

**LAWS OF DOMINICA**

**PUBLIC UTILITY COMMISSION ACT**

**CHAPTER 43:01**

Act  
28 of 1972  
Amended by  
11 of 1989

<b>Current Authorised Pages</b>	
<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-21	1/1991

**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**CHAPTER 43:01**

**PUBLIC UTILITY COMMISSION ACT**

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**CHAPTER 43:01**

**PUBLIC UTILITY COMMISSION ACT**

**AN ACT to provide for the establishment of a Commission for the regulation and control of public utilities and for matters connected therewith.** 28 of 1972.

[26th October 1972]\*

Commence-  
ment\*.

1. This Act may be cited as the –

Short title.  
[11 of 1989].

**PUBLIC UTILITY COMMISSION ACT.**

2. In this Act –

Interpretation.

“Chairman” means the Chairman of the Commission;

“Commission” means the Public Utility Commission established under section 3;

“enabling law” in relation to a public utility means any enactment or regulations or instrument in writing under which it is authorised to operate a utility undertaking;

“functions” includes duties and powers;

“Minister” means the Minister responsible for Communications and Works;

“public utility” means a statutory authority or any body or corporation performing services to the public for which any compensation or payment whatsoever is required; but does not include any public utility excluded from this Act under section 42;

“rate” includes every rate, fare, toll, charge, rental or other compensation whatsoever of any public utility, and every rule, regulation, practice, measurement, classification or contract of the public utility relating thereto;

“services” includes the accommodation afforded consumers by a public utility, the supplying or furnishing of any commodity derived directly from the purposes in which a public utility is engaged and the use and accommodation afforded the public by the facilities employed by or in connection with any such service

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\*See Act No. 11 of 1989.

performed by a public utility; but does not include any other commodity, by-product or article produced or manufactured by a public utility that is offered for sale to the public at wholesale or retail prices;

“utility services” means services rendered by a public utility.

## PART I

### ESTABLISHMENT OF COMMISSION, FUNCTIONS AND POWERS

Establishment of  
Public Utility  
Commission.  
First Schedule.

3. (1) There is hereby established for the purposes of this Act a body to be called the Public Utility Commission.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

Functions of  
Commission.

4. (1) The Commission shall ensure that the services rendered by a public utility are satisfactory and that any charges imposed in respect of those services are reasonable, and for this purpose the Commission shall have power –

- (a) to enquire generally into the nature and extent of utility services and to determine in accordance with this Act the standards which must be maintained in relation to those services;
- (b) to determine in accordance with this Act the rates which may be charged in respect of utility services;
- (c) to require a public utility to prepare and put into effect such programmes of development in relation to any undertaking it operates as may be required under its enabling laws.

(2) The Commission may with the prior approval of the Minister by Order published in the *Gazette* –

- (a) prescribe the standards of utility services;
- (b) prescribe the unit of measurement and the type of measuring device to be used by a public utility in relation to its utility services;
- (c) prescribe standards for the measurement of quantity, quality, pressure, initial voltage or other conditions relating to utility services;

- (d) provide for the inspection and testing of any utility services or of any equipment or measuring device used in connection therewith;
- (e) prescribe minimum standards of quality and accuracy in relation to any equipment used or any commodity supplied by a public utility;
- (f) make such provisions as the Commission considers necessary to ensure the safety of the public.

(3) The Commission shall not make an Order under subsection (2)(a), (b), (c) and (e) except after agreement with any public utility concerned or, failing such agreement, after a public inquiry.

5. (1) The Commission may upon its own motion or upon complaint by any person hold or cause a public inquiry to be held into the operations of any utility undertaking operated by a public utility.

Power to hold inquiry.

(2) An inquiry before the Commission shall be opened to the public, and minutes thereof, including a summary of the evidence given and a statement of all the facts taken into consideration shall be kept by the Chairman and on application copies thereof shall upon payment of the prescribed fee be furnished to all interested parties.

6. (1) Where it appears that a public utility is not fulfilling its obligations under its enabling law the Commission may, with the approval of the Minister, and after a public inquiry in accordance with this Act, by Order, require the public utility within the time specified in the Order to take such remedial measures as may be so specified.

Power to require measures to be taken.

