

See Ord. 11 of 1933

CHAPTER 118.

SEA DEFENCES.

[No. II of 1883.]

[No. IX of 1913.]

[9th June, 1883.]

[21st June, 1913.]

1.—(1) This Ordinance may be cited as the Sea Defences Ordinance.

Short title
and inter-
pretation.

(2) In this Ordinance, unless the context otherwise requires,—

“ the Director ” means the Director of Public Works and includes anyone performing the duties of the holder of that office;

“ the public works department ” means the Director, and includes every officer of his department and everyone employed by him or by any officer of his department.

PART I.

PROVISIONS OF ORDINANCE NO. II OF 1883.

2. In this part of this Ordinance, unless the context otherwise requires,—

“ works ” means any work for repairing, strengthening, heightening, or protecting any existing dam, and includes,—

- (a) any work for constructing or protecting a new dam; and
- (b) groynes and construction of any material and every description of work or arrangement intended to protect an estate or any land from submersion or flooding; and
- (c) the removal of anything which, in the opinion of the Director, ought to be removed for the protection or conservation of the foreshore;

“ the time limited ” means the time mentioned in any notice given by the Director within which the proprietor of an estate is required to complete any works, and, where there is an appeal, means the time fixed by the Governor in Council;

“ estate ” includes any plantation or estate, or any piece of land abutting on or near the sea shore, or any river or creek, or the bank of a river or creek.

SUPERVISION OF DEFENCES.

Inspection
of plantation
dams.

3. The Director and everyone authorised by him in writing may at all times enter on any estate and inspect the sea-, river-, and outer dams thereof.

Execution of
necessary
work by
proprietor.

4.—(1) When the Director is of opinion that any sea-, river-, or outer dam of an estate is in bad order or insufficient, or is improperly constructed, either as regards position or material, or is not sufficiently protected, he may require the proprietor of the estate to execute any work he considers ought to be executed.

(2) When the dam has been completed, whether in obedience to an order of the Director or otherwise, he may serve a notice on the proprietor of the estate, as hereinafter provided, requiring him from time to time to execute any works necessary for the maintenance of the dam in good order.

WORKS OF DEFENCE.

Procedure on
requisition
to execute
work.

5.—(1) When the Director requires the proprietor of an estate to execute works he shall cause a notice in writing signed by him and addressed to the proprietor of the estate, without naming the proprietor, to be served on the proprietor.

(2) The notice shall state shortly the nature and description of the works to be executed and, save in the case of a notice to maintain a dam under sub-section two of the last preceding section, the time within which they shall be executed.

(3) The notice shall, save in the case of a notice to maintain a dam as aforesaid, also state the estimated cost of executing the works set forth in the notice.

6.—(1) Where the proprietor of an estate fails within the time limited to commence the execution of the works or any of them so required as aforesaid, or, in the case of works required to be done under sub-section (2) of section four hereof, where he fails to execute them when and as soon as they become necessary, the Director shall apply to the Governor in Council for directions and the Governor in Council may make any order on the application the circumstances require.

Default in commencing works.

(2) The public works department shall execute any works the Governor in Council directs.

7.—(1) No deviation from the existing line of a sea-, river-, front, or outer dam of an estate shall be made unless the permission of the Governor in Council has been first obtained, and the Governor in Council may refuse the permission or attach thereto any terms or conditions to him seeming expedient.

No alteration in line of dam without permission of the Governor in Council.

(2) If any deviation aforesaid is attempted without first obtaining the permission, the Attorney General shall be entitled to obtain, on motion ex parte, an order prohibiting the attempt and requiring the removal of any work already begun or executed in contravention of the provisions of this section.

(3) In the event of non-compliance by anyone with any of the terms or conditions attached to any permission aforesaid, the Attorney General may obtain, on motion ex parte, from the Supreme Court in its civil jurisdiction an order to enforce compliance.

(4) No power ad litem shall be necessary in any proceeding under this section.

(5) The proprietor of an estate shall be deemed to have attempted to deviate from the line of an existing outer dam, within the meaning of this section, if he constructs or begins to construct a dam intended, in the opinion of the Director ultimately to be used as an outer dam.

8.—(1) The proprietor of any right or interest in an estate who desires to secure the estate in which he is interested from inroads of the sea or of a river or creek, or from being flooded by water, may apply by petition to the Governor in Council either for an advance by way of loan to defray the expense of any necessary permanent works, or for an order authorising the public works department to execute

Power to proprietor to raise money for protection from water.

the permanent works and charging the cost thereof on the estate.

(2) Where the Legislative Council provides the funds wherefrom the advance is made or cost defrayed, the Governor in Council may grant the application aforesaid on any terms and conditions to him seeming meet.

Where
calamity
occurs to an
estate.

9. Where an occurrence whereby an estate is in danger of being or is submerged or flooded takes place and is, in the opinion of the Governor in Council, a calamity which it is expedient in the public interest to remedy or mitigate, he may, if the Legislative Council provides the necessary funds, grant thereout to the proprietor of the estate so situated any sum of money to the Governor in Council seeming meet, and the sum shall be expended, under the supervision of the public works department, in the execution of the works directed by the Governor in Council.

Execution of
works for
protection of
a district.

