



ORDINANCE No. 17 OF 1961.
DRAINAGE AND IRRIGATION (DECLARATION OF AREA)
(No. 3) ORDINANCE, 1961.



I assent.

D. Williams

Officer Administering
the Government.

16 June, 1961.

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title.
2. Interpretation.
3. Declaration of new drainage and irrigation area.
4. Construction of Tapakuma works.
5. Application of Part VI of the Principal Ordinance.
6. Rates assessed in respect of existing Area to remain payable.

AN ORDINANCE to provide for the declaration of the Tapakuma Drainage and Irrigation Area and the construction of certain works therein.

A.D. 1961.

Enacted by the Legislature of British Guiana:—

Short title.

1. This Ordinance may be cited as the Drainage and Irrigation (Declaration of Area) (No. 3) Ordinance, 1961.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —
“the Board” means the Drainage and Irrigation Board established under the Principal Ordinance;

“existing Area” means the Zorg-en-Vlygt to Aberdeen Drainage and Irrigation Area or the Three Friends to Walton Hall Drainage and Irrigation Area;

“the Principal Ordinance” means the Drainage and Irrigation Ordinance;

“work” shall have the meaning assigned to that expression in the Principal Ordinance.

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Declaration of new drainage and irrigation area.
Schedule.

3. (1) Anything to the contrary contained in the Principal Ordinance notwithstanding, but subject to the provisions of this Ordinance, the area described in the schedule hereto shall be, and is hereby declared to be, a drainage and irrigation area for all purposes as though it had been declared to be such by order in council made under section 18, and published as contemplated under section 19, of the Principal Ordinance and the existing Areas (which are within the said area) shall merge in the drainage and irrigation area hereby declared.

(2) The name of the drainage and irrigation area declared under this section shall be the Tapakuma Drainage and Irrigation Area and the boundaries thereof shall be those specified in the schedule hereto.

Construction of Tapakuma works.

4. (1) The Board shall submit to the Governor in Council a project, hereinafter referred to as the Tapakuma Project, for the improvement of the drainage and irrigation in the Tapakuma Drainage and Irrigation Area.

(2) The Tapakuma project shall consist of plans and specifications of such new works as the Board consider should be included in the project, together with an estimate of the cost of constructing such works.

(3) The Governor in Council may direct that any amendment of the Tapakuma project he may deem necessary and proper be made and that the Tapakuma project, amended accordingly, be submitted to him for further consideration.

(4) Having approved the Tapakuma project as submitted under the provisions of subsection (1) or (3) of this section, the Governor in Council shall, by order, direct the Board to construct the pro-

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posed works, hereinafter referred to as the Tapakuma works, and such order shall be deemed to have been made under the provisions of subsection (5) of section 23 of the Principal Ordinance and the provisions of subsections (7), (8) and (9) of that section shall apply accordingly:

Provided that the capital costs (within the meaning of that expression when employed in the Principal Ordinance) of such construction shall be defrayed wholly out of moneys voted by the Legislative Council.

5. (1) Until the Tapakuma works are completed, the provisions of Part VI of the Principal Ordinance shall continue to apply in relation to the existing Areas as if this Ordinance had not been enacted.

Application of
Part VI of
the Principal
Ordinance.

(2) If, in pursuance of any provisions of the Principal Ordinance and by virtue of their application in relation to the Tapakuma Drainage and Irrigation Area, any works are constructed or maintained in an existing Area, such works shall, for the purposes of the preceding subsection but without prejudice to the provisions of the proviso to subsection (4) of section 4 of this Ordinance, be deemed to be constructed or maintained, as the case may be, by virtue of the application of the said provisions of the Principal Ordinance in relation to the existing Area as if that Area had not merged in the Tapakuma Drainage and Irrigation Area.

(3) Save as hereinbefore provided in this section, the provisions of Part VI of the Principal Ordinance shall not apply in relation to the Tapakuma Drainage and Irrigation Area or any part thereof until completion of the Tapakuma works.

(4) For the purpose of the application of the provisions of subsection (3) of section 34 of the Principal Ordinance in relation to the Tapakuma Drainage and Irrigation Area after completion of the Tapakuma works, the works referred to in paragraph (c) of section 33 of the Principal Ordinance shall be construed to include any works in the Tapakuma Drainage and Irrigation Area which were constructed in compliance with any order in council under section 23 or 25 of the Principal Ordinance, or vested in the Board under section 10 thereof, or were maintainable by the Board under Part IVA of that Ordinance, prior to the application of the provisions of subsection (3) of section 34 thereof as aforesaid:

Provided that where any such works were constructed or maintained for the purpose of improving the drainage or irrigation in any section of an existing Area, or of the Tapakuma Drainage and Irrigation Area, any amount calculated in respect of those works by virtue of the foregoing provisions of this subsection shall, in the manner prescribed by the provisions inserted in the Principal Ordinance by section 7 of the Drainage and Irrigation (Amendment) Ordinance, 1955, be assessed on land within the section so benefited by the works, together with such amount (if any) as may be assessable on the said land in respect of any other works under the provisions inserted as

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1955.

aforsaid, and the assessment shall be deemed to be made under those provisions and by virtue of their application in relation to the Tapakuma Drainage and Irrigation Area.

(5) For the purposes of this section, the Tapakuma works shall be deemed to be completed at the commencement of August in the year during which such works are actually completed.

Rates assessed
in respect of
existing Area
to remain
payable.

6. Nothing provided in this Ordinance shall have the effect of invalidating any assessment or payment of rates made under the Principal Ordinance in respect of an existing Area or any section thereof before the provisions of Part VI of the Principal Ordinance cease to apply in relation thereto as provided by subsection (1) of the preceding section and any rates so assessed but not paid before such provisions cease to apply as aforesaid shall be recoverable in the same manner as if such provisions had not ceased so to apply.

SCHEDULE

Section 3

That area lying between the Essequibo River and the Pomeroon River, the boundaries of which shall be as follows:

Commencing at the intersection of a line situate 150 feet north of and parallel to the centre line of the Somerset and Berks Canal with the Atlantic Coastline and extending in a southerly direction along the Atlantic Coastline to its junction with the common boundary between Plantation Annandale and Plantation Zorg-en-Vlygt, thence westwards along the aforesaid common boundary between Plantation Annandale and Plantation Zorg-en-Vlygt and its prolongation westwards to its intersection with the watershed between the Capoey Basin and the Paray Basin, thence along the watershed encircling the Paray Basin and continuing northwards across the Tapakuma River at a point approximately 4,000 feet below the junction of the Paray Creek with the Tapakuma River to a point approximately 6,200 feet north of the Tapakuma River, thence in a northerly direction along a straight line to the southwestern end of the abandoned dam known as Bush Hog dam, thence in a northeasterly direction along a line coincident with the western toe of the aforesaid abandoned dam known as Bush Hog Dam and its prolongation to its junction with the northern toe of the northern dam of the canal known as Dredge Creek, thence in an easterly direction along the northern toe of the aforesaid northern dam of the canal known as Dredge Creek to its intersection with a line distant 150 feet north of and parallel to the centre line of the Somerset and Berks canal, thence in a northeasterly direction along the aforesaid line distant 150 feet north of and parallel to the centre line of the Somerset and Berks canal back to the point of commencement.

Passed by the Legislative Council this seventeenth day of May, nineteen hundred and sixty-one.

Edwyn T. Napue
Acting Clerk of the Legislature.