

CONSUMER PROTECTION ACT  
(Act No. 5 of 2018)

CONSUMER PROTECTION REGULATIONS, 2019  
(Published on 2nd December, 2019)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Lodging of Complaint
3. Service of summons
4. Investigation officer to produce identity card
5. Form of arrangement to settle complaint
6. Referral to the tribunal

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Investment, Trade and Industry by section 47 of the Consumer Protection Act, the following Regulations are hereby made —

Citation

1. These Regulations may be cited as the Consumer Protection Regulations, 2019.

Lodging of complaint

2. (1) A complaint against violations of the Act to be lodged in accordance with section 29 of the Act shall be made to the Authority in Form A set out in the Schedule.

(2) The Authority shall, within 30 days of receiving a complaint made in accordance with subregulation (1) make available to the complainant a report containing recommendations as to whether or not there are sufficient grounds to warrant the investigations of an unfair business practice.

Service of summons

3. (1) A person summoned, in terms of section 31 of the Act to furnish any information on the subject of an investigation, shall be summoned in Form B set out in the Schedule.

(2) Service of the summons on the person to be served, shall be effected in one or other of the following manner —

- (a) by delivering a copy thereof to the said person personally;
- (b) by leaving a copy thereof at the place of residence, employment or business of the said person with the person apparently in-charge of the premises at the time of delivery, being apparently not less than 16 years;
- (c) in the case of a corporation, by delivering a copy to the company secretary or other person in charge of administration at the corporation's registered office or principal place of business;
- (d) in case of a consumer organisation, by delivering a copy to the person in-charge of administration at the consumer organisation's principal place of business; or
- (e) where a local authority or a statutory body is to be served, by delivering a copy to the town clerk or assistant town clerk of such local authority or to the secretary of such body.

(3) A person appearing before the authority in response to a summons shall be paid a daily rate of P100 as a witness.

- 4. (1) An investigation officer shall identify himself or herself with the identity card issued in terms of subregulation 2 before commencing any function of investigation in accordance with these Regulations.**
- (2) An investigation officer shall be issued with an identity card in Form C, set out in the Schedule in accordance with section 4 of the Act.**
- 5. (1) An arrangement concluded in accordance with section 34 of the Act shall be in Form D set out in the Schedule and shall be signed by the parties to the arrangement and witnesses thereof.**
- (2) A complainant who receives a settlement in accordance with subregulation (1) shall complete an acknowledgement of settlement in Form E set out in the Schedule.**
- 6. (1) A referral to the Tribunal, whether by the Authority or by a complainant in accordance with section 36 (7) (a) of the Act, shall be in Form F set out in the Schedule.**
- (2) The Authority shall, where it does not refer a case to the Tribunal, in accordance with section 36 (1) (b), issue a notice of non-referral to the complainant in Form G set out in the Schedule.**

Investigation officer to produce identity card

Form of arrangement to settle complaint

Referral to the Tribunal

**SCHEDULE**

**FORM A**

**CONSUMER COMPLAINT FORM**

(reg. 2)

**OFFICIAL USE ONLY**

<b>Name of investigation Officer:</b>	
<b>Date received:</b>	
<b>Date allocated:</b>	
<b>Office Reference:</b>	

**INSTRUCTIONS**

Please—

- (a) Print or type;
- (b) Provide all particulars;
- (c) Be brief and concise in Section D and E;
- (d) Note that the reverse side must also be completed; and
- (e) Include copies of all relevant documents.

**A. PERSONAL PARTICULARS**

- 1. Name:.....
- 2. Residential Address.....
- 3. Postal Address:.....
- 4. ID/Passport No:.....
- 5. Cell phone No: ..... Email .....
- 6. Home Tel:.....Work Tel:.....

**B. PARTICULARS OF PARTY AGAINST WHOM/WHICH COMPLAINT IS BEING LODGED**

- 1. Name of the Registered Company and Business trading name:.....
- 2. Physical address:.....
- 3. Postal Address:.....
- 4. Business Tel No:.....

**C. PARTICULARS OF A COMMODITY**

- 1. Date of purchase of commodity or service:.....
- 2. Name of commodity/service:.....
- 3. Quantity of commodity or service:.....
- 4. Price of commodity or service:.....
- 5. Account No./Invoice No./Contract No.:.....



**FORM B**

**SUMMONS**

*(reg. 3)*

**Office Ref:**.....

**TO:**.....  
.....

**ADDRESS:**.....  
.....

in the matter of the alleged\*

You are hereby summoned to appear before a person in the service of the Authority for the investigation of the matter of alleged unfair business practice stated above:  
on the.....day of.....20.....  
at.....(place) at.....(hrs)

Your appearance is for the purpose of —

(a)\*\*answering questions in connection with the matter stated above; and

(b)\*\*Producing the following—

..... (*describe books, documents or objects*) and be questioned  
therewith.

\*(*State alleged unfair business practice complained of*)

\*\*(*Delete whichever is not applicable*)

..... (date)

Chief Executive Officer  
Competition and Consumer Authority

**RETURN OF SERVICE**

Summons received by.....

