



Public Utilities
Regulatory Authority
Equity in development

**THE GAMBIA PUBLIC UTILITIES REGULATORY AUTHORITY (PURA)
FORMAL HEARING GUIDELINES 2026**

Approved by the Authority this _____ day of _____ 2026

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Director General (PURA)

Draft

Table of Contents

1. Introduction	4
2. Legal Framework	4
3. Interpretation	4
4. Scope of Matters Subject to Formal Hearing	5
5. Establishment and Composition of the Hearing Panel	5
6. Secretariat to the Formal Hearing Panel	6
7. Commencement of Formal Hearing Proceedings	6
8. Procedural Rules Governing Formal Hearings	7
9. Exparte Communications	8
10. Maintenance of Record	8
11. Opening statements	8
12. Taking of Evidence	9
13. Closing Arguments or Written Submissions	9
14. Panel Deliberations and Recommendations	9
15. Determination by the Authority	10
16. Timelines for Formal Hearing Proceedings	10
17. Appeal against determinations of the Authority	10
18. Effect of appeal on Authority determinations	10
19. Arbitration	11
20. Fees and Administrative Costs	11
21. Code of Conduct and Ethical Duties	12
22. Duties of Lawyers and Other Representatives	12
23. Continuous Review and Amendment	12

1. Introduction

- 1.1. These Guidelines set out the procedures and administrative practices to be followed by the Public Utilities Regulatory Authority (“the Authority”) when conducting formal hearings under Part V of the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026.
- 1.2. The objective of these Guidelines is to promote fairness, transparency, efficiency, and consistency in the conduct of formal hearings, while safeguarding the rights of all parties and the public interest.
- 1.3. These Guidelines takes effect from the date of their approval by the Authority.

2. Legal Framework

- 2.1. These Guidelines are issued pursuant to:
 - The Public Utilities Regulatory Authority Act, Cap. 32:05; and
 - Part V of the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026.
- 2.2. These Guidelines are procedural and administrative in nature and do not create substantive rights or obligations beyond those established under the Act or the Regulations.
- 2.3. Where there is any inconsistency between these Guidelines and the Act or Regulations, the Act and Regulations shall prevail.
- 2.4. These Guidelines shall be read together with:
 - the Complaints, Investigations and Consumer Protection Regulations, 2026;
 - the Public Utilities Regulatory Authority (Enforcement) Regulations, 2026; and
 - any applicable licence conditions or directives of the Authority.

3. Interpretation

- 3.1. In these Guidelines, unless the context otherwise requires:

“**Authority**” means the Public Utilities Regulatory Authority established under the Act;

“**Chairperson of the Panel**” means the member designated to preside over the hearing;

“**Formal Hearing**” means a structured adjudicatory process convened by the Authority for the determination of a matter under the Act or Regulations;

“**Panel**” means a Formal Hearing Panel constituted by the Authority;

“**Party**” includes a complainant, respondent, licensee, public utility, or any other person permitted to participate;

“Regulations” means the Public Utilities Regulatory Authority (Complaints, Investigations and Consumer Protection) Regulations, 2026.

“Representative” includes a legal practitioner or any other person authorised to represent a party with the permission of the Authority;

“Secretariat” means the unit of the Authority responsible for administrative support to the Panel.

4. Scope of Matters Subject to Formal Hearing

4.1. A matter may be referred to a formal hearing where the Authority determines that:

- (a) a dispute cannot be resolved through informal or administrative processes;
- (b) factual or legal issues require adjudication;
- (c) public interest considerations so require; or
- (d) a determination under the Regulations is necessary.

4.2. Matters that may be subject to formal hearing include:

- (a) complaints escalated under Part III of the Regulations;
- (b) investigations referred under Part IV of the Regulations;
- (c) disputes relating to billing, tariffs, service quality, or consumer protection;
- (d) alleged contraventions of licence conditions or directives; and
- (e) any other matter within the Authority’s mandate requiring formal determination.

5. Establishment and Composition of the Hearing Panel

5.1. The Authority shall constitute a Panel for each formal hearing.

5.2. A Panel shall consist of such number of members as the Authority considers appropriate, having regard to:

- (a) the complexity of the matter;
- (b) the need for technical or sectoral expertise; and
- (c) the interests of fairness and efficiency.

5.3. The Authority may appoint:

- (a) internal staff members;
- (b) external experts; or
- (c) assessors

to sit on or assist the Panel.

5.4. Members of the Panel shall act independently, impartially, and in accordance with the Act, the Regulations, and these Guidelines.

5.5. The Director General in consultation with the Board shall appoint a Chairperson for the Panel and a minimum of two other Panel members based on their expertise in the issues involved, availability and no apparent conflict of interest.

5.6. Panel Members shall be convened whenever necessary to conduct formal hearings into complaints, investigations or disputes referred under the Regulations, and shall make reasoned recommendations to the Authority for determination.

