

LAWS OF GUYANA

EAST DEMERARA WATER CONSERVANCY ACT

CHAPTER 55:03

Act
26 of 1935
Amended by
2 of 1937
15 of 1957
24 of 1969
25 of 1973
7 of 1980
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Current Authorised Pages

<i>Pages</i>		<i>Authorised</i>
<i>(inclusive)</i>		<i>by L.R.O.</i>
1	- 35 ...	1/2012

**Index
of
Subsidiary Legislation**

	Page
East Demerara Water Conservancy (Annual Payment by the Georgetown City Council) Order (O. 72/1956)	35

CHAPTER 55:03

EAST DEMERARA WATER CONSERVANCY ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

ESTABLISHMENT OF THE EAST DEMERARA WATER
CONSERVANCY AND
THE BOARD OF COMMISSIONERS

3. East Demerara Conservancy.
4. Establishment of the Board of Commissioners.
5. Constitution of the Board.
6. First Commissioners, how chosen.
7. Meetings of the Board.
8. Minutes to be kept, and the Board shall make annual report to National Assembly.
9. Question may be decided by circulation of papers.
10. Powers of the Chairman in an emergency.
11. Removal of a Commissioner from office.
12. How vacancy in the office of Commissioner to be filled.

OFFICERS AND SERVANTS

13. Power of the Board to employ officers and servants.
14. Election of auditor and his remuneration.

TRANSFER OF PROPERTY TO THE BOARD

15. Transfer to Board of the property and obligations of its predecessors.

PART II

MANAGEMENT OF THE CONSERVANCY

SECTION

16. Board to manage and control the Conservancy.
17. General powers of the Board.
18. The Board to regulate traffic on and the supply of water from the Conservancy.

PART III

EXECUTION OF WORKS BY THE BOARD

19. Dam on the Demerara river to be constructed by the Board.
20. When sanction is required before work is undertaken.
21. Supply of water by Conservancy to plantation not included in the First Schedule.

PART IV

BORROWING POWERS

22. The Board may raise loans with the consent of the Minister.
23. Loans to be preferent lien on the property of the Board.
24. Loans to be repaid out of rates.
25. Power to make regulations with respect to bonds.

PART V

FINANCIAL

26. Estimates of the Board and rates to be approved by the Minister.
27. Method of assessing rates in respect of plantations and villages.
28. Rates due on 1st January but payable in moieties. Interest payable on rates in arrear.
29. Annual payments of the Council.
30. Local authority to pay rates of village plantation.
31. Mode of enforcing payment of rates or sums by the Council or a local authority.
32. Preferent lien conferred on Board for rates and sums due.
33. Payment of rates and expenses may be enforced by action or parate execution.
34. Board may shut off water from a plantation where the proprietor is in default.
35. Sums due to the Board may be recovered in the same manner as

SECTION

rates.

PART VI

ACQUISITION OF LAND BY THE BOARD

36. Power of Minister to make an order for the acquisition of land by the Board.
37. Proceedings for acquisition of land.

PART VII

PROVISIONS RELATING TO PROPRIETORS

38. Meetings of proprietors.
39. Meetings how summoned.
40. Business to be transacted at meetings and quorum.
41. Voting at meetings.
42. Voting on behalf of the Council.
43. District commissioner to represent plantations in the Second Schedule.
44. Register to be kept by the Secretary.
45. Names and addresses in books of former Commissioners to be entered in Register.
46. Votes of proprietors.
47. Amendment of register.
48. Board may alter the First Schedule.
49. Questions to be decided by the Board.
50. Service of notices, etc.

PART VIII

POWERS OF THE MINISTER SECTION

51. Powers of the Minister.
52. Commencement and publication of order.

PART IX

LEGAL

53. General offences.

SECTION

- 54. Penalty for opening koker or cutting dam.
- 55. Liability of proprietor for penalty.
- 56. Recovery of penalties.
- 57. Offender liable to pay expenses incurred by the Board.
- 58. Recovery of penalties.

PART X
MISCELLANEOUS

- 59. By-laws and regulations.
- 60. Protection of Commissioners acting under Act.

FIRST SCHEDULE—List of Plantations in First and Second Districts.

SECOND SCHEDULE—List of Plantations for which the District
Commissioner may vote.

1953 Ed
c. 236

CHAPTER 55:03

EAST DEMERARA WATER CONSERVANCY ACT

26 of 1935

An Act to establish the East Demerara Water Conservancy for the purpose of making better provision for the supply of water in East Demerara, to provide for the management of the conservancy and for purposes connected therewith.

[14TH DECEMBER, 1935]

Short title.

