

LAWS OF TRINIDAD AND TOBAGO

WATERWORKS AND WATER CONSERVATION
ACT

CHAPTER 54:41

Act
5 of 1944
Amended by
41 of 1951
16 of 1962
16 of 1965
45 of 1979
*24 of 1981

*See Note on Amendment on page 2

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LAWS OF TRINIDAD AND TOBAGO

*Waterworks and
Water Conservation*

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Amendment

Section 23 of this Act has been amended by Act 24 of 1981. However, Act 24 of 1981 has not up to the date of the revision of this Act (i.e. 31st December 1985) been brought into operation.

Corrigenda

- (a) At page 11—
- (i) in section 15(1), in lines 1 and 3 thereof, for the word "regulations", substitute the word "Regulations".
 - (ii) in section 15(2), in line 1 thereof, for the word "regulations", substitute the word "Regulations".
- (b) At page 26, in section 36(1), in line 1 thereof, for the word "regulations" substitute the word "Regulations".

Note
on
Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 54:41

WATERWORKS AND WATER CONSERVATION ACT

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CHAPTER 54:41

WATERWORKS AND WATER CONSERVATION ACT

An Act to provide for various matters relating to the control and use of water in Trinidad and Tobago.

1950 Ed.
Ch. 15. No. 2.
5 of 1944.

[1ST JULY 1944]

Commencement.

PART I

INTRODUCTORY

1. This Act may be cited as the Waterworks and Water Conservation Act.

Short title.

2. (1) In this Act—
- “abstracting” includes impounding and diverting;
 - “animal” includes birds, reptiles and fish;
 - “aquifers” means waterbearing sand or gravel formations;
 - “competent authority” means the officer or authority designated for the purpose by the Minister;
 - “contravention” includes failure to comply;
 - “drainage” means the complete or partial drainage of lands wholly or partly covered by water or the lowering of the water table of the whole or any part of any lands;
 - “enter” means to enter with such workmen, transport, equipment and materials as may be necessary;
 - “irrigation” means the irrigation or inundation of agricultural lands;
 - “land” has the meaning assigned to it by the Land Acquisition Act, but does not include any land comprised in a street;
 - “Minister” means the Minister to whom responsibility for Water and Sewerage is assigned;
 - “outcrop” means the emergence of aquifers at the surface of the ground;
 - “owner” in relation to land means the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent; but for the purposes of this definition the expression “rackrent,” in relation to land held on lease from the State means the rackrent at which the land is or could be sublet;

Interpretation.
[16 of 1965
45 of 1979].

Ch. 58:01.

“reclamation” means the reclamation or filling of swampy lands or lands wholly or partly covered by water;

“shallow dug well” means a well the maximum depth of which does not exceed five feet;

“street” includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not and whether the public have a right of way thereover or not; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street;

“watercourse” includes any river, stream, creek or other permanent and defined course for water, whether natural or artificial or partly natural and partly artificial and whether containing water continuously or not;

“waterworks” means all works, constructions and developments which—

(a) are contemplated by section 3;

(b) are otherwise authorised by this Act to be constructed or carried out by or on behalf of the competent authority; or

(c) subject to subsection (2), are declared by Order of the Minister to be waterworks for the purposes of this Act,

and includes any such works, constructions and developments which are under construction or in the course of being carried out;

“way-leave” means a right, on the part of the competent authority, to the user of land for the laying of tunnels, conduits, aqueducts, channels, drains, outfall for water, mains, pipes or other structures and appliances, and accessories thereto, together with the right of access to and of opening up such land from time to time for the inspection, renewal, repair, replacement or removal of any such works and of restoring any such land, without in any such case affecting the ownership of such land.

(2) Paragraph (c) of the definition of “waterworks” in subsection (1) shall be construed so as not to include the waterworks, the property of the Government transferred to the Water and Sewerage Authority by section 11 of the Water and Sewerage Authority Act.

PART II

GENERAL PROVISIONS AS TO WATERWORKS

3. (1) Subject to the provisions hereinafter contained and to any general or special directions of the Minister the competent authority shall have power—

General powers
of competent
authority
[16 of 1965].

- (a) to construct and carry out any waterworks for any of the purposes specified in section 4 or any combination of such purposes;
- (b) to complete the construction and carrying out of any waterworks commenced before the coming into force of this Act for any of the purposes mentioned above;
- (c) to use any such waterworks (whenever constructed) for any of the purposes mentioned above and to repair, maintain, alter or extend any such waterworks.

(2) The powers conferred by this section may be exercised—

- (a) in relation to any State land or property; and
- (b) to the extent hereinafter provided or by consent (but not otherwise), in relation to streets, private land or private property.

(3) This section shall be without prejudice to any powers conferred by any other provision of this Act.

