

**The Consumer Affairs Act No.13 of 2011**

**Notice is hereby given that the Competition and Consumer Affairs Commission (CCAC) has, pursuant to section 111 of the Consumer Affairs Act No. 13 of 2011 (CAA), made the following procedural rules-**

*Arrangement of Sections*

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## GUYANA

### THE COMPETITION AND CONSUMER AFFAIRS COMMISSION CONSUMER AFFAIRS ACT NO. 13 OF 2011 RULES OF PROCEDURES (2022) PREAMBLE

In exercise of the powers conferred on it in Part XIV, section 111 of the Consumer Affairs Act 2011 (CAA) and with the approval of the Minister, the Competition and Consumer Affairs Commission hereby adopts the following rules. These rules of procedure are meant to supplement the substantive procedures established by the Act and in the event of any conflict between these rules and the Act, the relevant provision(s) of the Act will prevail.

#### PART 1: PRELIMINARY

##### 1. Scope of the Rules

- 1) Suppliers of goods and services operating in the Guyanese market are expected to act in a diligent and fair manner when dealing with consumers. In particular they are required to respect consumers' rights prescribed in the Consumer Affairs Act 2011.
- 2) In case of an alleged breach of the Consumer Affairs Act 2011, the Competition and Consumer Affairs Commission will first endeavor to eliminate the violation in a consensual manner through dialogue with the supplier, requesting voluntary compliance with the Act.
- 3) If consensual conformity with the Act cannot be obtained or the alleged law infringement causes or is likely to cause significant harm to consumers, the Commission shall conduct a full investigation of the practices allegedly infringing the Act.
- 4) The Commission shall intervene in order to remedy any infringement, impose the appropriate remedies and in case apply for compensation, damages and any other remedies to the Court, pursuant to Section 96 of the Act.
5. This Regulation shall apply to all proceedings carried out by the Commission relating to alleged infringements of the Act.

2. **Definitions** - Except where these Rules otherwise provide, terms used in the Act which are also used in these Rules will have the same definition as in the Act. In these Rules unless the context otherwise requires the following words have the meanings ascribed to them -

“**Act**” is the Consumer Affairs Act 2011;

“**The Board of Commissioners**” means the appointed Board of Commissioners in the matter pursuant to section 1 (1) of the First Schedule of the Competition and Fair Trading Act 2006.

“**Case file**” means the set of documents which form part of the Commission’s official record in any proceeding.

“**Case Officer**” is the Commission Secretariat Officer appointed by the Consumer Affairs Officer listed in the Schedule to the Consumer Affairs Act responsible to manage the investigation of a given case;

“**Commission**” is the Competition and Consumer Affairs Commission referred to in section 4 of the Act;

“**Commission Secretariat**” is the Commission support staff referred to in the First Schedule of the Act which is headed by the Director and which includes the Competition Policy Officer, the Consumer Affairs Officer and such other officers and employees as may be necessary to carry out the purposes of the Act and the Competition and Fair Trading Act 2006.

“**Consumer**” in relation to –

- (i) any goods, means a person who acquires or wishes to acquire goods for that person’s or another person’s private consumption;
- (ii) any services, means a person who wishes to be provided with services other than for the purpose of a business of that person; and
- (iii) any industry, means a consumer of goods or services supplied by providers in that industry.

“**Court**” means the High Court.

“**Director**” is the Director of the Commission referred to in Schedule 1 of the Act in charge of the Commission Secretariat.

“**Public Utilities Commission**” has the meaning given to it by section 4 of the Public Utilities Commission Act 1999;

“**Proceeding**” means the investigation of alleged infringements of Parts IV, V, VI, VII, VIII, XII and XIV of the Act which cannot be solved by the Commission through informal guidance to the involved suppliers or which involve serious or repeated violations of the Act. Proceedings start with the adoption by the Commission of a Start of Proceeding Notice to be transmitted to the involved parties stating the facts of the case and the initial assessment which led the Commission to start the proceeding.

***“Alleged serious violations of the Act”*** means alleged infringements of the Act which cause or may cause significant harm to consumers.

***“Supplier”*** in relation to –

- (i) goods, means a person who sells goods, and
- (ii) services, means a person who provides services.

***“Parties affected by the conduct forming the subject matter of the investigation”*** means:

- a) Consumers or associations of consumers that are directly or indirectly harmed by the involved conduct;
  
- b) Suppliers suffering unfair competition from the conduct”.

