



TANZANIA INSURANCE REGULATORY AUTHORITY

MAMLAKA YA USIMAMIZI WA BIMA TANZANIA

**GUIDELINES ON ACCREDITATION OF AUTOMOBILE
REPAIRERS AND MAINTAINERS SERVICING INSURANCE
SECTOR**

**MIONGOZO YA UTOAJI ITHIBATI KWA WAREKEBISHAJI NA
WATENGENEZAJI WA VYOMBO VYA MOTO WANAO
WAHUDUMIA SEKTA YA BIMA**

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SECTION ONE: INTRODUCTION		SEHEMU YA KWANZA: UTANGULIZI	
1.1. Authorization and Powers	These Guidelines are issued pursuant to Section 6 (2) (b), (e), and (g) and; Section 11(a) and (b) of the Insurance Act Cap 394.	1.1. Idhini na Mamlaka	Miongozo hii imetolewa kwa mujibu wa Kifungu cha 6 (2) (b), (e) na (g) na; Kifungu cha 11 (a) na (b) cha Sheria ya Bima Sura ya 394.
1.2. Citation	These Guidelines may be cited as “Guidelines for Accreditation of Automobile Repairers and Maintainers Servicing Insurance Sector 2023”	1.2. Nukuu	Miongozo hii itafahamika kama “Miongozo ya Utoaji Ithibati kwa Warekebishaji na Watengenezaji wa Vyombo vya Moto wanaohudumia Sekta ya Bima, 2023”
1.3. Background and Rationale	<p>1.3.1 ARMs play an important role in the insurance market as they assist in discharging contractual and legal obligations under motor vehicle insurance policies.</p> <p>1.3.2 Issuance of these Guidelines is a response to several concerns including the need to ensure that insurers honor respective repair and maintenance charges timely; the need to improve satisfaction with the quality of services offered by ARMs; the need to ensure fairness in pricing of services offered by ARMs; the need to improve timeliness of repair; and contributing towards curbing of fraudulent practices in the Motor insurance business.</p> <p>1.3.3 Therefore, these Guidelines are issued to safeguard the interest of policyholders, insurance companies, ARMs, and the public in general.</p>	1.3. Usuli na Mantiki	<p>1.3.1 ARM wana jukumu muhimu katika soko la bima kwa kuwa wanasaidia katika kutekeleza majukumu ya kimkataba na kisheria chini ya mikataba ya bima ya vyombo vya moto.</p> <p>1.3.2 Utayarishaji wa Miongozo hii ni kutoa suluhisho kwa changamoto kadhaa zikiwemo: kuhakikisha malipo kwa ARM yanafanywa kwa wakati; kuongeza ubora wa huduma zinazotolewa na ARM; kusimamia haki katika gharama za huduma zitolewazo na ARM; kuhakikisha matengenezo ya vyombo vya moto yanafanyika kwa wakati kwa wateja; na kupunguza udanganyifu katika biashara ya bima ya vyombo vya moto.</p> <p>1.3.3 Hivyo, Miongozo hii inatolewa ili kulinda maslahi ya wabima, kampuni za bima; ARM; na umma kwa ujumla.</p>

SECTION ONE: INTRODUCTION		SEHEMU YA KWANZA: UTANGULIZI	
1.4. Application and Scope	<p>1.4.1 These Guidelines shall apply to:</p> <ul style="list-style-type: none"> i. Persons and institution accredited by the Authority to operate as ARMs; ii. Registrants licensed by the Authority to provide insurance services; and iii. Third parties with legal rights under the motor vehicle insurance policy and the Law. 	1.4. Matumizi na Mawanda	<p>1.4.1 Miongozo hii itawahusu:</p> <ul style="list-style-type: none"> i. Watu na Taasisi zilizopewa ithibati na Mamlaka kuendesha ARMs; ii. Taasisi zilizosajiliwa na kupewa leseni na Mamlaka kutoa huduma za bima; na iii. Watu wa tatu wenye haki ya kisheria chini ya mkataba wa bima ya vyombo vya moto na Sheria.
1.5. Purpose and Objectives	<p>1.5.1 The main purpose of these Guidelines is to establish an accreditation framework for ARMs who intend to offer automobile repairs and maintenance services to insurers under the Insurance Act, CAP 394.</p> <p>1.5.2 The objectives of these Guidelines are:</p> <ul style="list-style-type: none"> i. To establish a framework for accreditation of AMRs intending to transact with insurers under the Insurance Act; ii. To establish a mechanism for ensuring fair business relationships between ARMs and insurance registrants; and iii. To safeguard the interest of the policyholders and third-parties. 	1.5. Lengo na Madhumuni	<p>1.5.1 Madhumuni ya Miongozo hii ni kuanzisha utaratibu wa utoaji wa ithibati kwa ARM wanaokusudia kutoa huduma kwa kampuni za bima zinazohusiana na utengenezaji na urekebishaji wa vyombo vya moto chini ya Sheria ya Bima Sura ya 394.</p> <p>1.5.2 Malengo ya Miongozo hii ni:</p> <ul style="list-style-type: none"> i. Kuanzisha mfumo wa utoaji wa ithibati kwa ARM watakaofanya kazi na kampuni za bima chini ya Sheria ya Bima; ii. Kuanzisha utaratibu utakaohakikisha uwepo wa mahusiano ya kibiashahara unaozingatia haki kati ya ARM na watoa huduma za bima; na; iii. Kulinda maslahi na haki za wabima na Mtu wa tatu.

