

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2006)**

**REPORT**

of the

**SPECIAL SELECT COMMITTEE**

on the

**COMPETITION AND FAIR TRADING BILL 2005**

**(BILL NO. 18/2005)**

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Presented to the National Assembly  
By the Chairman of the Committee

on

6<sup>th</sup> April, 2006

**REPORT OF THE SPECIAL SELECT COMMITTEE ON THE COMPETITION AND  
FAIR TRADING BILL 2005  
BILL NO. 18/2005**

**Publication of Bill**

1. The Competition and Fair Trading Bill 2005 which seeks to promote, maintain and encourage competition and to prohibit the prevention, restriction or distortion of competition and the abuse of dominant positions in trade; to promote the welfare and interests of consumers, to establish a Competition Commission and for connected matters, was published on Wednesday, 9<sup>th</sup> November, 2005.

**Introduction and First Readings**

2. The Bill was introduced in the National Assembly and read the first time on 10<sup>th</sup> November, 2005.

**Debate and Second Reading in the National Assembly**

3. The Bill was debated in the National Assembly and read the second time on 10<sup>th</sup> November, 2005.

**Committal to Select Committee**

4. Following the second reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.



## **Members of the Special Select Committee**

5, At a meeting held on 15<sup>th</sup> December, 2005 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Bill 18/2005:

### **From the People's Progressive Party/Civic (4)** **(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

The Hon. Shaik K. Z. Baksh, M.P.,  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P.  
Minister of Fisheries, Other Crops & Livestock

The Hon. Bibi Shadick, M.P.  
Minister in the Ministry of Labour, Human Services & Social Security

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

Mr Odinga Lumumba, M.P.

### **From the People's National Congress/Reform (4)**

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Ivor Allen, M.P.

Mr. Basil Williams, M. P.

Mr. Jerome Khan, M.P.

### **First Meeting of the Committee – Election of the Chairman**

6. The first meeting of the Committee was held on 19<sup>th</sup> January, 2006 at which the Hon. Manzoor Nadir, M.P. was elected Chairman of the Committee.

## **Other Meetings of the Committee**

7. The Committee met on eight occasions as indicated at Appendix II.

## **Consideration of the Clauses of the Bill**

### **8. PART I – Preliminary**

Clause 1 was **agreed to as presented.**

Clause 2 was **agreed to as presented.**

Clause 3 was **agreed to as presented.**

Clause 4 was **amended.**

### **9. PART II – The Competition Commission**

Clause 5 was **agreed to as presented.**

Clause 6 was **amended.**

Clause 7 was **amended.**

Clause 8 was **amended.**

Clause 9 and 10 was **agreed to as presented.**

Clause 11 was **amended.**

Clause 12 was **amended.**

Clause 13 was **agreed to as presented.**

Clause 14 was **amended.**

Clauses 15 and 16 were **agreed to as presented.**

Clause 17 was **amended.**

Clause 18 and 19 were **agreed to as presented.**





10. **PART III – Anti-Competitive Agreements, Abuse of Dominant Position**

Clauses 20, 21, 22, 23, 24, 25, 26, and 27 were **agreed to as presented.**

11. **PART IV – Resale Price Maintenance**

Clauses 28, 29, 30, 31, 32, 33 and 34 were **agreed to as presented.**

12. **PART V – Authorisation**

Clauses 35, 36, 37 and 38 were **agreed to as presented.**

13. **PART VI - Offences**

Clauses 39, 40 and 41 were **agreed to as presented.**

Clause 42 was **amended.**

Clauses 43, 44, 45 and 46 were **agreed to as presented.**

14. **PART VII – Enforcement, Remedies and Appeals**

Clause 47, 48, 49 and 50 were **amended.**

Clauses 51 and 52 were **agreed to as presented.**

15. **PART VIII – The Community Competition Commission**

Clause 53 was **amended.**

Clauses 54 and 55 were **agreed to as presented.**

16. **PART IX – General**

Clauses, 56, 57 and 58 **agreed to as presented**



Clause 59 was **amended**.

17. **Schedules**

First Schedule was **amended**.

Second Schedule was **agreed to as presented**.

18. A list of the details of the amendments made to the Bill by the Committee as drafted by the Chief Parliamentary Counsel is attached at Appendix 1.

**Report of the Special Select Committee**

19. At its eight Meeting held on the 17<sup>th</sup> March, 2006 the Special Select Committee on the Competition and Fair Trading Bill 2005 agreed that this Report on the Bill should be presented to the National Assembly.

20. The Report accordingly hereby submitted.

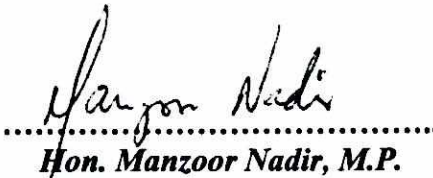
**Minutes**

21. The Minutes of proceedings of the meetings of the Committee are at Appendix II



**Verbatim Records**

22. Verbatim Records of the proceedings of meetings of the Committee have been prepared and can be seen at the Parliament Office.

  
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**Hon. Manzoor Nadir, M.P.**

**Minister of Tourism Industry and Commerce**

**Chairman- Special Select Committee on the Competition and Fair Trading Bill 2005**

Committee Division  
Parliament Office  
Public Buildings  
Brickdam  
Georgetown

<sup>29<sup>th</sup></sup>  
----- March, 2005



APPENDIX I

COMPETITION AND FAIR TRADING BILL 2005  
(BILL NO. 18 OF 2005)

Amendments to be moved by the Minister of Tourism, Industry and Commerce

Clauses	Amendments
(Arrangement of sections).	Under section 49. insert –
Clause 4 (1) (f).	“49.A. Criteria for assessing and imposing penalty.”.
Clause 4(1) (h).	For the word “excluded” substitute the word “approved”.
Clause 4(1) (h).	Substitute the following- “ <b>(h)</b> such other business or activity as the Minister, with the agreement of the Commission, may declare by Order.”.
Clause 4(2).	Substitute the following- “ <b>(2)</b> This Act applies to public utilities, but before the commission exercises its functions in relation to such utilities it shall consult with the Public Utilities Commission established under the Public Utilities Commission Act 1999: No.10 of 1999. Provided that – (a) the Commission shall strictly confine itself to discharging its functions in relation to a matter falling within the provisions of this Act; (b) the Public Utilities Commission shall strictly confine itself to discharging its functions specified under the Public Utilities Commission Act 1999,



and neither shall arrogate to itself and deal with matters that are within the domain and contemplation of the other:

Provided further, and notwithstanding anything in this Act, that no function that is essentially a function of, or which has over the time, been discharged by, the Public Utilities Commission shall be discharged by the Commission.

