GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 11 OF 1992

LOAN (IMPORT-BANK OF KOREA) DECREES, 1992

A DECREES TO AUTHORISE THE GOVERNMENT TO RAISE FROM THE IMPORT-BANK OF KOREA A LOAN NOT EXCEEDING FOUR BILLION ONE HUNDRED AND NINETY-FIVE MILLION KOREAN WON (4,195,000,000) FOR THE PURPOSE OF THE BA AND SIGATOKA BRIDGES AND THE APPROACH ROADS CONSTRUCTION PROJECT

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decrees—

Short title and commencement

1.—(1) This Decree may be cited as the Loan (Export-Import Bank of Korea) Decree, 1992.

(2) This Decree shall come into operation on the day on which it is made.

Interpretation

2. In this Decree, unless the context otherwise requires—

Bank" means the Export and Import Bank of the Republic of Korea;

"Government" means the Government of the Sovereign Democratic Republic of Fiji;

"loan" means the loan authorised by section 3 of this Decree;

"Minister" means the Minister of the Government responsible for Finance and Economic Planning.

Authority to raise loan

3. The Minister is hereby authorised to borrow from the Bank on behalf of the Government, a loan of an amount not exceeding four billion, one hundred and ninety-five million Korean won (4,195,000,000) for the purpose of financing the Ba and Sigatoka Bridges and Approach Roads Construction Project and for other purposes connected therewith.

Loan to be evidenced by instrument

4. The Loan authorised by this Decree shall be evidenced by instrument under the hand of the Minister or such other person as the Minister may be writing under his hand so empower.

Provisions of credit to be deemed a loaning

5. For the purposes of this Decree, the provision of credit shall be deemed to be a loan to the extent of the amount of the credit.

Disbursement not paid to Government

6. Where the doing of an act or thing is for the purposes of an agreement or arrangement made pursuant to this Decree, a disbursement by the Bank in discharging a liability of the Government but the act or thing is not, and does not entail the payment of money by the Bank to the Government, the doing of that act or thing shall, for the purpose of this Decree, be deemed to be a loan by the Bank to the Government of an amount equal to the amount of the disbursement.

Sovereign

7. An agreement made in pursuance of this Decree may provide for the issue and delivery of promissory notes or other securities by or on behalf of the Government in respect of any liability of the Government under the agreement.

Terms of agreement

8.—(1) The terms and conditions of any agreement made in pursuance of section 7 shall be such as the Minister shall approve.

(2) The power of the Minister to approve the terms and conditions of any agreement made in pursuance of section 7 includes—

(a) the power to agree, on behalf of the Government, that proceedings under the agreement may be taken in a court of a country other than Fiji; and

(b) the power to waive, on behalf of the Government, the immunity of the Government from suit in a court of a country other than Fiji, in relation to any proceedings that may be taken under the agreement in such a court.

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 16 OF 1992

SUGAR INDUSTRY (AMENDMENT) DECREES, 1992

A DECREES TO AMEND THE SUGAR INDUSTRY ACT

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decrees—

Short title and commencement

1. This Decree may be cited as the Sugar Industry (Amendment) Decree, 1992.

Interpretation

2. In this Decree the Sugar Industry Act is referred to as the "Principal Act".

Amendment of Section 5

3. Section 5 of the Principal Act is hereby amended by inserting immediately after paragraph (b) thereof, a new paragraph as follows—

"(h) Four members nominated to represent the landowners"

Amendment of Section 12

4. Section 12 of the Principal Act is hereby amended by deleting subsection (1) thereof and substituting the following—

"(1) The Council shall consist of—

(a) one member to be elected from each of the 38 sectors;

(b) one member to be nominated by the Minister from each of the eight districts."

Made at Suva this 6th day of February 1992.

PENAIA K. GANILAU
President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 13 OF 1992

PORTS AUTHORITY OF FIJI GUARANTEE (NO. 1) DECREES, 1992

A DECREES TO AUTHORISE THE GOVERNMENT TO GUARANTEE THE REPAYMENT OF THE PRINCIPAL AND THE PAYMENT OF INTEREST OF MONEY BORROWED UNDER PROMISSORY NOTES AND OR BONDS BY THE PORTS AUTHORITY OF FIJI TO AN AMOUNT NOT EXCEEDING FOUR MILLION DOLLARS

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decrees—

Short title

1. This Decree may be cited as the Ports Authority of Fiji Guarantee (No. 1) Decree, 1992.
2. In this Decree, unless the context otherwise requires—

"Government" means the Government of the Republic of Fiji;
"Minister" means the Minister responsible for Finance and Economic Planning;
"PAF" means the Ports Authority of Fiji.

Government Guarantee

3.—(1) The Minister is hereby authorised to guarantee on behalf of the Government the repayment by PAF of promissory notes and or bonds not exceeding (490m) four million dollars, to be issued with interest by PAF pursuant to Section 22 of the Ports Authority of Fiji Act, Cap. 181.

(2) The guarantee authorised by sub-section (1) of this Section shall apply to promissory notes and or bonds.

Guarantee to be evidenced by instrument

4. The guarantee authorised by Section 3 of this Decree shall be evidenced by an instrument or instruments given under the hand of the Minister.

Conditions of Guarantee

5. For the purpose of the protection of the financial interests of the Government, the Minister shall not give a guarantee under Section 3 of this Decree unless the moneys are borrowed on terms and conditions that the Minister considers reasonable.

Made at Suva this 6th day of February 1992.

PENAIA K. GANILAU
President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI

DEGREE NO. 15 OF 1992

NATIONAL MARKETING AUTHORITY (DISSOLUTION AND TRANSFER OF ASSETS ETC.) DEGREE, 1992

A DECREETOREPEALTHe MARKETING ACT, TOdISSOLVE THE NATIONAL MARKETING AUTHORITY AND TRANSFER ITS ASSETS, LIABILITIES ETC. TO THE NATIONAL TRADING CORPORATION LIMITED

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree—

Short title and commencement

1. This Decree may be cited as the National Marketing Authority (Dissolution and Transfer of Assets etc.) Decree, 1992, and shall be deemed to have come into force on 1st January, 1992.

Repeal, dissolution and transfer of assets & liabilities etc.

2. All references in any other Act, subsidiary legislation, instrument or document to the National Marketing Authority shall be deemed to refer to the National Trading Corporation Limited, as hereinafter referred to as "the Corporation".

3.—(1) The Marketing Act, Chapter 236, is hereby repealed and the National Marketing Authority established thereunder (and hereinafter referred to as "the Authority") is hereby dissolved.

(2) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Decree were vested in the Authority shall be vested in the National Trading Corporation Limited, a Government wholly-owned company, incorporated and registered in Fiji under the Companies Act (hereinafter referred to as the Corporation).

(3) The rights, interests, obligations and liabilities of the Authority lawfully existing before the commencement of this Decree under any contract or instrument or in law or in equity, apart from any contract or instrument, shall be vested in the Corporation.

(4) Any reference in any Act, subsidiary legislation, instrument or document to the National Marketing Authority shall be as from the commencement of this Decree, unless inconsistent with the subject matter, be deemed to be and to vest in the National Trading Corporation Limited.

(5) The National Trading Corporation shall, subject to its Memorandum and Articles of Association, employ all of the staff of the Authority as such at such terms and conditions of service as the Corporation shall determine from time to time.

Made at Suva this 6th day of February 1992.

PENAIA K. GANILAU
President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces