

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 104TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (1992-1997) OF THE SIXTH PARLIAMENT OF GUYANA HELD

AT 2.00 P.M.

ON FRIDAY, 24TH OCTOBER, 1997
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (74)

Speaker (1)

The Hon. Derek C. Jagan, C.C.H., S.C., J.P., M.P., Speaker of the National Assembly

Members of the Government - People's Progressive Party/Civic (44)

The Hon. Janet Jagan, O.E., M.P., Prime Minister and First Vice-President

The Hon. Reepu Daman Persaud, O.R., J.P., M.P., Second Vice-President and Minister of Agriculture (Leader of the House)

The Hon. S. Feroze Mohamed, M.P., Minister of Home Affairs (Government Chief Whip)

The Hon. Harripersaud Nokta, M.P., Minister of Local Government

*The Hon. Rev. Dr. Ramnauth Bisnauth, M.P., Minister of Education and Cultural Development

*The Hon. Bernard C. DeSantos, S.C., M.P., Attorney General and Minister of Legal Affairs

*The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Labour, Human Services and Social Security

The Hon. Clement J. Rohee, M.P., Minister of Foreign Affairs (Absent - on leave)

The Hon. Gail Teixeira, M.P., Minister of Health

The Hon. M. Shree Chan, M.P., Minister of Trade, Tourism and Industry

*The Hon. Bharrat Jagdeo, M.P., Minister of Finance

The Hon. Moses V. Nagamootoo, M.P., Minister of Information

The Hon. Clinton C. Collymore, M.P., Minister in the Ministry of Local Government

The Hon. Indranie Chandarpal, M.P., Minister in the Ministry of Labour, Human Services and Social Security

*The Hon. F. Vibert DeSouza, M.P., Minister in the Ministry of Local Government (Absent)

*The Hon. George E. Fung-On, M.P., Minister in the Office of the President

*The Hon. C. Anthony Xavier, M.P., Minister in the Ministry of Public Works and Communications (Absent)

*The Hon. Satyadeow Sawh, M.P., Minister in the Ministry of Agriculture

***Non-elected Member**

Mrs. Pauline Sukhai, M.P., Parliamentary Secretary, Ministry of Local Government
 Mr. Cyril C. Belgrave, M.P.
 Mr. Fazil M. Ali, M.P.
 Mr. Husman Alli, M.P.
 Mr. Shaik K.Z. Baksh, M.P.
 Mr. Komal Chand, C.C.H., J.P., M.P. (Absent)
 Mrs. Shirley V. Edwards, M.P.
 Dr. Hughley H. Hanoman, M.P.
 Mrs. Una A. James, M.P.
 Mr. Alston A. Kissoon, M.P.
 Dr. Moti Lall, M.P.
 Mr. Khemraj Ramjattan, M.P.
 Mr. Donald Ramotar, M.P.
 Mr. Lawrence E. Rodney, M.P.
 Mr. Winslow M. Zephyr, M.P.
 Mr. Reuben A. Gilbert, M.P.
 Mr. Thakoor Silas, M.P.
 Mr. Khadim Bacchus, M.P. (National Congress of Local Democratic Organs)
 Mr. Samad A. Baksh, M.P. (Region No. 2 - Pomeroun/Supenaam)(Absent)
 Mr. Harrinarine Baldeo, M.P. (Region No. 5 - Mahaica/Berbice)
 Mr. Joseph DeSouza, M.P. (Region No. 1 - Barima/Waini)
 Mr. Eugene La Cruz, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo)
 Mr. Bagot Paul, M.P. (Region No. 8 - Potaro/Siparuni)
 Mr. Kum Karan Ramdas, M.P. (Region No. 6 - East Berbice/Corentyne)
 Mr. Ramrattan, M.P. a/k Balkarran (Region No. 3 - Essequibo Islands/West Demerara)
 *Mr. Edward A. DaSilva, M.P.

