

A BILL

entitled

COST OF LIVING COMMISSION AMENDMENT (NO.2) ACT 2026

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WHEREAS it is expedient to amend the Cost of Living Commission Act 1974 to enable the designation, price information monitoring and price sharing of critical services, the price increase control of essential commodities, the consultation and collaboration between the Commission and other public authorities with responsibility for the regulation or consumer protection of commodities, and to make related amendments;

Be it enacted by The King'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:

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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 (No.2) Act 2026.

Amends section 1

2 In section 1 of the principal Act—

- (a) in the definition of “business undertaking”—
 - (i) at the end of paragraph (a) delete “essential commodities; and” and substitute “essential commodity goods;”; and
 - (ii) after paragraph (b) insert—
 - “(c) a business or company in Bermuda that carries out a critical service;”;
- (b) delete the definition of “essential commodity” and substitute—
 - “ “essential commodity” includes—
 - (a) an essential commodity good;
 - (b) a critical service;”;
- (c) delete the definition of “price” and substitute—
 - “ “price” or “price information” in relation to Part IIIA of this Act, means—
 - (a) with respect to an essential commodity good, the monetary value placed by a business undertaking for a stated period on a finite quantity, weight, or other measure of the essential commodity good that can be purchased at the business undertaking; or
 - (b) with respect to a critical service, the monetary value placed by a business undertaking for a stated period on any measure of the critical service offered by the business undertaking; and
 - (c) any tiered pricing plan, base rate, fee, duty, tax, surcharge or credit applied, where relevant, in respect of the essential commodity good or critical service, and any terms and conditions imposed in relation to the purchase of the essential commodity good or critical service;”; and
- (d) insert the following new definitions in the correct alphabetical position—
 - “ “critical service” means a service designated by the Minister under section 10DA as a critical service;
 - “essential commodity good” means a commodity prescribed by regulations made under section 10E(2)(a) as an essential commodity good;

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“other regulatory body” means a public authority, including any statutory body or Government body, other than the Commission, having by law, regulatory or consumer protection oversight and responsibility over any commodity or business undertaking;

“prescribed category” means any category of essential commodity or category of business undertaking as prescribed by regulations made under section 10E(2);

“related”, in relation to a business undertaking, means sharing common ownership, control, directors or having an otherwise significant commercial relationship with another business undertaking;”.

Amends section 2

3 In section 2(3) of the principal Act, delete “section 4 or 6” and substitute “section 4, 6 or 9”.

Inserts new section 2A

4 After section 2 of the principal Act insert—

“Commission to prepare annual reports and make recommendations

2A (1) The Commission shall prepare as soon as practicable, after the 31st day of March in every year, an annual report dealing generally with the activities of the Commission during the preceding financial year.

(2) Without prejudice to the generality of subsection (1), the annual report shall also present the findings, analyses or recommendations from any studies conducted by the Commission during the preceding financial year.

(3) Any study conducted by the Commission for the purposes of this section shall assess any one or more of the following matters—

- (a) commodity affordability indicators;
- (b) commodity pricing trends and market structures;
- (c) the impact or correlative effect, if any, from duty reductions and other reliefs on commodities;
- (d) the barriers, if any, to competition; or
- (e) such other matters as the Minister may direct concerning the cost or supply of any commodity.

(4) The Minister shall, as soon as practicable after receiving the annual report of the Commission, lay a copy of the report before each House of the Legislature.

(5) Without prejudice to the foregoing provisions, the Commission shall prepare and submit to the Minister such other reports or recommendations

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regarding any matter within its remit as and when the Commission deems necessary or as the Minister may direct.”.

Inserts new Part IA

5 After new section 2A of the principal Act insert the following new Part—

“PART IA

COMMISSION TO WORK WITH OTHER REGULATORY BODIES

Commission to work with other regulatory bodies

2B (1) For the purposes of making any report, recommendation or inquiry under this Act, the Commission shall consult such other regulatory body, if any, with respect to the commodity or business undertaking that is the subject of such report, recommendation or inquiry.

(2) Without prejudice to subsection (1) the Commission may, with respect to essential commodities, conduct in conjunction with any other regulatory body joint market studies or other assessments for the purposes of analysing any conditions impacting the price of any essential commodities.

(3) For the avoidance of doubt, the findings of any joint market study or other assessment carried out under subsection (2) shall be included in the annual report prepared by the Commission under section 2A.

Treatment of confidential information

2C (1) Nothing in section 2B shall require the disclosure by any other regulatory body to the Commission of any information that—

- (a) pertains to a business undertaking regulated by that other regulatory body; and
- (b) is treated as or deemed confidential information by that other regulatory body.

