

Bill No. 33 of 1960.

ELECTRICITY (AMENDMENT) BILL, 1960.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 2 of Ordinance No. 34 of 1957.
3. Amendment of section 9 of Ordinance No. 34 of 1957.
4. Insertion of section 9A in Ordinance No. 34 of 1957.
5. Insertion of sections 12A and 12B in Ordinance No. 34 of 1957.
6. Insertion of section 13A in Ordinance No. 34 of 1957.
7. Insertion of sections 14A to 14G in Ordinance No. 34 of 1957.
8. Amendment of section 17 of Ordinance No. 34 of 1957.
9. Repeal and re-enactment of section 18 of Ordinance No. 34 of 1957.
10. Amendment of section 20 of Ordinance No. 34 of 1957.
11. Repeal and re-enactment of section 27 of Ordinance No. 34 of 1957.
12. Repeal and re-enactment of section 28 of Ordinance No. 34 of 1957.
13. Amendment of section 29 of Ordinance No. 34 of 1957.

THIRD SCHEDULE.

FOURTH SCHEDULE.

A BILL

Intituled

AN ORDINANCE TO AMEND THE ELECTRICITY ORDINANCE.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Electricity (Amendment) Ordinance, 1960, and shall be construed and read as one with the Electricity Ordinance, 1957, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.
No. 34 of
1957.

2. Section 2 of the Principal Ordinance is hereby amended by the insertion therein of the following definitions :—

Amendment
of section
2 of Ordinance No.
34 of 1957.

First Schedule.

Cap. 152.

- (a) after the definition of "apparatus", "areas of supply" means the areas of supply prescribed in the first schedule to this Ordinance;
- (b) after the definition of "Chairman", "City" means the City of Georgetown as defined by the Georgetown Town Council Ordinance;
- (c) after the definition of "member of the Corporation", "Minister" means the Member of the Executive Council for the time being charged with responsibility for the subject of Electricity;
- (d) after the definition of "the Corporation", "the Council" means the Mayor and Town Council of Georgetown;
- (e) after the definition of "official member", "sewerage system" means the system of sewers, drains, and appliances belonging to or under the control of the Council whereby sewage is in any manner collected and disposed of, and includes any electric motor installed to drive or operate sewage pumping machinery in connection therewith.

Amendment of section 9 of Ordinance No. 34 of 1957.

3. Section 9 of the Principal Ordinance is hereby amended by the substitution of the following proviso for the proviso appearing in subsection (1) thereof —

“Provided that the appointment of the General Manager and the amount of his salary from time to time shall be subject to the approval of the Minister”.

Insertion of section 9A in Ordinance No. 34 of 1957.

4. The Principal Ordinance is hereby amended by the insertion of the following section after section 9 thereof —

“Inspectors”
9A (1) The Corporation may appoint such number of electrical inspectors as may be necessary for the purpose of inspecting installations and electrical plant, apparatus and works and of performing such other duties as may be required by the Corporation.

(2) An electrical inspector appointed under the preceding subsection shall have all the powers vested in an inspector by this Ordinance and any regulations made thereunder, together with the powers of the Government Electrical Inspector under the Electric Lighting Ordinance.

Cap. 237.

Insertion of sections 12A and 12B in Ordinance No. 34 of 1957.

5. The Principal Ordinance is hereby amended by the insertion of the following heading and sections after section 12 thereof —

“ACQUISITION OF THE DEMERARA ELECTRIC COMPANY LIMITED.

Management dissolution of Demerara Electric Company and vesting of undertaking in Corporation.

12A. (1) In this section, 12B and the third schedule to this Ordinance —

“the agreement” means the agreement proposed to be made between the International Power Company Limited and the Government for the purchase by the Government of all the issued shares of the Company;

“Company” means the Demerara Electric Company Limited incorporated under the Demerara Electric Company Ordinance;

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“completion date” means the 28th February, 1961, or such later date as is one month after delivery of the auditors’ certificate pursuant to clause 4 of the agreement;

“consortium” means the consortium of Associated Electrical Industries Export Limited, International Combustion (Export) Limited and Taylor Woodrow (Overseas) Limited that will install in British Guiana a maximum of 3 Megawatts of diesel electrical generating plant and two 10 Megawatt steam electrical generating plants with matching distribution equipment to meet the outstanding demand for electricity and to develop the undertaking in the interest of British Guiana;

“contract date” means the date on which the agreement is executed;

“legal lien” means the first and paramount lien on the undertaking and the present and future property whatsoever and wheresoever of the Company or the Corporation including its revenue powers, rights and franchises, by way of a fixed charge on the fixed assets and a floating security on the remaining assets;

“vendor” means the International Power Company Limited, a company incorporated under the Companies Act of Canada and having its head office at Montreal, Canada.