Members of the Minority (29)

(i) People's National Congress (26)

Mr. H. Desmond Hoyte, S.C., M.P., Minority Leader (Absent - on leave)
 Mr. Robert H.O. Corbin, M.P. (Absent)
 Mr. Winston S. Murray, C.C.H., M.P.
 Mrs. Clarissa Richil, M.P. (Absent)
 Mr. Dunstan Barrow, M.P., Chief Whip
 Mr. M. Idris Deen, M.P.
 Dr. Faith A. Harding, M.P.
 Miss Amna Ally, M.P.
 Miss Jean M.G. Persico, A.A., M.P.
 Mr. Ivor Allen, M.P.
 Mr. Arthur A. Alexander, M.P., Deputy Speaker of the National Assembly
 Mr. Dharamdeo Sawh, M.P. (Absent)
 Mr. Simon Ng-Sce-Quan, M.P. (Absent)
 Mr. David Subnauth, J.P., M.P. (Absent - on leave)
 Mr. Reynold N. David, M.P. (Region No. 7 - Cuyuni/Mazaruni)
 Mr. Aftabuddin Ahmad, M.P. (Absent)
 Mrs. Cyrilda A. DeJesus, M.P.
 Mr. Kenrick Tyndall, M.P.
 Mr. Phillip Bynoe, M.P. (Region No 10.- Upper Demerara/Berbice)
 Mr. Andy Gouveia, M.P. (Absent)
 Mr. Hukumchand, M.P. a/k Parag
 Miss Joan C. Richards, M.P.
 Mr. John A. Fredericks, M.P. (Absent - on leave)
 Mr. Ivan Peters, M.P. (Region No. 4 - Demerara/Mahaica)
 Mr. Hubert K.H. Hyman, M.P. (Absent - on leave)
 Dr. Abraham A.C. Fung-A-Fat, A.A., M.P. (Absent)

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*Sitting with the Minority with effect from 13th October, 1997.

3.

(ii) Working People's Alliance (2)

Dr. Rupert Roopnaraine, M.P.

Mr. Matheson Williams, M.P. (National Congress of Local Democratic Organs)

(iii) The United Force (1)

Mr. Manzoor Nadir, M.P.

OFFICERS

Mr. Frank A. Narain, A.A., Clerk of the National Assembly

Mr. Sherlock E. Isaacs, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The Sitting commenced at 2.03 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

(i) Leave

The Speaker announced that leave for that day's sitting had been granted to the following Members:

Hon. Clement Rohee

Mr. Desmond Hoyte

Mr. David Subnauth

Mr. John Fredericks.

PRESENTATION OF PAPERS AND REPORTS, ETC..-

✓ (1) By the Minister of Labour, Human Services and Social Security:

Annual Report of the Ministry of Labour, Human Services
and Social Security for the year 1996.

(Circulated)

✓ (2) By the Minister of Finance:

Report of the Auditor General on the Public Accounts
of Guyana for the year 1996.

(Circulated)

PUBLIC BUSINESS

MOTIONS

ITEM 1 - FINANCIAL PAPER NO. 3/1997

Assembly resolved itself into Committee of Supply.

In Committee of Supply

In accordance with article 171(2) of the Constitution, the Minister of Finance signified Cabinet's recommendation for the Assembly to proceed upon the motion to approve Financial Paper No. 3/1997 and thereafter moved the following motion:

BE IT RESOLVED:

That this Assembly approve of the proposals set out in Financial Paper No. 3/1997 - Supplementary Estimates (Current) totalling \$25,000,000, for the period ended 31st December, 1996 - Advances made from the Contingencies Fund.

(The Paper was presented to the Assembly on 20.10.97)

After consideration of the Schedule, the motion was put and carried.

Assembly resumed.

On a motion by the Minister of Finance, the Assembly adopted the following Resolution:-

RESOLVED, that this Assembly agree with the Committee of Supply in the following Resolution:-

RESOLVED, that this Assembly approve of the proposals set out in
Financial Paper No.3/1997 - Supplementary Estimates
(Current) totalling \$25,000,000, for the period ended 31st December,
1996 - Advances made from the Contingencies Fund.

ITEM 2 - FINANCIAL PAPER NO. 4/1997

Assembly resolved itself into Committee of Supply.

In Committee of Supply

In accordance with article 171(2) of the Constitution, the Minister of Finance signified Cabinet's recommendation for the Assembly to proceed upon the motion to approve Financial Paper No. 4/1997 and thereafter moved the following motion:

BE IT RESOLVED:

That this Assembly approve of the proposals set out
in Financial Paper No. 4/1997 - Supplementary Estimates
(Current and Capital) totalling \$482,253,006, for the period ended
10th October, 1997 - Advances made from the Contingencies
Fund.

