

No. of 2026

**VIRGIN ISLANDS
CONSUMER PROTECTION (AMENDMENT) BILL, 2026**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
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5. Section 9 amended
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17. Section 108 amended
18. Schedule inserted

No. of 2026

**Consumer Protection
(Amendment) Bill, 2026**

**Virgin
Islands**

I ASSENT

Governor.
, 2026

VIRGIN ISLANDS

No. of 2026

A BILL FOR

AN ACT TO AMEND THE CONSUMER PROTECTION ACT, 2020, NO. 10 OF 2020, AND TO PROVIDE FOR CONNECTED MATTERS.

[Gazetted , 2026]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title

1. This Act may be cited as the Consumer Protection (Amendment) Bill, 2026.

Section 2 amended

2. The Consumer Protection Act, 2020, No. 10 of 2020, (referred to in this Bill as the “principal Act”) is amended in section 2 by

- (a) replacing the definition of “Director” and “Tribunal” with the following definitions:

““Director” means the Director of Business or a public officer designated by the Minister for the purposes of this Act;

“Tribunal” means the Trade Tribunal established under section 9A;”;

- (b) deleting the definition for “Commission”;

- (c) inserting the following definition in the proper alphabetical order:

““Tribunal” means the Consumer Affairs Tribunal established under this Act;”.

Section 6 amended

3. Section 6 of the principal Act is amended by

- (a) by replacing the marginal note with the following:

“Administration of the Act”;
- (b) replacing subsection (1) with the following:

“(1) The Minister is responsible for the administration of this Act and for the policy direction and oversight of its implementation.”.
- (c) replacing subsection (2) with the following:

“(2) The Director shall, subject to the direction of the Minister, carry out the day-to-day administration and implementation of this Act, including

 - (a) receiving complaints from consumers and taking appropriate action in accordance with this Act;
 - (b) carrying out investigations in relation to the sale of goods or the supply of services to determine whether goods were sold or services were supplied in contravention of this Act;
 - (c) promoting the development of and monitoring the operations of recognised consumer organisations, and ensuring that the consumer’s interests receive due consideration;
 - (d) collecting, compiling and analysing information relating to trade or business and the marketing of goods and services;
 - (e) providing information to consumers respecting their rights and obligations as consumers to enable them to make informed choices about goods and services;
 - (f) conducting education programmes for the benefit of consumers and suppliers;
 - (g) submitting annual reports to the Minister on the availability of goods and services to persons referred to in subsection (3), including price and market conditions and the performance of public and private suppliers in ensuring the realisation and full enjoyment of their consumer rights by persons referred to in subsection (3);
 - (h) liaising with regional and international consumer agencies to facilitate redress in cross-border disputes; and
 - (i) such other functions as may be assigned by the Minister.”.
- (d) in subsection (3), by replacing the word “Commission” with the word “Minister”; and
- (e) by repealing subsection (4).

Section 7 amended

4. Section 7 of the principal Act is amended by replacing the word “Commission” with the word “Director” wherever it occurs.

Section 9 amended

5. Section 9 of the principal Act is amended

- (a) in subsections (1) and (2), by replacing the word “Commission” with the word “Director”;
- (b) by repealing subsection (3);
- (c) by inserting the following new subsections after subsection (3):

“(4) Upon completion of an investigation, the Director shall, within thirty days, submit his or her findings and recommendations to the Minister.

(5) The Minister shall determine the complaint and issue a written decision with reasons.

(6) A person aggrieved by a decision of the Minister may, within the prescribed time, appeal to the Tribunal.”.

Part IIIA inserted

6. The principal Act is amended by inserting immediately after Part III the following new part:

“PART IIIA

CONSUMER AFFAIRS TRIBUNAL

Establishment of Consumer Affairs Tribunal

9A. (1) There is established by this Act a Consumer Affairs Tribunal referred to in this Act as “the tribunal”.

(2) The Schedule shall have effect with respect to the constitution and procedure of the Tribunal and otherwise in relation thereto.

Composition of Tribunal

9B. (1) The Tribunal shall consist of

- (a) a Chairperson;
- (b) a Deputy Chairperson; and
- (c) one other member,

appointed by the Cabinet on the recommendation of the Minister.

(2) The Chairperson shall be a legal practitioner of at least ten years' standing.

(3) In making recommendations for appointment to the Tribunal, the Minister shall ensure that the persons to be appointed are suitably qualified, knowledgeable and have experience in matters of

- (a) consumer affairs;
- (b) trade;
- (c) law;
- (d) economics;
- (e) business;
- (f) accounting; or
- (g) information technology.

