

UTILITIES REGULATORY COMMISSION BILL, 2022

(Bill No. 38 of 2022)

OBJECTS AND REASONS

The object of this Bill is to make provisions for the establishment of a Commission for regulating the electricity sector, water and sewerage sector and for other connected or incidental matters. The Bill is divided into 4 parts.

Part I provides for preliminary provisions such as short title and commencement, interpretation of various expressions used in the Bill.

Part II provides for establishment of the Utilities Regulatory Commission, explain the objects of the Commission, functions of the Commission, general powers of the Commission and other powers of the Commission, appointment of the Commissioners, terms of mandate of the Commissioners, termination of the mandate of the Commissioners, prohibition and conflict of interest of the Commissioners, functions and duties of the Commission, Chairperson of the Commission, decisions of the Commission, review of the decisions of the Commission and appeal against the decision, meetings of the Commission, staff and organization of the Commission, appointment of the Chief Executive officer, appointment of experts, advisory committees, delegation of powers, annual report, requirement of transparency.

Part III provides for the transfer of funds of the existing Energy Commission, funds of the Commission, levy of fees by the Commission, financial year of the Commission, accounts and audit.

Part IV provides for miscellaneous matters like noncompliance with the decision of the Commission, willful default by the service providers, budget of the Commission, repeal of the Energy Act, 2012, savings and transitional provisions.

Schedule describes the utility services.

Dated this 28th day of November, 2022.

**FLAVIEN JOUBERT
MINISTER OF AGRICULTURE,
CLIMATE CHANGE AND ENVIRONMENT**

UTILITIES REGULATORY COMMISSION BILL

(Bill No. 38 of 2022)

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UTILITIES REGULATORY COMMISSION BILL, 2022

(Bill No. 38 of 2022)



A BILL

FOR

AN ACT TO ESTABLISH THE UTILITIES REGULATORY COMMISSION FOR REGULATING THE ELECTRICITY SECTOR, WATER AND SEWERAGE SECTOR AND FOR OTHER CONNECTED OR INCIDENTAL MATTERS.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and commencement

1.(1) This Act may be cited as the Utilities Regulatory Commission Act, 2022.

(2) This Act shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Interpretation

2. In this Act unless the context otherwise requires —

“Chairperson” means the Chairperson chosen pursuant to section 3;

“Chief Executive Officer” means the Chief Executive Officer appointed pursuant to section 19;

“Commission” means the Utilities Regulatory Commission established pursuant to section 3;

“Commissioner” means the commissioner appointed pursuant to section 8;

“consumer” means any person who uses any service provided by a service provider;

“energy efficiency standards” mean a set of rules that prescribe the minimum level of energy performance for the commercial, household, industrial, transport and public sectors, and energy-using products including but not limited to lighting, appliances, transport vehicles, lighting and machinery;

“licensee” means any person who holds a licence, or who currently carries out an activity in any regulated sector;

“Minister” means the Minister responsible for Environment;

“regulatory laws” means the laws in respect of which the Commission has regulatory functions and powers;

“regulated sector” means any sector in respect of which the Commission has regulatory functions and powers, in accordance with the corresponding Regulatory Acts;

“service provider” means any person which provides a utility service;

“tariff” means the rate charged to the customer by any person carrying out activities in any regulated sector.

“utility service” means a service specified in the any regulated sector, as detailed in the Schedule.

PART II - ESTABLISHMENT OF THE COMMISSION

Establishment of the Commission

3.(1) There is established a Commission known as the Utilities Regulatory Commission.

(2) The Commission is a body corporate.

(3) The Commission shall consists of five Commissioners, from whom one Chairperson and one Deputy Chairperson shall be chosen.

(4) The Commissioners shall be employed on a part-time basis and selected with the requirements of section 8.

Objects of the Commission

4.(1) The objects of the Commission are to regulate the activities of regulated sectors for adequate, reliable, cost effective and affordable services while protecting and conserving the environment.

(2) In pursuing the objects, the Commission shall carry out its functions in such a manner as to —

- (a) maintain an efficient structure for the regulated sectors so as to ensure its economic feasibility;
- (b) encourage investments and infrastructure development in the regulated sectors;
- (c) promote efficiency and competitiveness among service providers;

- (d) improve the standards of service and quality of services supplied by service providers;
- (e) comply with the policies and strategies adopted by the Government in relation to any regulated sector; and
- (f) promote the use of renewable energy, and of water and energy efficiency.