(The Paper was presented to the Assembly on 20.10.97)

After consideration of the Schedule, the motion was put and carried.

Assembly resumed.

On a motion by the Minister of Finance, the Assembly adopted the following Resolution:-

RESOLVED, that this Assembly agree with the Committee of Supply in the following Resolution:-

RESOLVED, that this Assembly approve of the proposals set out in Financial Paper No. 4/1997 - Supplementary Estimates (Current and Capital) totalling \$482,253,006, for the period ended 10th October, 1997 - Advances made from the Contingencies Fund.

ITEM 3 - FINANCIAL PAPER NO. 5/1997

Assembly resolved itself into Committee of Supply.

In Committee of Supply

In accordance with article 171(2) of the Constitution, the Minister of Finance signified Cabinet's recommendation for the Assembly to proceed upon the motion to approve Financial Paper No. 5/1997 and thereafter moved the following motion:

BE IT RESOLVED:

That this Assembly approve of the proposals set out in Financial Paper No. 5/1997 - Supplementary Estimates (Current and Capital) totalling \$3,718,395,730, for the period ended 31st December, 1997.

(The Paper was presented to the Assembly on 20.10.97)

After consideration of the Schedule, the motion was put and carried.

Assembly resumed.

On a motion by the Minister of Finance, the Assembly adopted the following Resolution:-

RESOLVED, that this Assembly agree with the Committee of Supply in the following Resolution:-

RESOLVED, that this Assembly approve of the proposals set out in Financial Paper No. 5/1997 - Supplementary Estimates (Current and Capital) totalling \$3,718,395,730, for the period ended 31st December, 1997.

BILLS - Second Reading, Committee and Third Reading

ITEM 4 - PUBLIC UTILITIES COMMISSION BILL 1997 - Bill No. 32/1997 published 14.10.97

The Minister of Trade, Tourism and Industry was moving that

The BILL intituled AN ACT to make provision for the establishment, functions and procedure of the Public Utilities Commission and for matters connected therewith,

be now read a second time, when Dr. Roopnaraine rose and proposed that the word "now" be left out and that the words "upon this day six months" be added after the words "a second time".

The proposal was out of order as the question had not yet been proposed.

At this stage the Members of the Minority Parties withdraw from the Chamber.

The Minister continued his speech and was still moving the motion when the time for the suspension of the Sitting was reached.

Suspension of Sitting

At 4.01 p.m., the Sitting was suspended for refreshments.

Resumption of Sitting

At 4.45 p.m., the Sitting was resumed.

The Minister of Trade, Tourism and Industry continued and concluded his speech.

The motion was then put and carried.

The Bill was read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1, 3, 6, 7, 9, 10, 15, 17 to 19, 22 to 25, 27, 31, 34 to 36, 40, 43, 48 to 68
71 to 77 and 79 to 90 were passed as printed.

Clauses 2, 4, 5, 8, 11 to 14, 16, 20, 21, 26, 28 to 30, 32, 33, 37 to 39, 41, 42, 44 to 47,
69, 70 and 78 were passed with the amendments attached (Appendix I).

On a motion by the Minister of Trade, Tourism and Industry, the Bill was read the third
time and passed as amended.

ITEM 5 - ELECTRICITY SECTOR REFORM BILL 1997 - Bill No. 33/1997 published
14.10.97

The Minister of Finance moved the second reading of the following Bill:

A BILL intituled AN ACT to provide for a regular,
efficient, coordinated and economical supply of
electricity and for matters incidental thereto or
connected therewith.

Mr. Bynoe (who had returned to the Chamber) spoke to the motion.

Thereafter, the Minister of Finance replied.

The motion was then put and carried.

The Bill was read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1, 2, 6 to 11, 13 to 31, 33 to 38, 40, 41, 43 to 45, 48, 50 to 67, 69 and 70 were passed as printed.

Clauses 3 to 5, 12, 32, 39, 42, 46, 47, 49 and 68 and the First to Third Schedules were passed with the amendments attached (Appendix II).

On a motion by the Minister of Finance, the Bill was read the third time and passed as amended.