(3) In this section "consult" shall be construed in accordance with the meaning of "consultation" as defined in article 232 of the Constitution."

- |                  |   |
|------------------|---|
| Clause 6(1) (b). | Delete the words "the Minister or".   |
| Clause 7(1).     | For the words "For the purpose" substitute the words "Except as otherwise provided in this Act, for the purpose". |
| Clause 11(1).    | Delete the words "or within such longer period as the Minister may in special circumstances allow,".              |
| Clause 12(2).    | For the words "with the approval of" substitute the words "after consultation with".                              |
| Clause 14(1).    | Immediately after the word "investigators" insert the words "against the person complained of".                   |
| Clause 14(2).    | Immediately after the word "Commission" insert the words "against the person complained of".                      |

<p>Clause 14(4).</p>	<p>Immediately after the word "person" insert the words "complained against".</p>
<p>Clause 14(5).</p>	<p>Immediately after the word "days" insert the words "but the Commission may release the document before, having examined and noted its contents".</p>
<p>Insertion of new clause 17. (2)(A).</p>	<p>Immediately after clause 17.(2), insert the following-</p> <p style="padding-left: 40px;">"17. (2) (A) Where the Commission is dissatisfied with the recommendations of the investigator, the Commission may decide to investigate further."</p>
<p>Clause 17(4).</p>	<p>Immediately after the words "discontinuing the investigation or inquiry" insert the words "and shall hand over all documents to the person from whom they were obtained".</p>
<p>Clause 42(4).</p>	<p>For the word "section" substitute the word "subsection".</p>
<p>Clause 47.</p>	<p>For the words "If the High Court" substitute the words "Subject to the provisions of this Act, if the High Court".</p>
<p>Clause 48(1) (a).</p>	<p>Delete the word "or".</p>
<p>Clause 48(1) (b).</p>	<p>For the word "described" substitute the words "referred to".</p>
<p>Insertion of new clause 49.A.</p>	<p>Immediately after clause 49, insert the following-</p> <p style="padding-left: 40px;">"49.A. Notwithstanding anything in this Act, the Court in imposing a penalty shall take into consideration whether the defendant's business enterprise is large, medium or small and issue a penalty accordingly."</p> <p>Criteria for assessing and imposing penalty.</p>

<p>Clause 50.</p>	<p>For the words "Every enterprise" substitute the words "Except as otherwise provided in this Act, every enterprise".</p>
<p>Clause 53(6).</p>	<p>For the words "High Court" substitute the words "Caribbean Court of Justice".</p>
<p>Clause 59.</p>	<p>Substitute the following-</p> <p>Transitional.            "59. (1) The Commission shall not take action under section 22 if, within six months after the commencement of this Act, the parties concerned notify the Commission of the details of the anti-competitive agreement or practice and agree with the Commission as to the manner and the period within which that agreement or practice will be terminated and have otherwise settled the matter.</p> <p>(2) The President may if necessary, within eighteen months of the coming into operation of this Act, by Order subject to affirmative resolution of the National Assembly, amend a provision of this Act to bring it into conformity with the Revised Treaty of Chaguaramas or with accepted commercial practice within the Community."</p>
<p><b><u>FIRST SCHEDULE.</u></b></p>	
<p>Paragraph 1(1).</p>	<p>Substitute the following-</p> <p>"(1) The Commission shall consist of the number of persons, not being less than three nor more than five that the Minister, after consultation with relevant organisations,</p>



	<p>including-</p> <ul style="list-style-type: none"> <li>(a) the private sector;</li> <li>(b) the legal profession; and</li> <li>(c) consumers,</li> </ul> <p>may appoint.</p>
Paragraph 1(2).	Delete the words “, or extensive experience in matters relevant to the functions of the Commission”.
Paragraph 1(3).	<p>Substitute the following-</p> <p>“(3) There shall be a secretary of the Commission, who shall be appointed by the Commission.</p> <p>(4) The Director shall be a member <i>ex officio</i> of the Commission, but shall not have the right to vote.”.</p>
Paragraph 3.	Delete.
Paragraphs 4,5,6,7,8,9 and 10.	Re-number as paragraphs 3, 4, 5, 6, 7, 8 and 9, respectively.
Paragraph 4(d) (as re-numbered).	Immediately after the word “considered” insert the words “by the Commission to be”.



