

VIRGIN ISLANDS

**TELECOMMUNICATIONS CODE (PART 4B) (PROTECTION OF
CONSUMER RIGHTS) REQUIREMENTS, 2021**

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VIRGIN ISLANDS
STATUTORY INSTRUMENT 2021 No. ---
TELECOMMUNICATIONS ACT, 2006
(No. 10 of 2006)

Telecommunications Code (Part 4B) (Protection of Consumer Rights)
Requirements, 2021

[Gazetted _____, 2021]

The Telecommunications Regulatory Commission, in exercise of the powers conferred by sections 6(p) and 91(3) of the Telecommunications Act, 2006 (No. 10 of 2006), issues these requirements (the **Requirements**).

PART I
PRELIMINARY PROVISIONS

Citation and commencement

1. These Requirements may be cited as the Telecommunications Code (Part 4B) (Protection of Consumer Rights) Requirements, 2021 and shall come into effect on the date of publication in the Gazette.

Purpose.

2. The purpose of these Requirements is to create rights for consumers of telecommunications services and to impose obligations on licensees to protect the interests of users of telecommunications services in the Territory.

Interpretation.

3. (1) In these Requirements, unless the context otherwise requires,

No. 10 of 2006.

“Act” means the Telecommunications Act, 2006;

“bill” means the information issued by a licensee to a consumer of the charges levied and due for payment or the information retained by a licensee for the purpose of recording and enabling debits and credits to be applied to a consumer’s account;

“billing medium” means the format in which a Bill is provided to a consumer by a licensee;

“billing period” means the period of time covered by each Bill issued by the licensee, or as the context requires, the period of time covered by a particular Bill;

“business day” means any day on which a licensee’s offices are open to the public for carrying out some or all of its business function, excluding gazetted public holidays;

“caller location information” means any data or information processed in a licensee’s network indicating the geographic position of the terminal equipment of a person initiating a call;

“consumer” means (a) a person who requests, receives, acquires, uses or subscribes to services for the primary purpose of personal or domestic use and not for resale or (b) a business or not-for-profit organisation, which requests, receives, acquires, uses or subscribes to one or more services which are not for resale;

“Commission” means the Telecommunications Regulatory Commission established under the Act;

“complainant” means a consumer, who submits a complaint to, which is received by a licensee and/or the Commission;

“complaint” means an expression of dissatisfaction made by a customer to a licensee or the Commission related to either (i) the licensee’s provision of services and products to that customer; or (ii) the complaint handling process itself; and where a response or resolution is explicitly or implicitly expected;

“contract” means a written agreement enforceable by law between a licensee and a consumer by which the licensee provides telecommunications services to the consumer in accordance with the terms of such agreement;

“disconnect” means any action taken by a licensee with the intention of preventing the use by a consumer of a product or service it provides to that consumer;

“dispute” means any disagreement between a licensee and a consumer which was initiated by a complainant;

“fault repair service” means a service consisting of such repair, maintenance, adjustment or replacement of any part of the licensee’s network, or such repair or adjustment of any connected or connectable network, or such repair or replacement for any apparatus for which the licensee has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service;

“force majeure” means an unforeseen and uncontrollable force or event outside the reasonable control of the party affected by that event, including but not limited to one or more of the following: fire, flood, earthquake, natural disaster, pandemic, war, strike, lockout, riot, explosion, insurrection, terrorism, government action or any exercise of emergency powers by any governmental authority;

“licence” means a licence granted by the Commission to a licensee to provide telecommunications services in the British Virgin Islands;

“licensee” means a person to whom a licence has been granted under the Act;

“party” means a complainant or a respondent;

“product” means a physical item that is provided, or caused to be provided, by the licensee to a consumer;

“quarter” means a period of three months starting on 1 January, 1 April, 1 July and 1 October of the Gregorian calendar each year;

“reconnect” means any action taken by a licensee with the intention of allowing the use by a consumer of a product or service it has previously provided to that consumer and had previously taken action to disconnect;

“records” means data or information showing the extent of any network or service actually provided to a consumer and any data or information used in the creation of a bill for a consumer;

“representative” means a person, who has been authorised by a consumer to act on their behalf;

“respondent” means a licensee, whose business, services or products are the subject of a complaint;

“security deposit” means a payment collected by a licensee from a consumer to mitigate any actual or perceived credit risk which the licensee assumes in providing a product or service to that consumer;

“service” means telecommunications services and includes, where the context so requires, products and “service provider” shall mean any person licensed under the Act to provide such service;

“suspension” means the temporary prevention of use by a licensee of a service provided to a consumer;

“writing” means any form of representation of information, where information contained in such representation is accessible so as to be usable for subsequent reference including but not limited to, paper documents, including facsimiles, emails and electronic records.

(2) Except as identified in section 3(1) above, the words and expressions used herein shall have the meaning given in the Act;

Scope. **4.** These Requirements shall apply to consumers and licensees in the telecommunications services industry.

PART II
PROVISION OF INFORMATION

Information
on services
and products.

5. (1) A licensee shall ensure that consumers are provided with clear, accurate and up-to-date information on services and products so as to enable the consumer to make an informed subscription or purchase decision. Such information shall include:

- (a) the name of the licensee and its business location(s);
- (b) a description of the services or products offered;
- (c) the standard prices for the services or products, any standard discounts applied and any additional charges;
- (d) any compensation and or refund policy, as may be applicable;
- (e) terms and conditions on which the licensee's products and services are offered and, where applicable; including any minimum contract period; and
- (f) any other information which might reasonably be expected to affect the consumer's decision to subscribe or purchase the service or product, or the consumer's enjoyment of the service or product.

(2) A licensee shall ensure that information on current services offered to the public is comprehensible, available and prominently displayed on the licensee's website and at the licensee's retail stores.

(3) A licensee is to provide information on services and products to consumers free of charge.

(4) The Commission may issue instructions to the licensee to facilitate increased access to information by consumers.

Refusal to
provide
information.

6. (1) A licensee may refuse to provide a consumer with information on services and products if:

- (a) the consumer's request for information is irrational or vexatious;
- (b) the consumer is not eligible for the service;
- (c) the information is not relevant to the consumer's period of use; or
- (d) provision of the requested information would breach obligations of confidentiality or otherwise contravene the law.

(2) Where the licensee refuses to provide a consumer with information on services and products, it shall inform the consumer of such refusal, provide reasons for the refusal and information about referring the matter to the Commission

Mandatory information.

7. Before entering into a contract for products or services with a consumer, a licensee shall:

- (a) provide a consumer with a complete description of the product or service, including the time it will take for the product or service to be provided;
- (b) inform the consumer of any other product or service that may be required to effectively use the product or service that is the subject of the contract and provide the consumer with a full description of that product or service;
- (c) inform the consumer of any other product or service that may be more suitable for the consumer's expressed requirement(s); and
- (d) inform the consumer of any applicable quality of service standards that should be expected from the product or service that is under consideration by the consumer and information regarding compensation or other arrangements which may apply if that quality of service is not met.

Pricing information.

8. A licensee shall provide a consumer with pricing information before entering into a contract for any service. Such information shall include

- (a) all applicable rates and charges, including international roaming, where applicable; and
- (b) each part or element of an applicable charge and the method of its calculation.

Upgrade or migration information.

9. A licensee shall provide consumers with comprehensive information on upgrade or migration where their service is subject to an upgrade or migration option. Such information shall include:

- (a) any revised terms and conditions;
- (b) changes to the quality of service, where applicable; and
- (c) any additional fees or charges for the option.

Dispute resolution.

10. (1) A licensee shall have and comply with dispute resolution mechanisms that conform to the Telecommunications Code (Part 4A)

(Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes) Procedures, 2021.

(2) A licensee shall inform a consumer of the appropriate procedures and methods for reporting and resolving disputes in relation to the licensee's services or products.

Acceptable channels for information.

11. (1) A licensee shall satisfy the obligation of providing information to a consumer, unless expressly indicated otherwise, by:

- (a) providing the information to the consumer verbally, electronically or in writing; and
- (b) prominently displaying the information at the licensee's retail stores and on the licensee's website; or
- (c) implementing any instructions issued by the Commission, from time to time.

(2) All information provided by a licensee for the purpose of complying with these Requirements, shall be accurate, up-to-date, and presented in a manner that is simple, clear and avoids the use of unnecessary legal or technical terms.

(3) All information provided by a licensee for the purposes of complying with these Requirement shall be:

- (a) made available to a consumer on his request;
- (b) made available in a format that is accessible to a person with disabilities, where applicable; and
- (c) unless otherwise provided in these Requirements, made available to the consumer free of charge.

