



REPUBLIC OF VANUATU

**UTILITIES REGULATORY AUTHORITY
(AMENDMENT)
ACT NO. 41 OF 2017**

Arrangement of Sections

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REPUBLIC OF VANUATU

Assent: 02/01/2018
Commencement: 01/04/2021

UTILITIES REGULATORY AUTHORITY (AMENDMENT) ACT NO. 41 OF 2017

An Act to amend the Utilities Regulatory Authority Act No. 11 of 2007.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Utilities Regulatory Authority Act No. 11 of 2007 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS TO THE UTILITIES REGULATORY AUTHORITY ACT NO. 11 OF 2007

1 Section 3

Repeal the section, substitute

“3 Application of this Act

Subject to subsection 29B(7), this Act and any decisions taken by the Authority under this Act or any other Act, apply to a regulated service to the extent that it does not diminish the economic entitlement of a utility under any concession agreement under the Electricity Supply Act [CAP 65] or the Water Supply Act [CAP 24] existing on or before the commencement of this Act.”

2 Paragraph 12(1)(e)

Delete “.”, substitute “;

- (f) to monitor, review and determine price for regulated services;
- (g) to conduct research, trials and pilot programs to identify strategies to make regulated services more affordable, increase access to regulated services and increase competition;
- (h) to represent the interests of consumers and utilities in relation to overcharging or undercharging, non-compliance with regulated prices and other disputes between utilities and consumers, including where appropriate seeking compensation on behalf of consumers;
- (i) to oversee the administration of concession contracts and deeds entered between the Government and a utility in respect of a regulated service;
- (j) to carry out regulatory audit on utilities;
- (k) to exercise the functions of an arbitrator or mediator in any disputes relating to regulated services;
- (l) such other functions as are conferred on it by this Act or any other Act.”

3 After paragraph 13(2)(b)

Insert

- “(ba) to require from a party to a dispute under subsection 19(1), 19A(1) or 19B(1) any information that will assist the Authority to resolve the dispute between the parties; or
- (bb) to impose and collect fees for services rendered to cover its costs of operation; or
- (bc) to collect and manage fees under the Act; or”

4 Subsection 14(1)

Repeal the subsection, substitute

“(1) The Authority may issue safety standards in relation to the safety of:

- (a) a regulated service; or
- (b) any equipment or installation owned or operated by any person that is connected, or is intended to be connected, to a network operated by a utility in connection with the provision of a regulated service,

in any place.”

5 Subsection 15(1)

After “regulated service”, insert “or the safety of equipment or installations owned or operated by any person that are connected to a network operated by a utility in connection with the provision of a regulated service”

6 Subsection 19(1)

Repeal the subsection, substitute

“(1) The Authority may, if requested by a person or a utility, act as the mediator to resolve any dispute between them in respect of a regulated service.”

7 Subsections 19(3),(4) and (5)

Repeal the subsections, insert

“(3) Authority may prescribe procedures for Complaint and Dispute Resolution relating to consumer rights and obligations.”

8 After section 19

Insert

“19A Arbitration of disputes between utility and third parties

- (1) The Authority may, if requested by a party to a dispute, act as arbitrator in disputes between a utility and a third party, in relation to any agreement related to the supply of or an aspect of a regulated service.
- (2) The Authority may appoint a suitable person to act as arbitrator on its behalf and any action or decision of a person so appointed is deemed to be an action or decision of the Authority.

19B Arbitration of disputes under an applicable contract

- (1) The Authority may:
 - (a) exercise the powers and functions of an arbitrator under an applicable contract; or
 - (b) act as an arbitrator in any utility related contract.
- (2) The Authority is to prescribe the procedures and requirements for arbitration under this section.”

9 Subsection 25(2)

Delete “three”, substitute “six”

10 Paragraph 25(3)(e)

Delete “VT100,000 which is sought in respect of the alleged offence”, substitute “the maximum amount of the penalty imposed under the Act ”

11 Subsection 30(1)

Repeal the subsection.

