
CHAPTER 306
PUBLIC UTILITIES COMMISSION
ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment of Commission.
4. Functions of Commission.
5. Power to hold inquiry.
6. Appointment of experts.
7. Expenses and surplus funds of the Commission.
8. Power to require measures to be taken.
9. Power to require returns.
10. Recovery of fine.
11. Power to fix rates.
12. Tariffs, filing and inspection.
13. Adherence to tariffs.
14. Discrimination in rates.
15. Application by controlled public utility to fix rates.
16. Limit to rates.
17. Rates fixed on complaint.
18. Temporary rates.
19. Burden of proof on rate inquiry.
20. Offences.
21. Summary redress for consumers.
22. Appeals.
23. Regulations.
24. Appraisal of powers of Commission.
25. Designation of additional controlled public utilities.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE — Summons to Witness.

CHAPTER 306

PUBLIC UTILITIES COMMISSION

An Act to establish a Public Utilities Commission. *20 cf 1993*
*5 cf 2000**[Assent 30th July, 1993]**[Commencement 1st March, 2006]*

1. This Act may be cited as the Public Utilities Commission Act, 1993. Short title
2. In this Act — Interpretation
- “chairman” means the chairman of the Commission;
- “Commission” means the Public Utilities Commission established by section 3;
- “controlled public utility” means without prejudice to section 25 any person or company (including the lessee, trustee, receiver, or liquidator of such person or company) who provides a utility service to the public or who owns or operates equipment or facilities for — *5 cf 2000, s 2*
- (a) the production, generation, storage, transmission, sale, delivery, furnishing or supplying, directly or indirectly to or for the public, of electricity;
 - (b) the provision of a service consisting of emitting, transmitting, conveying, switching or receiving messages within, into or from The Bahamas by means of any system that uses any electric electro-magnetic, electro-optical or optic-electronic means;
 - (c) the supply of water or the provision of sewerage facilities through a system of pipes connected to households directly or indirectly in any area of a community; and
 - (d) the sale, distribution or supply of propane gas, but shall not include any person or company not otherwise a public utility who furnishes the service or commodity only to himself, his employees, tenants or guests, when such service or commodity is not resold to or used by others

5 cf 2000, s 2

“Minister” means the Prime Minister;

“rate” includes every rate, fare, toll, charge, rental or other compensation whatsoever of any public utility, and every rule, regulation, practice, measurement, classification or contract of the public utility relating thereto;

“service” includes the accommodation afforded consumers, and any product or commodity furnished or supplied by a public utility, and the plant, equipment, apparatus, appliances, property and facilities employed by or in connection with any public utility in performing any service or in furnishing or supplying and product or commodity and devoted to the purposes in which the public utility is engaged and to the use and accommodation of the public;

“unjust” and “unreasonable” as applied to rates shall be construed to include respectively injustice and unreasonableness, whether arising from the fact that rates are excessive as being more than a fair and reasonable charge for service of the nature and quality furnished by the public utility, or from the fact that rates are insufficient to yield fair compensation for the service rendered or arising in any other manner.

(2) References in this Act to services rendered by a controlled public utility shall be deemed to include references to any commodity supplied by that utility in rendering such services.

Establishment of Commission.

3. There shall be established for the purposes of this Act a body to be called the Public Utilities Commission.

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

Functions of Commission.

5 cf 2000, s 3

¹4. (1) The duties of the Commission shall be —

(a) to ensure that the services rendered by a utility undertaking operated by a controlled public utility (hereinafter referred to as “utility services”) are satisfactory and that the charges

¹ Section 13 of Act 5 of 2000 provides that section 4 “shall apply to particular classes of utility services to the extent [it is] not disapplied by the provisions of any other Act in relation to such classes of utility services”.

imposed in respect of those services are reasonable;

- (b) to promote the interest of consumers, whilst enabling service providers that operate efficiently to finance the provision of utility services;
- (c) to publish information, reports and other documents relating to the utility services;
- (d) to promote effective competition consistently and in accordance with any policy established by the Government for that sector.

(2) For the purposes of subsection (1), notwithstanding anything to the contrary in any law, the Commission shall have all the powers provided for under this Act including the power —

- (a) to enquire into the nature and extent of utility services and to determine in accordance with the provisions of this Act the standards which must be maintained in relation to such services;
- (b) to determine in accordance with the provisions of this Act the rates which may be charged in respect of utility services;
- (c) to do anything incidental to or conducive to the performance of its functions or duties under this Act.