5.7. Panel Members shall serve on full or part-time basis on terms and conditions to be determined by the Authority with the approval of the Board and shall be bound by the code of ethics in these guidelines. Panel Members are required to follow the procedure laid out in these Guidelines.

5.8. A Formal Hearing Panel established under the Act and constituted pursuant to Part V of the Regulations shall exercise such procedural powers as the Authority may determine, and its recommendations shall have no effect unless confirmed by the Authority.

6. Secretariat to the Formal Hearing Panel

6.1. The Authority shall designate a Secretariat to provide administrative, legal, procedural, and logistical support to the Formal Hearing Panel in the conduct of proceedings under these Guidelines.

6.2. In carrying out its functions, the Secretariat shall be responsible for—

- (a) providing legal and procedural guidance to the Panel before, during, and after formal hearing proceedings;
- (b) coordinating the administration and logistics of formal hearings;
- (c) issuing notices, correspondence, and procedural communications on behalf of the Panel;
- (d) maintaining the official record of proceedings, including pleadings, evidence, submissions, and recommendations;
- (e) assisting the Panel in the preparation of procedural rulings, recommendations, and draft determinations; and
- (f) ensuring that proceedings are conducted in accordance with the Act, the Regulations, and these Guidelines.

6.3. The Secretariat may attend Panel deliberations solely for the purpose of providing legal or procedural guidance where required.

6.4. Notwithstanding sub-section 6.3, the findings, recommendations, and determinations arising from a formal hearing shall remain the exclusive responsibility of the Panel and the Authority, as applicable.

7. Commencement of Formal Hearing Proceedings

7.1. Formal hearing proceedings shall commence upon:

- (a) referral by the Authority under the Regulations; and

(b) issuance of a Notice of Hearing.

7.2. The Notice of Hearing shall specify:

- (a) the issues for determination;
- (b) the parties involved;
- (c) the date, time, and venue of the hearing;
- (d) applicable procedures; and
- (e) any preliminary directions.

8. Procedural Rules Governing Formal Hearings

8.1. The Panel shall conduct hearings in accordance with:

- (a) principles of procedural fairness;
- (b) these Guidelines; and
- (c) any procedural directions issued by the Authority.

8.2. The Panel is not bound by strict rules of evidence but shall ensure that proceedings are fair and reasonable.

8.3. The Panel may regulate its own procedure to ensure the efficient determination of the matter.

8.4. The Panel Chairperson shall issue Notices inviting the parties to the dispute and any other person considered relevant to the dispute to appear before the Panel at a date, time and place specified in the notice issued.

8.5. Copies of the Notice shall be submitted to Panel members at least seven days before the date for the formal hearing.

8.6. A party who requires the services of a translator must inform the Authority in good time for the Authority to procure the services of a qualified translator at the cost of the requesting party. However, where the requesting party is an individual consumer (a natural person), the Authority may bear the cost of procuring the services of a translator if it is satisfied that the consumer cannot afford the services of a translator.

8.7. The Panel may request either party to submit any further information that will be relevant for the determination of the complaint.

8.8. At any stage in the hearing, the Panel may request an independent expert to investigate a specific matter within a stated timeframe and submit the results to the Panel. Where practicable, the parties will be allowed to cross-examine the independent expert on the contents of the investigation report.

8.9. The Panel may order a public utility to conduct any test or inspection which it considers necessary to resolve the complaint.

8.10. The Panel may grant a total of two adjournments per complaint, where a Party or its witness is not available to give evidence or cross-examine the other party. An extension may be granted at the Panel's discretion on a case-by-case basis. Upon adjournment in such circumstances, the Panel Chairperson shall serve all parties with Notices stating the next date on which hearing will continue.

8.11. A complainant bears the burden of proving its case on a balance of probabilities. Where a prima facie case is established, the burden shifts to the respondent to rebut that case on a balance of probabilities.

For the avoidance of doubt, formal hearings under these Guidelines are administrative proceedings and do not require proof beyond reasonable doubt.

9. Ex parte Communications

9.1. No party shall engage in ex parte communication with the Panel concerning the substance of the proceedings.

9.2. Any administrative communication shall be conducted through the Secretariat.

9.3. Where inadvertent ex parte communication occurs, the Panel shall disclose it to the parties and take appropriate remedial steps.

9.4. Any deliberate or material breach of this section may be treated as misconduct for the purposes of the Regulations and may give rise to appropriate regulatory or enforcement action.

10. Maintenance of Record

10.1. The Secretariat shall maintain a complete record of proceedings, including:

- (a) pleadings and submissions;
- (b) evidence admitted;
- (c) transcripts or recordings;
- (d) procedural directions; and
- (e) the Panel's recommendations.

10.2. Records shall be retained in accordance with the Authority's record-keeping policies and applicable law.

11. Opening statements

11.1. Each party to a complaint is required to do an opening statement outlining:

- (a) the issues in dispute;
- (b) the factual background; and
- (c) the relief sought.

