

GUYANA

No. 32 of 1999

ORDER

Made Under
THE PUBLIC CORPORATIONS ACT
(No. 21 of 1988)

WHEREAS, the Guyana Electricity Corporation was established under the Electricity Act, Cap. 56:01, and by virtue of section 5 of that Act and section 2 of the Public Corporations Act 1988, No. 21 of 1988, is an existing corporation under the latter Act; and

WHEREAS, in connection with reform of the electricity sector, the Government desires to conclude a transaction with a Strategic Investor for the formation and capitalisation of Guyana Power & Light, Inc., to which assets of the Guyana Electricity Corporation will be transferred by virtue of an order issued under section 42 (4) of the Electricity Sector Reform Act 1999, No.11 of 1999; and

WHEREAS, in connection with such transaction, it is first necessary to transfer to the Guyana Electricity Corporation certain immovable property presently in the possession of or occupied by the Guyana Electricity Corporation, as set out in the Schedule to this Order.

NOW, THEREFORE, IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 5 AND 8 OF THE PUBLIC CORPORATIONS ACT 1988, I HEREBY MAKE THE FOLLOWING ORDER:

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| Citation
and
Commencement. | 1. | This Order may be cited as the Guyana Electricity Corporation (Vesting of Property) Order 1999 and shall come into operation on 1 October, 1999. |
| Interpretation.
Cap. 56:01 | 2. | In this Order -

(a) "Corporation" means the Guyana Electricity Corporation established under the Electricity Act and the Public Corporations Act;

(b) "point of delivery" means each point where the transmission and distribution assets owned by the State, or by any |

body corporate owned by the State or in which a controlling interest is vested in the State or by an agency on behalf of the State, are connected to the wires or apparatus of any person being supplied by those assets, other than the owner of those assets; and

- (c) "transmission and distribution assets" means those electrical lines, and any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same, and any apparatus connected therewith, used for the purpose of conveying, transmitting, distributing or otherwise supplying electricity to persons other than the owner of such assets, from the point of interconnection with the generation, transmission or distribution facilities owned or operated by or on behalf of the Corporation up to the point of delivery to each such other person.

Vesting of immovable property of the State in the Corporation.
Schedule

3. The immovable property of the State described in the Schedule is hereby vested in the Corporation.

Transfer of property and other assets of the State.

4. The following property and assets (including all right, title and interest thereto) of the State are hereby transferred and vested in the Corporation, free and clear of all liabilities, claims, interests, rights and other encumbrances in and over such assets:

- (a) all motor vehicles;
- (b) all office equipment;

- (c) all computer equipment and licences;
- (d) all office furniture, furnishings and fittings; and
- (e) all other movable property not categorised above,

to the extent that such assets are, as of the date this Order comes into operation, used primarily in the day to day operations and business of the Corporation.

Transfer of transmission and distribution assets. 5.

All of the transmission and distribution assets owned by the State, or by any body corporate owned by the State or in which a controlling interest is vested in the State or by any agency on behalf of the State (each referred to as a "State Entity"), which, as of the date this Order comes into operation, are used to supply electricity to other persons are hereby transferred to and vested in the Corporation, free and clear of all liabilities, claims, interests, rights and other encumbrances in and over such assets. Without limiting the generality of the foregoing, but for greater certainty, the transferred transmission and distribution assets shall include the 69 kV line from Garden of Eden substation up to and including the 69 kV substation at Mckenzie, Linden. Notwithstanding the foregoing or the definitions set forth at paragraphs 2 (b) and (c), the transmission and distribution assets transferred by this Order shall not include such assets as are used only to supply the particular State Entity that owned those assets and such other persons which that State Entity would be entitled to supply electricity pursuant to an exemption granted by the Minister under

section 3 (3) of the Electricity Sector Reform Act, No. 11 of 1999 (the "said Act") or a licence granted by the Minister pursuant to section 4 (1) (b) of the said Act, provided that:

- (a) such State Entity requests such exemption or licence;
- (b) such exemption or licence is properly issued to that State Entity in accordance with the said Act and does not contravene the provisions of the Licence to Supply Electricity issued to Guyana Power & Light, Inc. under sections 4 and 42 (3) (c) of the said Act; and
- (c) the request for and issuance of such exemption or licence shall occur within 90 days of the date this Order comes into operation, or within such longer period as the Minister may prescribe by order under section 3 (3) (a) of the said Act, but in no event later than one year after the date this Order comes into operation.

