

LAWS OF GUYANA

MAHAICA-MAHAICONY-ABARY AGRICULTURAL
DEVELOPMENT AUTHORITY ACT

CHAPTER 70:01

Act

27 of 1977

Amended by

6 of 1981

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Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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DEVELOPMENT AUTHORITY ACT**

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CHAPTER 70:01

**MAHAICA-MAHAICONY-ABARY AGRICULTURAL
DEVELOPMENT AUTHORITY ACT**

27 of 1977

An Act to make provision for the establishment and functions of the Mahaica-Mahaicony-Abary Agricultural Development Authority and for purposes connected therewith.

[31ST DECEMBER, 1977]

Short title **1.** This Act may be cited as the Mahaica-Mahaicony-Abary Agricultural Development Authority Act.

Interpretation. **2.** In this Act—

First Schedule. “the Area” means the area described in the First Schedule and includes any extension thereof made pursuant to section 33;

“the Authority” means the Mahaica-Mahaicony-Abary Agricultural Development Authority established by section 3;

“drainage and irrigation” includes flood control;

“the Minister” means the Minister assigned responsibility for agriculture;

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“estate” and “proprietor” have the meanings respectively assigned to them in section 2 of the Drainage and Irrigation Act;

“force account” means the use of employees of the Authority or of a Ministry to construct a work with or without the supervision of an independent contractor or consultant.

ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY

Establishment
of the Mahaica
Mahaicony-
Abary
Agricultural
Development
Authority
Second
Schedule.

3. There is hereby established the Mahaica-Mahaicony-Abary Agricultural Development Authority which shall be a body corporate and the provisions of the Second Schedule shall have effect as to the constitution of the Authority and otherwise in relation thereto.

Functions of
the Authority.

4. (1) The functions of the Authority are—

- (a) to prepare plans for, approve and undertake responsibility for construction of drainage and irrigation systems or related works necessary for the more efficient agricultural development in the Area;
- (b) to accelerate and promote agricultural development in the Area, resulting from the drainage and irrigation systems and related works constructed therein;
- (c) to prepare and approve all plans and schemes relating to land use in the Area, including the location of new

canals, new roads, new rural community service facilities and areas, cropping patterns and farming practices, new storage and marketing facilities for areas to be administered by newly established local government authorities, and the relocation, where necessary, for the efficient development of the economy of the Area, of existing public infrastructures or services;

- (d) to act as the principal agency or as the coordinating agency in implementing approved plans for drainage and irrigation schemes including construction, engineering surveys, operation and maintenance schemes and related matters;
- (e) to supervise, co-ordinate, supplement and assist in the carrying out of agricultural research extension services, agricultural engineering, mechanical engineering and like matters which it deems advisable to ensure maximum long term benefits from the drainage and irrigation projects;
- (f) to manage, operate and maintain all drainage and irrigation systems, and all access roads and related facilities within the Area constructed or acquired by the Authority under this Act;

- (g) to co-ordinate and approve, within the Area, schemes proposed to be implemented by other public authorities;
- (h) to promote the co-operative development of agricultural lands;
- (i) to adopt such measures as are practicable and consistent with socialist policies to develop new agricultural lands or regions within the Area or agricultural lands therein which are not beneficially occupied, and to upgrade the potential of existing agricultural lands;
- (j) to supervise the awarding of tenders for projects in the Area, to co-ordinate such projects and the interaction of such projects with other public works being undertaken in the Area;
- (k) to exercise with respect to the Area an evaluation, statistical and reporting function with respect to the social and economic development taking place as a result of the drainage, irrigation and related works in the Area;
- (l) to implement proper accounting procedures with respect to the estimated and actual receipt and disbursement of funds relating to all matters over which the Authority has supervision or control, including the preparation of short and

long term budgets;

- (m) to prepare, approve and implement any plans for resettlement of any residents necessarily displaced by the construction of the works or by realignment of boundaries or partition and re-allocation required for the efficient development of the economy of the Area, having due regard to the human, agronomical and social impact of any resettlement;
- (n) to prepare, approve and implement any plans for settlement within the Area having due regard to the human, agronomical and social impact of any settlement; and
- (o) to exercise such other functions as are conferred on the Authority by other provisions of this Act and by any other enactment.

(2) Without prejudice to the exercise by the Executive Committee of the Authority under this Act of the functions of the Authority, the Authority may delegate to any other person or authority the power and authority to carry out on its behalf such functions of the Authority as the Authority may determine.

Appointment
of officers and
other
employees of
the Authority.

5. (1) The Minister shall appoint the General Manager and the Heads of Departments of the Authority on such terms and conditions (including the payment of pensions, gratuities or other like benefits by reference to their service) as he deems appropriate and, without prejudice to the generality of the foregoing provisions of this subsection,

the Heads of Department of the Authority may include the following persons—

- (a) the Manager of the Engineering Service Division;
- (b) the Manager of the Agricultural Development Division;
- (c) the Manager of the Lands and Surveys Division;
- (d) the Manager of the Finance Division;
- (e) the Manager of the Administration Division;
- (f) the Principal Officer in the Planning and Programming Unit;
- (g) the Principal Officer in the Operation Evaluation Unit; and
- (h) the Internal Auditor.

(2) The Authority may employ a Secretary on such terms and conditions (including the payment of pension, gratuity or other like benefit with reference to his service) as it deems appropriate.

(3) With the approval of the Authority, the General Manager shall employ such other officers and other employees as may be requisite for the performance of the functions of the Authority under this Act on such terms and conditions (including the payment of pensions, gratuities or other like benefits with reference to their service) as he deems appropriate.