11.2. The Chairperson may limit the duration of opening statements.

12. Taking of Evidence

12.1. The Panel may receive:

- (a) oral evidence;
- (b) documentary evidence;
- (c) electronic or digital evidence;
- (d) expert reports; and
- (e) any other relevant material.

12.2. The Panel may:

- (a) question witnesses;
- (b) request clarifications;
- (c) direct parties to file further evidence; or
- (d) call independent experts.

12.3. Parties shall be afforded a reasonable opportunity to respond to evidence presented against them.

13. Closing Arguments or Written Submissions

13.1. Parties may make closing arguments at the conclusion of evidence.

13.2. The Panel may direct parties to file written submissions within specified timelines.

13.3. Written submissions shall summarise:

- (a) facts;
- (b) legal arguments; and
- (c) relief sought.

14. Panel Deliberations and Recommendations

14.1. Following the conclusion of proceedings, the Panel shall deliberate in private.

14.2. The Panel shall prepare a written report containing:

- (a) findings of fact;
- (b) analysis of issues; and
- (c) recommendations to the Authority.

14.3. The Panel's recommendations are advisory and shall not constitute a final determination.

15. Determination by the Authority

15.1. The Authority shall consider the Panel's recommendations and issue a determination in accordance with the Regulations.

15.2. The determination shall be:

- (a) in writing;
- (b) reasoned; and
- (c) communicated to the parties.

16. Timelines for Formal Hearing Proceedings

16.1. Formal hearings shall be conducted expeditiously.

16.2. Indicative timelines may be issued by the Authority, subject to:

- (a) complexity of the matter;
- (b) conduct of parties; and
- (c) public interest considerations.

17. Appeal against determinations of the Authority

17.1. A party aggrieved by a determination, directive, or order of the Authority arising from a formal hearing may appeal in accordance with the Public Utilities Regulatory Authority Act or any other applicable written law.

17.2. These Guidelines do not create, vary, or limit any right of appeal conferred under the Act or any other written law.

18. Effect of appeal on Authority determinations

18.1. The lodging of an appeal shall not operate as a stay of a determination, directive, or order of the Authority unless—

- (a) a stay is granted by the Authority; or
- (b) a stay is ordered by the appellate body or court with competent jurisdiction.

18.2. In considering whether to grant a stay, the Authority may have regard to—

- (a) the public interest;
- (b) the risk of irreparable harm to any party;
- (c) the need to protect consumers or public safety; and
- (d) the likelihood of prejudice to regulatory objectives.

19. Arbitration

19.1. Where, during or after a formal hearing, the Authority determines that a matter is suitable for resolution by arbitration, the Authority may refer the dispute to arbitration in accordance with applicable written law.

19.2. A referral to arbitration under this Guideline shall—

- (a) be made by written direction of the Authority; and
- (b) specify the issues to be referred.

19.3. An arbitration referred under this Guideline shall be conducted—

- (a) independently of the Authority; and
- (b) in accordance with the Alternative Dispute Resolution Act or any other applicable arbitration law.

19.4. The Authority shall not administer, conduct, or act as an arbitral tribunal in respect of any arbitration referred under this Guideline.

19.5. Where a matter is referred to arbitration, the Authority may—

- (a) suspend or discontinue its proceedings in respect of the referred issues; and
- (b) take cognisance of the outcome of the arbitration only to the extent necessary for regulatory or enforcement purposes.

20. Fees and Administrative Costs

20.1 The costs and administrative expenses associated with a formal hearing conducted under these Guidelines shall be borne by the parties to the formal hearing in accordance with the Regulations and any applicable fees prescribed under the Unified Fees framework.

20.2 The Authority shall determine—

- (a) the nature and extent of the costs payable by the parties, including costs relating to experts appointed in connection with the hearing;
- (b) the manner in which such costs are to be apportioned between the parties; and
- (c) the timelines and modalities for payment.

20.3 In determining the allocation of costs, the Authority may have regard to—

- (a) the nature and complexity of the matter;
- (b) the conduct of the parties during the proceedings;
- (c) public interest and consumer protection considerations; and
- (d) the principles of fairness and proportionality.

20.4 The Authority may, where it considers it just and reasonable—

- (a) apportion costs unequally between the parties;
- (b) require a party to bear the full costs of the formal hearing; or
- (c) waive or reduce costs in exceptional circumstances.

21. Code of Conduct and Ethical Duties

21.1. Panel members shall:

- (a) act impartially;
- (b) avoid conflicts of interest; and
- (c) maintain confidentiality.

21.2. Any conflict of interest shall be disclosed promptly.

22. Duties of Lawyers and Other Representatives

22.1. Representatives shall:

- (a) act with integrity and professionalism;
- (b) respect the authority of the Panel; and
- (c) refrain from abusive or obstructive conduct.

22.2. The Panel may issue procedural directions to address misconduct during proceedings.

23. Continuous Review and Amendment

23.1. The Authority may review and amend these Guidelines periodically to reflect:

- (a) best regulatory practice;
- (b) legal developments; or
- (c) operational experience.