1. This Act may be cited as the East Demerara Water Conservancy Act.

Interpretation.
[24 of 1969
25 of 1973]

2. In this Act—

“Board” means the Board of Commissioners constituted by section 4;

“Chairman” means the Chairman of the Board;

“Commissioner” means one of the Commissioners of whom the Board is composed;

“Conservancy” means the East Demerara Water Conservancy constituted by section 3;

“Council” means the Georgetown City Council;

First Schedule. “district” means a district under Part I or Part II of the First Schedule;

“district commissioner” means the district commissioner of the East Coast Demerara District;

c. 28:01 “local authority” means the council of a town or a local government district established under the Municipal and District Councils Act, or the village council of a village or the country authority of a country district under the Local Government Act;

c. 28:02

First Schedule. “plantation” means any of the plantations or estates mentioned in the First Schedule or which may thereafter be included therein in pursuance of section 21 or by an order under section 51;

“proprietor” means the person whose name is entered in the register as proprietor of a plantation;

“register” means the register of proprietors to be kept in pursuance of section 44;

“Secretary” means the Secretary of the Board;

“village” means a village or a country district under the

Local Government Act.

PART I

ESTABLISHMENT OF THE EAST DEMERARA WATER
CONSERVANCY AND THE BOARD OF
COMMISSIONERS

East Demerara
Conservancy.
Caps. 130,
132, 133,
1929 Ed.

3. (1) The several undertakings which prior to the commencement of this Act have been administered under the East Demerara Water Supply Ordinance, the Lamaha Canal Ordinance, and the Shauk's Canal Ordinance shall, on the commencement of this Act, constitute one undertaking under the name of "the East Demerara Water Conservancy." The Conservancy shall comprise the area included in the said undertakings and any addition thereto in pursuance of this Act.

(2) The Conservancy shall be administered subject to this Act.

Establishment
of the Board of
Commissioners.
[7 of 1980]

4. There shall be established for the management, control and administration of the Conservancy a Board as hereinafter constituted. The Board shall consist of ten commissioners and shall be a body corporate by the name of "the East Demerara Water Conservancy Board", with power to acquire and hold land and other property.

Constitution of
the Board.
[7 of 1980]

5. (1) The Board, subject to section 6, shall consist of—

- (a) the district commissioner;
- (b) the Chief Hydraulics Officer or his duly nominated representative;
- (c) two members of the Council elected by the Council;
- (d) three persons elected by the proprietors of plantations named in the district in Part I of the First Schedule; and

- (e) three persons elected by the proprietors of plantations named in the district in Part II of the First Schedule.

(2) Elected Commissioners shall, subject to this Act, hold office for two years or until the election of their successors.

(3) The Commissioners shall elect a Commissioner to be Chairman of the Board. The Chairman shall hold office for two years or until he vacates his office as a Commissioner. In the absence of the Chairman from a meeting, the Commissioners present may elect one of their number to be Chairman of the meeting.

(4) Three Commissioners present at a meeting shall form a quorum.

(5) An elected Commissioner shall vacate his office—

- (a) if he resigns in writing addressed to the Secretary; or
- (b) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the Board) to attend three consecutive meetings of the Board; or
- (c) if, in the opinion of the Board, he becomes unable or unfit to act as a Commissioner; or
- (d) if he is absent from Guyana without the leave of the Board, or is absent from meetings of the Board after the expiration of his leave; or

- (e) if, having been elected by the Council, he ceases to be a member of the Council; or
- (f) if he is removed from office in accordance with section 11.

(6) The Board may appoint some person to be a Commissioner –

- (a) for the unexpired period of the office of an elected Commissioner who vacates his office by death or otherwise; and
- (b) for the period of any leave granted to an elected Commissioner:

Provided that the appointment shall be made by the Council to fill the place of a Commissioner appointed by the Council.

(7) The name of every Commissioner elected to or removed from the Board shall be published in the Gazette and a daily newspaper.

First
Commissioners,
how chosen.

6. (1) The persons to be elected as Commissioners under section 5 (1)(d) and (e) shall in the first instance be elected after the passing of this Act by the East Demerara Water Supply Commissioners and the committee for the management of the Lamaha Canal respectively:

Provided that if the said Commissioners or committee shall fail to elect any persons as aforesaid the Minister shall nominate the persons to be Commissioners.

(2) The Commissioners elected or nominated under this section shall hold office until the election of Commissioners at the first meeting of proprietors held after the commencement of this Act.

Meetings of the Board.

7. There shall be at least one meeting of the Board in every three months. The Chairman may at any time summon a special meeting of the Board by notice in writing, which shall state the object of the meeting and be sent to each Commissioner by the Secretary. A notice shall be deemed to be properly served if it is signed by the Secretary and posted seven days before the day of the meeting.

Minutes to be kept, and the Board shall make annual report to National Assembly.

8. (1) The Board shall cause to be kept proper minutes of its proceedings. The minutes of any meeting when confirmed and signed by the Chairman of the meeting at which they are confirmed shall be evidence of the facts therein stated.

(2) The Board shall during the month of January, in each year make to the Minister a report of its transactions as to the preceding year and the report shall be laid before the National Assembly.

Question may be decided by circulation of papers.

