

I assent.

C. H. WOOD

Governor's Deputy.

29th October, 1965.

ORDINANCE NO. 28 OF 1965.

DEMERARA RIVER (MACKENZIE) BRIDGE ORDINANCE, 1965.

Arrangement of Sections.

Section

1. Short title.
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An Ordinance to authorise the erection of a bridge and a railway across the Demerara River by the Demerara Bauxite Company Limited, and for purposes connected therewith.

[30th October, 1965]

Enacted by the Legislature of British Guiana:—

A.D. 1965.

1. This Ordinance may be cited as the Demerara River (Mac- Short title.
kenzie) Bridge Ordinance, 1965.

2. In this Ordinance, unless the context otherwise requires, the Interpretation.
following expressions have the meanings hereby assigned to them respectively, that is to say —

“bridge” means the bridge authorised to be erected under the provisions of this Ordinance and includes the piers, fender piles and fenders thereof and any erection or other structure, foot-path, roadway, tramway, conveyor belt, pipe, tube, viaduct, aqueduct or other means of conveyance over, under or across the Demerara River and lands adjacent thereto used in connection with the said bridge;

“the Company” means the Demerara Bauxite Company, Limited, its successors or assignees and any other person for the time being in lawful possession of the bridge;

“the Minister” means the Minister for the time being charged with responsibility for the Transport and Harbours Department;

“the plans” means the plans for the erection of the bridge, including the specifications thereof, and the plans delineating the railway reserve, and any amendments to such plans and specifications for the time being approved by the Minister for the purposes of this Ordinance and deposited in the Deeds Registry;

“railway reserve” means that portion of land on the left bank of the Demerara River owned or occupied by the Company and shown on the plans as an area reserved for the purposes of a railway to be constructed thereon by the Company connecting the railway reserve with the right bank of the Demerara River and crossing the said River by way of the bridge;

“traffic” includes goods, rolling stock, vehicles, persons and animals.

Authority
to erect
bridge.

3.(1) It shall be lawful for the Company at its own expense to erect a bridge across the Demerara River at and between such points in Plantation Noitgedacht on the right bank of the Demerara River and in Plantation Wismar on the left bank of the said River and of such design and dimensions as are specified in the plans, and to do such other work as may be necessary for the proper construction, protection and maintenance of the bridge.

(2) Without prejudice to the right of the Company to use the bridge in any way for the purpose of its business, the Company may, in accordance with the plans, construct a railway over the bridge.

Maintenance
of bridge.

4. It shall be the duty of the Company, so long as the bridge remains the property of or is subject to the control of the Company, to maintain the bridge in proper order and condition to the satisfaction of the Minister, and to place and maintain thereon, between sunset and sunrise, such lights in such manner as the Minister may require for the purposes of marking both sides of the main span thereof.

Right of
control and
use of the
bridge.

5.(1) Subject to the provisions of this section, the Company shall have the exclusive right to regulate and control traffic passing over or otherwise using the bridge.

(2) Subject to the provisions of subsections (3) and (4) of this section, any public officer on duty shall be entitled at all reasonable times to use the bridge without any charge whatsoever for the purpose of crossing and of conveying any equipment used in connection with his duties, including his personal baggage.

(3) Without prejudice to the generality of the provisions of subsection (1) of this section, the bridge may be closed to traffic at such times as the Company may determine.

(4) The Company shall make arrangements to the satisfaction of the Minister for the periodic lifting of a section of the main span of the bridge for the purpose of enabling vessels to pass under the bridge.

6.(1) Subject to the provisions of subsection (2) of section 5 of this Ordinance, the Company shall have the right to charge and collect such tolls in respect of traffic using the bridge as may be approved by the Minister. Charging of tolls for the use of the bridge.

(2) Tolls collected by virtue of the provisions of this section, shall be paid over to the local authority or authorities any part of whose district lies within five miles of the bridge (and where there is more than one such local authority, in such proportions to the respective local authorities as the Minister may determine) for the use and benefit of such local authority or authorities.

