



I assent.

L. A. Saleway

Officer Administering
the Government.

12th August, 1955.

BRITISH GUIANA.

ORDINANCE No. 30 OF 1955.

AN ORDINANCE further to amend the Drainage and Irrigation Ordinance, 1940.

Enacted by the Legislature of British Guiana:--

1. This Ordinance may be cited as the Drainage and Irrigation (Amendment) Ordinance, 1955, and shall be construed and read as one with the Drainage and Irrigation Ordinance, 1940, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

2. Paragraph (a) of subsection (1) of section four of the Principal Ordinance as amended by paragraph (a) of section two of the Drainage and Irrigation (Amendment) Ordinance, 1943, is hereby repealed and the following substituted therefor --

“(a) the officers for the time being performing the duties of the Director of Drainage and Irrigation, the Director of Public Works and the Commissioner of Local Government (hereinafter referred to as “*ex officio* members”);”

A.D. 1955

Short title.

No. 25 of
1940.

Repeal and
re-enact-
ment of
section 4
(1) (a) of
the Prin-
cipal
Ordinance.

No. 3 of
1943.

Amendment of section 20 of the Principal Ordinance. No. 34 of 1944.

3. Section twenty of the Principal Ordinance as amended by section two of the Drainage and Irrigation (Amendment) Ordinance, 1944, is hereby further amended —

- (a) by renumbering the section as subsection (1);
- (b) by the insertion in subsection (1) as renumbered of the words “and subject to the provisions of subsection (2) of this section,” between the figures and comma “1933,” and the word “all”; and
- (c) by the addition thereto of the following subsection—

“(2) Where a fence is adjacent to a work (other than a fence) the distance of twelve feet referred to in subsection (1) of this section shall be measured from the work:

Provided that where, at the commencement of this subsection, the distance between a work (other than a fence) and an adjacent fence is greater than twelve feet, the land between the work and the fence shall nevertheless continue to vest in the Board and shall continue to be the property of the Board.”

Insertion of new Part IVA in Principal Ordinance.

4. The Principal Ordinance is hereby further amended by the insertion therein after section twenty-four of the following —

“PART IVA

MAINTENANCE OF CERTAIN WORKS IN A DRAINAGE AND IRRIGATION AREA.

Maintenance of certain works in a drainage and irrigation area.

24A. (1) Where it appears to the Board to be necessary or expedient that any work, not being —

- (a) a work vested in the Board under the provisions of section ten of this Ordinance;
- (b) a work constructed by the Board under the provisions of section twenty-three, twenty-three A or twenty-four of this Ordinance,

be maintained to improve the drainage or irrigation in a drainage and irrigation area, the Board shall cause a plan and if necessary specification of such work to be prepared.

(2) The Board shall cause one copy of the plan and specification to be deposited in the appropriate office named in subsection (1) of section fifteen of this Ordinance.

(3) The Board shall next publish a notice in the Gazette and in two daily newspapers stating that the plan and specification have been deposited under the preceding subsection.

(4) The provisions of subsections (2) and (3) of section fifteen, section sixteen, and subsection (1) of section seventeen of this Ordinance and of subsections (7), (8) and (9) of section twenty-three of this Ordinance as inserted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941, shall *mutatis mutandis* apply to procedure under this section.”

No. 21 of 1941.

5. Section thirty-two of the Principal Ordinance is hereby amended —
- Amend-
ment of
section 32
of the
Principal
Ordinance.
- (i) by the deletion of paragraph (b) and the substitution therefor of the following paragraph —
- “(b) the same proportion of the costs of constructing any new work —
- (i) directed by an Order in Council made under subsection (5) of section twenty-three or under subsection (2) of section twenty-four of this Ordinance; or
- (ii) under subsection (3) of section twenty-three A of this Ordinance as inserted by section six of the Drainage and Irrigation (Amendment) Ordinance, 1952; and”;
- (ii) by the substitution of the semicolon and word “; or” for the full stop at the end of sub-paragraph (ii) of paragraph (c);
- (iii) by the addition thereafter of the following new sub-paragraph —
- “(iii) which may be maintained by the Board under the provisions of section twenty-four A of this Ordinance.”
- No. 28 of
1952.
6. Subsection (3) of section thirty-three of the Principal Ordinance as substituted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1942, is hereby amended by the substitution of the words “Subject to the provisions of section thirty-four A of this Ordinance the payment to be made” for the words “The payment to be made” occurring therein.
- Amend-
ment of
section 33
(3) of the
Principal
Ordinance.