(3) Notwithstanding any other law the functions of the Commission in relation to any utility service shall commence only on such date as the Minister may by Notice in the *Gazette* appoint.

²5. The Commission may upon its own motion or upon complaint by any person hold a public inquiry into the operations of any utility undertaking operated by a controlled public utility.

Power to hold inquiry.

(2) The provisions of the Second Schedule shall apply to every public inquiry conducted the Commission.

Second Schedule.

6. The Commission may from time to time appoint or engage experts or persons having technical or special knowledge necessary for the purpose of assisting the Commission to carry out its functions under this Act or any other Act.

Appointment of experts.
5 *cf* 2000, s 5

² Section 13 of Act 5 of 2000 provides that section 5 “shall apply to particular classes of utility services to the extent [it is] not disappplied by the provisions of any other Act in relation to such classes of utility services”.

Expenses and
surplus funds of
the Commission
5 of 2000, s 6

³⁷. (1) Each year the Commission shall prepare a budget, including the budgeted cost relating to each class of utility service that is subject to regulation by the Commission.

(2) The budget shall be subject to the approval of the Minister and the Minister may take into account the overall level of the budget and the apportionment between the classes of the utility services.

(3) The Commission may levy fees on a provider of a class of utility services, to defray the budgeted costs and expenses of the Commission allocable to such utility services.

(4) The Minister may direct the Commission to recover additional amounts as may be provided for under the Telecommunications Act or any other Act.

(5) Any money standing to the credit of the Commission and not required for current purposes (“surplus funds”) may, with the consent of the Minister, be carried to a reserve fund. The Minister may direct that all or any part of the surplus funds (whether or not in a reserve fund) be paid into the Consolidated Fund.

(6) Subject to subsection (5) the Commission may determine the management of any reserve fund but no part of the reserve fund shall be applied otherwise than for the purposes of the Commission.

(7) Any costs and expenses of the Commission not recovered by the fees levied shall be charged upon and paid out of the Consolidated Fund.

Power to require
measures to be
taken

³⁸. (1) Where it appears that a controlled public utility is not fulfilling its obligations under the law by which it is established or licensed the Commission, if so satisfied after a public inquiry in accordance with the provisions of this Act, may by order published in the Gazette require the public utility within the time specified in the order to take such remedial measures as may be so specified.

³ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disappplied by the provisions of any other Act in relation to such classes of utility services”

(2) The Commission may impose a fine of ten thousand dollars on any controlled public utility which fails to comply with the requirements of an order by the Commission. *5 cf 2000, s 7*

⁴9. (1) The Commission may require any controlled public utility to furnish such information or submit such returns at such intervals as the Commission may require in relation to the operations of such public utility. *Power to require returns.*

(2) The Commission may impose a fine of ten thousand dollars on any controlled public utility which fails to comply with any requirement made pursuant to subsection (1). *5 cf 2000, s 8*

⁴10. Where the Commission imposes a fine under section 8(2) and section 9(2) that fine shall be recoverable in the same manner as a fine imposed by a court of law. *Recovery of fine. 5 cf 2000, s 9*

⁴11. (1) Subject to subsection (2) the Commission may either after a hearing upon its own motion or upon application made by a controlled public utility (whether pursuant to subsection (1) of section 15 or not) or by any person, by order published in the *Gazette* prescribe the rates to be charged by a controlled public utility in respect of its utility services. *Power to fix rates.*

(2) The Commission shall not make an order under subsection (1) until after conducting a public inquiry in accordance with the provisions of this Act.

⁴12. (1) Every controlled public utility shall file with the Commission, within such time and in such form as the Commission may prescribe, tariffs showing all rates established by it and shall keep copies of such tariffs open to public inspection. *Tariffs, filing and inspection.*

(2) The rates specified in such tariffs shall be the authorised rates of such controlled public utility until changed as provided in this Act.

⁴13. No controlled public utility shall directly or indirectly demand or receive a rate for any service rendered other than that specified in the tariffs of such public utility *Adherence to tariffs. 5 cf 2000, s 10*

⁴ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disapplied by the provisions of any other Act in relation to such classes of utility services”.

applicable thereto and filed in a manner prescribed under this Act.

Discrimination in rates.

⁵**14.** No controlled public utility shall supply or furnish to any person any service at rates which are unduly preferential or discriminatory.

Application by controlled public utility to fix rates.