12 Table A1 of the Schedule

Repeal the Table, substitute

“A1 - Electricity

| Instrument | Function / power / responsibility |
|-------------------------------------|-----------------------------------|
| Electricity Supply Act (as amended) | Section 5 |

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| | Section 6 |
| Convention relating to the Concession for the Generation and Public Supply of Electric power in Port Vila (as amended) | <p>Section 5, paragraph 5.2, of amending agreement dated 25 September 1997</p> <p>Section 5, paragraph 20</p> <p>Section 7, paragraph 32</p> <p>Section 8, paragraph 34</p> <p>Section 9, paragraph 43</p> <p>Section 12, paragraph 55</p> <p>Section 13, paragraph 62</p> <p>Section 17, paragraph 69</p> |
| Specifications relating to the Concession for the Generation and public supply of electric power in Port Vila | <p>Section 5, paragraph 23, as varied by agreement dated 1 September 1998</p> <p>Section 5, paragraph 26, as varied by agreement dated 1 September 1998</p> <p>Section 3, paragraph 4</p> <p>Section 3, paragraph 7</p> <p>Section 3, paragraph 9</p> <p>Section 4, paragraph 12</p> <p>Section 6, paragraph 29</p> |

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| | Section 7, paragraph 32 Section 7, paragraph 33 Section 10, paragraph 55 Section 10, paragraph 56 Section 11, paragraph 57 Section 12, paragraph 64 Section 13, paragraph 65 Section 14, paragraph 71 Section 16, paragraph 73 Section 17, paragraph 74 Section 17, paragraph 75 Section 17, paragraph 76 Section 20, paragraph 79 |
| Agreement varying concession between the Government of the Republic of Vanuatu and the Honourable Minister of Lands, Geology, Mines, Energy and Rural Water Supply and Union Electrique du Vanuatu Limited (dated 25 September 1997) | Section 11 |

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| Concession contract for the Generation and Public Supply of Electric Power in Malekula Island | Article 2, Section 2.03, paragraph 12 Article 2, Section 2.03, paragraph 14 Article 6, paragraph 23 Article 7, paragraph 26 Article 9, paragraph 30 Article 18, paragraph 70 Article 19, paragraph 75 Article 23, paragraph 104 Article 23, paragraph 105 Article 24, paragraph 107 Article 25, paragraph 119 Article 26, paragraph 120 Article 27, paragraph 128 Article 28, paragraph 129 Article 31, paragraph 154 Article 31, section 31.07, paragraph 157 Article 32, paragraph 160 Article 34, paragraph 165 |
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| | Article 34, paragraph 166 |
| Concession contract for the Generation and Public Supply of Electric Power in Tanna Island | Article 2, Section 2.03, paragraph 11 Article 2, Section 2.03, paragraph 13 Article 6, paragraph 22 Article 7, paragraph 25 Article 9, paragraph 29 Article 18, paragraph 69 |

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| | Article 19, paragraph 74 |
| | Article 23, paragraph 103 |
| | Article 23, paragraph 104 |
| | Article 24, paragraph 106 |
| | Article 25, paragraph 118 |
| | Article 26, paragraph 119 |
| | Article 27, paragraph 127 |
| | Article 28, paragraph 128 |
| | Article 31, section 31.06, paragraph 153 |
| | Article 31, section 31.07, paragraph 156 |
| | Article 32, paragraph 159 |
| | Article 34, paragraph 165 |
| | Article 34, paragraph 166 |

13 Table A2 of the Schedule

Repeal the Table, substitute

“A2 Water

| Instrument | Function / power / responsibility |
|--|--|
| Contract for the Management and Operation of the Water Supply Service in Port Vila | Article 7.2 Article 7.3 |

SCHEDULE
AMENDMENTS TO THE UTILITIES REGULATORY AUTHORITY ACT NO. 11 OF 2007

| Instrument | Function / power / responsibility |
|--|---|
| | Article 1.4.2 |
| Schedule of Conditions to the Contract for the Management and Operation of the Water Supply Service in Port Vila | Article 2 Article 6 Article 9 Article 16 Article 17 Article 22 Article 26 Article 33.1 Article 33.3 Article 33.4 Article 34 |

14 Table B1 of the Schedule

Repeal the Table.

15 Table B2 of the Schedule

Delete the Second and Third row.

16 Part C

Delete the first row of the table.

SCHEDULE
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