No. 16 of
1942.
7. The Principal Ordinance is hereby further amended by the insertion therein after section thirty-four of the following —
- Insertion
of new
section
34A in the
Principal
Ordinance.
- “Assess-
ment of
rate in
respect of
works con-
structed
and main-
tained or
maintained
for the
benefit of
a section
only of a
drainage
and irriga-
tion area.
- 34A. Notwithstanding the provisions of sections thirty-two, thirty-three and thirty-four of this Ordinance, where works are constructed and maintained or maintained for the purpose of improving the drainage or irrigation in any section of a drainage and irrigation area, the amount calculated under the provisions of paragraph (b) and of sub-paragraphs (ii) and (iii) of paragraph (c) of section thirty-two of this Ordinance in respect of the abovementioned works shall be assessed at a uniform rate on each acre of land, and in proportion of each part of an acre, within that section of that drainage and irrigation area only, and the amount so assessed shall be an additional annual rate to be paid only by the proprietors within that section of that area :
- Provided that no plot whereon any church, chapel or school building devoted to the purposes of religion or education is erected, or registered burial ground shall be liable to assessment under this section.”

Erection of
fences.

8. After the commencement of this Ordinance no fence shall be erected at a distance greater than twelve feet from an adjacent work (other than a fence).

Certain
existing
works not
construct-
ed nor
maintained
by the
Board to
vest in the
Board in
certain cir-
cum-
stances.

9.(1) Where the Board considers it desirable that any work not constructed and maintained by the Board and which is within a drainage and irrigation area shall vest in and shall become the property of the Board on the ground that such work is required by the Board for the purposes of drainage and irrigation, the Board shall cause plans to be prepared on which such work is marked or delineated.

(2) The Board shall cause one copy of the plan to be deposited in the appropriate office named in subsection (1) of section fifteen of the Principal Ordinance.

(3) The Board shall next publish a notice in the Gazette and in two daily newspapers stating that the plan has been deposited under the preceding subsection.

(4) The provisions of subsections (2) and (3) of section fifteen, section sixteen and subsection (1) of section seventeen of the Principal Ordinance shall *mutatis mutandis*, apply to procedure under this section.

(5) If the Governor in Council approves that the work shall vest in and become the property of the Board, he may by order direct that the work shall vest in and become the property of the Board.

(6) If the Governor in Council for any reason considers it inexpedient that the work shall vest in and become the property of the Board, the Board shall be so informed and notice of such decision shall be published in the Gazette and in two daily newspapers.

(7) The provisions of subsections (7) and (8) of section twenty-three of the Principal Ordinance shall apply to procedure under this section.

(8) The provisions of section twenty of the Principal Ordinance shall, *mutatis mutandis*, apply in respect of the lands adjacent to any work marked or delineated on any plan deposited with the Registrar under this section.

Prepara-
tion of
a compos-
ite plan
from exist-
ing plans
deposited
with the
Registrar
prior to
commence-
ment of
this Ordin-
ance.

10.(1) The Board shall cause to be prepared for each drainage and irrigation area a composite plan from the plans in respect of such area deposited with the Registrar under the provisions of subsection (2) of section ten of the Principal Ordinance, subsection (7) of section twenty-three of the Principal Ordinance as enacted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941, and subsection (2) of section three and section seven of the Drainage and Irrigation (Amendment) Ordinance, 1952, which shall show all works constructed and maintained by the Board at the commencement of this section as recorded on the aforesaid plans.

No. 21 of
1941.

(2) Each composite plan prepared as aforesaid duly authenticated by the signature of the chairman or vice-chairman shall forthwith be deposited with the Registrar who shall file the same as of record in the Deeds Registry and shall make such annotations on the records as may be necessary.

No. 28 of
1952.

(3) Every such composite plan shall be deemed to have superseded the plans from which it has been prepared.