10. Where in order to protect the foreshore of a district the Governor in Council or the Director deems it expedient to execute works that are intended for the protection of more than one estate or of any district, the following regulations shall be observed, that is to say :—

- (a) the public works department shall prepare plans and specifications of the proposed works together with an estimate of their cost;
- (b) the public works department shall also prepare a statement showing the estates, and any railway, canal, building, or immovable property of any kind not a plantation, which it is proposed shall be made liable to contribute to the cost of the execution or maintenance of any of the works and the proportion or manner in which it is proposed to assess the amount to be paid by each of those estates and any railway, canal, building, or immovable property of any kind, not a plantation;
- (c) a copy of the documents and plans hereinbefore in this section required to be prepared shall be kept at the office of the public works department 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;
- (d) a notice containing a short description of the nature and position of the proposed works, the

amount of the total estimated cost, and the names of the estates : and any railway, canal, building, or immovable property of any kind not being a plantation, which it is proposed shall be made liable, and an intimation that the documents and plans have been lodged and are open for inspection, shall be given by publication in the Gazette and at least one other newspaper published in the colony;

- (e) the documents and plans shall remain open for the inspection of everyone wishing to see them on every day (not a Sunday or public holiday) during office hours for one month after the date of the first publication of the notice;
- (f) anyone who objects to the execution of any of the proposed works, or to the proportion or manner in which it is proposed to assess an estate wherein he is interested shall, within the period of one month aforesaid, lodge in the public works department his objections in writing and the grounds on which he bases them; and
- (g) after the expiration of the period of one month the public works department shall transmit the documents and plans and the objections (if any) with a full report thereon to the Colonial Secretary to be laid before the Governor in Council.

11. The Governor in Council, after considering the expediency of executing the proposed works mentioned in the last preceding section, with all the objections thereto and after hearing, if he considers it necessary to do so, either before the Council itself or any committee thereof, any of those interested may make any order to him seeming meet and, if the Legislative Council provides the necessary funds, may direct that any works be executed for the protection of the foreshore to him appearing proper, and may order and direct that the cost of the execution and maintenance thereof shall be repayable by the proprietors of the estate situate in the district intended to be protected in the proportions and the manner the Governor in Council thinks fit.

Decision as to works to be executed and apportionment of costs thereof.

12.—(1) Where the public works department executes any works under this part of this Ordinance for the protection of an estate, the department may dig earth, cut wood,

Power to take material for execution of works.

and take material of every kind from or on the plantation necessary for any of the works.

(2) If any material is taken by the department and the proprietor of the estate or his authorised agent objects to the material being taken or objects to the place from or the manner in which any of the material is being taken, he may apply to the Director for that officer's personal directions, and the Director shall have full power to give any directions the exigencies of the case appear to him to require.

PROTECTION OF FORESHORE.

Regulations
for the
protection
of foreshore.

13.—(1) The Director may make regulations for all or any of the following purposes, that is to say, for—

- (a) protecting the growth of underwood, shrubs, and trees, on or near the foreshore or between high and low water marks;
- (b) the protection of the land and soil between high and low water marks; and,
- (c) generally, conserving the foreshore.

(2) The regulations may apply to the whole or any part of the colony.

(3) Penalties may be imposed for breach of any of the regulations, not exceeding for any one offence the sum of one hundred dollars, and may be recovered under the Summary Jurisdiction Ordinances, but none of the regulations shall come into force until it has been approved by the Governor and Legislative Council who may alter or amend any regulation.

Prohibition
of acts
endangering
foreshore.

14. The proprietor of an estate shall not, if the Director deems it necessary for the protection of a foreshore and gives him notice to abstain from so doing,—

- (a) cut, or allow to be cut, any courida or other trees, or any underwood or shrubs, growing on either side of any sea-, river-, or outer dam of his estate; or
- (b) remove, or allow to be removed, from the foreshore of his estate any shell, sand, soil, or other material, or any dead trees, shrubs, or other débris.

Notice board
on foreshore
forbidding
damage.

15.—(1) When the Director gives notice to the proprietor of an estate under the last preceding section to abstain from doing any of the acts specified in that section,

the proprietor shall, within seven days from the receipt of the notice, cause notice boards to be erected at not less than two places on the foreshore of his estate stating that those acts are forbidden.

(2) Anyone who—

- (a) cuts any courida or other trees, or any underwood or shrubs, growing on either side of any sea-, river-, or outer dam on any estate; or
- (b) removes any shell, soil, or other material, or any dead trees, shrubs, or other débris from any estate,

upon the foreshore whereof is erected a notice board stating that the doing of any act aforesaid is forbidden, shall be liable on summary conviction to a penalty not exceeding fifty dollars.

Penalty.

16. Every proprietor of an estate shall, if the Director for the protection of a foreshore gives him notice to do so—

Acts for the protection of a foreshore.

- (a) execute all works deemed necessary by the Director and approved by the Governor in Council for retaining, between high and low water marks on the foreshore of his estate, any bank of sand, shell, mud, or other substance;
- (b) take any steps, by sowing seed, planting shoots, or otherwise, that the Director deems necessary to promote the growth of courida or other trees, underwood, or shrubs, between high and low water marks on the foreshore of his estate;
- (c) remove any dead trees, shrubs, or other débris from the foreshore of his estate.

APPEALS.

17.—(1) Everyone aggrieved by any requirement of the Director or any action of the public works department under this part of this Ordinance, or who considers that the time limited in any notice for the commencement or completion of any works is too short, may appeal by way of petition to the Governor in Council.

Appeal from requirement of Director.

(2) The order of the Governor in Council on the petition shall be final and binding on all persons interested.

LOANS FOR WORKS.

18.—(1) The Governor in Council may direct that any money advanced by way of loan or expended in the execution of any works under this part of this Ordinance shall be

Repayment of loan for execution of works.

repaid in the manner, at the times, by the instalments, and with interest at the rate deemed expedient by the Governor and Legislative Council.