(2) On the Government entering into the agreement the undertaking of the Company shall from the day following the contract date be managed by the Corporation and all operations of the Company and anything done in connection therewith shall be performed on behalf of the Company in the name of the Corporation.

(3) On the day following the contract date the provisions of Part 1 of the third schedule to this Ordinance shall, notwithstanding the other provisions of this Ordinance, have effect.

Third Schedule

(4) The Company shall, as from the day following the contract date, continue to exist until it has been dissolved, but shall cease to carry on business except for the purpose of carrying out the agreement, subject to the provisions of this Ordinance.

Third
Schedule.

(5) The provisions of Part 2 of the third schedule to this Ordinance shall apply to the carrying on of the undertaking of the Company after the contract date, and to the dissolution of the Company.

(6) On the completion date the whole of the undertaking of the Company including all its plant, lands, works and other property movable or immovable, assets, powers, rights and privileges held or enjoyed by it in connection therewith or appertaining thereto shall vest in the Government and shall be deemed to be a public undertaking for the purpose of subsection (2) of section 12 of this Ordinance.

(7) The Governor in Council may, by order, declare that any diesel electrical generating plant which is the property of the Government and which has been used, or been available, to supply energy in bulk to the Company prior to the completion date shall be included in the public undertaking referred to in the preceding subsection.

(8) When the undertaking of the Company becomes a public undertaking as provided in subsection (6) of this section, together with any diesel electrical generating plant that may have been declared to be included in such public undertaking under the preceding subsection, the Governor shall thereupon vest such public undertaking in the Corporation in pursuance of subsection (2) of section 12 of this Ordinance.

Third
Schedule.

(9) When the undertaking of the Company becomes vested in the Corporation as provided in the preceding subsection the provisions of Part 3 of the third schedule to this Ordinance shall, notwithstanding the other provisions of this Ordinance, have effect.

Section 12 (5)
not to apply
to transfer of
Demerara
Electric Com-
pany under-
taking etc.
Third
Schedule.

12B. The provisions of subsection (5) of section 12 of this Ordinance shall not apply to the transfer of the public undertaking referred to in subsection (8) of the preceding section but the provisions of Part 4 of the third schedule to this Ordinance shall have effect in lieu thereof."

6. The Principal Ordinance is hereby amended by the insertion of the following section after section 13 thereof—

"Powers of
Minister in
relation to the
Corporation.

13A (1) The Minister may, after consultation with the Corporation, give to the Corporation such directions of a general character as to the exercise and performance by the Corporation of its functions under this Ordinance as appear to the Minister to be requisite in the public interest, and the Corporation shall give effect to any such directions.

(2) The Corporation shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Corporation, and furnish him with returns, accounts and other information with respect thereto, in such manner and at such times as he may require."

Insertion of
section 13A
in Ordinance
No. 34 of
1957.

7. The Principal Ordinance is hereby amended by the insertion of the following sections after section 14 thereof—

Immunity of
Corporation
from legal pro-
ceedings for
certain acts.

14A. The Corporation shall not be liable in any suit, action, indictment, information or other proceeding or to any penalty whatsoever in respect of any damage or loss occurring by reason of the vibration or noise of any reciprocating engine, steam turbine or generating unit which is lawfully used by the Corporation, unless that damage or loss has been due to the negligence of the Corporation, their servants or agents.

Insertion
of sections
14A to 14G
in Ordinance
No. 34 of
1957.

Immunity of
Corporation
from legal pro-
ceedings in
respect of
damage due to
non-delivery of
energy.

14B. Save and except at the instance of the Council under the provisions of any contract between the Council and the Corporation, the Corporation shall not be liable in any suit, action, indictment, information, or other proceeding in respect of any damage to property or other loss thereto alleged to have been occasioned by failure or deficiency in

the operation of the Water supply in the City, or of the water works or the sewerage system, where either the failure or the deficiency is due to any insufficiency or failure in the supply of energy by the Corporation.