11.(1) Where subsequent to the commencement of this Ordinance, a plan has, with respect to any drainage and irrigation area, been deposited with the Registrar —

- (a) under the provisions of subsection (7) of section twenty-three of the Principal Ordinance as enacted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941; or
- (b) under the provisions of subsection (6) of section twenty-four of the Principal Ordinance; or
- (c) under the provisions of subsection (2) of section twenty-four A of the Principal Ordinance as inserted by section four of this Ordinance; or
- (d) under the provisions of subsection (2) of section three of the Drainage and Irrigation (Amendment) Ordinance, 1952; or
- (e) under the provisions of subsection (1) of section seven of the Drainage and Irrigation (Amendment) Ordinance, 1952; or
- (f) under the provisions of subsection (4) of section nine of this Ordinance;

Preparation of a composite plan from plans deposited with the Registrar subsequent to the commencement of this Ordinance.
No. 21 of 1941.
No. 28 of 1952.
No. 28 of 1952.

the Board shall, if it considers it desirable so to do, from the composite plan of such area deposited with the Registrar under the provisions of subsection (2) of section ten of this Ordinance or if any composite plan in respect of such area has been deposited under the provisions of subsection (2) of this section then the last such composite plan so deposited and the relevant plan or plans of such area referred to at paragraphs (a), (b), (c), (d), (e) and (f) of this subsection, prepare a composite plan showing all works vested in and which are the property of the Board in that area.

(2) Each composite plan prepared as aforesaid duly authenticated by the signature of the chairman or vice-chairman shall forthwith be deposited with the Registrar who shall file the same as of record in the Deeds Registry and shall make such annotations on the records as may be necessary.

(3) Every such composite plan shall be deemed to have superseded the plans from which it has been prepared.

12. Section four of the Drainage and Irrigation (Amendment) Ordinance, 1952, is hereby amended —

- (a) by the insertion between the word “Where” and the word “any” in the first line of the words “within twelve months after the last publication of the notice referred to in subsection (1) of section three or of section five of this Ordinance as the case may be”; and
- (b) by the substitution for the words “section four” of the words “section three or of section five”.

Amendment of section 4 of the Drainage and Irrigation (Amendment) Ordinance, 1952.
No. 28 of 1952.
Amendment of section 5 of the Drainage

13. Section five of the Drainage and Irrigation (Amendment) Ordinance, 1952, is hereby amended —

- (a) by renumbering the section as subsection (1);
- (b) by the addition of the following as subsection (2) —

and Irrigation
(Amendment)
Ordinance,
1952.

No. 28 of
1952.

Amendment of
section 7
of the
Drainage and Irrigation
(Amendment)
Ordinance,
1952.

No. 28 of
1952.

No. 21 of
1941.

No. 21 of
1941.

“(2) From the time of the publication in the Gazette referred to in subsection (1) of this section any work within the aforesaid area shall cease to be the property of the Board and the lands on which or over which such works have been constructed shall together with any adjacent lands vested in the Board under the provisions of the Principal Ordinance vest in the Colony as Colony land, and the Registrar shall make such annotations on the records as may be necessary.”

14. Section seven of the Drainage and Irrigation (Amendment) Ordinance, 1952, is hereby amended —

(a) by the substitution for subsection (2) of the following subsection —

“(2) Where any works or any part of any works in respect of which any additional plan has been deposited under the provisions of subsection (1) of this section were constructed —

(i) prior to the deposit of the copy of the appropriate plan with the Registrar as required by subsection (7) of section twenty-three of the Principal Ordinance as enacted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941, the lands wherein or whereon such works were constructed shall be deemed to have vested in the Board with effect from the time the copy of the appropriate plan was so deposited;

(ii) subsequent to the deposit of the copy of the appropriate plan with the Registrar as required by subsection (7) of section twenty-three of the Principal Ordinance as enacted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941, the lands wherein or whereon such works are constructed shall vest in the Board with effect from the time such additional plan has been so deposited.”;

(b) by renumbering subsection (3) as subsection (4); and

(c) by the insertion between subsection (2) and subsection (4) as renumbered of the following as subsection (3) —

“(3) The provisions of section twenty of the Principal Ordinance, shall, *mutatis mutandis*, apply in respect of the lands adjacent to any work marked or delineated on any plan deposited with the Registrar under this section; save, however, that such lands which thereby vest in the

Board shall, where they relate to any works or any part of any works which were constructed prior to the time the copy of the appropriate plan was deposited with the Registrar as required by subsection (7) of section twenty-three of the Principal Ordinance as enacted by section two of the Drainage and Irrigation (Amendment) Ordinance, 1941, be deemed to have vested in the Board with effect from the time the copy of the appropriate plan was so deposited."

No. 21 of
1941.

Passed by the Legislative Council on the twenty-ninth day of July, nineteen hundred and fifty-five.



Acting Clerk of the Legislature.

(D.I. 33/15/1)

(Leg. Bill No. 12/1955)

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