

GUYANA

No. 13 of 2002

## ORDER

Made Under

## THE PUBLIC CORPORATIONS ACT 1988

(No. 21 of 1988)

**IN THE EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 8 AND 9 OF THE PUBLIC CORPORATIONS ACT, I HEREBY MAKE THE FOLLOWING ORDER:-**

1. This Order may be cited as the Guyana National Engineering Corporation (Dissolution and Transfer of Assets and Liabilities) Order 2002 and shall come into operation on the appointed day. Citation and commencement
  
2. In this Order – Interpretation
  - (a) "appointed day" means 30<sup>th</sup> May 2002.
  
  - (b) "Corporation" means Guyana National Engineering Corporation Limited being a company incorporated under the Companies Act whose registered office is at Lot 3-9 Lombard Street, Charlestown, Georgetown and owned by the State. No.21 of 1988
  
  - (c) "NICIL" means the National Industrial and Commercial Investments Limited, being a company incorporated under the Companies Act, and continued under the Companies Act 1991, with registered office at 126 Barrack Street, Kingston, Demerara. Cap 89:01  
No.29 of 1991
  
3. The Corporation is hereby dissolved with effect from the appointed day. Dissolution of the Corporation.

(1) All the assets of the Corporation, whether movable or immovable, (including rights, claims and interests) vested in the Corporation immediately before the appointed day shall, as from the appointed day, stand transferred to and vested in NICIL.

Transfer of assets and liabilities.

(2) The assets transferred to and vested in NICIL under paragraph (1) shall include -

- (i) the immovable (freehold and leasehold) properties described in Schedule 1, Part A;
- (ii) all movable assets listed in Schedule 1 Part B;
- (iii) all contractual rights, benefits and obligations set out in contracts and/or, agreements and/or, leases mentioned in Schedule 2;
- (iv) all other assets, rights, and interests not listed herein that exist prior to the appointed day.

(3) Save and except the liabilities listed in Schedule 3, accepted liabilities of the Corporation subsisting immediately before the appointed day are, as from the appointed day, transferred to NICIL and shall be discharged by, and be enforceable against NICIL, as if the said liabilities had been incurred by NICIL.

(4) The liability set out in Schedule 3 shall be transferred to the Government.

5. (1) All deeds, bonds, instruments or other documents which were subsisting immediately before the appointed day, and relating to any assets listed in Schedules 1 and 2 or liabilities listed in Schedule 3 of the Corporation transferred to Government, shall be of full force and effect against or in favour of NICIL and be enforceable fully and effectively as if instead of the Corporation, NICIL had been named therein or had been a party thereto.

Enforceability of deeds, etc and legal proceedings.

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

**SCHEDULE 1****PART A****List of properties formerly held by Guyana National Engineering Corporation Limited and Transferred by the Order.**

**Transports Nos. 525 of 30<sup>th</sup> April, 1985, 1209 of 20<sup>th</sup> September, 1920, 2 of 3<sup>rd</sup> January, 1899, 429 of 1<sup>st</sup> July, 1911, 493 of 5<sup>th</sup> May, 1924, 360 of 18<sup>th</sup> May, 1908 and 706 of 29<sup>th</sup> June, 1925.**

**Firstly:**

A piece of land 16.431 (sixteen decimal four three one) acres in area part of Charlestown in the city of Georgetown, County of Demerara, Republic of Guyana comprising the following namely:-

- (a) Inner lots numbered 1 (one) to 11 (eleven), inclusive;
- (b) Water or Mud lots numbered 1 (one) to 11 (eleven), inclusive;
- (c) All that part of Broad Street west of Lombard Street (Blocks 6a and 6b);
- (d) All the continuation of Water Street lying between Princes Street on the north and Sussex Street on the south;
- (e) A strip of land lying immediately north of inner lot numbered 9 and mud lot numbered 9 extending from Lombard Street on the east to low water mark of the Demerara River on the west;
- (f) A lot of land 0.4116 acres in area (sublot C) known as Clay Products Storage Yard situate between inner lots numbered 9 and 10;
- (g) A lot of land 0.326 acre in area lying between mud lots numbered 9 and 10 and formerly held under Crown Land Grant No. 6798;
- (h) A lot of land 0.4375 acre (sublot B) bounded by the said Grant No. 6798 on the east and the Demerara River on the west;

The said piece of land hereby transferred being defined as Area X on a plan by Lennox Mc Greggor, Sworn Land Surveyor dated 18<sup>th</sup> September, 1995 on record in the office of the Lands and Surveys Commission as Plan No. 25570 and the said inner lots 1 - 11, water or mud lots 1 - 11 and the said sublots B, C, Blocks 6a, 6b and the continuation of Water Street being also shown on the said plan.