(2) For the purposes of subsection (1), information shall be treated as or deemed confidential by that other regulatory body in accordance with the legislation—

- (a) establishing that other regulatory body; or
- (b) otherwise governing the regulatory functions of that other regulatory body in relation to the business undertaking.

Commission to notify other regulatory bodies in the event of a contravention

2D If, in making an inquiry or carrying out any other functions under this Act, the Commission is of the opinion that a business undertaking has contravened any provision of this Act or any regulations made thereunder, or any other enactment, the Commission shall notify such other regulatory body

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responsible, if any, and may refer the matter where appropriate for further consideration by that other regulatory body.

Inconsistency or conflict between public authorities

2E (1) Nothing in this Act shall derogate from or abridge any obligation or requirement imposed under any other legislation establishing an other regulatory body or otherwise providing for the regulatory functions of that other regulatory body in relation to a commodity or business undertaking to which this Act also applies.

(2) In the event of a conflict between a provision of this Act or any regulations made thereunder and such other legislation referred to in subsection (1), save for section 10H, the provisions of that other legislation shall prevail.”.

Amends section 3

6 In section 3 of the principal Act repeal subsections (1) and (2) and substitute—

“(1) Subject to section 7A, no business undertaking specified or falling under a prescribed category of business undertaking specified in the first column of the Second Schedule shall increase the price or charge for a commodity specified or falling under a prescribed category of commodity specified, in that respect, in the second column of that Schedule, or any published schedule of prices or charges in that regard, unless notice in writing of the increase and the amount of the increase has been duly given to the Commission.

(2) For the purposes of subsection (1), an increase in any of the following charges shall not be deemed to be an increase in the price or charge of any commodity—

- (a) installation charges;
- (b) labour charges for repairs of the commodity;
- (c) other charges made in connection with the installation or use of any apparatus used for the supply of or necessary for the beneficial enjoyment of the commodity;
- (d) delivery charges for the commodity.”.

Amends section 4

7 In section 4 of the principal Act after subsection (3) insert—

“(4) In this section—

“specified commodity” includes a commodity falling under a prescribed category of commodity specified in the Second Schedule.”.

Amends section 5

8 In section 5 of the principal Act—

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- (a) delete the heading and substitute “Appeals”; and
- (b) after subsection (3) insert—

“(4) Any business undertaking aggrieved by a decision of the Minister under subsection (3) may appeal to the Supreme Court and the Supreme Court may make an order remitting the matter for further consideration by the Minister or the Commission as the Court may consider appropriate.

(5) The rules of court governing the conduct of appeals from administrative tribunals generally, made under the Supreme Court Act 1905, shall apply to appeals under this section.”.

Amends section 6

9 In section 6 of the principal Act—

- (a) in subsection (1) in the opening words after “specified business undertaking”, insert “or to a business undertaking falling under a prescribed category of business undertaking so specified,”;
- (b) in subsections (1)(b) and (c) after “described”, insert “in the notice”; and
- (c) in subsection (3), delete “a specified business undertaking” and substitute “any business undertaking to which subsection (1) applies”.

Amends section 7

10 In section 7 of the principal Act—

- (a) after subsection (1) insert—

“(1A) Without prejudice to subsection (1), where it appears to the Minister to be necessary in the public interest, the Minister may by order amend the Second Schedule to include—

- (a) any essential commodity or prescribed category of essential commodity;
- (b) any business undertaking or prescribed category of business undertaking providing an essential commodity .

(1B) In making an order under this section, the Minister shall consult the Commission.”;

- (b) in subsection (2), delete “any business undertaking or any commodity” and substitute “any business undertaking or category of business undertaking, or any commodity or category of commodity”.

Inserts new section 7A

11 After section 7 of the principal Act insert—

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“Special application of Part to essential commodities; meaning of price increase

7A (1) This section applies in relation to any essential commodity or prescribed category of essential commodity specified in the Second Schedule pursuant to section 7(1A).

(2) For the purposes of this section (as read with section 3), an increase in the price or charge of an essential commodity to which this section applies means a 5% or greater increase in the price or charge for that essential commodity within the same fiscal year.

(3) The Minister may by order subject to the negative resolution procedure amend the percentage figure under subsection (2).