⁵**15.** (1) An application may be made to the Commission by a controlled public utility by way of a proposed tariff specifying the rates which the public utility proposes should be charged in respect of its utility services and the date (not being earlier than the expiration of sixty days after the making of the application) on which it is proposed that such rates should come into force (herein-after referred to as the specified date).

(2) Where an application by way of a proposed tariff is made under subsection (1) notice of such application and, if so required by the Commission, a copy of such tariff shall be published in the *Gazette* and in such other manner as the Commission may require.

(3) A notice under subsection (2) shall specify in conformity with the Second Schedule the time within which objections may be made to the Commission in respect of the proposed tariff to which the notice relates.

(4) Subject to the provisions of this Act, the Commission shall, after the expiration of the time specified pursuant to subsection (3) in the notice proceed to hold a public inquiry.

(5) An order confirming a proposed tariff shall not bring into operation any rates on a date prior to the date of such order.

(6) No controlled public utility shall after the coming into operation of this Act make any change in any existing and duly established rate unless that rate has been changed by an order of the Commission pursuant to the provisions of this Act.

Limit to rates.

⁵**16.** Where the law under which a controlled public utility is established contains provisions in relation to the returns or profits to be received by such public utility in

⁵ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disappplied by the provisions of any other Act in relation to such classes of utility services”.

respect of the operations of such public utility, the Commission shall endeavour in prescribing the rates under this Act to give effect to such provisions.

⁶17. (1) Whenever the Commission, after a public inquiry upon its own motion or upon complaint, finds that the existing rates of any controlled public utility for any service are unfair or unreasonable or contrary to law, the Commission shall determine the fair and reasonable rates (including maximum or minimum rates) to be thereafter observed and shall fix the same by order to be served on the controlled public utility and such rates shall constitute the legal rates of the controlled public utility until changed as provided in this Act.

Rates fixed on
complaint

(2) Where a controlled public utility does not itself produce or generate that which it distributes, transmits or supplies to the public but obtains the same from another source, the Commission shall have the power and authority to investigate the cost of such production or generation in any investigation of the reasonableness of the rates of such controlled public utility.

⁶18. (1) The Commission may, in any proceeding involving the rates of a controlled public utility brought either upon its own application or upon complaint, if it is of the opinion that the public interest so requires, immediately fix, determine and prescribe temporary rates to be charged by such public utility pending the final determination of such rate inquiry.

Temporary rates

(2) Whenever the Commission, upon examination of any annual or other report or of any papers, records, books or documents or of the property of any controlled public utility, is of the opinion that any rates of such public utility are producing a return in excess of a fair return upon the fair value of the property of such public utility, used and useful in its public service, the Commission may, by order, prescribe for a trial period not exceeding six months such temporary rates to be observed by such public utility as, in the opinion of the Commission, will produce a fair return upon such fair value, and the rates so prescribed shall become effective upon the date specified in

⁶ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disappplied by the provisions of any other Act in relation to such classes of utility services”

the order of the Commission and so shall become permanent at the end of such trial period, unless at any time during such trial period the public utility involved complains to the Commission that the rates so prescribed are unfair and unreasonable.

(3) Temporary rates so fixed, determined and prescribed under this section shall be effective until the final determination of the rate inquiry, unless terminated sooner by the Commission.

(4) Where the rates as finally determined are in excess of the rates existing prior to the filing with the Commission by a controlled public utility of a tariff stating a new rate under subsection (2) of section 15 or of the rates prescribed in such temporary order, then the public utility shall be permitted to amortize and recover, by means of a temporary increase in the rates finally determined, the sum which represents the difference between the gross income actually received by the public utility during the period commencing with the date on which under the notice given to the Commission the new rate was to have come into effect and ending on the date on which the rate finally determined became effective and the gross income which would have been received during the same period if the rates finally determined had been in effect.

Burden of proof
on rate inquiry

⁷19. In any proceeding upon the motion of the Commission involving any proposed or existing rate of any controlled public utility, or in any proceeding upon complaint or upon application by a public utility involving any proposed increase in rates, the burden of proof to show that the rate involved is fair and reasonable shall be upon the public utility.

Offences

⁷20. (1) A controlled public utility which fails to comply with any requirement made of it under, or contravenes any of the provisions of, section 12, 13, 14 or 15(6) shall be guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and in the case of a continuing offence to a further fine of one thousand dollars for each day on which the offence continues.