***“Service”*** means the delivery of documents relating to any investigation to a person or to that person’s authorized representative and providing proof of service by means of a certificate of service issued by the Commission Secretariat.

### **3. Unforeseen Procedures**

- 1) The Commission may identify appropriate procedures for unforeseen circumstances which were not envisaged in this regulation subject to Ministerial approval.

## **PART II – ADMINISTRATION**

### **4. Service of documents**

- 1) Service may be made by:
  - (a) hand delivery;
  - (b) courier service;
  - (c) ordinary or registered mail;
  - (d) facsimile delivery;
  - (e) e-mail copy supported by submission of original documents; or
  - (f) any other means directed by the Commission Secretariat.

- 2) Every document filed shall contain:
  - i. an address for service;
  - ii. a facsimile number for service; and
  - iii. an e-mail address for service (if any).
  
- 3) A party who changes his address for service shall immediately notify the Commission Secretariat of the change.
  
- 4) A document is regarded as having been served when it is sent to the original address before any notice of change of address for service has been received by the Commission Secretariat.
  
- 5)
  - (a) Any document requiring service shall be served by the Commission Secretariat in such manner as is reasonable in all the circumstances; or
  - (b) any means as may be directed by the Commission Secretariat.
  
- 6) Where an oral hearing is in progress, service may also be made by:
  - (a) providing the document to the parties present at the hearing and serving the document on any other party who is not present; or
  - (b) any other means directed by the Commission Secretariat.
  
- 7) Where service is made by facsimile transmission or e-mail, the document shall include a cover page indicating the:
  - (a) name, postal and e-mail addresses, and telephone, and facsimile numbers of the sender;
  - (b) name of the person to be served;
  - (c) date and time the document is transmitted (to the extent that this is not provided automatically by the transmission system);
  - (d) total number of pages transmitted including the cover page;
  - (e) telephone and facsimile access numbers or e-mail address from which the document is transmitted; and
  - (f) name and telephone number of a person to contact if any problem arises with the transmission.

- 8) The Commission may request confirmation of service from a party that is served by facsimile transmission or e-mail.
- 9) Service will be effective where:
  - (a) the document is delivered by hand, courier or by facsimile transmission or e-mail, on the same day that the delivery is made;
  - (b) the document is delivered by registered mail, on the seventh (7<sup>th</sup>) business day after the date of mailing;
  - (c) service is made by any other means, no later than the deadline directed by the Commission.

### **PART III: MEDIATION**

#### **5. Requests for information**

- 1) The Commission Secretariat shall acquire all the information needed to appraise cases initiated following the receipt of a complaint on its own initiative. It will request information and relevant documents from any party, whether private or public, also for the purpose of identifying the supplier concerned. It will hold mediation sessions with the involved parties with the aim of resolving cases through informal guidance.
  - (a) Except in serious cases, whenever there are good reasons for considering that a business conduct causes or may cause significant harm to consumers therefore representing an alleged serious infringement of the Act, the Commission Secretariat may invite the concerned supplier in writing to refrain from the conduct deemed in violation of Parts IX, X and XI and Schedule 4 of the Act, and;
  - (b) Accept a written commitment, signed by the supplier, to remedy the conduct infringing the Act.

#### **6. Procedure for conduct of mediation meeting**

- 1) For the purposes of gathering of information or if it is requested by at least one of the involved parties, the Commission Secretariat may require the parties to provide information at a meeting convened for that purpose.
- 2) The Commission Secretariat will lay down the date for the meeting to be held, pursuant to Section 11 [110] of the Act.

- 3) The consultation meeting convened pursuant to paragraph (2) shall be chaired by the Director or his appointee.
- 4) The Director or his appointee chairing the meeting should explain the rules of mediation to both parties before commencing mediation with the parties. The purpose of this is so that the parties can understand the outcome and purpose of the mediation.
- 5) The parties have a right to elect nominate legal professional adviser or by another person enjoying their trust, who shall be duly authorized in writing.

#### **7. Records of the mediation meeting**

- 1) Minutes of the consultation meeting shall be duly produced, setting out the main statements made by the parties during the meeting.
- 2) The minutes shall be signed at the end of the hearings by the Case Officer and the parties.
- 3) If any party is unwilling or unable to sign the minutes, this fact shall be recorded in the minutes, together with the reasons.
- 4) At the end of the meeting copy of the minutes shall be given to each of the parties to the meeting, at their request and will become part of the case file.
- 5) For the purpose of drafting the minutes, the meeting may be recorded on an appropriate medium.
- 6) A Non-attendance, irregular attendance or silence in the consultation process shall not be construed as prejudicing the rights of the parties involved.