SUSPENSION OF STANDING ORDER NO. 9(2)

At 6.28 p.m., on a motion by the Second Vice-President and Minister of Agriculture (Leader of the House), Standing Order No. 9(2) was suspended to enable the sitting of the Assembly to continue uninterrupted beyond 6.30 p.m.

ITEM 6 - GUYANA ENERGY AGENCY BILL 1997 - Bill No. 34/1997 published 14.10.97

The Attorney General and Minister of Legal Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to make provision for the establishment of the Guyana Energy Agency and for specifying its functions and for matters connected therewith.

(Read a first time on 20.10.97)

The motion was then put and carried.

The Bill was read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clause 1 to 33 were passed as printed.

Assembly resumed.

On a motion by the Attorney General and Minister of Legal Affairs, the Bill was read the third time and passed as printed.

BILL - Deferred.

ITEM 7 - OCCUPATIONAL SAFETY AND HEALTH BILL 1997 - Bill No. 30/1997
published 4.10.97

At the request of the Second Vice-President and Minister of Agriculture (Leader of the House), the second reading of the following Bill was deferred:-

A BILL intituled AN ACT to provide for the registration and regulation of industrial establishment, for occupational safety and health of persons at work, and for purposes connected therewith or material thereto.

(Read a first time on 13.10.97)

Adjournment

At 6.42 p.m., on a motion by the Second Vice-President and Minister of Agriculture (Leader of the House), the Assembly was adjourned to 2.00 p.m., on Tuesday, 28th October, 1997.



D.C. JAGAN

Speaker of the National Assembly

PARLIAMENT OFFICE,

Public Buildings,

Georgetown.

24th October, 1997.

PUBLIC UTILITIES COMMISSION BILL 1997
BILL No. 32 of 1997

Amendments moved by the Minister of Trade, Tourism and Industry.

Page 6, clause 2 paragraph (b) For the words “paragraph (b)” substitute the words “this paragraph”.

Page 7, clause 4(1)(b) After the words “transmission of” insert the words “oral, written, digital or any other form of” and for the words “or cellular mobile service providers” substitute the words “cellular mobile service providers or any other method of transmission, currently offered to the public or offered as common carriage in the future”.

Page 8, clause 5(1) After the word “management” insert the words “or extensive experience in matters relevant to the functions of the Commission”.

Page 9, clause 8(2) Substitute the following
“(2) In the case of the absence or other inability of the chairman to act at any meeting (except for recusal), the chairman may authorise in writing any other member to preside at the meeting; and in case of the recusal of the chairman, the remaining members being not less than three shall form a quorum and shall elect one of their numbers to preside at the meeting.”.

Page 9, clause 8

Insert immediately after paragraph (3) the following paragraph as paragraph (4)

“(4)The chairman or any other member shall during a period of service with the Commission, refrain from engaging in discussions with any public utility under the jurisdiction of the Commission regarding employment by such public utility and shall be prohibited from accepting employment with any such public utility for a period of two years after ceasing to be a member of the Commission.”.

Page 11, clause 11 Marginal Note Insert the word “of” before the word “appointment”.

Page 11, clause 12

For the words “any magistrate or justice of the peace” substitute the words “the President”.

Page 12, clause 13 (2)

In the proviso, after the words “three members” insert the words “including the chairman or the person authorised or elected to preside at the meeting”.

Page 12, clause 14

Insert the following words before the word “personally” “No action suit, prosecution or other proceedings shall be brought or instituted”.

Marginal note

Insert the words “suit” after the word “from”.

Page 12, clause 16 Marginal Note Insert the word “of” before the word “Commission”

Page 12, clause 16 For the word “officers” substitute the words “officers and employees”.

Page 13, clause 20 (3)(b) For the word “required” substitute the word “acquired”.

Page 15, clause 21 subsection (5) Insert the following
“(5) The Commission has power to do anything which in the opinion of the Commission is calculated to facilitate the proper discharge of its functions or is incidental thereto.”.

Page 16, clause 26(2) Delete the words “subject to section 25(2)”.

Page 19, clause 28(3) For the word “forty-five” substitute the word “ninety”.

Page 20, clause 29(1) For the words “in the manner approved” substitute the words “in the manner approved by the Commission or as provided in a licence or an agreement between the Government and a public utility or between the Government and an investor in relation to a privatisation or capitalisation of a public utility”.