Functions of the Commission

5.(1) The functions of the Commission are to —

- (a) advise the Minister on the formulation of the national policy on matters relating to any regulated sector;
- (b) promote the efficient and economic development of any regulated sector;
- (c) monitor compliance with Government's international and regional obligations relating to the services in the regulated sectors;
- (d) be responsible for the technical regulations of the regulated sectors;
- (e) determine the standards of service applicable to service providers in any regulated sector;
- (f) receive and evaluate applications for licences and authorisations in accordance with the corresponding regulatory laws;
- (g) issue, modify or extend licences and authorisations related to the performance of activities in the energy, water and sewerage sectors in accordance with the requirements established in any regulatory laws;

- (h) periodically approve, monitor compliance and review tariff schemes and tariffs in accordance with any regulatory laws;
- (i) monitor, enforce and ensure compliance by licensees or authorisation holders carrying out activities in any regulated sectors of the obligations and conditions established in —
 - (i) regulatory laws,
 - (ii) licences or authorisations to carry out an activity in a regulated sector;
 - (iii) regulations adopted pursuant to the Regulatory Acts; and
 - (iv) approved standards of service standards;
- (j) ensure the protection of the interests of consumers in relation with the provision of a service in any regulated sector;
- (k) receive and settle disputes in regulated sectors in accordance with regulatory laws;
- (l) propose energy efficiency standards;
- (m) promote competition in the exercise of its functions, to the extent where competition is feasible in any regulated sector, and in accordance with the corresponding regulatory laws;
- (n) maintain a register containing records of licensees and authorisations holders carrying out activities in a regulated sector, in the prescribed form;
- (o) promote the sustainable development of regulated sectors including the efficiency in the use of regulated services;

- (p) undertake inspections;
- (q) require payments of and collect fees payable under this Act and the regulatory laws; and
- (r) perform such other functions specified in this Act.

(2) In addition to the functions specified in subsection (1), the Commission shall have such other functions that has been granted to it by any regulatory laws and regulations.

(3) The Commission shall have the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

General powers of the Commission

6.(1) Subject to this and any other applicable written law, the Commission shall have all the necessary powers as are necessary and convenient for carrying out its functions.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Commission may —

- (a) require from service providers and licensees any such documents and data as may be necessary to monitor compliance with this Act, regulatory laws and regulations and licences;
- (b) apply to service providers and licensees the penalties established in this Act, regulatory laws and regulations and licences;
- (c) enter into contracts;
- (d) acquire by lease, sublease, easement, or as otherwise allowed by law, any improved or unimproved land or interest in land, for its purposes under this Act;

- (e) erect any building or structure required by the purposes of this act on land belonging to or administered by the Commission;
- (f) alter or reconstruct any building or property belonging to or administered by the Commission;
- (g) dispose of by sale, lease, sublease, or easement, any building or interest therein;
- (h) dispose of by lease, sublease, or easement any land or interest therein;
- (i) acquire by purchase, lease, or sublease any personal property or license which the Commission considers necessary or convenient for carrying out its purposes;
- (j) dispose of by sale, or any other manner allowed by law, any personal property or license of the Commission;
- (k) borrow money and accept advance, contributions, gifts, or other forms of assistance;
- (l) invest or reinvest its funds from time to time;
- (m) take and hold any property as security for the payment of funds loaned or invested;
- (n) insure or provide for the insurance of any property, project, or operation against any or all risks;
- (o) appoint agents, attorneys or accountants in the islands or abroad for the purposes of the Commission;
- (p) set the rules on selection of consultants and inspectors, and on selection, promotion, remuneration and other matters related to its staff;

- (q) approve its financial, administrative and, operational procedures.
- (r) regulate the internal procedure for the imposition of sanctions in the event of statutory, regulatory or contractual infringements, and ensuring due process;
- (s) require data and information from any other authority, organisation or person as necessary to perform its functions and powers;
- (t) perform any other function that may be imposed to it by the regulations, licences and any other legislation to be adopted pursuant to this Act; and
- (u) do any such other act as may be conducive to the best attainment of its functions and objectives of this Act.

