

THE OFFICIAL GAZETTE 7TH SEPTEMBER, 2010
LEGAL SUPPLEMENT — A



GUYANA

ACT No. 16 of 2010

PUBLIC UTILITIES COMMISSION (AMENDMENT) ACT 2010

I assent.

Bharrat Jagdeo
Bharrat Jagdeo,
President.

September 7, 2010

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Amendment of section 5 of the Principal Act.
3. Amendment of section 17 of the Principal Act.

4. Amendment of section 52 of the Principal Act.
5. Amendment of section 59 of the Principal Act.
6. Amendment of section 64 of the Principal Act.
7. Amendment of section 65 of the Principal Act.
8. Amendment of section 70 of the Principal Act.
9. Amendment of section 71 of the Principal Act.
10. Amendment of section 72 of the Principal Act.
11. Amendment of section 73 of the Principal Act.
12. Amendment of section 74 of the Principal Act.
13. Amendment of section 75 of the Principal Act.

A.D. 2010]

PUBLIC UTILITIES COMMISSION (AMENDMENT)

[No. 16

AN ACT to amend the Public Utilities Commission Act 1999.

A.D. 2010

Enacted by the Parliament of Guyana:-

Short title.
No. 10 of 1999

1. This Act, which amends the Public Utilities Commission Act 1999, may be cited as the Public Utilities Commission (Amendment) Act 2010.

Amendment of
section 5 of the
Principal Act.

2. Section 5 of the Principal Act is amended by inserting immediately after subsection (1) following as subsection (1A) –

“(1A) Prior to appointing the chairman and other members of the Commission under subsection (1), the Minister shall consult with organisations whose concerns are relevant to the functions of the Commission, including consumer groups, the private sector, the legal profession, the public utilities to be regulated, and the opposition, and shall take their views into account in making appointments.”

Amendment of
section 17 of the
Principal Act.

3. Section 17 of the Principal Act is amended by inserting immediately after subsection (2) the following as subsection (2A) –

No. 8 of 2003

“(2A) In retaining the services of professional persons to serve as external experts, the Commission shall be subject to the Procurement Act 2003 and the regulations made thereunder, and for those purposes the Commission shall be considered an ‘agency’ as that term is used in that Act and regulations.”

Amendment of
section 52 of the
Principal Act.

4. Section 52 of the Principal Act is amended by inserting immediately after subsection (3) the following as subsection (4) –

“(4)(a) The Commission shall resolve every complaint brought by a consumer, or by the Minister or the Commission itself, regarding any bill issued by a public utility to the consumer, by the issuance of an order, binding upon the consumer and the public utility, within one hundred and twenty days following the initiation of the complaint with or by the Commission, and every order issued shall be binding upon the consumer and the public utility.

- (b) Every order issued under paragraph (a) shall be based upon the Commission's review of the evidence as may have been submitted to it by the consumer and the public utility, and any evidence developed by the Commission itself, within a one hundred and twenty days period, and shall require the consumer to pay any amounts owing to the public utility, or the public utility to credit any amounts due to the consumer to his account, within a reasonable time, but in any event not less than ninety days from the date of the order.
- (c) The Commission shall make rules, subject to the approval of the Minister, governing the procedure for determining the consumer's complaints provided for in paragraph (a)."

Amendment of
section 59 of the
Principal Act.

5. Section 59 (5) of the Principal Act is repealed and the following subsection re-enacted as subsection (5) —

"(5) A certified copy of the order shall be served upon the public utility and, in the case of a complaint brought by or on behalf of one or more consumers, upon each consumer and the relevant public utility, and notice thereof shall be given to any other parties to the proceeding."

Amendment of
section 64 of the
Principal Act.

6. Section 64 (2) (a) of the Principal Act is amended by substituting for the word "twenty-five" the word "fifty".

Amendment of
section 65 of the
Principal Act.

7. Section 65 of the Principal Act is amended as follows —

- (a) in subsection (1) (a), by substituting for subparagraph (i) the following as subparagraph (i) —

"(i) one fifth of one percent in the case of any public utility referred to in section 4 (1) (a);"

- (b) in subsection (1)(b), by deleting from subparagraph (i) the words " , or fifteen million dollars, whichever is less,".

A.D. 2010]

PUBLIC UTILITIES COMMISSION (AMENDMENT)

[No. 16

Amendment of
section 70 of the
Principal Act.

8. Section 70 of the Principal Act is amended by substituting for the words "not exceeding one million dollars" the words "not less than two million dollars nor more than three million dollars".

Amendment of
section 71 of the
Principal Act.

9. Section 71 of the Principal Act is amended by substituting for the words "not exceeding one million dollars" the words "not less than two million dollars nor more than three million dollars".

Amendment of
section 72 of the
Principal Act.

10. Section 72 of the Principal Act is amended by substituting Amendment for the words "not exceeding one million dollars" the words "not less than two million dollars nor more than three million dollars".

Amendment of
section 73 of the
Principal Act.

11. Section 73 of the Principal Act is amended by substituting for the words "not exceeding five hundred thousand dollars" the words "not less than one million dollars nor more than two million dollars".

Amendment of
section 74 of the
Principal Act.

12. Section 74 of the Principal Act is amended by substituting for the words "not exceeding one million dollars" the words "not less than two million dollars nor more than three million dollars".

Amendment of
section 75 of the
Principal Act.

13. Section 75 of the Principal Act is amended by substituting words "not exceeding one million dollars" the words "not less than two million dollars nor more than three million dollars".

Passed by the National Assembly on 5th August, 2010.


S.E. Isaacs,

Clerk of the National Assembly.

(Bill No. 10/2010)