

Bill No. 4 of 1968

PUBLISHED 12TH FEBRUARY, 1968.

BILL NO. 4 OF 1968.

ELECTRICITY (AMENDMENT) BILL, 1968.

Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 2 of the Principal Ordinance.
3. Amendment of section 5 of the Principal Ordinance.
4. Amendment of section 7 of the Principal Ordinance.
5. Amendment of section 8 of the Principal Ordinance.
6. Amendment of section 9 of the Principal Ordinance.
7. Amendment of section 10 of the Principal Ordinance.
8. Amendment of section 13 of the Principal Ordinance.
9. Repeal and re-enactment of section 14B of the Principal Ordinance.
10. Amendment of section 16 of the Principal Ordinance.
11. Amendment of section 17 of the Principal Ordinance.
12. Amendment of section 22 of the Principal Ordinance.
13. Amendment of the third schedule to the Principal Ordinance.
14. General amendment of the Principal Ordinance.
15. Amendment of section 30 of the Electric Lighting Ordinance.

A BILL

Intituled

AN ACT to amend the Electricity Ordinance and to make an amendment to the Electric Lighting Ordinance.

Enacted by the Parliament of Guyana:—

A.D. 1968.

Short title.

1. This Act may be cited as the Electricity (Amendment) Act, 1968, and shall be construed and read as one with the Electricity Ordinance, 1957, hereinafter referred to as the Principal Ordinance, and all amendments thereto.

No. 34 of
1957.

Amendment
of section 2
of the Prin-
cipal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the insertion of the following definition before the definition of the word "apparatus" —
"alternate" means a person appointed an alternate in pursuance of subsection (6) of section 5 of this Ordinance;
- (b) by the substitution of the following definition for the definition of the word "Minister" —
"Minister" means the Minister to whom responsibility for the Guyana Electricity Corporation has for the time being been assigned;

Amendment
of section 5
of the Prin-
cipal Ordinance.

3. Section 5 of the Principal Ordinance is hereby amended in the following respects —

- (a) by the substitution of the words "not more than nine" for the word "seven" in subsection (1); and
- (b) by the addition thereto of the following subsection—

"(6) The Minister may confer on any member of the Corporation the right to appoint an alternate subject to such conditions, if any, as may be specified in the instrument appointing him:

Provided that —

- (a) a person who is a member of the Corporation or the alternate of any such member shall not be eligible to be appointed as the alternate of any other member of the Corporation;
- (b) a person who is not the holder of an office of emolument in the public service shall not be eligible to be appointed as the alternate of an official member;
- (c) a person who is the holder of an office of emolument in the public service shall not be eligible to be appointed as the alternate of a person who is not an official member.

(7) Every appointment or removal of an alternate shall be in writing under the hand of the appointor and shall take effect upon delivery to the Corporation:

Provided that an appointment notified to the Corporation by cable or telegram shall be given effect by the Corporation but the appointment shall cease to be effective if it is not confirmed by instrument in writing under the hand of the appointor delivered to the Corporation within twenty-one days of the delivery of the cable or telegram to the Corporation."

4. Section 7 of the Principal Ordinance is hereby amended by the substitution of a comma for the full stop at the end of the section and the addition thereto of the words "so however, that the emoluments of an alternate shall consist of such expenses as may have been properly incurred by him in respect of his attendance at meetings of the Corporation."

Amendment
of section 7
of the Prin-
cipal Ordinance.

5. Section 8 of the Principal Ordinance is hereby amended by the insertion after the word "contract," where it last appears of the words "unless his appointment to the Corporation is by virtue of his connection with such company or undertaking,"

Amendment of section 8 of the Principal Ordinance.

6. Section 9 of the Principal Ordinance is hereby amended by the addition thereto of the following subsection as subsection (6) —

Amendment of section 9 of the Principal Ordinance.