## **APPENDIX 11**

1. MINUTES of 1<sup>st</sup> MEETING held on 19<sup>th</sup> January, 2006
2. MINUTES of 2<sup>nd</sup> MEETING held on 15<sup>th</sup> February, 2006
3. MINUTES of 3<sup>rd</sup> MEETING held on 20<sup>th</sup> February, 2006
4. MINUTES of 4<sup>th</sup> MEETING held on 27<sup>th</sup> February, 2006
5. MINUTES of 5<sup>th</sup> MEETING held on 6<sup>th</sup> March, 2006
6. MINUTES of 6<sup>th</sup> MEETING held on 9<sup>th</sup> March, 2006
7. MINUTES of 7<sup>th</sup> MEETING held on 13<sup>th</sup> March, 2006
8. MINUTES OF 8<sup>th</sup> MEETING held on 17<sup>th</sup> March, 2006



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF GUYANA (2002 – 2006)**

**MINUTES OF THE  
1<sup>ST</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
COMPETITION AND FAIR TRADING BILL – Bill No. 18/ 2005  
HELD AT 4.07 P.M  
ON THURSDAY, 19<sup>TH</sup> JANUARY, 2006  
IN THE SPEAKER'S CHAMBER  
PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE**

**Chairman**

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker  
(As Presiding Officer for the election of the Chairperson)

**MEMBERS**

**From the People's Progressive Party/Civic (5)  
Nominated by the Committee of Selection on 15.12.05**

The Hon. Shaik K. Z. Baksh, M.P.,  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P.  
Minister of Fisheries, Other Crops & Livestock

The Hon. Bibi Shadick, M.P.  
Minister in the Ministry of Labour, Human Services & Social Security

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

Mr Odinga Lumumba, M.P.

**From the People's National Congress/Reform (4)  
Nominated by the Committee of Selection on 15.12.05**

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Ivor Allen, M.P.

Mr. Basil Williams, M. P.

Mr. Jerome Khan, M.P.

## **Officers**

Mr. Oscar E. Moore - Clerk of Committees  
Ms Sherene Warren - Assistant Clerk of Committee

### **ITEM 1: CALL TO ORDER**

- 1.1 The Hon. Speaker, in the capacity of Presiding Officer for the election of a Chairperson of the Committee called the meeting to order at 4.07 p.m.

### **ITEM 2: ELECTION OF CHAIRMAN OF THE COMPETITION AND FAIR TRADING BILL – Bill No. 18/2005.**

#### **2.1 Nominations:**

- 2.1.1 The Speaker called for nominations of a Chairperson of the Committee.
- 2.1.2 The Hon. Bibi Shadick proposed and the Hon. Satyadeow Sawh seconded the nomination of the Hon. Manzoor Nadir.
- 2.1.3 There being no other nominations, the Hon. Speaker declared the Hon. Manzoor Nadir, the Chairman of the Committee.
- 2.1.4 The Hon. Manzoor Nadir expressed gratitude to the Committee for his election.

### **ITEM 3: ANY OTHER BUSINESS**

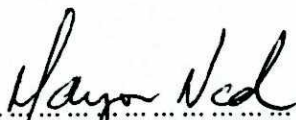
#### **3.1 Next Scheduled Meeting**

- 3.1.1 It was agreed that the Chairman would communicate with the Clerk of the National Assembly with regard to a date for the next meeting.

**ADJOURNMENT**

At 4.09 p.m., the meeting was adjourned *sine die*.

Confirmed this ...15.....day of February, 2006

  
.....  
The Hon. Manzoor Nadir, M.P.,  
Chairperson



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF GUYANA (2002 – 2006)**

**MINUTES OF THE  
2<sup>nd</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
COMPETITION AND FAIR TRADING BILL – Bill No. 18/ 2005  
HELD AT 5.00 P.M  
ON WEDNESDAY, 15<sup>TH</sup> FEBRUARY, 2006  
IN THE PARLIAMENTARY LIBRARY  
PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE**

**CHAIRMAN**

**(Nominated by the Committee of Selection on , 15<sup>th</sup> December, 2005)**  
**Elected by the Committee on 19<sup>th</sup> January, 2006**

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

**MEMBERS**

**From the People's Progressive Party/Civic (4)**  
**(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

The Hon. Shaik K. Z. Baksh, M.P.,  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P.  
Minister of Fisheries, Other Crops & Livestock - Absent

The Hon. Bibi Shadick, M.P.  
Minister in the Ministry of Labour, Human Services & Social Security

Mr Odinga Lumumba, M.P.

**From the People's National Congress/Reform (4)**  
**(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Ivor Allen, M.P.

Mr. Basil Williams, M. P. - Absent

Mr. Jerome Khan, M.P.

### **Official from the Ministry of Legal Affairs**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Officer

### **Advisers of the Ministry of Tourism, Industry & Commerce**

Ms. Kim Stevenson - Director of Commerce  
Ms. Felicia Forde - Consumer Officer

### **Officers**

Mr. Maurice B. Henry - Head of Committees Division  
Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

#### **ITEM 1: CALL TO ORDER**

- 1.1 Chairman called the meeting to order at 5.00 p.m. and welcomed members of the Committee, staff and advisers to the second meeting of the Committee.

#### **ITEM 2: ANNOUNCEMENTS**

- 2.1 The Chairman introduced to the Committee, his two (2) officers that accompanied him from the Ministry of Tourism Industry and Commerce: Ms. Felicia Forde, Consumer Offices and Ms Kim Stevenson, Director of Commerce
- 2.2 He also introduced the Legal Adviser Ms. Vonetta Atwell from the Attorney General's Chambers.
- 2.3 Thereafter the Head of Committees Division informed the Chairman that Ms. Claudia Greenidge, Clerk of Committee would be working with him as of the third Meeting.

#### **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notices of the 2<sup>nd</sup> Meeting of the Special Select Committee on the Competition and Fair Trading Bill –Bill No. 18 /2005 dated 10<sup>th</sup> February, 2006.

- (ii) Minutes of the 1<sup>st</sup> Meeting of the Special Select Committee on the Competition and Fair Trading Bill – Bill No. 18 /2005 held on 19<sup>th</sup> January, 2006.

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 1<sup>ST</sup> MEETING OF THE COMPETITION AND FAIR TRADING BILL – Bill No. 18/2005.**

**4.1 Correction of Minutes**

- 4.1.1 The Minutes of the Meeting were confirmed without corrections on a motion moved by Mr. Murray and seconded by the Hon. Bibi Shadick.

**ITEM 5: CONSIDERATION OF THE CLAUSES OF THE COMPETITION AND FAIR TRADING BILL, 2005 ( BILL No. 18 / 2005)**

- 5.1 The Committee proceeded to consider the clauses of the Competition and Fair Trading Bill No. 18/2005 Part 1 clause by clause.