Immunity of Council, its members, officers, and servants.

14C. The Council, its members, officers and servants shall not be liable in any suit, action, or other proceeding whatsoever at the instance of anyone in respect of damage to property or other loss thereto occasioned by failure or deficiency in the operation of the water works or the sewerage system by reason of insufficiency or failure in the supply of energy by the Corporation.

Mode of effecting alteration of position of "obstruction".

14D. (1) If the Corporation in operating its works considers that the position of any water or sewage main, drain, water-course, culvert, subway, defence, tube, wire, apparatus for telegraphic or other purposes (in this section referred to as "obstruction"), or of any other existing matter or thing, is likely to cause frequent interruption of the Corporation's undertaking by repairs or renewals and ought to be altered, the Corporation, in operating its works shall not alter the position of any obstruction, but shall give notice to the person, body, or local authority to whom any obstruction belongs, or under whose control any obstruction is, that the Corporation is of opinion that the position of any obstruction should be altered, and if the person, body, or local authority is unable to agree with the Corporation as to the necessity for, or the manner of, any alteration of the position of the obstruction, the matter shall be determined by arbitration.

(2) If the person, body, or local authority agrees upon, or the award in an arbitration directs, the alteration of the position of any obstruction, the work of the alteration shall be immediately carried out by the person, body or local authority concerned.

(3) A work of alteration shall be carried out in accordance with any plan agreed upon or directed by the award in the arbitration.

Cutting trees and boughs.

14E. (1) In the course of constructing and for the more effective working of its undertaking the Corporation shall have power, by officers and servants duly authorised for that purpose in writing, to cut and remove from any street and to enter upon and to cut and remove from any private or public land any tree, or any branch, bough or other part thereof, growing on such land within one hundred feet of any supply line and which may tend to interfere with, endanger or otherwise prejudicially affect the working of its undertaking.

(2) The Corporation shall make compensation to the owner of any tree so cut and for any damage suffered by the owner or occupier in respect thereof, and the amount of such compensation shall, in the event of disagreement be determined by arbitration.

Power to locate and work generating or power station outside the area.

14F. The Corporation may, in the case of any of its undertakings, locate and work, and have its generating or power station and all or any works which may be considered necessary in connection therewith, outside the areas of supply.

Arbitration.

14G. Where any matter with respect to the operation of the undertaking of the Corporation is by this Ordinance or the Electric Lighting Ordinance directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by a fit and competent person as arbitrator, to be agreed by the parties to the arbitration, and the reference to arbitration by the said parties shall be deemed to be a submission within the meaning of the Arbitration Ordinance, which shall apply to such arbitration".

Cap. 237.

Cap. 38.

Amendment of section 17 of Ordinance No. 34 of 1957.

8. Section 17 of the Principal Ordinance is hereby amended by the substitution of the figure "16" for the figure "15" appearing in subsection (1) thereof.

9. Section 18 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 18 of Ordinance No. 34 of 1957.

"Power to Government to guarantee loans and contracts.

18. The Government may guarantee in such manner and upon such terms as it may think fit, the payment of the interest and principal, or either of them, of any loan raised by the Corporation, or any liability assumed, or contract made by the Corporation".

10. Section 20 of the Principal Ordinance is hereby amended —

Amendment of section 20 of Ordinance No. 34 of 1957.

- (a) by re-numbering paragraph (e) as paragraph (k) thereof; and
(b) by inserting the following paragraphs after paragraph (d) thereof —

- "(e) prescribing the duties of officers and servants appointed under this Ordinance and the qualifications to be required of engineers, operators, electricians and electrical inspectors;
(f) the inspection of works, supply lines, meters, accumulators, fittings and apparatus constructed and placed on any public land or private premises within the areas of supply under the provisions of this Ordinance or any contract or agreement made thereunder;
(g) the inspection, testing and maintenance of the installation and apparatus of the Corporation, the fixing and testing of meters and any other service properly rendered on account of consumers within the areas of supply;
(h) the regulation of the use, and the prevention of the misuse or waste, of energy supplied;
(i) the protection of supply lines or any apparatus connected therewith;
(j) the erection, extension, control, use and working of the system of supply of energy within the areas of supply".

11. Section 27 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 27 of Ordinance No. 34 of 1957.

"Regulations.