(4) The waterworks referred to in this section include reservoirs, dams, wells, weirs, sluices, mains, tunnels, conduits, aqueducts, canals, pumps, channels, drains, ditches, water gates, meters, regulators, gauges, bench and other marks, machinery, buildings, structures and appliances, and all other works, constructions and developments, whether of the same nature or otherwise, which are appropriate to the purposes specified in section 4.

4. The purposes referred to in section 3 are—

- (a) the conveying, measuring, regulating or disposal of water;
- (b) irrigation, drainage or reclamation;
- (c) the protection of lands against water;

Purposes
referred to in
section 3.
[16 of 1965].

- (d) the widening, deepening, straightening, improving, diversion, stopping up or joining up of watercourses;
- (e) any other purposes of a similar nature.

Abstracting or impeding the flow of water, etc.

5. Any person who, without authority—

- (a) abstracts, or causes to be abstracted, water from the waterworks; or
- (b) commits any act which, by itself or with other acts, impedes or interrupts, or is calculated to impede or interrupt, the flow of water in any waterworks,

is guilty of an offence.

Removing or tampering with gauges, etc.

6. Any person who, without authority, removes or tampers with any gauge, meter, measuring instrument, level, mark or other appliance of a similar nature forming part of the waterworks is guilty of an offence.

Punishment of offenders against sections 5 and 6.

7. Any person who commits any offence described in sections 5 and 6 is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

Injury to the waterworks, etc.

8. Any person who without authority removes, or encroaches on, or wilfully damages, any part of the waterworks or tampers with any part of the waterworks other than those mentioned in section 6, is liable on summary conviction to a fine of three thousand dollars and to imprisonment for one year and on conviction on indictment to such fine as the Court may think fit and to imprisonment for three years.

Civil proceedings by the State.

9. (1) In any civil proceedings brought by the State against the occupier of any land, in which—

- (a) it is alleged that the occupier has abstracted, or caused to be abstracted, water from the waterworks; and
- (b) it is proved that the land was directly benefited by the abstraction,

the onus shall be on the occupier to rebut the allegation.

(2) In any civil proceedings brought by the State against any person in which damages are claimed by the State by reason of any alleged act constituting an offence under sections 5, 6 or 8, the sum to be awarded as damages may include, in addition to any sum which could otherwise have been awarded, a sum equal to

three times the value of any benefit which the defendant is shown to have derived from the act.

PART III

WATER IMPROVEMENT AREAS

10. (1) The Minister may, subject to affirmative resolution of Parliament, by Order—

Declarations of
Water
Improvement
Areas.
[16 of 1965].

- (a) declare any area in Trinidad and Tobago to be a Water Improvement Area;*
- (b) from time to time vary any such Order;
- (c) cancel any such Order.

(2) An area shall not be declared to be a Water Improvement Area unless the Minister is satisfied that the area generally has been, or may be expected to be, materially benefited by means of waterworks carried out in the area or serving the area and unless such waterworks are for any of the purposes mentioned in section 4(b), (c) or (d) or any other purpose of a similar nature.

11. The Minister may, subject to affirmative resolution of Parliament, by Order—

Water
Improvement
Rates.

- (a) classify lands within a Water Improvement Area;
- (b) impose Water Improvement Rates in respect of all or any classes of such lands and to provide for the methods of calculation and the times and manner of payment of such Rates;
- (c) vary from time to time or cancel any Water Improvement Rates imposed as regards all or any classes of lands;
- (d) provide generally for matters relating to Water Improvement Rates.

12. The Minister may direct generally or specially the remission or repayment of any Water Improvement Rates in whole or in part in any circumstances in which the benefits of the waterworks have not materialised or fully materialised, or have ceased to be available or to be fully available.

Remissions and
repayment of
Rates.

*Water Improvement Areas declared in R.G. 2.11.44 and G.N. 221-1946.

Payment and
recovery of
Rates.

13. (1) Water Improvement Rates shall be paid by the owners of the lands in respect of which they are imposed.

(2) Any Rates not paid at the expiration of three months after the same have become due and payable shall be increased at the rate of ten per cent but the Minister may remit such percentage increase in whole or in part in any case in which it appears to him just to do so.

(3) Any Rates not paid at the expiration of three months after the same have become due and payable and any percentage increase payable by virtue of this section shall, until paid, be a charge on the lands (including any buildings whatsoever standing thereon) in respect of which they have been imposed; and shall be recoverable by the competent authority under the provisions of the Rates and Charges Recovery Act, which authority is hereby declared to be a Public Authority within the meaning and for the purposes of the said Act.

Ch. 74:03.

(4) Without prejudice to the provisions of subsection (3), any Rates not paid as aforesaid and any such percentage increase shall be recoverable by the competent authority by action in the Petty Civil Court of the district in which the lands are situate (without limit of amount) from the owner for the time being of the lands in respect of which the Rates have been imposed.