Other powers of the Commission

7. The Commission shall determine and approve —

- (a) its internal organisation and organogramme; and
- (b) its own procedures that are necessary to exercise the powers granted by this Act and by any other written law.

Appointment of Commissioners

8.(1) The President shall appoint the Commissioners and cause their names to be published in the *Gazette*.

(2) A person is eligible and qualified to be appointed as a Commissioner if he or she —

- (a) can demonstrate technical, financial, legal, economic or other professional experience and expertise relevant to the field of competence of the Commission; and

(b) are not disqualified or otherwise ineligible in terms of section 12 or 13.

(3) Notwithstanding the generality of subsection (2), the composition of the Commission shall ensure that at least —

(a) one Commissioner has technical, financial, legal, economic or other professional experience and expertise in the electricity sector; and

(b) one Commissioner has technical, financial, legal, economic or other professional experience and expertise in the water sector,

Terms of mandate of the Commissioners

9.(1) In order to promote the continuity of discharge of the Commission's statutory mandate, the terms of the Commissioners of the first Commission appointed pursuant to this Act shall be staggered as follows —

(a) two Commissioners shall be appointed for five years;

(b) two Commissioners shall be appointed for four years;

(c) one Commissioner shall be appointed for three years;

(2) The mandate of each Commissioner may be renewed once and for an additional term of five years.

(3) A Commissioner shall continue in office after the expiry of his or her term until he or she has been re-appointed, or his or her successor has been appointed, provided that a Commissioner shall not hold office pursuant to this paragraph for a period longer than twelve months.

(4) Where the post of any of the Commissioners becomes vacant before the expiration of his or her term for any reason whatsoever —

(a) the Chairperson of the Commission, or the Deputy

Chairperson if the Chairperson is absent, shall immediately notify the President;

- (b) a replacement Commissioner shall be appointed in accordance with the provisions of section 8 for the remaining term of office of that Commissioner, within three months from the date the vacancy arose; and
- (c) the new Commissioner shall be appointed for the same length of term as the Commissioner whose vacancy is being filled up.

Termination of mandates of Commissioner

10.(1) The President may terminate the appointment of a Commissioner in any of the following circumstances —

- (a) fails to comply with the prohibitions, obligations or has a conflict of interest, in terms of section 12;
- (b) is absent from office for three consecutive meetings of the Commission without leave of the Chairperson;
- (c) has been declared bankrupt;
- (d) is incapacitated by physical or mental illness, or when it is documented through a committee report prepared by a recognised medical facility that the Commissioner cannot continue his or her duties for the remaining term of his or her mandate;
- (e) has been convicted of criminal offence involving dishonesty, fraud or moral turpitude;
- (f) is guilty of misconduct; or
- (g) becomes ineligible for any of the reasons specified in section 11 and 12.

Ineligibility

11.(1) A person shall be ineligible to hold office as a Commissioner if such person —

- (a) holds public office;
- (b) does not comply with the eligibility requirements indicated in subsection (2) of section 8;
- (c) is an office bearer of any political party;
- (d) is a member of the Cabinet;
- (e) holds any position, paid or unpaid, in a service provider in any regulated sector; or
- (f) has been the subject of a court order of foreclosure.

Prohibitions and conflict of interest

12.(1) The Commissioner shall not acquire, hold or maintain directly or indirectly any kind of personal, property or pecuniary interest in any service provider or licensee in any regulated sector.

(2) The Commissioner has a conflict of interest in a subject matter before the Commission if the subject matter relates in any way to property or pecuniary interest owned, directly or indirectly, in any service provider or licensee in any regulated sector by a relative of that Commissioner.

(3) If such an interest mentioned in subsections (1) or (2) arises by way of succession or testamentary disposition or for any other reason, the Commissioner shall —

- (a) immediately notify the Commission in writing ; and

divest from such interest within a period of three months of such interest being acquired; or

(b) resign from the Commission.

(4) The Commissioners shall not hold any other office or directorship or perform consultancy or advisory services, either for remuneration or otherwise, throughout their term of appointment.

(5) At the time of his or her appointment, each Commissioner shall submit a statement in writing to the effect that he or she does not have any interest mentioned in subsections (1), (2), (3) or (4).

(6) The Commissioners shall not accept employment or enter into a contract of service with a service provider of a regulated sector —

(a) throughout their term of appointment; or

(b) within two years of the date of ceasing to be a Commissioner.

