

LEGAL NOTICE No. 27

REPUBLIC OF TRINIDAD AND TOBAGO

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

ORDER

MADE BY THE COMMISSIONER 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, 1996

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 engages 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:

- |                                                          |                                                                                                                                                                                               |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation                                                 | 1. This Order may be cited as the Trinidad and Tobago Electricity Commission Vesting Order, 1996.                                                                                             |
| Commencement                                             | 2. This Order shall come into effect on the 22nd day of February, 1996 (hereinafter referred to as "the Appointed Day").                                                                      |
| Transfer and vesting 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 to and vested in PowerGen as of the Appointed Day. |

#### SCHEDULE

##### PART I

##### THE ASSETS

1. The leasehold properties at Port-of-Spain, Trinidad more particularly described in Part II of this Schedule.
2. The benefits of those rights, easements, liberties and wayleaves at Port-of-Spain, more particularly described in Part III of this Schedule subject to the obligations relating thereto.

##### PART II

##### LEASEHOLD PROPERTIES

1. All and Singular that piece or parcel 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 ("the Port Authority") 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 20th day of December, 1995 registered as No. 1319 of 1996 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 from the 1st day of July, 1995 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 that parcel 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 21st day of December, 1995 registered as No. 314 of 1996 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 all the

unexpired term of 30 years from the 15th day of December, 1995 subject to the payment of the rents reserved by and the covenants and conditions contained in the Port-of-Spain Corporation Lease together with 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 or otherwise vested in a purchaser thereof.

### PART III

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

The Rights, Liberties, Easements and Wayleaves set out and contained in the following deeds, that is to say:

1. The Port Authority Lease for the unexpired residue of the term of 29 years thereby granted relating to those three parcels of land situate in the City of Port-of-Spain in the Island of Trinidad the first thereof being three seven two point eight (372.8) running metres in length and shown delineated and coloured green on the Port Authority Survey Plan the second thereof being nine eight zero point eight (980.8) running metres in length connecting the parcel of land first described in Part II of this Schedule with the Sea and shown delineated and coloured yellow on the Port Authority Survey Plan and third thereof comprising two eight zero point six (280.6) square metres triangular in shape and situate at the south-eastern boundary of the parcel of land first described in Part II of this Schedule delineated and shown coloured green on the Port Authority Survey Plan.

2. The Port-of-Spain Corporation Lease for the unexpired residue of the term of 30 years thereby granted relating to that parcel 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" annexed to the Port-of-Spain Corporation Lease.

3. Deed dated the 22nd day of December, 1994 registered as No. 11057 of 1995 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 22nd day of December, 1994 relating to that piece or parcel of land situate at State Lands and Wrightson Road in the City of Port-of-Spain in the Island of Trinidad one two point zero (12.0) metres wide shown coloured purple, green and yellow on the plan marked "A" attached thereto.

4. Deed dated the 22nd day of December, 1994 registered as No. 11054 of 1995 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 22nd day of December, 1994 relating to those two pieces or parcels of land situate at Wrightson Road in the City of Port-of-Spain in the Island of Trinidad the first thereof comprising one three zero point nine (130.9) square metres and the second thereof comprising nine zero point nine (90.9) square metres are shown lettered "A" and "B" respectively and coloured yellow on the plan marked "B" attached thereto.

5. Deed dated the 22nd day of December, 1994 registered as No. 11055 of 1995 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 22nd day of December, 1994 relating to those three pieces or parcel of land situate at State Lands, Wrightson Road and Colville Street in the City of Port-of-Spain in the Island of Trinidad two point zero zero (2.00) metres wide shown coloured purple and blue on the plan marked "C" attached thereto.

6. Deed dated the 22nd day of December, 1994 registered as No. 11056 of 1995 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 22nd day of December, 1994 relating to that piece or parcel of land situate at Flament Street and Park Street in the City of Port-of-Spain in the Island of Trinidad two point five zero (2.50) metres wide shown coloured purple on the plan marked "D" attached thereto.

Subject to the payment of the rents reserved by and the covenants and conditions contained in the Port Authority Lease, the Port-of-Spain Corporation Lease, the First State Wayleave, the Second State Wayleaves, the Third State Wayleaves and the Fourth State Wayleave respectively.

Dated this 15th day of February, 1996.

L. A. MONTEIL  
*Chairman of the Commission*

Approved this 15th day of February, 1996.

G. SINGH  
*Minister of Public Utilities*