



I reserve this Bill for the signi-
fication of His Majesty's
pleasure.

Ernest Denham

Governor.

Ordinance 11 of 1933.

1st May, 1933.

**A BILL TO MAKE BETTER PROVISION FOR THE MAIN-
TENANCE AND CONSTRUCTION OF SEA DEFENCES.**

BE it enacted by the Governor of British Guiana, with the advice
and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Sea Defence Ordinance, Short Title.
1933.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings in this section assigned to them :—

“The Board” means the Sea Defence Board constituted under this Ordinance ;

“Cattle” means any horse, mare, gelding, colt, filly, bull, cow, ox, steer, heifer, calf, mule, ass, ram, ewe, sheep, lamb, boar, sow, barrow, hog, pig, goat or kid ;

“Director” means the Director of Public Works and includes any person appointed by him as his deputy in matters connected with sea defence ;

“District” means any sea defence district referred to in section seven of this Ordinance ;

“Empoldered land” means any land which lies within an area bounded by the sea and by a backdam and is contained between side-line dams, being protected from flooding on the land side by the back and side-line dams, and includes the dams aforesaid.

“Estate” means any land or portion of land in a district (other than crown or colony land in the occupation of the crown or colony) not within the boundaries of a village ;

“Local authority” means any village council or country authority under the Local Government Ordinance or any Ordinance substituted therefor ;

“Proprietor” includes the attorney of any proprietor, the secretary of any company which owns an estate and the manager of any sugar estate ;

“Public Works Department” includes the Director, any officer of and any person employed by the department ;

“Registrar” means the Registrar of Deeds ;

“The regulations” means regulations made under this Ordinance ;

“Sea Defence” includes any dam, wall, bank, groyne, koker-run or any construction whatever constructed or used by the Board as a defence of the sea coast and to prevent erosive action on the sea coast and shall also include the bed of the sea, river, creek or canal whereon is or shall be erected or constructed any sea defence and also all land between a line fifty feet landwards from the centre line of the top of any dam or the coping of any wall and a line connecting the farthest points seawards of any sea defences, but where such line does not fall as far seawards as the foreshore then to the line of the foreshore ;

“Vessel” includes any ship or boat or any other description of vessel used in navigation ;

“Village” means any village district or any country district duly declared under the Local Government Ordinance or any Ordinance substituted therefor ;

“Work” includes anything that may be made, done, built or constructed in, upon or in connection with any sea defence.

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PART I.

THE SEA DEFENCE BOARD.

3. There shall be established a Sea Defence Board which shall (subject to the provisions of this Ordinance) be charged with the care, maintenance, management and construction of the sea defences of the colony. The Sea Defence Board may sue and be sued in that name.

Establishment of Sea Defence Board.

4.—(1) The Board shall consist of the following members :—

Constitution of Board.

(a) the Director ; and

(b) the following persons appointed by the Governor in Council :—

- (i) three elected members of the Legislative Council whose electoral districts are affected by sea defences ;
- (ii) four persons chosen from a panel submitted by the British Guiana Sugar Producers' Association ; and
- (iii) not more than four other persons.

(2) Appointed members, subject to the provisions of this section, shall hold office for three years.

(3) The Governor shall appoint a member of the Board to be Chairman. The Board shall elect one of its members to be Vice-Chairman.

(4) The Chairman or, if he is absent, the Vice-Chairman shall preside at all meetings of the Board. In the absence of the Chairman and the Vice-Chairman from a meeting the members present may elect one of their number to be Chairman of the meeting.

(5) The Chairman of a meeting shall have an original and a casting vote.

(6) Five members present at a meeting shall form a quorum.

(7) The Governor in Council may at any time revoke the appointment of an appointed member.

(8) An appointed member shall vacate his office

(a) if he resigns in writing addressed to the Colonial Secretary ; or

(b) if he departs from the Colony without the leave of the Governor, or remains out of the Colony after the expiration of his leave ; or

(c) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the Board) to attend three consecutive meetings of the Board ; or

(d) if, being an elected member of the Legislative Council he ceases to be a member of the said Council.

(9) The Governor in Council may at any time appoint some person being of the same class to be a member

(a) for the unexpired period of the office of a member who shall vacate his office by death or otherwise; and

(b) for the period of any leave granted to a member :

Provided that where the Legislative Council has been dissolved the Governor may appoint any person until the first meeting thereafter of the Council.

(10) The Board shall not be disqualified from transacting any business by reason of any vacancy in the number of the members thereof.

(11) There shall be at least one meeting of the Board in every month.