(3) The Company may assign to any local authority referred to in subsection (2) of this section the right to collect any tolls imposed in accordance with the provisions of subsection (1) of this section.

7.(1) From and after the commencement of this Ordinance and for so long as the Company shall operate a railway along the railway reserve the provisions of this section shall have effect. Special provisions relating to the bridge and railway reserve.

(2) The Company shall provide and maintain such level and other crossings as may be shown on the plans of the railway reserve and shall control such crossings in accordance with by-laws made for that purpose under section 8 of this Ordinance.

(3) Where by or under any Ordinance other than this Ordinance any obligation or requirement is imposed on the Company to do or refrain from doing any act in relation to the bridge or to the railway reserve or the railway operated on either the bridge or the railway reserve the Governor, on application in writing made in that behalf by the Company, may by order exempt the Company from compliance with such conditions as may be specified in the order, if satisfied that it is reasonable so to do in all the circumstances of the case:

Provided that nothing in this subsection shall exempt the Company from the payment of any rate under the Local Government Ordinance or from the payment of any tax, rate or due whatsoever. Cap. 150

(4) Where under any law any person or authority has notified the Company of any obligation or requirement referred to in subsection (3) of this section and an application is made under that subsection for exemption from that obligation or requirement the Company shall cause a copy of such application to be served on the person or authority aforementioned and with effect from the date of such service the operation of such obligation or requirement shall be suspended pending the result of such application and any period of time prescribed or allowed for compliance therewith shall cease to run until such time as the Company shall have been notified in writing by the Minister of the determination of the said application.

(5) Any order made by the Governor under subsection (3) of this section shall be laid before the House of Assembly within fourteen days after it is made, and if the House of Assembly, within the period of thirty days beginning with the day on which any such order is laid before it, resolves that the order be annulled, it shall be thereby annulled, and the order so annulled shall thenceforth become void and of no effect but without prejudice to the validity of anything previously done under the order or to the making of a new order.

(6) In reckoning any period of days for the purposes of subsection (5) of this section, no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which the House of Assembly is adjourned for more than seven days.

By-laws.

8.(1) The Company may, with the approval of the Minister, make by-laws:

- (a) for the control and regulation of traffic passing over the bridge;
- (b) for the imposition and collection of tolls in respect of traffic using the bridge;
- (c) regulating the lifting of a section of the main span of the bridge for the purpose of permitting the passage of vessels under the bridge;
- (d) generally to provide for the efficient operation and working of the bridge and any railway constructed thereon; and
- (e) for the control and regulation of traffic passing over, along or across the railway and railway reserve, and of level crossings on the railway reserve.

(2) The Minister shall cause such by-laws to be published in the Gazette and copies of any such by-laws as relate to matters specified in paragraphs (a) to (d) of subsection (1) of this section shall be made available by the Company for inspection by the public at all reasonable times at or near the bridge.

Disposal of the bridge.

9.(1) The Company, if it no longer requires to retain the bridge for the purposes of its business and desires to dedicate the bridge for the use of the public without payment of any compensation, may give notice in writing to that effect to the Minister and within six months from the date of the notice the Minister may, by notice published in the Gazette, declare the bridge to be the property of the Government of British Guiana or of a local authority or authorities specified in the notice, and from the date of publication of such notice, the bridge shall be deemed for all purposes to be the property of the Government or of such local authority or authorities, as the case may be.

(2) Where the Company gives notice to the Minister under subsection (1) of this section and no notice is published in the Gazette within the time specified in subsection (1) of this section, the Company may remove or otherwise dispose of the bridge as it may think fit.

Preservation of rights.

10. Nothing in this Ordinance shall be deemed to prejudice or affect any legal rights and privileges of the Company existing at the commencement of this Ordinance, including any such right to construct a railway on any land owned or occupied by the Company.

Passed by the House of Assembly on the 13th October, 1965.

E. V. VIAPREE,
Clerk of the Legislature.

(Bill No. 30/1965).
(TH. 301/1/8).