### **PART IV: COMPLAINTS**

#### **8. Requests for action**

- 1) Any consumer having direct interest in the matter may request the Commission to take action in respect of conduct which it considers to be an infringement of the Act within two months from the discovery of the alleged law infringement or any further time as may be determined by the Commission, according to section 9 of the Act.
- 2) In the request referred to in paragraph (1) the applicant shall provide the Commission with:



- (a) the applicant's first name, surname, residence, telephone and telefax numbers and e-mail address, if any;
  - (b) information making it possible to clearly identify the conduct forming the subject matter of the request as well as the supplier deemed to be the author of the conduct;
  - (c) any other information useful for the Commission's appraisal.
- (d) In the event that the Commission considers that, on the basis of the information and evidence provided with the request for action or otherwise acquired by the Commission Secretariat, there are no grounds for proceeding with the launch of an investigation, no further action will be taken and the request will be deemed closed. The applicant will be informed accordingly within 40 working days from the receipt of the complaint, pursuant to Section 10 of the Act.
- (e) Communication to the complainant will also be provided in case the Commission was able to obtain compliance on a voluntary basis.
- (f) In the event the Commission Secretariat considers there is sufficient information to warrant an investigation, the Consumer Affairs Officer will recommend to the Director that an investigation be launched into the matter pursuant to section 11 of the Act.

## **PART V: INVESTIGATION**

### **9. Launch of Investigation**

- 1) Taking into account the inability to resolve with the supplier the alleged infringement in a consensual manner, and having appraised the information and evidence acquired by the Commission Secretariat provided with the request for action pursuant to Section 9 or gathered from whatever source, the Commission shall commence the investigation of the case in order to ascertain whether a contravention of the Act has been committed.
- 2) An investigation will also be launched in case of breach by a supplier of the undertaking submitted during the consultation [mediation] process.
- 3) The Commission Secretariat shall serve the Start of Proceeding Notice with respect to the initiation of proceedings on the supplier concerned and on the other parties that have submitted a request for action pursuant to section 9.
- 4) The notice referred to in paragraph (3) shall indicate:
  - (a) the subject matter of the case;
  - (b) the deadline for its completion;

- (c) the Case Officer responsible for the case;
- (d) the office at which access to the case file may be granted;
- (e) the right to submit written statements or documents and exhibits, and the deadline for the submission of any such statements and documents and exhibits.

## **10. Timelines for completing the investigation**

- 1) The investigation shall be concluded within six months counted from the registration date stamp of the Start of Proceeding Notice.
- 2) The deadline may be extended with upon the recommendation to the Director from the Consumer Affairs Officer requesting additional time on good grounds, to meet particular requirements relating to the investigation.

## **11. Undertakings by subject of the investigation**

- 1) Within a maximum of three months from the date of service of the notice of commencement of the investigation, the involved supplier may submit written undertakings to remove the unlawful aspects of the supplier's conduct under review.
- 2) The Commission shall appraise the undertakings and:
  - (a) if it deems them adequate, it shall issue a notice accepting them and making them binding on the supplier concerned, and close the case without finding an infringement of the Act;
  - (b) if it deems them to be partially adequate, it shall set a deadline by which the supplier shall be required to supplement the undertakings;
- 3) In cases in which the conduct has been assessed as an infringement of a serious nature, or in the event that the undertakings are inadequate, the Commission shall reject them.
- 4) Following the decision to accept the undertakings, the procedure may nevertheless be reopened by the Commission exercising its powers, in the event that:
  - (a) the supplier has failed to respect the commitments undertaken;
  - (b) the decision to accept the undertakings was based on information submitted by the parties subsequently shown to be incomplete, inaccurate or misleading;

- (c) The Commission takes the decision to reopen the investigation for any reason it deems fit

## **12. Participation of Parties affected by the conduct**

- 1) Parties affected by the conduct forming the subject matter of the investigation may intervene in the proceedings pursuant to section 9, filing signed submissions, containing the following:
  - (a) the applicant's name, surname, company name;
  - (b) reference to the proceeding in which the applicant intends to participate;
  - (c) appropriate reasons to explain their interest in participating in the proceeding.
- 2) After having established the regularity and the completeness of the request to participate, the Commission Secretariat shall notify the applicant that he/she is entitled to:
  - (a) be given access to the case file, pursuant to the provisions of article 14 below;
  - (b) file written statements, documents, exhibits, submissions and opinions.