(4) In making an order under subsection (3), the Minister shall have regard to—

- (a) the public interest;
- (b) any reports or recommendations made by the Commission in consultation with any other regulatory body, if any, regarding the essential commodity;
- (c) any joint studies or other assessments carried out by the Commission in conjunction with any other regulatory body regarding the essential commodity; and
- (d) any other matters which, to the Minister, appear relevant.”.

Amends section 8

12 In section 8 of the principal Act after subsection (4) insert—

“(5) In this section—

“specified business undertaking” includes a business undertaking falling under a prescribed category of business undertaking specified in the Second Schedule;

“specified commodity” includes a commodity falling under a prescribed category of commodity specified in the Second Schedule.”.

Amends section 9

13 In section 9 of the principal Act after paragraph (b) insert—

“(ba) any duty reductions or other cost relief given in respect of a specified commodity or any commodity falling under a prescribed category of commodity so specified;”.

Amends section 10A

14 In section 10A of the principal Act repeal subsection (1) and substitute—

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“(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 from time to time at—

- (a) any business undertaking whether or not specified; or
- (b) any business undertaking falling under a prescribed category of business undertaking whether or not specified.”.

Inserts new section 10DA

15 After section 10D of the principal Act insert—

“Designation of critical services

10DA (1) The Minister may by order designate any service that is crucial to any of the following business operations as a “critical service”—

- (a) the shipping and freight of food and other household goods to Bermuda;
- (b) the wholesale importation, supply, storage, warehousing or distribution of food and other household goods for sale to retail establishments or to end consumers;
- (c) the retail sale of food and other household goods directly to end consumers;
- (d) the supply, transmission or distribution of utilities for household use.

(2) When designating a critical service, the Minister shall have regard to—

- (a) the necessity of any service for daily living and household use;
- (b) whether there are any available substitute services;
- (c) whether the cost of such service or availability of any substitute services materially impacts affordability; and
- (d) in the case of subsections (1)(a), (b) and (c), whether the operations referred to in two or more of those subsections are carried out by the same business undertaking or related business undertakings.

(3) When making an order under subsection (1), the Minister shall consult the Commission and such other regulatory body, if any.

(4) An order made under this section shall specify in respect of each critical service, the other regulatory body, if any, with whom the Commission shall consult and work with for the purposes of this Act.

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(5) An order under subsection (1) shall be made subject to the affirmative resolution procedure.

(6) In this section—

“shipping and freight” means—

- (a) the carriage of cargo by sea or air or any combination of both;
- (b) the arrangement or procurement of such carriage on behalf of another person;
- (c) freight forwarding, cargo consolidation or logistics coordination services;
- (d) the preparation or processing of transport or customs documentation; and
- (e) the temporary storage or warehousing of cargo incidental to its transportation; and

“utilities” includes electricity, telecommunications and trucked water.

(7) For the avoidance of doubt, nothing in this section shall derogate from or abridge any provision under the Trade Union and Labour Relations (Consolidation) Act 2021.”.

Amends section 10E

16 In section 10E(2) of the principal Act—

(a) delete paragraph (a) and substitute—

“(a) the list of essential commodity goods and any categories of essential commodity goods;

(aa) subject to section 10DA, the list of services or categories of service that, in accordance with that section, may be designated as a critical service; ”; and

(b) in paragraph (b) after “business undertakings”, insert “or any categories of business undertaking”.

Inserts new sections 10F to 10H

17 After section 10E of the principal Act and under the heading PART IV SUPPLEMENTARY, insert the following new sections—

“Minister may appoint enforcement officers

10F The Minister may, without prejudice to section 6(1)(b) or any agreement made under section 10H(1)(c), authorise in writing inspectors designated under the Consumer Protection Act 1999 to assist the Commission in making inquiries and monitoring compliance under this Act and any regulations made thereunder.

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Providing false information an offence

10G Any person who, in connection with a requirement under this Act or any regulations made thereunder, furnishes any information which he knows or has reasonable cause to believe is false shall be liable on summary conviction to a fine of \$2,000.

Regulations; cooperation of other regulatory bodies with the Commission

10H (1) The Minister may make regulations prescribing the other regulatory bodies with whom the Commission shall consult or collaborate with for the purposes of this Act, and such regulations may—

- (a) require the cooperation of other regulatory bodies in relation to the matters set out under Part IA;
- (b) provide for the manner in which areas of overlap between the Commission and other regulatory bodies responsible for the price increase control and monitoring of commodities under Parts II and IIIA, are to be addressed;
- (c) provide for the making of any agreement of cooperation between the Commission and such other regulatory bodies.

(2) In making such regulations the Minister shall consult the Commission and such other regulatory bodies to whom such regulations shall apply.