SCHEDULE (cl. 3)

Firstly: **Mud Lots 5 (five), 6 (six), 7 (seven) and 8 (eight) Water Street, Kingston, Georgetown**

Mud lots 5 (five), 6 (six), 7 (seven), and 8 (eight), situated in Kingston, in the City of Georgetown, County of Demerara, Republic of Guyana, the said lots being laid down and defined as Mud lots 8 (eight), 7 (seven), 6 (six) and 5 (five) on a plan by R. M. Hing, Sworn Land Surveyor, dated 4th September, 1926 and recorded in the Deeds Registry at Georgetown on the 29th day of December, 1926 bounded on the North by Barrack Street extension and Kingston Stelling, on the South by Mud lot 4 (four), on the East by Water Street and on the West by the Demerara River, together with the buildings and erections thereon, together with a right of ingress and egress over and along the asphalt road running westward through the adjacent Mud lot 8 (eight) and then through the adjacent Block B known as the Barrack Street Extension to the wharf at the western extremity of the said Block B.

Secondly: **Barrack Street Extension, Georgetown**

Block "B" having an area of 0.4996 (nought decimal four nine nine six) of an acre and situate between Mud lots 8 (eight) and 9 (nine), in Kingston, in the City of Georgetown, County of Demerara, Republic of Guyana, the said block "B" being shown and defined on a plan by L. McGreggor, Sworn Land Surveyor dated the 28th day of July, 1989 and recorded in the Department of Lands and Surveys on the 1st day of February, 1990 and numbered 22815, without the building and erections thereon, the property of the Guyana Electricity Corporation subject to a right of ingress and egress to the proprietor of Mud lots 5 (five), 6 (six) and 7 (seven) over and along that portion of the asphalt road running from the said Mud lot 7 (seven) across the adjacent Mud lot 8 (eight) through the said Block B to the wharf at the western extremity of the said Block B.

Thirdly: **Mud Lot 9, Sub-lot "BB" being part of Mud Lot 10, and Sub-lot "AA" being part of Mud Lot 11 Water St, Kingston, Georgetown**

Mud lot 9 (nine), Sub-lot "BB" being part of Mud lot 10 (ten) and Sub lot "AA" being part of Mud Lot 11 (eleven), situate in Kingston, in the City of Georgetown, County of Demerara, Republic of Guyana, the said Mud lot 9 (nine) containing an area of 0.7817 (nought decimal seven eight one seven) of an acre and Sub-lot "BB" being part of Mud lot 10 (ten) containing an area of 0.6113 (nought decimal six one one three) of an acre and Sub-lot "AA" being part of Mud lot 11 (eleven) containing an area of 0.4218 (nought decimal four two one eight) of an acre, the said lot and sub-lots being shown and defined on a plan by L. McGreggor, Sworn Land Surveyor, dated the 28th day of July, 1989 and recorded in the Department of Lands and Surveys on the 1st day of February, 1990 and numbered 22815 with the building and erections thereon.

Fourthly: Area K of Plot B Sophia, Georgetown

Area "K" being a part of Plot "B" being a portion of Plantation Sophia situate in the City of Georgetown, in the County of Demerara, in the Republic of Guyana, the said Plot "B" being shown and defined on a plan by H.R. Ramsagar, Sworn Land Surveyor, dated the 19th day of April, 1979 and deposited in the Deeds Registry at Georgetown on the 12th day of June, 1979, the said Area "K" containing an area of 3.6368 (three decimal six three six eight) acres and being shown and defined on a plan by M.S. Azam, Sworn Land Surveyor, dated the 30th day of November, 1981, and recorded in the Department of Lands and Surveys on the 8th day of February, 1982 and numbered 19591.

Fifthly: Garden of Eden, East Bank Demerara

Firstly, a right of way in favor of the proprietor of Lot "X" more fully described in Transport No. 164 dated the 5th day of February, 1998 over and along a strip of land 20 (twenty) feet in width commencing at a point N28°, 32', 20" - 370 feet from a wooden paal branded PBW at the north-western corner of said lot "X" extending from the western boundary of the said lot "X" N288°, 54', 04" for a distance of 30 (thirty) feet thence N302°, 54', 04" for a distance of 114 (one hundred and fourteen) feet and connecting with the fuel wharf on the Demerara River; and

Secondly, a right of way in favor of the proprietor of Lot "X" more fully described in Transport No. 164 dated the 5th day of February, 1998 over and along a strip of land 12 (twelve) feet in width commencing at a point N28°, 32', 20" - 50 feet from a wooden paal branded PBW at the north-western corner of said lot "X" extending thence N302°, 54', 04" for a distance of 160 (one hundred and sixty) feet leading to and connected with the catwalk of the raw-water pump house on the Demerara River.