Page 20, clause 29(1)(a) For the words “ten thousand dollars” substitute the words “one hundred thousand dollars”.

Page 20, clause 29(1)(a) For the words “nor and not” substitute the words “nor”.

4.

Page 20, clause 30

For the word “licensee” substitute the word
“licence” and delete the word “from”.

Page 21, clause 32(1)

For the word “fair” substitute the word “just”.

Page 21, clause 33(b)

Substitute for clause 33(b) the following -

“(b) the principles, procedures, formulae or
mechanisms, on the basis of which such rate
of return and, thereby, any rate charged by a
public utility is to be determined or
adjusted,”.

Page 23, clause 37(2)

(a) Delete the word “Minister”.

(b) Delete the words “Commission to fix” and the
word “Commission” where it last appears.

Page 24, clause 38

For the words “such commencement” substitute the
words “that date”.

Page 24, clause 39 (1)

Delete the words “established by the public utility”.

- Page 24, clause 39 (2) For the words “be the authorised rates of such public utility unless changed” substitute the words “become the authorised rates of such public utility only if approved”.
- Page 25, clause 41(3) For the word “fair” substitute the word “just”.
- Page 25, clause 42(1) Insert before the full stop at the end the words “,but where a public utility fails to comply with a request from the Commission for information required for the hearing, the Commission may extend the period of suspension for such period not exceeding three months as may be necessary”.
- Page 26, clause 42(2) Delete the words “unless, during the period of suspension,” where they occur for the second time.
- Page 27, clause 44(1) (1) Delete the words “(1) and (2)”.
- Page 27, clause 44(1) and (2) (2) For the word “fair” substitute the word “just”.
- the proviso to subsection (2) (3) For the words “81 and 82” substitute the words “82 and 83”.
- Page 27, clause 45 (1) Delete the words “(1) and (2)”.
- Page 27, clause 45(1)(a) and (b) For the word “unfair” substitute the word “unjust”.

6.

Page 28	Delete the words "VIII" from the heading Part IX
Page 28, clause 45(1)	For the word "fair" substitute the word "just".
Page 28, clause 46 the Marginal Note.	Insert the word "moneys" before the word "due".
Page 29, clause 47 (1)	Delete the word "at".
Page 29, clause 47(2)	Insert before the full stop at the end the words "and the public utility shall report on such issue to the Commission".
Page 30,	Delete the words "IX" from the heading of Part X.
Page 37, clause 69 (1)	For the words "and to comply" substitute the words "to comply".
Page 39, clause 70 the Marginal Note	(1) For the word "Dissolution" substitute the word "Disobedience". (2) In the Arrangement of Sections, for the word "Dissolution" substitute the word "Disobedience".
Page 40, clause 78	(1) Substitute for the marginal note the following - "Appeals and other proceedings." (2) In the arrangement of sections for "78. Appeal." substitute "78. Appeals and other proceedings".
clause 78(7)	(3) Insert the following as clause 78(7)

7.

“(7) Where in respect of proceedings before the Commission a party makes an application to the High Court for an order of mandamus, prohibition or certiorari or for a declaration or any other such application, the High Court shall, notwithstanding anything in any other written law, as expeditiously as possible and in any case no later than seventy days of the commencement of the hearing of the application, give its decision thereon; and the court shall determine such procedure as would facilitate the rendering of the decision within the stipulated time so as not to frustrate the work of the Commission.”.

Page 42

Delete the words “XIV” from the heading of Part XV.

ELECTRICITY SECTOR REFORM BILL
BILL NO. 33 of 1997

Amendments moved by the Minister of Finance.

Page 6, clause 3(2)(f),
 first proviso

For the words “paragraph (f)” substitute the words “this paragraph”.

Page 6, clause 3(2)(f),
 second proviso

Substitute -

“Provided further that, as to electricity generation capacity and equipment actually installed and in operation prior to the appointed day, the exemptions contained in this subsection shall apply to any replacement equipment of the same electricity generation capacity sought to be installed or placed into operation after the appointed day, so long as such equipment and its installation comply with all applicable laws and regulations.”.

Page 7, clause 3(3)(b)

Delete the word “such” before the word “subsection”.