Exclusions to consumer charges.

12. (1) A Where a consumer requests information that the licensee is not required to provide under these Requirement, a licensee may impose such charge as would be reasonable in all the circumstances. Before any such charge is incurred or imposed, a licensee shall:

- (a) inform the consumer of any applicable charge; and
- (b) obtain the consumer's consent to any charge being incurred or imposed.

(2) Where a consumer refuses to consent to any charge referred to in subsection (1) being incurred or imposed, a licensee may refuse to provide the requested information.

PART III CONTRACTS

Contract terms
and termination

13. (1) A licensee providing a telecommunications service to a consumer pursuant to a subscriber contract shall provide the consumer with a contract for services.

(2) The contract must specify complete information including, but not limited to, the following:

- (a) the name and address of the licensee;
- (b) the commencement date of the contract;
- (c) the duration of the contract, the conditions for renewal and termination of the contracted services, and the circumstances in which the contract will be automatically terminated, if applicable;
- (d) where a security deposit is required by the contract, details of the basis and manner in which it will be held by the licensee, how and under what circumstances it shall be refunded to the consumer, and any charges that may be applied to it and the circumstances in which they may be applied;
- (e) the minimum contract period, if applicable, and situations or events which give rise to early termination and the relevant termination process;
- (f) any charges applicable for early termination and the circumstances under which such charges are payable;
- (g) a description of the products and services provided, any conditions limiting access to use of services and applications, and the levels of services that will be achieved in respect of each product and service;
- (h) information on any procedures put in place by the licensee to measure and shape traffic so as to avoid filling or overfilling a network link, and information on how those procedures could impact on service quality levels;
- (i) whether access to emergency services and caller location information is being provided, and any limitations on the provision of access to emergency services;
- (j) obligations of the contracting parties;
- (k) time for delivery, installation and activation of products or services including the length of time it will take for each product or service to be ready for use by the consumer;

- (l) the process and manner in which a licensee may vary or change the terms or conditions of the contract and details of how and when the consumer shall be informed of such variations or changes;
- (m) the circumstances that may give rise to suspension or disconnection of the service and the applicable charges, if any, in relation to suspension, disconnection and reconnection, including the method of calculation of any such charges;
- (n) the types of maintenance and customer support services offered, if applicable, and the means of contacting these services;
- (o) any technical equipment or accessories that are needed for the consumer to access the contracted service and any restrictions imposed by the licensee on the use of terminal equipment supplied;
- (p) details of prices, the means by which the consumer can access up-to-date information on all applicable prices and service charges, payment methods offered and any difference in costs due to payment method;
- (q) any compensation and refund arrangement which may apply if the contracted service quality levels are not met, including the method of calculation of any such compensation or refund;
- (r) the circumstances that would give rise to a penalty being imposed on the consumer under the contract, the nature of such penalty and how such penalty would be calculated;
- (s) the operation of number portability, if applicable;
- (t) the availability of complaint handling procedures for the settlement of disputes and the procedures for initiating such mechanisms, in accordance with the Telecommunications Code (Part 4A) (Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes) Procedures, 2021;
- (u) any requirements concerning the manner in which notices in respect of the contract shall be served by either party on the other, if applicable;
- (v) their basic consumer rights;
- (w) applicability of the laws of the British Virgin Islands; and
- (x) date of approval by the Commission, if applicable.

(3) The terms and conditions of every contract must be consistent with the provisions of this section.

Initial
commitment
period.

14. Without prejudice to any initial commitment period, the licensee shall ensure that conditions or procedures for contract termination do not act as a disincentive to consumers against changing their service provider. In particular, and without limitation, the licensee shall first obtain the consumer's express consent before renewing a contract upon expiry of the initial commitment period.

Duration and
renewal of
contract.

- 15.** A contract entered into by a licensee with a consumer shall:
- (a) where the consumer so elects, be for no more than twelve months; and
 - (b) not be automatically renewable by either party.

Advertising
messages.

16. (1) A licensee shall, at the time of entering into a contact for services, give a consumer the option to indicate whether or not the consumer wishes to receive voice, written or electronic advertising messages from the licensee.

(2) A licensee shall notify a consumer that, if he or she opts out of receiving advertising messages, he or she may notify the licensee, verbally or in writing, at a later date of their wish to receive the licensee's advertisements of products or services.

