

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

1987—07—29

The publication in the Gazette of 16th August, 1986, of the Sea Defence Laws (Amendment and Transfer of Functions) Bill 1986, as Bill No. 111 of 1986, is hereby cancelled.

The following Bill which is substituted therefor and which will be introduced in the National Assembly is published for general information.

*F. A. Narain,*  
Clerk of the National Assembly.



## **GUYANA**

BILL No. 6 of 1987

SEA DEFENCE LAWS (AMENDMENT AND TRANSFER OF FUNCTIONS)

BILL 1987

### ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of the Sea Defence Act, Cap. 64:01.
3. Amendment of the Sea Defence Act, Cap. 64:02.
4. Dissolution of Sea Defence Board.
5. Validation.

## 2

## A BILL

## Intituled

AN ACT to amend the Sea Defences Act and the Sea Defence Act for certain purposes.

A.D. 1987 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Sea Defence Laws (Amendment and Transfer of Functions) Act 1987.

Amendment of the Sea Defences Act, Cap. 64:01. 2. The Sea Defences Act is hereby amended in the following respects—

(1) in section 2, by the substitution —

(a) for the definition of “the Chief Officer” of the following definitions —

‘ “clerk”, “region” and “regional democratic council” shall have the same meanings assigned to them by section 2(1) of the Local Democratic Organs Act 1980;’

Act No. 12 of 1980

(b) for the definition of “the Hydraulics Division” of the following definition —

‘ “the Sea and River Defences Division” means the Sea and River Defences Division of the regional democratic council and includes the clerk, every officer of that Division and everyone employed by the clerk or by any officer of that Division;’

(2) in section 10(c), by the substitution for the words “the Hydraulics Division in Georgetown and, if any portion of the district is in the county of Berbice, another copy shall be lodged at the office of the department in New Amsterdam”, of the words “the regional democratic council of the region in which the district is situate and, if any portion of the district is in any other region, another copy shall be lodged at the office of the regional democratic council of that region”;

(3) in section 23(1), by the insertion after the word “government” of the words “or regional democratic council”;

(4) throughout the Act, by the substitution for the words “the Chief Officer” of the words “the

clerk” and for the words “the Hydraulics Division” of the words “the Sea and River Defences Division” wherever they occur.

3. The Sea Defence Act is hereby amended in the following respects

Amendment  
of the Sea  
Defence Act.  
Cap. 64:02.

(1) in section 2, by the substitution —

(a) for the definition of “the Board” of the following definition —

“the Board” means the Guyana National Sea and River Defences Advisory Board established under section 3;’;

(b) for the definition of “Chief Officer” of the following definitions —

“clerk”, “region” and “regional democratic council” shall have the same meanings assigned to them by section 2(1) of the Local Democratic Organs Act 1980;’;

Act No. 12 of  
1980

(c) in the definition of “sea defence”, for the words “the Board” of the words “the Board or regional democratic council”;

(2) by the substitution for the heading “THE SEA DEFENCE BOARD” under Part I, of the heading “THE GUYANA NATIONAL SEA AND RIVER DEFENCES ADVISORY BOARD”;

(3) by the repeal of section 3 and the substitution of the following section therefor —

3. (1) There is hereby established a board to be known as the Guyana National Sea and River Defences Advisory Board for the proper development and construction of the sea and river defences of Guyana.

“Establishment of Board and its objects.

(2) The objects of the Board shall be —

(a) to enquire into, report and advise upon any matter relating to sea and river defences of Guyana, which may be referred to it by the Minister;

(b) to examine sea and river defences for ultimate development and future needs;

(c) to ensure that sea and river defences works would be constructed so that danger from flooding by the sea and inland waters would be negligible;

- (d) generally to advise and make representation to the Minister on any matter pertaining to the planning, financing, construction, development and administration of the sea and river defences of Guyana; and
  - (e) to do such other acts as may be expedient or necessary for the attainment of the objects of the Board referred to in this section.”;
- (4) In section 4, by the substitution —
- (a) for subsections (1) and (2) of the following subsections —
    - “(1) The Board shall consist of not more than fifteen members appointed by the Minister by instrument in writing from among persons, having qualifications in fields relating to civil engineering and hydraulics, or experience in senior administrative positions, or who shall be members of organisations, agencies or institutions committed to the maintenance or construction of the sea and river defences, and not less than two of such members shall be the representatives of the regional democratic councils.
    - (2) Each of the members of the Board shall be appointed to hold office, subject to this section, for such period, not exceeding three years, as may be specified in their respective instruments of appointment.”;
  - (b) for the words “in every month” in subsection (8), of the words “in each quarter of the year”;
  - (5) by the insertion after Part I of the following Part as Part IA —

#### “PART IA”

#### THE CHIEF HYDRAULICS OFFICER

Role and functions of the Chief Hydraulics Officer.

6A. (1) The role and functions of the Chief Hydraulics Officer shall be —

- (a) to give general and technical advice and guidance to any regional democratic council in matters connected with sea defences, either on his own motion or on any regional democratic council seeking such advice or guidance;
- (b) to supervise and control the functioning and activities of the Sea and River Defences Division of the regional democratic council;

- (c) to ensure that the sea defence activities of the regional democratic councils are in accordance with the management systems set up for the purpose of sea defence facilities;
- (d) to conduct at all times by himself or by anyone authorised by him in writing an inspection of the sea defence works; and
- (e) to oversee and evaluate on a continuing basis the programmes relating to sea defences being implemented by the regional democratic councils, and to ensure co-ordination among the regional democratic councils in the execution of the sea defence works.