5 cf 2000, s 11

⁷ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disappplied by the provisions of any other Act in relation to such classes of utility services”

(2) Where a body corporate is guilty of an offence under this Act every director, secretary and officer of that body corporate who is knowingly a party to the act or omission which constitutes that offence shall be guilty of a like offence and liable to a like penalty.

⁸21. (1) A person may appeal to the Commission against any decision made by a controlled public utility upon a claim by the person for reimbursement of loss not exceeding three thousand dollars alleged to have been suffered by that person by reason of any act or omission done or defect in the service rendered or article supplied by the utility to the person.

Summary redress
for consumers

(2) The appeal shall be submitted in writing by the consumer to the Commission within 14 days of the receipt of the relevant decision.

(3) The Commission shall as soon as practicable proceed to hear in public the appeal under this section at the appointed time and place of which the relevant parties have been given no less than seven days prior written notice and may when necessary adjourn the hearing of the appeal from time to time.

(4) The decision of the Commission upon any appeal under this section shall be reduced to writing and a copy made available to the parties to the appeal.

(5) Subject to section 22, the decision of the Commission may be sued upon in a court of summary jurisdiction and any findings of fact made by the Commission shall be *prima facie* evidence of that fact for the purpose of those proceedings.

⁸22. (1) An appeal shall lie to the Supreme Court from any order made by the Commission under this Act at the instance of—

Appeals

- (a) the person who owns or operates the controlled public utility affected by the order;
- (b) any person who had lodged an objection to a proposal of that utility and which was the subject matter of that order,

⁸ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disappplied by the provisions of any other Act in relation to such classes of utility services”

upon a point of law or on the ground that the order was unreasonable in the light of the evidence adduced at such proceedings.

- (2) Upon an appeal the Supreme Court may —
 - (a) dismiss the appeal; or
 - (b) allow the appeal; and
 - (i) in relation to a point of law give such directions as the Court thinks fit;
 - (ii) in any other case remit the matter to the Commission for rehearing generally or for such further proceedings by the Commission as the Court thinks fit,

and may make such order as to costs (including costs in the proceedings before the Commission) as the Court thinks fit and may also make such other order as it thinks fit, including, in relation to an appeal from an order by the Commission prescribing the rates to be charged by a controlled public utility, an order that the rates which may be charged by that public utility shall be the rates in force immediately before the making of such order by the Commission, but, subject to any such order by the Supreme Court the rates prescribed by every order by the Commission against which an appeal is brought shall, in the event of a rehearing being ordered on such appeal, remain in force unless and until they are varied by any order by the Commission upon such rehearing.

Regulations
5 cf 2000, s 12

⁹23. (1) The Minister may after consultation with the Commission make regulations prescribing anything which may be or is required to be prescribed under this Act or imposing on a controlled public utility obligations in relation to the supply of information to the Commission and members of the public of the rates payable in respect of its utility services.

(2) Regulations made under subsection (1) may constitute any breach of those Regulations as a summary offence punishable by imprisonment for a term not exceeding one year or by a fine not exceeding one thousand dollars or by both such imprisonment and fine.

⁹ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disapplied by the provisions of any other Act in relation to such classes of utility services”

¹⁰24. The powers vested in the Commission by this Act shall apply notwithstanding that the subject matter in respect of which the powers are exercisable is the subject matter of any Act or agreement and shall apply in respect of rates and service, whether fixed by or the subject of any Act or agreement or otherwise and, where the rates and service are fixed by or are the subject of an agreement, shall apply whether the agreement is incorporated in or ratified or made binding by any general or special Act or otherwise.

Appraisal of powers of Commission.

25. The Governor-General may by Order having regard to the objectives of this Act designate any undertaking by reference to a particular name or class as a controlled public utility to which this Act applies.

Designation of additional controlled public utilities.

FIRST SCHEDULE (Section 3)

1. (1) The Commission shall consist of not less than three and not more than five persons to be appointed by the Governor-General on the advice of the Prime Minister after consultation with the Leader of the Opposition.

Appointment of Commission.
5 cf 2000, s 14 and Sch

(2) Such persons shall appear to the Prime Minister to be qualified as having had experience of, and shown capacity in, matters relating to industry, finance, economics, engineering, accounting, commerce, law, management or development and planning.

5 cf 2000, s 14 and Sch

2. (1) A person shall not be qualified for appointment as a member of the Commission who —

Disqualification for membership of Commission.