(12) The Chairman may summon a meeting of the Board at any time on seven clear days notice to members from the day of posting the notice, and shall at the request in writing of three appointed members within six days of the receipt of such request summon a meeting on the like notice.

(13) The Board shall cause to be kept proper minutes of its proceedings.

Appoint-
ment of
Secretary.

5.—(1) The Board shall with the approval of the Governor in Council appoint a Secretary.

(2) All instruments required to be executed by the Board shall be deemed to be sufficiently executed if signed by the Chairman or Vice-Chairman and the Secretary.

Power to
make by-
laws.

6. The Board may with the approval of the Governor in Council make by-laws to regulate its proceedings.

PART II.

SEA DEFENCE DISTRICTS.

Application
of Ordinance
to sea
defence dis-
trict.
First
Schedule.

7.—(1) This Ordinance applies to the districts set out in the First Schedule.

(2) The Governor in Council after being advised by the Board may by order from time to time

(a) vary the boundaries of a district; or

(b) reduce or increase the number of districts :

Provided that a district or part thereof shall not be added to any other district or part thereof if such inclusion would have the effect of increasing the liabilities and rates of either of them.

(3) Every order made under this section shall be published in the *Gazette* and one newspaper.

PART III.

MAINTENANCE, MANAGEMENT AND CONSTRUCTION OF SEA DEFENCES.

8.—(1) Whenever the Board shall decide that it is necessary to construct any new sea defence the Board shall cause to be prepared a plan of the proposed sea defence and an estimate of the cost of its construction.

Procedure by Board preliminary to construction of sea defence.

(2) (a) Whenever the Board has decided to construct a sea defence as mentioned in sub-section (1) the Board may in writing authorise any competent person and his agents and servants to enter any specified land for the purpose of surveying the land for the construction of the sea defence. The person authorised shall have power

- (i) to make all necessary surveys and take all necessary levels; and
- (ii) to do all other acts necessary to the making of the plan and estimates.

(b) The decision and authority aforesaid shall be published in the *Gazette* and a newspaper, and no action shall be taken thereunder until after the expiration of seven days after publication in the *Gazette*.

(c) The provisions of this sub-section shall not apply in the case of immediate action and consequential works under section eleven.

(3) On completion of the plan the Board shall cause to be deposited at the office of the Public Works Department in Georgetown a copy thereof and, if the land is situate in the county of Berbice or the county of Essequibo, a copy thereof in the office at New Amsterdam or in Essequibo as the case may be, and shall give notice thereof in the *Gazette* and two newspapers. The plan shall be open to inspection at all times during office hours for one month from the date of the notice.

(4) Any proprietor or local authority within the area comprised in the plan may at any time during the month aforesaid give to the Secretary a notice in writing setting forth any objections and the grounds thereof to the plan.

(5) The Board shall submit to the Governor in Council the plan and estimate aforesaid as approved by the Board together with any objections which may have been lodged within the time prescribed.

9.—(1) If the Governor in Council approve of the construction of the sea defence and the plan or estimate thereof, as submitted or amended, the Governor may—

Procedure where Governor in Council

approve of construction of sea defences.

- (a) if he decide that the cost of and relating to the construction is to be defrayed out of the funds of the Board order the Board to cause the sea defence to be constructed; or
- (b) if he decide that the cost of and relating to the construction is to be provided by the Legislative Council, cause the plan and estimate to be submitted to the Legislative Council for the sanction of and the provision of the money by the Council.

(2) Where the Legislative Council has sanctioned the expenditure and made provision for the money to be expended on the construction of a sea defence the Governor in Council may order the Board to cause the sea defence to be constructed.

Publication of order for construction of sea defence and inspection of plan.

10. Every order for the construction of a sea defence made by the Governor in Council in pursuance of section nine together with a description of the sea defence as shown in the plan shall be published in the *Gazette* and a newspaper. A copy of the plan shall be open to inspection at the office of the Director by any person whose interest may be affected by the construction of the sea defence.

Emergency works.

11. When a sudden calamity occurs whereby any land in a district is likely to be or is inundated by the sea the Governor in Council may order the Board to take such immediate action and perform such works as may in the opinion of the Board be necessary to avert or mitigate such inundation. An order as aforesaid shall indemnify the Board and any person acting under its authority in respect of anything done in execution or intended execution of any decision or direction of the Board.

Sea defences the property of the Crown.

12.—(1) All sea defences which are or shall be in existence in any district shall by force of this Ordinance become the property of the Crown.

(2) On the publication of an order as provided by section ten the sea defence therein referred to shall thereupon become the property of the Crown.