(4) The General Manager shall be the chief executive officer of the Authority and shall be responsible for the day to day business of the Authority; he as well as the Principal Officer in the Operations Evaluation Unit and the Internal Auditor shall report directly to the Authority and the Executive Committee of the Authority.

(5) The pensions, gratuities or other like benefits payable to the officers and other employees of the Authority shall be no less favourable than those payable to public officers.

c. 27:02

(6) Where, with the approval of the Public Service Commission, an officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Authority, section 5 of that Act shall apply to the officer as if the service of the officer in such office were service in a public office.

(7) Where, with the approval of the Public Service Commission, an officer has been transferred to an office with the Authority, the service of the officer with the Authority shall be other public service within the meaning of, and for the purposes of such provisions applicable in relation thereto as are contained in, the Pensions Act.

RELATIONSHIP WITH OTHER AGENCIES

Application of
the Town and
Country
Planning Act.
c.20:01

6. (1) In relation to the Area, the functions conferred on the Central Authority under the Town and Country Planning Act shall be exercisable by the Authority established under this Act and, for that purpose, the first-mentioned Act shall be construed and have effect as if—

- (a) for every reference therein to the Central Authority there had been substituted a reference to the

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Authority established under this Act;
and

- (b) for every reference therein to the Minister there had been substituted a reference to the Minister assigned responsibility for agriculture.

(2) For the purposes of this section, the Area shall not include any area administered by a local government authority, or any other area designated for the purpose by the Authority, notification of which shall be published in the Gazette.

Relationship
with the
Central Board
of Health.

7. (1) In relation to the Area, the functions conferred on the Central Board of Health under any law for the time being in force shall be exercisable by the Authority and, for that purpose, any such law shall be construed and have effect as if—

- (a) for every reference therein to the Central Board of Health there had been substituted a reference to the Authority; and
- (b) for every reference therein to the Minister there had been substituted a reference to the Minister assigned responsibility for agriculture.

(2) For the purposes of this section, the Area shall not include any area administered by a local government authority, or any other area designated for the purpose by the Authority, notification of which shall be published in the Gazette.

Application of
the Guvana

8. (1) In relation to the Area, the functions conferred

Water
Authority Act.
c. 55:01

on the Guyana Water Authority under the Guyana Water Authority Act shall be exercisable by the Authority established under this Act and, for that purpose, the first-mentioned Act shall be construed and have effect as if—

- (a) for every reference therein to the Guyana Water Authority there had been substituted a reference to the Authority established under this Act; and
- (b) for every reference therein to the Minister there had been substituted a reference to the Minister assigned responsibility for agriculture.

(2) Section 20 of the Guyana Water Authority Act shall not apply for the purpose of the construction or alteration of any sewerage works or water works by the Authority.

Exercise by the
Sea Defence
Board of its
functions in the
Area.

9. No sea defence shall be constructed within the Area by the Sea Defence Board, without the approval of the Authority:

Provided that nothing in the foregoing provisions of this section shall be construed as requiring the approval of the Authority in any case where the Minister orders the Board to execute any emergency work under section 11 of the Sea Defence Act.

c. 64:02

Relationship
with the
Guyana Rice
Board and the
Guyana
Agricultural
Cooperative
Development

10. (1) In exercising their respective functions within the Area in giving credit or making loans to farmers, including the taking of security for such loans, the Guyana Rice Board and the Guyana Agricultural Co-operative Development Bank shall consult with the Authority on the conditions governing generally the granting of such financial

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Bank. assistance to farmers for the purpose of ensuring that farmers in the Area are provided with the best possible financial assistance.

c. 72:01 (2) In exercising its functions under the Guyana Rice Board Act, the Guyana Rice Board shall consult with the Authority for the purpose of ensuring that its plans for the development of the rice industry take into account the projected development of the Area.

(3) The Authority, after consultation in such manner as may be prescribed with farmers in the Area who are likely to be affected, shall develop farming patterns in the Area for the purpose of ensuring that the economic agronomical and human factors have been taken into account.

(4) The Authority shall furnish the Guyana Rice Board with information on those plans of the Authority which may affect the development of agricultural production in the Area.

(5) The Authority shall implement farming patterns under subsections (3) and (4) which it has finalised.

Relationship
with the
Guyana Sugar
Corporation
Limited.

11. (1) The Guyana Sugar Corporation Limited shall inform the Authority of any alterations or changes which it proposes to make either to its installations or in its operations in the Area if those alterations or changes will affect either the inflow or outflow of water in the Area, and no such alteration or changes shall be implemented by the Corporation without the consent of the Authority.

(2) If the Corporation proposes to convert lands under its control, being lands which are not beneficially occupied or utilised or which are being used for purposes connected with the cultivation of sugar-cane, for other agricultural purposes the Corporation shall consult with the

Authority, and no such proposal shall be implemented by the Corporation without the consent of the Authority.

(3) The Authority and the Corporation shall consult and co-operate with each other for the purpose of ensuring that the cultivation within the Area of sugar-cane under the control of the Corporation shall not be adversely affected by anything done by or on behalf of the Authority.

Relationship
with the
Livestock
Development
Company
Limited.

12. (1) The Livestock Development Company Limited shall inform the Authority of any plans of the Company which will affect animal husbandry in the Area, and no such plan shall be implemented without the consent of the Authority.

(2) The Authority shall inform the Company of any plans of the Authority relating to animal husbandry in the Area so that the Company can give consideration to them in planning the national development of the livestock industry, and no such plan shall be implemented without the consent of the Company if the Company, within thirty days of receiving any such information from the Authority, advises the Authority that it considers that those plans will adversely affect the implementation of plans of the Company for the national development of the livestock industry; in the absence of agreement between those bodies the Minister shall resolve the matter after consultations with them.

