

**BILL No. 11 of 1994****MONDAY 13TH JUNE, 1994**

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PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

13th June, 1994.

The following Bill which will be introduced in the National Assembly is published for general information.

**F. A. Narain,**  
Clerk of the National Assembly.

**GUYANA****BILL No. 11 of 1994****DRAINAGE AND IRRIGATION (AMENDMENT) BILL 1994****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Repeal of Drainage and Irrigation Board (Transfer of Functions) Act 1983.
3. Construction
4. Amendment of section 4 of the Principal Act.
5. Amendment of section 15 of the Principal Act
6. Repeal of section 25 of the Principal Act.
7. Amendment of section 28 of the Principal Act.
8. Amendment of section 42 of the Principal Act

9. Amendment of section 51 of the Principal Act.
10. Amendment of section 55 of the Principal Act.
11. Amendment of section 59 of the Principal Act.
12. Amendment of section 60 of the Principal Act.
13. Transitional provisions.

## A BILL

### Intituled

AN ACT to repeal the Drainage and Irrigation Board (Transfer of Functions) Act 1983 and to amend the Drainage and Irrigation Act.

**A. D: 1994**

Enacted by the Parliament of Guyana:—

**Short title:**

1. This Act may be cited as the Drainage and Irrigation (Amendment) Act 1994.

**Repeal of Drainage and Irrigation Board (Transfer of Functions) Act, 1983, No. 22 of 1983.**

2. (1) The Drainage and Irrigation Board (Transfer of Functions) Act 1983 is hereby repealed.

(2) Notwithstanding subsection (1), the amendments to sections 24 (2), 27 (2), 28 (2), 29 (1) and the subheading to Part IVB, as set out in Schedule to the Drainage and Irrigation Board (Transfer of Functions) Act 1993, are hereby saved and shall continue in force as if they were effected by this Act.

**Construction.**

**Cap. 64:03:**

3. Subject to section 2 (2) and the amendments in sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, the Drainage and Irrigation Act, hereinafter referred to as the Principal Act, shall from the commencement of this Act, be read and construed as it stood before it was amended by the Drainage and Irrigation Board (Transfer of Functions) Act 1983 and shall accordingly have full force and effect in law as it stood.

**Amendment of section 4 of the Principal Act:**

4. Section 4 (1) of the Principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph as paragraph (a) thereof —

“(a) The officers for the time being performing the duties of the Chief Hydraulics Officers, the Commissioner of Lands and Surveys, the Chief Hydro-meteorological Officer, the Permanent Secretary of the Ministry of Agriculture, the General Manager of the Mahaica — Mahaicony — Abary Agricultural Development Authority established under the

Mahaica — Mahai:ony = Abery Agricultural Development Authority Act 1977 and the Chairman of the Sea Defence Board established under the Sea Defence Act (hereinafter referred to as "ex-officio members")."

No. 87 of 1977  
Cap: 64:00

5. Section 15 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection as subsection (1) thereof —

Amendment of section 15 of the Principal Act.

"(1) After the meeting one copy of the plans, specifications, estimates and order shall be deposited in the office of the Chief Hydraulic Officer."

6. Section 25 of the Principal Act is hereby repealed.

Repeal of section 25 of the Principal Act.

7. Section 28 (1) of the Principal Act is hereby amended in paragraph (b), by the substitution for the words "section 24, 25 or 26", of the words "section 24 or 26".

Amendment of section 28 of the Principal Act.

8. Section 42 of the Principal Act is hereby amended in the following respects —

Amendment of section 42 of the Principal Act.

- (a) in paragraph (b) (i), by the deletion of the word "or" appearing at the end thereof; and
- (b) by the deletion of paragraph (b) (ii)

9. Section 51 of the Principal Act is hereby amended in the following respects —

Amendment of section 51 of the Principal Act.

- (a) by the substitution for the words "the rate of six per cent per annum", of the words "rate per annum set at two per cent above the prime lending rate existing at the time of billing"; and
- (b) in the marginal note, by the substitution for the words "the rate of 6 per cent per annum" of the words "a rate per annum set at two per cent above the prime lending rate."

10. Section 55 of the Principal Act is hereby amended in the following respects —

Amendment of section 55 of the Principal Act.

- (a) in subsection (1), by the substitution for the words "one hundred dollars", of the words "seven thousand, five hundred dollars"; and
- (b) in the marginal note, by the substitution for the words "not exceeding \$100", of the words "not exceeding \$7,500."

Amendment  
of section 59  
of the  
Principal  
Act.

11. Section 59 of the Principal Act is hereby amended by the substitution for the words "two hundred dollars", of the words "fifteen thousand dollars".

Amendment  
of section 60  
of the  
Principal  
Act.

12. Section 60 (1) of the Principal Act is hereby amended by the substitution for the words "five dollars", of the words "five hundred dollars".

Transitional  
provisions.

13. (1) All contracts, deeds, bonds, agreements or other instruments or documents in respect of drainage and irrigation entered into by or on behalf of a regional democratic council, which were subsisting unmediately before the repeal of the Drainage and Irrigation Board (Transfer of Functions) Act 1983, in so far as they relate to the exercise by a regional democratic council of the powers vested in it by and under the aforesaid Act shall with effect from the commencement of this Act, be of full force and effect against, or in favour of the Drainage and Irrigation Board (hereinafter referred to as the Board) and enforceable as fully and effectually as if instead of the regional democratic council concerned the Board had been named therein and had been a party thereto.

(2) All civil legal proceedings commenced by a regional democratic council prior to the repeal of the aforesaid Act for the enforcement of any rights which are transferred or attached to the Board by virtue of this section, and pending in any court or before any authority, may be continued on or after the date of the commencement of this Act by the Board and all judgements, decrees and orders made or passed in any such proceedings may be enforced, as the case may be, by or against, and the Board shall be deemed to have been substituted for the said regional democratic council in those proceedings on that date.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Drainage and Irrigation Board (Transfer of Functions) Act 1983 (No. 22 of 1983), which transferred from the Drainage and Irrigation Board to the Regional Democratic Councils the care, maintenance and management of the drainage and irrigation works in Guyana. With the repeal of the said Act, the Drainage and Irrigation Act, Cap. 64:03, now again applies as it applied before the amendments effected to it by Act No. 22 of 1983. The Drainage and Irrigation Board is again responsible for the care, maintenance and management of the drainage and irrigation works in Guyana.

The Bill also amends the composition of the Drainage and Irrigation Board, replaces the existing rate of interest which is attached to any unpaid payable under the Drainage and Irrigation Act, Cap. 64:03, with a more realistic rate of interest and restores the penalties for offences under the said Act to their original value.

*Reepu Daman Persaud,*  
Senior Minister of Agriculture.