(3) A licensee shall provide messages to all consumers, in relation to emergency situations and similar matters and such messages shall not be construed as advertising messages.

Signing and
availability of
contract.

17. (1) A consumer shall have the right to sign a legible contract prepared by the licensee.

(2) A licensee shall give or make available to the consumer a copy or original in print or electronic form, as opted for by the consumer, where possible, of his or her contract at the time of entering into the contract. Additional copies of contractual terms must be supplied to the consumer upon request.

(3) A licensee shall give or make available to the consumer any other documents relating to his or her contract or the consumer's subscription to services provided by the licensee.

(4) Where the consumer request additional copies of documents referred to in subsections (2) and (3), the licensee may require the consumer to pay a fee before providing any such copy. Any such fee must be reasonable in all the circumstances.

Termination after minimum period.

18. A contract that reaches the end of the minimum period shall be immediately terminable by the consumer, at any point after the expiry of the specified period, upon giving written notice presented in hard copy or electronic form to the licensee. The licensee shall effect the termination without penalty or similar charges to the consumer.

Contracts with packages or bundled services and products.

19. A licensee who enters into a contract with a consumer for more than one product or service that are packaged, tied or bundled, one or more of which is provided by a third party, shall be fully responsible for the effective performance of the entire package or bundle, including in particular service support, warranties, maintenance, dispute resolution and other administrative requirements.

Modification of contract.

20. (1) A licensee shall submit to the Commission, on an annual basis, a copy of all standard form contracts for each service offered by the licensee to the consumers.

(2) A licensee shall not amend the terms of standard form contracts without the prior written approval of the Commission.

(3) The Commission may direct that the licensee make such changes to its standard form contracts as the Commission considers necessary.

(4) A licensee shall give a consumer not less than thirty days' notice of any proposed modification, amendment or variation to the terms of their contract, which is of material detriment to the consumer, prior to giving effect to the changes.

(5) The licensee shall, at the same time the notice is given under subsection (4), inform the consumer of the right to terminate the contract without penalty or charge during the thirty-day period specified in the notice if the proposed modification, amendment or variation is not acceptable to the consumer.

(6) A consumer, upon receiving such notice under subsection (4) may terminate their contract with the licensee from the effective date of the notice. The consumer shall give the licensee notice, in writing, during the notice period and the licensee shall effect the termination without penalty or similar charges to the consumer, other than in respect of any service already provided to the consumer under the contract.

Product warranties and maintenance.

21. Before entering into a contract for products or services with a consumer, a licensee shall:

- (a) inform the consumer of any contractual warranty relating to any product supplied for use in connection with the contracted service and how to obtain such warranty service; and

- (b) provide the consumer with information regarding any maintenance services, in relation to the product, offered by the licensee and any applicable fees or charges for such services.

Cancellation of contract without penalty.

22. (1) Where a consumer has entered into a contract with a licensee for the purchase, lease or supply of any service or product, the consumer may cancel the contract without a penalty for up to five business days from the commencement date of the contract.

(2) A consumer who cancels a contract within five business days from the date of the contract as provided for in subsection (1) will remain liable to pay to the service provider any charges incurred for services used during the five-day period.

Roaming contracts.

23. Where a consumer has entered into a contract in relation to a roaming plan, the licensee shall include provisions in relation to warning notifications when a consumer has exhausted his or her roaming plan allotment. Under those provisions, the licensee shall send a warning notification to the consumer via email, call or text, as opted by the consumer, and present the consumer with the option to purchase additional services or suspend the service until return to the jurisdiction.

PART IV BILLING

Consumer's right to bills.

24. A consumer shall have a right to be provided with a timely, clear, accurate and complete bill and bill-related information for telecommunications services.

Billing information.

25. A licensee shall produce billing information that enables consumers to have access to sufficient information to facilitate verification of the accuracy of billed charges. The licensee shall ensure that any bill specifies complete information including, but not limited to, the following:

- (a) name, business address and contact information of the licensee;
- (b) consumer's name, service address and account or reference number;
- (c) service(s) for which the consumer is being billed;
- (d) the respective billing period;

- (e) description of the charges for which the consumer is billed, including a description of the products or services to which such charges relate;
- (f) the total amount billed and payable by the consumer;
- (g) any applicable credit or amount repayable by the licensee, including a clear description of the items or services to which any such credit or amount relates;
- (h) details of any discounts applied to the sums contained in the bill;
- (i) the date on which the bill was generated;
- (j) the due date for payment of the bill;
- (k) previous payment date and amount of payment made;
- (l) applicable penalties if the bill is not paid by the due date and the method of calculation;
- (m) location of all authorised payment centres and other means by which bills can be paid; and
- (n) methods of contacting the licensee, for bill enquiries or lodging a complaint and, where applicable, the hours of operation for that contact point.

