

To be construed with Ord. 37 of 1929, Ord 36 of 1932
 Ord 37 of 1932. Ord: 89 1936.

CHAPTER 165.

DRAINAGE AND IRRIGATION.

[No. VII of 1927.]

[14th May, 1927.]

Short title.

1. This Ordinance may be cited as the Drainage and Irrigation Ordinance.

Interpretation of terms.

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

“works” means any machinery, reservoir, canal, trench, sluice, koker, aqueduct, weir, conservancy, dam, lock, road, or any work, construction, thing or excavation, which, within a works area, may be made, erected, constructed, or used; for the purpose of drainage or irrigation, or drainage and irrigation, of a declared area;

“declared area” means any area of land which the Governor in Council under section nine of this Ordinance has by order declared to be an area which is to be benefited by the execution of works the expenditure for which has been approved by the Legislative Council, and includes all land forming part of the works area;

“works area” means the land intended and used for the erection and construction of works for the service of a declared area, and includes all works made, erected and constructed thereon;

“total cost of works” means all expenditure incurred in and incidental to the making of surveys and plans, the execution of works, and the payment of compensation in relation to a declared area;

“proportionate cost” means the proportion of the total cost of works which is to be repaid by the proprietors and local authorities in each declared area;

“annual charges” means all costs, charges, and expenses relating or incidental to the operation, maintenance, repair, or replacement of any works;

- “proprietor” includes the person in possession of an estate, the attorney of a proprietor, the secretary of a company owning an estate, and the manager of an estate;
- “estate” means any land or portion of land belonging to a proprietor in a declared area (other than Crown or colony land not held under a lease or a licence of occupancy) which is not included within the boundaries of a village;
- “village” means any village district or country district duly declared under the Local Government Ordinance. Chapter 84.
- “local authority” means any village council or country authority established under the Local Government Ordinance;
- “Director” means the Director of Public Works;
- “board” means a drainage, irrigation, or drainage and irrigation, board constituted in pursuance of section thirty-three of this Ordinance;
- “cattle” means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat, or swine.

“advance” — x+x See Sec. 2 of Ord. 36/1932

PART I.

Procedure to declare area; execution of works.

3.—(1) Where it appears to the Governor in Council that it will be for the benefit of any area of land that it shall be drained and irrigated, or drained or irrigated, and that the proprietors and local authorities within the area can contribute the proportionate cost, he may order the Director to ascertain and determine whether the area, or any part thereof, or any other area whether including in whole or in part of the first-named area, is suitable for and will be benefited by drainage and irrigation, or drainage or irrigation, as may be directed in the order.

Governor in Council may order Director to ascertain if land suitable for drainage, etc., and to make plans and estimates.

(2) Every order made under the last preceding subsection shall be published twice within eight days in the Gazette and on each of those days in such daily newspapers as the Governor in Council directs.

(3) By virtue of the order the Director, after the expiration of a fortnight from the last publication, shall have authority, by himself, his servants and agents, with or without animals and vehicles, to enter upon the area and

any adjacent land to make surveys and do all acts which he may deem necessary for the purpose of carrying the order into effect.

(4) If the Director is of opinion that an area of land is suitable and will be benefited in the respect stated in the order he shall—

- (a) make a survey of, and prepare a plan showing, the area and the works area; and
- (b) prepare plans and specifications of the works together with an estimate of their cost.

(5) All expenses incurred by the Director in pursuance of an order under this section shall in the first instance be defrayed out of the moneys provided by the Legislative Council for the purposes of this Ordinance, and shall, if the area thereafter becomes a declared area, form part of the total cost of the works of that declared area.

Meeting of
proprietors
and local
authorities.

4.—(1) The Director, after completion of the plans, specifications and estimate prepared under sub-section (4) of the last preceding section, shall as soon as he can conveniently do so summon a meeting of the proprietors and local authorities within the areas comprised in the plan prepared by him under paragraph (a) of that sub-section.

(2) The meeting shall be held within the area to be benefited or at some place in proximity thereto.

(3) The Director shall, not less than twenty-one days before the meeting,—

- (a) publish a notice thereof in the Gazette and such daily newspapers as the Governor in Council directs;
- (b) cause a copy of the notice to be posted at every post office, commissary's office and police-station within the area;
- (c) send by post a copy of the notice to the chairman of every local authority within the area.