(3) Subject to subsection (2), the Authority may propose for implementation a farming pattern with respect to the livestock industry in any part of the Area and the Authority shall have consultations on the farming pattern in such manner as may be prescribed with livestock producers within that part of the Area who are in the opinion of the Authority likely to be affected by the implementation of the farming pattern.

(4) If, after such consultations and the taking into consideration of all economic, agronomical and human factors which are likely to be affected by the implementation of the farming pattern, the Authority determines that it should be implemented, the Authority shall implement the farming pattern accordingly.

Relationship
with agencies
in respect of
other
agricultural
products.

13. (1) The Ministry responsible for agriculture and the Guyana Agricultural Products Corporation shall inform the Authority of any of their respective plans for any agricultural crop in the Area for the cultivation of which the Ministry or the Corporation, as the case may be, is responsible and which will affect any other agricultural crop in the Area; and no such plan shall be implemented by the Ministry or the Corporation, as the case may be, without the consent of the Authority.

(2) The Authority shall inform the Ministry or the Corporation, as the case may be, of any plans of the Authority relating to any other agricultural crop in the Area so that the Ministry or the Corporation can give consideration to them in planning the national development of agriculture. If the Ministry or the Corporation, as the case may be, advises the Authority within thirty days of receiving any such information from the Authority that the plan will adversely affect the policies of the Ministry or the Corporation, as the case may be, then in absence of agreement, the Minister may resolve the matter after consultations with officials of the Ministry, or with the Corporation, as the case may be.

(3) Subject to subsection (2), the Authority may propose for implementation a farming pattern with respect to any other agricultural product in any part of the Area and the Authority shall have consultations on the pattern in such manner as may be prescribed with farmers within that part who are in the opinion of the Authority likely to be affected

by the implementation of the farming pattern.

(4) If, after such consultations and the taking into consideration of all economic, agronomical and human factors which are likely to be affected by the implementation of the farming pattern, the Authority determines that it should be implemented, the Authority shall implement the farming pattern accordingly.

Relationship
with other
Authorities.

14. (1) Save as otherwise provided by sections 9 to 13 (both sections inclusive), no body (whether corporate or unincorporate) shall implement any plan which would affect agricultural lands within, or the agro-economy of, the Area, without the consent of the Authority.

(2) In considering any request for the grant of its consent under subsection (1), the Authority shall weigh the advantages of the plan in terms of its social, community or human objectives against any detrimental effect that the plan is likely to have on the agro-economy of the area to be affected and, if it refuses to grant its consent, the Authority shall give its reasons therefor in writing to the body requesting its consent to the plan.

(3) A copy of the reasons for the refusal of the grant of its consent shall be forwarded by the Authority to the Minister who may resolve the matter after consultations with the body and the Authority.

LAND PROVISIONS

Government
lands declared
State lands.

c. 62:01

15. All Government lands in the Area are hereby declared to be State lands to which the State Lands Act shall apply subject, however, to the modification that in relation to those State lands in the Area, the State Lands Act shall be construed and have effect as if for every reference therein to the Commissioner of Lands there had been substituted a

reference to the General Manager of the Authority, or such other officer of the Authority as may be authorised for that purpose by the Authority.

Acreage
limitation on
additional
holdings.

16. (1) The Authority, with the approval of the Minister, may make regulations limiting additional acreage of land which existing proprietors in the Area may acquire or otherwise control after the coming into operation of this Act.

(2) In determining limitations pursuant to the powers conferred upon it by subsection (1), the Authority shall have regard—

- (a) to the desire to make available to citizens of Guyana, for their acquisition agricultural lands of such sizes as to facilitate efficient production on the basis of the farming pattern set by the Authority in respect of that particular part of the Area in which any such agricultural land is situated;
- (b) to the need to prevent the aggregation of larger tracts of land than are necessary for efficient production on the basis of the farming pattern set by the Authority in respect of any part of the Area without prejudicing existing proprietors of land in the Area which is or may be cultivated in accordance with farming patterns set by the Authority;
- (c) to the desirability of exhorting existing proprietors whose holdings are less than the minimum size

required to ensure efficient production on the basis of the farming pattern set by the Authority, to increase their holdings of cultivated land to at least the minimum efficient size;

- (d) to the implementation of national policy by encouraging and promoting co-operative agricultural schemes.

Preparation of plans of existing holdings and determination of boundaries.

17. (1) The Authority shall cause to be prepared plans of existing land holdings in the Area, including State lands, paying due regard to any lands under cultivation with a view to ensuring that the boundaries of each parcel of land are properly delineated.

c. 59:04

(2) In the exercise of its powers under subsection (1), section 19 or section 20, the Authority may authorise the carrying out of a survey of the lands as authorised by the Surveys (Special Provisions) Act or may authorize in writing any competent person together with his employees and agents to enter upon any land specified by the Authority for the purpose of surveying the land for the preparation of the plans and any person who is so authorised shall have power to make all necessary surveys, take all necessary levels and to do all such other acts as are necessary to determine accurately the boundaries of all parcels of land, or their respective soil types.

(3) Notice of the authorisation of any person to enter upon any land shall be published in the Gazette and in a newspaper circulating in Guyana and the person who is so authorised shall, at the request of a proprietor, produce evidence of his authorisation.

(4) On completion of the preparation of any plan

under subsection (1), the Authority shall cause a copy thereof to be deposited at the principal office of the Authority in the Area and shall give notice of the deposit of the plan in the Gazette and in a newspaper circulating in Guyana; the plan shall be open for inspection at all times during office hours for two months after the date of publication of the notice.