Billing presentation.

26. A licensee shall ensure that a consumer's bill is laid out and formatted in such a way that the consumer can easily read and understand the bill, and have sufficient description of items and categories being billed.

Pre-paid billing.

27. A licensee who provides pre-paid telecommunications services shall ensure that a consumer can verify the credit balance for the subscribed service at no additional cost.

Timelines of billed charges.

28. (1) A licensee shall ensure that all charges relating to the relevant billing period are incorporated in the bill for that billing period, failing which the licensee shall not bill the consumer for charges that relate to a billing period more than three months after the end of a billing period.

(2) Where a licensee fails to bill a consumer within the current billing period as required under subsection (1), the licensee shall notify the consumer accordingly and inform them of the arrangement being made by the licensee to rectify the situation.

(3) Any charges incurred by a consumer which are noticed by the licensee after the expiry of three months from the end of the billing period must be borne by the licensee.

Verification and itemisation of charges.

29. (1) A licensee shall ensure that consumers are able to verify their bill payments by acknowledgement of payment on the next bill issued, online or telephone confirmation by visiting a specified web page or calling a specified number or such other readily accessible methods as may be made available by the licensee.

(2) A licensee providing telecommunications services shall provide consumers, upon request and at no additional charge, with access to an itemised bill with sufficient details to allow the consumer to:

- (a) verify and control the charges incurred by the consumer in using the applicable service; and
- (b) adequately monitor the consumer's usage and expenditure and thereby exercise a reasonable degree of control over their bills.

(3) Itemised details of charges referred to under subsection (1) above must include such information as would allow a consumer to verify charges incurred and must include, as applicable, the following information:

- (a) details of each charge incurred by the consumer in relation to his or her subscription for the telecommunication services, including but not limited to, charges for installation and rental of terminal equipment, operator assisted information and other directory inquiry services;
- (b) in relation to each call, details of the applicable call rate, charging units, and total charge for such call;
- (c) in relation to data services, detail of the overages and limits of use;
- (d) taxes and other charges imposed by the Commission or the Government on the consumer.

(4) The Commission may, from time to time, direct further details to be included in the itemisation to be provided by the licensee in accordance with this section.

(5) In accordance with an agreement with the consumer, a licensee may satisfy the obligation set out in 29(2) above by granting a consumer online access to his or her bill.

Roaming charges.

30. (1) A licensee shall ensure that all roaming charges are billed to the consumer as soon as possible and in any case not exceeding sixty days from the call generation or data usage date.

(2) Any roaming charges incurred by the consumer and noticed by the licensee after sixty days from the call generation or data usage date must be borne by the licensee.

Billing cycle.

31. (1) A licensee shall design their billing cycles and payment systems such that consumers have an adequate and effective payment window that is at least half of the length of the respective billing period but not less than fourteen days, after which reasonable late payment penalties may be imposed.

(2) A licensee shall ensure that consumer bills are made available, in written or electronic format, as soon as possible after the end of a billing cycle.

(3) A licensee shall ensure that the period of billing is consistent throughout the duration of the applicable service contract or agreement. Any proposed changes to the billing period must be communicated by the licensee to the consumer via written notification two (2) billing periods before such proposed change shall take effect.

Billing accuracy.

32. (1) A licensee shall ensure that any bill rendered to a consumer in respect of the provision of any telecommunications services shall reflect amounts that represent the true extent of any such service actually provided to that consumer.

(2) A licensee shall ensure that necessary and effective internal systems and safeguards are in place to ensure that inaccuracies in charges billed to consumers are minimised.

(3) A licensee shall ensure that no more than 1% of bills are inaccurate and no more than 0.02% of bills are disputed, without resolution, in any one billing cycle.

(4) The Commission may conduct tests on a licensee's metering and billing equipment to assess its accuracy and reliability, in addition to the validity and fairness of billing practices employed by the licensee.

