



BARBADOS

FAIR TRADING COMMISSION (AMENDMENT) ACT, 2020-19

Arrangement of Sections

1. Short title
2. Amendment of the long title of Cap. 326B
3. Amendment of section 2 of Cap. 326B
4. Amendment of section 4 of Cap. 326B

BARBADOS

I assent
S. MASON
Governor-General
16th July, 2020.

2020-19

An Act to amend the *Fair Trading Commission Act*, Cap. 326B, to extend the functions of the Commission to include renewable energy producers.

[Commencement: 17th July, 2020]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Fair Trading Commission (Amendment) Act, 2020*.

Amendment of the long title of Cap. 326B

2. *The Fair Trading Commission Act, Cap. 326B, in this Act referred to as the principal Act is amended by deleting the long title and substituting the following:*

“An Act to provide for the establishment of a Fair Trading Commission to safeguard the interests of consumers, to regulate utility services supplied by service providers, to monitor and investigate the conduct of service providers, renewable energy producers and business enterprises, to promote and maintain effective competition in the economy, and for related matters.”.

Amendment of section 2 of Cap. 326B

3. *Section 2 of the principal Act is amended by*
 - (a) *deleting the definition of “rates” and substituting the following:*

““rates” include

- (a) every rate, fare, toll, charge, rental or other compensation of a service provider or renewable energy producer;
- (b) a rule, practice, measurement, classification or contract of a service provider or renewable energy producer relating to a rate; and
- (c) a schedule or tariff respecting a rate;”;

(b) *inserting in the appropriate alphabetical order the following definitions:*

““independent power producer” means a commercial entity other than an electric utility, which

(a) produces or stores; and

(b) supplies

electricity using renewable energy resources for sale to the public grid;

“public grid ” means the grid to which the public has access for the supply of electricity;

“renewable energy producer” includes a generator, distributor or person who stores and supplies electricity generated from a renewable energy resource for sale to the public grid;”.

Amendment of section 4 of Cap. 326B

4. Section 4 of the principal Act is amended

(a) *in subsection (2) by inserting the words “,renewable energy producers” immediately after the words “service providers”;*

(b) *by deleting subsection (3) and substituting the following:*

“(3) The Commission shall, in the performance of its functions and in pursuance of the objectives set out in subsections (1) and (2),

(a) establish principles for arriving at the rates to be charged by service providers and renewable energy producers;

(b) set the maximum rates to be charged by service providers and renewable energy producers;

- (c) monitor the rates charged by service providers and renewable energy producers to ensure compliance;
- (d) determine the standards of service applicable to service providers and independent power producers;
- (e) monitor the standards of service supplied by service providers and independent power producers to ensure compliance;
- (f) carry out periodic reviews of the rates and principles for setting rates of service providers and renewable energy producers;
- (g) carry out periodic reviews of standards of service of service providers and independent power producers;
- (i) hear and determine complaints by consumers regarding billings and the standards of service supplied by service providers;
- (j) keep commercial activities under review;
- (k) receive and evaluate consumer complaints;
- (l) educate and assist consumers in resolving complaints; and
- (m) investigate whether business enterprises are engaging in anti-competitive business practices.”;

(c) ***by deleting subsection (4) and substituting the following:***

“(4) The Commission shall, in performing its functions under subsection (3)(a), (b), (d), (f) and (g), consult with service providers, renewable energy producers, representatives of consumer interest groups and other parties that have an interest in the matter before it.”.

(d) ***by inserting the following new subsection immediately after subsection (4):***

“(4A) The Commission shall, in performing its functions under subsection (3)(a), (b), (c), (d), (e), (f) and (g), request

- (a) a service provider;
- (b) a renewable energy producer; or
- (c) a licensee under the *Telecommunications Act*, Cap. 282B or the *Electric Light and Power Act* (2013-21)

to provide the Commission with information relating to its operations, finances or such other information as the Commission may consider necessary to perform its functions.”.