Special functions and duties of the Commission

13.(1) The Commission shall —

(a) conduct the mandates and powers conferred upon it under this Act, or in any regulatory laws and regulations;

(b) approve the annual budget and calculate expenditure and fund availability;

(c) enforce and supervise compliance with laws and regulations governing the activities of the Commission;

(d) prepare the annual report of the Commission.

(2) The Commission shall approve —

(a) its organisation and organogramme;

(b) the internal procedures which are necessary to exercise the powers granted by this Act and by other regulatory laws;

- (c) its budget; and
- (d) its own Code of Conduct and Ethics, which shall be respected by the Commissioners and by the staff of the Commission.

Chairperson

14.(1) The Chairperson shall be the principal representative of the Commission, and the Deputy Chairperson shall act for the Chairperson in the event of his or her temporary disability or absence.

- (2) The Chairperson shall —
 - (a) determine the agenda, date and time of the Commission meetings and administer the meetings;
 - (b) represents the Commission at official and public organisations and events; and
 - (c) sign contracts and agreements as authorised by the Commission.

Decisions

15.(1) All decisions of the Commission shall be taken by a simple majority of the members present and voting.

(2) In the event of a tie in votes cast, the Chairperson or his or her replacement shall have a casting vote.

(3) A majority of the Commissioners shall constitute a quorum.

(4) If a meeting fails to convene a quorum, the Chairperson shall adjourn the meeting to another date no earlier than five working days and shall notify the members accordingly.

Review of decisions and appeals

16.(1) The Commission may review its decisions and revoke them, at

its own initiative or upon the request of any of the parties affected by the decision.

(2) The final decisions of the Commission may be challenged before the Appeals Tribunal established under the Fair Trading Commission Act (Cap 267).

(3) An appeal shall not of itself stay or suspend the operation of any decision or order of the Commission but the Tribunal may by order, stay or suspend, in whole or part, the operation of the decision or order of the Commission pending the appeal.

Meetings

17.(1) The Commission shall meet as often as it deems necessary but not less than twice every month, upon an invitation from the Chairperson or his or her replacement.

(2) The Chairperson shall notify all Commissioners of the date and venue of the meeting, at least three working days before the date of the meeting.

(3) Two Commissioners may apply in writing or by electronic means to the Chairperson to convene a meeting of the Commission to discuss specified matters;

(4) The Chairperson shall, on receiving a request under subsection (3) convene a meeting within a period that shall not exceed four days from the date of receiving the request.

Staff and organisation

18.(1) The Commission may —

- (a) employ technical, professional, ancillary and such other staff as necessary to carry out the functions of the Commission;
- (b) appoint external consultants or inspectors as it deems necessary to assist in the exercise of its powers and duties;

- (c) set its internal organisation and operational procedures;
- (d) approve its own rules on —
 - (i) selection of consultants and inspectors;
 - (ii) selection, promotion, remuneration and other matters related to its staff;
 - (iii) the criteria of selection which in all cases shall comply with the principles of transparency, objectivity and non-discrimination, and shall be based on professional qualifications and merit.

Chief Executive Officer

19.(1) The Commission shall appoint a person as the Chief Executive Officer to manage the day-to-day affairs of the Commission on such terms and conditions as the Commission determines.

(2) Notwithstanding the generality of subsection (1), the Chief Executive Officer shall —

- (a) be responsible for the supervision of the work and staff of the Commission;
- (b) follow up the financial and administrative affairs and co-operating with any other authority;
- (c) prepare the annual budget and definite accounting of the Commission and present it to the Commission for approval;
- (d) prepare the annual report of the Commission and present it to the Commission for approval;
- (e) perform the functions entrusted to him or her under this Act, any regulatory law or the Commission;

- (f) attend the meetings of the Commission when that is required by the Chairperson or his or her replacement, but shall have not voting rights in the meeting.

Experts

20.(1) The Commission may appoint or engage persons having technical or other special knowledge to assist the Commission in performing its functions.

(2) The Commission shall determine the remuneration of persons engaged under subsection (1).

Advisory committees

21.(1) The Commission may appoint advisory committees to give advice on matters related to the functions of the Commission for the period determined by the Commission.

(2) The Commission shall determine the terms of reference and the remuneration for the members of the advisory committees.