(5) The Commission shall give reasonable notice to a licensee of its intention to exercise its powers under subsection (4) which, absent exigent circumstances, shall not be less than ten business days. The notice shall specify, at minimum, (i) the date on which the Commission intends to conduct the tests and (ii) the circumstances which gave rise to the exercise of such powers.

Retention of billing information.

33. (1) A licensee shall retain such records as may be necessary, or as the Commission may from time to time direct are necessary, for the purpose of establishing its compliance with the billing obligations in these Requirements.

(2) The records referred to in subsection (1) shall be retained by the licensee for 5 years or such other time as the Commission may from time to time direct, in accordance with relevant data privacy laws or international practice as may be applicable in the British Virgin Islands.

(3) A licensee shall retain their records of consumer billing, inclusive of all relevant information to such, for a minimum period of twelve months.

(4) If a dispute arises in relation to a bill, a licensee shall retain records in relation to the bill in dispute and all other related documents until the full and final settlement of that dispute.

(5) The Commission may audit the licensee's records for the purpose of assessing or ensuring the licensee's compliance with this section.

PART V PAYMENT OF BILLS, DEBT COLLECTION AND DISCONNECTION

Payment Options

34. (1) A licensee shall inform consumers about the various options available to pay their bills and the terms and conditions associated with such options.

(2) A licensee shall offer a minimum of one payment option for its services and products that is free of any processing or administrative charges.

(3) A licensee shall make adequate provisions to ensure that elderly persons and persons with disabilities or language barriers are able to effectively understand and use the licensee's payment methods and, if necessary, provide assistance to those consumers upon request.

Alternative or additional mediums.

35. Where a licensee intends to change its billing medium, it shall provide the consumer with written notice of the proposed change and any options available to the consumer in relation to that change, no less than thirty days prior to implementing the change and, as a minimum, via the same method that it provides a bill for that service;

Establishment of procedures for non-payment.

36. (1) A licensee shall establish and publish specific procedures by which measures may be taken to effect payment or disconnection, or address the non-payment of bills by consumers.

(2) Any measures taken by the licensee under subsection (1) must:

- (a) be proportionate and non-discriminatory;
- (b) give due warning to the consumer beforehand of any consequent service interruption or disconnection; and
- (c) confine any service interruption to the service concerned, as far as technically feasible, except in the case of persistent late payment or non-payment.

Late payment penalty fees.

- 37.** (1) Any fee charged by a licensee in consequence of late or non-payment of a Bill by a consumer, whether for reconnection or otherwise shall
- (a) be reasonable in all the circumstances;
 - (b) be proportionate to the cost, if any, incurred by the licensee as a result of the late or non-payment; and
 - (c) not represent or cause an inordinate burden to the consumer.
- (2) A licensee shall provide a consumer with a reasonable period of time, of no less than the shortest of one half the length of the licensee's billing period or fourteen days, in which to pay a bill without any payment penalty being applicable.
- (3) A licensee shall not take any steps to obtain payment from a consumer who has not paid all or part of a bill in respect of a service provided by the licensee, if the steps to obtain payment are disproportionate, oppressive or discriminatory.

Prohibition of reconnection fee.

- 38.** A licensee shall not charge a reconnection fee against a consumer where the services provided to the consumer have been restricted, suspended or disconnected as a result of a mistake on the part of the licensee.

Publication of debt collection and disconnection measures.

- 39.** A licensee shall be considered as compliant with publishing procedures or measures it may take to effect payment or disconnection in accordance with section 35 by:
- (a) sending a copy of such information or any appropriate parts of it to any consumer who may request such a copy at no cost; and
 - (b) placing a copy of such information on any relevant website operated or controlled by the licensee.

Access to information about payment and debt collection.

- 40.** A licensee shall provide consumers, at no cost, with timely access to information about their payment and debt collection processes.

PART VI SERVICE PROVISION AND FAULT REPAIR

Service provision.

- 41.** (1) A licensee shall provide services to a consumer within the timeframe agreed with the consumer unless the provision of such services is delayed by:
- (a) a lack of infrastructure in the relevant service area, in which case –

- (i) the licensee shall estimate and inform the consumer of the timeframe in which the services shall be provided; and
- (ii) the consumer may refer the matter to the Commission, which may on receipt of the consumer's request, direct the service provider to take a particular course of action and/or ensure the services are provided by a specified date.

