

PUBLIC UTILITIES REGULATORY COMMISSION (AMENDMENT) BILL, 2025

EXPLANATORY NOTES

This Bill seeks to effect some consequential amendments to the Public Utilities Regulatory Commission Act No. 20 of 2016 to empower the Public Utilities Regulatory Commission to have regulatory oversight of the Water Resources Management Unit in managing the State's water resources.

Clause 1 provides for the short title and the commencement.

Clause 2 provides for the repeal and replacement of the long title of the principal Act which will now include the new role of the Commission in providing oversight to the Water Resources Management Unit.

Clause 3 amends section 2 of the principal Act by inserting new terms.

Clause 4 amends section 4 of the principal Act to increase the composition of the Commission when it sits from a 3-person or 5-person Commission to a 5 or 7-person Commission. The amendment also expands the competence of the Commissioners to include 'environmental science management'.

Clause 5 amends section 5 of the Act by inserting the word "Unit" in the provision.

Clause 6 amends section 7 of the principal Act by inserting the word "or the Unit" in the provision.

Clause 7 amends section 10 of the principal Act to insert the word "or the Unit".

Clause 8 amends section 12 of the principal Act to insert the words "or the Unit".

Clause 9 amends section 13 (3) of the principal Act by inserting the words "any other enactment under which the Commission has oversight of regulatory functions".

Clause 10 amends section 14 of the principal Act.

Clause 11 amends section 17 of the principal Act to confer the requisite powers on the Commission to carry out the new functions assigned to it under the principal Act.

Clause 12 repeals and replaces section 32 of the principal Act, which addresses appeals. This provision sets out in more detail the procedure relating to appeals.

The Appeals Tribunal is empowered to—

- (a) dismiss the appeal and confirm the decision of the Committee;
- (b) allow the appeal and set aside the decision; or
- (c) vary the decision; or
- (d) allow the appeal and direct that the matter, the subject of the appeal, be determined afresh by the Unit or the Minister.

Clause 13 amends section 36 of the principal Act by inserting the words “or the Unit”.

Clause 14 amends section 37 of the principal Act to insert the words “or the Unit”.

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Sen. the Hon. Claudette Joseph
ATTORNEY-GENERAL

PUBLIC UTILITIES REGULATORY COMMISSION (AMENDMENT) BILL, 2025

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Repeal and replacement of long title of principal Act
3. Amendment of section 2 of principal Act
4. Amendment of section 4 of principal Act
5. Amendment of section 5 of principal Act
6. Amendment of section 7 of principal Act
7. Amendment of section 10 of principal Act
8. Amendment of section 12 of principal Act
9. Amendment of section 13 of principal Act
10. Amendment of section 14 of principal Act
11. Amendment of section 17 of principal Act
12. Repeal and replacement of section 32 of principal Act
13. Amendment of section 36 of principal Act
14. Amendment of section 37 of principal Act

PUBLIC UTILITIES REGULATORY COMMISSION (AMENDMENT) BILL, 2025

GRENADA

ACT NO. OF 2025

AN ACT to amend the Public Utilities Regulatory Commission Act No. 20 of 2016.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the Authority of the same as follows—

Short title and commencement

1. (1) This Act may be cited as the

PUBLIC UTILITIES REGULATORY COMMISSION (AMENDMENT) ACT, 2025,

and shall be read and construed as one with the Public Utilities Regulatory Commission Act No. 20 of 2016 (hereinafter referred to as the “principal Act”.

(2) This Act shall come into operation on a date to be fixed by the Minister by Order published in the *Gazette*.

Repeal and replacement of long title of principal Act

2. The long title to the principal Act is repealed and replaced and follows—

“AN ACT to provide for the Public Utilities Regulatory Commission to regulate the services provided by, and determine the rates for, public utilities and to perform certain other functions in relation to public utilities; and to further confer on the Public Utilities Regulatory Commission, regulatory oversight of the management of water resources and for related matters.”.

Amendment of section 2 of principal Act

3. Section 2 of the principal Act is hereby amended as follows—

(a) by deleting the definition of “complaint” and substituting therefor the following—

“**complaint**” means a complaint against—

(a) the rate payable or to be payable for services provided by the public utility; or

- (b) the quality of services provided by the public utility, made to the Commission pursuant to section 18 or any other enactment in respect of which the Commission has regulatory functions;”;
- (b) by inserting the following new definitions in alphabetical order—
 - “**Unit**” means the Water Resource Management Unit established pursuant to section 7 of the Water Resources Management and Regulation Act;
 - “**water resources**” has the meaning assigned to it under section 2 of the Water Resources Management and Regulation Act;”;
- (c) in the definition of “rate” by deleting the word “rate” where it appears second in the definition and substituting therefor, the word “ tariff,”.