SECTION ONE: INTRODUCTION		SEHEMU YA KWANZA: UTANGULIZI	
1.6. Interpretation	<p>1.6.1 In these Guidelines, unless the context requires otherwise the following words shall mean: -</p> <p>“Accredited ARMs” means an automobile maintainer and repairer duly accredited under these Guidelines.</p> <p>“ARM In-charge” means a person in charge of the general administration of the ARM.</p> <p>“ARMs” means a person or garage conducting business of maintenance and repairs of any self-propelled vehicle intended or adopted for use on the roads.</p> <p>“Motor Vehicle” meaning is as defined under the Road Traffic Act CAP 168.</p> <p>“Relevant Authority” Means a local Government and Central Government or any other Government Authority.</p> <p>“Service Level Agreement (SLA)” means a contract between Insurers and ARMs, the terms and conditions of that document to which the parties thereto shall oblige.</p>	1.6. Tafiri ya Maneno	<p>1.6.1 Katika Miongozo hii, maneno yafuatayo yatamaanisha: -</p> <p>“ARM mwenye Ithibati ” maana yake ni gereji au karakana au watu waliopewa ithibati na Mamlaka kutengeneza na kurekebisha vyombo vya moto vya wateja wa kampuni za bima.</p> <p>“Msimamizi wa ARM” maana yake ni mtu anayehusika na usimamizi wa shughuli za kila siku za ARM.</p> <p>“ARM” inamaanisha gereji au karakana au watu ambao ni watengenezaji na warekebishaji wa vyombo vya moto.</p> <p>“Vyombo vya Moto” maana yake ni kama ilivyotafsiriwa katika Sheria ya Usalama Barabarani Sura ya 168.</p> <p>“Mamlaka Husika” maana yake ni Mamlaka ya Serikali za mtaa na Serikali Kuu na Taasisi zingine za Serikali.</p> <p>“Mkataba wa huduma (SLA)” maana yake ni mkataba kati ya Kampuni za bima na ARM unaoainisha vigezo na masharti yatakayozingatiwa na wahusika.</p>

SECTION TWO: ACCREDITATION CRITERIA		SEHEMU YA PILI: VIGEZO VYA ITHIBATI	
2.1. Accreditation Criteria	<p>2.1.1 An applicant for accreditation shall fulfill the following requirements:</p> <ul style="list-style-type: none"> i. Completion of the Application Form prescribed by the Authority; ii. Payment of non-refundable application fees of TZS 25,000; iii. Payment of annual accreditation renewal fee of TZS 25,000; iv. Proof of insurance cover for the properties of ARM and customers; v. Submission of introduction letter or certified copy of certificate of registration from relevant Authorities; and vi. Submission of letter of recommendation from the Association of Tanzania Insurers (ATI). 	2.1. Vigezo vya Ithibati	<p>2.1.1 Muombaji wa ithibati atahakikisha amekidhi vigezo vifuatavyo:</p> <ul style="list-style-type: none"> i. Kujaza Fomu maalum ya maombi inayotolewa na Mamlaka; ii. Kulipa ada ya maombi isiyorejeshwa ya Shilingi 25,000; iii. Kulipa ada ya kuhuisha ithibati kila mwaka ya shilingi 25,000; iv. Uthibitisho wa bima ya kulinda mali za ARM na za wateja; v. Kuwasilisha barua ya utambulisho au cheti cha usajili kutoka Mamlaka yoyote ya serikali; na vi. Kuwasilisha barua ya kukubaliwa kutoka Umoja wa Kampuni za Bima.