9. The Chairman may at any time direct the Secretary to circulate to the Commissioners a minute relating to any matter on which the decision of the Board may be necessary and the decision of a majority of the Commissioners so obtained shall be of the same effect as a decision of the Board:

Provided that it shall be submitted to and is confirmed by the Board at its next meeting.

Powers of the Chairman in an emergency.

10. When any unforeseen event occurs whereby serious damage is in the opinion of the Chairman caused or likely to be caused to the Conservancy he may take such action as he may consider necessary for the remedying thereof:

Provided that he shall make at the next meeting of the Board a full report of the measures taken by him for confirmation by the Board.

Removal of a
Commissioner
from office.

11. (1) An elected Commissioner may be removed from office by a resolution of the proprietors of the district for which he was elected, or where he is a member of the Council by a resolution of the Council.

(2) In the case of a Commissioner elected for a district the resolution shall be passed by a majority of two-thirds of the votes of the proprietors voting either in person or by proxy at an extraordinary meeting of the proprietors. Notice in writing of the resolution and of the reasons shall first be given to the proprietors and the Commissioner not less than seven days before the day of the meeting.

(3) A copy of a resolution removing a Commissioner shall be sent to the Secretary.

How vacancy
in the office of
Commissioner
to be filled.

12. (1) When the office of a Commissioner elected for a district shall become vacant the proprietors in the district shall at the next general meeting of the proprietors elect a person to fill the vacancy:

Provided that—

- (a) except in the case of a retiring Commissioner, a person shall not be capable of being elected unless his name, address and occupation be sent to the Secretary at least fourteen days before the meeting and notice of the vacancy and of the names and addresses of the persons proposed for election be sent by the Secretary to the proprietors at least seven days before the meeting;
- (b) where the vacancy occurs so near before an ordinary meeting of the proprietors that the Secretary cannot give notices as aforesaid within the times prescribed

the Chairman shall summon an extraordinary meeting of the proprietors of the district to elect a person to fill the vacancy subject to the foregoing provisions as to notice.

(2) Where a vacancy occurs in the office of a Commissioner elected by the Council, the Secretary shall give notice in writing thereof to the Council and the Council shall forthwith proceed to the election of one of its members to fill the vacancy, and shall inform the Secretary in writing of the person elected.

OFFICERS AND SERVANTS

Power of the Board to employ officers and servants.

13.(1) The Board shall employ a Secretary, a Superintendent of the Conservancy and such other officers and servants as may be necessary for the efficient working of the Conservancy.

(2) The officers and servants of the Board shall be employed on such terms and at such remuneration as the Board shall think fit.

(3) The Secretary and the Superintendent employed at the commencement of this Act by the East Demerara Water Supply Commissioners and the Committee for the management of the Lamaha Canal shall be the first Secretary and Superintendent and shall be deemed to be employed by the Board in pursuance of this Act.

Election of auditor and his remuneration.

14. (1) The proprietors shall at the meeting in January of each year choose a fit and proper person to audit the accounts of the Board.

(2) The proprietors shall fix the remuneration of the auditor.

(3) If the office of auditor becomes vacant by the

death, resignation, or removal by reason of incapacity from office of the auditor, the Board shall appoint a person to act as auditor, and he shall hold office for the unexpired period of office or until the proprietors at an ordinary meeting appoint a person to act for the unexpired period.

(4) The person who at the commencement of this Act is auditor to the East Demerara Water Supply Commissioners and the Committee of management of the Lamaha Canal shall be the auditor under this Act until an auditor is chosen by the proprietors at their first ordinary meeting.

TRANSFER OF PROPERTY TO THE BOARD

Transfer to Board of the property and obligations of its predecessors.

15. All movable and immovable property and every interest therein, all rights, powers and authorities of every kind and nature whatsoever, which at the commencement of this Act belonged or appertained to or were vested in the Commissioners of the East Demerara Water Supply, the Committee of management of the Lamaha Canal and the Shanks' Canal Commissioners shall on the commencement of and subject to this Act vest absolutely in and shall be exercisable and enforceable by the Board, and the duties, obligations and liabilities of the said Commissioners and Committee shall likewise be transferred to and be performed by and enforceable against the Board.

PART II

MANAGEMENT OF THE CONSERVANCY

Board to manage and control the Conservancy.

16. (1) The Board shall have and be responsible for the control, management and regulation of the Conservancy, and shall, subject to this Act, construct such works and do all such things as may from time to time be necessary for the conservation of the waters of the Conservancy and for the proper distribution thereof, and shall at all times maintain the Conservancy in good order and condition.

(2) The Board shall take measures to the

satisfaction of the Minister to provide adequate relief for any surplus waters of the Conservancy.

General powers
of the Board.