(2) Any public utility which fails to comply with the requirements of an Order by the Commission under this section is liable on summary conviction to a fine in accordance with section 28 and, if the failure in respect of which it was so convicted continues after the conviction it is liable on further summary conviction to a fine of three hundred dollars for each day on which the failure so continues; and the Court by which any public utility is convicted of an offence may fix a period it considers a reasonable period from the date of conviction for compliance by the public utility with the requirements of the Order; and where a Court has fixed such a period the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Power to require returns.

**7. (1)** The Commission may require any public utility to furnish such information or submit such returns at such intervals as the Commission may require in relation to its operations.

(2) A public utility which fails to comply with subsection (1) is liable on summary conviction to a fine of seven hundred and fifty dollars and in the case of a continuing offence to a further fine of seventy-five dollars for each day on which the offence continues.

## PART II

### RATES AND RATE-MAKING, AND REVIEWS OF RATES

Power to fix rates.

**8.** The Commission may, either of its own motion or upon application made by a public utility or by any person, by Order, prescribe the rates to be charged by a public utility in respect of its utility services.

Rates to be just and reasonable.

**9.** Every rate made, demanded or received by any public utility shall be fair and reasonable and in conformity with such Regulations as the Commission may from time to time prescribe.

Tariffs filing and inspection.

**10. (1)** Every public utility shall file with the Commission within sixty days of the coming into operation of this Act, and in such form as the Commission may prescribe, tariffs showing all rates established by it and shall keep copies of such tariffs opened to public inspection.

(2) The rates specified in such tariffs shall be the authorised rates of such public utility until changed as provided in this Act.

Adherence to tariffs.

**11.** Any public utility which directly or indirectly demands or receives a greater or less rate for any service rendered than that specified in the tariffs of such public utility applicable thereto and filed in the manner prescribed in this Act, is liable on summary conviction to a fine of three thousand dollars.

Discrimination to rates.

**12.** Any public utility which supplies or furnishes any person any service at rates which are unduly preferential or discriminatory is liable on summary conviction to a fine of three thousand dollars.

Applications by public utility to fix new rates.

**13. (1)** Unless the Commission otherwise orders, any public utility which makes any change in any existing and duly established rate, except after sixty days notice to the Commission, which notice shall



state the changes proposed to be made in the rates then in force and the time when the changed rates are to take effect, is liable on summary conviction to a fine of three thousand dollars.

(2) Whenever there is filed with the Commission by any public utility any tariff stating a new rate, the Commission may, either upon complaint or upon its own motion, enter upon a hearing to determine whether the rate is fair and reasonable and pending the hearing and the decision thereon the Commission upon delivering to the public utility affected thereby a statement in writing of reasons therefor may at any time before it becomes effective suspend the operation of the rate for a period not longer than six months from the time the rate would otherwise become effective.

(3) Where the operation of a new rate is suspended under subsection (2), the rate in force when the tariff stating the new rate was filed shall continue in force during the period of suspension, unless the Commission established a temporary rate as authorised in section 22.

14. (1) For the purposes of this Part, the Commission is hereby established a public utilities tribunal which shall have and exercise jurisdiction –

Establishment of  
Commission as a  
tribunal.

- (a) to hear and determine complaints relating to rates payable for any service of a public utility;
- (b) to hear and determine claims by a public utility for an increase of the rates payable for any of its service;
- (c) to hear and determine objections to agreements with the utility;
- (d) to hear and determine disputes between public utilities as to any matter concerning the rates payable or to be payable for services provided by any of these public utilities;
- (e) of its own motion or at the instance of the Minister, to review and determine the rate payable for any services of a public utility whether on the registration of any agreement therefor or otherwise.

(2) The tribunal under subsection (1) shall comprise of the Chairman and two other Commissioners nominated for the purpose by the Chairman.

(3) Where a Commissioner withdraws from any proceedings on a matter before the Commission on account of interest, illness or otherwise, the Commission shall not be disqualified for the transaction of business by reason of such vacancy among its members, save that in the case of an equality of votes the Chairman shall have a casting vote.

Hearing of  
matter by  
Commission.

**15.** (1) The Commission shall expeditiously hear and inquire into and investigate any matter which is before it, and in particular shall hear, receive and consider statements, arguments and evidence made, presented or tendered –

- (a) by or on behalf of any complainant;
- (b) by or on behalf of the public utility concerned;
- (c) on behalf of the Minister.

(2) The Commission shall determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties thereto and the Commission may require those matters to be presented within the respective periods so determined.