(3) There shall be no right to compensation in respect of any property which is vested in the Crown under this section, but the Governor in Council may, if he think fit, direct the Board to pay a specified sum to any person in respect of any such property and the Board shall make the payment so directed.

Plan of sea defence to be deposited with Registrar.

13. Whenever a sea defence becomes the property of the Crown under this Ordinance the Board shall within three months thereafter, or such further time as the Governor in Council may allow, deposit a plan thereof 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.

14. The construction, care, maintenance and management of the sea defences shall, under the direction of the Board, be performed by the Public Works Department at the expense of the Board :

How works
to be
executed.

Provided that, if the Board think fit and the Governor in Council approve, the execution of any work may be given out to be performed by contract, and with the express permission of the Governor in Council and not otherwise, a contract may be undertaken by any company or body of persons in which an appointed member of the Board may be interested directly or indirectly : provided that such interested member shall not vote on such contract or on any matter relating thereto.

15.—(1) All sluices, kokers, flood-gates, gallows-posts, doors and hoisting-gear in any sea defence which are used in relation to the drainage of any estate or village or for purposes of navigation shall be constructed, managed, maintained and replaced by the proprietor of the estate or the local authority as the case may be : provided that the duties imposed by this sub-section shall be so performed as not in any way to impede or to interfere with the Board in the construction or management of sea defences.

Sluices,
kokers,
flood-gates,
etc., in sea
defence to
be main-
tained by
proprietor
or local
authority.

(2) If a proprietor or local authority shall neglect or omit to perform any obligation imposed by sub-section (1) the Board may cause the necessary work to be done and may recover the cost thereof in the same manner as rates in arrears under this Ordinance.

(3) In this section the expression "local authority" includes a drainage, irrigation, or drainage and irrigation board under the Drainage and Irrigation Ordinance.

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16.—(1) Any person acting under the authority in writing of the Board may at any time enter upon any estate or upon any land in a village adjacent to a sea defence constructed or to be constructed, with such men, animals, vehicles, materials, appliances and instruments and

Power to
enter on land
adjacent to
a sea defence
and do acts
and take
materials for
sea defence.

(a) do all such acts thereon as may be necessary for or incidental to the construction, maintenance, repair or protection of the sea defence ; and

(b) dig and remove earth, cut and remove fascines and wood, and take and remove any other substance or thing required for work on the sea defence.

(2) There shall be no right to compensation under sub-section (1), but if in any such case it appears to the Governor in Council that material damage has been thereby occasioned to the estate or land he may in writing direct the Board to pay to the person affected such compensation as he may deem fit and the Board shall thereupon cause the payment to be made.

PART IV.

FINANCIAL.

How costs and expenses of construction and maintenance of sea defences to be defrayed.

17.—(1) All costs, charges and expenses relating to or connected with the management, maintenance repair or replacement of any sea defence, and, unless the Legislative Council otherwise decide, relating to or connected with the construction of any sea defence of a temporary nature, shall be defrayed out of the revenues of the Board.

(2) All costs, charges and expenses relating to or connected with the construction under this Ordinance of a sea defence of a permanent character, shall be defrayed either out of the revenues of the Board or moneys advanced on loan by the Governor with the consent of the Legislative Council to the Board.

(3) All moneys which may at any time be advanced on loan to the Board under sub-section (2) shall be a first charge on all the property and assets of the Board until the loan is paid at such time and in such manner as the Legislative Council may determine.

Sea defence rates and contribution from general revenue.

18.—(1) There shall be paid for the use of the Board by the proprietor of every estate and the local authority of every village such annual rates as may be fixed by the Board and sanctioned by the Governor in Council for the district not exceeding fifty cents per acre of empoldered land.

(2) There shall be paid to the use of the Board each year

(a) such amount as the Legislative Council shall vote in the first place not exceeding fifty thousand dollars and not more than one-half of the estimated expenditure of the Board as shown in the Board's estimate presented to the Council, and

(b) in special circumstances such further amount as the Council shall vote in pursuance of a Resolution approving of the payment thereof.

Board to publish and submit to Governor in Council estimated expenditure and revenue and proposed rates. Rates to be finally sanctioned by Governor in Council.

19.—(1) The Board shall not later than the first day of September in each year publish in the *Gazette* and a newspaper and submit to the Governor in Council an estimate of the expenditure and the proposed rates and the estimated revenue for each district for the next ensuing financial year.

(2) On or before the first day of November in each year the Governor in Council shall after consideration of the proposed rates finally sanction the rates for each district for the ensuing financial year and for that purpose may alter or amend the proposed rates.

