

GOVERNMENT NOTICE No. 45

TRINIDAD AND TOBAGO

THE WATERWORKS AND WATER CONSERVATION ORDINANCE, CH. 15. No. 2

REGULATIONS

MADE BY THE GOVERNOR IN COUNCIL UNDER SECTION 43 OF THE WATERWORKS
AND WATER CONSERVATION ORDINANCE

THE WATER IMPROVEMENT (EL SOCORRO) AREA
REGULATIONS, 1956

- Citation. 1. These Regulations may be cited as the Water Improvement (El Socorro) Area Regulations, 1956.
- Application. 2. These Regulations shall apply to the area declared by the Water Improvement (El Socorro) Area Order, 1955, to be a Water Improvement Area.
- Interpretation. 3. In these Regulations—
 “the Area” means the Water Improvement Area referred to in regulation 2 of these Regulations;
 “Director” means the Director of Works and Hydraulics;
 “Irrigation Officer” means the officer appointed by the Governor to be in charge of the irrigation works in the Area;
 “irrigation works” means the works constructed or maintained by the Director for abstracting, distributing or using water for irrigation purposes;
 “the Ordinance” means the Waterworks and Conservation Ordinance.
- Duties of Irrigation Officer. 4. (1) The Irrigation Officer shall give effect to the directions, general or special, given to him by the Director in the exercise of his powers under the Ordinance and shall also exercise the powers vested in him by these Regulations.
 (2) The Irrigation Officer shall report to the Director upon the working of the Area at such times as the Director may fix, or whenever necessary or advisable, and shall furnish to the Director an annual balance sheet showing the amount of Water Improvement Rates collected in respect of the Area and the expenditure on construction, management, supervision and maintenance of the works in the Area. For the purpose of such balance sheet the Warden of the County of St. George shall forward to the Irrigation Officer a monthly return of the Water Improvement Rates collected by him.
 (3) The Director may, with the approval of the Governor, from time to time, by writing under his hand authorise, subject to such limitations as the Governor may think fit, any officer of the Department of Works and Hydraulics to exercise any of the powers and to perform any of the duties conferred or imposed on the Irrigation Officer and may in like manner and with the like approval withdraw any such authority. Everything done in pursuance of authority granted under this paragraph shall have the same effect as if it were done by the Irrigation Officer.

5. (1) The Irrigation Officer may by notice in writing under his hand require the owner or occupier of any land within the Area to— Removal of trees, refuse, &c.

- (a) remove or lop any tree or remove or keep under control any vegetation, or destroy any rats or other vermin, which are on any such land and which are likely to damage any irrigation works;
- (b) clear and remove from any watercourse used for the passage of irrigation water on or through any such land, any vegetation, refuse, soil or any other obstruction which obstructs or impedes or is likely to obstruct or impede the natural flow of water.

(2) Any such notice shall require the owner or occupier to take the necessary action within a reasonable time to be specified in such notice (not being less than fourteen days from the date of the service thereof) and if any of the requirements mentioned in sub-paragraph (a) of paragraph (1) of this regulation is not complied with within the time specified and to the satisfaction of the Irrigation Officer, the owner or occupier, as the case may be, shall be guilty of an offence against these Regulations, and, without prejudice to the foregoing, the Irrigation Officer or any person acting under his orders may enter upon any such land and carry out the necessary work at the expense of the owner or occupier, as the case may be, and such expenditure may be recovered as a simple contract debt in a suit instituted before any competent court by the Director on behalf of the Government. If any of the requirements mentioned in sub-paragraph (b) of paragraph (1) of this regulation is not complied with (within the time and in the manner aforesaid) the Irrigation Officer or any person acting under his orders may enter upon such land and carry out the necessary work.

(3) In cases where compliance with the requirements of a notice issued under this regulation necessitates or causes the destruction of valuable trees or plants, the Director shall pay to the owner of such trees or plants reasonable compensation for the same. If the parties fail to agree as to the amount so payable, the compensation may be recovered by action against the Director before the appropriate court as though the claim for compensation was a claim for damages against a private person, and the provisions of sections 59 and 60 (1) of the Ordinance shall, *mutatis mutandis*, apply in respect of any such claim.

