

A BILL

entitled

PRICE COMMISSION AMENDMENT ACT 2017

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WHEREAS it is expedient to amend the Price Commission Act 1974 so as to change the title of the Act and the title of the Price Control Commission and to update some of the penalties under the Act;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Price Commission Act 1974 ("the principal Act"), may be cited as the Price Commission Amendment Act 2017.

Amends title of Act

2 The principal Act is amended by deleting the title of the Act and substituting the title "Cost of Living Commission Act 1974".

Amends title of Commission

3 The principal Act is amended by deleting the words "Price Control Commission" wherever they appear in the Act and substituting the words "Cost of Living Commission".

Amends section 6

4 The principal Act is amended in section 6 by repealing subsection (3) and substituting—

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“(3) If a specified business undertaking fails to comply with a notice under this section, such business undertaking is guilty of an offence and liable on summary conviction to a fine of \$5,000 and, in addition, for each day that the business undertaking fails to comply, to a daily default fine of \$500.”.

Amends section 10

5 The principal Act is amended in section 10(2) by deleting the words “commits an offence: Punishment on summary conviction: fine of \$500:” and substituting—

“is guilty of an offence and liable on summary conviction to a fine of \$5,000 and, in addition, for each day that the offence continues, to a daily default fine of \$500:”.

Consequential amendment

6 The Government Authorities (Fees) Act 1971 is amended in Part B of the First Schedule—

- (a) by deleting the entry “Price Control Commission - established by section 2 of the Price Commission Act 1974”; and
- (b) by inserting in the appropriate alphabetical order the entry—

“Cost of Living Commission - established by section 2 of the Cost of Living Commission Act 1974”.

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EXPLANATORY MEMORANDUM

This Bill amends the Price Commission Act 1974 (“the principal Act”) so as to change the title of the Act and the title of the Price Control Commission (“the Commission”), and to update some of the penalties under the Act. The change in the title of the Act and the title of the Commission is necessitated by the fact that matters of price control are to a greater extent being dealt with by the Regulatory Authority. The Commission’s main objective is now focussed on matters of cost of living. The amendments to sections 6 and 10 of the Act to update the penalties are necessitated by the fact that, as those penalties have not been updated since the Act came into operation in 1974, they are now not commensurate with the original value of the penalties and are no longer deterrent. The penalties being updated are under sections of the Act that relate to obtaining information for purposes of the Act. These sections provide for powers the Commission is to now frequently rely on to achieve the new focus of their objectives.

Clause 1 provides a citation for the Bill.

Clause 2 amends the principal Act to change the title of the Act from “Price Commission Act 1974” to “Cost of Living Commission Act 1974”.

Clause 3 amends the principal Act to change the title of the Commission from “Price Control Commission” to “Cost of Living Commission”.

Clause 4 amends section 6 of the principal Act to increase the penalty under that section from a fine of \$500 to a fine of \$5,000 and to also provide, in the case of noncompliance, for an additional daily fine of \$500.

Clause 5 amends section 10 of the principal Act to increase the penalty under that section from a fine of \$500 to a fine of \$5,000 and to also provide, in the case of noncompliance, for an additional daily fine of \$500.

Clause 6 amends the Government Authorities (Fees) Act 1971 in Part B of the First Schedule to delete the entry referencing the Price Control Commission and the Price Commission Act 1974 and to insert an entry referencing the Cost of Living Commission and the Cost of Living Commission Act 1974.