(3) The Governor in Council may fix, subject to the maximum rates, different rates for different classes of estates in any district.

(4) The Governor in Council may by order exempt any estate or village from the payment of any annual rates or any part thereof.

(5) Rates shall not be paid in respect of any village in a district until the Legislative Council shall by Resolution declare that rates shall be paid, and thereafter the local authorities in the district shall pay rates as required by this Ordinance :

Provided that if after the passing of a Resolution as aforesaid it shall appear to the Council that it is expedient by reason of their financial condition that rates should not be paid in respect of villages in a district the Council may by Resolution so declare, and thereafter no rates shall be paid unless and until the Council shall by Resolution declare that payment be made.

(6) The amount to be raised by rates in each district, subject to the contribution to be made in pursuance of sub-section (2) of section eighteen and of section twenty-one, shall be such an amount as will be necessary to defray—

(a) the estimated cost, charges and expenses of and incidental to the management, maintenance and construction of sea defences which the Board is liable to defray from annual rates ;

(b) such amount as the Board is liable to contribute for interest on and repayment of moneys advanced on loan by the Governor ; and

(c) the amount of any deficiency from the current year.

(7) Subject to the provisions of sub-sections (3) and (8) all rates shall be assessed at a uniform amount for each acre of empoldered land and in proportion for each part of an acre in a district.

(8) Where the total sum payable for rates in respect of any estate would be less than twenty-five cents, then in every such case the amount payable shall be twenty-five cents.

20. All rates sanctioned by the Governor in Council in pursuance of section nineteen shall be published by the Board in the *Gazette* and a newspaper on or before the thirtieth day of November in each year for the next ensuing financial year and shall be binding from the date of publication in the *Gazette*.

Rates when sanctioned to be published in the *Gazette* and one newspaper.

21. The Mayor and Town Council of the City of Georgetown shall as a contribution to the cost and maintenance of sea defences pay to the Board the sum of two thousand five hundred dollars per annum in equal quarterly instalments on the first day of January, April, July and October.

Town Council of Georgetown to pay annual contribution of \$2,500.

22. All rates shall be due on the first day of January in each year and shall be paid in the month of January :

Rates due on the 1st January but may be paid in moieties in certain cases.

Provided that where the amount of the rate for a year payable by a proprietor or a local authority exceeds twenty-five dollars the amount may be paid in two moieties, the first of which shall be paid on or before the thirty-first day of January and the second on or before the thirty-first day of July :

Provided further that on failure to pay a rate or moiety thereof within the time limited the whole amount due shall thereupon become payable.

Rates to bear interest at six per cent.

23. All rates or moieties shall bear interest at the rate of six per centum per annum from the expiration of one month after becoming due up to the date of payment or enforcement.

Village rates to be paid to District Commissioner.

24. All rates imposed on any village shall be paid with interest, if any, to the District Commissioner in whose district the sea defence district or the greater part thereof falls or to such officers as he may appoint, by the local authority out of the rates of the village and shall be a charge on such rates.

Estate rates to be paid to District Commissioner.

25.—(1) All rates imposed on any estate shall be paid, with interest if any, by the proprietor to the District Commissioner in whose district that part of the sea defence district falls or to such officer as he may appoint, and in default of payment the rate and interest (if any) and costs may be recovered by parate or summary execution (except as hereinafter provided) against the proprietor of the estate without naming him, or by action in a court of competent jurisdiction. All proceedings and process shall be in the name of the Board.

(2) The whole or any part of the rates due in respect of any estate may be enforced against the estate and any other estate or estates worked as one therewith.

Enforcement of rates not exceeding \$100.

26.—(1) Where the amount of the rates due does not exceed the sum of one hundred dollars, the same shall not be recovered by parate or summary execution in the first instance, but the Board may make application to the magistrate of the judicial district in which the estate in respect of which the rates are due, is situate, who shall grant a warrant of distress for the recovery of such amount and interest (if any) under and by virtue of which warrant the movable property upon any such estate or in any house or houses on such estate may be levied on and sold for the amount of such rates and interest (if any) and costs.

(2) The said movable property shall be sold in some public place by any person authorised by the magistrate and notice of the sale shall be given, in such manner as the magistrate may direct, not less than eight clear days previously, and the proceeds thereof, after payment of the costs, shall be applied in payment of the rates and interest, and the surplus, if any, shall be paid over to the proprietor: provided always that the magistrate on sufficient cause being shown may at any time revoke the said warrant.

Second Schedule.

