



GET TO KNOW THE DISPUTE RESOLUTION COMMITTEE

What is the Dispute Resolution Committee?

The Dispute Resolution Committee (“DRC”) is a Statutory Committee of the National Communications Authority (“Authority”) established by the Electronic Communications Act, 2008 (Act 775) to resolve disputes relating to electronic communications between the following parties: (a) a dispute between or among different network operators or service providers, (b) a dispute between a network operator or service provider and a utility provider, and (c) a dispute between a network operator or service provider and a customer.

What is the composition of the DRC?

The Board shall appoint a total of eight (8) persons as members of the DRC. At least two (2) out of the total membership shall be women. The Chairperson of the DRC shall be a member of the Board. For each dispute, a three (3) member panel shall be constituted to determine the matter.

Profiles of the current DRC members can be found on the NCA website.

The Secretary to the Authority is the the Registrar of the DRC.

What reliefs may the DRC grant?

The DRC may grant any of the following reliefs when it determines a dispute: (a) a declaration setting out the rights and obligations of the disputing parties, (b) a provisional or interim order related to the subject matter of the dispute or a part of the dispute, (c) orders directing any party to pay the reasonable costs and expenses of another party, and (d) generally give directions and do anything that is necessary or expedient for the hearing and determination of the matter.

What is the procedure for dispute resolution before the DRC?

Any of the parties entitled to appear before the DRC may commence proceedings by filing a claim form which will be served on the Respondent. The Respondent will have 14 days to respond or file a counterclaim to be served on the Claimant. Once, the relevant processes are filed, the DRC members will be empanelled. After the constitution of the DRC panel, the panel shall conduct a pre-hearing conference to set out the timelines and directions for the hearing of the case.

The panel shall then hear the case either by documentary evidence and/or oral hearing. After the hearing, the DRC shall consider the evidence and deliver an Award setting out the rights of the parties and granting the necessary reliefs.

Does the DRC take away the complaint handling powers of the Authority?

No. Consumer complaints against operators by subscribers may be submitted to the Authority under the Complaints Handling Procedure under the Electronic Communications Regulations, 2011 (L.I. 1991).

Under this procedure, the Authority is mandated by law to act as a facilitator in the consumer complaint redress process. If the consumer is displeased with the procedure, they may then invoke the jurisdiction of the DRC. It is important to note that a subscriber is only required to demonstrate “reasonable efforts” at resolving a complaint under the complaint handling procedure.

What is the effect of the decision of the DRC?

A decision of the DRC is the decision of the Authority. Thus, the Authority is not subject to the jurisdiction of the DRC under law. Any person aggrieved by the DRC’s decision may appeal that decision to the Electronic Communications Tribunal.

How does a person initiate proceedings?

A person may initiate proceedings before the DRC by completing a claim form and attaching the relevant documents in support of the claim.

This can be submitted in hard copy to the DRC office or sent electronically to drc@nca.org.gh. The claim form can be downloaded from the website of the Authority.

When will the DRC commence taking claims from the public?

From 1st July 2024, claims can be filed at the DRC Registry which will be located at the NCA Tower. There will be no filing fees for the first few months of the DRC. The NCA has published the DRC user guidelines, forms and other relevant documentation on its website.