(3) The persons who are members of an advisory committee established under subsection (1) shall not be considered as staff of the Commission.

(4) The opinions or recommendations made by an advisory committee appointed under subsections (1) are not binding on the Commission but may be considered by the Commission in making decisions related to its functions.

Delegation

22. The Commission may delegate, in writing, to one or more Commissioners or to the Chief Executive Officer the power to carry out on behalf of the Commission, such functions as the Commission may determine except the functions specified under section 5 (1) (e), (f), (g), and (h).

Annual report

23. The Commission shall, once every calendar year, prepare in such form and within such time as may be prescribed, an annual report giving full account of its activities during the previous year, and shall submit it together with the audited statement of accounts to the Minister and the Minister shall cause them to be tabled before the National Assembly.

Transparency and confidentiality

24.(1) The Commission shall foster transparency while exercising its powers and discharging its duties and adopting decisions, and shall make the relevant data and information available.

(2) The Commission shall —

- (a) justify its decisions; and
- (b) publish its decisions.

(3) The Commission shall —

- (a) make publicly available all relevant information, files, records and data related to any regulated sector, except those containing confidential information;
- (b) publish a balance sheet and a summary of its budget at the end of each financial year.

(4) The confidentiality of decisions or of any kind of documents or information referred to in subsection (3) shall —

- (a) not be presumed; and
- (b) need to be explicitly determined and justified by the Commission.

(5) The Commission shall develop a website making available relevant information and legislation, including —

- (a) laws, and regulations related to the regulated sectors or applicable to the them;
- (b) its own decisions;
- (c) its annual reports,
- (d) consultation documents and information related to public hearings;
- (e) its internal organisation and procedures; and
- (f) any other relevant information concerning the regulated sectors.

(6) The Commission may hold public hearings and issue consultation documents when it considers that necessary, to inform and to seek opinion from persons carrying out activities in any regulated sector, to consumers or to any interested person in respect of a matter that is relevant for or has a significant impact on —

- (a) the rights, obligations or interests of licensees, authorisation holders or consumers, or
- (b) the regulation and development of any regulated sector.

(7) Without prejudice to the generality of subsection (6), the Commission shall hold a public hearing or shall issue consultation documents where it is required by a regulatory law or before setting or reviewing tariffs.

PART III - FUNDS OF THE COMMISSION

Transfer of funds

25.(1) The Commission shall have its own funds, and all the funds transferred from the Seychelles Energy Commission constituted under the Energy Act, 2012 shall be credited to the Commission Fund.

(2) All payments made by the Commission and all expenses incurred by the Commission shall be made from the Fund.

Funds

26.(1) The funds of the Commission shall consist of —

- (a) the fees that may be levied on a service provider pursuant to section 27;
- (b) the funds transferred from the Seychelles Energy Commission in accordance with section 25;
- (c) moneys received by the Commission by way of donations or grants for the purposes of the Commission;
- (d) moneys approved by an Appropriation Act;
- (e) other funds, assets or resources as may be assigned under the applicable laws and regulation;
- (f) the interests and profits from the management of its own fund.

Fees

27.(1) Every year, service providers carrying out an activity in any regulated sector shall pay to the Commission a yearly supervision fee payable pursuant to the amount fixed by the Commission in its budget.

(2) The fee referred to under subsection (1) shall be fixed by the Commission for each individual service provider and for each licensee in accordance with the internal financial procedures set by the Commission;

(3) The Commission shall, no later than sixty days before the beginning of the financial year, determine with respect to each licensee, subject to this Act, an annual assessment pursuant to subsection (1) and (2), and notify each licensee of the annual assessment to which it is subject.

(4) Each licensee shall pay to the Commission the annual assessment made pursuant to subsections (1), (2) and (3) in two equal

installments on the fifteenth day of January and the fifteenth day of July in each year.

(5) The Commission shall prepare, on or before the 1st day of April in each year, an accountability of the funds received pursuant to subsections (1), (2), (3) and (4) and submit it to the Minister.

(6) Where a service provider fails to pay the supervision fee under subsection (1) and (2), the Commission may recover such fee in such manner as may be prescribed.

(7) Every service provider shall in addition pay licence fees, application fees, and any other fee that may be established and required by other regulatory laws and regulations.

(8) The maximum amount which may be levied on a service provider pursuant to subsections (1) and (2) is two percent of the gross sales of the service provider.