27. The Minister may make regulations generally for giving effect to the provisions of this Ordinance, and without prejudice to the generality of the foregoing may make regulations in relation to —

- (a) securing the safety of the public from personal injury or from fire or otherwise;
(b) the protection of persons and property by reason of contact with or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, distribution, supply or use of energy;
(c) the prevention of any telegraph, telephone or electric signalling line, or the current in such line, from being injuriously affected by any appliance or apparatus used in the generation, transmission, distribution, supply or use of energy;
(d) the units or standards for the measurement of energy and the settlement of disputes as to measurements of energy and limits of error;
(e) the frequency, type of current and pressure of energy to be generated or supplied;
(f) prohibiting, restricting, requiring or regulating in such manner and subject to such conditions or exceptions as the regulations may prescribe, the supply of energy to any person or premises or the whole or any part of the areas of supply;
(g) prohibiting, restricting or regulating as aforesaid the use of energy by any person, or in any premises, or in the whole or any part of the areas of supply;
(h) prescribing the penalties to be imposed for contravention of any regulations made under this section or section 20 of this Ordinance.

Repeal and re-enactment of section 28 of Ordinance No. 34 of 1957.

12. Section 28 of the Principal Ordinance is hereby repealed and the following substituted therefor—

"Repeal. Cap. 238.

28. (1) The Georgetown Electric Supply Ordinance is hereby repealed:

Provided that the Georgetown Electric Supply Order shall continue in force to the extent, and subject to such adaptations or modifications as may be, prescribed by order of the Governor in Council, and the provisions so continued in force shall have effect as if they were incorporated in this Ordinance.

Cap. 239.

(2) The Demerara Electric Company Ordinance is hereby repealed.

No. 13 of 1959.

(3) The Georgetown Electric Supply (Control) Ordinance, 1959 is hereby repealed.

Amendment of section 29 of Ordinance No. 34 of 1957.

13. Section 29 of the Principal Ordinance is hereby amended by the substitution of the word "order" for the words "proclamation published in the Gazette" appearing therein.

THIRD SCHEDULE

Section 12A(3)
12A(5)
12A(8)
12B

Part 1.

PROVISIONS APPLICABLE ON THE EXECUTION OF THE AGREEMENT.

Agreement to be inserted in Ordinance. Fourth Schedule.

1. (1) The Governor in Council shall, as soon as practicable, by order, provide for the insertion of the agreement as the fourth schedule to this Ordinance, and upon the making of such order the agreement shall have effect as if it were part of this Ordinance.

(2) The Governor in Council may, by order, provide for any matter that may be necessary or expedient for the carrying into effect of the agreement, including the exemption of the Government or any person from the provisions of any law in force from time to time that may be applicable to them.

Constitution of Corporation etc.

2. Until such time as the purchase price payable under the agreement and interest thereon shall have been paid in full:—

- (a) the Corporation shall consist of seven members, and, notwithstanding the provisions of subsection (1) of section 5 of this Ordinance, the appointment of three of such members shall be subject to the written approval of the vendor and the consortium;
- (b) notwithstanding the provisions of subsection (1) of section 9 of this Ordinance the appointment of the General Manager shall be subject to the written approval of the vendor;
- (c) the General Manager may, until such time as the first 10 Megawatt steam electric generating plant and associated equipment has been installed by the consortium and is in operation, at his discretion, and thereafter may with the approval of the Corporation, consult the Montreal Engineering Company Limited of Canada for advice on—
 - (i) the operation of the undertaking of the Company or Corporation; and
 - (ii) the installation of new electrical generating plant and equipment in so far as the operation of the undertaking of the Company or Corporation may be affected thereby;
- (d) the Corporation shall pay to or to the order of the Montreal Engineering Company Limited such charges as may be made by that company for the advice referred to in sub-paragraph (c) of this paragraph, which charges may include out-of-pocket expenses at cost and fees at rates not exceeding the scale of charges laid down by the Corporation of Professional Engineers of Quebec, Canada;

- (e) insurance coverage on the undertaking of the Company or Corporation against loss or damage by fire and such other risks as are insured against by the Company at the contract date shall be maintained by the Corporation for such sums as are from time to time approved for the purpose by the vendor.

3. (1) Until such time as the purchase price and interest thereon under the agreement shall have been paid in full the vendor shall have a legal lien as security for any money outstanding from time to time by way of principal or interest that is payable to the vendor. Legal lien.