(5) Any proprietor or local government authority within the Area comprised in the plan may, at any time during the period of one month mentioned in subsection (4), serve on the Secretary of the Authority notice in writing setting forth any objections to the plan together with the grounds thereof.

(6) The Authority shall have power to settle any dispute as to boundaries arising out of the preparation of the plan.

(7) As soon as practicable after all objections relating to the boundaries have been settled the Authority shall cause the plan to be filed with the Registrar of Deeds at his office and thereafter all the rights, titles and interests in the lands shown on the plan to which the proprietors are entitled shall be as delineated and stated thereon; and the rights of any person claiming any right, title or interest in or over any land within the area delineated and stated on the plan (being rights, titles or interests not delineated and stated thereon) or of any person who is aggrieved by the settlement of any boundary by the Authority under sub-section (6), shall thereafter be limited to compensation. determined in accordance with the provision of the Acquisition of Land (Land Settlement) Act, in one or more of the following ways:

c. 62:06

(a) the payment of a monetary award;

(b) the issue of land bonds under the Land Bonds Act;

c. 62:07

- (c) the issue of credits;
- (d) the grant of State land of an equivalent value,

and such compensation may include the value of any crops growing on the land and any structures thereon.

(8) Credits shall be non-transferable and shall be used solely for the purpose of acquiring other available land in the Area from the Authority which will cause title to be issued in respect thereof.

(9) Holders of credits shall be entitled to aggregate the value of their credits for the purpose of acquiring a larger acreage of land in relation to the credits held for the purpose of engaging collectively in managing larger and more efficient agricultural farms.

(10) Any proprietor who is aggrieved by the finalisation of any plan made by the Authority under subsection (6) may, within fourteen days after service on him of notice of his right, title or interest held as finalised by the plan, appeal to a Commissioner of Title by filing with the Registrar of the Supreme Court in the prescribed form, a notice of appeal in which the grounds of appeal shall be briefly set out.

(11) The appellant shall, within fourteen days after filing the notice of appeal aforesaid or within such further time as may be allowed by the Commissioner of Title, serve copies of the notice of appeal upon the Authority.

(12) The Commissioner of Title may, if circumstances so warrant, direct that copies of the notice of appeal be served on persons other than the Authority

and may give directions as to the time and manner of such service.

(13) The Authority and any other person upon whom a copy of the notice of the hearing of the appeal has been served shall be entitled to appear and to be heard at the hearing of the appeal, and the Authority and any such other person who so appears, shall be a respondent on the appeal.

(14) The Registrar of the Supreme Court shall, forthwith after the filing of a notice of appeal under subsection (10), notify the Authority thereof, and the Authority shall thereupon cause to be transmitted to the Registrar of the Supreme Court:

- (a) a copy of its report on the dispute as to the omission of any right, title or interest of the appellant in any land or over any boundary arising out of the preparation of the plan under this section;
- (b) a copy of the plan; and
- (c) any other documents, or certified copies thereof, material to the appeal and in the possession of the Authority.

(15) At the hearing of the appeal the Commissioner of Title shall have power to examine the parties or any of them and their witnesses and to order the production of documents, and may, subject to subsection (7), affirm, modify, amend or rescind either in whole or in part the decision of the Authority, or may make any decision which the Authority ought to have made, or may refer the matter back to the Authority with such directions as the Commissioner of Title

may think fit.

(16) All costs of, and incidental to, an appeal under this section to a Commissioner of Title shall be in his discretion.

(17) Rules may be made under this section by the Minister for prescribing the practice and procedure in respect of all matters and proceedings in appeals made under this section to the Commissioner of Title.

(18) Subject to subsection (7), where the appellant, or any respondent, is aggrieved by the decision of the Commissioner of Title the appellant or the respondent, as the case may be, may appeal from that decision to the Full Court of the High Court within twenty-one days after the date of the decision.

(19) Subject to subsection (7), where the appellant, or any respondent, is aggrieved by the decision of the Full Court of the High Court, the appellant or the respondent, as the case may be, may appeal from that decision to the Court of Appeal within twenty-one days after the date of the decision.

(20) Nothing in this section shall be construed as preventing the Authority, pending the determination of any appeal under this section, from doing any act or thing for the purpose of implementing any plan based on boundaries settled by the Authority.

Vesting of
lands and
construction of
works by the
Authority.
c. 64:03

18. (1) All lands and all works in the Area which are now vested in the Drainage and Irrigation Board by virtue of the provisions of the Drainage and Irrigation Act are, without further assurance, hereby transferred to, and vested in, the Authority.

c. 64:03

(2) After the commencement of this Act, the Authority shall assume responsibility for the completion of all works which, at such commencement, were approved under the Drainage and Irrigation Act for construction in the Area and, for that purpose, the Authority shall, subject to this Act, have all the powers of the Drainage and Irrigation Board under the Drainage and Irrigation Act which shall be construed and have effect accordingly.

(3) After the commencement of this Act, the provisions of Part III of the Drainage and Irrigation Act (which relate to the construction of works authorised in respect of a drainage and irrigation area) in so far as they are applicable, Part IV thereof (which relates to the construction of new works) Part IV A thereof (which relates to the acquisition and maintenance of other works) and sections 30 and 31 in Part IV B thereof (which relate to the preparation of a composite plan) shall, in relation to the Area, be construed and have effect as if —

- (a) for every reference therein to the Drainage and Irrigation Board, there had been substituted a reference to the Authority;
- (b) for every reference in section 25 in Part IV to the District Engineer, there had been substituted a reference to the Manager of the Engineering Services Division of the Authority;
- (c) for the reference in section 25(1) in Part IV to the sum of ten thousand dollars, there had been substituted a reference to the sum of one hundred thousand dollars;

- (d) for the reference in section 25(4) in Part IV to the appropriate office named in section 15(1), there had been substituted a reference to the principal office of the Authority.

