

CAYMAN ISLANDS



UTILITY REGULATION AND COMPETITION (AMENDMENT) ACT, 2022

(Act 18 of 2022)

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PUBLISHING DETAILS



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UTILITY REGULATION AND COMPETITION (AMENDMENT) ACT, 2022

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CAYMAN ISLANDS

(Act 18 of 2022)

I Assent,



Martyn Roper
Governor

Date: 29th day of December, 2022

UTILITY REGULATION AND COMPETITION (AMENDMENT) ACT, 2022

(Act 18 of 2022)

AN ACT TO AMEND THE UTILITY REGULATION AND COMPETITION ACT (2021 REVISION) TO CHANGE THE STRUCTURE AND CONSTITUTION OF THE BOARD IN ORDER TO IMPROVE THE GOVERNANCE OF THE OFFICE; TO AMEND THE CONSTITUTION OF THE NOMINATING COMMITTEE; TO AMEND THE INDEMNIFICATION PROVISION TO PROVIDE THAT ONLY CLAIMS CAUSED BY BAD FAITH WILL NOT BE INDEMNIFIED BY THE GOVERNMENT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Utility Regulation and Competition (Amendment) Act, 2022.

Amendment of section 2 of the Utility Regulation and Competition Act (2021 Revision) - interpretation

2. The *Utility Regulation and Competition Act (2021 Revision)*, in this Act referred to as the “principal Act”, is amended in section 2(1) by inserting after the definition of the words “**Chief Fuels Inspector**”, the following definition —

“**chief officer**” means the person appointed pursuant to the *Public Service Management Act (2018 Revision)* as chief officer in the ministry with responsibility for the Office”;

Amendment of section 14 - structure of Board

3. The principal Act is amended in section 14 by repealing subsection (2) and substituting the following subsection —
- “(2) Subject to subsections (3) and (4), the Board shall consist of eleven individuals being —
- (a) the Chair;
 - (b) nine non-executive members; and
 - (c) the Chief Executive Officer, as an *ex officio* executive member.”.

Amendment of section 18 - appointment of non-executive members

4. The principal Act is amended in section 18(2)(a) by deleting the words “Cabinet Secretary” and substituting the words “chief officer, ”.

Amendment of section 19 - reappointment of non-executive members

5. The principal Act is amended in section 19 by deleting the words “Cabinet Secretary”, wherever they appear, and substituting the words “chief officer”.

Amendment of section 21 - resignation

6. The principal Act is amended in section 21 by deleting the words “Cabinet Secretary” and substituting the words “chief officer”.

Amendment of section 23 - procedure and meetings

7. The principal Act is amended in section 23(5) by deleting the words “, the Executive Directors and Chief Fuels Inspector”.

Amendment of section 26 - the Risk and Audit Subcommittee

8. The principal Act is amended in section 26(2) as follows —
- (a) by inserting after the words “The Office shall appoint the chairperson” the words “from among the Members”; and
 - (b) in paragraph (a), by deleting the words “a Member or”.



Amendment of section 110 - indemnity

9. The principal Act is amended in section 110 by deleting the words “negligence or”.

Passed by the Parliament the 14th day of December, 2022.

Hon. Katherine Ebanks-Wilks
Speaker

Zena Merren-Chin
Clerk of the Parliament