(2) The legal lien shall notwithstanding the provisions of any other law, for the time being in force, rank in priority to all other debts, liabilities and obligations of the Company or Corporation, except statutory claims in respect of the immovable property of the Company or Corporation.

(3) The vendor or any person claiming by, through or under the vendor shall, in case of default by the Corporation or the Government in the performance of any of the terms and conditions of the agreement for a period of three months (and after at least fourteen days notice in writing has been given to the Corporation or the Government, as the case may be, stating and demanding payment of such part of the amount in respect of which the lien exists as is for the time being payable) be entitled to and have power to appoint a receiver of, take possession of and sell the property charged, and hold, own and enjoy all the powers, rights, privileges, franchises and exemptions, which were held, owned and enjoyed by the Company or the Corporation.

(4) The proceeds of any sale in respect of the lien shall be received by the vendor and applied in payment of all the moneys outstanding by way of principal or interest under the agreement and the residue, if any, shall be paid to the Corporation.

(5) The Corporation shall on the completion date issue to the vendor and to such persons as maybe designated by the vendor certificates showing the balance of the purchase price under the agreement payable to the vendor and to such persons in the following form:—

“ BRITISH GUIANA ELECTRICITY CORPORATION
Legal Lien created under the provisions of the
Electricity Ordinance, 1957.

C E R T I F I C A T E

THIS IS TO CERTIFY that the BRITISH GUIANA ELECTRICITY CORPORATION is at the date hereof indebted to —
or assigns (hereinafter referred to as “the Lien Holder”) in the sum of
dollars Canadian currency, with interest thereon at the rate of seven per cent. per annum as more particularly set out in the Agreement the provisions of which are set out in the Fourth Schedule to the said Ordinance, and that such sum is secured by Legal Lien as provided in the said Ordinance.

Dated the day of , 1961.

BRITISH GUIANA ELECTRICITY CORPORATION

(L.S.)

(Seal of the Corporation)

If the Lien Holder assigns the said debt, notice thereof shall be given to the Corporation and this certificate produced for endorsement.

The Corporation will at the request of the Lien Holder certify the amount of the Corporation’s indebtedness at the end of any month.”

4. As soon as practicable and not later than fourteen days after the contract date the Corporation shall prescribe or cause to be prescribed the rate of charges (in British Guiana currency) for the supply of energy for industrial purposes as follows :

Demand charge : \$5.00 per Kilovolt Ampere per month.

Energy charge :

The first 150 Kilowatt hours per Kilovolt Ampere
per month at 4 cents

The next 150 Kilowatt hours per Kilovolt Ampere
per month at 3½ cents

Any excess thereafter of Kilowatt hours per
Kilovolt Ampere at 3 cents.

Part 2.

PROVISIONS RELATING TO THE CARRYING ON OF THE DEMERARA ELECTRIC COMPANY LIMITED AFTER THE CONTRACT DATE, AND ITS DISSOLUTION.

Directors of Company to remain in office.

1. The Directors of the Company in office on the contract date and the survivors or survivor of them (in this Part of this schedule referred to as "the Directors") shall continue to be directors of the Company until the dissolution thereof, notwithstanding that they hold no qualification shares but their powers and authorities shall be restricted to executing and doing all such instruments, acts and things as directed by the Government or the Corporation or as may be necessary and proper for winding up the affairs of the Company and for carrying into effect the provisions of the agreement and of this Ordinance.

Notice of claims against Company.

2. The Company shall forthwith cause to be published once in the Gazette and three times in at least two daily newspapers a notice calling upon all persons who have or claim to have any claim against the Company to submit such claim with such proof thereof, and on or before such date, as the Company may require and informing them that any claim not so submitted of which the Company has no notice will be barred thereafter. After the expiration of the period prescribed in the notice, any such claim shall be barred.

Company's undertaking for benefit of Corporation.

3. The undertaking of the Company shall as from the day following the contract date be deemed to be carried on for the benefit of the Corporation.

Shares to be registered in name of Government.

4. On the completion date the Directors shall, upon the completion of the instruments of transfer duly executed in favour of the Government in respect of all the issued shares of the Company and lodgement thereof by the Government together with certificates for the said shares, forthwith register the shares in the name of the Government in the manner provided in the By-laws of the Company.

No stamp duty etc. payable.