"(6) If in pursuance of the provisions of this Ordinance the Corporation, with the approval of the Minister, appoints an agent to manage the Corporation and it is a condition of the agency that the agent shall provide an officer or servant of the agent to be the General Manager of the Corporation whose salary shall be paid by the agent, the proviso to subsection (1) of this section shall not apply to such General Manager."

7. Section 10 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 10 of the Principal Ordinance.

(a) by the addition of the following words at the end of subsection (3) —

"In the absence of the Chairman and Deputy Chairman from a meeting of the Corporation, the members of the Corporation present may elect one of their number to preside at that meeting.";

(b) by the substitution of the following subsection for subsection (4) —

"(4) Four members of the Corporation shall form a quorum for the transaction of business at a meeting and, for the purposes of this subsection, an alternate shall be deemed to be a member of the Corporation.";

(c) by renumbering subsections (5), (6), (7), (8), (9) and (10) as subsections (6), (7), (8), (9), (10) and (11) respectively and the insertion therein of the following subsection as subsection (5) —

"(5) An alternate shall be entitled to receive notice of all meetings of the Corporation and to attend, speak and vote at any meeting of the Corporation at which the member of the Corporation for whom he has been appointed an alternate is not present.";

(d) by the insertion of the words "or other member of the Corporation" between the words "Chairman" and "presiding" in the renumbered subsection (6); and

(e) by the deletion of the words "Chairman or the Deputy Chairman, as the case may be," from the renumbered subsection (9) and the substitution therefor of the word "Corporation".

8. Subsection (2) of section 13 of the Principal Ordinance is hereby amended by the insertion immediately after the word "Corporation" where it first appears of the words "either by its officers and servants, or by an agent appointed by the Corporation with the approval of the Minister, or partly in the one way and partly in the other,"

Amendment of section 13 of the Principal Ordinance.

9. Section 14B of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 14B of the Principal Ordinance.

"Immunity of the Corporation from legal proceedings.

14B. Except at the instance of the Council pursuant to the provisions of any contract between the Corporation and the Council relating to the supply of energy for the

operation of the water supply and sewerage system of the City, the Corporation shall not be liable for any loss or damage occasioned by any failure or deficiency in the availability of any supply of energy howsoever caused."

Amendment of section 16 of the Principal Ordinance.

10. (1) Subsection (2) of section 16 of the Principal Ordinance is hereby repealed and the following subsections substituted therefor—

"(2) Every debenture issued by the Corporation and every certificate or other document issued in respect of debenture stock or stock of the Corporation shall have endorsed thereon the terms of issue of the debenture, debenture stock or stock, as the case may be.

(3) The Corporation may modify the terms of issue of any debenture, debenture stock or stock of the Corporation with the approval of the Minister and the consent in writing of the holders of seventy-five per centum in nominal value of all debentures, debenture stock or stock of that class for the time being outstanding."

(2) Notwithstanding the repeal of subsection (2) of section 16 of the Principal Ordinance by subsection (1) of this section, the Guyana Electricity Corporation (Debenture Stock) Rules, 1964, shall continue in force and have effect until the Corporation shall have repaid or satisfied (by issue of other stock of the Corporation) all the debenture stock of the Corporation registered in the name of the Government of Guyana on the date when this section comes into operation and upon such repayment or satisfaction the said Rules shall cease to have effect.

Amendment of section 17 of the Principal Ordinance.

11. Section 17 of the Principal Ordinance is hereby amended by the insertion of the following subsection as subsection (3)—

"(3) Without prejudice to the generality of the foregoing provisions of this section, the Corporation may, with the approval of the Minister, create fixed or floating mortgages or charges over its undertaking or assets or any of them to secure any borrowing and any such mortgage or charge may be created on such terms as the Corporation with the said approval thinks fit, including (without limiting the generality of the foregoing provisions of this subsection) terms empowering the mortgagee or chargee to appoint a receiver of the whole or any part of the property mortgaged or charged and empowering the mortgagee or chargee and any receiver appointed by him to take possession of and sell all or any of the property mortgaged or charged and to carry on the undertaking and business of the Corporation and to exercise and enjoy all or any of the powers, rights, privileges, franchises and exemptions exercisable or enjoyed by the Corporation."

