

BELIZE:

STATUTORY INSTRUMENT

No. 117 of 2009

ORDER made by the Minister of Public Utilities in exercise of the powers conferred upon him by Section 2 of the Public Utilities Commission Act, Chapter 223 of the Laws of Belize, Revised Edition 2000-2003, as amended, and all other powers thereunto him enabling.

(Gazetted 3rd October, 2009.)

1 This Order may be cited as the

Short title.

**PUBLIC UTILITY PROVIDER CLASS
DECLARATION ORDER, 2009.**

2. (1) All persons or companies (including the lessees, trustees, receivers or liquidators of such persons or companies) who own or operate equipment or facilities for

Declaration of public utility providers.

(a) the production, generation, sale, furnishing or supplying, directly or indirectly to or for the public, of electricity;

(b) the provision, storage, purification, sale, furnishing or supplying, directly or indirectly to or for the public, of water,

are hereby declared public utility providers within the meaning of the Public Utilities Commission Act, (hereinafter referred to as "the Act.")

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are hereby declared public utility providers within the meaning of the Public Utilities Commission Act, (hereinafter referred to as "the Act.")

(2) Existing persons or companies (including the lessees, trustees, receivers or liquidators of such persons or companies) who are hereby declared public utility providers by this Order by virtue of conducting business in the general classes of services described in (a) and (b) of paragraph (1) above include; but are not limited to

- (a) Belize Electric Company Limited (BECOL);
- (b) Hydro Maya Limited
- (c) Belize Cogeneration Energy Limited (BELCOGEN);
- (d) Belize Aquaculture Limited (BAL);
- (e) Consolidated Water Belize Limited (CWBL),

and any other person or company (including the lessee, trustee, receiver or liquidator of such person or company) who may acquire equipment or facilities for purposes described in (a) and (b) of paragraph (1) above.

(3) This Order shall not apply to

- (a) water Boards duly appointed by the Minister of Rural Development for the purpose of managing and operating Rudimentary Water Systems;
- (b) all persons, companies or other entities (including the lessees, trustees, receivers or liquidators of such persons, companies or other entities) who own or operate equipment or facilities for the provision, storage and purification of water for the purpose of selling, furnishing or supplying

(c) all persons, companies or other entities (including the lessees, trustees, receivers or liquidators of such persons, companies or other entities) who own or operate such equipment or facilities but are excluded by virtue of any licence granted to such persons, companies or other entities by the Public Utilities Commission.

3. From the effective date of this Order, the relevant services, activities or commodities produced, processed, furnished, supplied, generated or sold by such persons or companies to the public shall be construed as "a public utility" within the meaning of the Act.

Services, activities etc. construed as public utilities.

4. From the effective date of this Order, pursuant to Section 47(1) of the Act, and subject to the provisions thereof, the powers vested in the Minister of Public Utilities and the Public Utilities Commission by the Act and any other law shall apply in respect of all persons or companies hereby declared as public utility providers notwithstanding that the subject-matter in respect of which the powers are exercisable is the subject-matter of any other Act or agreement and shall apply in respect of rates and services, whether fixed by or the subject of any other Act or agreement or otherwise and, where the rates and service are fixed by or are the subject of an agreement, shall apply whether the agreement is incorporated in or ratified or made binding by any general or special Act or otherwise.

Powers of Minister and Commission to apply.

5. This Order shall come into force on 1st May, 2009.

Commencement.

MADE by the Minister responsible for Public Utilities this 1st day of April, 2009.


(MELVIN HULSE)

Minister of Public Utilities

National Emergency Management Organisation