17. The Board shall, for the purpose of the exercise of its powers and the performance of its duties under this Act, have power—

- (a) to enter by its servants and agents on any plantation;
- (b) to make all necessary contracts;
- (c) to assess, levy, raise, collect and recover from the Council, local authorities and proprietors, such sums as shall be payable to the Board in pursuance of and for the purposes of this Act;
- (d) to buy at execution sale any movable or immovable property which may be taken in execution for any debt due to the Board, and to hold, work, improve or re-sell the same at the discretion of the Board;
- (e) to grant pensions, allowances or gratuities to employees or ex-employees of the Board;
- (f) to do all acts necessary for the performance of its duties under this Act.

The Board to
regulate traffic
on and the
supply of water
from the
Conservancy.
[25 of 1973]

18. (1) The Board shall make proper provision for the navigation of and traffic on such of the waterways of the Conservancy as by law or regulation may be open to public navigation and traffic.

(2) The Board shall allow for each plantation or

c. 28:01

village one koker and for each town or local government district established under the Municipal and District Councils Act, a reasonable number of kokers (except as hereinafter otherwise provided) which shall be of such size as the Board shall from time to time determine and shall not be laid deeper than the depth known as fifty Georgetown datum:

Provided that this subsection shall not be construed to require the removal of any koker laid in accordance with any Act repealed by this Act and in existence at the commencement of this Act.

(3) The Board shall regulate the supply of water to be delivered to and received by the Council and inhabitants of the City of Georgetown, and by the proprietors of plantations in such manner as the Commissioners think fit, but so as to secure to the Council and inhabitants as far as possible a sufficient supply of water and so that plantations shall receive as far as possible an equal quantity of water per acre.

(4) The Board, at the cost of the Council, shall maintain all works which have hitherto been constructed and shall construct and maintain all works which shall hereafter be necessary for the delivery of water to the Council for the City of Georgetown, with the exception of the pump known as the Canal Pump situated at the eastern end of the Shelter Belt.

(5) The Board at the cost of the proprietor of a plantation or a local authority shall maintain and construct all works on the plantation which may be required for the delivery of water to the plantation or to the village.

(6) Whenever the Board is of opinion that the quantity of water in the Conservancy or any part thereof has so diminished that it is expedient to reduce the distribution, the Board may, in such manner and for such time as it may

think necessary, restrict or regulate the supply and for such purpose may cause the kokers or any of them to be locked or otherwise adjusted.

PART III
EXECUTION OF WORKS BY THE BOARD

Dam on the Demerara river to be constructed by the Board.

19. (1) The Board, as soon as practicable after the commencement of this Act, shall on the Demerara River or western side of the Conservancy and extending as far as the Sand Hills construct a containing dam and all the works necessary and incidental thereto. The Conservancy shall extend to and comprise the dam and works authorised to be constructed under this section.

(2) The construction of the dam and the works authorised by this section shall not be commenced until the specifications and estimates have been approved by the Minister.

(3) The Board may, with the approval of the Minister and subject to the provisions of Part IV, raise a loan not exceeding two hundred and fifteen thousand dollars for the purpose of defraying the cost of the dam and works authorised by this section.

When sanction is required before work is undertaken.

20. (1) Where the cost of any proposed work is to be defrayed out of moneys raised on loan or the cost of any proposed work exceeds five thousand dollars the Board shall not undertake the work without the sanction of the Minister first had and obtained.

(2) Where the estimated cost of any proposed work (other than the work authorised by section 19) is estimated to exceed five thousand dollars, the Board shall cause the specifications and estimates to be presented to a meeting of the proprietors and shall not undertake the work unless the meeting has first approved of the execution of the work.

Supply of water by Conservancy to plantation not included in the First Schedule.

21. Where the owner of a plantation situated either on the East Coast of Demerara or the East Bank of the Demerara River but which is not included in the First Schedule desires that his plantation shall be supplied with water from the Conservancy the Board may grant a supply to the plantation, subject to the following conditions:

- (a) the owner shall make application in writing to the Secretary, stating the boundaries and extent in acres of the plantation and requesting that the plantation be supplied with water from the Conservancy;
- (b) if the Board grants the application—
 - (i) the name of the owner shall be entered in the register as proprietor of the plantation;
 - (ii) the Board shall supply water to the plantation on the same terms and conditions as to other plantations already on the register;
- (c) the proprietor and the plantation shall be subject to this Act and the provisions as to the enforcement and recovery of rates shall apply to the rates imposed by this section.

PART IV BORROWING POWERS

The Board may raise loans with the consent of the Minister.

22. The Board may, subject to the approval of the Minister borrow money by the issue of bonds or otherwise for the purpose of executing any works which have been approved by the Minister.

Loans to be

23. Every loan raised by the Board in pursuance of

preferent lien on the property of the Board.

this Act shall, subject to claims due to the State, constitute a preferent lien on all the property, revenues and assets of the Board and may be enforced by the Secretary to the Treasury.

Loans to be repaid out of rates.

24. The Board shall make such provision for the repayment of loans out of the rates levied by the Board on plantations and villages and the sums paid by the Council as the Minister may from time to time approve.

