

THE OFFICIAL GAZETTE – 3RD DECEMBER, 1983 LEGAL SUPPLEMENT — C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.
83—12—01.

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

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



GUYANA

BILL No. 24 of 1983

DRAINAGE AND IRRIGATION BOARD (TRANSFER OF FUNCTIONS)

BILL 1983

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.
3. Dissolution of Board and transfer of its functions to Regional Democratic Councils.
4. Application of certain provisions of the Principal Act.
5. Provisions of Mahaica-Mahaicony-Abary Development Authority Act not to be derogated from.
6. Power to amend the Principal Act.

SCHEDULE

A BILL

Intituled

AN ACT to provide for the dissolution of the Drainage and Irrigation Board, the transfer of its functions to certain Regional Democratic Councils and for related matters.

A.D. 1983. Enacted by the Parliament of Guyana:—

Short title and commencement.

1. This Act may be cited as the Drainage and Irrigation Board (Transfer of Functions) Act 1983 and shall be deemed to have come into operation on 1st January, 1983.

Interpretation.

2. In this Act —

Cap. 54:03

“Board” means the Drainage and Irrigation Board established by section 3 of the Drainage and Irrigation Act;

Act No. 12 of 1980

“clerk” shall have the same meaning assigned to it by section 2 of the Local Democratic Organs Act 1980;

Cap. 64:03

“Principal Act” means the Drainage and Irrigation Act;

Act No. 12 of 1980

“Regional Democratic Council” shall have the same meaning assigned to it by section 2 of the Local Democratic Organs Act 1980.

Dissolution of Board and transfer of its functions to Regional Democratic Councils.

3. (1) The Board is hereby dissolved.

(2) The functions conferred on the Board by the Principal Act shall with effect from the date of dissolution of the Board (hereafter in this Act referred to as the appointed day) be exercised within the area of each Regional Democratic Council by that Regional Democratic Council, and the provisions of that Act, except sections 3 to 8 (inclusive), shall, subject to and in accordance with sections 4 and 5 of this Act, have effect on and from the appointed day as if references therein to the Board were references to that Regional Democratic Council.

(3) The assets (including rights and interests) of the Board within the area of each Regional Democratic Council shall, by virtue of this section and without further assurance, be transferred to, and vested in, that Regional Democratic Council on the appointed day.

(4) (a) The liabilities, other than those in respect of which civil legal proceedings were commenced prior to the appointed day, and those in respect of the subsisting overdraft

from the Bank of Guyana, incurred by the Board in relation to any work or service within the area of a Regional Democratic Council prior to the appointed day and subsisting on that day shall be discharge by, and be enforceable against, that Regional Democratic Council.

(b) All liabilities of the Board (including liabilities in respect of which civil legal proceedings were commenced prior to the appointed day and liabilities in respect of the subsisting overdraft from the Bank of Guyana) incurred by the Board before the appointed day and subsisting on that day, but not being liabilities which are enforceable against any Regional Democratic Council under paragraph (a), shall be discharged by, and be enforceable against, the State.

(5) Nothing in subsection (3) or (4) applies to rights or liabilities under any contract of service.

(6) All contracts, deeds, bonds, agreements or other instruments or documents in respect of the drainage and irrigation areas, in the area of a Regional Democratic Council, which were subsisting immediately before the appointed day and affected the Board shall, in so far as they relate to the undertaking or the assets of the Board, be of as full force and effect against, or in favour of, that Regional Democratic Council and enforceable as fully and effectually as if instead of the Board that Regional Democratic Council had been named therein or had been a party thereto and where immovable property has, by virtue of this section, vested in that Regional Democratic Council the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

(7) Without prejudice to the other provisions of this section, all unpaid rates together with interest thereon and all fees, charges and debts of whatsoever description due or payable to the Board in respect of the drainage and irrigation areas of a Regional Democratic Council before the appointed day shall be payable to or recoverable by that Regional Democratic Council.

(8)(a) All civil legal proceedings commenced by the Board prior to the appointed day for the enforcement of any rights which are transferred or attached to a Regional Democratic Council by virtue of this section, and pending on that day in any court or before any authority may be continued on and after the appointed day by that Regional Democratic Council 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 that Regional Democratic Council shall be deemed

to have been substituted for the Board in those proceedings on the appointed day.

(b) All civil legal proceedings, other than civil legal proceedings referred to in paragraph (a), commenced by or against the Board before the appointed day and pending on that day in any court or before any authority may be continued, on and after the appointed day, by or against the State and all judgments, decrees and orders made or passed in any such proceedings may be enforced by or against the State, as if it were the Board, and the State shall be deemed to have been substituted for the Board in those proceedings on the appointed day.