Page 7, clause 4,
 first proviso

Substitute -

“Provided that, subject to the provisions of this Act and the Guyana Energy Agency Act 1997, the Minister shall grant a licence to an applicant for the supply of electricity for private purposes within an authorised area within which a public supplier has an exclusive licence to supply electricity if the Minister, after consultation with the public supplier and the applicant, is first satisfied that the regular, safe and efficient supply of electricity by the public supplier to the applicant, or to any other person that the applicant proposes to supply with electricity, is not then or in the foreseeable future readily available on reasonable terms, which, in the case of a private supplier who uses electricity for commercial or industrial purposes, shall include consideration by the Minister of

whether the public supplier can supply electricity at no more than the cost that would be incurred by the applicant if he were to generate the electricity himself; and, if granted by the Minister, such licence shall be valid for the term of the normal life of the equipment to be utilized by the applicant for the generation of electricity, up to a maximum of twenty-five years, and shall restrict the applicant to selling, giving or distributing electricity to himself, his relatives, his employees and officials, schools, athletic clubs, canteens and non-profit organizations in the vicinity of the source of his generation capacity:”.

Page 7, clause 4,
second proviso

(a) In the opening part, for the words “electricity,” substitute the words “electricity for sale to a public supplier,”.

(b) In paragraph (b), for the words “viable,” substitute the words “viable, will not adversely affect or will”.

Page 8, clause 5(e)

Delete the words “fines and”.

Page 8, clause 5,
second proviso

Delete the words “the aforesaid”.

Page 11, clause 12(c)

For the word “corporation” substitute the word “company”.

Page 22, clause 32(1)

After the words “under section 4” insert the words “or an exemption granted under section 3.”.

Page 27, clause 39

For the words “and 83(3)” substitute the words “and 83”.

Page 29, clause 42(3)

Delete the word “said”.

Page 29, clause 42(4)

Delete the word “said”.

Page 31, clause 42(6)

Substitute

“(6) On the appointed day or within the thirty day period thereafter, and notwithstanding anything in the Companies Act 1991, the Public Utilities Commission Act 1997 or the articles of incorporation of the Guyana Electricity Corporation, Inc., the Minister may issue shares in the Guyana Electricity Corporation, Inc., to a Strategic Investor and to the Government and may take

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any other action necessary to cause the share ownership in the Guyana Electricity Corporation, Inc., to be held fifty percent by or for the benefit of the Government and fifty percent by such Strategic Investor, and a memorandum from the Minister to the Registrar regarding the consideration for the shares shall be accepted by the Registrar as valid; and the directors of the Guyana Electricity Corporation, Inc. appointed subsequent to such change in the share ownership of the company shall accept the issuance of shares to the Strategic Investor and to the Government and register such issuance in the books of the Guyana Electricity Corporation, Inc.”.

- Page 32, clause 46 For the words “With effect from the beginning of the eleventh year after the appointed day in relation to section 42 and subject” substitute the words “Subject to section 49 and”.
- Page 33, clause 49,
first proviso (a) For the full stop at the end, substitute a colon.
- second proviso (b) Insert immediately after the first proviso the following -
- “Provided further that if the Government and the public supplier cannot agree on terms and conditions within one hundred and eighty days of the commencement of negotiations on a rural electrification programme, the Government may conclude an agreement on the same terms and conditions proposed to such public supplier for such programme with another public supplier.”.
- Page 38, clause 68 For the word “sections” substitute the word “section”.
- Page 40,
First Schedule,
In the heading For the words “Tariffs” and “Tariff” substitute the words “Rates” and “Rate”, respectively.
- Page 40,
First Schedule,
paragraph 1 After the words “shall govern the rates for the supply of electricity” insert the word “and”; for the words “electricity generation capacity” substitute the word “services”.

4.

Pages 40-43,
First Schedule,
paragraph 2(1)

Delete the following definitions: (a) “allowable rate of return,” (b) “allowable return,” (c) “average debt,” (d) “average interest rate,” (k) “equity,” (m) “Government Equity,” (o) “interim rate of return,” (r) “rate base”.

Page 41,
First Schedule,
paragraph 2(1)(e)

For the definition of “basic energy rate” substitute -

‘(a) “basic energy rate” means the rates per kilowatt hour, as prescribed by or calculated in accordance with this Schedule and the Licence, excluding any fuel surcharge;’.

