

A BILL

entitled

ELECTRICITY AMENDMENT ACT 2019

WHEREAS it is expedient to amend the Electricity Act 2016 to expand the requirements for granting consent to the transfer or assignment of licences;

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 Electricity Act 2016 (the "principal Act"), may be cited as the Electricity Amendment Act 2019.

Amends section 30

2 Section 30 of the principal Act is amended by inserting after subsection (3)—

"(4) The Authority—

- (a) shall not give consent under subsection (1) before an Integrated Resource Plan has been approved under section 44(2) and published under section 45; and
- (b) shall have due regard to the Integrated Resource Plan when making its decision as to whether or not to give consent.

(5) If the Authority intends to give consent under subsection (1) to the transfer or assignment of the TD&R Licence or a Bulk Generation Licence, it shall first consult the Minister and obtain his approval.

(6) The Minister may refuse to give his approval under subsection (5), but only if he is satisfied that the Authority's intended consent to the transfer or assignment is not in accordance with any Ministerial directions issued pursuant to sections 8 and 9."

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electricity Act 2016 (“the Act”) to expand the requirements for granting consent to the transfer or assignment of licences.

Clause 1 is self-explanatory.

Clause 2 amends section 30 of the Act. A new subsection (4) provides that the Authority’s consent shall not be given unless an Integrated Resource Plan (“IRP”) has been approved under section 44(2) and published under section 45 of the Act and that due regard is had to the IRP when the Authority makes its decision whether or not to give consent. A new subsection (5) requires the Authority to consult the Minister and obtain his approval before it consents to the transfer or assignment of the TD&R Licence or a Bulk Generation Licence. A new subsection (6) provides that the Minister may refuse his approval, but only if he is satisfied that the Authority’s intended consent to the transfer or assignment is not in accordance with Ministerial directions.