**5.2 Clause 1 was accepted as presented.**

**5.3 Clause 2**

- 5.3.1 Subsection (2) was deferred to enable the Committee to obtain clarification of the words “defined Market” in the definition of “market restriction”.

**5.4. Clause 3 was accepted as presented.**

**5.5 Clause 4**

- 5.5.1 Subsection (1). The following amendments were made:

- (a) substitution of the word “approved” for the word “excluded” in paragraph (f); and
- (b) deletion of the word “may” after the word “Minister” in the first line of the paragraph (h) and insertion of the word “may” before the word “declare” in the second line of the paragraph.



5.5.2 Consideration of subsection (2) was deferred for redrafting by the Chief Parliamentary Counsel.

5.5.3 **Clause 4** was thereafter deferred.

**ITEM 6: ANY OTHER BUSINESS**

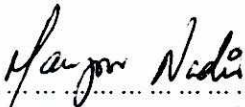
**6.1 Next Scheduled Meeting**

6.1.1. Committee agreed that the date of the next meeting would be on Monday 20<sup>th</sup> February at 2.00pm.

**ADJOURNMENT**

At 6.15 p.m., the meeting was adjourned to Monday, 20<sup>th</sup> February, 2006

Confirmed this .....<sup>20</sup>.....day of February, 2006

  
.....  
*The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism Industry and Commerce  
Chairperson*



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF GUYANA (2002 – 2006)**

**MINUTES OF THE  
3<sup>RD</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
COMPETITION AND FAIR TRADING BILL – Bill No. 18/ 2005  
HELD AT 2.10 P.M  
ON WEDNESDAY, 20<sup>TH</sup> FEBRUARY, 2006  
IN THE PARLIAMENTARY LIBRARY  
PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE**

**CHAIRMAN**

**(Nominated by the Committee of Selection on , 15<sup>th</sup> December, 2005)  
Elected by the Committee on 19<sup>th</sup> January, 2006**

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

**MEMBERS**

**From the People's Progressive Party/Civic (4)  
(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

The Hon. Shaik K. Z. Baksh, M.P., - Excused  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P. - Absent  
Minister of Fisheries, Other Crops & Livestock

The Hon. Bibi Shadick, M.P.  
Minister in the Ministry of Labour, Human Services & Social Security

Mr Odinga Lumumba, M.P. - Absent

**From the People's National Congress/Reform (4)  
(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

Mr. Winston S. Murray, C.C.H., M.P. - Excused

Mr. Ivor Allen, M.P.

Mr. Basil Williams, M. P. -

Mr. Jerome Khan, M.P.

### **Officials from the Ministry of Legal Affairs**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Officer

### **Advisers of the Ministry of Tourism, Industry & Commerce**

Ms. Kim Stevenson - Director of Commerce  
Ms. Felicia Forde - Consumer Officer

### **Officers**

Mr. Maurice B. Henry - Head of Committees Division  
Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

#### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 2.10 p.m. and welcomed Members of the Committee, Staff and Advisers to the Meeting.

#### **ITEM 2: ANNOUNCEMENTS**

- 2.1 The Chairman informed the Committee that the following Members had asked to be excused from the Meeting:
- (i) The Hon. Shaik K. Z. Baksh, and
  - (ii) Mr. Winston S. Murray

#### **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notices of the 3<sup>rd</sup> Meeting 17<sup>th</sup> February, 2006, and
  - (ii) Minutes of the 2<sup>nd</sup> Meeting 15<sup>th</sup> February, 2006.
- 3.2 The following document was circulated at the meeting:
- Amendments to clause 4.

**ITEM 4: CORRECTION AND CONFIRMATION OF THE MINUTES OF THE 2<sup>ND</sup> MEETING OF THE COMPETITION AND FAIR TRADING BILL 2005 – Bill No. 18/2005.**

**4.1 Corrections**

**4.1.1 Cover Page**

Substitution of the word “Excused” for the word “Absent” next to the words Mr. Basil Williams.

**4.1.2 Page 3, clause 2, paragraph 5.3.1**

**4.1.2.1 (i) Insertion of the following at the end of the paragraph:**

*“as contained in the clause of the Bill”*

**(ii) Insertion of the following as paragraph 5.3.2**

*“The Committee would return to this definition when it would have reached that section of the Bill”.*

**4.2** Thereafter the Minutes were confirmed on a motion moved and seconded by Messrs Khan and Allen, respectively.

**4.3 MATTERS ARISING**

**4.3.1 Page 4, paragraph 5.5.2 – Redraft of Clause 4(2)**

**4.3.1.1** The Committee accepted the following amendment to clause 4 as prepared by the Chief Parliamentary Counsel:

**(i) “In subsection (2) substitute for the full stop at the end, a colon and insert the following proviso-**

*“Provided that-*

- (a) *the Commission shall strictly confine itself to discharging its functions in relation to a matter falling within the provisions of this Act;***



4.4.4.2 **Subsection (4):**

Immediately after the word "*person*" insert the words "*complained against*".

4.4.4.3 **Subsection (5):**

Immediately after the word "*days*" insert the words "*but the Commission may release the document before having examined and noted its contents*".

4.4.5 **Page 6, paragraph 5.9.1 - Clause 17(4)**

Immediately after the words "*discontinuing the investigator or enquiry*" insert the words "*and shall hand over all documents to the person from whom they were obtained*".