(4) Section 32 of the Drainage and Irrigation Act (which relates to the divesting by the Drainage and Irrigation Board of any work or any land) shall *mutatis mutandis* apply in relation to any work or any land in the Area which has vested in the Authority by virtue of the application of that Act by this Act.

(5) In respect self any land acquired by the Authority by reason of its becoming vested in the Authority by virtue of the application to the Authority of the provisions of the Drainage and Irrigation Act, or in respect of any actual loss or damage suffered by any person as a result of the construction of any work or the making of any survey, compensation shall be paid to the claimant and recoverable in like manner as is provided for land which has vested in the Drainage and Irrigation Board or for any loss or damage suffered by any person as a result of the construction of any work or the making of any survey.

Plans for
appropriate
agricultural
parcel.

19. (1) The Authority shall prepare plans for the establishment of appropriate agricultural parcels in different regions within the Area as a result of proposed drainage and irrigation works and proposed farming patterns for the Area.

(2) The Authority may include in such plans proposed realignments of existing boundaries or proposed partitions and realotment of lands.

(3) On completion of the preparation of any plan under subsection (1), the Authority shall deposit the plan at the principal office of the Authority in the Area and shall

give notice of the deposit of the plan in the Gazette and in a newspaper circulating in Guyana; the plan shall be open for inspection at all times during office hours for one month after the date of publication of the notice.

(4) Any proprietor or local government authority within the Area comprised in the plan may, at any time during the period of one month mentioned in subsection (3), serve on the Secretary of the Authority notice in writing setting forth any objections to the plan together with the grounds thereof.

(5) The Authority shall have power to modify the plan for the purpose of giving effect to any objection and may, under section 20, acquire lands shown on the original plan or as modified.

(6) The Authority may pass transport of any land in accordance with the plan either as originally deposited or as subsequently modified to any person as a registered proprietor under section 43 of the Land Registry Act who was the owner of land immediately prior to the acquisition thereof by the Authority under section 20.

(7) The Authority may cause to be issued leases of State lands in accordance with the plan either as originally deposited or as subsequently modified.

(8) In establishing any farming pattern under this section, any proprietor of land in the Area and any resident therein shall be entitled to cultivate for his own use as he may deem fit, an area of not more than two and one-half acres contiguous to his residence.

c. 5:02

Acquisition of
land for
appropriate
acreages and

20. (1) Where any land in the Area is to be acquired compulsorily by the Authority for the purpose of establishing minimum acreages under section 19, the

payment of
compensation.

Authority may enter into negotiations with the proprietors thereof in order to encourage them to accept available lands under the control of the Authority in exchange for the lands to be acquired.

(2) Where the Authority has determined the minimum acreage for efficient production in any part of the Area, the Authority shall, if it enters into negotiations under subsection (1), do so with a view to obtaining the grant or lease of parcels of State land of at least the minimum acreage for efficient production provided, however, that where the proprietor holds land less than the minimum acreage, the Authority may fix the rent to be paid for the lease of, or the purchase price to be paid for, an additional area of land which would bring the actual acreage of the proprietor to at least the minimum acreage.

(3) Where, in the opinion of the Authority, any land within the Area is not beneficially occupied and is required by the Authority for carrying out its functions under this Act, or where it is necessary for any land to be acquired for the purposes of section 19, but it cannot be acquired by agreement, the Authority may cause the land to be acquired in the manner provided by subsection (4).

(4) The Authority may make a request to the Minister that the land should be acquired compulsorily pursuant to subsection (3) for the carrying out of its functions under this Act or for the purposes of section 19 and, in any such case, the Minister may exercise the powers conferred on him by the Acquisition of Land (Land Settlement) Act subject, however, to the modification that all lands, other than State lands, shall vest in the Authority.

(5) Compensation arising out of the acquisition referred to in subsection (4) may be made in one or more of the ways set out in section 17(7) which shall apply mutatis

mutandis for that purpose, and shall include the value of any crops growing on the land and any structures thereon:

Provided that in any case where it is possible to remove any structure, plant or machinery from any such land and to re-erect it elsewhere the amount of compensation to be paid in respect of such structure, plant or machinery may, at the discretion of the Authority, be the actual cost of dismantling, removing and re-erecting the same.

(6) Nothing in this section shall be construed as preventing the Authority from taking any measures for the purpose of giving effect to any acquisition under this section.

CO-OPERATIVE SOCIETIES

Establishment
of co-operative
societies in the
Area.

21. (1) Proprietors or residents in any part of the Area may make application to the Authority for assistance in establishing co-operative societies for the more efficient development of agricultural lands in the Area.

(2) Upon receipt of the application, the General Manager of the Authority shall arrange for meetings to be held with the persons submitting the application and other interested persons for the purpose of advising them on the proposal to establish a co-operative society and of providing assistance in implementing the establishment of the co-operative society.

(3) The foregoing provisions of this section shall be without prejudice to the powers of the Commissioner for Co-operative Development under the Co-operative Societies Act.

c. 88:01

ENVIRONMENTAL PROTECTION

Regulations
relating to

22. (1) The Authority may, with the approval of the

quantity and
quality of water
and renewable
natural
resources.
[3 of 1985
6 of 1997]

Minister, make regulations prescribing matters relating to the quantity or quality of the water in the drainage and irrigation system in the Area.