(3) The Commission may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.

(4) All matters brought before the Commission shall be determined by a majority of the members thereof.

(5) Subject to subsection (6), no award or other determination of the Commission in any matter brought before it under this Part –

- (a) shall be challenged, appealed against, revived, quashed or called in question in any court on any account whatever;
- (b) shall be subject to prohibition, mandamus or injunction in any court on any account whatever.

(6) Any party to a matter brought before the Commission shall be entitled as of right to appeal to the Court of Appeal on a point of law from any judgment, order or award of the Commission. The decision of the Court of Appeal on any matter brought before it under this subsection shall be final.

16. No appeal shall of itself stay or suspend the operation of any decision or order of the Commission but the Court of Appeal may stay or suspend in whole or in part the operation of the decision or order of the Commission during the pendency of the appeal upon such terms as the Court of Appeal may think fit.

Stay of proceeding pending appeal.

17. Every party to a matter shall be entitled to appear at the hearing thereon, and may be represented by Counsel or Solicitor or any other person who in the opinion of the tribunal is competent to assist such person in the presentation of the matter.

Appearance.

18. Subject to this section, for the purpose of dealing with any matter brought before it, the Commission shall have such powers as are vested in the High Court on the occasion of an action, to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise and compel the production of documents.

Powers of Commission when sitting as a tribunal.

(2) A summons signed by the Chairman to the Commission shall have the same force and effect as any formal process capable of being issued in any action taken in the High Court for enforcing the attendance of witnesses and compelling the production of documents.

(3) Any person refusing or omitting without sufficient cause to attend at the time and place mentioned in the summons served on him, and any person attending but leaving the Commission without the permission of the Chairman or refusing to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Commission or refusing or omitting without sufficient cause to produce any books, plan or documents or other matters in his possession or under his control and mentioned or referred to in the summons served on him, and any person who at any sitting of the Commission wilfully insults any Commissioner, is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for three months.

19. (1) An award on any matter brought before the Commission may be made retrospective to such date not being earlier than six months before the date on which the matter was brought before the Commission.

Awards.

(2) In addition to the powers conferred on the Commission by the preceding provisions of this Part, the Commission may, in relation to any matter brought before it –

- (a) make provisional or interim order or award relating to the matters or part thereof, or give direction in pursuance of the hearing or determination;
- (b) dismiss any matter or part of a matter or refrain from further hearing or from determining the matter or part thereof if it appears that the matter or part thereof is trivial or vexatious or that further proceedings are not necessary or desirable in the public interest;
- (c) order any party to pay to another such costs and expenses, including expenses of witnesses, as are specified in the order;
- (d) generally give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of the matter.

Review by  
Commission of  
its own  
decisions.

**20.** The Commission may review, vary or rescind any decision or order made by it; and where under this Act a hearing is required before any decision or order is made, the decision or order shall not be altered, suspended or revoked without a hearing.

Rates fixed on  
complaint.

**21.** (1) Whenever the Commission, after a hearing upon its own motion or upon complaint, finds that the existing rates of any public utility for any service are unfair or unreasonable or contrary to law, the Commission shall determine the fair and reasonable rates (including maximum or minimum rates) to be thereafter observed and shall fix the same by order to be served on the public utility and such rates shall constitute the legal rates of the public utility until changed as provided in this Act.

(2) Where a public utility does not itself produce or generate that which it distributes, transmits or supplies to the public but obtains the same from another source, the Commission shall have the power and authority to investigate the cost of the production or generation in any investigation of the reasonableness of the rates of the public utility.

Temporary rates.

**22.** (1) The Commission may, in any proceeding involving the rates of a public utility brought either upon its own motion or upon complaint, if it is of the opinion that the public interest so requires, immediately fix, determine and prescribe temporary rates to be charged by the public utility pending the final determination of such rate inquiry.

(2) Whenever the Commission, upon examination of any annual or other report, or of any papers, records, books or documents or of the property of any public utility, is of the opinion that any rates of the public utility are producing a return in excess of a fair return upon the fair value of the property of the public utility, used and useful in its public service, the Commission may by Order, prescribe for a trial period not exceeding six months, the temporary rates to be observed by the public utility as in the opinion of the Commission will produce a fair return upon the fair value, and the rates so prescribed shall become effective upon the date specified in the Order of the Commission and shall become permanent at the end of the trial period, unless at any time during the trial period the public utility involved complains to the Commission that the rates so prescribed are unfair and unreasonable.