(2) When a sudden calamity occurs whereby any land in a district is likely to be or is inundated by the sea or river and the Chief Hydraulics Officer deems it expedient to execute works that are intended for the protection of more than one region or of any district, the Chief Hydraulics Officer may direct the regional democratic councils concerned to conjointly take such immediate action and perform such works as may in the opinion of the Chief Hydraulics Officer be necessary to avert or mitigate such inundation, and the Chief Hydraulics Officer shall have, for the purpose of ensuring co-ordination in the execution of such emergency works, full power to give any directions the exigencies of the case appear to him to require.

(3) Notwithstanding anything contained in this Act or any other written law or contract to the contrary, every regional democratic council shall give effect to any direction given by the Chief Hydraulics Officer pursuant to this section.”;

(6) in section 8, by the substitution —

- (a) in subsection (3), for the words “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” of the words “another copy thereof at the office of the regional democratic council of the region where the land or part thereof is situate”;
- (b) in subsection (4), for the word “Secretary” of the words “Secretary and the clerk”;

(7) in sections 9, 11, 12(3), 15, 16, 18(1), 20, 21 and 24, by the substitution for the word “Board”

wherever it occurs, of the words "regional democratic council";

- (8) in section 10, by the substitution for the words "Chief Officer" of the words "regional democratic council of the region where the sea defence is to be constructed";
- (9) in section 14, by the substitution for the words "under the direction of the Board, be performed by the Ministry or its agents at the expense of the the Board" of the words "be performed by or under the direction of the regional democratic council at its expense";
- (10) in the marginal heading to section 22, by the substitution for the word "Board" of the word "employees";
- in section 26(1), by the substitution for the words "The Board shall keep a book for such district" of the words "Each regional democratic council shall keep a book for each district or part thereof within its region";
- (12) in section 28(1), by the deletion of the words "the Board with the approval of";
- in section 29, by the substitution for the word "Board" in subsection (1) of the words "regional democratic council" and for the words "Chief Officer" in subsection (2) of the word "clerk".

Dissolution  
of Sea De-  
fence Board.  
Cap. 64:02

4. (1) The Sea Defence Board, established under section 3 of the Sea Defence Act prior to its amendment by this Act, (hereinafter referred to as the said Board) is hereby dissolved.

(2) Subject to and in accordance with section 3 of this Act, the functions conferred on the said Board by the Sea Defence Act in so far as they relate to care, maintenance, management and construction of the sea defences of Guyana shall, with effect and on from the coming into operation of this Act, be exercised within each region, except regions number eight and nine, by the regional democratic council concerned.

(3) All contracts, deeds, bonds, agreements or other instruments or documents in respect of the sea defences within the region, which are subsisting immediately before the dissolution of the said Board and affected the said Board shall, in so far as they relate to the functions of the said Board transferred under subsection (2), be of as full force and effect against, or in favour of, the regional

democratic council concerned and enforceable as fully and effectually as if instead of the said Board the regional democratic council concerned had been named therein and had been a party thereto.

(4) All civil legal proceedings commenced by the said Board prior to its dissolution for the enforcement of any rights which are transferred or attached to a regional democratic council by virtue of this section, and pending in any court or before any authority, may be continued on or after the date of coming into operation of this Act by the regional democratic council concerned and all judgments, decrees and orders made or passed in any such proceedings may be enforced, as the case may be, by or against it, and the regional democratic council concerned shall be deemed to have been substituted for the said Board in those proceedings on that date.

5. Anything done or any action taken by the regional democratic council on or after 1st January, 1983 and before the coming into operation of this Act, in respect of the exercise of the functions of the Sea Defence Board or the Ministry in so far as they relate to care, maintenance, management and construction of the sea defences of Guyana, which would have been lawful and valid had this Act been in operation on the material date, shall be deemed to be and always to have been, lawfully and validly done or taken. Validation.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Sea Defences Act, Cap. 64:01 and the Sea Defence Act, Cap. 64:02 mainly for the purpose of —

- (a) establishing a central advisory body for planning, construction and development of the sea and river defences of Guyana, to be known as the Guyana National Sea and River Defences Advisory Board — clause 3(3);
- (b) transferring the functions exercisable by the existing Sea Defence Board under the Sea Defence Act, in so far as they relate to care, maintenance, management and construction of the sea defences of Guyana, to the regional democratic councils of the regions within which the sea defences are situated — clause 4(2);
- (c) defining the role and functions of the Chief Hydraulics Officer in relation to the execution of sea defence works by the regional democratic councils — clause 3(5);
- (d) transferring the function of supervision and execution of certain sea defence works in estates from the Chief Hydraulics Officer and the Hydraulics Division of the Ministry under the Sea Defences Act to the clerk and the Sea and River Defences Division respectively of the regional democratic council — clause 2(4); and
- (e) dissolution of the Sea Defence Board and validation of action taken by the regional democratic councils — clauses 4(1) and 5.