5. Notwithstanding the provisions of any law or By-law of the Company for the time being in force, no stamp duty, transfer fees or any other expenses shall be payable by the Government, the vendor or any other person on any transfer of shares of the Company in fulfilment of the agreement.

Dissolution of Company.

6. When the provisions of paragraph 4 of this Part of this schedule have been fulfilled the Governor in Council shall, by order, provide that the Company be dissolved on a date specified in the order (not being later than one month after the completion date) and the Company shall be dissolved accordingly.

Part 3.

PROVISIONS RELATING TO THE UNDERTAKING OF THE DEMERARA ELECTRIC COMPANY LIMITED WHEN IT BECOMES VESTED IN THE CORPORATION.

Obligations when undertaking is vested in Corporation.

1. The Corporation shall—

- (a) continue to employ every member of the staff and every workman exclusively employed by the Company at the completion date on terms and conditions which

taken as a whole are no less favourable than those upon which those persons were employed by the Company at that date;

- (b) take over and fulfil all uncompleted contracts for the purchase of lands, buildings, works plant or materials entered into by or on behalf of the Company in the ordinary course of business prior to, and which are subsisting at, the completion date.

2. (1) The Corporation shall pay to or to the order of the vendor in Canadian currency —

Payments under the agreement.

- (a) two months after the contract date the equivalent of the gross revenue of the undertaking of the Corporation for the month immediately following the contract date; and
- (b) thereafter at monthly intervals until any remaining balance of the purchase price with interest thereon payable under the agreement has been fully paid, the equivalent of the gross revenue of the undertaking of the Corporation or the Corporation, as the case may be, for each succeeding month.

(2) Notwithstanding the provisions of any other law for the time being in force, the payment by the Government or the Corporation of any moneys due to the vendor in respect of the purchase price under the agreement either as principal or interest shall not be subject to any tax, duty or the deduction of any sum whatsoever in British Guiana.

3. The Corporation shall not be liable for the payment of any duty under the Customs Ordinance.

No customs duty payable by Corporation. Cap. 309.

4. For the avoidance of doubt it is hereby declared that when the undertaking becomes vested in the Corporation in pursuance of subsection (7) of section 12A of this Ordinance all deeds, bonds, agreements, instruments and working arrangements affecting the Company and subsisting at the date of dissolution shall be of as full force and effect against or in favour of the Corporation and enforceable as fully and effectually as if, instead of the Company, the Corporation had been named therein or had been a party thereto.

Corporation to be responsible for contracts etc. Issue of

Part 4.

PROVISIONS RELATING TO THE ISSUE OF DEBENTURE STOCK BY THE CORPORATION TO THE GOVERNMENT.

1. (1) As soon as practicable after the date of transfer of the undertaking of the Company to the Corporation, the Corporation shall by way of compensation for the payment by the Government of \$710,000 Canadian currency to the vendor under the agreement, issue to the Government debenture stock of the nominal value of the equivalent in British Guiana currency.

Issue of debenture stock on transfer of undertaking to Corporation, etc.

(2) As soon as practicable after the date of transfer to the Corporation of any diesel electrical generating plant in pursuance of the provisions of section 12A of this Ordinance the Corporation shall by way of compensation therefor issue to the Government debenture stock of such nominal value as may be agreed upon between the Minister and the Corporation.

2. The Corporation shall, by way of compensation for the payment by the Government to the vendor of any further sums that are paid by the Government under the agreement, issue to the Government as soon as practicable thereafter, debenture stock of the nominal value of the equivalent of such payments in British Guiana currency.

Further issue of debenture stock for moneys payable under agreement.

Issue of debenture stock for moneys borrowed for agreement with consortium.

3. Notwithstanding the provisions of section 16 of this Ordinance any money borrowed by the Corporation from the Government prior to the 31st December, 1962, for the purpose of paying sums due under any agreement that may be made between the Corporation and the consortium for the purchase and installation of electrical generating plant and equipment and other matters connected therewith, shall be secured by the issue to the Government of debenture stock of a nominal value corresponding to the amount of money borrowed.

Satisfaction of income tax.

4. Notwithstanding the provisions of any other law for the time being in force, any income tax payable by the Corporation in respect of income of the Company or Corporation after the contract date and before the 31st December, 1969, shall be satisfied by the issue by the Corporation to the Government from time to time of debenture stock for the amount of income tax due.

Terms of debenture stock.