SECTION THREE: ROLES AND RESPONSIBILITIES		SEHEMU YA TATU: WAJIBU NA MAJUKUMU	
3.1. Roles and Responsibilities of ARMs	<p>3.1.1 Every ARM shall ensure the following:</p> <ul style="list-style-type: none"> i. Prior written authorization from the Insurer is received before commencement of repair of Automobile; ii. Availability of skilled labor at the ARM where the customers of the Insurance Registrants will be serviced; iii. All activities related to repair and maintenance of the automobile are carried out in line with the provisions of the SLA; iv. Extend necessary cooperation to all involved parties prior to, during and after completion of repair of the automobile; v. Execute an agreement to repair the motor vehicle with the Insurer and the owner before commencement of the repair; and 	3.1 Wajibu na Majukumu ya ARM	<p>3.1.1 . Kila ARM atahakikisha yafuatayo:</p> <ul style="list-style-type: none"> i. Kupata kibali kabla ya kuanza kufanya matengenezo au marekebisho kutoka kwa Kampuni za bima; ii. Uwepo wa wajuzi watakapo mhudumia mteja wa taasisi zinazotoa huduma za bima; iii. Shughuli zinazohusiana na matengenezo au urekebishaji wa vyombo vya moto zinafanyika kwa mujibu wa mkataba wa huduma (SLA); iv. Kutoa ushirikiano stahiki kwa wahusika wote kabla, wakati na baada ya kumaliza matengenezo ya chombo cha moto; v. Kusaini na kutekeleza makubaliano ya kutengeneza chombo cha moto na Kampuni za bima pamoja na mmiliki wa chombo kabla ya kuanza matengenezo; na



SECTION THREE: ROLES AND RESPONSIBILITIES		SEHEMU YA TATU: WAJIBU NA MAJUKUMU	
	vi. Prepare and issue Satisfaction Note to the owner of the motor vehicle after the completion of the repair.		vi. Kuandaa na kutoa Hati ya Kuridhia matengenezo ya chombo cha moto kwa mmiliki baada ya kumaliza matengenezo.
3.2. Responsibilities of Insurers	<p>3.2.1 Every insurer shall ensure: -</p> <ul style="list-style-type: none"> i. That it enters into an SLA with each ARM with minimum requirements as prescribed by the Authority ii. Draft SLA entered with ARM are submitted to Authority for review and approval; iii. All genuine claims from ARMs are settled within the time frame specified in the SLA; iv. All genuine claims arising from services rendered to policyholders and third parties are managed in accordance with Claims Management Guidelines issued by the Authority; v. Storage charges plus any other costs arising from total loss claims shall be settled as per the SLA; 	3.2. Wajibu wa Kampuni za Bima	<p>3.2.1 Kila Kampuni ya Bima itahakikisha: -</p> <ul style="list-style-type: none"> i. Inaingia kwenye mkataba wa huduma (SLA) na ARM kwa mfumo na namna itakayoainishwa na Mamlaka; ii. Kuwasilisha kwa Mamlaka rasimu ya mkataba wa huduma (SLA) itakayoingia na ARM kwa mapitio na kuidhinisha; iii. Malipo yote ya madai halali kwa ARM yanafanyika ndani ya muda uliowekwa kwenye mkataba wa huduma (SLA); iv. Madai yote halali yanayotokana na huduma zilizotolewa kwa mbima na mtu wa tatu yanashughulikiwa kwa mujibu wa Miongozo ya Madai iliyotolewa na Mamlaka; v. Gharama zote za kuhifadhi gari lisilotengenezeka na gharama nyinginezo zinazotokana na hasara ya jumla zilipwe kwa mujibu wa mkataba wa huduma (SLA);