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

Repeals and replaces the Second Schedule

18 Repeal the Second Schedule to the principal Act and replace it as follows—

“SECOND SCHEDULE

(sections 3 and 7)

REGULATION OF INCREASE IN PRICE OR CHARGE

Except in accordance with Part II of this Act, no business undertaking specified or falling under a prescribed category of business undertaking specified in the first column of this Schedule shall increase the price or charge of any commodity specified or falling under a prescribed category of commodity specified in the second column of this Schedule.

FIRST COLUMN

Business undertaking or prescribed category of business undertaking

SECOND COLUMN

Commodity or prescribed category of commodity

”.

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Consequential amendments

19 (1) The Cost of Living (Essential Commodities) Regulations 2022 are amended as follows.

(2) In regulation 2 delete the definition of “essential commodities” and substitute—

“ “essential commodity goods” means the essential commodities referred to in regulation 3 and listed in the Schedule to these Regulations.”.

(3) Revoke regulation 3 and replace it as follows—

“List of essential commodity goods

3 Pursuant to section 10E(2)(a) of the Act, the essential commodity goods are the goods listed in the Schedule to these Regulations.”.

(4) In regulation 4(2)—

(a) in the opening words, after “the Commission shall”, insert the words “, in the case of an essential commodity good,”; and

(b) in subparagraphs (a) to (g), after “essential commodity” in each occurrence, insert the word “good”.

(5) In the Schedule—

(a) delete the heading “ESSENTIAL COMMODITIES” and substitute “ESSENTIAL COMMODITY GOODS”; and

(b) in the opening words to the Schedule, delete “essential commodities” and substitute “essential commodity goods”.

Commencement

20 This Act shall come into operation on such day as the Minister responsible for consumer affairs may appoint by notice published in the Gazette.

COST OF LIVING COMMISSION AMENDMENT (NO.2) BILL 2026

EXPLANATORY MEMORANDUM

This Bill amends the Cost of Living Commission Act 1974 (“the Act”) to enable the designation, price information monitoring and price sharing of critical services, the price increase control of essential commodities, the consultation and collaboration between the Commission and other public authorities with responsibility for the regulation or consumer protection of commodities, and to make related amendments.

Clause 1 provides the citation for the Bill.

Clause 2 amends section 1 of the Act, to revise existing defined terms and introduce new ones. The term “essential commodity” has been revised to include essential commodity goods and critical services. Essential commodity goods and critical services are, respectively, prescribed in regulations and designated by order made by the Minister. The terms “business undertaking” and “price” are revised to account for business undertakings providing a critical service, for pricing information relevant to a critical service and tiered pricing. New term “other regulatory body” means any public authority having regulatory or consumer protection oversight and responsibility for a business undertaking or commodity. Finally, the term “related”, in relation to a business undertaking, means sharing common ownership, control, directors or having an otherwise significant commercial relationship with another business undertaking.

Clause 3 amends section 2(3) of the Act to enable the Minister to appoint to the Commission an additional member with special qualifications or experience for the purposes of an inquiry under section 9 just as a member may be so appointed for the purposes of an inquiry under sections 4 or 6.

Clause 4 inserts new section 2A into the Act, to require the Commission to prepare annual reports dealing with the activities of the Commission during the preceding financial year and for the Minister to lay such report before the Legislature. This clause also requires annual reports to provide the findings, analyses or recommendations of any studies conducted by the Commission during that period and provides for the matters that may be assessed by any studies so conducted. Finally, this clause enables the Commission to prepare and submit such other reports or recommendations within its remit as and when necessary.

Clause 5 inserts new Part IA into the Act (inclusive of new sections 2B to 2E). These sections do the following: (i) require that the Commission, when making a report, recommendation or inquiry under the Act, consult such other regulatory bodies having oversight with respect to the business undertaking or commodity that is the subject of such report, recommendation or inquiry; (ii) enable the Commission to conduct market studies or other assessments in relation to essential commodities in conjunction with the relevant other regulatory bodies; (iii) protect against the disclosure of confidential information by other regulatory bodies to the Commission when being consulted by the Commission; (iv) enable the Commission to notify other regulatory bodies in the event of a contravention ; and (v) provide that the legislation governing any other regulatory body

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shall prevail in the event of any conflict in law but that a requirement to cooperate with the Commission shall supersede.

Clauses 6 and 7 amend, respectively, sections 3 and 4 of the Act to enable prescribed categories of business undertakings and prescribed categories of commodities to be specified in the Second Schedule for the purposes of price increase control. Prescribed categories are made by regulations under section 10E(2). These amendments broaden the existing provisions which narrowly provide for specific business undertakings and specific commodities to be subject to specified in the Second Schedule.