(4) The Director shall prior to the meeting cause a copy of the notice of the meeting to be re-published once at least in the Gazette and the daily newspapers, the first re-publication to be within ten days after the first publication.

(5) The Director shall lay before the meeting the plans, specifications and estimates and shall explain them fully to the meeting.

5. After the meeting the Director shall deposit the plans and specifications and estimates at the office of the public works department in Georgetown, where they shall be open for inspection at all times during office hours for one month from the date of the meeting.

Plans, specifications and estimates to be open to inspection.

6. Any proprietor or local authority within the area comprised in the plan who objects to the execution of any works or anyone who considers that he will suffer damage thereby, may within one month from the date of the meeting give to the Director a notice in writing setting out the grounds of his objection, or his claim for compensation, giving full particulars of his title, the nature of the damage and the items of his claim showing how he arrives at it.

Objections to work.

7. As soon as conveniently may be after the expiration of one month from the date of the meeting, the Director shall transmit to the Governor in Council the plans, specifications and estimates, and all objections and claims for compensation he may have received under the last preceding section, together with a full report on all objections and claims.

Documents to be transmitted, with report, to Governor in Council.

8. The Governor in Council shall consider the plans, specifications and estimates, together with the objections and claims, and if he thinks fit may direct the plans, specifications and estimates (with or without modification) and the objections to be laid before the Legislative Council.

Laying documents before Legislative Council.

9.—(1) When the Legislative Council has approved the expenditure necessary for the execution of any works for the benefit of an area the Governor in Council may by order declare the area so to be benefited a declared area.

Declaration of area after approval of expenditure by Legislative Council.

(2) In every order made under the last preceding subsection the declared area shall be described by a name and the boundaries thereof shall be defined.

(3) The Governor in Council may from time to time by order vary the boundaries of any declared area.

(4) The Governor in Council may, if he thinks fit, in any order made under sub-section (1) of this section, or by a subsequent order, direct the Director to proceed with the execution of the works.

(5) Every order made under this section shall be published in the Gazette and any daily newspapers directed by the Governor in Council.

Powers of
Director.

10. When an order has been published directing the Director to proceed with the execution of the works for any declared area—

- (a) the works area shall thereupon without any further act vest in the Director and his successors in office on behalf of the colony;
- (b) the Director, his servants and agents, with or without animals and vehicles, shall be entitled without let or hindrance at all times to go upon and to pass and repass over any part of the declared area for the purpose of executing the works;
- (c) the Director may take and remove earth or any materials in or on any part of the land of the declared area as he may consider necessary for the works; provided the earth or materials be not taken from any cultivated pasture or improved land where obtainable elsewhere;
- (d) the director may do any acts he considers necessary for the execution of the works.

PART II.

Compensation.

Compensa-
tion.

11.—(1) Where anyone is deprived of land by reason of its inclusion in a works area, or where actual loss or damage is occasioned to anyone by the execution of works, he shall be entitled to compensation for the deprivation of land or for that loss or damage, subject to the following rules:—

- (a) there shall be no right to compensation either for land used at the taking thereof for a reservoir, canal, trench, sluice, koker, aqueduct, road, or dam, or for land taken for a façade trench, or for a façade supply canal across any estate, or for any such trench or canal across any village where the trench or canal is constructed across the layout of the allotments in the village or through any undivided land in a village which is owned and occupied in common, but this subsection shall not apply to any building or cultivation on that land;
- (b) the amount of compensation shall be estimated at the actual value of the land taken or of the loss or damage occasioned, and shall also include the

cost of taking down and removal of anything in on or upon the land and the erection thereof elsewhere;

- (c) where the portion of the land taken is such a proportion of the whole of a particular holding that the value of the portion not taken does not exceed one-third of the value of the holding, unless the portion not taken can be beneficially occupied having regard to the circumstances, the amount of compensation to be paid shall be estimated at the value of and shall be for the whole land; and where compensation is paid for the whole land under this sub-section that land shall vest in the Director, who shall when convenient sell at the best price any portion not required for the works;
- (d) where the amount to be paid for compensation under this section has not been agreed upon by the Director and the person entitled, the latter may lodge a plaint in the magistrate's court of the judicial district within which the land is situate claiming compensation from the Director, and the magistrate shall assess the amount of compensation in accordance with the provisions of this section; and the magistrate shall have the same powers, authority, and jurisdiction, and the procedure shall be the same, as if the matter were a proceeding to recover a debt in a magistrate's court without limit as to the pecuniary amount;

(2) In this section, unless the context otherwise requires, "land" includes any erection or anything growing on the land.

