

LEGAL NOTICE No. 229

REPUBLIC OF TRINIDAD AND TOBAGO

THE TRINIDAD AND TOBAGO ELECTRICITY COMMISSION  
ACT, CHAP. 54:70

ORDER

MADE BY THE COMMISSION WITH THE APPROVAL OF THE MINISTER  
UNDER SECTION 34A(1) OF THE TRINIDAD AND TOBAGO  
ELECTRICITY COMMISSION ACT

THE TRINIDAD AND TOBAGO ELECTRICITY COMMISSION  
VESTING ORDER, 1994

WHEREAS it is provided by section 34A(1) of the Trinidad and Tobago <sup>Preamble</sup> Electricity Commission Act, Chap. 54:70 (hereinafter referred to as “the Act”) that where an agreement has been entered into by the Trinidad and Tobago Electricity Commission (hereinafter referred to as “the Commission”) with the other shareholders or partners of an approved generator of electricity of which the Commission is a shareholder or partner, the Commission may, with the approval of the Minister, by Order transfer and vest in that approved generator of electricity any of its property, assets, rights, powers and obligations:

And whereas, in accordance with section 31(2)(aa) of the Act, the Commission has, with the consent of the Minister, participated in the formation of The Power Generation Company of Trinidad and Tobago Limited (hereinafter referred to as “PowerGen”), a company incorporated in Trinidad and Tobago which proposes to engage in the generation of energy:

And whereas, in accordance with section 31(2)(ab) of the Act, the Commission, with the consent of the Minister, holds shares and exercises the rights of a shareholder in PowerGen:

And whereas PowerGen was declared to be an approved generator of electricity by the Trinidad and Tobago Electricity Commission (Declaration of Approved Generator of Electricity) Order, 1994, made by the Commission with the approval of the Minister under section 31(3C) of the Act:

And whereas an agreement (hereinafter referred to as “the Transfer Scheme”) was on the 22nd day of December, 1994 entered into by the Commission with PowerGen, *inter alia*, for the transfer and vesting in PowerGen of the property, assets, rights and obligations of the Commission, brief particulars of which are set out in the Schedule hereto and are more particularly described in the Transfer Scheme:

Now, therefore, the Commission, with the approval of the Minister, in exercise of the powers vested in it by section 34A(1) of the Act makes the following Order:

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| Citation   | 1. This Order may be cited as the Trinidad and Tobago Electricity Commission Vesting Order, 1994.  |
| Commencement   | 2. This Order shall come into effect on the 23rd day of December, 1994 (hereinafter referred to as "the Appointed Day").   |
| Transfer and vesting of property, etc., in PowerGen Schedule | 3. Subject to the Transfer Scheme, the property, assets, rights and obligations of the Commission set out in the Schedule, are transferred and vested in PowerGen as of the Appointed Day. |

SCHEDULE

PART I

THE ASSETS

1. The freehold and leasehold properties (hereinafter referred to as the "Real Properties") at Penal, Point Lisas and Port-of-Spain, Trinidad more particularly described in Part III of this Schedule.

2. The benefits of certain rights, easements, liberties and wayleaves at Port-of-Spain and Penal, more particularly described in Part IV of this Schedule.

3. The fixed plant and machinery and associated equipment at or on the Real Properties as more particularly described in Schedule 3 of the Transfer Scheme.

4. The rights of the Commission under all subsisting contracts or appropriate parts thereof relating to the generation business of the Commission (hereinafter referred to as the "Generation Business") including those contracts more particularly described in Schedule 1 of and Appendix D to the Transfer Scheme and all agreements (hereinafter referred to as the "Contracts of Employment") between the Commission and the staff and employees of the Commission directly engaged in the Generation Business immediately prior to the Appointed Day and whose names are specified in Appendix C to the Transfer Scheme (hereinafter referred to as the "Generation Employees").

5. All furniture, equipment, movable plant and machinery, motor vehicles and other chattels and effects and copies of certain drawings, plans, surveys, manuals and records used in or for the Generation Business as more particularly described in Schedules 4, 6, 7 and 8 of and Appendix B to the Transfer Scheme.

6. All stocks and spare parts to be used in or for the purposes of the Generation Business as more particularly described in Appendix A to the Transfer Scheme.