## **13. Power to enter premises under warrant**

- 1) For the purposes of ascertaining whether any supplier has engaged or is engaging in conduct constituting or likely to constitute a contravention of the provisions of Parts IV, V, VI, VII, VIII, XII and XIV of the Act, the Commission, following a proposal of the Commission Secretariat, may seek, pursuant to section 99 of the Act, a court warrant to:
  - (a) enter the premises specified in the warrant;
  - (b) search the premises to inspect and remove goods which have or appear to have a bearing on the investigation.
- 2) A report of all the activities conducted in the course of the inspection, including statements received will be produced and signed by a Commission Secretariat Officer and the parties.
- 3) If any party is unwilling or unable to sign the report, this fact shall be recorded in the minutes, together with the reasons by the involved parties.

- 4) When conducting inspections, the Officers of the Commission Secretariat will be assisted by officers of the Guyana Police force.

#### **14. Notification [issuing] of the statement of objections**

- 1) Having determined that the proposals submitted by the Commission Secretariat on the basis of the evidence acquired are not manifestly without foundation, the Commission shall authorize the transmission of the Statement of Objections notice containing the investigation's preliminary findings to be served on the suppliers concerned.
- 2) The Commission Secretariat shall allow the suppliers 10 working days to make written submissions and submit documents in response to the Statement of Objections.

#### **15. Closing of an investigation**

- 1) When the Commission Secretariat having considered all the evidence presented before it, notice shall be served on the parties indicating whether the Commission Secretariat has:
  - (a) closed the investigation due of lack of evidence of breach of the Act pursuant to section 10; or
  - (b) will recommend the conduct of a hearing into the matter by a Board of Commissioners pursuant to section 7 of the Act; or
  - (c) accepted the undertakings provided by the suppliers to cease the harmful conduct.
- 2) The Commission Secretariat will advise of the time and date of the hearing when confirmed by the Chairman of the Board of Commissioners.

### **PART VI – HEARING**

#### **16. Establishment of Board of Commissioners**

- 1) There is established a Board of Commissioners which shall have the power to hear and determine a matter pursuant to Part 11 section 6(1) (a) of the Act, in determination of a breach of Parts IV, V, VI, VII, VIII, IX, X, XI and XIII of the Act.
- 2) Pursuant to section 6 (1) (a) of the Act, a Commissioner who is directly or indirectly interested in any matter which is to be determined by the Board of

Commissioners shall disclose the nature of his interest at a meeting of the Commission and shall not take part in any deliberation or decision of the Board of Commissioners with respect to that matter.

- 3) The Board of Commissioners shall select from among them a Chairman of the Board who shall be responsible for leading the proceedings under this Part of the Rules.
- 4) The Board of Commissioners shall consist of at least three persons selected from among the members appointed.
- 5) The Board of Commissioners shall consider the Enforcement Report presented by the Director/Authorised officer and the submissions of all respondents in defense of the allegation set out against them in the Enforcement Report and any other evidence acquired during the investigation.

### **17. Decision to Conduct a Hearing**

- 1) The Board of Commissioners may conduct a hearing if the party under investigation has requested a hearing and has submitted an application for a hearing in the prescribed form and by communication to the Commission.
  - a) The Board of Commissioners may hold a hearing if it sees fit.
  - b) The Board of Commissioners should hear a matter within 6 months of receiving a request for hearing.
- 2) Interested parties who have applied to the Commission to be heard at a hearing by communication of their intent to the Commission, have a right to be heard if they so desire.