Amendment of section 4 of principal Act

4. Section 4 of the principal Act is hereby amended as follows—

- (a) in subsection (2) by deleting the words “three or five” wherever they appear and substituting therefor, the words, “five or seven”;
- (b) by deleting subsection 2(a)(i) and substituting therefor the following—
 - “(a) in the case of a Commission comprising of five members—
 - (i) the Chairperson and three other members appearing to the Minister to be qualified having experience in trade, finance, economics, engineering, accounting, business management or environmental science management; and”;
- (c) by deleting subsection (2)(b)(i) and substituting therefor the following—
 - “(b) in the case of the Commission comprising seven members—
 - (i) the Chairperson and four other members appearing to the Minister to be qualified having experience and shown capacity in trade, law,

finance, economics, engineering, accounting, business management or environmental science management;”;

- (d) in subsection (3) (a), by inserting after the word “public utility” the words, “or the Unit,”;
- (e) in subsection (3) (b), by inserting after the word “public utility” the words, “or the Unit,”; and
- (f) in subsection (3) (c), by inserting after the words “public utility”, the words, “or the Unit,”.

Amendment of section 5 of principal Act

5. Section 5 of the principal Act is amended in subsection (6), by inserting immediately after the word “public utility”, wherever they appear, the words “or the Unit”.

Amendment of section 7 of principal Act

6. Section 7 of the principal Act is amended—

- (a) by deleting the numeral (1) after the numeral 7;
- (b) in paragraph (f), by inserting after the words “public utility”, the words, “or the Unit,”; and
- (c) by deleting subsection (2).

Amendment of section 10 of principal Act

7. Section 10 of the principal Act is amended in subsections (1) and (2) respectively, by inserting after the words, “public utility” wherever they appear, the words, “, or the Unit,”.

Amendment of section 12 of principal Act

8. Section 12 of the principal Act is amended in subsection (1), by inserting after the words, “public utility sector,” the words, “or the Unit”.

Amendment of section 13 of principal Act

9. Section 13 of the principal Act is amended in subsection (3), by inserting after the word “Act”, the words, “or any other enactment under which the Commission has oversight of regulatory functions.”.

Amendment of section 14 of principal Act

10. Section 14 of the principal Act is amended as follows—

- (a) by deleting subsection (2) and substituting therefor the following—

“(2) The annual budget of the Commission, shall be funded by—

- (a) an annual assessment imposed by the Commission upon every public utility subject to this Act and assessed in accordance with subsection (3);
- (b) sums allocated to the Commission by Parliament; and
- (c) all other sums or property which in any manner may become payable or made available to the Commission in respect of any matter incidental to its functions.”;

- (b) in subsection (3), by inserting immediately after the number “(2)”, the letter “(a)”;
- (c) in subsection (4), by inserting after the number “(2)”, the letter “(a)”;
- and
- (d) by inserting after subsection (6), the following new subsection—

“(6a) The Commission shall keep proper records of accounts of funding received under section 14 (b) and (c) in accordance with generally accepted international standards and principles and shall prepare and retain financial statements in respect of each financial year.”.

Amendment of section 17 of principal Act

11. Section 17 of the principal Act is amended as follows—

- (a) by deleting subsection (1) and substituting therefor the following—

“(1) The Commission shall—

- (a) hear and determine complaints under section 18 relating to rates payable for any service of a public utility on the ground that such rates are unfair or unreasonable or contrary to law;
- (b) hear and determine claims under section 19 by a public utility for a change of rates payable for any of its services on the grounds that such claimed

rate change would be fair and reasonable, making the changed rate a fair return upon the fair value of its property;