(3) Temporary rates so fixed, determined and prescribed under this section shall be effective until the final determination of the rate inquiry, unless terminated sooner by the Commission.

(4) If the rates as finally determined are in excess of the rates existing prior to the filing with the Commission by a public utility of a tariff stating a new rate under the provisions of section 13(2) or of the rates prescribed in such temporary Order, then the public utility shall be permitted to amortise and recover by means of a temporary increase in the rates finally determined, the sum which represents the difference between the gross income actually received by the public utility during the period commencing with the date on which under the notice given to the Commission the new rate was to have come into effect, and ending on the date on which the rate finally determined became effective, and the gross income which would have been received during the same period if the rates finally determined had been in effect.

**23.** In any proceeding upon the motion of the Commission involving any proposed or existing rate of any public utility, or in any proceeding upon complaint involving any proposed increase in rates, the burden of proof to show that the rate involved is fair and reasonable shall be upon the public utility.

Burden of proof  
on rate inquiry.

### PART III

#### SERVICE AND FACILITIES

**24.** Every public utility shall maintain its property and equipment in such condition as to enable it to provide and shall provide service to the

Duty to provide  
adequate service.

public in all respects safe, adequate, efficient and reasonable and shall make all such repairs, changes, alterations, substitutions, extensions and improvements in or to such service as shall be necessary or proper for the accommodation and convenience of the public.

Proper service established on complaint.

25. Where the Commission, after a hearing upon its own motion or upon complaint, finds that the service or facilities of any public utility are unsafe, inadequate or unreasonable, or unreasonably discriminatory, the Commission shall determine and prescribe the adequate, reasonable service and facilities to be provided, including all such repairs, changes, alterations, extensions, substitutions or improvements and facilities as are reasonably necessary and proper for the accommodation and convenience of the public and shall fix the same by its order.

Restriction or ceasing operations of service.

26. Any public utility which ceases its operations or any part of them without first giving the Minister three months' notice of its intention to do so is liable on summary conviction to a fine of three thousand dollars.

Power to prescribe conditions to service to be contained in agreement.

27. The Commission may make Regulations prescribing the conditions to be contained in and to become part of all agreements entered into by public utilities in respect of any class of service.

#### PART IV

#### OFFENCES AND PENALTIES

Disobedience of order of Commission

28. (1) Any public utility which contravenes any provision of this Act, or fails or refuses to obey an order of the Commission made under this Act is liable on summary conviction to a fine of three thousand dollars.

(2) Whenever it is proved that a public utility has failed to obey any order of the Commission made under this Act, every director and manager of that public utility is liable on summary conviction to a fine of one thousand five hundred dollars, unless he proves that according to his position and authority he took all necessary and proper means in his power to obey and carry out and secure obedience to the order of the Commission and that he was not at fault for the failure to obey the order.

Obstruction of officer of Commission in charge of duties.

29. Any person who obstructs or interferes with any member of the Commission, officer or person in the exercise of the rights conferred or duties imposed by or under this Act is liable on summary conviction to a fine of three hundred dollars.

PART V  
RESEARCH INQUIRIES AND ADVICE

**30.** (1) For the purposes of this Part, the Commission may appoint an officer for economic research who shall have the following functions: Research.

- (a) to collect and compile any information which may be of assistance to the Commission in the exercise of its powers and functions under this Act;
- (b) to keep information so collected and compiled up-to-date;
- (c) to conduct studies of economy and efficiency;
- (d) to make or obtain such valuations of the property of a public utility as are required by the Commission.

(2) Information collected and compiled and the results of the research carried out under this section shall be furnished, subject to the permission of the Commission, to any person or authority desiring to obtain that information or those results upon payment of the prescribed fee.

**31.** The Commission shall act in an advisory capacity to the Minister in such matters concerning public utilities as are referred to it by the Minister, and for such purpose as well as any other of the purposes of the Commission under this Act, the Commission shall have power to initiate and conduct investigations into the operations and standards of service of all public utilities. Advisory functions of the Commission.

**32.** The Chairman, member, Secretary or any officer or employee of a public utility shall, on being requested by the Commission to do so — Duties of public utilities to furnish reports, information, etc.