(2) Where the cost of any works executed by the public works department under this part of this Ordinance exceeds the estimated cost by more than one third thereof, the Governor in Council, if he deems it expedient to do so and if the Legislative Council provides the necessary funds, may direct that the amount expended in excess of the amount of the estimated costs and one third added shall be paid out of those funds.

Preferent
lien for the
amount of
loan.

19.—(1) All money advanced by way of loan, and all moneys expended by the public works department, under this part of this Ordinance, other than grants made under section nine hereof, shall be deemed a debt due to the colony, and for the repayment thereof the colony shall have a preferent lien on the estate after debts due to the Crown, and the lien shall continue notwithstanding any devolution or transport of that estate.

(2) All the moneys aforesaid may be recovered by parate execution at the instance of the Colonial Treasurer against the proprietor of the estate without naming him.

(3) When a sum is repayable by instalments, on the failure to pay any instalment or interest within ten days after it becomes due, the whole amount then remaining unpaid with the interest thereon shall immediately become due and payable.

(4) A certificate signed by the Treasurer that a specified amount is due under the provisions of this part of this Ordinance from the proprietor of the estate shall, without any proof of the signature, be received in all courts as proof of the fact until the contrary is proved.

MISCELLANEOUS PROVISIONS.

Service of
notices.

20.—(1) Any notice required to be given or served under this part of this Ordinance may be given or served by handing it to the owner of the estate to which it refers, or to his agent or representative or the person in charge of that estate, or, if the owner, or his agent or representative, or the person aforesaid, cannot be found, by affixing the notice to the principal building on the estate or, if there be no building thereon, then to some tree or other conspicuous object thereon.

(2) A declaration made before a justice of the peace by the person serving the notice indorsed on a duplicate or copy thereof that the notice was duly served and stating the mode of service shall be deemed in all courts of justice to be *primâ facie* evidence that the notice was duly given and served.

21. The production of a copy of an order or direction of the Governor in Council, certified as a correct copy by the Colonial Secretary or the Clerk of the Executive Council, or the production of the Gazette containing the official intimation of an order or direction of the Governor in Council under this part of this Ordinance, shall be conclusive proof of that order or direction having been made or given and that it was in all respects rightly made or given and is binding upon all persons.

Proof of
order in
Council.

22. Any work or thing which the proprietor of an estate is required under this part of this Ordinance to execute or do, if he refuses or neglects to execute or do it within the time specified in the notice given by the Director, may be executed and done by that officer, who shall therefor have the powers conferred by section twelve of this Ordinance, and section nineteen hereof shall apply to the cost of any work or thing so executed or done by him.

Execution of
works by
Director.

23.—(1) No one other than the officers of government hereinbefore mentioned shall have any right of action for anything done, or in respect of anything omitted to be done which might or ought to have been done, under this part of this Ordinance.

Limitation
of right of
action to
certain
public
officers.

(2) Anyone who desires the Director to take any action under this part of this Ordinance shall apply by petition to the Governor in Council.

24. Everyone who wilfully obstructs any member of the public works department acting under the provisions of this part of this Ordinance shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding two hundred and forty dollars.

Obstruction
of officer
acting
under the
Ordinance.
Penalty.

25. Everyone who—

(a) wilfully damages any dam or defence against the sea or any water; or

Damaging
defences.

(b) unlawfully takes for his own benefit any of the material of a dam or defence, shall be guilty of an offence punishable on summary conviction and on conviction thereof shall be liable to a penalty not exceeding fifty dollars or imprisonment with or without hard labour for any term not exceeding two months.

Penalty.

General penalty.

26. Everyone who infringes any of the provisions of this part of this Ordinance shall be liable to a penalty not exceeding one hundred dollars recoverable under the Summary Jurisdiction Ordinances.

Operation of the Ordinance.

27. This part of this Ordinance shall be in force throughout the Colony subject to the special provisions of any Ordinance for the time being in force affecting any specific part thereof.

PART II.

PROVISIONS OF ORDINANCE NO. IX OF 1913.

Sea Defence Districts.

Interpretation.

28. In this part of this Ordinance, unless the context otherwise requires,—

“district” means a sea-defence district declared under this part of this Ordinance;

“village” means a village or a country district declared under the Local Government Ordinance, and shall be deemed to include both a village and a country district;

“local authority” means and includes the village council of a village and the country authority of a country district declared under the Local Government Ordinance;

“proprietor” includes the attorney of a proprietor, the secretary of a company owning any estate, and the manager of any sugar estate;

“sea-defence” includes any groyne or other construction whatever intended to prevent erosive action on any seashore or estuary of a river or creek or navigable canal in a district, and, except when a less distance is ordered by the Governor in Council, includes all other lands as set forth in the Order in Council under sub-section (2) of section twenty-nine of this Ordinance and any other land after

Chapter 84.

Repealed by
Ord. 110 of 1933

the commencement of this part of this Ordinance required for the purposes of sea-defence under this part, and includes the sea-bed to the extent necessary for the construction and maintenance of any works for the protection of the coast to a distance of fifty feet on the side farthest from the sea, or river, or canal from the centre line of the sea-dam existing at the commencement of this part of this Ordinance;

“ work ” means any work for maintaining, repairing, strengthening, heightening, or protecting any sea-defence, and includes any work for constructing or protecting any new sea-defence, and the removal of anything which, in the opinion of the Director, ought to be removed for the protection or conservation of the foreshore;

“ the Commissioners ” mean the sea-defence Commissioners of any district;

“ estate ” means any land not exempted by this part of this Ordinance and not included within the boundaries of a village.