(2) The Authority may, with the approval of the Minister, make regulations to regulate and direct the use of renewable natural resources in the area to secure the best and socially beneficial use thereof and to monitor the operation of their use.

(3) The regulations made under this section may prescribe a penalty not exceeding fifteen thousand dollars and one year imprisonment for the breach of any provision thereof.

OPERATION, MAINTENANCE AND MANAGEMENT

Responsibility
of Authority for
drainage and
irrigation
systems in the
Area.

23. The Authority shall be responsible for the management, operation and maintenance of all drainage and irrigation systems constructed or acquired in the Area by the Authority under this Act.

Local drainage
and irrigation
systems.

24. (1) All drainage and irrigation systems which are used or intended to be used for the purpose of the drainage or irrigation of any estate or any area administered by a local government authority, or for the purpose of navigation in any area,, shall be constructed, managed and maintained by the proprietor of the estate or the local government authority, as the case may be, unless the Authority assumes responsibility therefor.

(2) No such drainage and irrigation system shall be constructed, managed and maintained by any proprietor or any local government authority, as the case may be, so as to impede or otherwise interfere with the construction, management or maintenance of drainage and irrigation

systems by the Authority in exercise of its functions under this Act.

(3) If a proprietor or local government authority neglects or omits to perform any obligation imposed by this section, the Authority may cause the necessary work to be done and may recover the cost thereof from the proprietor or local government authority, as the case may be, as a civil debt or by parate execution.

FINANCIAL STRUCTURE, WATER CHARGES AND ACCOUNTING PROCEDURES

Funds and
resources of the
Authority.

25. (1) The funds and resources of the Authority shall consist—

- (a) charges made by the Authority under section 28;
- (b) capital works which become the property of the Authority by virtue of the carrying out of its functions under this Act;
- (c) such other funds as may be appropriated by Parliament for the purposes of the Authority or otherwise made available to the Authority by the Government.

(2) Monies collected by the Authority as mentioned in subsection (1) (a) and (c) shall be deposited by the Authority into bank accounts with banks approved by the Minister responsible for finance.

(3) The Minister responsible for finance may give directions to the Authority on what portion of revenues, if

any, collected by the Authority shall be paid into the Consolidated Fund and the Authority shall comply with any such direction.

Budgets.

26. (1) The Authority shall prepare and transmit to the Minister not later than sixty days before the end of each financial year, annual budgets for the next financial year, which shall include a revenue and expenditure budget, a capital budget, a cash flow projection for the Authority, and the contracts to be financed from funds in the accounts mentioned in section 27, indicating separately the amounts that may be required to be expended in foreign currencies.

(2) The Minister shall consult with the Authority on the budget and, when approved by him, the budget shall be transmitted to the Minister responsible for finance not later than thirty days before the end of each financial year.

(3) The Authority shall prepare five-year work plans and projected budgets which shall be transmitted to the Minister with the annual budgets.

Accounts.

27. The Authority shall keep separate accounts with respect to sums received and disbursed for projects carried out by the Authority in the exercise of its functions under this Act, including a current account for current expenditure and a capital account for capital expenditure.

Charges for
drainage and
irrigation
services.
[3 of 1985]

28. (1) The Authority, with the approval of the Minister, shall in respect of each year fix charges for drainage and irrigation services provided by it for proprietors in the Area.

(2) In fixing charges under subsection (1), the Authority may fix different charges for drainage and irrigation services provided for different farming patterns within the Area.

(3) In fixing charges under this section, the Authority shall pay due regard to the following matters—

- (a) the cost of operating and maintaining the drainage and irrigation systems in the Area;
- (b) the profitability of the arable lands serviced having regard to the charges fixed by the Guyana Rice Board and other public authorities, the object of the charges being to encourage each proprietor to maximise the long-term yields from the lands which are serviced;
- (c) the cost of the administration of the Authority; and
- (d) such other factors as the Minister may require the Authority to take into consideration.

(4) Charges fixed pursuant to this section may, with the approval of the Minister, take into account interest or amortization or depreciation charges with respect to capital costs of the drainage and irrigation systems in the Area.

(5) Charges due to the Authority by any proprietor shall be recoverable by the Authority from the proprietor in like manner as rates due to the council are recoverable under the Municipal and District Councils Act which shall apply mutatis mutandis for the purpose and the signature of the secretary of the Authority subscribed to any document containing a statement of the amount due for charges shall, without proof of any other matter or thing, be held and be

deemed to be in all courts prima facie evidence of the amount claimed being due and correct.

(6) The preceding provisions of this section shall apply in relation to every parcel of State land within the Area as if references to "proprietor" therein were references—

c. 62:01

- (a) where the parcel of State Land is held under a lease, or is occupied or used under a licence or permission granted under the State Lands Act, to the lessee, licensee or permittee, as the case may be;
- (b) where the parcel of State Land is in the possession or occupation of, or is being utilised by, any person and that person cannot establish any right or title for such possession, occupation or utilisation, to the person so in possession or occupation of, or utilising the parcel of State land; and
- (c) in other cases, to the State.

c. 28:01

(7) In this section "council" has the meaning assigned to it in section 2 of the Municipal and District Councils Act.

Rents from
State lands.

29. The Authority shall be responsible for the collection of all rents due from lessees of State lands within the Area or of other lands therein leased by the Authority and those rents may be recovered by the Authority in like manner as rents for State lands are recovered under the provisions of the State Lands Act.

LAWS OF GUYANA

34

Cap. 70:01

*Mahaica-Mahaicony-Abary Agricultural
Development Authority*

Tenders and
force account.