- (a) furnish to the Commission in such form and detail as the Commission may require, all tabulations, computations and all other information required by it to carry into effect any of the provisions of this Act, and shall make specific answers to all questions submitted by the Commission;
- (b) whenever required by the Commission, deliver to the Commission copies of any or all maps, contracts, agreements, franchises, reports, books, accounts, papers and records in

its possession or in any way relating to its property or affecting its business and also a complete inventory of all its property in such forms as the Commission may direct;

- (c) furnish all annual reports to the Commission at such time and in such form as the Commission may require;
- (d) file such monthly reports of earnings and expenses as the Commission may require; and
- (e) file periodical or special reports or both concerning any matter about which the Commission is authorised by any law to inquire or to keep itself informed or which it is required to enforce.

Inspection of  
books, accounts,  
etc.

**33.** A Commissioner or any officer or other person authorised by the Commission may at any time inspect the accounts, books, papers and documents of any public utility.

Failure of public  
utility to furnish  
information.

**34.** Any person who, being required by the Commission to do so, fails to prepare and furnish to the Commission within the time and in the manner and form and with such particulars and certifications as are required by this Act or the Regulations –

- (a) any return of information required in the forms of returns furnished to the Commission; or
- (b) any answer to any question submitted by the Commission; or
- (c) any information required by the Commission which is in his possession or control,

is liable on summary conviction to a fine of three thousand dollars.

Making false  
returns and  
obstruction.

**35. (1)** Any person who wilfully makes any return or furnishes any information to the Commission which is false in any particular is liable on summary conviction to a fine of three thousand dollars.

**(2)** Any person who wilfully obstructs any Commissioner or any officer or servant of the Commission in the performance of any duty imposed under this section is liable on summary conviction to a fine of one thousand five hundred dollars.



PART VI  
MISCELLANEOUS PROVISIONS

36. The powers vested in the Commission by this Act shall apply notwithstanding that the subject matter in respect of which the powers are exercisable is the subject matter of any Act or agreement and shall apply in respect of rates and service, whether fixed by or the subject of any Act or agreement or otherwise; and where the rates and service are fixed by or are the subject of an agreement, shall apply whether the agreement is incorporated in or ratified or made binding by any general or special Act or otherwise.

Appraisal of  
powers of  
Commission.

37. (1) The Commission shall, on or before 1st March in each year, make to the Minister a report for the preceding calendar year showing briefly –

Annual report.

- (a) all applications and complaints to the Commission under this Act, and summaries of the findings of the Commission thereon;
- (b) summaries of the findings of the Commission in regard to any matter respecting which the Commission has acted of its own motion;
- (c) such other matters as appear to the Commission to be of public interest in connection with the public utilities subject to this Act;
- (d) such matters as the Minister directs.

(2) The report shall be laid before the House of Assembly, and a copy thereof shall be issued to each member of the House and shall be published in such manner and be made available to the public at such price as the Minister may direct.

38. A copy of any Rules, Regulations, Orders or other documents in the custody of the Secretary of the Commission certified by the Secretary to be a true copy and sealed with the seal of the Commission shall be evidence of the Rules, Regulations, Orders or documents without proof of the signature of the Secretary.

Evidence of  
documents.

39. (1) The costs of and incidental to any proceeding before the Commission shall be in the discretion of the Commission and may be fixed at a sum certain or may be taxed.

Costs in  
discretion of  
Commission.

(2) The Commission may prescribe a scale under which costs shall be taxed and may order by whom the costs in any proceedings are to be taxed.

Fees.

40. The Commission may with the approval of the Minister make Regulations prescribing fees to be paid in respect of any matter within the jurisdiction of the Commission.

Regulations.

41. The Minister may make Regulations prescribing anything which may be or is required to be prescribed under this Act or imposing on a public utility obligations in relation to the supply of information to the Commission and members of the public of the rates payable in respect of its utility services.

Application of Act.

42. (1) Subject to this section, this Act shall be read and construed as applying to a public utility notwithstanding any general or special power or authority vested in such public utility by any enactment or by virtue of its incorporation.

(2) The Minister may by Order published in the *Gazette*, declare that any public utility named in the Order is exempt from the provisions of this Act or any part thereof and such Order may have reference to any particular public utility or any specified class of public utility.

Section 3.

### SCHEDULE

Appointment of Commission.