Page 41,
First Schedule,
paragraph 2(1)(f)

For “(f)” substitute “(b)”; for “13” substitute “12”.

Page 41,
First Schedule,
paragraph 2(1)(g)

For “(g)” substitute “(c)”; for “13” substitute “12”.

Page 41,
First Schedule,
paragraph 2(1)(h)

For “(h)” substitute “(d)”.

Page 41,
First Schedule,
paragraph 2(1)(i)

For “(i)” substitute “(e)”.

Page 42,
First Schedule,
paragraph 2(1)(j)

For “(j)” substitute “(f)”. After the definition of “consumer price index,” insert the following new definitions -

‘(g) “final deficit return” means the excess of allowable return over the final return as determined in accordance with the formula prescribed in the Licence;

(h) “final excess return” means the excess of the final return over allowable return as determined in accordance with the formula prescribed in the Licence;’.

Page 42,
First Schedule,
paragraph (2)(1)(l)

For “(l)” substitute “(i)”. After the definition of “final return,” insert the following new definition

‘(j) “final return certificate” means the document prepared in accordance with the Licence and submitted to the Commission in accordance with paragraph 7;’.

Page 42,
First Schedule,
paragraph 2(1)(n)

For “(n)” substitute “(k)”; for “13” substitute “12”. Following the definitions of “independent firm of accountants” and “independent accountants,” insert the following new definitions -

‘(l) “interim deficit return” means the excess of allowable return over the interim return as determined in accordance with the formula prescribed in the Licence;

(m) “interim excess return” means the excess of interim return over allowable return as determined in accordance with the formula prescribed in the Licence;’.

Page 42,
First Schedule,
paragraph 2(1)(p)

For “(p)” substitute “(n)”; capitalize the word “Licence.” Following the definition of “interim return” insert the following new definition -

‘(o) “interim return certificate” means the document prepared in accordance with the Licence and submitted to the Commission in accordance with paragraph 5(1);’.

Page 42,
First Schedule,
paragraph 2(1)(q)

For “(q)” substitute “(p)”; for the words “section 42(4)(b) of the Act” substitute the words “sections 4 and 42(4)(b) of the Act;”.

Page 43,
First Schedule,
paragraph 2(3)

Substitute

“(3) For any other term used in this Schedule or the Licence and not defined herein but which is defined in the Licence, the definition in the Licence shall apply, and

in case of any conflict between a definition in this Schedule and a definition in the Licence, the definition in the Licence shall prevail.”.

Page 43,
First Schedule, Part B
In the heading

For the word “Tariffs” substitute the word “Rates”.

Page 43,
First Schedule,
paragraph 3(2)

For the words “the thirty-first day of January” substitute the words “the twenty-eighth day of January”.

Page 43,
First Schedule,
paragraph 4

Delete the words “and target rate of return”.

Page 43,
First Schedule,
paragraph 5(1)

After the words “interim return” insert the word “certificate”.

Page 43,
First Schedule,
paragraph 5(1)(b)

Delete the words “rate of”.

Pages 43-44,
First Schedule,
paragraph 5(2)

Substitute

“(2) Where the interim return certificate is not submitted to the Commission within the time specified in subparagraph (1), or if the Company, before the interim return certificate is submitted, demands payment for electricity supplied for any purpose in the current financial year, the Company shall charge for electricity supplied at the basic energy rates in force at the end of the financial year immediately preceding the current financial year.”.

Page 44,
First Schedule,
paragraph 5(3)

Substitute

“(3) Where the interim return for any financial year exceeds that permitted under the allowable rate of return

calculated in accordance with the Licence, then in respect of that financial year, the Commission shall, in respect of the month in which the relevant interim return certificate is submitted and in respect of subsequent months, subject to paragraph 7, decrease the basic energy rates charged by the Company, as prescribed in the Second Schedule for purposes of the financial year 1999 and, in all subsequent years, as prescribed by the rates previously approved pursuant to paragraph 9; and any such decrease shall be independent of any fuel cost adjustment that may be provided for in the Licence.”.