Budget

28.(1) The Commission shall prepare and determine its annual budget by calculating reasonable expenses and investments for the following fiscal year.

(2) Each year and no later than the 15th day of November, the Commission shall prepare and approve estimates of the income and expenditure of the Commission for the following year, including its capital budget for the financial year.

(3) If the estimated budget resources for the year resulted to be insufficient due to unforeseeable occurrences at the time of budget preparation, the Commission shall be entitled to a complementary charge subject to the approval of the Cabinet until the budget needs are met.

(4) If the estimated budget resources for the year exceeded the actual expenses of that year, the surpluses shall be accrued as incomes for the subsequent financial year.

Financial year

29.(1) Subject to subsection (2), the financial year of the Commission shall be a period of 12 months ending on 31st December of each year.

(2) The first financial year of the Commission shall end on 31st December next following the date on which this Act comes into operation.

Accounts and audit

30.(1) The Commission shall keep proper accounts and other relevant records of accounts, and prepare in respect of each financial year, a statement in such form and manner as may be prescribed by regulations.

(2) The accounts of the Commission shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

PART IV - MISCELLANEOUS

Non-Compliance with decision or order of the Commission

31. A service provider or licensee that refuses or fails to comply with a decision or order of the Commission adopted pursuant to this Act or to a regulatory law is liable to a maximum fine of SCR1,000,000 and the amount of fine shall be calculated in such manner as may be prescribed.

Willful default by service provider in furnishing information

32. Where the Commission serves a notice to any service provider or licensee requiring information to comply with its functions under this Act or any regulatory law, the Director, Chief Executive Officer or officer who refused or failed to comply with the order of the Commission is liable to a fine of SCR5,000, and in the case of a continuing refusal or failure, a further fine of SCR1,000 for each day during which the refusal or failure continues.

Repeal and savings

33.(1) The Energy Act, 2012 is repealed.

(2) Any regulations and directions issued and notifications made

under the repealed Act shall continue in effect until they are repealed or amended under this Act.

Transitional

34. Upon the coming into operation of this Act —

- (a) all acts done or commenced by or under the repealed Act prior to the date of operation of this Act, and where such act is within the powers of the Commission, shall be carried on and completed by or under this Act;
- (b) all acts done, decisions taken, licences, or authorisations granted by the Minister, or by the Commission, the Chief Executive Officer, officers or employees of the Commission under the repealed Act which were validly done, taken or granted under any written laws or under and pursuant to the repealed Act shall continue to have effect in accordance with the terms or until amended, annulled or withdrawn in accordance with this Act;
- (c) all agreements, deeds, bonds or arrangements which fall within the scope of the objects and functions of the Commission under the repealed Act, to which the that Commission is a party, subsisting immediately before the date of coming into operation of this Act, shall continue in force and shall be enforceable by or against the Commission as if the Commission had been a party to such deeds, bonds, agreements or arrangements;
- (d) all debts, obligations and liabilities incurred, all contracts entered into and all matters engaged to be done by or for the Government immediately before such day for or in connection with the objects of the Commission under the repealed Act shall be incurred by the Commission and the Commission shall have all powers necessary to take possession of, recover and deal with such asset, and discharge such liabilities;

- (e) all suits and legal proceedings pending or which could have been instituted by or against the Government immediately before such day for any matter in relation to the Commission under the repealed Act, shall be continued or instituted as if the Commission was a party to them;
- (f) all officers and other employees of the Commission under the repealed Act, shall be deemed to be officers and employees of the Commission on condition not less favourable than those subsisting immediately prior to the said date of repeal.

Transfer of assets

35.(1) The Board established under the repealed Act may vest in or transfer to the Commission immediately before the coming into operation of this Act —

- (a) movable and immovable properties vested in the Commission constituted under the repealed Act ;
- (b) assets, rights, interests, privileges, liabilities and obligations of the Commission constituted under the repealed Act .

(2) Where a question arises as to whether a particular movable or immovable property, asset, right, interest, privilege, liability or obligation has been transferred to or vested in the Commission under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the movable or immovable property, asset, right, interest, privilege, liability or obligations were or were not so transferred or vested.

SCHEDULE

(Section 2)

Utility services

1. Generation, distribution or supply of electricity
2. Distribution or supply of water;
3. Supply of sewerage services.