**Secondly**

Sub-lot lettered "C" being a part of sub-lot "A" part of the eastern portion of lot numbered 28 (twenty-eight) South Cummingsburg in the City of Georgetown in the county of Demerara, Republic of Guyana, with the building and erections thereon and subject to a right of way over and along a strip of land 10 (ten) feet in width running along and within the eastern boundary of the said sub-lot in favour of the proprietors or occupiers of sub-lot lettered "D" part of the said sub-lot lettered "A" and leading to Holmes Street, the said eastern portion being the remainder of what was formerly described in transport No. 696 of the 4<sup>th</sup> of September, 1909, as part of the said lot numbered 28 and the north east part of the said lot and is now laid down and defined on a plan by J. Phang, Sworn Land Surveyor, dated 23<sup>rd</sup> August, 1956 and deposited in the Deeds Registry on 27<sup>th</sup> February, 1957, the said sub-lots "C" and "D" being shown and defined on a plan by S. S. R. Insanally, sworn Land Surveyor, dated 10<sup>th</sup> January, 1978 and deposited in the Deeds Registry on the 14<sup>th</sup> day of August, 1979. The said subplot 'C' being subject to and with the benefit of a Party Wall Agreement with the owner of the said subplot D dated 19<sup>th</sup> December, 1979 and registered at the Deeds Registry, Georgetown on the same day as Contract No. 330 of 1979 as more fully described in Transport No. 2255 of 19<sup>th</sup> December 1979.

**Thirdly**

Lot numbered 20 (twenty) Bel Air Gardens, part of the front lands of Plantation Blygezight, cum annexis, in the city of Georgetown the county of Demerara, Guyana, the said Bel Air Gardens being defined on a plan by J. Phang, Sworn Land Surveyor, dated 17<sup>th</sup> September, 1952, deposited in the Deeds Registry on the 12<sup>th</sup> February, 1953, and the said lot numbered 20 (twenty) having an area of .266 (decimal two six six) of an acre and being defined on a plan by J. Phang, Sworn Land Surveyor, dated the 10<sup>th</sup> June, 1959, deposited in the Deeds Registry, Guyana on the 22<sup>nd</sup> August, 1959 with the building and erections thereon, as more fully described in Transport No. 350 of 21<sup>st</sup> February, 1966.

**Fourthly**

A piece of land 300 (three hundred) roods in façade by 750 (seven hundred and fifty) roods in depth being part of a tract of land known as the Coolaroo or Kularu lands situate on the west bank of the Demerara River, in the county of Demerara, Republic of Guyana the said tract being bounded on the south by a piece of land known as Mahaicabally and extending thence northward 400 (four hundred) roods in façade by 750 (seven hundred and fifty) roods; the said piece of land 300 (three hundred) roods in facade hereby conveyed being also bounded on the south by Mahaicabally and extending northwards. SAVE AND EXCEPT a portion thereof 270.8 English acres of area defined on a plan by L.M. Nightingale, Sworn Land Surveyor dated 29<sup>th</sup> November, 1912 annexed to Transport thereof No. 682 of 30<sup>th</sup> July, 1915 as more fully described in Transport no. 2 of 3<sup>rd</sup> January, 1899.

**Fifthly**

A tract of land situate on the right bank of the Demerara river, in the county of Demerara in the Republic of Guyana commencing at a point immediately above the Mallali rapids and extending thence upwards in a face S 50° E. 25 roods by a mean depth of N. 40° E. 60 roods and containing an area of 5 (five) acres as delineated and described in the diagram by Henry H. Bougle, acting Government Surveyor dated 19<sup>th</sup> February, 1889, a duplicate of which diagram together with a duplicate of the Grant No. 371, is deposited in the Office of the Lands and Surveys Commission subject to the conditions contained in the said Grant with all the buildings and erections thereon as more fully described in Transport no. 902 of 22<sup>nd</sup> October, 1919.

**Sixthly**

A tract of land situate on the right bank of the Yarrowcabra Creek, Demerara River at a place called Mora in the county of Demerara, Republic of Guyana, the said tract commencing at the mouth of the Yarrowcabra Creek and having a façade S 100 roods with a mean depth E 438 roods and being 146 acres in area as shown on a plan by J.A.P. Bowhill Government Land Surveyor dated 24<sup>th</sup> October, 1895 annexed to the duplicate of the original Grant thereof No. 1752 on record in the office of the Lands and Surveys Commission as more fully described in Transport No. 78 of 18<sup>th</sup> January, 1919.

**Seventhly**

A tract of land situate on the right bank of the Demerara river, above Mallali rapids in the County of Demerara, Republic of Guyana commencing at a point 100 roods above the upper façade paal of a tract of five acres granted to A. A. Knoop and extending thence N. 40° 30' 21" E. 384.25 roods thence N. 19° 39' 39" W. 92 roods thence S. 40° 30' 21" W. 246 roods thence S. 19° 39' 39" W. 25 roods thence S. 40° 30' W. 621/2 roods and along the river bank to beginning of survey and containing one hundred acres as shown on a diagram by H.O. Perkins, Assistant Crown Surveyor dated the 4<sup>th</sup> day March, 1895, a duplicate of which diagram together with a duplicate of the Grant No. 1756, is deposited in the Office of the Lands and Surveys Commission subject to the conditions contained in the said Grant, with all the buildings and erections thereon as more fully described in transport no. 902 of 22<sup>nd</sup> October, 1919.

**Eighthly**

A tract of land situate on the right bank Demerara River in the county of Demerara, Republic of Guyana the said tract commencing about 10 roods below the mouth of the Monicabra Creek and extending thence upward in façade S 100 roods by a mean depth E 75 roods and being 25 acres in area as shown on a plan by Henry H. Bougle, Government Surveyor dated 27<sup>th</sup> August, 1890 annexed to the duplicate of the original Grant thereof No. 1791 on record in the office of the Lands and Surveys Commission as more fully described in transport no. 78 of 18<sup>th</sup> January, 1919.

**Ninthly**

A tract of land situate at Mallali on the right bank of the Demerara river in the county of Demerara, Republic of Guyana, commencing at a paal 1 rood below the eastern boundary of a tract of 3 acres granted to Sproston's Dock and Foundry Company and extending thence in façade S 30 43 W (mag) 70 roods thence S 35 58 W 31.75 roods thence S 7 13 E 12.14 roods thence S 9 14 W 16.16 roods thence S 13 38 W 43 roods thence S 9E 2 07. N 28.5 roods thence S 49 34 E. 28.66 roods thence N. 41 23 E 245.75 roods thence N 49 34 W 54.5 roods thence back to the commencing point and containing sixty-five Rhyland acres or 68.343 English acres as shown on a diagram by Charles A. Ridley Government Surveyor dated 5<sup>th</sup> day of February 1904, a duplicate of which diagram together with a duplicate of the Grant No. 3786 is deposited in the Office of the Lands and Surveys Commission subject to the conditions contained in the said Grant as more fully described in transport no. 78 of 18<sup>th</sup> January, 1919.

**Tenthly**

A tract of land situate on the left bank of the Demerara River in the county of Demerara, Guyana commencing at a paal immediately opposite the Quitaru Creek, at a place known as Bamboo, and extending in façade upwards S. 1 31 (true) 25 roods by a mean depth N. 88 29' W. (true) 300 roods and containing 25 Rhyland acres or 26.286 English acres as shown on a diagram by C.K. Shannon, Government Surveyor, dated the 5<sup>th</sup> day of September, 1902 annexed to the original Grant No. 4257, issued on the 11<sup>th</sup> day of October, 1907 a duplicate of which diagram together with a duplicate of the said Grant is deposited in the Office of the Lands and Surveys Commission, subject to the conditions contained in the said Grant as more fully described in transport no. 78 of 18<sup>th</sup> January, 1919.

**Eleventhly**

Lots 97 (ninety-seven) and 98 (ninety-eight) having areas of 0.1365 (nought-decimal one three six five) and 0.2269 (nought decimal two two six nine) of an acre respectively and being parts of the front lands of lot No. 43 otherwise known as Noitgedacht or Retrieve and now called North Mackenzie in the town of Linden situate on the right bank of the Demerara river, in the County of Demerara, Guyana the said lots 97 (ninety-seven) and 98 (ninety-eight) being shown and defined on a plan by James Kranenburg, Sworn Land Surveyor, dated 4<sup>th</sup> December, 1963, and deposited in the Deeds Registry on the 29<sup>th</sup> January, 1965, with the building and erections thereon as more fully described in transport no. 2359 of 27<sup>th</sup> November, 1967.