1. (1) The Commission shall consist of five persons appointed by the Minister, being persons appearing to the Minister to be qualified as having had experience and shown capacity in matters relating to trade, finance, economics, law, engineering or accountancy, and persons representative of the general public.

(2) The Minister may appoint as Chairman a Commissioner who is a barrister of the Supreme Court of not less than five years standing.

Qualification for membership of Commission.

2. (1) A person shall not be qualified for appointment as a member of the Commission who –

(a) is the holder of any public office;

(b) holds or is interested in any stock, share, bond, debenture or other security of, or is otherwise interested in, any public

utility or any other company which is in competition with, or provides similar services to those supplied by a controlled public utility.

(2) The office of a member of the Commission shall become vacant if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such by virtue of subparagraph (1).

3. The Minister may appoint any person qualified for appointment as a member of the Commission to act temporarily in the place of any member of the Commission in the case of the absence or inability to act of such member. Temporary appointment.

4. (1) The appointment of a member of the Commission shall, subject to the provisions of this Schedule, be for a period of not more than three years and such member shall be eligible for re-appointment. Tenure of office.

(2) The Minister may at any time revoke the appointment of any member of the Commission if in the opinion of the Minister the member is guilty of neglect of duty, inefficiency, incompetence, misconduct or malfeasance.

5. In the case of the absence or inability of the Chairman to act at any meeting, the remaining members of the Commission may elect one of their numbers to preside at that meeting. Chairman.

6. (1) Any member of the Commission other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of receipt by the Minister of the instrument such member shall cease to be a member of the Commission. Resignations.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of the instrument by the Minister.

7. The names of all members of the Commission as first constituted and every change of the membership thereof shall be published in the *Gazette*. Publication of membership.

8. (1) The Commission shall be a body corporate having perpetual succession and a common seal and the power to acquire, hold and dispose of land and other property of whatever kind. Incorporation.

(2) The seal of the Commission shall be authenticated by the signatures of the Chairman or one member of the Commission authorised to act in that behalf and the Secretary of the Commission and shall be judicially noticed.

(3) All documents other than those required by law to be under seal made by, and all decisions of, the Commission may be signified under the hand of the Chairman or any member authorised to act in that behalf or the Secretary of the Commission.

Procedure and meetings.

9. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Commission shall determine.

(2) The Chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any member of the Commission.

(3) The Chairman or, in the absence or inability to act of the Chairman, the person elected in accordance with paragraph 5, shall preside at the meetings of the Commission. When so presiding the Chairman or the person elected as aforesaid, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Commission shall be three members.

(5) Subject to the provisions of this Act, the Commission may regulate its own proceedings.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members.

10. There shall be paid to the Chairman and other members of the Commission such remuneration, if any, (whether by way of salaries or travelling or other allowances) as the Minister may determine.

Funds of the Commission.

11. The funds of the Commission shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Commission.

Power to appoint officers, agents.

12. The Commission shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Secretary and such other officers and servants as it thinks necessary for the proper carrying out of its functions; but –

(a) no salary in excess of the rate of six thousand dollars per annum shall be assigned to any post without the prior approval of the Minister; and

(b) no provision shall be made for the payment of any pension, gratuity, or other like benefit to, or in respect of the service of any officer or servant without the prior approval of the Minister.

13. A member of the Commission who is interested in any company or undertaking which is an interested party in any proceedings before the Commission affecting a public utility shall disclose to the Commission the fact and nature of his interest and shall not take part in any deliberation or any decision of the Commission relating to the matter, and such a disclosure shall forthwith be recorded in the records of the Commission.

Disclosure of interest.

14. (1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

Accounts and audit.

(2) The accounts of the Commission shall be audited by an auditor or auditors appointed annually by the Commission and approved by the Minister.

(3) Within four months, after the end of each financial year or within such further time as may in special circumstances be allowed by the Minister, the Commission shall send the statement of its accounts referred to in subparagraph (1) to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Commission.

(4) The auditor's fees and any expenses of the audit shall be paid by the Commission.

(5) The Director of Audit shall be entitled, on the direction of the Minister, at all reasonable times to examine the accounts and other records in relation to the business of the Commission.

15. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Protection of members.

(2) Where any member of the Commission is exempt from liability by reason only of this paragraph, the Commission shall be liable to the extent that it would be if the said member was a servant or agent of the Commission.