29.—(1) The Governor in Council may, by order published in the Gazette and one newspaper, declare any of the districts set forth in the first schedule hereto and any new district added to that schedule under and by virtue of the powers conferred by sub-section (3) of this section to be a sea-defence district for the purposes of this part of this Ordinance, and in every such order there shall be set forth the acreage to be assessed of each estate or village.

Declaring
sea defence
districts:

(2) The Governor in Council, by the same or a similar order, shall divide a district so declared into three parts, exclusive of any villages situate within the area of the district, and by the order specify the estates comprised in each of the parts of the district.

(3) The Governor in Council is hereby empowered, at any time when it is deemed expedient to do so, by order published in the Gazette and one newspaper, to add a new district or new districts to those set forth in the first schedule hereto.

(4) The Governor in Council may in any order published under sub-section (1) of this section prescribe a date wherefrom the provisions of this part of this Ordinance shall apply to any district included in the order, and until that date this part of this Ordinance shall not be construed

as relieving any proprietor or local authority, or any other individual or body, of any duty, responsibility, or liability, or as depriving him or it of any right or power in existence prior to that date, and in particular any works for sea defences may be performed and the cost thereof assessed and recovered in the same way as if this part of this Ordinance had not been enacted :

Proviso.

Provided that, unless the order otherwise prescribes, the provisions of the next succeeding eight sections of this Ordinance (relating to sea defence commissioners) shall apply to that district, and elections thereunder may be held in the district at any time after the date of the order.

(5) The Governor in Council may by order abolish, or alter the limits of, any sea-defence district in the first schedule hereto mentioned, or may cause it to be divided into two or more new sea-defence districts.

Sea Defence Commissioners.

Sea defences
Commis-
sioners :

30.—(1) There shall be six Commissioners for each district declared under this Ordinance who shall be the Director and five other persons elected in the manner hereinafter provided.

(2) The Director shall be the chairman of the Commissioners and have a casting vote at all meetings of the Commissioners where their votes are equally divided upon a question, and any three of the Commissioners, of whom the chairman shall be one, shall form a quorum.

(3) The Director may appoint an officer of the public works department to be his deputy for any district, and in the absence of the Director his deputy shall be deemed a Commissioner for that district and chairman of the Commissioners and shall have and may exercise in that district all the powers and functions by this Ordinance conferred upon the Director :

Proviso.

Provided that the Governor in Council may by order direct that any deputy aforesaid may be seconded as local sea defence director in sole charge of that district for any period or until further order, and thereupon the powers, functions, duties and obligations of the Director under this part of this Ordinance shall cease in him as regards that district for the period named, or until the further order aforesaid, and attach to the local sea defence director under this part of this Ordinance as if the latter were the Director within that district.

(4) A meeting of the Commissioners shall be called by the chairman once in every three months, but three Commissioners shall have the right to request the chairman in writing to call a special meeting at any time.

31.—(1) The Governor in Council may by order published as herein aforesaid declare that in any district all or any of the powers of the sea defence Commissioners shall be vested in the Director or his deputy for a period declared by the order or until further order, and may alter or revoke any order of the kind.

Vesting of powers of Commissioners in Director or his deputy.

(2) From the date of the assumption of his duties by the director of sea defences his name shall be deemed to be inserted in this Ordinance and in any amending Ordinances instead of that of the Director, and any powers now exercised by the Director regarding sea-defence matters of every description shall be exercisable by the director of sea defences, and any local sea-defence director appointed for any district shall, if the Governor in Council so directs, be deemed to be the deputy of the director of sea defences and not of the Director.

32. One Commissioner shall be elected every three years for each of the parts into which the district has been divided as hereinbefore provided, and two Commissioners shall be elected annually for the villages in that district.

Election of Commissioners.

33.—(1) The Director shall once in every three years in the month of January call meetings of the proprietors of the estates comprised in each part of the district for the election of Commissioners.

Meetings for election of Commissioners for estates in district

(2) He who has the majority of votes of proprietors present or voting at a meeting shall be deemed to have been duly elected a Commissioner.

(3) No one shall be entitled to be present or to vote at any meeting of proprietors held under this section in respect of an estate or part of an estate comprised within the area of a village.

34.—(1) Every proprietor shall have one vote for each one hundred acres of the area of his estate.

Reckoning of votes for election of Commissioners.

(2) In determining the number of votes of the proprietor of an estate, the area of his estate shall be taken to be that named in the district register kept by the Director under section sixty-two of this Ordinance, and where the number of acres is not a multiple of one hundred there shall be only one vote for each complete one hundred.

(3) When any of the estates are owned by more than one proprietor in undivided shares and each of the proprietors desires to vote separately, each proprietor shall have one vote for each one hundred acres of the number of acres obtained by multiplying the total number of acres of the estate by the fraction representing the undivided interest of that proprietor in the whole estate, but when the number of acres so obtained is not a multiple of one hundred there shall be only one vote for each complete one hundred.

(4) Any proprietor of an estate may vote at a meeting by his duly constituted attorney or by his or his attorney's representative duly authorised in writing.

Election of
Commissioner for
villages in
district.

35.—(1) The local authority of every village situate within the area of a district shall annually in the month of December elect two of its number, who, with the chairman of that local authority, shall elect two Commissioners in the manner hereinafter provided.

(2) The Director shall annually in the month of January call a meeting of the chairman and the two members of the local authority elected as aforesaid for the election of two Commissioners, and the persons having the majority of those present at the meeting shall be deemed to have been duly elected.

(3) (a) If for any reason an election by the local authority has not taken place in the month of December, or an election of Commissioners has not taken place in the month of January, as respectively prescribed in the last two preceding sub-sections, the elections shall be valid if made at any time within three months after those dates and may be held in the same month, and the Governor in Council may by order empower the Commissioners elected for the preceding year to continue in office until the election of the new Commissioners.