(3) Every warrant of distress issued under this section shall be in the form in the Second Schedule.

(4) All warrants of distress issued under this section shall be executed in the same manner as warrants of distress issued by a magistrate under the Summary Jurisdiction Ordinances.

(5) Process of parate or summary execution shall be issued for any rates and interest where the amount of the rates thereof do not exceed one hundred dollars, if there is produced with the summation a certificate by the Board to the effect that there is no movable property whereon to levy, or that the same has proved insufficient, or in any case where a levy has been made if there is produced a return to the same effect by the officer making the levy.

27.—(1) Where any movable property which has been levied on and sold belongs to some person other than the proprietor of the estate liable for the rates, such person shall be entitled to recover from the proprietor the full value of the property so levied on and sold, together with an addition of ten per centum thereof by way of damages, with costs.

Protection for tenant or other person whose movable property is levied on for rates.

(2) It shall be lawful for the occupier of any estate in respect of which the rates are due to pay the amount of such rates and to deduct the same from any rent due or accruing due by him in respect of such estate.

28. The signature of the Secretary of the Board subscribed to any document containing a statement of the amount due for rates shall without proof of any other matter or thing be held and be deemed to be in all courts *prima facie* evidence of the amount claimed being due and correct.

Signature of secretary to be *prima facie* evidence.

29. Crown or colony lands which are not in the occupation of the Crown or the Colony are rateable, but only the right title and interest of the holder of the land may be taken in execution.

Rates on crown or colony land not occupied by the Crown or Colony.

30.—(1) The Board for and on behalf of the Colony shall have a preferent lien upon every estate in a district, subject to any existing lien thereon in favour of the Colony, for the payment of the amount of any rates and interest due under the provisions of this Ordinance in respect of such estate.

Preferent lien for rates due.

(2) The lien shall remain in full force and shall continue to be enforceable against the estate notwithstanding any change of ownership of such estate.

31.—(1) Where an estate has been taken in execution for non-payment of rates and interest or rates or interest under this Ordinance the Board may at execution sale purchase the estate for an amount not exceeding the amount for non-payment of which the property has been taken in execution and the costs and expenses incidental to such execution.

When the Board may purchase at execution sale.

(2) The Board, when in its opinion it is expedient so to do, may sell any estate so purchased as aforesaid and may transport the same to the purchaser.

Keeping of
books and
accounts.

32.—(1) The Board shall keep proper books of account in respect of each district and shall enter therein all moneys received and expended.

(2) The Board may keep a bank account and deal therewith for the purposes of this Ordinance.

(3) The Auditor shall examine and audit the books and accounts kept by the Board, and shall make a report thereon to the Governor in Council. The report shall be laid before the Legislative Council and published in the *Gazette*.

(4) Proprietors and local authorities may inspect and examine the books and accounts kept by the Board.

Rates for
1933.
Third
Schedule.

33. There shall be raised levied and collected rates for the year nineteen hundred and thirty-three as provided in the Third Schedule to this Ordinance.

PART V.

OFFENCES.

Making
drain into
the sea or
construction on sea
defence.

34.—(1) No person shall, without the previous written sanction of the Board, make or cause or permit or suffer to be made

(a) any drain, trench or cutting in the earth so as to affect any sea defence;

(b) any construction, erection, alteration or thing in about or upon any sea defence.

(2) Any person who contravenes or aids or abets any person in contravening the provisions of this section shall be guilty of an offence and liable

(a) in the case of a first conviction, to a fine not exceeding one hundred dollars, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and imprisonment;

(b) in the case of a second or subsequent conviction to a fine not exceeding two hundred and fifty dollars, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

Obstruc-
tion to sea
defences an
offence.

35. Any person who shall put or place or cause to be put or placed in about or upon any sea defence any matter or thing calculated or likely to affect or impair the efficiency, usefulness or operation of the said sea defence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars or in default to imprisonment with or without hard labour not exceeding three months.