**Twelfthly**

One undivided half part or share of and in lot number 5 (five) part of the lands known as Sand Hills situate on the west bank of the Demerara River in the County of Demerara, Republic of Guyana the said lot being defined on a diagram by Thomas Hubbard, Sworn Land Surveyor dated 30<sup>th</sup> day of January, 1840 deposited in the Registrar's office, Georgetown on the 1<sup>st</sup> day of June, 1865 as more fully described in transport no. 2 of 3<sup>rd</sup> January, 1899.

**Thirteenthly**

A strip of land being part of the abandoned plantation called or known as Wismar otherwise Acara, otherwise Acaria, situate on the West Bank of the Demerara River in the county of Demerara, the said Wismar being bounded on the North by plantation Christianburg on the South and South West by lands known as old England, on the East by the Demerara River, on the West by State Lands, and marked on Bercheyck's Chart of the said River as lot 52, the said strip of land being defined as lot 'B' on the diagram made by Frank Fowler Acting Assistant Crown Surveyor, dated 26<sup>th</sup> August, 1897, and deposited in the Registrar's Office of Guyana on the 27<sup>th</sup> August 1897, and measuring 300 English feet wide, lying between the tract of 240 (two hundred and forty) acres, 3 (three) roods 12 perches, part of the said Lot No. 52 or Wismar transported on the 16<sup>th</sup> November 1865, to Hugh Sproston, Hugh Sproston, Junior, and Frederick White, trading as Sproston Dock and Foundary Company, and described on a diagram by M.K. North, Assistant Colonial Civil Engineer, dated 11<sup>th</sup> September 1895, and the back boundary line of the said lot 52 or Wismar the said strip of land containing 11 (eleven) acres, 3 (three) roods, 20 (twenty) perches English measurement, subject to a right of way across said strip of land as more fully described in Transport No. 2 of 3<sup>rd</sup> January, 1899

**Fourteenthly**

Lots 77 (seventy-seven) and 79 (seventy-nine) situate on First Avenue in the Town of Bartica in the County of Essequibo, Republic of Guyana as defined on a plan made by William Chalmers Assistant Crown Surveyor dated 19<sup>th</sup> August, 1887 deposited in the Registrar's Office of Guyana on the 26<sup>th</sup> January, 1889 with all the buildings and erections thereon subject to the reservation contained in the grant of the said lots of the right to any mineral in and on behalf of the State as described in transport no. 534 of 27<sup>th</sup> July, 1903.

**Fifteenthly**

A tract of land situate on the right bank of the Essequibo river in the county of Essequibo, Republic of Guyana the said tract beginning 30 (thirty) roods above the left bank of the Makouria Creek, and extending thence S. 84 28 E. true, 108 roods to the said creek thence along its left bank 180 roods thence 84 28 E. 56.5 roods, thence S. 5 32 W. 130 roods, thence N. 84 28 W. 316.2 roods to an iron paal in the Essequibo River and thence along its bank to the beginning of survey and containing 120 acres with the building thereon, as shown on a diagram by James, A. P. Bowhill, Government Surveyor, dated 20<sup>th</sup> June 1901, and annexed to Grant No. 2913 of the said tract of land, a duplicate of which diagram together with a duplicate of which grant is deposited in the office of the Lands and Surveys Commission, subject to the conditions contained in the said grant as more fully described in Transport No. 650 of 20<sup>th</sup> June, 1921.

**Sixteenthly**

The tract of State Land situate on the left bank of the Barama River in the county of Essequibo, Republic of Guyana commencing at a paal about 35 roods from the commencement of the Barima-Barama Road below the Towakaima Falls, and extending



thence N 71 E 4.8 roods thence N 2 W 10 roods, thence N 41 W 8.2 roods thence N 70 W 10 roods thence S 71 W 45 roods thence S 27 W 38 roods, thence S 28 E 2 roods, thence by a line 5 ½ roods from the left bank of the Barama River to the starting point and containing four Rynland acres as shown on a diagram by Frank Fowler, Government Surveyor, dated the 28<sup>th</sup> day of March, 1908, a duplicate of which diagram, together with a duplicate of the original Grant (No. 4434) on record in the office of the Lands and Surveys Commission subject to the conditions of the said Grant as more fully described in Transport No. 284 of 12<sup>th</sup> April, 1913

#### **Seventeenthly**

A tract of land situate on the right bank of the Essequibo River in the county of Essequibo, Republic of Guyana, the said tract commencing at a paal about 33 (thirty-three) roods above Makouria creek extending thence S. 81 27 E. 102.7 roods, thence to the starting point along a line parallel to and 5 ½ roods from H.W.M. and containing 5 7/10 (five and seven-tenths) Rynland acres as shown on a diagram by F. U. Tronchin, Government Surveyor dated 17<sup>th</sup> December, 1908, and annexed to grant No.4603 of the said tract of land, a duplicate of which diagram together with a duplicate of which grant is deposited in the office of the Lands and Surveys Commission, subject to the conditions contained in the said Grant as more fully described in Transport no 650 of 20<sup>th</sup> June 1921.