PART III.

Financial Provisions.

12.—(1) The total cost of the works shall be defrayed out of money raised on loan by authority of the Legislative Council.

Payment of
total cost of
works.

(2) The proportionate cost, that is to say, sixty per centum of the total cost of the works which has been defrayed as provided in the preceding sub-section, shall be reimbursed by the proprietors and the local authorities in

the manner set forth in this part of this Ordinance, and the remaining forty per centum of the total cost shall be borne by general revenue.

Rates in respect of proportionate cost.

13. The proprietors and local authorities in each declared area shall pay annually by way of rate an amount to make up the interest and sinking fund on the proportionate cost. During the first year after the completion of the works no rates for that purpose shall be levied, during the second year one-third of the annual rates, during the third year two-thirds of the annual rates, and thereafter the full amount of the annual rates till the proportionate cost is repaid.

Payment of annual charges.

14.—(1) The proprietors and the local authorities within a declared area shall pay all annual charges.

(2) The Colonial Treasurer shall advance to the Director such amounts as the Governor approves for the purpose of defraying any portion of the annual charges within a declared area.

(3) Any advance made under the last preceding subsection shall be repaid within the financial year unless in any special case the Governor in Council otherwise directs.

Date of completion of works.

15.—(1) The completion of the works in a declared area for the purpose of the payment of rates shall be deemed to take place on a date specified by the Director by notice published once at least in the Gazette and for one week in such daily newspapers as the Governor in Council directs to be given to the Colonial Treasurer.

(2) Any proprietor or local authority prejudicially affected by the fixing of the date as aforesaid, may, by notice in writing addressed to the Clerk of the Council within one month of the first publication of the notice by the Director, appeal to the Governor in Council against the decision of the Director as to the date of completion.

(3) Every notice of appeal shall state fully the grounds on which the appeal is founded.

(4) The Governor in Council may affirm the decision of the Director or may fix some other date as the date of completion; and when the Governor in Council fixes some other date, notice thereof shall be given by the Director as provided by sub-section (1) of this section.

16. After the completion of the works there shall be paid by the proprietor of every estate and by every local authority within each declared area the annual rates fixed by the Director—

Payment of annual rates.

- (a) to meet the proportionate cost of the works as prescribed by section thirteen of this Ordinance; and
- (b) to defray the annual charges as provided by section fourteen of this Ordinance;

but there shall be no rate in respect of Crown or colony lands not held under leases or licences of occupancy.

17. The Director shall prior to the first day of November in each year fix the rates to be levied and collected under the last preceding section for the financial year commencing on the first day of January next ensuing.

Director to fix the rates to be levied.

18. When the Director with the approval of the Governor in Council has performed any special works in a declared area for the benefit of a particular portion of that area, he may fix a rate to be levied on and paid by the proprietors of estates and local authorities within that portion of the area to recoup the cost of the special work.

Fixing rate for special works.

19. Where, in the opinion of the Director and a board, an estate or a village adjoining a declared area derives benefit from any of the works, the Director may in respect of annual charges levy on the proprietor of that estate and on the local authority a rate not exceeding the rate fixed within the declared area.

Levy of rates on estates and villages adjoining declared areas.

20.—(1) All rates shall be assessed at a uniform sum on each acre of land within a declared area.

Assessment of rates.

(2) All rates when fixed by the Director shall be published in the Gazette and such daily newspapers as the Governor in Council directs with a statement that they will be submitted for the sanction of the Governor in Council.

(3) All rates fixed by the Director shall be subject to the sanction of the Governor in Council who may alter or amend any rate so fixed.

(4) All rates sanctioned by the Governor in Council, whether as originally fixed or as altered or amended, shall be published as aforesaid not later than the fifteenth day of December in each year and shall be binding from the date of publication in the Gazette.

Interest on rates.

21. All rates may, in the discretion of the Director, bear interest after the rate of six per centum per annum from the expiration of one month after they become due up to the date of payment or enforcement under the provisions of this Ordinance.

Payment of rates in respect of villages.

