(4) The Commission shall make a final decision on the matter taking into account the recommendation of the Review Committee.

**9.** (1) A complainant may withdraw a complaint at any time of the proceedings. **Withdrawal of complaint**

(2) Withdrawal of a complaint shall not limit the rights of a complainant to file the complaint subsequently, except if the Commission views that such refiling is an abuse of process.

## **SCHEDULE 1**

### **Communication channels for making a complaint**

#### **Regulation 3(2)**

(1) The Commission shall accept complaints from the public through the following:

- a. Email, [info@ewrc.gov.sl](mailto:info@ewrc.gov.sl) or [complaints@ewrc.gov.sl](mailto:complaints@ewrc.gov.sl)
- b. Form available on SLEWRC website at [www.ewrc.gov.sl](http://www.ewrc.gov.sl)
- c. Post mail: Electricity and Water Regulatory Commission,  
55 Berwick Street, Freetown, Sierra Leone
- d. Any Hotline as provided by the Commission
- e. Physical delivery to Commission, 55 Berwick Street,  
Freetown, or any other offices or locations as may be  
designated by the Commission

(2) To ensure efficiency and effectiveness, the Commission shall provide a care room with a toll free fixed telephone line for receiving complaints.



**SCHEDULE 2**  
**FORM FOR LODGING A COMPLAINT**

**Regulation 2(3)**

Name of complainant:

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Address:

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Telephone:

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Email:

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Public utility complained against:

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Mode of complaint:

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Nature of the complaint (attach any relevant copies of documents):

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Nature of harm or injustice complainant has suffered:

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Relief sought by complainant:

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Any other relevant matter:

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.....  
Name and Signature of Complainant

.....  
Name and Signature of Officer  
designated to receive the  
Complaint

## **EXPLANATORY MEMORANDUM**

**(This explanatory memorandum is not part of these rules but is intended to indicate its general purport)**

This statutory instrument is made pursuant to section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act 2011.

The instrument provides that a consumer who has a complaint against a public utility should file the complaint directly to the public utility concerned for redress. Where a complaint filed directly to the public utility is not dealt with promptly or satisfactorily the consumer should redirect the complaint to the Commission.

The instrument explains the procedure on how to file the complaint and the content of the complaint letter.

*Made this 13th day of December, 2019.*

MOHAMED D. B. SESAY  
Chairman