(a) is a member of either Houses of Parliament or the holder of any office of emolument under the Crown;

(b) holds or is interested in any stock, share, bond, debenture or other security of, or is otherwise interested in, any controlled public utility or any other company which is in competition with, or provides similar services to those supplied by a controlled public utility.

(2) The office of a member of the Commission shall become vacant if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such by virtue of subparagraph (1).

¹⁰ Section 13 of Act 5 of 2000 provides that sections 7 to 24 “shall apply to particular classes of utility services to the extent they are not disapplied by the provisions of any other Act in relation to such classes of utility services”.

Tenure of office. <i>5 cf 2000, s 14 and Sch</i>	<p>3. (1) The appointment of a member of the Commission shall, subject to the provisions of this Schedule, be for a period of not more than five years and such member shall be eligible for reappointment.</p> <p>(2) The Governor-General may at any time revoke the appointment of any member of the Commission if in the opinion of the Governor-General the member is guilty of neglect of duty, misconduct or malfeasance.</p>
Chairman. <i>5 cf 2000, s 14 and Sch</i>	<p>4. (1) The Governor-General shall appoint one of the members of the Commission to be chairman thereof and in the case of the absence or inability to act of the chairman, may appoint any other member of the Commission to perform the functions of the chairman.</p> <p>(2) In the case of the absence or inability to act, at any meeting, of the chairman, the remaining members of the Commission may elect one of their number to preside at that meeting.</p>
Resignations.	<p>5. (1) Any member of the Commission other than the chairman may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the chairman and from the date of receipt by the Governor-General of such instrument such member shall cease to be a member of the Commission.</p> <p>(2) The chairman may at any time resign his office by instrument in writing addressed to the Governor-General and such resignation shall take effect as from the date of the receipt of such instrument by the Governor-General.</p>
Publications of membership.	<p>6. The names of all members of the Commission as first constituted and every change of the membership thereof shall be published in the <i>Gazette</i>.</p>
Incorporation.	<p>7. (1) The Commission shall be a body corporate having perpetual succession and a common seal and with power to acquire, hold and dispose of land and other property of whatever kind.</p> <p>(2) The seal of the Commission shall be authenticated by the signatures of the chairman or one member of the Commission authorized to act in that behalf and the secretary of the Commission and shall be judicially noticed.</p> <p>(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairman or any member authorized to act in that behalf or the secretary of the Commission.</p> <p>(4) The Commission may sue and be sued in its corporate name and may for all purposes be described by that name.</p>
Procedure and meetings.	<p>8. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Commission shall determine.</p>

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any member of the Commission.

(3) The chairman or, in the absence or inability to act of the chairman, the person elected in accordance with the provisions of subparagraph (2) of paragraph 4 shall preside at the meetings of the Commission and when so presiding the chairman, or the person elected as aforesaid as the case may be, shall have an original and a casting vote.

(4) The quorum of the Commission shall be such number as the Commission may fix from time to time, not being less than one-half of the total members of the Commission.

(5) Subject to the provisions of this Act the Commission may regulate its own proceedings.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. 10. The remuneration of the chairman and members of the Commission shall be determined by the Governor-General on the advice of the Prime Minister and after consultation with the Leader of the Opposition.

Remuneration of
members
*5 cf 2000, s 14
and Sch*

10. The funds of the Commission shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Commission under this Act or any other Act in relation to particular classes of utility services.

Funds of the
Commission

*5 cf 2000, s 14
and Sch*

11. (1) The Commission shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit an executive director and a secretary and such other officers and servants as it thinks necessary for the proper carrying out of its functions.

Power to appoint
officers, agent
*5 cf 2000, s 14
and Sch*

(2) An appointment of an executive director shall be made after consultation with the Minister.

*5 cf 2000, s 14
and Sch*

(3) The Commission may, after consultation with the Minister remove the executive director at any time on the grounds of misconduct, inefficiency or other cause.

*5 cf 2000, s 14
and Sch*

(4) The executive director shall be the chief executive officer of the Commission reporting to the chairman and shall have responsibility for —

*5 cf 2000, s 14
and Sch*

- (a) the day-to-day administration of the affairs of the Commission; and
- (b) the provision of the technical advice and guidance in the execution of the functions of the Commission.

Disclosure of
interest

12. A member of the Commission (including any assessor or expert attached to the Commission) who is interested in any company or undertaking which is an interested party in any proceedings before the Commission affecting a controlled public utility shall disclose to the Commission the fact and nature of his interest and shall not take part in any deliberation or any decision of the Commission relating to such matter, and such a disclosure shall forthwith be recorded in the records of the Commission.