Page 44,
First Schedule,
paragraph 5(4)

Substitute

“(4) Where the interim return for any financial year is less than the allowable rate of return calculated in accordance with the Licence, then with respect to that financial year the Commission shall, in respect of the month in which the relevant interim return certificate is submitted and in respect of subsequent months, subject to paragraph 7, permit the Company to increase the basic energy rates chargeable, as prescribed in the Second Schedule for purposes of the financial year 1999 and, in all subsequent years, as prescribed by the rates previously approved pursuant to paragraph 9; and any such increase shall be independent of any fuel cost adjustment that may be provided for in the Licence.”.

Page 44,
First Schedule,
paragraph 5(6)

For the words “in respect of the month in which” substitute the word “after”; after the words “interim return” insert the word “certificate”.

Page 44,
First Schedule,
paragraph 5(7)

Delete this subparagraph.

8.

Page 44,
First Schedule,
paragraph 6(a)

After the words “interim return” insert the word “certificate”.

Page 44,
First Schedule,
paragraph 6, proviso

After the words “interim return” insert the word “certificate”.

Page 45,
First Schedule,
paragraph 7

Substitute

- “7. (1) The Company shall, not later than the thirtieth day of April of each financial year, submit to the Commission the following
- (a) a full set of audited accounts for that financial year comprising an income statement, balance sheet and a statement of change in financial position, plus accompanying notes and other statements duly approved by the Company’s directors and reported on by the Company’s auditors;
 - (b) a Chart of Accounts prepared in accordance with the requirements of the Licence;
 - (c) a final return certificate in the same form as that prescribed for the interim return certificate in the Licence, which must be compiled with reference to the Company’s audited accounts; and
 - (d) a certificate of compliance or a certificate of non-compliance issued by an independent firm of accountants appointed pursuant to paragraph 12.
- (2) A certificate of compliance or a certificate of non-compliance issued by the firm of accountants referred to in subparagraph (1)(d) must state whether or not the accountants are able to certify that the final return certificate is in compliance with the prescriptions of the Licence, and, if not, the reasons therefor.”.

Page 45,
First Schedule,
paragraph 9(1)

For the words “paragraph 7(1)(a) and (b), a certificate of compliance or a certificate of non-compliance and” substitute the words “paragraph 7(1)(a), (b) and (c), a certificate of compliance or a certificate of non-compliance and, if applicable,”; for the word “fourteen” substitute the word “twenty-one”.

Page 45,
First Schedule,
paragraph 9(2)

After the words “interim return” insert the word “certificate”.

Page 45,
First Schedule,
paragraph 10(1)

Substitute -

“10. (1) Independent of any fuel cost adjustment that may be provided for in the Licence, the Commission shall adjust the basic energy rates levied by the Company to reflect any differences between the interim return certificate and the final return certificate; but in the absence of any requirement for any such adjustment, the basic energy rates chargeable by the Company pursuant to the interim return certificate shall remain in effect.”.

Pages 45-46,
First Schedule,
paragraph 10(2)

Substitute -

“(2) Where any adjustments to the basic energy rates are required, such adjustments become effective in relation to any bill issued by the Company after the end of the twenty-one day period provided for in paragraph 9(1), and, if permitted by the Licence, such adjustments shall take into account the final deficit return or final excess return, if any, for the previous year, calculated in accordance with the final return certificate; and any adjustment to the basic energy rates previously determined under paragraph 5(3) or 5(4) must be distributed and allocated equally on a monthly basis over the remaining months in the then current financial year.”.

10.

Page 46,
First Schedule,
paragraph 10(3)

Delete this subparagraph.

Page 46,
First Schedule,
paragraph 11(1)

For the words “and 43” substitute the words “and 43(3)”.

Page 46,
First Schedule,
paragraph 11(2)(a)

Delete the words “or otherwise”.

Page 46,
First Schedule,
paragraph 11(3)

For the word “commencement” substitute the word
“completion”.

Page 46,
First Schedule,
paragraph 11(4)(a)

Substitute -

“(a) the provisions in this Schedule and the Licence
relating to the adjustments to the basic energy rates; or”

Page 46,
First Schedule,
paragraph 11(4)(b)

Substitute -

“(b) the allowable rate of return or the rate-base
formulae or otherwise alter the revenue the Company is
entitled to derive in accordance with the terms of this
Schedule and the Licence.”.

Page 46,
First Schedule,
paragraph 12

Delete this paragraph.

Page 47,
First Schedule,
paragraph 13

Renumber as paragraph 12.