36. Any person who shall, without lawful excuse or authority (the proof of which shall lie on him), remove any earth, sand, shell, clay, gravel, shingle, mineral substance, or any sea-weed, or vegetation, or any other matter or thing whatsoever from any sea defence shall be guilty of an offence and liable on conviction to a fine not exceeding fifty dollars. Removal of earth shell etc., an offence.
37. If any cattle shall trespass on any sea defence the person having the custody or control of such cattle shall be guilty of an offence and be liable on conviction to a fine not exceeding five dollars, unless such trespass was not due to any wilful act or to any negligence on his part; and any cattle so trespassing may be seized and impounded by any police constable or by any person authorised in writing by the Board. Trespass of cattle.
38. Any person who shall hinder or resist or obstruct any person employed in connection with the sea defences of the Colony, acting in pursuance of this Ordinance or the regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-four dollars. Obstruction of Board.
39. It shall be a defence to any prosecution for an offence under any of the provisions of this Ordinance, if it is proved that any act charged as an offence was done in good faith for the purpose of averting or mitigating a calamity where an occurrence has taken place by which any estate or village is or is likely to be inundated by the sea. Defences to prosecution.
- 40.—(1) Whenever any person is convicted of any offence under this Ordinance, or the regulations, by any magistrate's court and it shall appear that by such offence expense has been incurred, or damage has been caused to any sea defence or to any matter or thing in or about or upon any sea defence, the court may, at the written request of the Board, but in the presence of the convicted person, inquire summarily into the amount of expense so incurred and damage so caused. Assessment of expenses incurred.
- (2) Upon proof of the amount of such expense or damage, or of both such expense and damage, where the amount claimed does not exceed one hundred dollars, the court shall give judgment therefor in favour of the Board and against the convicted person and such judgment shall be of the same force and effect and be enforceable in the same manner as if it had been given in a civil action duly instituted in the court.
41. Every offence or penalty under this Ordinance or the regulations may be prosecuted and enforced under the Summary Jurisdiction Ordinances. Offences punishable under the Summary Jurisdiction Ordinances.

PART VI.

MISCELLANEOUS.

- 42.—(1) The Board shall keep a book for each district to be called the "District Register" in which shall be entered the names Keeping of register of proprietors.

and empoldered areas of the estates and villages in that district and the names and addresses of the proprietors.

(2) The proprietor of every estate shall from time to time cause his correct address to be entered in the register, and such address shall be styled his "registered address."

Service of
notice upon
proprietors.

43.—(1) Any notice required to be given to any proprietor under this Ordinance or the regulations shall be deemed to have been duly given when posted to his registered address, and any document or legal process required to be served upon such proprietor, shall be deemed to have been duly served upon him if left with some person at his registered address.

(2) If any proprietor fails to cause his address to be entered in the register, any such notice, document or process may be affixed to the principal building on the estate, or if there is no building on such estate on some conspicuous place on the said estate and such notice, document or process shall be deemed to have been duly served on the proprietor.

Register of
liens.

44. The Board shall cause to be kept by the Secretary a book to be styled the "Register of Liens" in which there shall be entered the name and description of every estate which is subject to a lien under section thirty, the name of the proprietor, the amount of rates and of interest due from time to time, and the date when the lien is discharged. An entry need not be made in the register until after the expiration of one year after a rate or any part thereof and interest if any has become payable.

Power to
make regula-
tions.

45.—(1) The Board with the approval of the Governor in Council may make regulations for carrying into effect the objects and purposes of this Ordinance.

(2) Regulations made under this section shall be laid before the Legislative Council within fourteen days next after they are made if the Council is then sitting, or if not, within fourteen days after the commencement of the next ensuing session, and if within the next subsequent twenty-one days a resolution is passed by the Legislative Council that the regulations or any of them be annulled, they shall be thereby annulled; and the regulations so annulled shall thenceforth become void and of no effect but without prejudice to the validity of any action in the meantime taken under them.

(3) There may be annexed to any regulation a penalty not exceeding one hundred dollars for the breach thereof.

Power for
Governor
in Council
to amend
or revoke
orders.

46. The Governor in Council may alter, amend or revoke any order made in pursuance of this Ordinance.

Proceedings
under Ordin-
ance free.

47.—(1) Any action, proceeding, prosecution or process under this Ordinance or the regulations at the instance or on behalf of the Board shall be free.

A.D. 1933.]

SEA DEFENCE.

[No. 11.]

(2) Any prosecution for an offence under this Ordinance or the regulations may be instituted by any police constable or by any person authorised by the Director.

48. Nothing in this Ordinance shall be deemed to apply to any harbour or to affect the powers, authority or jurisdiction of the Transport and Harbours Department in respect of any harbour.

Ordinance not to apply to harbours. No. 30 of 1931.

49. Part II of the Sea Defences Ordinance, is hereby repealed.

Repeal of Part II. of Cap. 118.

50. This Ordinance shall come into operation on such day as the Governor shall notify by Proclamation in the *Gazette*.

Commencement.

Passed by the Legislative Council this 4th day of April, 1933.


Clerk of the Council.

Section 7.

FIRST SCHEDULE.

BOUNDARIES OF SEA DEFENCE DISTRICTS.