6. The Irrigation Officer may refuse to allow water to be supplied or taken for the irrigation of lands in respect of which the water rate is in arrears, or for the irrigation of lands which are not properly provided with banks for the retention of water or for the irrigation of lands the owners of which have been convicted of an offence against the Ordinance or these Regulations; and the water rate payable upon such land shall be payable notwithstanding such refusal. Power to withhold water.

7. Any person who shall, without the authority in writing of the Irrigation Officer, fish by means of a fish trap in any irrigation works shall be guilty of an offence against these Regulations. Fish traps prohibited.

8. Any person who shall wilfully cause waste of water conserved by any irrigation works shall be guilty of an offence against these Regulations. Waste of water.

9. If the owner or occupier of any land irrigated by any irrigation works shall suffer or permit water obtained from such works or from any watercourse or channel connected therewith to run to waste on his land, or shall obtain Further penalty for wasting water.

water for such land from such works, watercourse or channel in a manner not authorised by the Irrigation Officer such owner or occupier shall be guilty of an offence against these Regulations.

Compulsory provision of field ridges, &c.

10. (1) The Irrigation Officer may by notice in writing under his hand require the owner or occupier of any land within the Area to provide to his satisfaction, either individually or jointly with other owners or occupiers, proper field ridges and distribution and drainage channels for the supply, drainage, retention or exclusion of irrigation water.

(2) Such notice shall require the owner or occupier to take the necessary action within a stated time, which shall not be less than fifteen days from the date of the service of the notice.

(3) Any owner or occupier of land failing to comply with any of the requirements of a notice issued under this regulation shall be guilty of an offence against these Regulations and, without prejudice to the foregoing, the Irrigation Officer or any person acting under his orders may enter upon any such land and carry out the necessary work at the expense of the owner or occupier, as the case may be, and such expenditure may be recovered as a simple contract debt in a suit instituted before any competent court by the Director on behalf of the Government.

Refusal to allow passage of irrigation water.

11. Any owner or occupier of land within the Area who shall refuse to allow the passage of irrigation water over his land, or who shall wilfully obstruct such passage, or shall knowingly do, or allow to be done, on his land any act which impedes the normal distribution of irrigation water in the Area, shall be guilty of an offence against these Regulations.

Construction of unauthorised canals, &c.

12. No person shall, without the authority in writing of the Irrigation Officer, construct any canal, watercourse, drain, ditch or ford, or deepen or enlarge any existing canal, watercourse, drain, ditch or ford within the Area, and any person contravening this regulation shall be guilty of an offence against these Regulations whenever any such unauthorised construction or other work interferes with the proper functioning of any irrigation works.

Allowing animals to stray.

13. Any person who shall allow any animal to stray on the banks or sides of any irrigation works shall be guilty of an offence against these Regulations.

Power to arrest.

14. The Irrigation Officer or any officer or servant of the Department of Works and Hydraulics duly authorised in writing by the Irrigation Officer may arrest any person found committing any offence against section 32, 33, 35 or 68 of the Ordinance or against regulation 7 of these Regulations. Any person so arrested shall be delivered as soon as possible into the custody of a constable.

Service of notices.

15. The provisions of section 66 of the Ordinance shall apply in respect of the service of notices issued under the provisions of these Regulations.

16. Any person guilty of an offence against these Regulations shall, on ^{Penalty.} conviction for such offence, be liable—

- (a) in respect of an offence under regulation 5 (2), 10 (3), or 13, to a fine of one hundred dollars or to imprisonment for three months; and
- (b) in respect of an offence under regulation 7, 8, 9, 11 or 12, to a fine of two hundred dollars or to imprisonment for six months.

Made by the Governor in Council this 6th day of March, 1956.

W. J. BOOS
Clerk, Executive Council

Approved by Resolution of the Legislative Council this 16th day of March, 1956.

T. F. FARRELL
Clerk, Legislative Council

(M.P. 31794 Sub. 2)