

LEGAL NOTICE No. 283

REPUBLIC OF TRINIDAD AND TOBAGO

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

ORDER

MADE BY THE PRESIDENT UNDER SECTION 34B(3) OF THE TRINIDAD  
AND TOBAGO ELECTRICITY COMMISSION ACT

THE TRINIDAD AND TOBAGO ELECTRICITY COMMISSION  
(TRINITY POWER LIMITED) (EXEMPTION FROM CUSTOMS  
DUTY AND VALUE ADDED TAX) ORDER, 2005

WHEREAS it is provided in section 34B(3) of the Trinidad and Tobago <sup>Preamble</sup> Electricity Commission Act, Chap. 54:70 (hereinafter referred to as “the Act”) that notwithstanding any other written law, the President may, by Order grant to an approved generator of electricity such exemption from the payment of stamp duty, customs duty, value added tax and any other taxes or duties payable on imports for such period and on such conditions as are specified in the Order:

And whereas InnCOGEN Limited was declared to be an approved generator of electricity by the Trinidad and Tobago Electricity Commission (Declaration of Approved Generator of Electricity) Order, 1998, made by the Commission with the approval of the Minister under section 31(3C) of the Act:

And whereas the Trinidad and Tobago Electricity Commission enter into a Power Purchase Agreement with InnCOGEN Limited with effect from 12th February, 1998 until the thirtieth anniversary of the commercial operations date of the first unit to be commercially available:

And whereas an agreement was entered into by the Government of Trinidad and Tobago and InnCOGEN Limited with effect from 12th February, 1998 in which the Government, *inter alia*, agreed to exempt InnCOGEN Limited from the payment of stamp duty, customs duty, value added tax and any other taxes or duties payable on imports for the duration of the Power Purchase Agreement:

And whereas the Articles of Incorporation of InnCOGEN Limited were amended by substituting for the name “InnCOGEN Limited” the name “Trinity Power Limited”:

Now, therefore, the President makes the following Order:

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| Citation                      | 1. This Order may be cited as the Trinidad and Tobago Electricity Commission (Trinity Power Limited) (Exemption from Customs Duty and Value Added Tax) Order, 2005.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Duration                      | 2. This Order continues in force until 9th September, 2029.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Interpretation                | 3. In this Order—<br><br>“the Company” means Trinity Power Limited (formerly InnCOGEN Limited), a limited liability company incorporated in Trinidad and Tobago;<br><br>“Facility” means the gas fired generation facility comprising three new generating units (or such greater number of new generating units as the Trinidad and Tobago Electricity Commission may approve) to be located at the site of Trinity Power Limited (formerly InnCOGEN Limited) at Brechin Castle, Couva and all other facilities appurtenant thereto including auxiliary and interconnecting equipment. |
| Exemption from tax and duties | 4. The Company and its contractors shall be exempted from the payment of customs duty and value added tax on—<br><br>(a) plant and equipment including turbines;<br>(b) cables;<br>(c) spare parts;<br>(d) raw material; and<br>(e) other goods,<br><br>imported for the replacement, operation, maintenance and repair of the Facility or any part thereof.                                                                                                                                                                                                                            |

Made this 7th day of December, 2005.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*