(b) Where a district is declared by order the elections above mentioned may be held at any time within three months of the publication of the order and may be held in the same month.

Election of
Commissioner in case
of a vacancy.

36. Whenever a Commissioner other than the Director is absent from the colony for longer than one month or dies, becomes unable to act, or resigns, the Director shall call a meeting of the proprietors of the estates comprised in the part of the district represented by that Commissioner, or

of the chairman and two members of each local authority elected under the last preceding section hereof, as the case may be, for the election of a Commissioner in place of that Commissioner.

37.—(1) Every meeting for the election of a Commissioner shall be held at the time and place appointed by the Director, who shall preside at the meeting but shall not have a right to vote thereat unless there is an equality of votes when he shall have a casting vote.

Meetings for
election of
Commis-
sioners.

(2) In the absence of the Director from any of the meetings aforesaid those present and entitled to vote thereat may elect one of their number to preside over the meeting, who, in the case of an equality of votes, shall have a casting vote in addition to any vote or votes he may have as a proprietor.

Construction and Maintenance of Sea Defences.

38.—(1) All the sea defences of each and every sea-defence district declared under section twenty-nine hereof shall, for the purposes of this Ordinance so long as the general revenue of the colony contributes towards the cost thereof, be vested in the Director and be deemed colony land unless they consist of the foreshore or sea-bed as defined in section five of the Civil Law Ordinance or other Crown land, and the Director shall be deemed to be the occupier of that land for the purpose of all suits and prosecutions whatsoever and for impounding strays and preventing the removal of sand or shell or other trespass.

Vesting of
sea defences
in the
Director :

Chapter 7.

(2) The sea defences of each sea-defence district may be defined by the Governor in Council and set out in the order to be published under sub-section (1) of section twenty-nine hereof, and shall include all other land after the commencement of this part of this Ordinance acquired for the purpose of sea defence under this part :

Provided that—

Proviso.

- (a) where trees are growing at a greater distance seawards than one quarter of a mile from centre of sea-dam the proprietor of any estate fronting on that portion of the sea defences may with the consent of the Commissioners cut wood on the foreshore but not within the distance aforesaid of one quarter of a mile from the centre of the sea-dam; and

(b) any proprietor may with the consent aforesaid erect watch-houses at any sluice within the sea defences.

Acquisition
of additional
land for sea-
defence
works.

Chapter 170.

39. Whenever the Commissioners deem it necessary to retire a sea-dam or koker, or whenever additional land is required for sea defences or any purpose connected therewith, the necessary land shall be acquired under and in accordance with the Acquisition of Lands for Public Purposes Ordinance or any Ordinance amending it or substituted for it, and the construction and maintenance of sea defences and all works connected therewith shall be deemed to be a public work within the meaning of the Ordinance aforesaid.

Works to
executed

40. Works under this Ordinance shall consist of—
(a) the maintenance of existing sea defences and of any additional sea defences hereafter constructed, in this Ordinance called annually recurrent works; and
(b) the construction of any additional sea defences from time to time deemed necessary by the Commissioners, hereinafter called extraordinary works.

Extra-
ordinary
works.

41. The Commissioners may from time to time sanction the undertaking of any extraordinary works they deem necessary for the protection of a district, the cost whereof shall be borne as hereinafter provided.

Annually
recurrent
works.

42.—(1) The Director shall whenever from time to time necessary prepare a statement of the annually recurrent works needing to be undertaken and an estimate of their cost.

(2) The statement and estimate shall be submitted to the Commissioners, who may amend them or add thereto and sanction the expenditure of the sum they think fit in respect of the works, but if the Commissioners refuse to sanction the expenditure of the sum the Director thinks necessary he may appeal to the Governor in Council, who, after hearing the Director and the Commissioners, may make any order he thinks fit.

(3) The cost of all works so sanctioned or ordered by the Governor in Council to be undertaken shall be borne as hereinafter provided.

43. The public works department shall have charge of the sea defences of the district and shall execute, or with the approval of the Governor in Council enter into contracts for the execution of, all works, whether extraordinary or annually recurrent, sanctioned or ordered to be undertaken under this part of this Ordinance, and the Director shall have the sole control and direction of their execution.

Public works department to have charge of sea defences.

44.—(1) For the purposes of this part of this Ordinance, the public works department shall have and may exercise the following powers:—

Powers of the public works department.

- (a) its officers may at all times enter on any estate or village and inspect the sea-, river-, and outerdams thereof;
- (b) its officers may at all times enter on any estate or village and dig earth, cut fascines, and take material off any land thereon and therefrom which is necessary for a sea-defence work.

(2) The proprietor of an estate, or the local authority of a village objecting to the earth or material aforesaid, being dug, cut, or taken, may apply to the Director for his personal directions, and the Director shall have full power to give any instructions he thinks fit.

(3) In any case where the estate is not more than five acres in extent the Governor in Council, if satisfied that material damage to the land has been caused, may direct the Commissioners to pay any compensation that the Governor in Council deems advisable, the compensation to be paid by the district wherein the land is situate.

(4) The public works department may at any time cut wood required for the purposes of this part of this Ordinance from any land in the district aforesaid, paying therefor at a rate to be fixed by the Director.

45. For the purposes of this part of this Ordinance the Director may—

Powers of Director.