Power to make regulations with respect to bonds.

25. The Minister may make regulations with respect to the manner in which bonds shall be issued, their nature, form and denomination, renewal and cancellation, the fees to be paid, and in any other respect necessary.

PART V FINANCIAL

Estimates of the Board and rates to be approved by the Minister.

26. (1) The Board shall before the 1st November in each year prepare the estimate of expenditure for the next ensuing year. The estimate shall contain a full statement of all sums of money which are to be expended by the Board in pursuance of its duties and obligations under this Act.

(2) The Board shall at the same time prepare an estimate of its revenue for the ensuing year which shall contain a statement of the rates intended to be levied and of the anticipated receipts from all sources.

(3) On the 1st November in each year the Board shall transmit to the Minister the estimates of expenditure and revenue prepared under this section. The Minister may cause the estimates to be amended and the estimates when approved by the Minister shall take effect as from the 1st January of the year to which they relate.

(4) The Minister may approve of any supplemental estimates which may become necessary during the course of any year and any estimates so approved shall thereupon be effective.

(5) All annual rates after approval by the Minister shall be published in the *Gazette* and a daily newspaper on or before the last week in December of each year, and any additional rate approved during the currency of any year shall be published in the *Gazette* and a daily newspaper at such time as the Minister may appoint.

(6) All rates shall be binding immediately upon publication as provided in subsection (5).

Method of
assessing rates
in respect of
plantations
and villages.
[25 of 1973]
c. 28:01

27. Every rate shall, subject to this section, be assessed at a uniform amount per acre in respect of each plantation and village, any town or local government district established under the Municipal and District Councils Act:

Provided that—

- (a) the rate in respect of any plantation not in sugar cultivation and any village, any local government district established under the Municipal and District Councils Act shall—
 - (i) where the area in cultivation is one hundred acres or more, be two-thirds; and
 - (ii) where the area in cultivation is less than one hundred acres, be one-third,

of the rate assessed on a sugar cultivation; and

- (b) an additional rate shall be assessed on the plantations included in Part I of the First Schedule to defray the cost of a new dredge.

First Schedule.

Rates due on
1st January but
payable in
moiety.

28. (1) Annual rates shall be due on the 1st January in each year but may be paid in moiety, namely, on or before the 1st February and or before the 1st August. If the

first moiety of any annual rate is not paid on the due date the full rate shall thereupon become payable.

Interest payable on rates in arrear.

(2) Interest at the rate of six per cent per annum shall be payable on every rate or part thereof which has not been paid at the prescribed time until payment of the amount due.

Annual payments of the Council.

29. (1) The Council shall, subject to any order made under section 51, pay to the Board annually the sum of six thousand dollars for the supply of water to the City of Georgetown and as the Council's contribution to interest and sinking fund in respect of the loan authorised by section 19 the sum of six hundred dollars.

(2) The sums to be paid by the Council under this section shall be paid in moieties on the 1st February and the 1st August in each year. Any sum not paid on the due date shall bear interest at the rate of six per cent per annum until payment of the amount due.

Local authority to pay rates of village plantation. [25 of 1973] c. 28:01

30. Rates in respect of any village, any town or local government district established under the Municipal and District Councils Act shall be paid by the local authority and shall be a charge on the property, revenues and assets of the authority.

Mode of enforcing payment of rates or sums by the Council or a local authority.

31. Where any sums payable by the Council or rates payable by a local authority remain unpaid for two months, the Board may report the fact to the Minister responsible for finance with a certificate as to the amount due. The Minister responsible for finance may thereupon in such manner as he may prescribe direct the Secretary to the Treasury to recover the same and pay it to the Board, and the Council and the local authority shall conform to the said Minister's direction.

Preferent lien conferred on Board for rates and sums due.

32. The Board shall in respect of every rate or any interest or any amount expended in pursuance of this Act have on every plantation in respect of which the same is due

a lien which shall be preferent over all claims, except those due to the State, and which may be enforced if the proprietor be insolvent or in liquidation.

Payment of rates and expenses may be enforced by action or parate execution.

33. (1) The Board may recover any amount due for expenses for work done or for rates or interest, in a court of competent jurisdiction or may enforce the payment thereof by parate execution.

(2) In any proceeding for the recovery of any amount due to the Board in respect of a plantation a statement setting out the amount and signed by a Commissioner and the Secretary shall without any proof of the signatures be sufficient evidence.

(3) A summons shall be sufficiently served if it is left at the registered address of the proprietor or a person receiving a water supply or is affixed to any building, tree or post on the plantation or property.

Board may shut off water from a plantation where the proprietor is in default.

34. The Board may at any time cause the supply of water to be shut off from any plantation in respect of which the payment of any amount under this Act is one month in arrear until the amount in arrear and all expenses incurred in shutting off the water have been paid, and may in the case of any koker serving more than one plantation, where any one or more of such plantations is or are so in arrear, enter upon any of the plantations served by such koker and cut off the supply of water from the defaulting plantation or plantations by any means available.