SECTION THREE: ROLES AND RESPONSIBILITIES		SEHEMU YA TATU: WAJIBU NA MAJUKUMU	
	<ul style="list-style-type: none"> vi. The owner of the automobile is availed with the complete list of accredited ARMs for purposes of choice of facility for repair of the relevant motor vehicle; and vii. Vehicle release permit is issued within 24 HRS once the client is satisfied with the repairs and has paid balances to ARMs. 		<ul style="list-style-type: none"> vi. Mmiliki wa chombo cha moto anapatiwa orodha kamili ya ARM wenye ithibati kwa ajili ya maamuzi ya mahali pa kufanyia matengenezo; na vii. Kibali cha kuruhusu ARM kukabidhi chombo cha moto kwa mmiliki kinatolewa ndani ya saa 24 baada ya mmiliki kuridhika na huduma iliyotolewa na kulipia gharama za bakaa kwa ARM.
3.3. Responsibilities of other Registrants	<p>3.3.1 Every other registrant shall: -</p> <ul style="list-style-type: none"> i. Facilitate the implementation of SLA entered between insurer and ARM for the benefit of their customers; ii. Provide professional advice to customers on claims settlement within the time frame specified in the SLA; iii. Facilitate processing of claims for their clients in accordance with Claims Management Guidelines issued by the Authority; and iv. Facilitate issuance of vehicle release permit within 24 HRS once the client is satisfied with the repairs. 	3.3. Wajibu wa Watoa Huduma za Bima Wengine	<p>3.3.1 Kila mtoa huduma ya bima mwingine atahakikisha:</p> <ul style="list-style-type: none"> i. Anasaidia utekezaji wa mkataba wa huduma (SLA) kati ya kampuni ya bima na ARM kwa faida ya wateja wao; ii. Anatoa ushauri wa kitaalam kwa wateja wao kuhusu ulipaji wa madai halali ndani ya muda uliowekwa kwenye mkataba wa huduma (SLA); iii. Anasaidia kushughulikiaji na kufatilia madai kwa niaba ya wateja wake kwa mujibu wa Miongozo ya Madai iliyotolewa na Mamlaka; na iv. Anasaidia upatikanaji wa kibali cha kuruhusu ARM kukabidhi chombo cha moto kwa mmiliki kinatolewa ndani ya saa 24 baada ya mmiliki kuridhika na huduma iliyotolewa.

SECTION FOUR: PROHIBITED PRACTICES		SEHEMU YA NNE: MAKATAZO	
<p>4.1. Prohibited Practices</p>	<p>4.1.1 Insurer shall not transact with unaccredited ARMs.</p> <p>4.1.2 An insurer shall not unduly discriminate ARMs it deals with;</p> <p>4.1.3 ARM shall not commence repair without prior written authorization from the insurer; and</p> <p>4.1.4 Insurers, Policyholders, ARMs and other registrants shall not engage in unethical and fraudulent practices which prejudice the rights and interest of the insurer, policyholders, insurance sub sector and the public in general.</p>	<p>4.1. Makatazo</p>	<p>4.1.1 Kampuni ya bima hairusiwi kufanya kazi na ARM wasio na ithibati ya Mamlaka;</p> <p>4.1.2 Kampuni ya bima isijihusishe na vitendo vya ubaguzi wa ARM wanaofanya nazo kazi;</p> <p>4.1.3 ARM hairuhusiwi kuanza kazi ya matengenezo ya chombo cha moto kabla ya kupata idhini ya maandishi kutoka kampuni ya bima husika; na</p> <p>4.1.4 Kampuni za bima, wabima, ARMs na watoa huduma wengine hawaruhusiwi kufanya vitendo vya ukiukwaji maadili na udanganyifu ambavyo vinaathiri haki na maslahi ya Kampuni za bima, mbima, sekta ndogo ya bima na umma kwa ujumla.</p>

SECTION FIVE: SUPERVISION AND MONITORING		SEHEMU YA TANO: USIMAMIZI NA UFUATILIAJI	
5.1. Reporting Requirements and Monitoring	<p>5.1.1 An Insurer shall prepare and submit to the Authority a quarterly report on business transacted with ARMs in a manner and format prescribed by the Authority.</p> <p>5.1.2 The Authority may conduct an onsite inspection on any accredited ARM where need arises.</p>	5.1. Matakwa ya Uwasilishwaji wa Taarifa na Ufuatiliaji	<p>5.1.1 Kampuni ya bima itaandaa na kuwasilisha kwa Mamlaka taarifa ya kila robo mwaka kuhusu biashara walizofanya na ARM kwa namna na muundo utakaowekwa na Mamlaka.</p> <p>5.1.2 Mamlaka inaweza kufanya ukaguzi wa ARM mwenye ithibati pale itakapohitajika.</p>
5.2. Record Keeping	<p>5.2.1 Each insurer shall maintain records in respect of each ARMs it deals with, which shall include:</p> <ul style="list-style-type: none"> i. The repair records of the policyholders and third parties attended by the ARMs; ii. Repair invoices received from ARMs for processing and payments; and iii. Any other records as may be required by the Authority from time to time. 	5.2. Utunzaji wa Kumbukumbu	<p>5.2.1 Kila Kampuni ya bima itatunza kumbukumbu kwa kila ARM husika, ambazo zitajumuisha:-</p> <ul style="list-style-type: none"> i. Kumbukumbu za matengenezo kwa ajili ya wakatabima na mtu wa tatu waliohudumiwa na ARM; ii. Ankara za matengenezo zilizowasilishwa na ARM kwa ajili ya malipo; na iii. Kumbukumbu nyingine kama zitakavyohitajika na Mamlaka.
5.3. Enforcement	<p>5.3.1 Any person who contravenes the provisions of these Guidelines commits an offence and shall be subject to regulatory sanction in line with the Insurance Act, Cap 394.</p> <p>5.3.2 For the purposes of 5.3.1, offences shall include:</p>	5.3. Utekelezaji	<p>5.3.1 Mtu yeyote atakayekiuka masharti ya Miongozo hii atakuwa ametenda kosa na atachukuliwa hatua kwa mujibu wa Sheria ya Bima Sura ya 394.</p> <p>5.3.2 Kwa madhumuni ya 5.3.1, makosa yatajumuisha:</p>

