

A BILL

entitled

COST OF LIVING COMMISSION AMENDMENT ACT 2020

WHEREAS it is expedient to amend the Cost of Living Commission Act 1974 to provide that the Minister responsible for consumer affairs is the Minister responsible for the Act and to require business undertakings that sell essential commodities to use electronic means to furnish to the Commission information on the prices of essential commodities they sell, to enable the Commission to efficiently and accurately inform members of the public of current prices of essential commodities sold by the various business undertakings;

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 Cost of Living Commission Act 1974 (the "principal Act"), may be cited as the Cost of Living Commission Amendment Act 2020.

Amends section 1

2 The principal Act is amended in section 1—

(a) in the definition of "Minister", by deleting "Minister of Finance" and substituting "Minister responsible for consumer affairs"; and

(b) by inserting in the correct alphabetical order the following definitions—

“ “essential commodity” means a commodity specified as an essential commodity in regulations made under section 10E;

“price”, in relation to Part IIIA of this Act, means the monetary value placed by a business undertaking for a stated period on a finite quantity, weight, or other measure of an essential commodity that can be purchased at the business undertaking;

“business undertaking” includes a business or company in Bermuda operated on a self-service basis that offers a wide range of food and other household goods, including essential commodities;”.

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Amends sections 2 and 6

3 The principal Act is amended by deleting “Ministry of Finance” and substituting “Department of Consumer Affairs” in—

- (a) section 2(2)(a); and
- (b) section 6(1)(b).

Inserts Part IIIA

4 The principal Act is amended by inserting after section 10 the following new Part—

“PART IIIA

PRICE INFORMATION ON ESSENTIAL COMMODITIES

Commission to establish database for prices of essential commodities

10A (1) The Commission shall, for the purpose of efficiently and accurately informing members of the public of current prices of essential commodities, establish a database consisting of the prices at which essential commodities may be purchased at specified business undertakings from time to time.

(2) The prices of essential commodities set out in the database shall be the prices furnished on a timely basis by business undertakings as provided under this Part.

(3) The Commission shall, for the purposes of this Part and with the approval of the Minister, develop or employ such electronic real-time indicators as it may determine as necessary to enable it to—

- (a) obtain information on the prices of essential commodities from business undertakings; and
- (b) inform members of the public of current prices and price changes of essential commodities.

Commission to require price information on essential commodities

10B (1) The Commission may require each business undertaking to furnish the Commission with information on the price of each essential commodity sold by the business undertaking as provided in subsection (2).

(2) The Commission may require each business undertaking to furnish the Commission with information on the prices of essential commodities it sells as may be prescribed in the regulations made under section 10E, relating to—

- (a) the substance and detail of the information;
- (b) the formatting style to be used for the information;
- (c) the electronic means to be used for furnishing the information;

- (d) the time-frame within which the information is to remain valid; and
- (e) the time-frame within which the information is to be furnished to the Commission.

(3) A business undertaking shall comply with a requirement by the Commission under subsection (2) within the time-frame stated.

Database of essential commodities to be accessible by members of public

10C The prices of essential commodities in the database established by the Commission under section 10A shall be—

- (a) accessible to members of the public on the Commission's website;
- (b) communicated to members of the public by means of such electronic device as may be prescribed in the regulations made under section 10E; and
- (c) published by such other method as the Commission may determine.

Enforcement of requirement to furnish price information on essential commodities

10D A business undertaking that fails to comply with the requirements under section 10B or the regulations made under section 10E shall be liable, on summary conviction, to a fine not exceeding two thousand dollars.

Regulations on essential commodities

10E (1) The Minister may, after consulting the Commission, make such regulations as appear to him to be necessary or expedient for the proper carrying out of the intent and provisions of this Part.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may prescribe—

- (a) the list of essential commodities;
- (b) the business undertakings that are to furnish information to the Commission on the prices of essential commodities;
- (c) the substance and detail of the information to be furnished by business undertakings on essential commodities;
- (d) the formatting style to be used for the information to be furnished by business undertakings on essential commodities;
- (e) the electronic means to be used for furnishing the information on the prices of essential commodities;
- (f) the time-frame within which the information on essential commodities is to be furnished to the Commission;

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(g) the electronic devices by which information on the prices of essential commodities shall be communicated to members of the public.

(3) Regulations made under this section are subject to the negative resolution procedure.”.

Commencement

5 This Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Cost of Living Commission Act 1974 (the “principal Act”) to provide that the Minister responsible for consumer affairs is the Minister responsible for the Act and to require business undertakings that sell essential commodities to use electronic means to furnish to the Commission information on the prices of essential commodities they sell, to enable the Commission to efficiently and accurately inform members of the public of current prices of essential commodities sold by the various business undertakings.

Clause 1 provides a citation for the Bill.

Clause 2 amends the principal Act in section 1 to provide that “Minister” means the Minister responsible for consumer affairs. The section is further amended to insert the following definitions: “essential commodity”, “price” and “business undertaking”.

Clause 3 amends the principal Act in sections 2(2)(a) and 6(1)(b) to delete “Ministry of Finance” and substitute “Department of Consumer Affairs”.

Clause 4 amends the principal Act to insert Part IIIA to require business undertakings that sell essential commodities to use electronic means to furnish to the Commission information on the prices of essential commodities they sell to enable the Commission to efficiently and accurately inform members of the public of current prices of essential commodities sold by the various business undertakings.

Clause 5 provides for the Minister to bring the Act into operation by notice published in the Gazette.