

THE REPUBLIC OF KIRIBATI  
(No. 3 of 1990)

I assent,

*M. Tere*  
Beretitenti.  
31/5/1990

AN ACT TO AUTHORISE THE TRANSFER FROM THE CONSOLIDATED FUND OF THE NET WORTH OF THE GOVERNMENT SUPPLIES DIVISION OF THE MINISTRY OF FINANCE AND ECONOMIC PLANNING TO KIRIBATI SUPPLIES COMPANY LTD; AND FOR CONNECTED PURPOSES

Commencement:  
1990

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Kiribati Supplies Company Ltd (Special Provisions) Act 1990.

Commencement

2. This Act shall come into operation on such date as the Minister may by notice appoint.

Interpretation

3.(1) In this Act, unless the context otherwise requires -

"Government Supplies Division" means the division, department or agency of the Government formerly trading under the name and style "Government Supplies Division" and responsible mainly for the bulk and centralised purchasing or procurement and storage of a range of commodities, such as building materials, electrical accessories and hardware intended primarily for the needs of the Government;

"Kiribati Supplies Company Ltd" means the private limited liability company incorporated to take over the functions and/or business formerly being discharged and/or carried on by the Government Supplies Division;

"liability" includes liabilities of every kind and obligations of every kind whether arising under or by virtue of an instrument or otherwise

and whether liquidated, unliquidated, certain or contingent, accrued or accruing;

"net worth" means the excess of the value of the assets of the Government Supplies Division as a going concern over the value of its liabilities to parties other than the Government of Kiribati in the capacity of owner;

"property" includes properties of every kind whether tangible or intangible, real or personal, corporeal or incorporeal and without limiting the generality of the foregoing includes -

- (a) choses in action; and
- (b) rights, interests and claims of every kind whether arising under or by virtue of an instrument or otherwise and whether liquidated or unliquidated, certain or contingent, accrued or accruing.

(2) For the purposes of the Interpretation and General Clauses Ordinance (Cap 46) the section headings in this Act shall be deemed to be marginal notes.

#### **Transfer and Vesting of Assets in Kiribati Supplies Company Ltd**

4. All properties, assets and monies in the possession of the Government Supplies Division and used or applied in the operations of the Government Supplies Division immediately prior to the coming into operation of this Act (which by virtue of the direction of the Minister made and dated the 5th day of April 1990 now form a part of the Consolidated Fund) are hereby transferred to, and vested in, Kiribati Supplies Company Ltd.

#### **Transfer of Liabilities of Government Supplies Division**

5. All liabilities of the Government Supplies Division immediately prior to the coming into operation of this Act are hereby transferred to, and vested in, Kiribati Supplies Company Ltd.

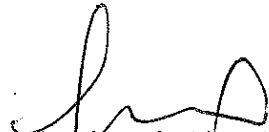
#### **Properties and Assets transferred to constitute consideration for Government Shareholding in Kiribati Supplies Company Ltd**

6. The net worth or net aggregate value of the properties, assets and liabilities referred to in sections 4 and 5 shall constitute the consideration (either in cash or in kind) for the Government's shareholding in Kiribati Supplies Company Limited.

#### **Repeal of Special Fund (Government Supplies) Act 1985**

7. The Special Fund (Government Supplies) Act 1985 is hereby repealed.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 21st May, 1990 and is found by me to be a true and correctly printed copy of the said Bill.

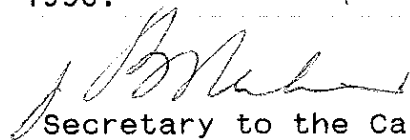
  
Clerk of the Maneaba  
ni Maungatabu

I certify that the above Act, was on the 21st May, 1990, passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

  
Speaker

Published by exhibition -

(a) at the Public Office of the Beretitenti this  
*31st* day of *May* 1990.

  
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu this  
*31st* day of *May* 1990.

  
Clerk of the Maneaba ni  
Maungatabu

THE REPUBLIC OF KIRIBATI

**KIRIBATI SUPPLIES COMPANY LTD (SPECIAL PROVISIONS) ACT 1990**

**EXPLANATORY MEMORANDUM**

This Act seeks to authorise the transfer of the assets and liabilities of the Government Supplies Division of the Ministry of Finance and Economic Planning to the newly incorporated Kiribati Supplies Company Ltd as consideration for Government's shareholding in the said company.

2. The said Kiribati Supplies Company Ltd was incorporated on 27th March 1990 as a wholly-owned Government private limited liability company. The objects of the company are stated as "unrestricted and initially the company will carry on the business of -

- (a) the bulk purchasing or procurement of goods and/or commodities and their resale in Kiribati;
- (b) the provision of services such as -
  - (i) packaging of personal effects and other baggage of persons travelling overseas;
  - (ii) storage and re-packing of goods or commodities from stock or on direct indent and re-shipment to customers on Tarawa or on outer islands of Kiribati;
  - (iii) port and customs clearance; and
  - (iv) assembling, re-packaging and shipment of items received under foreign aid, etc."

In other words the newly incorporated Kiribati Supplies Company Ltd. will take over the functions and/or business formerly being discharged and/or carried on by the Government Supplies Division.

3. The assets and liabilities of the Government Supplies Division form part and parcel of the Special Fund (known as Government Supply Fund) established by the Special Fund (Government Supplies) Act 1985.

4. However, following the winding up of the said Fund by the Minister according to law, the assets of the Government Supplies Division now form a part of the Consolidated Fund.

5. It has therefore become necessary to seek the authorisation of the Maneaba ni Maungatabu before the said transfer which is the main subject matter of this Act.

6. Sections 4 and 5 of the Act therefore seek to transfer and vest the net assets of the erstwhile Government Supplies Division of the Ministry of Finance and Economic Planning in the newly incorporated Kiribati Supplies Company Ltd.

7. Section 6 of the Act provides that net worth or net aggregate value of the said assets and liabilities shall constitute the consideration for Government shareholding in the Kiribati Supplies Company Ltd.

8. Section 7, on the other hand, provides for the repeal of the Special Fund (Government Supplies) Act 1985. This repeal is consequential upon the winding up of the Government Supply Fund established by that Act.

Michael Neaua Takabwebwe  
Attorney General  
30 March 1990

#### LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebwe  
Attorney General  
24 May 1990