

GOVERNMENT NOTICE No. 643 Published On. 3/9/2021

THE TANZANIA METEOROLOGICAL AUTHORITY ACT,
(CAP. 157)

REGULATIONS

(Made under section 54)

THE TANZANIA METEOROLOGICAL AUTHORITY (COMPLAINTS HANDLING
PROCEDURES) REGULATIONS, 2021

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PROCEDURES) REGULATIONS, 2021

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tanzania Meteorological Authority (Complaints Handling Procedures) Regulations, 2021.
- Interpretation 2. In these Regulations, unless the context requires otherwise-
- Cap. 157 "Act" means the Tanzania Meteorological Authority Act;
"Authority" means the Authority established under section 4 of the Act;
"complaint" means a complaint launched by a complainant in accordance with these Regulations;
"complainant" means a person who is affected or likely to be affected by the act, omission or decision of the Authority or a regulated service provider;
"prescribed" means, in relation to forms, the forms prescribed in the Schedule to these Regulations;
"regulated service provider" means a provider of regulated meteorological services as prescribed in the Second and Third Schedules of the Act;
"respondent" means a person against whom a complaint is made and includes any person joined as a party to the complaint.

PART II
ROLE OF A REGULATED SERVICE PROVIDER AND THE
AUTHORITY

Role of service provider

3. The role of the regulated service provider shall be to-

- (a) provides safe, reliable and efficient regulated services to consumers and that there are no false or misleading representation with respect to the standards of regulated services;
- (b) plans and operates systems in a manner that provides the consumers with satisfactory standards of services as set forth in the licence; and
- (c) submits assessment reports to the Authority as shall be required by the Authority.

Role of Authority

4. Subject to section 5(2)(b) and (d) of the Act, the role of the Authority shall be to-

- (a) receive complaints from consumer, regulated service provider or a person who is affected or likely to be affected by the act, omission or decision of a regulated service provider;
- (b) evaluate complaints and satisfy itself if the complainant has an interest in the matter to which the complaints relates that the complaint is not frivolous or vexatious; and
- (c) resolve the complaints.

PART III
MANAGEMENT OF COMPLAINTS BY THE AUTHORITY

Persons who may submit complaints

5. A complaint may be submitted to the Authority by-

- (a) a complainant; or
- (b) a regulated service provider.

- Submission of complaints
6. The proceedings before the Authority shall subject to the Act and these Regulations, be signed and submitted by a complainant in accordance with a Form A prescribed in the First Schedule to these Regulations.
- Complaints not to be dealt with
7. The Authority shall not deal a complaint if-
- (a) a complaint is lodged and is resolved amicably to the complainant's satisfaction within a period of not more two working days;
 - (b) a complaint, has previously been lodged by the same complainant and resolved in accordance with these Regulations; and;
 - (c) a complaint is not submitted in accordance with regulation 6.
- Time limit for submission of complaint
- 8.-(1) Except as provided in sub-regulation (2), a complaint shall be submitted not later than twelve months after-
- (a) the date on which the matter which is the subject of the complaint occurred; or
 - (b) the date on which the matter which is the subject of the complaint came to the notice of the complainant.
- (2) The time limit in sub-regulation (1) shall not apply if the Authority is satisfied that the complainant had good reasons for not submitting the complaint within that time limit.
- Institution of complaint
- 9.-(1) Complaint against a regulated service provider may be-
- (a) initiated by the Authority on its own motion; or
 - (b) submitted in writing and addressed to the Director General.
- (2) A complaint referred to the Authority 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.

(3) The Authority shall keep and maintain a register of complaints submitted in accordance with these Regulations.

Language of proceedings

10. The proceedings and processes before the Authority in relation to complaints may be conducted in English or Kiswahili, but the record of the proceedings to be kept by the Authority may be in English language or Kiswahili.

Grounds which may be taken at hearing

11. The complainant shall raise a complaint in relation to which was not previously raised and submitted to the Authority along with the complaint in question; but the Authority shall not, in determining a complaint, be confined to the grounds set forth in that complaint.

Presentation of complaints

12. Subject to regulation 4(1) a complaint may be presented either by the complainant himself, advocate or his representative authorized by him in writing in that behalf.

Scrutiny by Authority

13.-(1) The Authority shall speedily and efficiently after receiving a complaint, examine it with a view to satisfying itself that-

(a) it is submitted by a rightful complainant; and

(b) it is submitted in accordance with these Regulations.

(2) Where the Authority is satisfied that a complaint does not adhere to the provisions under these Regulations, the Authority may, if the omission or other irregularity is merely procedural or otherwise curable, return the complaint to the complainant for the purpose of being amended within the time to be fixed by the Authority.

(3) Where the Authority dismisses any complaint, it shall record the reasons for such dismissal and shall forthwith report the dismissal in writing to the complainant.

- Service of complaint
14. Where a complaint has been properly lodged, the Authority shall send a copy of the complaint to the respondent together with a notice of a complaint as prescribed in Form B of the First Schedule to these Regulations.
- Examination and response
- 15.-(1) Upon receipt of a complaint, the Authority shall-
- (a) examine the complaint in a manner appropriate to resolve it speedily and efficiently; and
 - (b) during the examination, keep the complainant informed, as far as reasonably practicable, as to the progress of the examination.
- (2) As soon as reasonably practicable after completing the examination, the Authority shall in writing send to the complainant a report which includes-
- (a) an explanation of how the complaint has been examined;
 - (b) the conclusion reached in relation to the complaint, including any matters for which the complaint specifies, or the Authority considers that remedial action is needed; and
 - (c) whether any remedial action has been taken or is proposed to be taken.
- Preliminary hearing
- 16.-(1) In the course of preliminary hearing-
- (a) in the case where the complaint is against the Director General, may require the complainant for any further explanation and cause such further examination to be made and such further evidence to be adduced and may obtain such advice and assistance;
 - (b) in the case where the complaint is against regulated service provider may require the regulated service provider against whom the complaint is made, for any further explanation and may cause such further examination to be made and such further evidence to be adduced and may obtain such advice and assistance as the

Authority thinks fit.

(2) Upon completion of preliminary hearing, the Director General shall determine whether or not to hold an inquiry.

Notice of hearing

17.-(1) The Authority shall ordinarily hold hearing of complaint at any public office as it may be determined depending on the origin and nature of the complaint.

(2) The notice of hearing shall be issued and signed by the Director General and shall be served to the complainant by way of summons as prescribed in the Second Schedule to these Regulations.

Authority's action on completion of hearing

18.-(1) The Authority, having heard the complaint may-

- (a) take no further action;
- (b) caution the regulated service provider;
- (c) impose a fine payable to the Authority; or
- (d) suspend or cancel the licence.

(2) Where the complaint is against the Director General, and is proved that the Authority acted negligently and caused damage to the complainant, the Authority may compensate or refund the complainant.

Withdrawal of complaint

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

(2) The withdrawal under sub regulation (1) shall be made in writing.

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

(4) Where there are two or more complainants, the complaint shall not be withdrawn save on application in writing by all the complainants.

Adjournments

20. The Authority may in its discretion adjourn the hearing of a complaint from time to time.

Failure by
complainant to
appear

21.-(1) Where a complainant fails to appear before the Authority on the day on which a complaint is to be heard, without justifiable reasons, the Authority may dismiss the complaint.

(2) Where a complaint is dismissed under sub regulation (1), the Authority may, if it is satisfied that failure to appear on a day of hearing was due to justifiable reasons, re-admit a complaint subject to a payment of a prescribed fee of Tanzanian shillings ten thousands.

Decision

22.-(1) The Authority shall, within fourteen days after conclusion of the hearing, give decision on the complaint.

(2) Every decision shall contain the reasons for the decision, and shall be dated and signed by the Authority.

Appeals

23. Any person aggrieved by the decision of the Authority under these Regulations shall appeal in accordance with the provisions of the Act.

FIRST SCHEDULE

(Made under regulation 6)

COMPLAINTS

THE TANZANIA METEOROLOGICAL AUTHORITY

COMPLAINT NO..... OF20.....

(To be submitted in two original copies)

Director General,
Tanzania Meteorological Authority,
Ubungo Plaza, 3rd Floor,
388 Morogoro Road,
P.O. Box 3056,
16102 Dar es Salaam.

In the matter of a Complaint under the Tanzania Meteorological Authority Act

1. Name of the complainant:
- Postal Address:
- Physical Address:
- Phone/Mobile No:
- E-mail address:.....
2. Name of the respondent:
- Address:
- Physical Address:
- Phone/Mobile No:
- E-mail address:.....
3. Issue(s)/grounds complained against :.....
-
-
-

4. Nature of the relief or reliefs sought by the complainant:

.....
.....
.....

Signature of the complainant

.....
Date

—————
NOTICE OF COMPLAINT
—————

(Made under regulation 14)
—————

THE TANZANIA METEOROLOGICAL AUTHORITY

1. To: Name of the Respondent:

.....

Postal Address:

.....

Physical Address:

.....

Phone/Mobile No:

.....

E-mail

address:.....

Take notice that the complaint, of which a copy is enclosed herewith, was submitted to the Authority through on the day of 20.....

Date

.....

Director General

.....

Date

SECOND SCHEDULE

SUMMONS

(Made under regulation 18(2))

To:

WHEREAS your attendance is required to give evidence/ the production of the documents listed below, on the hearing to be held by Authority under regulation the Tanzania Meteorological Authority (Complaints Handling Procedures) Regulations, 2021 you are hereby required-

- * (a) personally/by representative to appear before the Authority in on the..... day of 20..... at o'clock and
- * (b) to produce to the Authority, on or before o'clock the day of 20....., the following documents, which are stated to be in your possession:.....

A duplicate copy of this summons is enclosed. The original summons if not served personally must be signed by you and returned by registered post to the Authority, without delay.

Given under my hand at..... this day of 20.....

.....
Director General

I hereby acknowledge receipt of a duplicate of this summons.
Signature

Date

**Strike whichever does not apply*

Dodoma,
25th August, 2021

LEONARD M. CHAMURIHO
Minister for Works and Transport