

ORDINANCE No. 7 OF 1906.

AN ORDINANCE to make provision for the maintenance of the sea defences of the East Coast of Demerara. A.D. 1906.

[28th July, 1906.]

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

1. This Ordinance may be cited as the East Demerara Sea Defences Ordinance, 1906. Short title.

2. In this Ordinance, unless the context otherwise requires,—
“The Public Works Department” means the Colonial Civil Engineer, and includes every officer of the Colonial Civil Engineer’s Department and every person employed by the Colonial Civil Engineer or by any officer of his Department; Interpretation of terms.

¹ Repealed by Section 2 of Ordinance No. 30 of 1914.

² See Ordinance No. 9 of 1891.

- “ District ” means the East Demerara Sea Defence District, as hereinafter constituted;
- “ Village ” means a village declared as such under the Village Ordinance, 1892;⁽¹⁾
- “ Estate ” means any estate mentioned in the First Schedule to this Ordinance;
- “ Proprietor ” includes the attorney of any proprietor, the secretary of any company owning any estate, the manager of any sugar plantation, and the chairman of any village council;
- “ Sea Defence ” means any dam, groyne or other construction of whatever kind intended to prevent erosive action on any seashore or estuary of any river or creek in the District;
- “ Work ” means any work for maintaining, repairing, strengthening, heightening or protecting any existing sea defence and includes any work for constructing or protecting any new sea defence. It also includes the removal of anything which, in the opinion of the Colonial Civil Engineer, ought to be removed for the protection or conservation of the foreshore;
- “ Commissioners ” means the “ East Demerara Sea Defence Commissioners,” hereinafter constituted;
- “ Chairman ” means the Chairman of the Commissioners.

PART I.

THE SEA DEFENCE DISTRICT.

3.—(1) All that part of the East Coast of the County of Demerara from and inclusive of Plantation Mosquito Hall to and inclusive of Plantation Kitty, and all the estates mentioned in the First Schedule to this Ordinance shall be and the same are hereby constituted the East Demerara Sea Defence District.

(2) Subject to the provisions hereinafter contained, the areas of the estates included in the said District, shall be deemed to be the areas set out against the names of the said estates in the First Schedule to this Ordinance.

(3) The Governor-in-Council may at any time order that the area of any estate included in the District, shall for the purposes of this Ordinance, be deemed to be increased or diminished to the extent specified in the Order.

PART II.

The Commissioners.

4.—(1) The Colonial Civil Engineer and three other persons elected in the manner hereinafter provided shall be Commissioners under and for the purposes of this Ordinance.

(2) Such Commissioners shall be styled “ The East Demerara Sea Defence Commissioners,” and may sue and be sued by that name.

(3) The Colonial Civil Engineer shall be Chairman of the Commissioners and shall have a casting vote at all meetings of the

¹ Repealed by Section 345 of Ordinance No. 13 of 1907. See under “ Local Government.”

Commissioners where the votes of the Commissioners are equally divided upon any question.

5.—(1) One Commissioner shall be elected in the manner hereinafter provided for each part of the District named and specified in the Second Schedule.

By whom
Commissioners
to be elected.

(2) One Commissioner shall be elected annually in the manner hereinafter provided, by the village councils of all villages, which are situated within the area of the district.

Second
Schedule.

6.—(1) As soon as practicable after the coming into operation of this Ordinance the Colonial Civil Engineer shall call meetings of the proprietors of the estates comprised in each part of the district named in the Second Schedule, for the election of Commissioners.

Election of
Commissioners
by proprietors
of estates.

(2) Whenever a Commissioner for either part of the district named in the Second Schedule leaves the Colony, dies, becomes unable to act, or resigns his office, the Colonial Civil Engineer shall call a meeting of the proprietors of the estates comprised in such part of the district for the election of a Commissioner in his place.

Second
Schedule.

(3) The person having the majority of votes of proprietors present or voting at a meeting shall be deemed to have been duly elected a Commissioner.

(4) No person shall be entitled to be present or to vote at any meeting of proprietors held under this section, in respect of any estate or part of an estate which is comprised within the area of any village.