Functions and powers of the Tribunal

9C. (1) The Tribunal shall hear and determine appeals from decisions of the Minister made under this Act or any regulations made under this Act.

(2) For the purposes of this part, the Tribunal may

- (a) summon and enforce the attendance of witnesses;
- (b) require the production of documents or other things;
- (c) examine witnesses;
- (d) request reports of analysis or test from the appropriate laboratory or from any other relevant source; and
- (e) require documents to be verified by affidavit.

(3) In any proceedings, any paper, book, record or other document produced to the Tribunal pursuant to this section shall be received as prima facie evidence of the truth of the statement contained therein.

Right of appeal

9D. (1) A person who is aggrieved by a decision of the Minister under this Act may, within thirty days from the date of the decision, appeal to the Tribunal by filing a notice of appeal.

(2) A notice of appeal under subsection (1) shall be in writing, addressed to the Tribunal, and shall set out the grounds of appeal in such form as the Tribunal may determine.

(3) An appeal shall not operate as a stay of the decision of the Minister unless the Tribunal orders otherwise.

Procedures of the Tribunal

9E. (1) When the Tribunal receives a notice of appeal, it may give such directions as it considers reasonable for the purpose of facilitating the hearing and disposal of the appeal.

(2) The Tribunal shall proceed to hear the appeal on such date and time as the Tribunal may determine.

(3) In determining an appeal, the Tribunal shall

- (a) have regard to the written decision of the Minister and any other documents forming part of the record; and
- (b) permit a party to the proceedings, if any of them wishes to do so, to be represented by a legal practitioner or other representative of the party's choice.

Decisions of the Tribunal

9F. (1) The Tribunal may, after hearing an appeal

- (a) affirm the decision;
- (b) vary the decision; or
- (c) set aside the decision and remit the matter to the Minister for reconsideration, with such direction as the Tribunal may specify.

(2) On determining an appeal, the Tribunal shall provide copies of its decision, with reasons, to each party to the appeal at no cost.

(3) A decision of the Tribunal may be appealed against to the High Court only on a question of jurisdiction or law.

Compliance with summons

9G. (1) A person summoned to attend and give evidence or to produce a document before the Tribunal is entitled to

- (a) the same rights and privileges as a person summoned before a court; and
- (b) be paid his or her expenses, including travelling expenses, at such rates as are determined for witnesses in civil proceedings who are entitled to have their expenses paid from the consolidated fund.

(2) The Tribunal may, if it thinks fit, disallow the whole or any part of any expenses referred to in subsection (1)(b).

(3) Where the Tribunal disallows any expenses under subsection (2), it shall give written reasons for its decision.

(4) A person who, without lawful excuse, fails or refuses to comply with a summons issued by the Tribunal commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars and, in default of payment of the fine, to imprisonment for a term not exceeding two years.

Absence of parties

9H. Where a party fails to appear at the hearing, the Tribunal may, upon proof of service of the notice of hearing, proceed to hear and determine the appeal in the absence of that party.

Duration of hearing

9I. The Tribunal shall hear and determine every appeal as expeditiously as possible, no later than

- (a) three months from the date on which the appeal is filed, where the appeal does not require analysis or testing of goods; and
- (b) five months from the date on which the appeal is filed, where the appeal requires analysis or testing of goods.

Failure to answer questions and obstruction of proceedings

9J. (1) A person who appears as a witness before the Tribunal and who, without reasonable excuse, refuses or fails to answer a question that the person is lawfully required to answer by the member presiding at the proceeding, commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

(2) A person who, without reasonable excuse, obstructs or interrupts the proceedings of the Tribunal commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or in default of payment of the fine, to imprisonment for a term not exceeding two years.

Contempt of Tribunal

9K. A person who does any act which, if the Tribunal were a court, would constitute contempt of court commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

Adjournments

9L. The Tribunal may, of its own motion, or on the application of a party, adjourn the hearing of a matter on such terms as it considers just.