7. Certain industrial and intellectual property rights used in or for the Generation Business as more particularly described in Schedule 5 of the Transfer Scheme.

PART II

OBLIGATIONS ASSUMED

All liabilities, obligations, debts and encumbrances incurred, undertaken, assumed or accepted by the Commission in respect of all subsisting contracts or the appropriate part thereof relating to the Generation Business and all obligations under the Contracts of Employment.

PART III

PARTICULARS OF REAL PROPERTIES REFERRED TO IN PART I OF THIS SCHEDULE

A. Penal

*Freehold Properties*

1. All that piece of land situate in the Ward of Siparia in the Island of Trinidad comprising seven point four two seven three (7.4273) hectares as the same is more or less delineated and coloured pink in the survey plan attached as Part I of Appendix E to the Transfer Scheme being portion of the land described in the Certificate of Title in Volume 3708, Folio 389 and bounded on the North by State Lands and by lands of the Commission on the South by lands of the Commission on the East by a Road Reserve 10.06 metres wide and on the West by State Lands and by lands of the Commission together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof.

2. All that piece of land situate in the Ward of Siparia in the Island of Trinidad comprising one rood and twenty-five perches as the same is more or less delineated and coloured pink in the plan registered in Volume 1649, Folio 201 being portion of the lands described in the Crown Grant in Volume 147, Folio 273 and bounded on the North by lands of R. Dickson now Dussoo and by lands of Danaiee now Lalchan, Sewbachan and Ramessar, on the South by lands of Maniram Dubay on the East by a Road Reserve 50 links wide and by lands of Julien Granderson and on the West by lands of Danaiee now Lalchan, Sewbachan and Ramesar and which piece of land is described in the Certificate of Title in Volume 1649, Folio 203.

3. All that piece of land situate in the Ward of Siparia in the Island of Trinidad comprising zero point zero one two three (0.0123) hectares as the same is more or less delineated and coloured pink in the Plan of Leslie Akum Lum dated the 30th day of September, 1994 being portion of the lands described in the Certificate of Title in Volume 3378, Folio 419 and bounded on the North by lands of the Commission on the South by lands formerly of Simon Marchan now the Commission on the East by lands of the Commission and on the West by a Road Reserve 10.06 metres wide.

*Leasehold Properties*

1. All that certain piece or parcel of land situate in the Ward of Siparia in the Island of Trinidad comprising nine acres one rood and twenty-four perches be the same more or less delineated and particularly described on the Plan marked "A" annexed to Deed No. 8949 of 1960 and bounded on the North by lands now or formerly of J. B. Rovelo and by lands of Simon Marchan now Bhagmania and Roopnarine on the South by lands now or formerly of Jagroop and by a Road Reserve 50 links wide on the East by lands of Simon Marchan now Bhagmania and Roopnarine by lands of Pedro F. Gonzales by lands of Bhagwantiah and by lands now or formerly of Jagroop and on the West by the said Road Reserve 50 links wide shown delineated and coloured pink on the survey plan attached to deed registered as No. 8949 of 1960 for all the unexpired term of Ninety-Nine Years from

the 24th day of April, 1952 granted by a certain deed of lease (the "Penal Lease") dated the 18th day of March, 1960 registered as No. 8949 of 1960 and made between Her Most Excellent Majesty Elizabeth the Second of the one part and the Commission of the other part subject to the payment of the rents reserved by and the covenants and conditions contained in the Penal Lease together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof.

