



TRINIDAD AND TOBAGO.

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[L.S.]

I ASSENT,

HUBERT YOUNG,
Governor

14th December, 1939.

AN ORDINANCE to provide for the proper drainage of
agricultural areas.

[21st December, 1939.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof.

1. This Ordinance may be cited as the Land Improve- Short title,
ment (Drainage) Ordinance, 1939.

2. In this Ordinance—

Interpretation.

“owner” includes a tenant or occupier ;

“riparian owner” with reference to a watercourse, includes the owner of land in a lagoon or swamp which is wholly or partially fed by that watercourse ;

“river” includes tributaries of a river ;

“watercourse” includes any river, stream, creek, canal or drain or other permanent and defined course for water, whether continuously containing water or not, and whether artificial or not.

Removing
obstructions
from water-
courses, &c.

3. It shall be lawful for the Director of Works and Transport to clear and remove from any watercourse any vegetation, refuse, soil or any obstruction whatsoever which obstructs or impedes or may obstruct or impede the natural flow of water : Provided that nothing in this section shall authorise interference with any works lawfully erected and maintained on any land or in any watercourse.

Power to
enter lands.

4. (1) Whenever any work is to be or is being carried out under the provisions of section 3 of this Ordinance, the Director of Works and Transport, any officer appointed by him, and any person lawfully engaged in carrying out such work, shall have the right to enter upon the land of any riparian owner in order to—

(a) clear and remove any obstruction as mentioned in section 3 of this Ordinance ;

(b) to deposit thereon any material cleared and removed from any watercourse.

(2) The Director of Works and Transport, whenever he intends to use the authority hereby vested in him shall first obtain the consent of the riparian owner and, if such consent cannot be obtained, the Director shall give such owner or his attorney or agent notice in writing of the work intended to be done, at least ten days before entry on such lands.

(3) Any riparian owner may object to the exercise of such authority as aforesaid by the Director of Works and Transport.

Such objection shall be adjudicated upon by the Magistrate of the district in which the lands are situate on application made by the owner: Provided that if such application is not made within seven days from date of receipt of a notice issued under the provisions of the next preceding sub-section the owner shall be deemed to have given his consent.

(4) Any person who assaults, obstructs, or in any manner impedes the Director of Works and Transport or other person mentioned in sub-section (1) of this section in the due exercise of any of the rights, powers, and privileges conferred by this section shall be liable on summary conviction to a fine of one hundred and twenty dollars.

5. (1) When any application is made under sub-section 3 of the next preceding section, the Magistrate shall summon the Director of Works and Transport and the applicant to appear before him at a time and place named in the summons, and upon the appearance of such parties or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear the parties and their witnesses and, if necessary, view the lands and he shall thereupon decide whether the work shall be proceeded with and what compensation, if any, should be paid: Provided that compensation need not be paid if the work is not proceeded with.

Procedure
before
Magistrate.
Compensation.

The costs of every such enquiry shall be at the Magistrate's discretion and he shall settle the amount thereof. Such costs shall be recoverable in the Petty Civil Court of the district without limit of amount.

(2) For the purpose of compelling the attendance and the giving of evidence by any witness the Magistrate shall have all the powers conferred upon him by the Summary Conviction Offences (Procedure) Ordinance, Cap. 24.

(3) Any decision given by a Magistrate under the provisions of this section shall be final.

Penalty for
throwing
refuse, &c. in
watercourse.

6. (1) Any person who throws or deposits in any watercourse any tree, log, branches, brushwood, or who, without the written permission of the Director of Works and Transport or as otherwise permitted by law obstructs or impedes the normal flow of water in a river by erecting any structure or works even of a temporary nature shall be liable, on summary conviction, to a fine of one hundred and twenty dollars in the case of a first offence, or in the case of a second or subsequent offence to imprisonment for three months.

(2) Any riparian owner who allows any person to do any of the acts enumerated in the preceding sub-section shall be liable to the penalties therein provided.

Passed in Council this first day of December, in the year of Our Lord one thousand nine hundred and thirty-nine.

W. E. BOARDMAN,
Clerk of the Council.