Failure to comply with order of the Tribunal

9M. Any person who, without reasonable excuse, fails to comply with an order of the Tribunal commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

Alleged defects requiring proper analysis and laboratory report

9N. (1) Where the appellant alleges a defect in goods which cannot be determined without proper analysis or testing, the Tribunal shall, in the prescribed manner

- (a) obtain a sample of the goods from the appellant;
- (b) seal and authenticate the sample; and

- (c) subject to subsection (2), refer the sealed sample to an appropriate laboratory along with a direction to the laboratory to
 - (i) analyse or test the goods, as necessary;
 - (ii) determine whether the goods are defective or pose any health risk; and
 - (iii) report its findings to the Tribunal within forty-five days of receipt of the sample or within such extended period as the Tribunal may allow.

(2) Before any sample of the goods is referred to an appropriate laboratory, the Tribunal may require the appellant to deposit such fees as may be specified for payment to the appropriate laboratory for the purpose of the analysis or testing of the goods in question.

(3) Upon completion of the analysis or testing, the appropriate laboratory shall submit its report to the Tribunal.

(4) For the purposes of this section and section 9O, the Minister may, by Order published in the *Gazette*, prescribe one or more appropriate laboratories, as may be recommended by an accreditation body or authority.

(5) The Minister shall publish the name of the laboratory prescribed in subsection (4) in at least one widely circulated newspaper in the Territory.

Receipt and distribution of laboratory report

9O. (1) Upon receipt of the report from the appropriate laboratory, the Tribunal shall forward to both parties a copy of the report along with such remarks as the Tribunal considers appropriate.

(2) Where a party disputes the findings of the report made by the appropriate laboratory or the methods of analysis or testing adopted by the laboratory, the Tribunal shall require the party to submit, in writing, the grounds and nature of the dispute within such time as the Tribunal may direct.

(3) Where a submission is made under subsection (2), the Tribunal shall give the parties a reasonable opportunity to be heard on the matters raised.

Consideration of laboratory report and submissions

9P. Upon receipt of submissions under section 9O, the Tribunal shall consider,

- (a) the laboratory report;
- (b) the submissions of the parties; and
- (c) any other relevant evidence.”.

Section 20 amended

7. Section 20(3) of the principal Act is amended by replacing the word “Commission” with the word “Minister”.

Section 26 amended

8. Section 26(3) of the principal Act is amended by deleting the words “, on the advice of the Commission,”.

Section 52 amended

9. Section 52(3) of the principal Act is amended by replacing the word “Commission” with the word “Director”.

Section 75 amended

10. Section 75(1) of the principal Act is amended by deleting the words “, on the advice of the Commission,”.

Section 77 amended

11. Section 77(1) of the principal Act is amended by deleting the words “, acting on the advice of the Commission,”.

Section 80 amended

12. Section 80(5) of the principal Act is amended by replacing paragraph (c) with the following:

“(c) the Director or a public officer authorised by the Director shall be present;”.

Section 82 amended

13. Section 82 of the principal Act is amended

- (a) in subsection (1), by replacing the word “Commission” with the word “Director” wherever it occurs;
- (b) in subsection (5), by replacing the words “an employee of the Commission authorised” with the words “a public officer authorised in writing by the Director”.

Section 84 amended

14. Section 84(1) of the principal Act is amended by replacing the word “Commission” with the word “Director”.

Section 86 amended

15. Section 86 of the principal Act is amended by deleting the words “to the Commission or”.

Section 100 is amended

16. Section 100(2)(b) of the principal Act is amended by replacing the word “Commission” with the word “Director”.

Section 108 is amended

17. Section 108(1) of the principal Act is amended

(a) in subsection (1), by deleting the words “, on the advice of the Commission,”.

(b) in subsection (2), by inserting immediately after paragraph (d) the following new paragraph:

“(da) provide for the regulation and control of prices for essential goods, including the establishment of price limits, the periodic review of such prices, and measures for monitoring and enforcement;”.

Schedule inserted

18. The principal Act is amended by inserting after section 109 the following Schedule:

“SCHEDULE

[Section 9A(2)]

CONSTITUTION AND PROCEEDINGS OF THE TRIBUNAL

Tenure of Office

1. (1) A member of the Tribunal shall hold office for a period not exceeding three years, as may be specified in the instrument of appointment, and is eligible for reappointment.

(2) A member shall continue in office until his or her successor is appointed.

Resignation

2. (1) The Chairperson may resign his or her office by notice in writing addressed to the Minister, and such resignation becomes effective upon receipt by the Minister.

(2) A member other than the Chairperson may resign his or her office by notice in writing addressed to the Minister and transmitted through the Chairperson, and such resignation becomes effective upon receipt by the Minister.