### **18. Powers of the Board of Commissioners**

- 1) The Board of Commissioners may undertake actions or make such enquiries or orders during the conduct of a hearing pursuant to the powers of the Commission in Part 111 section 12 of the Act, including but not limited to:
  - i. summoning any person to present his arguments at the oral hearing of the parties where a main party or a third party has so requested in his written submission
  - ii. summoning any other person to make submissions in writing and to attend the hearing

## **19. Presentation of a Case to the Board of Commissioners**

- 1) Unless the Board of Commissioners directs, the opening statements and evidence at the hearing shall be presented by the parties in the following order:
  - i. The Executive Director or appointee
  - ii. The respondent or respondents
  - iii. Interested parties (if applicable)
- 2) Examination of witnesses shall proceed as follow:
  - i. Direct examination by the party presenting the evidence;
  - ii. Cross examination by the other parties;
  - iii. Examination by members of the Board of Commissioners;
  - iv. Re-direct by the party presenting the evidence.
- 3) Cross examination will be permitted only to the extent necessary for full and fair disclosure of facts.
- 4) The Board of Commissioners may in the exercise of its discretion permit examination of witnesses in relation to additional matters as if on direct evidence.
- 5) A member of the Board of Commissioners may, with leave of Chairman of the Board, question any witness for clarification of testimony
- 6) In order to prevent repetitive lines of enquiry the Board of Commissioners may limit cross examination of witnesses to any extent or any manner it deems appropriate within the bounds of justice

## **20. Access to File**

- 1) At least 15 days prior to the commencement of the hearing the respondent shall be entitled to have access to the evidence against them contained in the Commission's file.
- 2) The right of access shall only extend to any material which may affect the outcome of the hearing before the Board of Commissioners.

- 3) Parties may submit a request that information is confidential, in the appropriate form.

## **21. Summary Proceedings**

- 1) Without conducting a hearing, the Board of Commissioners may, on its own motion or on the application by a party, hear and determine whether-
  - a) the Commission lacks jurisdiction; or
  - b) the complaint or the application contains some other fundamental defects;  
or
  - c) to proceed with the hearing shall amount to abuse of the legal process.
  - d) There is insufficient evidence to support a prima facie case against the respondent

## **22. Taking of evidence and witnesses**

- 1) The Board of Commissioners shall control the taking of evidence and may give directions as to-
  - a) issues on which it requires evidence to be adduced; and
  - b) the manner in which evidence is to be presented.
- 2) A member of the Board of Commissioners, the Director or any member of the Commission may administer the oath or affirmation to witnesses.
- 3) The Commission shall not be bound by the formal rules of evidence.
- 4) Parties at a hearing intending to call witnesses shall provide the Board of Commissioners as well as opposing parties a witness list at least 15 days before the commencement of the hearing.
- 5) Where the Board of Commissioners requires:
  - (a) any documents to be produced or any witness to be examined to enable it to pass orders or for any other substantial cause; or
  - (b) if the Secretariat has not given sufficient opportunity to the party to adduce evidence;

The Board of Commissioners, for reasons to be recorded, may allow such document to be produced or witness to be examined or may allow such evidence to be adduced.

- 6) Information now known before the start of the hearing can be introduced into the proceeding with the approval of the Board of Commissioners if they deem the information pertinent to the matter.
- 7) The parties to the proceedings shall not be entitled to produce before the Board of Commissioners additional evidence, either oral or documentary, which was in their possession or knowledge but was not produced to the Commission Secretariat before the hearing.

### **23. Adjournment of Hearing**

- 1) The Board of Commissioners may, either on its own motion or where sufficient cause is shown by a party to the proceedings, adjourn the hearing to a later date, and such agreed adjournment stated by all parties on the Commission's record.
- 2) Where on the day fixed for the hearing, including the day of adjournment agreed to, if any party to the proceedings does not appear, the proceedings shall continue in the absence of such party.

### **24. Continuation of Proceedings after the Death or Insolvency of a Party**

- 1) Where the complainant or the respondent to a proceeding dies or is adjudged insolvent the proceeding shall not abate and may be continued by or against the executor, administrator or other legal representative of the party or by or against the assignee, receiver or liquidator, or by the Commission in the interest of justice.

### **25. Joinder of Complaints or Respondents**

- 1) The Commission may choose to conduct a joint hearing where 2 or more complaints before the Commission are of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan.
- 2) The Commission may choose to conduct a joint hearing where 2 or more respondents before the Commission are alleged to have participated in the the same act or transaction, or the same series of acts or transactions, or are connected with or constitute parts of a common scheme or plan, constituting a violation under the Act.



- 3) Where a party objects to such consolidation, the consolidation shall not occur until after the party has had an opportunity to be heard on the issue.