Accounts and
audit

13. (1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts of the Commission shall be audited by an auditor or auditors appointed annually by the Commission and approved by the Minister.

(3) Within four months after the end of each financial year or within such further time as may in special circumstances be allowed by the Minister, the Commission shall send the statement of its accounts referred to in subparagraph (1) to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Commission.

(4) The auditor's fees and any expenses of the audit shall be paid by the Commission.

(5) The Auditor-General shall be entitled, on the direction of the Governor-General, at all reasonable times to examine the accounts and other records in relation to the business of the Commission.

Annual report

14. (1) The Commission shall, within three months after the end of each financial year or within such further time as may in special circumstances be allowed by the Governor-General, cause to be made and transmitted to the Governor-General and the Minister a report dealing generally with the activities of the Commission during that financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the table of the House of Assembly and of the Senate.

(3) Copies of the Commission's report together with the annual statement of accounts and the auditor's report on that statement and on the accounts of the Commission shall be published in such manner as the Minister may direct and shall be made available to the public by the Commission at a reasonable price.

15. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act or the Telecommunications Act.

Protection of members

5 cf 2000, s 14 and Sch

(2) Where any member of the Commission is exempt from liability by reason only of the provisions of this paragraph, the Commission shall be liable to the extent that it would be if the said member was a servant or agent of the Commission.

5 cf 2000, s 14 and Sch

SECOND SCHEDULE (Section 5)

1. (1) Subject to the provisions of this Act, the Commission shall for the purpose of the performance of its functions under this Act have the powers of a justice of the Supreme Court to —

Powers of Commission Inquiry to be public

- (a) summon and compel the attendance of witnesses;
- (b) call for production of documents or things including the power to retain and examine the same;
- (c) examine witnesses and parties concerned on oath, which oath the chairman or secretary of the Commission is hereby empowered to administer,

and a summons in the form set out in the Third Schedule signed by the chairman may, with such modifications and adaptations as may be necessary, be substituted for and shall be equivalent to, and for the purposes of any law have the same effect as, in any formal proceedings in the Supreme Court for summoning or enforcing the attendance of witnesses and compelling the production of documents or things.

(2) Any person who —

- (a) without sufficient cause fails or refuses to attend before the Commission in obedience to a summons under this paragraph or fails or refuses to produce any paper, book, record or document which he was required by such summons to produce; or
- (b) being a witness leaves the Commission without the permission of the Commission; or
- (c) being a witness, refuses without sufficient cause to answer any question put to him by or with the permission of the Commission; or
- (d) wilfully obstructs or interrupts the proceedings of the Commission,

shall be liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment thereof to imprisonment for a period not exceeding six months.

Representation

2. An inquiry or other hearing before the Commission shall be open to the public, and minutes thereof, including a summary of the evidence given and a statement of all facts taken into consideration shall be kept by the chairman, and on application therefor copies thereof shall upon payment of the prescribed fee be furnished to all interested parties.

Notice of inquiry

3. An interested party may be represented before the Commission by a Counsel and Attorney of the Supreme Court and may call such witnesses as he may think necessary.

Notification of findings

4. Where the Commission proposes to hold a public inquiry (not being proceedings under section 21), it shall cause to be published in the *Gazette* and at intervals of not less than three days in two issues of a daily newspaper printed and circulating in The Bahamas, notice of such intention stating the purpose for which the inquiry is to held and that representations with respect to the subject matter of the inquiry may be lodged with the Commission within fifteen clear days after the last of the publications required by this paragraph and otherwise in the manner specified in the notice.

Service of findings, etc

5. As soon as may be after the conclusion of a public inquiry the Commission shall cause to be served on any controlled public utility affected and on any person who was a party to the proceedings at the inquiry a copy of the findings of the Commission and of any order made by the Commission on such inquiry as well as, in the case of an order prescribing or approving rates, a detailed statement of the reasons considered by the Commission to justify its decision.

THIRD SCHEDULE

SUMMONS TO WITNESS

to A.B. (name of person summoned, and his calling and address).

You are hereby summoned to appear before the Public Utility Commission to inquire (state briefly the subject of inquiry) at (place) upon the day of 19 at o'clock and give evidence respecting such inquiry; (if person summoned is to produce any documents, add) and you are required to bring with you (specify the documents required).

Given under the hand of the Chairman of the Public Utility Commission this day of 19

.....
Chairman