SECTION FIVE: SUPERVISION AND MONITORING	SEHEMU YA TANO: USIMAMIZI NA UFUATILIAJI
<ul style="list-style-type: none"> i. Costs exaggeration contrary to SLA; ii. Insurer dealing with unaccredited ARMs; iii. Insurer dealing with ARMs without having a SLA; iv. Refusal to settle valid claims within time frame specified in the SLA; v. Insurers, Policyholders, ARMs and other registrants engaging in unethical and fraudulent practices which prejudice the rights and interest of the insurer, policyholders, insurance sub sector and the public in general; and vi. Any other matter prescribed by the Insurance Act as an offense. 	<ul style="list-style-type: none"> i. Kuongeza gharama za matengenezo ya chombo cha moto kinyume na mkataba wa huduma (SLA); ii. Kampuni ya bima kufanya kazi na ARM wasio na ithibati ya Mamlaka; iii. Kampuni ya bima kufanya kazi na ARM bila mkataba wa huduma (SLA); iv. Kukataa kulipa madai halali ndani ya muda ulioainishwa kwenye mkataba wa huduma (SLA); v. Kampuni za bima, wabima, ARMs na watoa huduma wengine kufanya vitendo vya ukiukwaji maadili na udanganyifu ambavyo vinaathiri haki na maslahi ya Kampuni za bima, mbima, sekta ndogo ya bima na umma kwa ujumla; na vi. Kujihusisha na jambo lingine lolote lililoainishwa kuwa ni kosa chini ya Sheria ya Bima.

SECTION SIX: REVIEW AND APPROVAL OF GUIDELINES		SEHEMU YA SITA: MAPITIO NA IDHINI YA MIONGOZO	
<p>6.1. Review of Guidelines</p>	<p>6.1.1 These Guidelines may be reviewed once in every three years for improvement.</p> <p>6.1.2 Notwithstanding paragraph 6.1.1, the Commissioner may review these Guidelines as and when a need arises.</p> <p>6.1.3 Subject to 6.1.1 and 6.1.2 the Commissioner may issue provisions that shall form addendum to these Guidelines as and when required.</p>	<p>6.1. Mapitio ya Miongozo</p>	<p>6.1.1 Miongozo hii inaweza kufanyiwa mapitio mara moja kila baada ya miaka mitatu kwa ajili ya maboresho.</p> <p>6.1.2 Bila kuathiri kifungu 6.1.1, Kamishna anaweza kufanya mapitio ya Miongozo hii wakati wowote itakapohitajika.</p> <p>6.1.3 Kwa kuzingatia 6.1.1 na 6.1.2, Kamishna anaweza kutoa masharti yatakayounda nyongeza ya Miongozo hii pale itakapohitajika.</p>
<p>6.2 Effective date</p>	<p>6.2.1 These Guidelines shall come into force on the <i>1st August, 2023</i>.</p>	<p>6.2. Tarehe rasmi ya kuanza kutumika</p>	<p>6.2.1 Miongozo hii itaanza kutumika rasmi tarehe <i>1 Agosti, 2023</i>.</p>
<p>6.3 Approval of Guidelines</p>	<p>6.3.1 Approved by:</p>  <p>.....</p> <p>Dr. Baghayo A. Saqware</p> <p><u>COMMISSIONER OF INSURANCE</u></p>	<p>6.3 Idhini ya Miongozo</p>	<p>6.3.1 Imeidhinishwa na:</p>  <p>.....</p> <p>Dkt. Baghayo A. Saqware</p> <p><u>KAMISHNA WA BIMA</u></p>

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