

CAYMAN ISLANDS



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**THE UTILITY REGULATION AND COMPETITION
(AMENDMENT) LAW, 2018**

(LAW 5 OF 2018)

**THE UTILITY REGULATION AND COMPETITION
(AMENDMENT) LAW, 2018**

ARRANGEMENT OF SECTIONS

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2. Amendment of section 2 - interpretation
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CAYMAN ISLANDS

Law 5 of 2018

I Assent

Franz Manderson

Acting Governor.

1st August, 2018

**A LAW TO AMEND THE UTILITY REGULATION AND
COMPETITION LAW (2018 REVISION) TO MAKE CERTAIN
PROVISIONS CONSISTENT WITH THE PUBLIC AUTHORITIES LAW,
2017 (LAW 21 OF 2017); AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Utility Regulation and Competition (Amendment) Law, 2018. Short title and commencement
- (2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.
2. The Utility Regulation and Competition Law (2018 Revision), in this Law referred to as the “principal Law”, is amended in section 2 as follows - Amendment of section 2
- interpretation
- (a) by inserting after the definition of the word “Chief Executive Officer”, the following definition -
- “ “Chief Fuels Inspector” means the person appointed as such under the Dangerous Substances Law (2017 Revision);”; and

- (b) deleting the definition of “executive member” and substituting the following -

“ “executive member” means the Chief Executive Officer, the Executive Director of Energy, the Executive Director of Information or the Chief Fuels Inspector;”.

Amendment of section 14 - structure of Board

- 3. The principal Law is amended in section 14(2) as follows -
 - (a) by deleting the words “nine individuals” and substituting the words “ten individuals”;
 - (b) by deleting the words “four non-executive members” and substituting the words “five non-executive members”; and
 - (c) by deleting the words “Chief Petroleum Inspector” and substituting the words “Chief Fuels Inspector”.

Amendment of section 17 - duties of Chair and Deputy Chair

- 4. The principal Law is amended in section 17(1) by deleting the word “Office” wherever it appears and substituting the word “ Board” in each instance.

Amendment of section 23 - procedure and meetings

- 5. The principal Law is amended in section 23 as follows -
 - (a) in subsection (4) by deleting the words “plus two executive members”; and
 - (b) by repealing subsection (5) and substituting the following subsections -

“(5) The Chief Executive Officer, the Executive Directors and Chief Fuels Inspector shall have no right to vote at meetings of the Board and the non-executive members shall each have one vote.

(5A) The decisions of the Board shall be adopted by a simple majority of the votes of the members present and voting except that in the case of an equality of votes the Chair shall have a second or casting vote.”.

Amendment of section 28 - appointment of Chief Executive Officer

- 6. The principal Law is amended in section 28 by deleting the words “to the Board”.

Amendment of section 29 - executive members

- 7. The principal Law is amended by repealing section 29 and substituting the following section -

“Executive members 29. (1) The Chief Executive Officer shall appoint the following to the Office -

- (a) the Executive Director of Information;
- (b) the Executive Director of Energy; and
- (c) the Chief Fuels Inspector.

(2) The Executive Directors and the Chief Fuels Inspector, under the day-to-day management of the Chief Executive Officer, shall be -

- (a) principal advisors to the Board; and
- (b) responsible for directing the activities of the Office, in the Executive Director's or the Chief Fuel Inspector's area of responsibility, consistent with Policy, the direction of the Board and the guidance of the Chief Executive Officer.”.

8. The principal Law is amended in section 30 as follows -

Amendment of section
30 - chief executive
officer and executive
directors

- (a) in subsection (2), by deleting the words "by the Board";
- (b) by repealing subsection (5) and substituting the following subsections -

“(5) Subject to subsection (5A), the Board, having given notice to and provided opportunity for comment by the Chief Executive Officer may, by a unanimous vote of the Members of the Board, suspend or revoke the appointment of the Chief Executive Officer for -

- (a) serious or gross misconduct; or
- (b) inadequate performance over a reasonable period of time.

(5A) The Board may not suspend or revoke the appointment of the Chief Executive Officer under subsection (5) unless the Board has given the executive member adequate opportunity to improve performance to the required level.

(5B) The Board shall determine inadequate performance by evaluating two or more consecutive performance agreements of the Chief Executive Officer.

(5C) The Chair shall consult with the Minister prior to revoking the appointment the Chief Executive Officer.”;

- (c) in subsection (6) -

- (i) by deleting the words “or any of the Executive Directors” wherever they appear; and
- (ii) by deleting the words “or Executive Director”; and
- (d) in subsection (7), by deleting the words “or relevant Executive Director”.

Validity and continuation of appointments

9. Notwithstanding the commencement of the Public Authorities Law, 2017, the appointment of the Chief Executive Officer and the Executive Directors under sections 28 and 29 prior to the commencement of this Law shall be valid and shall continue.

Validity of acts

10. Any acts, decisions or proceedings of the Board that were carried out prior to the commencement of this Law shall not be invalid by reason only of those acts, decisions or proceedings being inconsistent with the Public Authorities Law, 2017.

Passed by the Legislative Assembly the 29th day of June, 2018.

Dr. Hon. W. McKeeva Bush

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.