22. All rates imposed in pursuance of this Ordinance in respect of any village shall be collected and paid with interest (if any), either to the Director or to an officer appointed by him, by the local authority, whose duty it shall be to levy the rates and interest, which shall be a preferent charge on all rates levied and collected in respect of the village by the local authority.

Payment and recovery of estate rates.

23.—(1) All rates, together with interest (if any), in respect of an estate shall be paid by the proprietor to the Director or to an officer appointed by him, and in default of payment by the proprietor the Director may recover the rates with interest (if any) and costs by parate or summary execution (except as hereinafter provided) against the proprietor of that estate without naming him, or by an action in the magistrate's court or in the Supreme Court, and all proceedings and process shall be at the instance of the Director, who shall be described by his office.

(2) The whole or any part of the rates and interest (if any) due in respect of an estate may be enforced against the estate and any other estate or estates belonging to the same proprietor within a declared area.

Enforcement of rates not exceeding \$100 ;

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

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

(3) A magistrate may at any time revoke or suspend the operation of a warrant.

(4) Every warrant of distress issued under this section shall be in the form in the first schedule hereto.

first
schedule;

(5) All warrants of distress issued under this section shall be executed in the same manner as warrants of distress issued by a magistrate in the exercise of his summary jurisdiction.

(6) The fees specified in the second schedule hereto shall be payable for any process of distress issued hereunder.

second
schedule;

(7) Process of parate or summary execution shall be issued for any rates where the amount thereof 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 that property has proved insufficient, or, in any case where a levy has been made, if there is produced a return to the same effect by the officer making the levy.

(8) The fees for the process of parate or summary execution, including all travelling expenses, distance money, acts, conditions of sale, copies of documents, printing, and all other matters not hereinafter enumerated shall be those specified in the third schedule hereto.

third
schedule.

(9) All fees paid under any process in pursuance of this section shall be recoverable as costs in the matter of that process.

25. The Director may purchase at execution sale any movable or immovable property put up for sale for non-payment of rates hereunder, provided the purchase price does not exceed the amount due for rates and costs, and the Director may receive and, in case of a sale by him, may pass transport for property so purchased by him.

Director may
purchase
property at
execution
sale.

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

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

(2) The occupier of any estate in respect of which the rates may be due may pay the amount of the rates and deduct it from any rent due or accruing due by him in respect of that estate.

Signature of Director to be primâ facie evidence.

27. The signature of the Director subscribed to any document containing a statement of the amount due for rates shall without proof of the signature, and without proof of any other matter or thing, be held and be deemed to be in all courts and by all judges and magistrates primâ facie evidence of the amount claimed being due and correct.

Rates on Crown lands held under lease or licence.

28.—(1) Crown or colony lands held under lease or licence of occupancy shall be liable to be rated, but shall not be liable to parate execution in respect of any rates; and where the Crown or colony lands so held as aforesaid are held with any estate the total amount of the rates on that estate, including the rates on the Crown or colony lands held therewith, shall be levied on the estate exclusive of the Crown or colony lands.

(2) Where the Crown or colony lands are held separately from any estate, rates shall be recoverable by distress, and, failing any or sufficient distress, the facts shall be referred to the Governor in Council for any action he deems fit.

Preferent lien for rates due.

29.—(1) The Director for and on behalf of the colony shall have a preferent lien upon every estate in any declared area, subject to any existing lien in favour of the colony, for the payment of the amount of any rates due under the provisions of this Ordinance in respect of that estate.

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

When rates payable :

30. Rates for a financial year shall be due and payable on the first day of May in each year :

Proviso.

Provided that—

(i) the rates may be paid in two moieties whereof the first shall be paid on or before the thirty-first day of May and the second on or before the thirtieth day of November; and

(ii) on failure to pay the first moiety within the period prescribed the whole amount of the duty shall thereupon be payable.

Rate for period less than one year.

31.—(1) Where the completion of works occurs during but before the end of a financial year the Director shall fix the rate payable for the unexpired portion of the financial year, and the procedure for fixing that rate shall be the same as in the case of an annual rate.

(2) The Governor in Council shall prescribe the time or times when the rate shall be paid, and the rate with interest (if any) shall be recoverable in the same manner as provided in this Ordinance with respect to rates fixed for a financial year.

32.—(1) The Director shall keep books of account in respect of each declared area and shall enter therein all moneys received and expended. Keeping of books and accounts.