Clause 8 amends section 5 of the Act to enable any specified business undertaking aggrieved by a decision of the Minister, in hearing an appeal against a decision of the Commission under section 4, to further appeal to the Supreme Court.

Clause 9 amends section 6 of the Act to enable the Minister to give notice requiring a specified business undertaking or a business undertaking falling under a prescribed category of business undertaking specified in the Second Schedule to furnish information and keep records for the purposes of the Act. This clause also makes failing to do so a summary offence.

Clause 10 amends section 7 of the Act to enable the Minister, by order subject to the affirmative resolution procedure, to add to the Second Schedule, for the purposes of price increase control, essential commodities or prescribed categories of essential commodities and business undertakings or prescribed categories of business undertakings providing essential commodities. Such price increase control measures will apply to essential commodities or prescribed categories of essential commodities and to business undertakings or prescribed categories of business undertakings providing essential commodities where the Minister considers it necessary in the public interest. This clause also requires, when making an order under this section, that the Minister consult the Commission.

Clause 11 inserts new section 7A into the Act to provide, with respect to the price increase control of any essential commodity or prescribed category of essential commodity specified in the Second Schedule, that an “increase in the price or charge” means any increase resulting in a 5% or greater increase in the price or charge of the essential commodity within the same fiscal year. The Minister may by order, subject to the negative resolution procedure, amend the percentage figure and in doing so must have regard to the public interest, any reports or recommendations of the Commission, and any joint studies or other assessments carried out by the Commission and any other regulatory body.

Clause 12 amends section 8 of the Act to ensure that enforcement in relation to the price increase control measures also applies to commodities falling under a prescribed category of commodity specified in the Second schedule and to business undertakings falling under a prescribed category of business undertaking specified in the Second Schedule.

Clause 13 amends section 9 of the Act to enable the Commission, where so required by the Minister, to inquire into any duty reductions or other cost reliefs given in respect

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of a specified commodity or a commodity falling under a prescribed category so specified in the Second Schedule.

Clause 14 repeals and replaces section 10A(1) of the Act to enable the database (that is established by the Commission for the purposes of notifying the public of the prices of essential commodities sold at specified business undertakings) to also include the prices of essential commodities sold at business undertakings falling under a prescribed category of business undertaking, whether or not that business undertaking or category of business undertaking is specified in the Second Schedule for the purposes of price increase control.

Clause 15 inserts new section 10DA into the Act to enable the Minister to designate services crucial to certain business operations as “critical services”. This clause requires the Minister, when making such order, to consider necessity, cost, and availability of substitute services. The Minister must also have regard to instances where the same business undertaking carries out two or more of the following operations: (i) the shipping and freight of food and other household goods to Bermuda, (ii) the wholesale importation, supply, storage, warehousing, or distribution of food and household goods to retailers and consumers, and (iii) the retail sale of food and other household goods directly to consumers. This clause requires the Minister to consult with the Commission and such other regulatory body, if any, with responsibility for the service to be designated. Finally, this clause requires such designation to be made by order subject to the affirmative resolution procedure.

Clause 16 amends section 10E of the Act, which is the regulation-making provision for the price information monitoring of essential commodities. This clause enables the following to be prescribed in regulations: (i) a list of essential commodity goods and any categories of essential commodity goods; (ii) a list of services or categories of service which may then be designated as critical services; and (iii) categories of business undertaking that are to furnish price information to the Commission.

Clause 17 inserts new sections 10F to 10H into the Act. New section 10F enables the Minister to authorise in writing inspectors under the Consumer Protection Act 1999 to assist the Commission in making inquiries and monitoring compliance under the Act. New section 10G makes providing false information under the Act a summary offence. New section 10H enables the Minister to make regulations, subject to the negative resolution procedure, prescribing the other regulatory bodies with whom the Commission shall consult or collaborate with, and enabling the making of any agreements by which the Commission and such other regulatory bodies can work cooperatively.

Clause 18 repeals and replaces the Second Schedule to the Act to also allow for prescribed categories of commodities and prescribed categories of business undertakings to be specified in the Second Schedule.

Clause 19 makes consequential amendments to the Cost of Living (Essential Commodities) Regulations 2022 to distinguish under those Regulations, essential commodity goods from the broader category of essential commodities.

Clause 20 provides for the commencement of the Bill which shall be by notice published in the Gazette.