Amendment of section 22 of the Principal Ordinance.

12. Section 22 of the Principal Ordinance is hereby amended in the following respects —

(a) by the insertion of the words "which shall include all such sums as the Corporation may deem it proper to set aside for the improvement and expansion of its undertaking" immediately after the word "reserve" in paragraph (a) of subsection (2); and

(b) by the substitution of the word "dividend" for the word "interest" in paragraph (b) of subsection (2).

13. Part IV of the third schedule to the Principal Ordinance is hereby amended in the following respects —

Amendment of the third schedule to the Principal Ordinance.

- (a) by the substitution of the words "in respect of any year of assessment from 1961 to 1967 (both years inclusive)" for the words "in respect of income of the Company or Corporation after the contract date and before the 31st December, 1969" in paragraph 4; and
- (b) by the addition of the following proviso at the end of paragraph 5 —

"Provided that nothing herein contained shall preclude the Corporation and the Government from agreeing upon and effecting at any time prior to the 31st December, 1969, the satisfaction or redemption of all or any of the debenture stock of the Corporation from time to time held by the Government, whether by the issue of stock of the Corporation or by payment in cash or in any other manner."

14. (1) Wherever in the Principal Ordinance (except in subsection (2) of section 12) or in any law made thereunder, the words "Governor" and "Governor in Council" respectively appear, there shall be substituted therefor the word "Minister".

General amendment of the Principal Ordinance.

(2) Anything lawfully done under the Principal Ordinance prior to its amendment by subsection (1) of this section, and which would continue to have effect but for such amendment, shall continue to have effect as if so done in conformity with such amendment.

15. Section 30 of the Electric Lighting Ordinance is hereby amended by the substitution of a colon for the full stop at the end of the section and the addition thereto of the following proviso —

Amendment of section 30 of the Electric Lighting Ordinance. Cap. 237.

"Provided that in the case of the Guyana Electricity Corporation before exercising his powers under this section, the Governor-General shall make provision satisfactory to the encumbrancer for the discharge or satisfaction of any mortgage, charge or other encumbrance affecting any assets in relation to which he proposes to exercise such powers."

EXPLANATORY MEMORANDUM

Clause 3 of the Bill seeks to increase the maximum membership of the Corporation from seven to nine and to enable the Minister to whom responsibility for the Electricity Corporation has been assigned to confer the right on a member of the Corporation to appoint an alternate to act in his stead at meetings of the Corporation.

2. Clause 4 seeks to provide for the payment of the travelling expenses properly incurred by an alternate in respect of his attendance at meetings of the Corporation.

3. Clause 7 contains provisions whereby an alternate appointed on behalf of a member of the Corporation will be entitled to attend, speak and vote at meetings of the Corporation in place of the member of the Corporation for whom he has been appointed an alternate.

4. Clause 8 makes provision enabling the Corporation to carry out its functions through an agent appointed by the Corporation.

5. Clause 9 seeks to repeal and re-enact section 14B of the Ordinance to exempt the Corporation from liability for loss or damage occasioned by any failure or deficiency in the availability of energy supplied, except at the instance of the Georgetown Town Council pursuant to the provisions of any contract between the Corporation and the Council.

6. Clause 11 seeks to make specific provision in section 17 of the Ordinance to enable the Corporation, with the approval of the Minister, to create fixed or floating mortgages or charges over its undertaking or assets and giving the mortgagee or chargee power to appoint a receiver.

7. Clause 12 seeks to amend section 22 of the Ordinance to provide for the Corporation to set aside in reserve monies for the improvement and expansion of its undertaking.

P.A. REID,
Minister of Finance.