4.7 **Page 6, paragraph 5.9 - Clause 17**

4.7.1 Subsection (1) was **accepted as presented.**

4.7.2 The Committee deferred consideration of subsection (2).

4.7.3 Subsections (3) and (4) were **accepted as presented.**

4.7.4 Clause 17 was then deferred.

**ITEM 5: CONTINUATION OF CONSIDERATION OF THE CLAUSES OF THE COMPETITION AND FAIR TRADING BILL 2005 – (BILLNO. 18/2005)**

5.1 The Committee proceeded to continue consideration of the clauses of the Bill.

5.2 **Clauses 20 to 22:**

5.2.1 The Committee agreed to defer consideration of the above clauses at the request of Mr. Murray.

5.3 **Clauses 23 to 24 were accepted as presented.**

5.4 **Clause 25:**

5.4.1 Subsections (1) to (4) were **accepted as presented.**



- 5.4.2 The Committee noted the comments by the Members that there was the need to revisit penalties based on the size of a company's "turn-over".
- 5.4.3 The Committee deferred consideration of subsections (5) to (8)
- 5.5 **Clauses 26 to 38 were accepted as presented.**

#### **ADJOURNMENT**

At 3.45 p.m., the meeting was adjourned to 4.00 p.m. on Monday, 6<sup>th</sup> March, 2006

Confirmed this .....<sup>6<sup>th</sup></sup>.....day of March, 2006

  
.....  
*The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism Industry and Commerce  
Chairperson*

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF GUYANA (2002 – 2006)**

**MINUTES OF THE  
5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
COMPETITION AND FAIR TRADING BILL 2005– Bill No. 18/ 2005  
HELD AT 4.10 P.M  
ON MONDAY, 6<sup>TH</sup> MARCH, 2006  
IN THE PARLIAMENTARY LIBRARY PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE**

**CHAIRMAN**

**(Nominated by the Committee of Selection on , 15<sup>th</sup> December, 2005)**

**Elected by the Committee on 19<sup>th</sup> January, 2006**

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

**MEMBERS**

**From the People's Progressive Party/Civic (4)**

**(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

The Hon. Shaik K. Z. Baksh, M.P.,  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P.  
Minister of Fisheries, Other Crops & Livestock - Absent

The Hon. Bibi Shadick, M.P. - Excused  
Minister in the Ministry of Labour, Human Services & Social Security

Mr Odinga Lumumba, M.P. - Absent

**From the People's National Congress/Reform (4)**

**(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Ivor Allen, M.P. - Absent

Mr. Basil Williams, M. P.

Mr. Jerome Khan, M.P.

**Officials from the Ministry of Legal Affairs:**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Officer

**Adviser to the Ministry of Tourism, Industry & Commerce:**

Ms. Derise Williams - Consumer Officer

**Officers:**

Mr. Maurice B. Henry - Head of Committees Division  
Ms. Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 4.10 p.m. and welcomed Members of the Committee, Staff and Advisers to the Meeting.

**ITEM 2: ANNOUNCEMENTS**

- 2.1 The Chairman announced that the following Members had asked to be excused from the Meeting:
- The Hon. Bibi Shadick, M.P., and
  - Mr. Ivor Allen, M.P.

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notice of the 5<sup>th</sup> Meeting dated 28<sup>th</sup> February, 2006, and
  - (ii) Minutes of the 4<sup>th</sup> Meeting held on 27<sup>th</sup> February, 2006
- 3.2 The following document was circulated at the meeting:
- Amendments to be moved by the Minister of Tourism, Industry and Commerce prepared by the Chief Parliamentary Counsel.

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 4<sup>TH</sup> MEETING HELD ON MONDAY 6<sup>TH</sup> MARCH, 2006 COMPETITION AND FAIR TRADING BILL 2005 – Bill No. 18/2005.**

**4.1 Corrections**

4.1.1 Substitution of the word “investigation” for the word “investigator” after the word “the” in the first line.

4.1.2 Thereafter the Minutes were confirmed on a motion moved and seconded by Messrs Williams and Khan, respectively.

**ITEM 5: CONTINUATION OF CONSIDERATION OF THE CLAUSES OF THE COMPETITION AND FAIR TRADING BILL 2005 – (BILLNO. 18/2005)**

**5.1 Recommittal of Clauses**

5.1.1 At the request of Mr. Murray, the following clauses were recommitted:

- (i) Clause 7 (1) (d)
- (ii) Clause 11(1)
- (iii) Clause 12(2)
- (iv) Clause 14(1)

**5.2 Clause 7 (1) (d):**

5.2.1 The following amendment was *accepted*:

*Insertion of the words “except otherwise as stated in this Act” at the end of the paragraph, before the colon.*

**5.3 Clause 11 (1):**

5.3.1 The following amendment was *accepted*:

*Deletion of the words, “or within such longer period as the Minister may in special circumstances allow, cause to be made and transmitted to the Minister,” after the word “year” in the first line.*




- 5.4**            **Clause 12(2):**
- 5.4.1           The Committee deferred consideration of subsection (2).
- 5.5**            **Clauses 20 to 22:**
- 5.5.1           On account of the issue raised by Mr. Murray on the need to have agreement existing immediately before the coming into effect of the Act, the CPC undertook to research the issue. The clause was therefore deferred.
- 5.5.2           The Chief Parliamentary Counsel was requested to redraft the clauses.
- 5.6**            **Clause 25:**
- 5.6.1           Subsection (3) was recommitted.
- 5.6.2           After discussing the level of penalty, the subsection was deferred to enable Ministers to study the CPC's new clause 49A.
- 5.7**            Subsections (5) to (8) were *accepted as presented*.
- 5.7.1           The Committee then proceeded to continue consideration of the clauses of the Bill.
- 5.8**            Clauses 39 to 41 were *accepted as presented*.
- 5.9**            **Clause 42**
- 5.9.1           Subsections (1) to (3) were *accepted as presented*.
- 5.9.2           Subsection (4) was amended as follows:  
  
*Substitution of the word "subsection" for the word "section" in the first line.*
- 5.10**          Clauses 43 and 44 were *accepted as presented*.

- 5.11 **Clause 45:**
- 5.11.1 *Subsection 1(a):*
- 5.11.2 The Committee accepted this paragraph in principle. It however, noted the comments made by Mr. Khan that the provision was more suited for large companies.
- 5.11.3 Thereafter the clause was *accepted as presented*.
- 5.12 Clauses 46, 47 and 48 were *accepted as presented*
- 5.13 **Clause 49:**
- 5.13.1 The CPC was required to advise the Committee whether this was the only clause which had provided for the Commission to impose a fine.