(2) For the avoidance of doubt, the licensee shall not be responsible for delay in respect of the provision of services caused by:

- (a) force majeure; or
- (b) the failure of the consumer to perform any act or obligation that he is required to perform prior to the licensee providing the service.

(3) Where a licensee is unable to provide a service to a consumer within the timeframe agreed under section 40, it shall inform the consumer of the delay and keep the consumer informed of the progress being made in arranging for the provision of the service.

Fault repairs.

42. A licensee shall ensure that a consumer is able to report faults with and interruptions to, a service being provided to the consumer by the licensee twenty-four hours a day, seven days a week free of charge from any local telephone network.

**PART VII
SPECIAL MEASURES FOR VULNERABLE AND DISABLED
CONSUMERS**

Policies for vulnerable consumers.

43. (1) A licensee shall establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of consumers whose circumstances may make them vulnerable.

(2) For the purposes of subsection (1), a licensee's policies and procedures must include, as a minimum:

- (a) practices for ensuring the fair and appropriate treatment of vulnerable consumers;
- (b) the way in which information about the needs of vulnerable consumers will be recorded;
- (c) different channels by which vulnerable consumers will be able to make contact with, and receive information from the licensee; and

(d) the manner by which the impact and effectiveness of the policies and procedures are monitored and evaluated.

(3) A consumer shall be considered vulnerable where the licensee has been informed or should otherwise reasonably be aware that a person may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy or communications difficulties.

(4) A licensee shall ensure that all staff are made aware of the policies and procedures, as applicable to vulnerable consumers.

(5) A licensee must provide to the Commission, on request, any information considered by the Commission to be necessary to demonstrate compliance with this section.

Measures for consumers with disabilities.

44. (1) A licensee shall take the measures needed to meet the needs of consumers with disabilities.

(2) A licensee shall ensure that the requirements and interests of disabled consumers and consumers whose circumstance may make them vulnerable are fully taken into account in the development and provision of its products and services.

Priority fault repair service.

45. (1) A licensee shall provide a priority fault repair service as swiftly as practicable to any disabled or vulnerable consumer, who has a genuine need for an urgent repair.

(2) Charges for a priority fault repair service shall not exceed the licensee's standard charge for a fault repair service.

Third party bill management.

46. (1) A licensee shall ensure that its disabled or vulnerable consumers, who are in need of assistance in managing their bill, are able to benefit from a special measure to safeguard their telecommunications services, at no cost to the consumer.

(2) For the purposes of subsection (1), a licensee shall:

(a) enable such consumers to give prior notification to the licensee, the details of a representative to whom -

(i) their bill shall initially be sent; or

(ii) any enquiry to establish why a bill has not been paid shall be made

(b) permit any specified representative to pay that consumer's bill on their behalf;

(c) require any specified representative to give prior consent to the licensee to act in such a capacity;

- (d) not require any specified representative to accept liability to pay the bill of that consumer.

Alternative contract and billing formats.

47. (1) A licensee shall make available, free of charge and in a format reasonably acceptable to a consumer who is blind or whose vision is impaired, upon their request:

- (a) Any contract (or any subsequent variation) with that consumer for the provision of telecommunications services;
 - (b) Any bill rendered in respect of those services
- (2) For the purposes of subsection (1), an acceptable format may consist of print large enough for the consumer to read, braille or electronic format appropriate to the reasonable needs of the consumer.

Publication of special measures for disabled consumers.

48. A licensee shall take all reasonable steps to ensure that the services which it provides in order to comply with this Part are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled consumers.

PART VIII COMPLIANCE

Compliance and enforcement.

49. (1) A licensee who is providing services at the time of commencement of these Requirements shall take the necessary steps to comply with the obligations within three months of the commencement of these Requirements;

(2) A licensee who commences services after the commencement of these Requirements shall comply with the obligations at the time of commencement of services.

(3) A licensee who fails to comply with the provisions of these Requirements commits an offence and is liable to the enforcement measures provided in sections 75 to 77 of the Act.

(4) A licensee who breaches any provision of these Requirements may be liable to pay to the Commission a fine not exceeding ten thousand dollars.

Relationship with licences.

50. The provisions of these Requirements do not replace, but rather supplement the requirements of a licence.

Issued by the Telecommunications Regulatory Commission this __ day of _____,
2021.

(Sgd.) Vance Lewis

Chairman of the Board

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