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

Distribution
of votes.

(2) In determining the number of votes of a proprietor of an estate the area of his estate shall be deemed to be the area stated in the Third Schedule or such other area as may be determined by Order of the Governor-in-Council. Where the number of acres is not a multiple of one hundred, there shall be only one vote for each complete one hundred.

Third
Schedule:
Column II.

(3) When any of the estates are owned by more than one proprietor in undivided shares, and each of such proprietors desires to vote separately, each of such proprietors 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 such proprietor in the whole estate. Where the number of acres so obtained is not a multiple of one hundred there shall only be one vote for each one hundred.

(4) Any proprietor of an estate may vote at any meeting by his duly constituted attorney.

(5) Any proprietor or his duly constituted attorney may, without being present, vote at any meeting by intimating in writing what his vote is.

8.—(1) The village council of every village situated within the area of the district shall annually in the month of December elect two of their number, who, with the Chairman of such Council, shall in the manner hereinafter provided, elect a Commissioner.

Election of
Commissioner
by Village
Councils.

(2) The Colonial Civil Engineer shall annually in the month of January call a meeting of the Chairman and the two members of each village council elected as aforesaid, for the election of a Commissioner.

(3) The person having the majority of votes of those present at such meeting shall be deemed to have been duly elected a Commissioner.

Colonial Civil Engineer to call meetings for election of Commissioners.

9.—(1) All meetings for the election of a Commissioner shall be held at such time and place as the Colonial Civil Engineer shall appoint, and he shall preside at all such meetings, but shall not have a right to vote thereat, provided that in cases of an equality of votes he shall have a casting vote.

(2) In the event of the absence of the Colonial Civil Engineer from any such meeting as aforesaid, the persons present and entitled to vote thereat may elect one of their number to preside at such meeting, and such person shall in case of an equality of votes have a casting vote, in addition to any vote or votes he may have as a proprietor.

PART III.

Construction and Maintenance of Sea Defences.

10. All the sea defences of the district shall be deemed to be vested in the Commissioners for the purposes of this Ordinance.

11. Works under this Ordinance shall consist of—

- (1) The maintenance of existing sea defences, and of such additional sea defences as may hereafter be constructed, hereinafter called "Annually recurrent works"; and
- (2) The construction of such additional sea defences as shall from time to time in the opinion of the Commissioners be necessary, hereinafter called "Extraordinary Works."

Vesting of sea defences in Commissioners.

Works to be executed.

Extraordinary works.

12. The Commissioners may, from time to time, sanction the undertaking of such extraordinary works as in their opinion are necessary for the protection of the District, and the cost of such works shall be borne as hereinafter provided.

Annually recurrent works.

13.—(1) The Colonial Civil Engineer shall, from time to time, whenever necessary, prepare a statement of the annually recurrent works which in his opinion are necessary to be undertaken together with an estimate of the cost of such works.

(2) Such statements and estimate shall be submitted to the Commissioners, who may sanction the undertaking of such works or such part of them as they think fit: Provided that if the Commissioners refuse to sanction the undertaking of any such works, or any part of them the Colonial Civil Engineer may appeal to the Governor-in-Council, who after hearing the Colonial Civil Engineer and the Commissioners, shall have power to order that such works or any part of them shall be undertaken.

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

Public Works Department to have charge of sea defences.

14. The Public Works Department shall have the charge of the sea defences of the district and shall execute all works whether extraordinary or annually recurrent, sanctioned or ordered to be undertaken under this Ordinance, and the Colonial Civil Engineer shall have the sole control and direction of the execution of such works.

15. For the purposes of this Ordinance the Public Works Department shall have and may exercise the following powers:—

General Powers of the Public Works Department.

- (1) They may at all times enter on any estate and inspect the sea, river and outer dams thereof;
- (2) They may at all times enter on any estate and dig earth, cut wood, and take material of any kind thereon and therefrom which may be necessary for any work: Provided that if the proprietor of the estate objects to such earth or material being dug, cut or taken, he may apply to the Colonial Civil Engineer for his personal directions and the Colonial Civil Engineer shall have full power to give such directions as to him may seem fit.