## **26. Miscellaneous provisions with regards to a hearing**

- 1) Any person summoned to appear before the Board of Commissioners may appear either in person or by legal representative.
- 2) Oral hearings shall be open to the public.
- 3) The Board of Commissioners, in accordance with the Act, may determine that hearings be conducted in camera.
- 4) The Board of Commissioners may allow the complainants and other interested parties summoned to the hearing, to ask questions during the hearing once such questioning does not interfere substantially with the flow of the hearing.
- 5) The entire hearing shall be recorded, by video or audio, and a transcript of all proceedings shall be prepared at the end of such proceeding.
- 6) The transcript shall include a list of all parties and their legal representatives present at the hearing who take part in the hearing
- 7) The recordings and transcripts shall be kept by the Commission.
- 8) Upon request and approval of the Board of Commissioners, the record and transcript of the hearing shall be made available to all parties and their legal representatives who were present at the hearing, but regard shall be given to the protection of their business secrets and other confidential information.
- 9) Summons for the attendance of any person in proceedings under these Rules shall be issued in the form prescribed attached to these Rules
- 10) In the event of failure to attend a summons to a hearing, a party who does not provide suitable reasons for non-attendance will be subject to a fine pursuant to section 102.1 of the Act.

## **Part VII: Expert opinions and technical analyses**

### **27. Use of Experts**

- 1) The Commission shall authorise expert opinions and technical analyses and the consultation services of experts proposed by the Commission Secretariat, in relation to any matter of relevance to the investigation.

- 2) The experts selected by the Commission Secretariat shall be persons chosen as being professionally competent to conduct the technical examination required.

## **28. Notification of Use of Experts by other parties**

- 1) In the event the Commission orders expert testimony, the parties to the case shall be notified thereof.
- 2) The Case Officer shall serve notice on the parties of the experts' findings.
- 3) The parties on whom notice of commencement of proceedings has been served, and any other parties intervening in the case pursuant to article 9, may appoint their own expert, notifying the Case Officer, to attend the operations performed by the Commission's expert and, within 20 days of service of the notice provided by paragraph (4) above, submit a written statement with the observations on the findings of the technical investigations. The parties' appointed expert will also be allowed the possibility to cross examine and interrogate the Commission's expert.

## **PART VIII: DETERMINATION OF COMPLAINT**

### **29. Decision**

- 1) The Commission shall issue the final decision. The final decision will include, if applicable, the required undertakings imposed on the supplier deemed necessary by the Commission in order to remedy the conduct found in contravention of the Act.

### **30. Decisions related to industries regulated by the Public Utilities Commission**

- 1) In case of proceedings related to industries regulated by the Public Utilities Commission, an opinion on the draft Commission final decision will be requested, pursuant to Section 3 of the Act.
- 2) The Commission will take into consideration the opinion submitted by the Public Utilities Commission in making a final determination.

### **31. Matters for the attention of the Director of Public Prosecution**

- 1) At the conclusion of the proceeding, the final decision may be transmitted to the Director of Public Prosecution to be dealt with in accordance with Section 98 of the Act..

## **PART IX: CIRCULATION AND APPEAL OF DECISION**

### **32. Circulation of the Commission's final decision**

- 1) The Commission Secretariat shall serve notice of the final decision adopted by the Commission on the parties to the case, and any other intervening parties. The notice will be posted on the Commission's website within forty working days of its adoption.

### **33. Appeal of the Decision**

- 1) The Commission's final measure shall also indicate that an appeal to the Court can be presented within 15 days from the date of transmission of the final decision pursuant to section 105.

## **Part X: Conflicts of Interest**

### **34. Code of Conduct**

- 1) The Commission will establish a code of conduct governing the activities of Commissioners and the officers and employees of the Commission in order to avoid conflicts of interest and other practices that the Commission considers undesirable.
- 2) The Commissioners, officers and employees of the Commission shall inform the Commission in writing of their conflict of interests in relation to cases dealt with by the Commission.
- 3) The Commissioners, officers and employees of the Commission should then recuse themselves from the matter under adjudication upon identification of a conflict of interest.
- 4) Agents or appointees of the Commission should recuse themselves in writing if there is a conflict of interest.
- 5) Any party to the proceeding has the right to raise a conflict of interest concern with the Commission at any time during the proceedings.
- 6) The Commission shall bind itself to full disclosure on any matter raised regarding a conflict of interest in the adjudication process.

## **PART XI: MISCELLANEOUS**

### **35. Final provisions**

- 1) This Regulation shall come into force on the day following its adoption by (XXX).