(c) Any prosecution instituted before the appointed day for an offence under the Drainage and Irrigation Act, by any person employed by the Board or by any person authorised in writing in that behalf by the Board and pending on the appointed day may be continued on and after the appointed day by any person employed by the Regional Democratic Council within whose area the offence was committed or by any person authorised in writing in that behalf by that Regional Democratic Council.

(9) Each Regional Democratic Council may as from the appointed day, for the purpose of discharging the functions conferred on it by this Act, continue to employ on such terms and conditions as may be agreed on between that Regional Democratic Council and the person concerned such of the persons employed with the Board immediately before that day, and in respect of any person so employed that Regional Democratic Council shall be the successor of the Board with regard to his leave or superannuation rights or benefits whether accrued, earned, inchoate or contingent :

Provided that any person who is so employed by that Regional Democratic Council shall be employed on terms and conditions which taken as a whole are no less favourable than those applicable to him immediately before the appointed day.

Application
of certain
provisions
of the
Principal
Act.

4. The provisions of the Principal Act shall apply in relation to each Regional Democratic Council as they apply in relation to the Board under that Act and for that purpose shall be construed with any necessary modifications, adaptations, qualifications and exceptions, and without prejudice to the generality of the foregoing the provisions of that Act specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

5. (1) Notwithstanding anything to the contrary contained in any of the provisions of this Act, this Act shall not be construed as derogating from the provisions of the Mahaica — Mahaicony — Abary Agricultural Development Authority Act 1977, and save for this section, this Act shall not apply to the Area defined by the Mahaica — Mahaicony — Agricultural Development Authority Act.

Provisions of Mahaica-Mahaicony-Abary Agricultural Development Authority Act not to be derogated from, Act No. 27 of 1977

(2) Without prejudice to the generality of subsection (1) with effect from the appointed day the Regional Democratic Council for Region 5 or the Mahaica/Berbice Region shall not have any functions under the Drainage and Irrigation Act in relation to the Area of the Mahaica — Mahaicony — Abary Agricultural Development Authority established by the Mahaica — Mahaicony — Abary Agricultural Development Authority Act 1977 for such time as that Authority remains in existence and continues to discharge its functions.

Act No. 27 of 1977

6. Without prejudice to the foregoing provisions of this Act, the Minister if he thinks it necessary or expedient to do so may, by order which shall be subject to negative resolution of the National Assembly, amend any of the provisions of the Principal Act, including those provisions amended by this Act, for the purpose of removing any difficulties which may arise in giving effect to the provisions of this Act.

Power to amend the Principal Act.

SCHEDULE

Provision	How amended
Section 2	
the definition of chairman	Substitute "a Regional Democratic Council established under the Local Democratic Organs Act 1980" for "the Drainage and Irrigation Board established under this Act"
	Act No. 12 of 1980
the definition of Secretary	Delete
the definition of Vice-chairman	Substitute "a Regional Democratic Council established under the Local Democratic Organs Act 1980" for "the Drainage and Irrigation Board established under this Act".
	Act No. 12 of 1980

Provision

How amended

Section 15 (1)

Substitute the following —

“(1) After the meeting one copy of the plans, specifications, estimates and order shall be deposited in the office of the Regional Democratic Council where the area is situate.”.

Section 25 (1), (2), (3) and (4)

Substitute the following —

“25. (1) Where it appears to a Regional Democratic Council that the total cost of any new works which the Regional Democratic Council desires to construct in any drainage and irrigation area will not exceed the sum of one hundred thousand dollars, the Regional Democratic Council shall cause to be prepared specifications, estimates and plans of the proposed works and shall cause them to be kept in the office of the Regional Democratic Council for a period of not less than one month during which time they may be inspected free of charge by any proprietor of lands within the area.”.

Sections 24 (2), 27 (2) and 28 (2)

Delete “appropriate”.

Subheading to PART IVB

For “PLACES” substitute “PLANS”.

Section 29 (1)

For “25 (7)” substitute “24 (7)”.

Sections 32 (2), 61 (2) and 82

For “Secretary” substitute “clerk”.

Section 50

Substitute the following —

“50. (1) All rates shall be payable either in full or in four equal instalments payable respectively on the first day of February, the first day of April, the first of July and the first day of October in the year next following the date of the annual assessment.

(2) A ratepayer may make payments on account of instalment of rates before such instalments are due.

