

GUYANA

No. 15 of 1977

ORDER

Made Under

THE CO-OPERATIVE FINANCIAL INSTITUTIONS ACT 1976

(No. 8 of 1976)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 15 AND 28 OF THE CO-OPERATIVE FINANCIAL INSTITUTIONS ACT 1976, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order may be cited as the **Guyana Co-operative Mortgage Finance Bank (Reconstitution) Order 1977** and shall come into operation on 23rd February, 1977.

Citation and commencement.

2. In this Order —

Inter-pretation.

“the appointed day” means the 23rd February, 1977;

“the Bank” means the co-operative financial institution established by clause 3;

“the former Bank” means the Guyana Co-operative Mortgage Finance Bank established by the Public Corporations (Guyana Co-operative Mortgage Finance Bank) Order made under the Public Corporations Act.

No. 14 of 1973

Cap. 19:05

3. The former Bank is hereby reconstituted and established as a co-operative financial institution to be known as the **Guyana Co-operative Mortgage Finance Bank**.

Establishment of the Guyana Co-operative Mortgage Finance Bank.

4. It is the function of the Bank —

Function of the Bank.

(a) to encourage and promote the ownership of houses by individuals for their own occupancy;

- (b) to encourage the development of the construction industry in the provision of new or improved accommodation for housing and other purposes;
- (c) either alone, or in co-operation with any other person, to implement proposals for the construction of housing and other building projects;
- (d) to guarantee mortgages by other persons;
- (e) to finance low-cost purchases of houses which conform to criteria established by the Bank;
- (f) to make loans to persons engaged in the construction of low-cost housing projects;
- (g) to mobilise funds for the purpose of making mortgages;
- (h) to advise registered housing co-operative societies on their activities and, in particular, on matters relating to the financial management of their affairs;
- (i) to act as the agent of the Government in such matters as may be agreed between the Government and the Bank provided that the Bank can do so appropriately and consistently with its functions under the Act.

Directors
of the Bank

5. The number of directors of the Bank shall not exceed nine, including the General Manager of the Bank who shall be appointed a director by virtue of his office.

Capital of
the Bank

6. The authorised capital of the Bank shall be thirty million dollars divided into three million shares valued at ten dollars each.

Share-
holders of
the Bank.
Cap. 88:01

Cap. 38:04

7. (1) It shall be lawful for co-operative societies registered under the Co-operative Societies Act (except in so far as they are by their rules prohibited from so doing), societies registered under the Friendly Societies Act (except in so far as they are by their rules prohibited from so doing), and bodies corporate in which the controlling interest vests in the State (except in so far as any such body corporate is by any provision of its constitution or of the instrument constituting it prohibited from so doing), to subscribe for and hold shares in the Bank.

Cap. 98:03

(2) It is hereby specially provided that a trade union registered under the Trade Unions Act (except in so far as any such trade union is by any provision of its rules or of the instru-

ment constituting it prohibited from so doing) may subscribe for and hold shares in the Bank.

8. (1) The assets of the former Bank (including rights and interests) are hereby transferred to and shall, without further assurance, vest in the Bank.

Vesting of
assets and
transfer of
liabilities.

(2) Without prejudice to the generality of paragraph (1) —

- (a) all loans made by the former Bank (together with any interest thereon) remaining unpaid (whether wholly or partly) immediately prior to the appointed day shall be deemed to have been made by the Bank;
- (b) all promissory notes, bills of sale, charges and other instruments of whatever kind held by the former Bank for the purpose of securing the repayment of loans made by the former Bank, being loans (together with any interest thereon) remaining unpaid (whether wholly or partly) immediately prior to the appointed day, shall have effect as if they had been made in favour of, or assigned to, the Bank, as the case may be;
- (c) all the benefits of any policies of insurance made by the former Bank or by borrowers therefrom either as collateral security or in respect of property secured by a mortgage and every policy of insurance assigned in favour of the former Bank by borrowers, shall have effect as if they had been made in favour of, or assigned to, the Bank, as the case may be.

(3) Liabilities incurred by, or attaching to, the former Bank and subsisting immediately prior to the appointed day shall be discharged by, and be enforceable against, the Bank as if the liabilities had been incurred by the Bank.

(4) The reconstitution of the former Bank and its establishment as a co-operative financial institution shall not prejudice or affect anything which remains to be done or forborne to be done and in order to give effect to the foregoing paragraphs in relation to contractual rights and liabilities, all documents or instruments of any kind shall, in relation to any period commencing with the appointed day, be construed with all necessary adaptations and modifications.

(5) All proceedings commenced prior to the appointed day for the enforcement of any rights or liabilities which are transferred or attached to the Bank by virtue of this Order may be continued by or against the Bank, and any such proceedings may be amended accordingly.

Employ-
ment of
existing
staff.

9. (1) Every person employed with the former Bank immediately before the appointed day shall, as from the appointed day, continue to be employed with the Bank on terms and conditions which taken as a whole are not less favourable than those applicable to that person immediately before the appointed day and as if every such person were employed as a corresponding member of the staff of the Bank pursuant to section 21 of the Act.

(2) The Bank shall be the successor of the former Bank in the matter of the leave or superannuation rights or benefits (whether earned, accrued, inchoate or contingent) of every such person mentioned in paragraph (1) whose employment is continued with the Bank.

Made this 21st day of February, 1977.

F. E. Hone,
Minister of Finance.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order reconstitutes the Guyana Co-operative Mortgage Finance Bank as a co-operative financial institution under the Co-operative Financial Institutions Act 1976.