Removal from office

3. The Cabinet may, by notice in writing, acting on the recommendation of the Minister, revoke the appointment of a member of the Tribunal if that member

- (a) is unable to discharge the functions of office by reason of mental or physical incapacity;
- (b) is convicted of an offence under this Act or under the Criminal Code; or
- (c) is guilty of misconduct.

Filling of vacancies

4. Where a vacancy occurs in the membership of the Tribunal, the vacancy shall be filled by the appointment of a new member who shall hold office for the unexpired portion of the term of the previous member.

Publication of membership

5. The names of the members of the Tribunal as first constituted and every change in membership shall be published in the *Gazette*.

Sittings of the Tribunal

6. (1) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Tribunal determines.

(2) The Chairperson shall preside at sittings of the Tribunal and, in the absence of the Chairperson, the Deputy Chairperson shall preside.

(3) The decisions of the Tribunal shall be by a majority vote of the members present and, in the event of a tie, the presiding member shall have a casting vote.

(4) The Tribunal may, with the consent of the parties, hear and determine a matter by a single member.

(5) The Tribunal shall cause proper records of all proceedings to be kept.

Continuation of Proceedings

7. Where the Chairperson is unable to complete proceedings, the Deputy Chairperson shall continue the proceedings from the stage at which they were last heard.

Authentication of documents

8. A document or decision of the Tribunal may be signed by the Chairperson or a member of the Tribunal authorised to act on behalf of the Tribunal.

Remuneration

9. The members of the Tribunal shall be paid such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Cabinet may determine.

Immunity from suit

10. No action, suit, prosecution or other proceedings shall be brought or instituted against the Tribunal, a member of the Tribunal or a person acting under

the direction of the Tribunal for an act done in good faith in the performance of functions under this Act.

Validity of proceedings

11. The validity of proceedings of the Tribunal shall not be affected by a vacancy in its membership or a defect in the appointment of a member.

Disclosure of interest

12. (1) A member who has any direct or indirect interest in any matter which is brought before the Tribunal shall disclose the nature of the interest to the Tribunal in advance of any consideration of the matter.

(2) A member who has disclosed an interest pursuant to subparagraph (1) shall not take part in any of the deliberations or decisions of the Tribunal with respect to that matter.

Tribunal to regulate its proceedings

13. Subject to this Act, the Tribunal may regulate its proceedings and publish general guidelines concerning the procedures to be observed.”.

Passed by the House of Assembly this day of , 2026.

Speaker.

Clerk of the House of Assembly.

OBJECTS AND REASONS

This Bill seeks to amend the Consumer Protection Act, 2020, No. 10 of 2020 (referred to in this Bill as the “principal Act”) to reassign the functions of the Virgin Islands Trade Commission, which is not operational, to the Minister and the Director of Business. The Bill also provides for consumer dispute resolution through a Tribunal and makes consequential amendments to give effect to the transfer of functions.

Clause 1 would set out the short title.

Clause 2 seeks to amend section 2 of the principal Act by inserting new definitions and deleting definitions that are no longer required.

Clauses 3 to 5 and 7 to 17 seek to make consequential amendments to sections 6, 7, 9, 20, 26, 52, 75, 77, 80, 82, 84, 86, 100 and 108 of the principal Act to align those provisions with the revised administrative structure, including replacing references to the “Commission” with references to the “Minister” or the “Director of Business” as appropriate, and removing the requirements for the Minister to act on the advice of the Commission.

Clause 3 also seeks to amend section 6 of the principal Act by replacing subsections (1), (2), and (4) with new provisions to assign overall responsibility for the administration of the Act to the Minister and to provide for the Director of Business to carry out specified duties, including

- receiving complaints from consumers and taking appropriate action;
- carrying out investigations in relation to the sale of goods or the supply of services to determine whether goods were sold or services were supplied in contravention of this Act; and
- promoting the development of and monitoring the operations of recognised consumer organisations, and ensuring that the consumer’s interests receive due consideration.

Clause 5 also seeks to amend section 9 of the principal Act by inserting new subsections to provide for the submission of investigative findings and recommendations by the Director to the Minister for determination and for a right of appeal to the Tribunal from the Minister’s decision.

Clause 6 seeks to insert a new Part IIIA into the principal Act to establish the Consumer Affairs Tribunal and provide for its functions, powers and procedures.

Clause 18 seeks to insert a Schedule in the principal Act to provide for the constitution and proceedings of the Tribunal, including tenure, removal, filling vacancies, sittings of the Tribunal and disclosure of interests.

Minister with responsibility for Consumer Affairs.