Sums due to the Board may be recovered in the same manner as rates.

35. Where the Board has performed any work for the benefit of a plantation or village or the Council, or renders any special service to a plantation, the proprietor, the local authority or the Council shall pay to the Board the amount assessed by the Board, and the Board may recover the amount from the proprietor or the local authority as if it were a rate under this Act or from the Council as if it were a sum payable by the Council.

PART VI
ACQUISITION OF LAND BY THE BOARD

Power of
Minister to
make an order
for the
acquisition of
land by the
Board.
[2 of 1937]

36. (1) Where the Board desires to acquire land or any rights, servitudes or easements over land for the purposes of this Act, the Board shall present a petition to the Minister describing the land or the right, servitude or easement which it desires to acquire and setting out the purpose for which it is required and the reason for proceeding to acquire the same compulsorily.

c. 62:05

(2) If the Board has been unable to enter upon the land for the purpose of surveying or otherwise examining it, the Minister may if so requested in the petition make a preliminary order authorising the Board and its agents, servants or workmen to enter upon the land for the said purpose, and any order so made shall be deemed to be an order made under the provisions of section 4 of the Acquisition of Lands for Public Purposes Act.

(3) A report on the land by the Board or any person appointed by it together with a plan of the land shall either accompany the petition or be lodged subsequently.

(4) If the Minister approves of the acquisition, he may make an order declaring the acquisition to be for a public purpose and giving such directions as he may think fit.

Proceedings
for acquisition
of land.
[2 of 1937]
c. 62:05

37. Where an order has been made under subsection (4) of the last preceding section the Board shall proceed to acquire the land, right, servitude or easement under the Acquisition of Lands for Public Purposes Act and all the provisions of the said Act shall apply in so far as applicable as if the order had been made under section 6 of the said Act, the expression "the Board" being substituted for the expressions "the State", "the Attorney-General" and "the Commissioner of Lands" wherever they occur:

Provided that—

- (a) all expenses, compensation, assessment or purchase money shall be paid or deposited by the Board;
- (b) the title to the land, right, servitude or easement shall vest in the Board on such day as may be fixed by the order; and
- (c) on the deposit of a copy of the order certified by the Minister and the plan in the Deeds Registry, the Registrar of Deeds shall, when the title has vested, register the title in the name of the Board and shall issue a certificate accordingly, which shall be conclusive evidence that the land is vested in the Board.

PART VII

PROVISIONS RELATING TO PROPRIETORS

Meetings of proprietors.

38. (1) An ordinary meeting of the proprietors shall be held yearly in the month of December at such time and place as the Board shall appoint.

(2) An extraordinary meeting of the proprietors may be summoned by the Board at any time and shall be summoned by the Board on the requisition in writing of a proprietor or proprietors who has or have at least one hundred votes. A meeting under this subsection shall be summoned within one month after the requisition has been deposited with the Secretary. The requisition and the notice summoning the meeting shall state the business for the meeting.

Meetings how

39. Meetings of the proprietors shall be convened by

summoned.

the Secretary by notice published in the *Gazette* and one daily newspaper at least seven days before the meeting. The notice shall state the time and place of the meeting and the particulars of the business to be transacted thereat.

Business to be transacted at meetings and quorum.

40. (1) The business of an ordinary meeting shall be to receive and consider the report and financial statement of the Board for the preceding year and the estimate of revenue and expenditure for the succeeding year, to elect Commissioners and appoint an auditor when necessary, to consider any recommendation or proposal of which at least fourteen days' notice has been given, and to transact any other business of which notice has been given.

(2) At any meeting three proprietors (for this purpose not including the representative of the Council) present and entitled to at least fifty votes shall constitute a quorum. If at the expiration of a quarter of an hour after the time appointed for the meeting there is not a quorum the meeting shall stand adjourned to the same day in the following week, or if that day be a public holiday, to the next working day thereafter and at the same time and place.

(3) At an adjourned meeting the proprietors present shall have power to transact the business of the meeting.

(4) The Chairman shall preside at the meetings of the proprietors. If the Chairman is absent the proprietors shall choose a Commissioner and if there be no Commissioner present one of their number to be Chairman of the meeting.

(5) The Chairman of a meeting may, with the consent of the meeting, adjourn the meeting to any time and at any place, but no business shall be transacted at the adjourned meeting other than the business undisposed of.

(6) At a meeting every question shall be decided by the votes of the proprietors according to the votes to which

each is entitled:

Provided that in the election of a Commissioner only the proprietors of the district shall be entitled to vote.

(7) A declaration by the Chairman of a meeting that a question has been decided and as to the nature of the decision shall be entered on the minutes and shall when so entered be evidence of the decision.

(8) The Secretary shall keep proper minutes of the meetings of the proprietors.

Voting at meetings.