(2) The Director shall account to the Colonial Treasurer for all moneys received by him under this Ordinance, and may keep a bank account and deal therewith for the purposes of this Ordinance.

(3) The Auditor shall examine and audit the books and accounts kept by the Director.

PART IV.

Constitution and Duties of Boards.

Ord. 37 g
1932.

33.—(1) The Governor in Council shall constitute for every declared area a drainage, drainage and irrigation, or irrigation board, as the case may be, which shall consist of not less than three or more than five members who shall include the inspector of districts, or an assistant inspector of districts, and the district engineer. The members other than those last mentioned shall include the chairman of a local authority within the area and shall be appointed by the Governor in Council and, subject to the provisions of this section, shall hold office for three years. Establishment and constitution of boards.

(2) The chairman of the board shall be the inspector or assistant inspector of districts, whichever may be a member of the board, or the district engineer as the Governor in Council appoints.

(3) The chairman of the board shall preside at all meetings, but in his absence the members present may elect one of their number to be chairman.

(4) The chairman of a meeting shall have an original and a casting vote.

(5) Three members of the board shall constitute a quorum.

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

(7) In the event of a vacancy in the office of an appointed member of the board, the Governor in Council may appoint a person to be a member for the unexpired period of the office which has become vacant.

(8) The Governor may grant leave of absence to an appointed member of the board and may appoint someone to act in his place.

(9) An appointed member of the board shall cease to hold office if he is absent—

- (a) from the colony without the permission of the Governor;
- (b) from three successive meetings without the permission of the Governor.

Board's control and management of works in a declared area.

34.—(1) Subject to the supervision of the Director every board shall have the control and management of the works and be responsible for the upkeep, maintenance, repair and replacement of the works or of any part thereof and for the expenditure of the amounts raised for annual charges in connection with the control, management, upkeep, maintenance, repair and replacement.

(2) (a) Where a declared area is wholly within the limits controlled by a single local authority, the authority may, subject to the direction of the board, perform for the board any of the following things within a works area, namely, clean or dig any canal, trench, or drain, raise or repair any dam, and employ and control any koker watchman.

(b) If the local authority after one week's notice in writing by the board omits to begin the performance of any of those things, or fails to complete the performance, the board may do or complete it.

Board may sue and be sued.

35. A board may sue and be sued in the name of the board of the particular declared area.

Minutes of transactions of the board kept.

36.—(1) Every board shall cause to be kept minutes of its transaction and proceedings.

(2) An extract from the minutes of a board purporting to be signed and certified by the chairman of the board as a true extract shall be in all courts *primâ facie* evidence of the correctness of the facts therein stated.

37. A board may—

Regulations.

- (a) make regulations in relation to its meetings; and,
- (b) with the consent of the Director, make regulations for the management of its affairs and the conduct and discipline of its servants.

PART V.

Works begun before commencement of Ordinance.

38.—(1) Where at the commencement of this Ordinance there are in course of construction, or there have been already constructed, any works the cost of which the Combined Court authorised to be paid out of moneys raised under Resolution number ninety-two of the fourteenth day of December nineteen hundred and twenty-three, the construction of those works shall be deemed to be in pursuance of and under the authority of this Ordinance, and this Ordinance shall apply to all of those works.

Provisions hereof to apply to works begun prior to Ordinance coming into force.

(2) As soon as may be after the commencement of this Ordinance the Director shall lay before the Governor in Council the plans, specifications and estimates referred to in sub-sections (3) and (4) of section three of this Ordinance, and thereupon the Governor in Council shall under section nine of this Ordinance declare the area which is benefited by the works to be a declared area and the provisions hereof shall thereupon apply to that area.

PART VI.

Offences.

39. Anyone who—

Offences.

- (a) hinders, resists, assaults, or obstructs the Director, any member of a board, or anyone employed by the Director or a board acting in the execution of this Ordinance; or
- (b) so acts that thereby the efficiency, usefulness, or operation of any works or of any part thereof is affected, or impaired, or damaged; or
- (c) maliciously damages any works or any part thereof; or
- (d) unlawfully interferes with any works or any part thereof; or
- (e) steals or unlawfully obstructs or interferes with the flow of any water,

shall be guilty of an offence and on conviction shall be liable to a penalty not exceeding one hundred dollars.

Penalty.