- (a) give any directions he thinks expedient with respect to maintenance, retirement, or other modification, of any sluices, kokers, or other works of drainage, existing on an estate or in a village so far as the directions are necessary for the sake of any works or for the protection of a sea defence, and the directions shall be obeyed by the proprietor of the estate or local authority subject to the right of appeal to the Governor in Council;

- (b) enter into all contracts necessary for the proper performance of his duties under this part of this Ordinance, subject to a right of appeal to the Governor in Council;
- (c) keep a banking account and deal therewith in any manner he deems necessary for the performance of his duties under this part of this Ordinance.

Powers of public works department when proprietor fails to perform work.

46. If the proprietor of an estate or the local authority of a village neglects or refuses to comply with any direction given by the Director under paragraph (a) of the last preceding section within the time fixed by the Director, the public works department, with the consent of the Commissioners, may perform the work necessary to be done to comply with the direction, and any expenses caused by the neglect or refusal may be recovered against the proprietor or local authority in the same manner as assessments under this part of this Ordinance.

Financial Provisions.

47. The cost of all works both annually recurrent and extraordinary in a district shall be defrayed and borne as follows:—

- (a) one-fourth thereof out of moneys voted annually by the Legislative Council for the purpose; and
- (b) three-fourths thereof by the proprietor of the estates and the local authority of the villages in the district.

Cost of extraordinary works:

48.—(1) The cost of all extraordinary works in the first instance shall be defrayed out of the moneys provided for the purpose by the Legislative Council, and the Colonial Treasurer shall out of those moneys pay over to the Director the sum ordered by the Governor, on the application of the Director, in respect of any of the works sanctioned by the Commissioners.

(2) One-fourth of the moneys so paid over and expended in the execution of extraordinary works shall be repaid out of the money voted, and in the manner directed, by the Legislative Council, and three-fourths shall be repaid by the proprietor of the estates and the local authorities in the district in the manner hereinafter provided.

(3) There shall be paid annually by the estates and the local authorities in the district for a period of fifty years commencing from the day whereon the moneys aforesaid were paid over by the Colonial Treasurer to the Director a sum equal to six per centum of three-fourths of the total sum so expended.

(4) The Director shall assess the proportion of the annual sum payable by each estate and the local authority in the district, and those estates and local authorities shall be liable for the payment of the proportionate part so assessed.

(5) When the cost of any works is defrayed in whole or in part from public funds the approval of the Legislative Council shall be obtained :

Provided that—

Proviso.

- (a) the assessment shall not exceed five shillings per rhymland acre in the case of estates and villages; and
- (b) in the case of villages any sum payable above half-a-crown per rhymland acre shall be defrayed from public funds; and
- (c) on the declaration at any date hereafter of the islands of Lequan or Wakenaam as one or more of the sea-defence districts by an order or orders of the Governor in Council that area shall be assessed at a rate not exceeding fifty-seven cents per acre (Crown or colony land being free from all assessment), and that assessment shall be deemed to apply to the area from and after the date of payment by the Colonial Treasurer of the sum of ten thousand dollars for the purpose of cleaning, repairing and raising the sea dams of the area, as provided by Combined Court Resolution number LXVIII dated the second day of December, 1918.

49. One fourth of the cost of annually recurrent works shall be paid out of moneys voted by the Legislative Council, and the Director shall assess the proportion of the remaining three fourths of the cost payable by each estate and local authority in the district, each estate and local authority being liable for the payment of the proportionate part so assessed.

Cost of
annually
recurrent
work.

Power to
borrow
money.

50. The Director, with the consent of the Commissioners, may raise on loan money for the purpose of defraying in the first instance the cost of annually recurrent works, and the amount of the loan shall be a first charge on all amounts assessed and paid in respect of annually recurrent works under this part of this Ordinance.

Mode of
assessment.

51.—(1) Every assessment made under this part of this Ordinance shall be made on the total area of each estate or village and be at a uniform rate for each acre of that area in each district, but Crown lands not held under licences of occupancy shall be exempt from the assessment.

(2) Every assessment, save as hereinafter provided, shall be made on, and may be recovered against, each estate as a whole including other estates (if any) worked therewith.

Owner of
land may
claim to be
assessed
separately
from estate :

52.—(1) Every owner of land which forms part of an estate in a district other than a village who has acquired the title to the land by inheritance, devise, transport, or letters of decree, may give notice in writing to the Director describing the land and requiring it to be assessed under this part of this Ordinance separately from the estate of which it forms part and the land shall thereupon cease to be assessed as part of the estate but shall be assessed separately in proportion to its area for all works executed under this part of this Ordinance and the amount so assessed may be recovered under this part :

Proviso.

Provided that—

(a) the area of all land separately assessed under this section shall, for the purpose of assessing any amount due under this part of this Ordinance, be deducted from the area of the estate of which it forms part; and

(b) execution shall not be levied on and so separately assessed for non-payment of any assessment upon the estate of which it forms part.

(2) The provisions of this section shall not apply to land situate in a village.

Assessments
to be
published.

53. Every assessment made under this part of this Ordinance shall be published in the Gazette and one newspaper and the amount of the assessment shall be deemed to become due and payable on the day whereon it is published in the Gazette.

54. Every assessment made under this part of this Ordinance upon any village shall be paid to the Director, or any other officer of the public works department appointed for the purpose by the local authority, out of the rates and the amount of the assessment shall be a charge upon the rates of the village.

Payment of assessments made upon villages.

55. Every assessment made under this part of this Ordinance upon an estate or upon land other than a village shall be paid to the Director, or to an officer of the public works department appointed by him for the purpose, and in default of payment by the proprietor of an estate, or by the owner of land separately assessed, of the amount of the assessment of the estate or land when it becomes due, the Director may, save as hereinafter provided, recover it with costs by parate or summary execution against the proprietor of the estate or owner of the land without naming him.

Payment of assessments made upon estates.