41. (1) Every proprietor whose name is entered in the register may, subject to section 42, vote at any meeting of the proprietors in person or by his duly constituted attorney or by any person authorised by him in writing.

(2) Where the proprietor is a company, the vote may be exercised by its duly authorised attorney, or by any person authorised in writing by such attorney, or by a resolution of the board of directors evidenced by a copy thereof signed by the secretary of the company.

(3) Proprietors shall have the number of votes set out opposite to their respective names in the register.

Voting on behalf of the Council.

42. (1) The Council shall have and may exercise the rights of a proprietor and shall have one hundred votes.

(2) The Council may be represented at a meeting of proprietors by the Mayor or in his absence by the Deputy Mayor or any councillor duly authorised by the Council, notice of such authorisation having been given in writing to the Secretary.

District commissioner to represent plantations in

43. The district commissioner shall be entitled to exercise the right of voting for the plantations set out in the Second Schedule and shall for the purposes of this Part be

the Second
Schedule.

deemed to be the proprietor thereof.

Register to be
kept by the
Secretary.
First Schedule.

44. The Secretary shall keep a register in which he shall enter the names and areas of the plantations set out in the First Schedule (subject to such variations as may be made in pursuance of this Act) the names and addresses of the proprietor of each plantation, the number of votes to which each proprietor is entitled, and the rates or other payments to be made in respect of each plantation:

Provided that the Board may also cause to be kept special registers relating to such matters as it may think fit.

Names and
addresses in
books of former
Commissioners
to be entered in
register.

45. (1) In compiling the register the Secretary shall enter the names and addresses of the proprietors as they appear in the register or books of the former Commissioners with such additions and amendments as may be necessary.

(2) Where the address of a proprietor is not known the Secretary shall register the name of the plantation as his address.

Votes of
proprietors.

46. The number of votes to which a proprietor shall be entitled is one vote for each complete hundred acres of the plantation as set out in the register.

Amendment of
register.

47. (1) The Secretary may from time to time at the request of any person interested and upon such evidence as he may require, and shall when directed by the Board, make such alterations and amendments in the register as may be necessary.

(2) An alteration or amendment in the register which affects votes in respect of a plantation shall not be made within seven days before a meeting of proprietors.

Board may
alter the First
Schedule.

48. The Board with the consent of a meeting of proprietors may by notice published in the *Gazette* alter or

amend any of the particulars set out in the First Schedule.

Questions to be decided by the Board.

49. If any question shall arise as to the qualification of any person or as to any particulars to be entered in the register or as to the number of votes to which a proprietor is entitled it shall be submitted to the Board whose decision shall be final.

Service of notices, etc.

50. All notices, documents, summonings or other legal process shall be sufficiently served if sent by registered post to or delivered at the registered address of the proprietor.

PART VIII
POWERS OF THE MINISTER

Powers of the Minister.
[15 of 1957]

51. The Minister may, by order, direct—

- (a) that the Board shall execute or refrain from executing any specified works or shall alter or remove any specified works;
- (b) that the cost of any work or the liability for any loan or part thereof shall be imposed on the plantations within a specified time and shall be paid by the proprietors thereof;
- (c) that the Board shall make such assessments and levy such rates as he may think fit to defray any particular expense of the Board;
- (d) that the annual payment by the Council to the Board be varied in such manner as he may think fit;
- (e) that the Council shall pay the cost of any work or of any part of any work;

- (f) that compensation shall be paid by the Board to any person prejudicially affected by any work or aggrieved by any action of the Board, or that any question whether a person is prejudicially affected or aggrieved or whether any and what compensation should be paid shall be determined by the High Court;
- (g) that a plantation shall be subject to this Act, or shall be included in any Schedule, and to fix the area thereof, or that a plantation be transferred from one Schedule to another or from one part to another of the First Schedule, or that a plantation be deleted from either Schedule.

Commence-
ment and
publication of
order.

52. Every order made under this Act shall come into operation on the date specified in the order and shall be published in the *Gazette* and a daily newspaper.

PART IX LEGAL

General
offences.
[6 of 1997]

53. Every person who—

- (a) commits any nuisance in any of the waters of the Conservancy or who bathes or washes clothes or any animal therein, or
- (b) causes or permits any dirty water or foul fluid to flow into any of the waters of the Conservancy or any reservoir; or
- (c) throws any earth, dirt, stones, broken bottles, oil, filth, or causes any

substance likely to contaminate, to get into the waters of the Conservancy or any reservoir; or

- (d) damages any dam, trench, or any work whatsoever under the control of the Board; or
- (e) wilfully commits any trespass on the Conservancy; or
- (f) fishes in the waters of the Conservancy without the permission of the Chairman; or
- (g) is found without lawful authority in or on any house, benab, shed, dredge or other erection belonging to the Board,

shall be liable to a fine of four thousand eight hundred and seventy-five dollars.