Trespass of
cattle.

40.—(1) If cattle trespass on a works area the person having the custody or control of the cattle shall be guilty of an offence and be liable on conviction to a fine not exceeding five dollars, unless he proves the trespass was not due to any wilful act or to any negligence on the part of himself or his servants; and any cattle so trespassing may be seized and impounded by a member of the police force or of the rural constabulary, or by anyone authorised in writing by the Director or the chairman of the board.

(2) Swine straying on any place mentioned in sub-section (1) of this section may be destroyed by anyone authorised by the same sub-section to impound cattle, and the carcases of the swine shall belong to the board.

(3) Any cattle impounded under this section shall be impounded in the nearest pound and the provisions of the Pounds Ordinance, shall apply to that impounding.

Chapter 93.

Court on
conviction
of offender
may inquire
amount of
damages.

41.—(1) Whenever anyone is convicted by a magistrate's court of an offence under this Ordinance, or the regulations, and it appears that by the offence expense has been incurred, or damage has been caused to any works or to any matter or thing in or about or upon any work, the court may, at the written request of the Director, in the presence of the convicted person, inquire summarily into the amount of expense so incurred and damage so caused.

(2) Upon the proof of the amount of the expense or damage, or of both the expense and damage, where the amount claimed does not exceed one thousand dollars, the court shall give judgement therefor in favour of the Director and against the convicted person and that judgement shall be of the same force and effect and be enforceable in the same manner as if it had been given in a civil action duly instituted before the court.

PART VII.

General Provisions.

Register of
proprietors.

42.—(1) The Director shall keep a book for each declared area to be called the "Area Register" wherein shall be entered the name and extent of each estate and village in that declared area and the name and address of the proprietor of each estate.

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

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

Service of notice upon proprietors.

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

44. The Director and the boards shall keep the records, registers, statistics and accounts prescribed by regulation.

Keeping of records.

45.—(1) The Governor in Council may make regulations for carrying into effect the objects and purposes of this Ordinance, and every regulation when published in the Gazette shall have the same effect as if it were enacted herein.

Power to make regulations.

(2) There may be annexed to the breach of any regulation a penalty not exceeding one hundred dollars.

Penalty.

46.—(1) The Governor may from time to time by Order in Council—

Governor may substitute other fees for those set forth in the 2nd and 3rd schedule.

(a) substitute other fees for those set forth in the second and third schedules hereto; and

(b) prescribe fees for any process where no fee has been herein prescribed.

(2) Each Order in Council shall be published in the Gazette and such daily newspapers as the Governor in Council may direct and shall take effect at the time therein mentioned.

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

Revocation of any order.

48. Whenever by force of this Ordinance land vests in the Director he shall certify to the Registrar of Deeds the particulars thereof and the Registrar shall thereupon annotate the transport of any land affected by the vesting.

Director to certify to Registrar particulars of all lands vested in him.

49. Every offence or penalty under this Ordinance or any regulations made thereunder may be prosecuted and enforced under the Summary Jurisdiction Ordinances.

Enforcement of fines and penalties.

Free
proceedings
under
Ordinance.

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

(2) Any prosecution for an offence under this Ordinance or the regulations may be instituted by any member of the police force or by anyone employed under the Director or a board.

FIRST SCHEDULE.

FORM OF WARRANT OF DISTRESS.

To _____ declared area.
and 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 area for the purpose of levying the sum of _____ dollars due in respect of rates under the Drainage and Irrigation 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 rates under the said Ordinance: This is therefore to require and command you to levy the said sum of _____ dollars with costs upon the said movable property according to law.

Dated this _____ day of _____, 19 ____.

Signed _____
Magistrate. District.

SECOND SCHEDULE.

TABLE OF FEES PAYABLE FOR PROCESS OF DISTRESS.

	Cents.
1. Entering and recording application for warrant of distress including swearing to return of service of notice	16
2. Issuing warrant of distress including levy and sale of property thereunder and the return	32

THIRD SCHEDULE.

TABLE OF FEES FOR PROCESS AND TRANSPORT.

	\$	c.
For summation and service thereof	1	00
For writ of execution, to be indorsed on summation	25	
For act of levy, inventory and advertisements of sale	1	00
For selling, a commission of two and one-half per centum on the amount of purchase money.		
For transport where property is purchased for less than \$500, to include all charges for recording	1	00