2 All and singular that certain piece or parcel of land situate in the Ward of Siparia in the Island of Trinidad containing one hundred and sixty-four acres two roods and thirty-one perches more or less and bounded on the North partly by the Alta Gracia Road partly by lands now or formerly of Chatoo (formerly lands of S. B. Tabares) partly by a Trace 15 links wide partly by lands now or formerly of Ramjewan Postam partly by lands now or formerly of Rahim (formerly lands of Albert Peschier) partly by lands of Balbino Gonzales partly by lands now or formerly of Rajkalliah and Deonarine (formerly lands of Saturnino Marcenco) and partly by lands now or formerly of Baksh Syne and Sakina (formerly lands of Domingo Solgado) on the South by lands now or formerly of Chatoo (formerly lands of Jesus Maria Alamilla) partly by lands of the State now or formerly leased to Wilfred Fergusson partly by lands now or formerly of Hosein Baksh Syne and Ali Syne (formerly lands of Hypolite B. Francois) partly by lands now or formerly of the State and partly by lands now or formerly of Baksh Syne and Sakina (formerly lands of Domingo Solgado) on the East partly by lands now or formerly of Francisco Gill (formerly lands of the State) partly by lands now or formerly of Rajkalliah and Deonarine (formerly lands of Saturnino Marcenco) partly by lands now or formerly of Baksh Syne and Sakina (formerly lands of Domingo Solgado) partly by an access road partly by lands now or formerly of Lutchmenia (formerly lands of the State) and partly by lands now or formerly of Hosein Baksh Syne and Ali Syne (formerly lands of Hypolite B. Francois) and on the West partly by lands now or formerly of Chatoo (formerly lands of Jesus Maria Alamilla) partly by the Alta Gracia Road partly by lands now or formerly of Chatoo (formerly lands of S. B. Tabares) partly by lands now or formerly of Bismatee partly by lands now or formerly of Jagmohan Postam partly by lands now or formerly of Rahim (formerly lands of Albert Peschier) which said piece or parcel of land is intersected by the San Fernando-Siparia-Erin Road and is delineated and more particularly described with the abutments and boundaries delineated and shown on the plan marked "A" annexed to the Deed of Lease dated the 21st day of February, 1967 registered as No. 3931 of 1967 and made between Her Most Excellent Majesty Elizabeth the Second of the one part and the Commission of the other part (the "Moora Dam Lease") for the term of Ninety-Nine Years from the 1st day of October, 1959 subject to the payment of the rents reserved by and the covenants and conditions contained in the Moora Dam Lease together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such piece or parcel of land had been conveyed or assigned to or otherwise vested in a purchaser thereof.

3. All that the Commission's right, title and interest to and in all that certain parcel of land situate at Syne Village, Penal in the Ward of Siparia in the Island of Trinidad being twenty-four (24) feet wide embracing the eighteen-inch diameter water pipeline extending from the Moora Dam located on the Moora River to the Commission's Penal Power Station the alignment of which pipeline is shown on a Plan dated the 26th day of

May, 1960 drawn by Harold A. Went together with all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretobefore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such pieces or parcels of land had been conveyed or assigned to or otherwise vested in a purchaser thereof.

4. All that the Commission's right, title and interest to and in all those nine several parcels of land situate at Syne Village, Penal in the Ward of Siparia in the Island of Trinidad shown delineated coloured pink in the three survey plans attached as Parts III, IV and V respectively of Appendix E to the Transfer Scheme together with all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretobefore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such pieces or parcels of land had been conveyed or assigned to or otherwise vested in a purchaser thereof.

### **B. Point Lisas**

#### *Leasehold Properties*

ALL that certain leasehold piece or parcel of land situate at the Point Lisas Industrial Estate in the Ward of Couva in the Island of Trinidad comprising 54 acres 3 roods and 32 perches more or less and bounded on the North by lands owned by Caroni Limited and forming part of Brechin Castle Estate, on the South and the East by a road reserve and on the West partly by a Mangrove Swamp and partly by a Ravine twenty feet wide which said piece or parcel of land is delineated and shown coloured pink on the plan marked "A" annexed to Deed of Lease (the "*Point Lisas Lease*") registered as No. 15313 of 1982 made between Point Lisas Industrial Port Development Company Limited of the one part and the Commission of the other part for the unexpired residue of the term of One Hundred and Ninety-Nine Years from the 1st day of January, 1977 subject to the payment of the rents reserved by and the covenants and conditions contained in the Point Lisas Lease together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretobefore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof.

### **C. Port-of-Spain**

#### *Freehold Properties*

ALL AND SINGULAR that certain piece or parcel of land situate in the City of Port-of-Spain in the Island of Trinidad comprising one point seven zero zero six (1.7006) hectares more or less and bounded on the North partly by Colville Street partly by lands of Electric Ice Company Limited partly by Ariapita Avenue partly by lands of the Commission and partly Flament Street, on the South by Wrightson Road, on the East/West partly by lands of Electric Ice Company Limited partly by Ariapita Avenue partly by lands of the Commission and partly by Flament Street and on the East/West partly by Wrightson Road and partly by Colville Street, which said piece or parcel of land is, and shown

delineated coloured pink on the survey plan attached as Part II of Appendix E to the Transfer Scheme together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof.