Penalty for
opening koker
or cutting dam.
[6 of 1997]

54. (1) A person shall not during such period as the Board has directed that the koker be shut, open or cause to be opened the koker of any plantation or suffer water from the Conservancy to be taken into the trenches or to escape through the drainage except with the permission in writing of the Chairman.

(2) A person shall not make or cause to be made any cut through any dam or make any stop-off in the waters of the Conservancy except with the permission in writing of the Chairman.

(3) Any person who contravenes this section shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Liability of

55. A proprietor shall also be liable for a penalty

proprietor for penalty. imposed by this Act where the offence has been committed in respect of his plantation by a person connected therewith.

Recovery of penalties. **56.** Every offence under this Act may be prosecuted under the Summary Jurisdiction Acts.

Offender liable to pay expenses incurred by the Board. **57.** (1) Where the Board has incurred expense or damage has been caused by an offence of which a person has been convicted under this Act the magistrate shall order him to pay to the Board the amount of such expense or damage. The certificate of the Secretary shall be *prime facie* evidence of the amount of the expense or the damage to be paid.

(2) An order under this section shall be enforced as if it were a judgment of the magistrates' court in a civil case.

Recovery of penalties. **58.** All penalties recovered under this Act or the regulations shall be paid to the Board.

PART X MISCELLANEOUS

By-laws and regulations. **59.** (1) The Board may—

- (a) make by-laws for the regulation of its procedure and relating to the duties of its officers and servants; and
- (b) with the approval of the Minister, make regulations for carrying this Act into effect.

(2) Any by-laws or regulations made by the former Commissioners and which are not inconsistent with this Act shall continue in force until revoked or amended by new by-laws or regulations.

Protection of **60.** The Commissioners and each of them and every

Commissioners
acting under
Act.
c. 5:07

officer and servant of the Board acting under the direction of the Board shall, with respect to all matters and things done or intended to be done under this Act, be entitled to the benefit and protection of the Justices Protection Act.

FIRST SCHEDULE ss. 2, 21, 44 and 48

LIST OF PLANTATIONS IN FIRST AND SECOND
DISTRICTS

PART I
FIRST DISTRICT COMPRISING THE
UNDERMENTIONED PLANTATIONS

Name of Plantations	Area in acres (English)
Kitty	522
Blygezigt	211
Bel Air	223
Sophia	291
Liliendaal	267
Pattenson	379
Turkeyen	629
Cuming's Lodge	664
Industry	1,007
Ogle	2,317
La Penitence	536
Rome and Houston	2,219
Ruimveldt	1,105
Diamond	11,103
Haags and Bosche	1,167

Mocha	263
	22,903
Vlissengen	368
Lodge	120
Le Repentir	285
	773
	23,676

PART II

SECOND DISTRICT COMPRISING UNDERMENTIONED
PLANTATIONS

Name of Plantations	Area in acres (English)
Plaisance	505
Vryheid's Lust	4,107
Success	2,120
La bonne Intention	2,633
Beterverwagting	488
Triumph (1)	215
Triumph (2)	784
Mon Repos	2,148
Lsuignan	6,284
Buxton	1,112
Friendship	1,064
Nonpareil	6,209
Enmore	6,038
Haslington	810
Golden Grove	1,125
Nabaclis	1,155
Cove and John	1,172
Victoria	1,025
Belfield	654

Hope	3,413
Ann's Grove and Two Friends	744
Clonbrook	720
Beehive	576
Greenfield	581
Orange Nassau	438
Grove	354
Unity	215
Lancaster	205
Spring Hall	996
Hand-en-Veldt	305
Good Hope	315
Helen (1)	306
Helen (2)	292
Belmonte	341
Supply	362
Vereeniging	406
La Bonne Mere	2,156
Cane Grove	2,524
Melville	2,184
Goedverwagting	1,512
	58,593

SECOND SCHEDULE s. 43

LIST OF PLANTATIONS FOR WHICH THE
DISTRICT COMMISSIONER MAY
VOTE

Mocha	Friendship	Lancaster
Lodge	Golden Grove	Hand-en-Veldt
Kitty	Nabaclis	Good Hope
Plaisance	Victoria	Helena (1)

Beterverwaging	Ann’s Grove and	Helena (2)
Triumph	Two Friends	Belmonte
Buxton	Clonbrook	Supply
	Unity	Vereeniging

O. 72/1956

**EAST DEMERARA WATER CONSERVANCY
(ANNUAL PAYMENT BY THE GEORGETOWN CITY
COUNCIL) ORDER**

made under section 51(b)

Citation.

1. This Order may be cited as the East Demerara Water Conservancy (Annual Payment by Georgetown City Council) Order.

Annual payment.

2. The annual payment by the Georgetown City Council to the Board of Commissioners of the East Demerara Water Conservancy shall be increased from the sum of nine thousand dollars as provided under the East Demerara Water Conservancy (Annual Payment by the Mayor and Town Council of Georgetown) Order, 1954, to the sum of twelve thousand dollars for the year 1957 and for subsequent years.

O. 62/1954