30. (1) The Authority, with the approval of the Minister, shall establish procedures for the award of tenders by the Authority for the construction of works in the Area by the Authority and procedures for payments in respect of any contract entered into for and on behalf of the Authority.

(2) In carrying out construction projects under this Act the Authority shall contract all major works out by tender, except the works which may be done by force account with the consent of the Minister.

(3) The Authority may construct all works which are not major works by tender or they may be done by force account with the consent of the Minister.

Accounting
Procedures.

31. (1) The Authority shall keep such books and establish such accounting procedures and systems in accordance with recognised standards and practices in order to reflect accurately the operations of the Authority and the expenditures made out of the funds in the accounts specified in section 27.

(2) A monthly statement of the cash flow shall be sent to the Minister within twenty days after the end of each month.

(3) Quarterly statements on an accrual basis of revenue and expenditure shall be sent to the Minister within twenty days after the end of each quarter.

(4) Annual financial statements, including a balance sheet, a statement of revenue and expenditure and a statement of the source and application of funds for the preceding year shall be prepared and sent by the Authority to the Minister responsible for finance within sixty days after the end of each financial year, and those statements shall include as a separate item the expenditure of funds from the accounts

specified in section 27.

Audit.

32. (1) The Auditor-General shall audit the accounts of the Authority annually.

(2) In carrying out the audit under subsection (1), the Auditor-General may, and at the request of the Minister responsible for finance shall, appoint an independent firm of Accountants to carry out or assist him in the audit of the accounts of the Authority.

(3) The report of the auditor on the audit of accounts prepared under this section shall be transmitted to the Minister responsible for finance who shall lay the report before the National Assembly on or before 31st December of the following year.

GENERAL PROVISIONS

Extension of
the Area.

33. After consultation with the Authority, the Minister may, by order, amend the schedule for the purpose of altering or changing the boundaries of the Area..

Offences and
penalty.
[6 of 1997]

34. Any person who—

- (a) obstructs, resists or assaults any member of the Authority or any person employed by the Authority or by any agent of the Authority acting in the execution of his duty under this Act; or
- (b) wilfully performs any act whereby the efficient operation of any work is impaired; or

- (c) maliciously damages any work or any part thereof; or
- (d) unlawfully interferes with any work or any part thereof; or
- (e) unlawfully abstracts any water from any work or unlawfully obstructs or otherwise interferes with the flow of any water in any drainage and irrigation system maintained by the Authority,

shall be liable to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months.

Trespass by
cattle.
[6 of 1997]

35. (1) Any person who, having the custody or control of cattle, permits such cattle to trespass upon any of the lands adjacent to any work, being lands vested in the Authority by virtue of the application of section 20 of the Drainage and Irrigation Act by this Act in relation to the Authority, shall be liable to a fine of three thousand two hundred and fifty dollars:

Provided that it shall be a good defence to a charge made under this section to prove that the trespass was not due to the wilful act or neglect of the person charged or of his servants or agents.

(2) Any cattle found trespassing upon any work or land specified in the preceding subsection may be seized and impounded by any member of the police force or of the rural constabulary, or by any person authorised in writing in that behalf by the Authority.

(3) Any cattle impounded under this section shall be impounded in the nearest pound and the Pounds Act shall

c. 71:04

apply to that impounding.

(4) Any swine found straying upon any work or land specified in subsection (1) may be destroyed by any person authorised to impound cattle by that subsection and the carcasses of the swine shall be the property of the Authority.

Convicted offender liable to pay expenses incurred by the Authority in repairing damage.

36. (1) Where the Authority incurs expense in repairing any injury done to the property of the Authority by any act which is an offence under this Act, or where any property of the Authority is damaged by any such act and any person is convicted thereof the magistrate shall order the offender to pay to the Authority the amount of such expense or damage.

(2) A certificate duly signed by the General Manager and countersigned by the secretary of the Authority shall be prima facie evidence of the amount of the expense or the damage incurred or suffered by the Authority.

(3) An order made under this section shall be of the same force and effect and shall be enforceable in the same manner as if it were a judgment of a magistrate's court in a civil action.

Procedure.

37. All prosecutions and proceedings for offences under this Act may be instituted under the Summary Jurisdiction Acts.

Persons authorised to prosecute on behalf of the Authority.

38. Any prosecution for an offence under this Act may be instituted by any member of the police force, by any person employed by the Authority or by any person authorised in writing in that behalf by the Authority.

Regulations.
[3 of 1985
6 of 1997]

39. (1) The Authority, with the approval of the Minister, may make regulations for the purpose of carrying

out the provisions of this Act and, without prejudice to the generality of the foregoing, regulations made under this section may make provision—

- (a) relating to credits for the exchange of lands;
- (b) establishing the methods for determining the location of tertiary canals;
- (c) regulating the extent of diversion from rivers, creeks or other waters;
- (d) establishing procedures with respect to the compulsory acquisition of lands which are not beneficially occupied;
- (e) prescribing procedures for the recovery of charges for drainage and irrigation services;
- (f) prescribing anything to be prescribed by this Act.

(2) There may be annexed to any regulations made under this Act a fine of thirty-two thousand five hundred dollars on summary conviction thereof for a contravention thereof.

Power of the
Minister to
remove
difficulties.

40. (1) If at any time any difficulty arises in connection with the application of this Act or in giving full effect to any of its provisions, the Minister may by order make any provision that appears to him necessary or expedient for removing the difficulty.

(2) Any such order may amend or modify the provisions of this Act or any other enactment in respect of

any particular matter or occasion so far as may appear to the Minister to be necessary or expedient for removing the difficulty.