#### *Leasehold Properties*

1. All and singular that certain piece of land situate in the City of Port-of-Spain in the Island of Trinidad comprising two thousand seven hundred and twenty-three point one (2723.1) square metres more or less and bounded on the North, South, East and West by other lands of the Port Authority of Trinidad and Tobago and which said piece or parcel of land is delineated and shown coloured pink on the Plan marked "A" (the "Port Authority Survey Plan") attached to a certain Deed of Lease dated the 22nd day of December, 1994 and made between the Port Authority of Trinidad and Tobago of the one part and the Commission of the other part (the "Port Authority Lease") for all the unexpired term of Twenty-Nine Years and Eight Months from the 1st day of November, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the Port Authority Lease together with certain buildings thereon and all appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof.

2. All and singular those three certain pieces or parcels of land situate in the City of Port-of-Spain in the Island of Trinidad the first thereof being an underground wayleave three hundred and seventy-two point eight (372.8) metres in length and shown delineated and coloured green on the Port Authority Survey Plan and the second thereof, being an uncovered wayleave nine hundred and eighty point eight (980.8) metres in length and shown delineated and coloured yellow on the Port Authority Survey Plan and the third thereof comprising two hundred and eighty point six (280.6) square metres more or less and bounded on the North, South, East and West by other lands of the Port Authority of Trinidad and Tobago and which said piece or parcel of land is delineated and shown coloured green on the Port Authority Survey Plan together with the rights and liberties first described in Part IV hereof.

3. All that certain parcel of lot of land situate in the City of Port-of-Spain in the Island of Trinidad comprising zero point one nine zero two (0.1902) hectares delineated and shown coloured pink on the plan marked "P" attached to a certain Deed of Lease dated the 22nd day of December, 1994 and made between the Mayor, Aldermen, Councillors and Citizens of the City of Port-of-Spain of the one part and the Commission of the other part (the Port-of-Spain Corporation Lease) for the unexpired term of 30 years from the 1st day of December, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the Port-of-Spain Corporation Lease together with the appurtenances (including easements, quasi-easements, liberties, privileges, rights and advantages) now or heretofore belonging thereto or enjoyed therewith or which would be implied by statute or otherwise by reason of severance in favour of a purchaser if such property had been conveyed or assigned to or otherwise vested in a purchaser thereof and together also with the rights and liberties first described in Part IV hereof.

4. All and Singular that certain piece or parcel of land situate in the City of Port-of-Spain in the Island of Trinidad being a wayleave under State Lands and Wrightson Road 12.0 metres wide shown coloured purple green and yellow on the plan marked "A" attached to a certain deed dated the 22nd day of December, 1994 and made between The Republic of Trinidad and Tobago of the one part and the Commission of the other part (the first State Wayleave) for the unexpired term of 99 years from the 1st day of December, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the First State Wayleave together with the rights and liberties first described in Part IV hereof.

5. All those two certain pieces or parcels of land situate in the City of Port-of-Spain in the Island of Trinidad being wayleaves under Wrightson Road The First Thereof comprising one three zero point nine (130.9) square metres and The Second Thereof comprising ninety point nine (90.9) square metres which such wayleaves are shown lettered "A" and "B" respectively and coloured yellow on the plan marked "B" attached to a certain deed dated the 22nd day of December, 1994 and made between The Republic of Trinidad and Tobago of the one part and the Commission of the other part (The Second State Wayleaves) for the unexpired term of 99 years from the 1st day of December, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the Second State Wayleaves together with the rights and liberties secondly described in Part IV hereof.

6. All and Singular those three pieces or parcels of land situate in the City of Port-of-Spain in the Island of Trinidad being wayleaves under State Lands Wrightson Road and Colville Street 2.00 metres wide shown coloured purple and blue on the plan marked "C" attached to a certain deed dated the 22nd day of December, 1994 and made between The Republic of Trinidad and Tobago of the one part and the Commission of the other part (the Third State Wayleaves) for the unexpired term of 99 years from the 1st day of December, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the Third State Wayleaves together with the rights and liberties thirdly described in Part IV hereof.