#### **Eighteenthly – Leasehold Interest and/or right**

A plot of land containing an area of ninety seven decimal four twenty seven (97.427) acres being portion of Plantation Mon Desir and the Commons, situate on the West of Casey Dam and South of "C" line or Macine Dam in the Canal Polder No. 2 Local Authority District on the West Bank of the Demerara River, in the County of Demerara, Republic of Guyana, as shown on a plan by R. Warren and Associates Ltd., Sworn Land Surveyors, dated 31<sup>st</sup> October, 1974 and recorded in the Department of Lands and Surveys as Plan No. 16264 dated 9<sup>th</sup> December 1974.

Note:- The Transports referenced above each description are intended only to identify the title in the name of Guyana National Engineering Corporation at the appointed day and to facilitate annotation thereof by the Registrar of Deeds.

### **SCHEDULE 1**

#### **PART B- MOVABLE ASSETS**

##### **Firstly: Deferred Receivables**

Arrears of payments due to GNEC from Guyana National Company Inc. at 30<sup>th</sup> June 2002.

**SCHEDULE 2**  
**Contracts, Agreements and Leases**

**Firstly:**

Lease Agreement entered into on the 4<sup>th</sup> August 1997 by and between the National Democratic Council for Canal No. 1 & 2 and the Guyana National Engineering Corporation for the leasing of Plot "I." containing an area of 97.427 acres being portion of Plantation Mon Desir on the West Bank of the Demerara River for a period of twenty-five (25) years.

**Secondly:**

Sub-lease Agreement entered into on the 27th August, 1997 by and between the Guyana Geology & Mines Commission, Guyana National Engineering Corporation and China Taian International and Technical Corporation for the sub-leasing of Plot "L" containing an area of 97.427 acres being portion of Plantation Mon Desir on the West Bank of the Demerara River eleven (11) years.

**Thirdly:**

Lease Agreement entered into on the 30<sup>th</sup> October 1995 by and between the Guyana National Engineering Corporation and Guyana National Industrial Company Inc for the rental of the Wharf, Foundry and Ship repair facility situate at Lombard Street for a period of ten (10) years.

**Fourthly:**

Agreement of sale for movable assets entered into on the 30<sup>th</sup> October 1995 by and between the Guyana National Engineering Corporation and Guyana National Industrial Company Inc.

**Fifthly:**

Lease amendment entered into on the 18<sup>th</sup> January, 2002 by and between the Guyana National Engineering Corporation and Guyana National Industrial Company Inc for the amendment of lease agreement entered into on the 30<sup>th</sup> October 1995.

**Sixthly:**

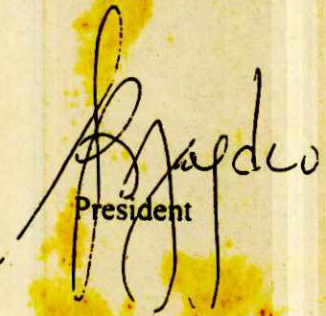
Agreement of Sale for property situate at Lot 20 Bel Air, Georgetown, entered into on the by and between Guyana National Engineering Corporation and Mrs.

**Seventhly:**

Agreement of Sale for property situate at Lot 28 Main & Holmes Street, Georgetown, entered into on the 15<sup>th</sup> day of November 2000, by and between Guyana National Engineering Corporation and Mr. Victor Greene.

**SCHEDULE 3****LIABILITIES TO BE TRANSFERRED TO GOVERNMENT****Firstly:**

The Loan obligation owned to the Government of the People's Republic of China as set out in the Agreement for the Implementation of Agreement in Economical and Technical Cooperation entered into on the 29<sup>th</sup> July 1988 by and between the Central Banks of the Co-operative of Republic of Guyana and the People's Republic of China

  
President

Made this 9<sup>th</sup> day of May, 2002.