56.—(1) Where the amount of an assessment does not exceed one hundred dollars it shall not be recovered by parate or summary execution in the first instance but the Director may apply to the magistrate of the judicial district wherein is situate the estate or land in respect of which the assessment was made, who shall grant a warrant of distress for the recovery of the assessment under and by virtue of which the movable property upon the estate or land, or in any house or houses thereon, may be levied upon and sold for the amount of the assessment with costs.

Recovery of assessments not exceeding \$100 :

(2) The movable property shall be sold in some public place by anyone authorised by the magistrate, notice thereof being given in the manner directed by the magistrate not less than eight clear days previously, and the proceeds of sale, after payment of the costs, shall be applied in payment of the assessment and the surplus (if any) paid to the owner :

Provided that the magistrate, on sufficient cause shewn may at any time cancel the warrant.

Proviso

(3) Every warrant of distress under this section shall be in the form given in the second schedule hereto.

Second schedule.

(4) Every warrant of distress issued under this section shall be executed in the same manner as a warrant of distress issued by a magistrate in the exercise of his summary jurisdiction, and the fees payable for the last mentioned warrants of distress shall be payable for those under this section.

(5) Process of parate or summary execution shall be issued for any assessment under this part of this Ordinance where it does not exceed one hundred dollars if there is produced with the summation a certificate signed by the Director to the effect that there is no movable property whereon to levy or that the movable property has proved insufficient, or in any case when a levy has been made if a return to the same effect is produced by the officer making the levy.

Protection for person upon whose movable property levy has been made for assessments.

57. Where any movable property levied upon and sold under the last preceding section belongs to someone other than the proprietor of the estate or land liable for the assessment he shall be entitled to recover from the proprietor the full value of the property so levied upon and sold, together with an additional ten per centum thereof by way of damages with costs, and the occupier of the estate or land liable for the assessment may pay the amount of the assessment and deduct it from any rent due or accruing due by him in respect of the estate or land.

Assessment to be paid to Director.

58.—(1) The amount of every assessment aforesaid shall be paid to the Director or to an officer of the public works department by him appointed for the purpose, and in default of payment by the proprietor of an estate, or by the owner of land separately assessed, of the amount of the assessment on the estate or land when it becomes due, the Director may recover it by parate or summary execution in the same manner as that in which a local authority may proceed against movable or immovable property respectively under the Local Government Ordinance or any Ordinance amending it.

Chapter 84.

(2) The signature of the Director subscribed to any document containing a statement of the amount due for the assessment, without proof of the signature or of any other matter or thing, shall be held and deemed to be in all courts and by all judges and magistrates *primâ facie* evidence that the amount claimed is due and is in every particular correct.

Preferent lien of colony for assessment.

59.—(1) The Director for and on behalf of the colony shall have a preferent lien upon every estate in a district and upon all lands separately assessed under section fifty-one of this Ordinance, subject to any existing liens thereon in favour of the colony, for the payment of the proportion of the amount of an assessment made under the

provisions of this part of this Ordinance, and due in respect of that estate or land.

(2) The lien shall continue in full force and continue vested on each of the estates and upon all land separately assessed as aforesaid, notwithstanding any change in ownership of the estate or land.

60.—(1) The Director shall keep—

(a) proper books of account in respect of the district and enter therein the amount of all moneys received and expended; and

(b) books showing all transactions on account of any advance or loan obtained for the district.

Books and
accounts.

(2) A proprietor of an estate in the district may at all reasonable times, and in a reasonable manner, have access to any of the books, and may make copies of any entry therein.

61.—(1) The auditor shall examine and audit the books of account by the last preceding section required to be kept, and the Commissioners shall annually before the thirtieth day of September publish a statement showing all assessments levied and all moneys received and expended under the provisions of this part of this Ordinance.

Audit of
Commissioners'
accounts.

(2) Out of the funds of each district there shall be paid into the general revenue of the colony in respect of the audit such sum as, after consultation with the Commissioners, is fixed by the Governor in Council.

Miscellaneous Provisions.

62.—(1) The Director shall keep a book for each district, called the district register, wherein shall be entered the names and areas of the estates and villages in that district, and the names and addresses of the proprietors thereof, and also the name and address of everyone who has given notice that he requires his land to be separately assessed under the provisions of section fifty-one hereof and the area of that land.

District
Register.

(2) The proprietor of the estate, and everyone who has given notice as aforesaid, or any duly constituted attorney of the proprietor or the representative of the proprietor or attorney duly authorised in writing, shall from time to time cause his correct address to be entered in the register and that address shall be called his registered address.

Service of
notice upon
proprietors.

63.—(1) Any notice required to be sent to a person under this part of this Ordinance shall be deemed to have been duly sent if it has been posted to his registered address by registered letter, and any document or legal process required to be served upon him shall be deemed to have been duly served if it has been left with some adult person at his registered address.

(2) If any proprietor or person whose land is separately assessed under section fifty-nine hereof fails to cause his address to be entered in the register, any notice, document, or process aforesaid may be affixed to the principal building on the estate or land, or if there is no building thereon on some conspicuous place on the estate or land, and the notice, document, or process, shall be deemed to have been duly served on the proprietor or person.

Publication
and operation
of Orders in
Council.

64. Every order made by the Governor in Council under this part of this Ordinance shall be published in the Gazette and in one other newspaper published in the colony, and shall take effect from the date of the publication or from any other date mentioned in the order.

Damaging
sea-defence
works.

65. Everyone who unlawfully and maliciously destroys or damages any work constructed or maintained under this part of this Ordinance, or who, without the sanction of the Director and the Commissioners cuts any courida or other trees on the sea-side of any sea-defence, or removes any shell, sand, or other material from any shore in a district, shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding fifty dollars or to imprisonment with or without hard labour for any term not exceeding two months.