#### ADJOURNMENT

At 6.05 p.m., the meeting was adjourned to 4.00 p.m. on Thursday, 9<sup>th</sup> March, 2006

Confirmed this .....<sup>9<sup>th</sup></sup>.....day of March, 2006

  
.....  
The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism Industry and Commerce  
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF GUYANA (2002 – 2006)**

**MINUTES OF THE  
6<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
COMPETITION AND FAIR TRADING BILL 2005– Bill No. 18/ 2005  
HELD AT 4.15 P.M  
ON THURSDAY, 9<sup>TH</sup> MARCH, 2006  
IN THE PARLIAMENTARY LIBRARY PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE**

**CHAIRMAN**

**(Nominated by the Committee of Selection on , 15<sup>th</sup> December, 2005)  
Elected by the Committee on 19<sup>th</sup> January, 2006**

The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism, Industry & Commerce

**MEMBERS**

**From the People's Progressive Party/Civic (4)  
(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

The Hon. Shaik K. Z. Baksh, M.P.,  
Minister of Housing & Water

The Hon. Satyadeow Sawh, M.P.  
Minister of Fisheries, Other Crops & Livestock

The Hon. Bibi Shadick, M.P.  
Minister in the Ministry of Labour, Human Services & Social Security

Mr Odinga Lumumba, M.P. - Absent

**From the People's National Congress/Reform (4)  
(Nominated by the Committee of Selection on 15<sup>th</sup> December, 2005)**

Mr. Winston S. Murray, C.C.H., M.P.

Mr. Ivor Allen, M.P. - Excused

Mr. Basil Williams, M. P.

Mr. Jerome Khan, M.P. - Excused

**Officials from the Ministry of Legal Affairs:**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Counsel

**Staff of the Ministry of Tourism, Industry & Commerce**

Ms. Kim Stephen - Commerce Director

**Officers:**

Ms. Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 4.10 p.m. and welcomed Members of the Committee, Staff and Advisers to the Meeting.

**ITEM 2: ANNOUNCEMENTS**

- 2.1 The Chairman announced that the following Members had asked to be excused from the Meeting:

- (i) Mr. Ivor Allen, M.P., and
- (ii) Mr. Jerome Khan, M.P

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:

- (i) Notice of the 6<sup>th</sup> Meeting dated 8<sup>th</sup> March, 2006, and
- (ii) Minutes of the 5<sup>th</sup> Meeting held on 6<sup>th</sup> March, 2006

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON MONDAY 6<sup>TH</sup> MARCH, 2006  
COMPETITION AND FAIR TRADING BILL 2005 – Bill No. 18/2005.**

- 4.1 **Corrections**



**4.1.1 Page 2**

4.1.1.1 Substitution of the words "Staff of" for the words "Adviser to" before the word "Ministry" in the second heading.

4.1.1.2 Substitution of the word "Commerce" for the word "Consumer" next to "Ms Derise Williams"

**4.2 Page 3, paragraph 5.2.1**

4.2.1 Substitution of the words "as otherwise" for the words "otherwise as" in the first line.

**4.3 Page 4, paragraph 5.5.1**

4.3.1 Substitution of the following for the first part of the paragraph:

*"On account of the property rights raised by Mr. Murray and the need to have an existing agreement before the coming into effect of this Act",.*

**4.4 Page 4, paragraph 5.5.2**

4.4.1 Substitution of the words "research the issue" for the words "redraft the clause" at the end of the paragraph.

**4.5 Page 4, paragraph 5.6.2**

4.5.1 Insertion of the word "suggested" before the word "new" in the last line.

**4.6 Page 5, paragraph 5.12**

4.6.1 Substitution of the following for the paragraph:

**"Clause 46 was accepted as presented".**

4.7 Thereafter the Minutes were confirmed on a motion moved and seconded by Mr. Williams and the Hon. Bibi Shadick, respectively.

**4.7 MATTERS ARISING**

**4.7.1 Clause 12(2)**

4.7.1.1 The Committee continued to defer consideration of subsection (2)

**4.8. Clauses 20 to 22**

4.8.1 The Committee continued to defer consideration of the above clauses, pending a research of the issue by the Chief Parliamentary Counsel.

**ITEM 5: CONTINUATION OF CONSIDERATION OF THE CLAUSES OF THE COMPETITION AND FAIR TRADING BILL 2005 – (BILLNO. 18/2005)**

5.1 The Committee proceeded to continue consideration of the clauses of the Bill.

**5.2 Clause 47**

5.2.1 The Committee **accepted** the following amendment:

5.2.1.1 Insertion of "*Subject to the provisions of this Act,*" at the commencement the clause:

**5.3. Clause 48**

5.3.1 Subsection (1) (a)

(i) The Chief Parliamentary Counsel was requested to redraft paragraph (a).

(ii) Deletion of the word "or" between paragraphs (a) and (b).

5.3.1.1 Paragraph (b): The following amendment was made:

Substitution of the words "referred to" for the words "described" before the word "section" in the last line.

5.3.1.2 Subsections (2) and (3) were **accepted as presented**.

**5.4 Clause 49 was accepted as presented.**

**5.5 Clause 50**

5.5.1 The Committee **accepted** the clause with the following amendment:

- 5.5.1.1 Insertion of the words "*Except as otherwise provided in this Act,*" at the commencement of the paragraph.
- 5.5.1.2 The Committee however, noted the comments made by Mr. Williams and the Hon. Shadick, that in terms of the conceptualization on the damages awarded by the court, it was considered under the criminal jurisdiction and could not be deemed as a civil matter. Under this pretext the language was not appropriate at subsection 1 (e).
- 5.5.1.3 **Clause 50 was accepted as amended.**
- 5.6 **Clauses 51 and 52 were accepted as presented**
- 5.7 **Clause 53**
- 5.7.1 Subsections (1) to (5) were **accepted as presented.**
- 5.7.1.1 Subsection (6)
- 5.7.1.2 Chief Parliamentary Counsel was requested to redraft this subsection. Members also undertook to study the subsection.
- 5.8 **Clauses 54 to 58 were accepted as presented.**
- 5.9 **Clause 59**
- 5.9.1 The Committee **accepted** the clause with the following amendment:  
  
Substitution of "22" for "19(2)" after the word "section" in the first line.
- 5.10 **FIRST SCHEDULE**
- 5.10.1 The Committee proceeded to consider the first schedule of the Bill.
- 5.10.2 **Paragraph 1**
  - (i) The Committee deferred consideration of subparagraph (1).