5. Any debenture stock issued to the Government in pursuance of the provisions of this Part of this schedule shall —

- (a) bear interest at the rate of seven per centum per annum, payable annually, which interest shall be satisfied by the issue to the Government from time to time of similar debenture stock of a nominal value corresponding to the amount of interest due;
- (b) at the option of the Government notified in writing to the Corporation within six months prior to the 31st December, 1969, be either converted into perpetual debenture stock, or redeemed or otherwise satisfied, on such terms and conditions as the Government may then determine.

FOURTH SCHEDULE

Third Schedule
(Part 1)

AGREEMENT BETWEEN THE INTERNATIONAL POWER COMPANY LIMITED AND THE GOVERNMENT FOR THE PURCHASE BY THE GOVERNMENT OF THE ISSUED SHARES OF THE DEMERARA ELECTRIC COMPANY LIMITED.

OBJECTS AND REASONS

The object of this Bill is to amend the Electricity Ordinance, 1957, for the purpose of giving effect to the proposed agreement shortly to be made by the Government for the purchase of the issued shares of the Demerara Electric Company Limited. The Bill also seeks to invest the Electricity Corporation to be established under the Ordinance with certain powers that are now held by the Demerara Electric Company but which will disappear when the legislation governing the Company is repealed after its undertaking has been transferred to the Corporation.

2. Clause 3 seeks to make the appointment of the General Manager of the Corporation subject to the approval of the Government.

3. Clause 5 seeks to provide for a new section 12A in the Ordinance containing provisions for the acquisition of the Demerara Electric Company, its transfer to the Corporation and the dissolution of the Company thereafter. It is anticipated that the Government will execute the agreement with the International Power Company Limited of Canada (who own nearly all the shares in the Demerara Electric Company) on the 31st December, 1960. The Demerara Electric Company's undertaking will thereafter be managed by and in the name of the Corporation for its benefit, and the Company will only be carried on for the purpose of giving effect to the agreement and winding up its affairs. Part 1 of the Third Schedule that the Bill seeks to insert in the Ordinance provides that the agreement, when executed, shall be incorporated in the Ordinance.

4. When the exact purchase price of the shares of the Demerara Electric Company is ascertained by audit of the books as at the 31st December, 1960, the shares will be transferred to the Government and the undertaking and works will then be vested in the Corporation under section 12(2) of the Ordinance. Paragraphs 2, 3 and 4 of

Part 1 and Part 3 of the Third Schedule seek to give effect to certain conditions of the agreement. Part 2 of the Third Schedule provides for the carrying on of the Company after the contract date.

5. Clause 3 also seeks to provide for the insertion of a new section 12B in the Ordinance which applies Part 4 of the Third Schedule dealing with the issue by the Corporation to the Government of debenture stock by way of compensation for the transfer of the undertaking following the down payment made by the Government, the transfer of diesel generating plant and for any payments made by the Government on behalf of the Corporation under the contract. Debenture stock will similarly be issued in favour of the Government in satisfaction of income tax payable by the Corporation for the period ending the 31st December, 1969.

6. Clause 6 seeks to insert a provision (which is the normal procedure in relation to statutory bodies under Ministerial government) that the Minister may give general directions to the Corporation as to the exercise of its functions, and may obtain information from the Corporation regarding its activities.

7. Clause 7 re-enacts for the benefit of the Corporation and the Georgetown Town Council certain statutory immunities from legal proceedings that are now enjoyed by the Demerara Electric Company. Powers are also given to the Corporation to prevent trees and other things from obstructing the Corporation's works.

8. Clause 9 seeks to re-enact section 18 of the Principal Ordinance by extending the power of the Government to guarantee loans to the Corporation, to contracts made by the Corporation. It is likely that the Government will have to guarantee the contract to be made by the Corporation with the Associated Electrical Industries consortium for development plant. Clause 10 seeks to amplify the matters in respect of which the Corporation may make regulations for its operations.

9. Clause 11 empowers the Minister responsible for electricity to make regulations dealing with public safety in regard to the Corporation's operations. Power is also given to the Minister to regulate the supply and use of electricity if at any time the full capacity of the generating plant is not available and temporary 'blackouts' are necessary. This power is at present contained in the Georgetown Electric Supply (Control Ordinance, 1959, which will be repealed with the remainder of the legislation governing the Demerara Electric Company.

RAM KARRAN,
Minister of Communications and Works.

7th December, 1960.