(3) Any order made under this section shall be subject to negative resolution of the National Assembly.

s. 2

FIRST SCHEDULE

THE MAHAICA-MAHAICONY-ABARY AREA

The area of land lying between the Mahaica River and the Berbice River, commencing on the east bank of the Mahaica River, at the point of intersection with the Atlantic Coast and extending eastwards along the Atlantic coastline of Guyana to the point of intersection with the west bank of the Berbice River, thence continuing southward along the west bank of the Berbice River to its intersection with the Dailuku creek, thence in a westerly direction along the watershed line between the Dailuku creek and the Hittia creek to its intersection with the watershed line between the Kaderbisi creek and the Abary River, thence along the watershed line between the Abary River and the Kibilibiri creek, thence in a westerly direction along the watershed line between the Willikiturin creek and the Taurekuli River, thence along the watershed line between the Francois River and the Karimeru creek, thence along the watershed line below the Weyebu creek and the Captain River, thence in a northerly direction along the watershed line between the Captain River and the Kibilibiri creek, thence along the watershed line between the Bamia River and the Captain River to the point of intersection with the east bank of the Mahaica River and continuing in a northerly direction along the east bank of the Mahaica River to the point of commencement.

SECOND SCHEDULE

s. 3

Constitution of
the Authority.
[6 of 1981]
[4 of 1998]

1. (1) The Authority shall consist of the following persons as members who shall be appointed by the Minister—

- (a) the Chairman, provided that where no Chairman is appointed the Minister shall be the Chairman;
- (b) the Deputy Chairman
- (c) the General Manager of the Authority;
- (d) a person representing the interest of local government in the area, designated by the Minister assigned responsibility for local government;
- (e) a representative designated by the Drainage and Irrigation Board;
- (f) one workers' representative;
- (g) a representative designated by the National Dairy Development Programme;
- (h) four persons who in the opinion of the Minister are representative of farmers;

(2) The power conferred by this paragraph on a body to designate a representative as a member of the Authority or to be consulted on such a designation may, in the event of the dissolution or winding-up or reconstitution (whether by amalgamation with other bodies or otherwise) of

such a body, be exercised by such other body as may be established as its successor and vested with its functions.

(3) A member appointed under paragraph 1(1) (m) and (n) may resign his office as a member of the Authority by instrument in writing addressed to the Minister and from the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Authority.

(4) The names of the members of the Authority as first constituted and every change in the membership thereof shall be published in the Gazette.

2. The Authority shall have a principal office in Guyana but may maintain such other offices, agencies and correspondents (whether within or outside Guyana) as the Authority deems fit.

Executive
Committee.

3. (1) A meeting of the Authority shall be held at least once in every three months and at such other times as may be necessary for the transaction of its business; meetings of the Authority shall be held at such place, time and on such days as the Authority may determine.

(2) The Chairman may at any time summon a meeting of the Authority and shall summon a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him by any seven members of the Authority.

(3) Five members of the Authority (including the Chairman or the Deputy Chairman present at any meeting of the Authority) shall constitute a quorum for the transaction of business.

(4) A member of the Authority shall not take Part

in or vote on the decision, whether at a meeting of the Authority or of a Committee on any matter with respect to and transaction between the Authority and any person in whose business the member is pecuniarily interested whether directly or indirectly.

(5) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Authority, but no such co-opted person shall have the right to vote.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the Chairman or the Deputy Chairman as soon as practicable thereafter at a subsequent meeting.

(7) Subject to this paragraph, the Authority has power to regulate its own proceedings.

Confidentiality.
[6 of 1997]

4. (1) There is hereby established an Executive Committee of the Authority which shall consist of the following five members of the Authority—

- (a) the Chairman;
- (b) the Deputy Chairman;
- (c) the General Manager; and
- (d) two other members of the Authority appointed by the Authority to be members of the Committee (hereinafter in this paragraph referred to as “the appointed members”).

(2) The Executive Committee shall regulate the

business of the Authority in accordance with the directions of the Authority.

(3) The tenure of office of the appointed members on the Executive Committee shall be one year but they shall be eligible for re- appointment.

(4) Meetings of the Executive Committee shall be held at least once in every month and at such other times as may be necessary.

(5) Three members of the Executive Committee shall constitute a quorum for the transaction of business.

(6) The Executive Committee shall cause minutes in proper form of the proceedings of each meeting of the Committee to be kept.

(7) Subject to this paragraph, the Executive Committee shall regulate its own proceedings.

Remuneration
of members of
the Authority.

5. (1) Every member of the Authority and every officer or other employee of the Authority shall—

(a) regard and deal with as secret and confidential all information, documents and matters which or knowledge of which he may obtain as a member, officer or other employee, of the Authority, as the case may be, which relate to any of the proceedings of the Authority with respect to the fixing of any charges or rents before public notification thereof is made; and

(b) not make use of any documents,

matters of information which or knowledge of which he may obtain as a member, officer or other employee, of the Authority, as the case may be, for the benefit of himself or of any other person, or otherwise than for the purposes of his duties as a member, officer or other employee of the Authority.

(2) Any member, officer or other employee, of the Authority who contravenes any of the provisions of paragraph (1), shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and imprisonment for six months.

Execution of Documents.

6. There shall be paid to the members of the Authority, other than the General Manager, such remuneration, if any (whether by way of salary or travelling or other allowances) as the Minister may determine.

7. (1) The Seal of the Authority shall be authenticated by the signatures of the Chairman or any other member of the Authority authorised to act on behalf and the Secretary of the Authority.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman, the Deputy Chairman, the General Manager or the Secretary of the Board.