**Subparagraph (2)**

- (ii) The Committee **accepted** the subparagraph (2) with the following amendment:

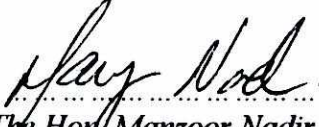
Deletion of the words “,or extensive experience” after the word “management” in the penultimate line.

- 5.10.2.3 (iii) The Committee deferred consideration of subparagraph (3).

**ADJOURNMENT**

At 6.00 p.m., the meeting was adjourned to 4.00 p.m. on Monday, 13<sup>th</sup> March, 2006

Confirmed this <sup>13<sup>th</sup></sup>.....day of March, 2006

  
.....  
The Hon/ Manzoor Nadir, M.P.,  
Minister of Tourism Industry and Commerce  
Chairperson





**Officials from the Ministry of Legal Affairs:**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Counsel

**Staff of the Ministry of Tourism, Industry & Commerce**

Ms. Felicia Forde - Commerce Officer

**Officers:**

Ms. Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 4.20 p.m. and welcomed Members of the Committee, Staff and Advisers to the Meeting.

**ITEM 2: ANNOUNCEMENTS**

- 2.1 The Chairman announced that Mr. Ivor Allen had asked to be excused from the Meeting.

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notice of the 7<sup>th</sup> Meeting dated 10<sup>th</sup> March, 2006, and
  - (ii) Minutes of the 6<sup>th</sup> Meeting held on 9<sup>th</sup> March, 2006

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 6<sup>TH</sup> MEETING HELD ON THURSDAY 9<sup>TH</sup> MARCH, 2006 COMPETITION AND FAIR TRADING BILL 2005 – Bill No. 18/2005.**

- 4.1 The Minutes were confirmed without any correction on a motion moved and seconded by the Hon. Bibi Shadick and Mr. Williams, respectively.

**4.4 MATTERS ARISING**

**4.7.1 Page 5, Paragraph 5.7.1.2 Clause 53(6)**

4.7.1.1 The Committee **accepted** the following amendment to clause 53 (6):

Substitution of the words “Caribbean Court of Justice” for the word “High Court” after the word “the” in the second line.

**ITEM 5: CONTINUATION OF CONSIDERATION OF THE CLAUSES OF THE COMPETITION AND FAIR TRADING BILL 2005 – (BILLNO. 18/2005)**

5.1 The Committee continued consideration of the clauses of the Competition and Fair Trading Bill 2005.

**5.2 FIRST SCHEDULE**

The Committee continued consideration of the first schedule of the Bill.

**5.2.1 Paragraph 1**

- 5.2.1.1 (i) The Chief Parliamentary Counsel was requested to redraft subparagraph (1).
- (ii) The Committee accepted the following amendments to the paragraph:
- (a) Deletion of the words “and the Secretary to the Commission,” after the word “Commission” in the first line of subparagraph (3).
  - (b) Renumbering of subparagraph (3) as subparagraph (4)
  - (c) Insertion of the following as subparagraph (3):

*“There shall be a Secretary to the Commission who shall be appointed by the Commission”.*

5.2.1.2 Paragraph 1 was deferred for the redrafting of subparagraph (1).

**5.3 Paragraph 2 was accepted as presented.**



- 5.4 Paragraph 3**
- 5.4.1 The following amendment was **accepted**:
- Deletion of the paragraph:
- “If the chairman or any member of the Commission is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or other member.”*
- 5.5 Paragraph 4 was accepted as presented.**
- 5.6 Paragraph 5**
- 5.6.1 The Committee **accepted** the paragraph with the following amendments:
- Insertion of the words “by the Commission to be” after the word “considered” in the first line.
- 5.6.2 The Committee noted the reservations made by some Members that they were uncomfortable with subparagraph (d) but in the interest of accommodation would not stall the process. They further commented that they had always expressed a need for consultation.
- 5.7 Paragraphs 6 to 10 were accepted as presented.**
- 5.8 Paragraph 11**
- 5.8.1 The Committee **accepted** this paragraph in principle. It however, noted the comments by some Members that the provision was superfluous and that the Court would make its determination based on the interpretation clauses.
- 5.9 Paragraphs 12 and 13 were accepted as presented.**
- 5.10 The First Schedule was deferred for the completion of paragraph 1.
- 5.11 SECOND SCHEDULE**
- 5.11.1 The Committee **accepted** the Second Schedule as **presented**.



**5.11 Consideration of deferred Clauses – 20 to 22**

5.11.1 The Committee considered the above clauses. Failing to arrive at an agreement to the redrafting of these clauses, further consideration was deferred.

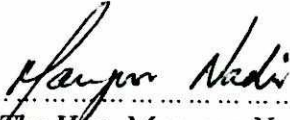
**5.12 Report of the Committee**

5.11.1 The Committee agreed that a draft Report on the Bill excluding clauses 20, 21 and 22 should be prepared and circulated to Members for the next meeting.