16. For the purposes of this Ordinance the Colonial Civil Engineer shall have and may exercise the following powers:—

General Powers of Colonial Civil Engineer.

- (1) He may give such directions as he may think expedient with respect to the position and construction of any sluices, kokers, or other works of drainage on any estate, so far as such directions may be necessary for the sake of any works, and such directions shall be complied with by the proprietor of the estate;
- (2) He may enter into all contracts necessary for the proper carrying out of his duties under this Ordinance; and
- (3) He may keep a banking account and deal therewith in such manner as may be necessary for carrying out his duties under this Ordinance.

17. If the proprietor of any estate neglects or refuses to comply with any direction given by the Colonial Civil Engineer under sub-section one of the last preceding section, within such time as the Colonial Civil Engineer shall fix, the Colonial Civil Engineer may perform any work necessary to be done to comply with such direction, and any expenses caused by such neglect or refusal may be recovered against such proprietor in the same manner as assessments may be recovered under this Ordinance.

Power for Colonial Civil Engineer to do work when proprietor fails.

PART IV.

Financial Provisions.

18. The cost of all works, both annually recurrent and extraordinary in the district shall be borne by the estates in the district.

Liability of estates for costs of works in District.

19.—(1) The cost of all extraordinary works shall in the first instance be defrayed out of such moneys as may be provided for the purpose by the Combined Court, and the Receiver General shall out of such moneys pay over to the Colonial Civil Engineer such sum as the Governor, on the application of the Colonial Civil Engineer, shall order in respect of any such works sanctioned by the Commissioners.

How cost of extraordinary works to be defrayed.

(2) All moneys so paid over and expended in the execution of extraordinary works shall be repaid by the estates in the district in the manner hereinafter provided.

(3) There shall be paid annually for a period of fifty years commencing from the day on which such moneys were paid over by the Receiver General to the Colonial Civil Engineer, by the estates

in the district, a sum equal to five per centum of the total sum so expended.

(4) The Colonial Civil Engineer shall assess the proportion of such annual sum payable by each estate in the district, and each estate shall be liable for the payment of the proportionate part so assessed.

How costs of annually recurrent works to be defrayed.

20. The Colonial Civil Engineer shall assess the proportion of the cost of all annually recurrent works payable by each estate in the district, and each estate shall be liable for the payment of the proportionate part so assessed.

Power to borrow money.

21. The Colonial Civil Engineer, 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 any such loan shall be a first charge on all amounts assessed and paid in respect of annually recurrent works, under this Ordinance.

Remuneration of Public Works Department.

22. There shall be paid to the officers of the Public Works Department for service rendered under this Ordinance, both in respect of extraordinary and annually recurrent works, such sums as the Governor-in-Council may allow, and such sums shall be included in, and shall be deemed to be part of the costs of such works.

Mode of assessment.

23.—(1) Every assessment made under this Ordinance, shall be made on the total area of each estate and shall be at a uniform rate for each acre of the estate.

(2) Every such assessment, except 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.

24.—(1) Every person who is the owner of any land which forms part of any estate mentioned in the First Schedule to this Ordinance other than a village, who has acquired the title to the said land by inheritance, devise, transport or letters of decree, may give notice in writing, describing such land, to the Colonial Civil Engineer, and requiring that such land shall be assessed under this Ordinance separately from the estate of which it forms part, and thereupon the said land shall cease to be assessed as part of the said estate, but shall be assessed separately in proportion to its area for all works executed under this Ordinance, and the amount so assessed may be recovered in the same manner in which assessments upon estates may be recovered under this Ordinance: Provided that the area of all land separately assessed under this section shall for the purpose of assessing any amount due under this Ordinance be deducted from the area of the estate of which it forms part: And provided further that no such land so separately assessed shall be levied upon for the non-payment of any assessment upon the estate of which it forms part.

(2) The provisions of this section shall not apply to any land situated in any Village.

How assessments upon Villages to be paid.

25. All assessments made under this Ordinance upon any estate which is situated within the area of any village shall be paid by the village council of such village out of the village rates, and the amount of such assessment shall be a charge upon the village rates.