Penalty.

City of
Georgetown.

66. Nothing in this part of this Ordinance shall apply to the city of Georgetown or the sea defences thereof.

Temporary Provisions.

Construction
of sea-
defences by
proprietors
within one
year from the
commence-
ment of this
part of this
Ordinance :

67. As soon as any part of the colony has been declared a district under this part of this Ordinance the Director, with the consent of the Commissioners may require the person or persons who but for the passing of the second part of this Ordinance would have been liable to construct and maintain the sea defences of any estate or land in that district to construct the sea defences necessary in his opinion for the protection of the estate or land, or to execute the works in his opinion necessary for the repair of any

existing sea defence, and the provisions of the first part of this Ordinance and of any Ordinance amending them shall apply to the construction and execution of those sea defences and works, which shall be constructed and executed in accordance with the first part hereof as if the second part hereof had not passed :

Provided that—

Proviso.

- (a) when those sea defences and works have been constructed and executed they shall be maintained under the second part hereof; and
- (b) no notice to construct sea defences or execute works under this section shall be given after the expiration of one year from the declaration of any sea-defence district as provided for in sub-section (1) of section twenty-nine of this Ordinance.

68. From and after the commencement of the second part of this Ordinance the first part shall not apply to any area of the colony which has been declared a sea-defence district under the second part.

SCHEDULES.

FIRST SCHEDULE.

SEA-DEFENCE DISTRICTS.

1. Essequibo coast :—Extending from the northern side-line dam of plantation Walton Hall on the north-west coast of Essequibo to the company path between plantations Onderneeming and Belfield on the left bank, Essequibo river, and bounded on the east by the sea defences as defined by sub-section (2) of section thirty-eight of this Ordinance and on the west by the western extremities of the second depths and of the extra depths held under licences of occupancy from the Crown of the estates lying within the northern and southern boundaries.

2. Essequibo river :—Extending from the company path between plantations Onderneeming and Belfield to the left bank of the Supernaam creek on the left bank of the Essequibo river, and bounded on the east by the sea defences as defined by sub-section (2) of section thirty-eight of this Ordinance and on the west by the second depths held under licences of occupancy from the Crown of the estates lying between the northern and southern boundaries.

3. The island of Wakenaam.

4. The island of Leguan.

5. West Coast Demerara :—Extending from the western side-line dam of plantation Greenwich Park on the right bank, Essequibo river, to the eastern boundary of plantation Best at the mouth of the Demerara river, bounded on the north by the sea defences as defined by sub-section (2) of section thirty-eight of this Ordinance and on the south by the Boerasirie creek, the Boerasirie water supply canal, and the northern side-line dam of plantation Swan-en-schuts.

6. East Coast, Demerara :—Extending from the western side-line dam of plantation Kitty on the east coast, Demerara, to the southern side-line dam of plantation Voorzigtigheid on the left bank, Mahaica creek. Bounded on the north by the sea defences as defined by sub-section (2) of section thirty-eight of this Ordinance, and on the south by the East Demerara water supply canal, the Lamaha canal and the Shank's canal and the northern side-line dam of plantation Hand-en-veldt on the left bank, Mahaica creek.

7. Mahaica—Abary :—Extending from the right bank of the Mahaica creek up to the southern boundary of plantation Adventure on the left bank, Abary creek, and including the plantations L'Amitié, Batavia, Trois Amis, Gorchum, and Wilhelmina, on the right bank, Mahaica creek. Bounded on the north by the sea defences as defined in sub-section (2) of section thirty-eight of this Ordinance, and on the south by the public road, the southern extremity of the Crown land in the rear of the estates between Mahaica and Mahaicony creeks, now held under licences of occupancy from the Crown and the southern extremities of the estates lying between the Mahaicony and Abary creeks.

8. West coast, Berbice :—Extending from the right bank, Abary creek up to the southern side-line dam of plantation Zoorg and Hoop, part of plantation Blairmont, left bank, Berbice river. Bounded on the north by the sea defences as defined in sub-section (2) of section thirty-eight of this Ordinance and on the south by the Abary creek and the southern and western extremities of the second depths and of the extra depths held under licences from the Crown of the estates lying between the Abary creek and the Berbice river.

9. East and Courantyne coasts—Berbice :—Extending from the mouth of the Grand canal on the right bank of the Berbice river and inclusive of lot no. 40, situate on the south side of the Grand canal up to the southern side-line dam of lot no. 81, part of plantation Skeldon on the left bank, Courantyne river. Bounded on the north by the sea defences as defined in sub-section (2) of section thirty-eight of this Ordinance, and on the south by the Grand canal and southern extremities of the second depths and of the extra depths held under licences of occupancy from the Crown of the estates lying between the Berbice and Courantyne rivers.

SECOND SCHEDULE.

FORM OF WARRANT OF DISTRESS.

BRITISH GUIANA.

District.

To _____ and to all other constables.

Whereas application has been duly made to me by the Director of Public Works for a warrant of distress against the movable property upon or in [*here describe the premises*] in the said district for the purpose of levying the sum of _____ dollars due in respect of the assessment made upon the said premises for sea defences under the Sea Defences Ordinance, with costs. And whereas proof has been duly given to me under the hand of the Director of Public Works that the said amount is due in respect of an assessment under the said Ordinance. This is, therefore, to require and command you to levy the said sum of _____ with costs upon the said movable property according to law.

Dated the _____ day of _____, 19 _____.

(Signed)
Magistrate: District