NO. 1, ESSEQUEBO COAST extending from the north-western boundary of Pln. Somerset to the southern boundary of Pln. Belfield, and bounded as follows:—

On the North by the north-western boundary of Pln. Somerset.

On the West by a line commencing at the south-western corner of Pln. Somerset and extending thence about S. 4° E. to the Hampton Court Fresh Water Canal, by a line about S. 15° E. to the north-western corner of Pln. Belfield.

On the South by the southern boundary of Pln. Belfield.

On the East by the Atlantic Ocean.

NO. 2, ESSEQUEBO RIVER: Left bank Essequibo river, extending from the southern boundary of Pln. Belfield to the Supenaam river, and bounded as follows:—

On the North by the southern boundary of Pln. Belfield.

On the West by a line commencing at the north-western corner of Pln. Belfield and extending thence about S. 16° West to the Supenaam river one mile from its mouth.

On the South by the Supenaam river.

On the East by the Essequibo river.

NO. 3, THE ISLAND OF WAKENAAM in the Essequibo river.

NO. 4, THE ISLAND OF LEGUAN in the Essequibo river.

NO. 5, WEST COAST DEMERARA extending from the common boundary between Plns. Good Hope and Greenwich Park to the Demerara river and bounded as follows:—

On the North by the Essequibo river and the Atlantic Ocean from the common boundary between Plns. Good Hope and Greenwich Park to the Demerara river.

On the West by the common boundary between Plns. Good Hope and Greenwich Park and the prolongation of the said common boundary to the Kent Dam, the Kent Dam to the Boerasirie river and the Boerasirie river upwards to the Boerasirie Service Canal.

On the South by the Boerasirie Service Canal to the western boundary of Pln. Lust tot Rust, thence along the back boundaries of the 2nd depths of Plns. Versailles, Malgretout, Klein Ponderoyen and Swan-en-Schutz to the back boundary of Pln. Ruimzigt, thence along the northern boundary of Pln. Swan-en-Schutz to the Demerara river.

On the East by the Demerara River.

NO. 6, EAST COAST DEMERARA, extending from the western boundary of Pln. Kitty to the Mahaica river and bounded as follows:—

On the North by the Atlantic Ocean.

On the West by the western boundary of Pln. Kitty and the Lamaha Canal to its junction with the East Demerara Water Supply Canal.

On the South by the East Demerara Water Supply Canal from its junction with the Lamaha Canal to its junction with the Shanks Canal.

On the East by the Shanks Canal from its junction with the East Demerara Water Supply Canal to a point at the junction of the boundaries between Plns. Hand-en-Veldt, Voorzigtigheid, and Grove, thence along the back boundaries of Voorzigtigheid, Cambridge, Good Intent, Unity, Lancaster, Tranquility Hall and Spring Hall to the southern boundary of Spring Hall, the southern boundary of Spring Hall to the Mahaica river, and the Mahaica river to the Atlantic Ocean.

NO. 7, MAHAICA ABARY, extending from the Mahaica river to the Abary river, and bounded as follows:—

On the North by the Atlantic Ocean.

On the West by the Mahaica River from the Atlantic Ocean to the Public road bridge.

On the South by the public road from the Mahaica river to the western boundary of Pln. Belvidere, the western boundary of Pln. Belvidere to the common boundary between Plns. Belvidere and Salisbury, the back boundaries of the 2nd and extra depths of the estates from Pln. Belvidere to Pln. Drill at the junction of the common boundaries of Plns. Drill, Dankbarheid and Anjou, by the common boundary between Plns. Dankbarheid and Anjou to the Mahaicony river, the back boundaries of the coast estates and their second depths from Pln. Park to the Abary river at the common boundary between Plns. Adventure and Letter T.

On the East by the Abary river from the northern boundary of Pln. Letter T. to the Atlantic Ocean.

NO. 8, WEST COAST, BERBICE, extending from the Abary river to the Berbice river and bounded as follows:—

On the North by the Atlantic Ocean.

On the West by the Abary river from the Atlantic Ocean to the northern boundary of the tract held by the Rupnuni Development Company under Grant No. 4961.