Identity/Passport Number.....

Date.....

Time.....

Place.....

**FORM C**

**INVESTIGATING OFFICER'S IDENTITY CARD**  
(reg. 4)

<b>COMPETITION AND CONSUMER AUTHORITY LOGO</b>	<b>COMPETITION AND CONSUMER AUTHORITY</b>	<b>COAT OF ARMS</b>
	<b>IDENTIFICATION CARD</b>	
	<b>NAME OF OFFICER:</b>	
<b>PASSPORT PHOTO</b>	<b>SIGNATURE OF OFFICER:</b>	

**REVERSE SIDE**

Issued under section 4 of the Consumer Protection Act, 2018 This Officer is engaged by the Competition and Consumer Authority under the powers granted by the Consumer Protection Act and has been authorised to exercise the powers vested in him under the Act.	
<b>DATE OF ISSUE</b>	<b>SIGNATURE OF CHIEF EXECUTIVE OFFICER</b>
Property of the Competition and Consumer Authority. If found, hand it to an officer of the Competition and Consumer Authority or to any Police Officer or mail it to the Chief Executive Officer, Private Bag 00101, Gaborone	

**FORM D**

**ARRANGEMENT TO CONCLUDE COMPLAINT**

*(reg. 5)*

Made before the

**THE COMPETITION AND CONSUMER AUTHORITY**

Between

.....  
**COMPLAINANT**

and

.....  
**SUPPLIER/SERVICE PROVIDER**

Represented herein by

.....  
WHEREAS THE PARTIES HAVING NEGOTIATED AND CONCLUDED THE FOLLOWING ARRANGEMENT:

1. The supplier/service provider has engaged in unfair business practices, namely

.....  
2. The supplier/service provider shall:

2.1.....

.....  
2.2.....

.....  
2.3.....

.....  
2.4.....

.....  
2.5.....

.....  
2.6.....

.....  
2.7.....

.....  
2.8.....

2.9.....  
.....  
.....

2.10.....  
.....  
.....

3. The Competition and Consumer Authority shall not act under Part (IV) of the Consumer Protection Act or institute any other legal proceedings against the supplier /service provider (name).....in relation to this Complaint that has been resolved as foresaid.

Dated at.....this .....day of.....,20.....

WITNESSES .....  
For and on behalf of  
COMPETITION AND CONSUMER AUTHORITY

WITNESSES .....  
For and on behalf of the SUPPLIER/SERVICE PROVIDER

WITNESSES .....  
For and on behalf of the CONSUMER

MADE this.....day of ..... , 20....

**FORM E**

**ARRANGEMENT TO CONCLUDE COMPLAINT (ACKNOWLEDGEMENT)**  
*(reg. 5 (2))*

I..... (Consumer) acknowledge that I  
have received the goods/service provided (name).....or  
the refund of .....  
.....

**From:**.....

Consumer Signature:.....  
**Date:**.....

Supplier's Signature:.....  
**Date:**.....

Officer in charge:.....  
Signature:.....  
**Date:**.....

**Stamp:**

FORM F  
REFERRAL OF CASE TO THE TRIBUNAL  
(BY AUTHORITY OR COMPLAINANT)  
*(reg 6 (1))*

To: THE TRIBUNAL

Cc: THE AUTHORITY

THE COMPLAINANT

**Concerning:**  
(Name and file number of complaint)

-----  
-----  
-----  
-----

1. TAKE NOTICE THAT I/We have referred the case to the Tribunal for the following reasons:

(a) -----

(b) -----

(c) -----

2. I/We have enclosed the following attachments:

(a)-----

(b)-----

(c)-----

3. THUS DONE AND SIGNED this -----day of-----year-----

-----  
**AUTHORISED OFFICER/COMPLAINANT**

-----  
**WITNESS**

**FORM G**

**COMPETITION AND CONSUMER PROTECTION AUTHORITY  
NOTICE OF NON-REFERRAL OF CASE TO THE TRIBUNAL  
(reg. 6 (2))**

To: -----  
----- (the complainant details)

**Concerning:**  
(Name and file number of complaint)

-----  
-----  
-----  
-----

1. Take notice that in the matter of the afore-mentioned which has been under investigation for -----day(s)/month(s), the Authority shall not refer the case to The Tribunal on the following grounds;

(a)-----

(b)-----

(c)-----

Etc.

2. The Authority has henceforth decided to: (tick as appropriate)

- Discontinue with the investigation
- Extend the period of the investigation as provided for under section ----- of the Act
- As per section ----- of the Act, not refer to the Tribunal the following particulars of the complaint:

1)-----

2)-----

3)-----

3. The indicated particulars shall not be referred to the Tribunal on the following grounds:

(a)-----

(b)-----

(c)-----

**Name and Title of person authorised to sign:**

-----

**Authorised Signature:**

**Date:**

-----

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MADE this 22nd day of November, 2019.

**PEGGY O. SERAME,**  
*Minister for Investment, Trade and Industry.*