**ADJOURNMENT**

At 6.00 p.m., the meeting was adjourned to 9.00 a.m. on Friday, March, 2006

Confirmed this .....<sup>th</sup> 17 .....day of March, 2006

  
.....  
*The Hon. Manzoor Nadir, M.P.,  
Minister of Tourism Industry and Commerce  
Chairperson*



**Officials from the Ministry of Legal Affairs:**

Mr. Cecil Dhurjon, S.C., C.C.H. - Chief Parliamentary Counsel  
Ms. Vonetta Atwell - Parliamentary Counsel

**Staff of the Ministry of Tourism, Industry & Commerce**

Kim Stephens - Commerce Director  
Ms. Felicia Forde - Commerce Officer

**Officers:**

Ms. Claudia Daniels- Greenidge - Clerk of Committee  
Ms Sonia Maxwell - Assistant Clerk of Committee

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the Meeting to order at 9.15 a.m. and welcomed Members of the Committee, Staff and Advisers to the Meeting.

**ITEM 2: ANNOUNCEMENTS**

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notice of the 8<sup>th</sup> Meeting dated 16<sup>th</sup> March, 2006, and
  - (ii) Minutes of the 7<sup>th</sup> Meeting held on 13<sup>th</sup> March, 2006

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 7<sup>TH</sup> MEETING HELD ON MONDAY 13<sup>TH</sup> MARCH, 2006 COMPETITION AND FAIR TRADING BILL 2005 – Bill No. 18/2005.**

**4.1 Corrections**

**4.1.1 Cover Page**

- 4.1.1.1 Substitution of the word “Monday” for the word “Thursday”.
- 4.2 Thereafter the Minutes were confirmed on a motion moved and seconded by the Hon. Shaik K. Z. Baksh, and Mr. Satyadeow Sawh, respectively.

**4.2 MATTERS ARISING**

**4.2 FIRST SCHEDULE**

**4.3.1 Paragraph 1(1)**

4.3.1.1 The Committee **accepted** the following amendments:

- (i) Deletion of the words “and the Secretary” after the word “appoint” in the last line.
- (ii) Insertion of the following after the word “Minister” in the last line:

*“after consultation with relevant organizations, including-*

- (a) the private sector*
- (b) the legal profession; and*
- (c) consumers,”*

4.4.2 Thereafter the paragraph was **accepted as amended**.

4.4.3 The First Schedule was **accepted as amended**.

**TEM 5: CONCLUSION OF DEFERRED CLAUSES OF THE COMPETITION AND FAIR TRADING BILL, 2005 (BILL NO. 18 OF 2005).**

5.1 The Committee continued consideration of the deferred clauses 20 to 22 of the Competition and Fair Trading Bill 2005.

**5.2 Clause 20**

5.2.1 The Chief Parliamentary Counsel advised the committee that the agreement referred to in the clause was one between enterprises and not of the State.

5.2.1.1 The main opposition members recorded that they were concerned about whether the State would have the ability to attract investors with such legislative agreement.

5.2.1.1 A motion to delete clause 20 was put and negative on the following division.



AGAINST	FOR
Mr. Winston Murray	Hon. Shaik K. Z. Baksh
Mr. Ivor Allen Hon.	Satyadeow Sawh
Mr. Basil Williams	Hon. Bibi Shadick
	Mr. Odinga Lumumba
3	4

5.2.1.2 Clause 20 was thereafter **accepted as presented.**

**5.3 Clause 21**

5.3.1 A motion to delete clause 21 was put and negative on the following division.

AGAINST	FOR
Hon. Shaik K. Z. Baksh	Mr. Winston Murray
Hon. Satyadeow Sawh	Mr. Ivor Allen
Hon. Bibi Shadick	Mr. Basil Williams
Mr. Odinga Lumumba	
4	3

5.3.1.1 Clause 21 was thereafter **accepted as presented.**

**5.3 Clause 22**

5.3.1 Mr. Murray recorded his concern that clause 22 should be subject to Clauses 35 and 59.

5.3.2 Following a discussion the Committee recommitted clauses 35 and 59

5.3.2.1 **Clause 35**

Clause 35 was **accepted as presented**

5.3.2.2 **Clause 59**

5.3.2.2.1 **The Committee recommitted clause 59**

5.3.3.2.2 The following amendment was **accepted:**

Substitution of the words "six months" for the words "one month" after the word "within" in the first line.

5.3.3 The Chairman returned to the consideration of Clause 22

<b>AGAINST</b>	<b>FOR</b>
Hon. Shaik K. Z. Baksh	Mr. Winston Murray
Hon. Satyadeow Sawh	Mr. Ivor Allen
Hon. Bibi Shadick	Mr. Basil Williams
Mr. Odinga Lumumba	
4	3

**ITEM 6: CONSIDERATION OF THE COMMITTEE'S DRAFT REPORT ON THE COMPETITION AND FAIR TRADING BILL, 2005 (BILL NO. 18 OF 2005) TO THE NATIONAL ASSEMBLY.**

6.1 The Committee proceeded to consider the draft Report on the Competition and Fair Trading Bill paragraph by paragraph.

6.1.1 **Paragraphs 1 to 8 were accepted as presented.**

6.1.2 **Page 3, paragraph 9**

6.1.2.1 The following amendment was made to line 7:

- (i) Substitute "*Clause 12 was amended*" for " Clause 12 was agreed to as presented"
- (ii) Insert the following immediately after line 7

**6.1.3 Page 4, paragraph 10**

**6.1.3.1 Insertion of the following:**

"Clauses 20, 21 and 22" before clause 23.

**6.1.4 Paragraphs 11to 22 were accepted as presented.**

**ITEM 7: ANY OTHER BUSINESS**

**7.1 Expression of Thanks**

7.1.1 The Chairperson expressed thanks to Members of the Committee, the Legal Advisors, Officials from the Ministry of Tourism, Industry & Commerce and Staff of the Committees Division for their support during the tenure of the Committee.

7.1.2 Mr. Winston Murray congratulated the Chairman for his stewardship and expressed sincere thanks to the other Members of the Committee.

**Conclusion**

At 11.10 a.m. the meeting concluded.

*(Unconfirmed)*