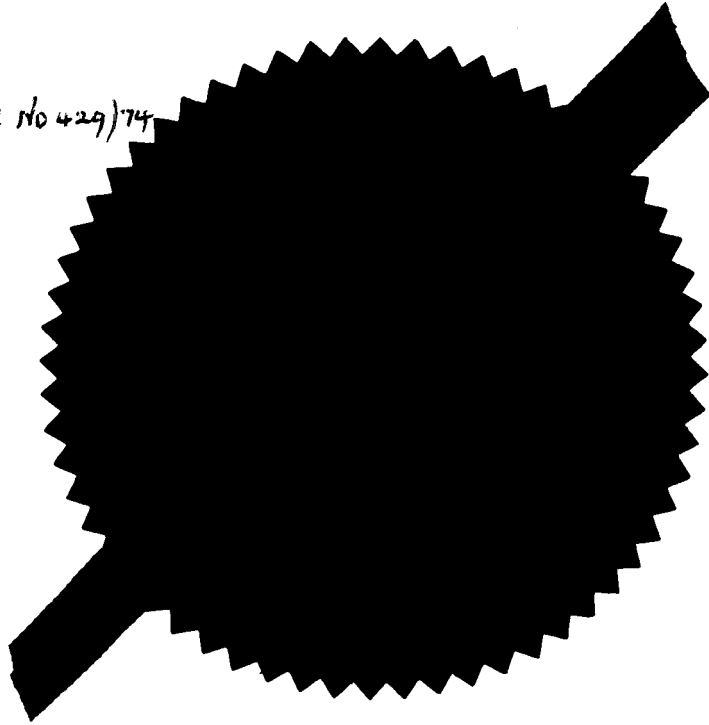


Seal No 429/74




## GUYANA

ACT No. 35 OF 1974

STATE ENTERPRISES (GUARANTEE) ACT 1974

I assent.

  
A. CHANG,  
President.

### ARRANGEMENT OF SECTIONS

7/11/74.

#### SECTION

1. Short title.
2. Interpretation.
3. Sums charged on the Consolidated Fund.
4. Application of provisions of the Guarantee of Loans (Public Corporations and Companies) Act 1971.
5. Regulations.
6. Amendment of the Guarantee of Loans (Public Corporations and Companies) Act 1971.

AN ACT to impose a charge on the Consolidated Fund for the repayment of monies by the Government pursuant to agreements entered into with financial and other institutions under the authority of the Resolutions of the National Assembly and to amend the Guarantee of Loans (Public Corporations and Companies) Act 1971.

A. D. 1974

Enacted by the Parliament of Guyana:—

Short title

1. This Act may be cited as the State Enterprises (Guarantee) Act 1974.

Inter-pretation

2. In this Act —

“lending agency” means an international financial organisation or any bank, insurance company or other source of financing;

“Minister” means the Minister responsible for finance;

“ordinary share capital” means all the issued share capital by whatever name called, other than capital the holders whereof have right to a dividend at a fixed rate, but have no other rights to share in the profits of the company;

Expressions

“registered society” means a co-operative society registered under the Co-operative Societies Act;

“state enterprise” means any public corporation as may be designated for the purposes of this Act by order of the Minister or any company incorporated in Guyana in which the State through any of its agencies holds at least fifty-one per cent of the ordinary share capital thereof.

Sums charged on Consolidated Fund.

3.(1) Where the Government, acting under the authority of a resolution of the National Assembly, enters into an agreement with a lending agency guaranteeing the repayment to that agency of monies advanced or expended by that agency to or for the benefit of a state enterprise or a registered society, those monies shall be charged on the Consolidated Fund if they become payable by the Government pursuant to the guarantee.

(2) The provisions of subsection (1) imposing a charge on the Consolidated Fund shall apply to any monies becoming payable by the Government as principal obligor to a lending agency by virtue of an agreement entered into between that agency and the Government acting under the authority of a resolution of the National Assembly.

4. Sections 5, 6(1) and 7 of the Guarantee of Loans (Public Corporations and Companies) Act 1971 shall, as they apply to a guarantee given under that Act, apply *mutatis mutandis* to a guarantee referred to in section 3 and for that purpose references in that Act to a Corporation shall be construed and have effect as references to a state enterprise or a registered society, as the case may be.

Application of provisions of the Guarantee of Loans (Public Corporations and Companies) Act 1971 No. 16 of 1971

5. The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

Regulations.

6. The Guarantee of Loans (Public Corporations and Companies) Act 1971 is hereby amended in the following respects —

Amendment of the Guarantee of Loans (Public Corporations and Companies) Act 1971, No. 16 of 1971.

- (a) by the insertion in the Long Title thereof, immediately after the word "interest" of the words "and to authorise the Government to give undertakings to sources of financing under which sums payable by the Government pursuant thereto shall become chargeable on the Consolidated Fund";
- (b) by the insertion immediately after the words "1962", appearing in the definition of the word "Corporation" of the words "any co-operative society registered under the Co-operative Societies Act";
- (c) by the substitution of a semicolon for the full stop, appearing at the end of section 3(1) (b), and the insertion immediately thereafter of the following paragraph as paragraph (c) —
  - "(c) undertake the repayment to a lending agency of such sums as the lending agency may have advanced to or for the benefit of the Government.";
  - and
- (d) by the insertion immediately after the word "guarantees" and the word "guarantee" wherever they appear in section 4 of the words "or undertakings" and the words "or undertakings", respectively.

*Passed by the National Assembly on the 23rd of October, 1974.*

*Narain*

F. A. Narain,

Clerk of the National Assembly.

(Bill No. 35/ 1974)