Sixthly: Plot X of Lot 43 of Plantation Noitgedacht, Right Bank Demerara

Plot "X" being a portion of Plantation Noitgedacht also shown as Lot number 43 (forty three), situate on the right bank of the Demerara River, in the County of Demerara, in the Republic of Guyana, the said portion of land being shown and defined on a plan by H.O. Durham, Sworn Land Surveyor, dated the 15th day of February, 1915, and deposited in the Deeds Registry on the 5th day of March, 1915, the said Plot "X" containing an area of 1.081 (one decimal nought eight one) acres and being shown and defined on a plan by R. Warren, Sworn Land Surveyor, dated the 28th day of February, 1974 and recorded in the Department of Land and Surveys on the 7th day of March 1974 and numbered 15840 together with the building and erections thereon.

Seventhly: Plots "A" and "B" Plantation Onverwagt, West Coast Berbice

Plot lettered "A" and Plot lettered "B" being portions of Plantation Onverwagt or Lot 27 cum annex is situate on the west sea coast of the County of Berbice, Republic of Guyana, containing an area of 0.3326 (nought decimal three three two six) of an acre and 0.2726 (nought decimal two seven two six) of an acre respectively and being shown and defined

on a plan by L.F. McGregor, Sworn Land Surveyor, dated the 9th day of April, 1999 and recorded in the Department of Lands and Surveys on the 12th day of August, 1999 and numbered 29206.

Eighthly: Tract "D" Plantation Belle Vue, Right Bank Berbice

Tract "D" being a portion of Block numbered "A" (one A) being part of Plantation Belle Vue, situate on the right bank of the Berbice River in the County of Berbice, in the Republic of Guyana, the said block numbered "A" (one A) containing an area of 42.100 (forty two decimal one nought nought) acres and being sworn and defined on a plan by David H.E. Howard, Sworn Land Surveyor, dated the 18th day of February, 1974 and deposited in the Deeds Registry at Georgetown on the 3rd day of June, 1974, the said Tract "D" containing an area of 0.7574 (nought decimal seven five seven four) of an acre and being shown and defined on a plan by David H.E. Howard, Sworn Land Surveyor, dated the 10th day of February, 1976 and recorded in the Department of Lands on the 5th day of April, 1976 and numbered 16879, together with and subject to the covenants, easements, rights, stipulations and obligations with intent that the same shall run with and be binding upon Plantation Belle Vue, cum annexis, and every part thereof into whosoever hand the same may come, and more fully set out in Transport 1131 of 1974, with the erections thereon and together with a right of ingress and egress over and along a strip of land approximately 12 (twelve) feet in width commencing at a point N160 degrees 56' 08" 50 feet of a wooden paal branded DHEH at the north - western corner of the said Tract D and extending in a westerly direction and leading to the western side - line dam of the said Plantation Belle Vue.

Ninthly: Plot "X" Plantation Standvastigheid, Left Bank Berbice

Plot "X" being a portion of land east of Sub-lot "a" comprising part of Tract I (one) Plantation Standvastigheid, situate on the left bank of the Berbice River, in the County of Berbice, in the Republic of Guyana, the said Plot "X" comprising an area of 3.0303 (three decimal nought three nought three) acres and being shown and defined on a plan by L.F. McGregor, Sworn Land Surveyor, dated the 17th day of August, 1999, and numbered 29224.

Tenthly: Parcel "A" Williamsburg / Rose Hall, Corentyne, Berbice

Parcel "A" being a portion of the Williamsburg/Rose Hall Villages Ketting, situate north of the Public Road, situate between Williamsburg and Rose Hall Villages, Corentyne, in the County of Berbice, in the Republic of Guyana, the said Parcel "A" comprising an area of 0.1389 (nought decimal one three eight nine) of an English acre and being shown and defined on a plan by L. F. McGregor, Sworn Land Surveyor, dated the 17th day of August, 1999, and recorded in the Department of Lands and Surveys as plan and numbered 29220.

Eleventhly: Lot "C" Reserve for Access, Anna Regina, Essequibo

The right of ingress and egress to the proprietor of Lot Lettered "C" part of the front lands, West of the Public Road, Anna Regina, Essequibo, more fully described in Transport No. 67 dated 12th day of May 1993, over and along a strip of land leading from

the said Lot "C" to the Public Road as defined and marked "Reserve for Access" on plan by Victor N. Joseph, Sworn Land Surveyor, dated the 21st day March 1988 on record at the Department of Lands and Surveys as plan No. 21894.

Twelfthly: Sub-lot "AA" Leguan, Essequibo

Sub-lot "AA" being a portion of land situate on the southern side of Leguan Island in front of Plantation Enterprise on the Essequibo River, in the County of Essequibo, in the Republic of Guyana, the said Sub-lot "AA" containing an area of 0.265 (nought decimal two six five) of an acre and being shown and defined on a plan by L. McGregor, Sworn Land Surveyor dated the 28th day of May, 1996 and recorded in the Department of Lands and Surveys on the 8th day of July, 1996 and numbered 26290.

Made this 29th day of September, 1999.

Samuel A. Hinds,
Prime Minister performing the
functions of President