- (c) hear and resolve any dispute that may arise between parties governed by an enactment regulating the supply of services by a public utility, as may be provided by the enactment, and in accordance with the procedure under this Part;
- (d) provide advice to any other Minister with responsibility for the sector in which any public utility is subject to this Act, in relation to the performance of his or her functions, duties and powers as provided for under the enactment and any licence or permit granted under the enactment;
- (e) enforce the terms and conditions of any licence granted or issued pursuant to any enactment under which the Commission has been conferred regulatory functions and powers, and the provisions of the enactment shall apply in the event of conflict with this Act to the extent of the inconsistency;
- (f) have regulatory oversight of the Unit, in accordance with the functions assigned to it under the Water Resources Management and Regulation Act and advise the Minister on the formulation of national policy on matters relating to the regulation of water resources;
- (g) provide for the efficient and economic development of public utility services and water resources management entities;
- (h) ensure the economic regulation of public utility services;
- (i) ensure compliance with the Government's international and regional objections in relation to the management of water resources.
- (j) be responsible for the technical regulation of public utility services and the setting of technical

standards having regards to international standards and best practice relating to public utility services;

- (k) establish, approve, monitor and review tariff schemes and tariffs in accordance with any enactment in respect of which the Commission has been given regulatory functions;
- (l) monitor and ensure that licensees comply with the conditions attached to their licences;
- (m) monitor and ensure that licensees comply with standards set by the Commission;
- (n) ensure the protection of the interests of consumer in relation to the provision of services;
- (o) receive and evaluate consumer complaints and resolve disputes in accordance with any enactment in respect of which the Commission has been given regulatory functions;
- (p) promote competition and monitor anti-competitive practices in the public utility services;
- (q) undertake, in conjunction with other institutions and entities where practicable, training, manpower, planning, seminars and conferences in areas of national and regional importance in relation to public utility services and the management of water resources;
- (r) require payment of and collect fees payable under this Act and any other Act in respect of which the Commission has regulatory or oversight functions; and
- (s) carry out such other functions as may be assigned to it under any enactment regulating the sector in which a public utility subject to this Act operates, including, to hear and determine any other matter designated to be under the jurisdiction of the Commission, and to perform any other functions and exercise any other

powers designated to it, under any other enactment.”;

(b) by inserting after subsection (1), the following new subsection—

“(1a) In addition to any other powers specified in this Act, the Commission shall have the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.”;

Repeal and replacement of section 32 of principal Act

12. Section 32 of the principal Act is hereby repealed and replaced as follows—

“Appeals

32. (1) There is hereby established a Tribunal to be called the Public Utilities Appeal Tribunal for the purpose of hearing appeals against the decisions of the Commission made pursuant to this Act or any other enactment.

(2) Regulations shall prescribe for the constitution and procedure of the Appeals Tribunal and otherwise in relation thereto.

(3) A person who is aggrieved by a decision of the Commission made pursuant to this Act or any other enactment may appeal to the Appeals Tribunal, by way of a notice of appeal, within twenty-eight days of the date that the aggrieved person is advised of the decision.

(4) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, document or other statement relevant to the appeal.

(5) A copy of the notice of appeal together with copies of any correspondence, document or any other statement shall be served on the Commission.

(6) The Appeals Tribunal shall, within seven days of the receipt of a notice of appeal under subsection (3), request the Commission to furnish it with a statement in writing setting out the reasons for its decisions.

(7) The Appeals Tribunal shall cause all parties to the appeal to be informed—

(a) of the date of the hearing of the appeal;

(b) that they may appear themselves or be represented by their attorney-at-law; and

(c) that they may summon witnesses in their cause.

(8) The Appeals Tribunal shall hear each matter before it and give its decision in writing regarding such matter within ninety calendar days of the filing of the appeal, or such longer period as the Appeals Tribunal may require, not exceeding fourteen days and may—

- (a) dismiss the appeal and confirm the decision of the Commission;
- (b) allow the appeal and set aside the decision; or
- (c) vary the decision.
- (d) allow the appeal and direct that the matter, the subject of the appeal, be determined afresh by the Unit or the Minister.

(9) The Appeals Tribunal shall forward a copy of its decision to the Commission and a copy to the applicant, together with a written statement of the reasons for its decision.”.

Amendment of section 36 of principal Act

13. Section 36 of the principal Act is amended by inserting after the words, “public utility” wherever they appear, the words, “or the Unit”.

Amendment of section 37 of principal Act

14. Section 37 of the principal Act is amended by inserting after the words, “public utility” wherever they appear, the words,” or the Unit”.

Passed by the House of Representatives this day of , 2025.

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Clerk to the House of Representatives

Passed by the Senate this day of , 2025.

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Clerk to the Senate