On the South by the northern and north-eastern boundaries of the tract held by the Rupnuni Development Coy., Ltd., under Grant No. 4961 to the back boundary of the second depth of Pln. Bush Lot, the back boundaries of the second depths of the estates from Pln. Bush Lot to Waterloo, the western boundaries of the tracts held by the Berbice Development Company under Leases A368 and A2621, the southern boundary of the tract held under Lease A2621 to the back boundary of the 2nd depth of Pln. No. 5—Blairmont—Berbice river, the back boundaries of the second depths of Nos. 5, 6, 7 and 8, Blairmont, the southern boundary of the second depth of No. 8, to the back boundary of the first depth of No. 9, the back boundaries of No. 9 and Zorg-en-Hoop to the southern boundary of Pln. Zorg-en-Hoop and by the southern boundary of Pln. Zorg-en-Hoop to the Berbice river.

On the East by the Berbice river from the southern boundary of Pln. Zorg-en-Hoop to the Atlantic Ocean.

NO. 9, EAST AND COURANTYNE COAST, BERBICE, extending from the Berbice river to the Courantyne river and bounded as follows:—

On the North by the Atlantic Ocean.

On the West by the Berbice river from the Atlantic Ocean to the Grand Canal.

On the South by the Grand Canal from the Berbice river to the common boundary between Plantations Fylish and Kilcoy, the western and south-western boundaries of the tract held by the Courantyne Sugar Company, under Licence A173 to the Port Mourant Water Path, the south-western boundary of the tract held by Plantation Port Mourant under Lease A2105 to the old Alness Water Path, thence by a straight line about S. 66° E. to the junction of the south-western and western boundaries of the Kilmarnock-Springlands Empolder, the western boundary of the Kilmarnock-Springlands Empolder, the western and south-western boundaries of the Kilmarnock-Springlands Empolder to the back boundary of the second depth of No. 73, or Clonbrook, the back boundaries of the areas held under title from the Crown in the second and extra depths of Springlands and Skeldon to the southern boundary of Plantation Skeldon, the southern boundary of Plantation Skeldon to the Courantyne river.

On the East by the Courantyne river from the southern boundary of Plantation Skeldon to the Atlantic Ocean.

Section 26.

SECOND SCHEDULE.

FORM OF WARRANT OF DISTRESS.

BRITISH GUIANA.

Sea Defence Ordinance, 1933

Judicial District.

To _____ and all other constables :

Whereas application has been duly made to me by the Sea Defence Board for a warrant of distress against the movable property upon or in

(*here describe the premises*) in the above District

for the purpose of levying the sum of _____ dollars due in respect of the sea defence rates on the said premises under the Sea Defence Ordinance, 1933, and _____ dollars interest on the said rates, with costs :

And whereas proof has been duly given to me under the hand of the Secretary of the Sea Defence Board that the said amounts are due in respect of rates and interest :

This is therefore to require and command you to levy the sum of _____ dollars with costs upon the said movable property.

Dated this _____ day of _____, 19 ____ .

Magistrate,

.....Judicial District.

THIRD SCHEDULE.

Section 33.

RATES FOR 1933.

- 1.—(1) The Board shall on or before a day to be appointed by the Governor in Council (hereinafter referred to as "the appointed day") publish in the *Gazette* and a newspaper and submit to the Governor in Council an estimate of the expenditure and the proposed rates and the estimated revenue for each district for the year nineteen hundred and thirty-three. The Board to publish and submit to the Governor in Council estimated revenue and expenditure and rates for 1933.
- (2) On or before the expiration of one month from the appointed day the Governor in Council shall after consideration of the proposed rates finally fix and sanction the rates for each district for the year nineteen hundred and thirty-three and for that purpose may alter or amend the proposed rates. Rates to be sanctioned by the Governor in Council.
- (3) Sub-sections (3), (4), (5), (6) and (7) of section nineteen of this Ordinance shall apply with regard to rates for nineteen hundred and thirty-three.
2. Rates for nineteen hundred and thirty-three sanctioned by the Governor in Council shall be published by the Board in the *Gazette* and a newspaper on or before the fifteenth day of June nineteen hundred and thirty-three and on publication in the *Gazette* shall be binding as from the first day of January nineteen hundred and thirty-three. Publication of rates when sanctioned by the Governor in Council.
3. Rates for the year nineteen hundred and thirty-three shall be payable in two instalments, the first of which shall be paid on or before the thirty-first day of July and the second on or before the thirty-first day of October nineteen hundred and thirty-three. Rates to be paid in two instalments.
4. All moieties of rates for nineteen hundred and thirty-three shall bear interest at the rate of six per centum per annum from the last date for payment up to the date of payment or enforcement. Rates to bear interest at six per cent.
5. The provisions of Part IV. of this Ordinance as to the mode of collection and payment of rates and the powers and duties of the Board and the Auditor shall apply to rates levied under this Part of this Ordinance. Collection and enforcement of rates.
- (M.P. 1152/33).