7. All and Singular that piece or parcel of land situate in the City of Port-of-Spain in the Island of Trinidad being a wayleave under Flament Street and Park Street 2.50 metres wide shown coloured purple on the plan marked "D" attached to a certain deed dated the 22nd day of December, 1994 and made between The Republic of Trinidad and Tobago of the one part and the Commission of the other part (the Fourth State Wayleave) for the unexpired term of 99 years from the 1st day of December, 1994 subject to the payment of the rents reserved by and the covenants and conditions contained in the Fourth State Wayleave together with the rights and liberties thirdly described in Part IV hereof.

#### PART IV

##### PARTICULARS OF RIGHTS, LIBERTIES AND WAYLEAVES AT PORT-OF-SPAIN REFERRED TO IN PART I OF THIS SCHEDULE

1. Full liberty or right to maintain in position any part or parts already laid or constructed of the Commission's Circulating Water Culvert (as hereinafter defined) and all existing electrical cables (including any replacements thereof) and the liberty or right

at any time during the said term to dig up, excavate, construct, place, lay, use, inspect, maintain, cleanse, repair, replace, review, relay, conduct, make safe and manage a Circulating Water Culvert and electrical cables together with all necessary proper and convenient works and appliances which the Commission may require to construct or install in connection with the Circulating Water Culvert or electrical cables together with the full free and uninterrupted right to enter on foot and with vehicles and with machinery upon a working strip up to ten (10) metres wide embracing the Circulating Water Culvert the said electrical cables or so much of the Port Authority's land or the Port-of-Spain Corporation's Land and State Land as the case may be as the Commission may reasonably require to obtain access to the Circulating Water Culvert and the electrical cables for the exercise of any of the liberties or rights herein set out.

The term "Circulating Water Culvert" means and shall be deemed to comprise—

- (1) in the case of the Port Authority Lease a covered section being the intake with a length of 372.8 metres and an uncovered section being the outfall with a length of 980.8 metres and all pipes and pipelines which are now laid or constructed thereon.
- (2) in the case of the Port-of-Spain Corporation Lease the uncovered section of the outfall shown on the Port-of-Spain Corporation Plan and all pipes and pipelines which are now laid or constructed thereon; and
- (3) in the case of the First State Wayleave a covered section being the intake and all pipes and pipelines which are now laid or constructed thereon.

2. Full liberty or right to maintain in position any part or parts already laid or constructed of the Commission's fuel lines, pipelines and electrical cables and conduits (including any replacements thereof) and the liberty or right at any time during the said term to dig up, excavate, construct, place, lay, use, inspect, maintain, cleanse, repair, replace, review, relay, conduct, make safe and manage the fuel lines, pipelines and electrical cables and conduits together with all necessary, proper and convenient works and appliances which the Commission may require to construct or install in connection with the fuel lines, pipelines or electrical cables and conduits together with the full, free and uninterrupted right to enter on foot and with vehicles and with machinery upon a working strip up to ten (10) metres wide embracing the fuel lines, pipelines and electrical cables and conduits or so much of the adjoining land as the Commission may reasonably require to obtain access to fuel lines, pipelines and electrical cables and conduits for the exercise of any of the liberties or rights herein set out.

3. Full liberty or right to maintain in position any part or parts already laid or constructed of the Commission's electrical cables and conduits (including any replacements thereof) and the liberty or right at any time during the said term to dig up, excavate, construct, place, lay, use, inspect, maintain, cleanse, repair, replace, review, relay, conduct, make safe and manage the electrical cables and conduits together with all necessary, proper and convenient works and appliances which the Commission may require to construct or install in connection with the electrical cables and conduits together with the full, free and uninterrupted right to enter on foot and with vehicles and with machinery upon a working strip up to ten (10) metres wide embracing the electrical cables and conduits or so much of the adjoining land as the Commission may reasonably require to obtain access to the electrical cables and conduits for the exercise of any of the liberties or rights herein set out.

Dated this 22nd day of December, 1994.

A. MONTEIL  
*Chairman of the Commission*

Approved this 22nd day of December, 1994.

B. BARNES  
*Minister of Energy and  
Public Utilities*