(5) Neither the liability of the owner of any land for any Water Improvement Rate nor the charge of any Water Improvement Rate on any land shall be affected by the question of whether the land receives any actual benefit by means of the waterworks, or by the question of the extent of any such benefit, or by the stoppage of any such benefit.

Registers of
Water
Improvement
Rates.

14. (1) The competent authority shall keep registers setting forth as far as may be practicable in relation to lands within their Counties (including the Ward of Tobago) in respect of which Water Improvement Rates have been imposed—

- (a) descriptions of the lands and of the names of the known owners thereof;
- (b) all sums payable by way of Water Improvement Rates in respect of the lands and the dates on which they are due and paid;
- (c) the amounts of any percentage increases and the dates on which they are paid;
- (d) any other particulars which the Minister may from time to time direct.

(2) Such registers shall be open to public inspection during office hours and members of the public shall be entitled during office hours to take copies of any entries therein.

15. (1) The Minister may make regulations for the governance of Water Improvement Areas and, without prejudice to the generality of this power, any such regulations may make provision for—

Power to make
regulations

- (a) the appointment of officers to carry out the regulations, and their powers and duties, including powers of arrest;
- (b) specifying the crops which may or may not be raised in the Areas or in any part thereof;
- (c) regulating and controlling the supply and use of water in the Areas;
- (d) the stopping of the supply of water in specified circumstances;
- (e) preventing or prohibiting waste or misuse of water in the Areas;
- (f) regulating and controlling the use of any waterworks in the Areas;
- (g) the maintenance, preservation, and safeguarding of the waterworks in the Areas;
- (h) requiring owners or occupiers of lands within the Areas to do or omit such things as may be considered expedient for any of the above purposes;
- (i) declaring what acts or omissions shall be offences against the regulations, and specifying the punishments, not exceeding a fine of one thousand five hundred dollars or imprisonment for six months, to be awarded on conviction for any such offences;
- (j) matters ancillary to, or consequential on, any of the above matters.

(2) All offences against regulations made under this section may be tried summarily.

(3) Regulations under this section may be made to apply to Water Improvement Areas generally or to specified Areas or to specified cases or classes of cases.

(4) Regulations under this section shall be subject to affirmative resolution by Parliament.

PART IV

PROVISIONS AS TO WATERCOURSES, CHANNELS, DRAINS, OUT-
FALLS FOR WATER, ETC.

Operations in
relation to
controlled
channels

16. (1) In this section—

“controlled channel” means a watercourse, channel, drain or outfall for water declared by Order of the Minister to be a watercourse, channel, drain or outfall for water to which this section applies; and any such order may identify the watercourses, channels, drains or outfalls for water to which it applies either specifically or by classes or by the areas in which they are situate or by any combination of such methods;

“controlled operation” means any of the following operations, whether completed or carried out in part only, namely—

- (a) the constructing, re-building or altering (including the making of additions) of any controlled structure over, in or under (as the case may be) any controlled channel;
- (b) the making of any material alteration to the banks or bed of a controlled channel, including the digging, moving or taking away of mud, stone, sand or gravel from the banks or bed of the channel;
- (c) the doing of any act likely to lead (whether at the point of the channel where the act is done or elsewhere) to any material alteration of the banks or bed of a controlled channel, including the removal of scrub, vegetation or undergrowth from the banks of the channel or from lands adjoining such banks in cases in which the preservation of such scrub, vegetation or undergrowth is desirable for the prevention of erosion;

“controlled structure” means a bridge, culvert, dam, weir or other like structure.

(2) No person shall carry out, or cause or suffer to be carried out, any controlled operation unless there is in force a permit in writing from the competent authority to do so and the conditions and restrictions contained in such permit are complied with. However, a permit under this section shall not be required in any case in which the controlled operation is sanctioned by a valid licence issued under section 44 of the Water and Sewerage

Act, provided that such a permit does not sanction the abstracting of water from a watercourse.

(3) Applications for permits under this section shall be made in writing to the competent authority and shall be in such form and shall contain such particulars as the competent authority may generally or specially require.

(4) The competent authority shall not be bound to consider any such application until the applicant has paid the prescribed fee (if any) to the Comptroller of Accounts and has given any facilities reasonably demanded by the competent authority for inspection and examination of the site of the proposed operation.

(5) (a) The competent authority may refuse a permit if, in his opinion, the proposed operation is likely, either at the point of the controlled channel where the operation is carried out or elsewhere, materially to divert, obstruct or impede or to cause the diverting, obstructing or impeding of the natural flow of water (whether flood water or otherwise) in the channel or to cause erosion of the banks of the channel or to cause flooding.

(b) The competent authority may grant a permit but impose such conditions and restrictions as are in his opinion desirable with a view to avoiding any such likelihood.

(c) Whenever the competent authority refuses a permit, or is prepared to grant a permit subject to restrictions and conditions, the applicant shall have a right of appeal to a court of summary jurisdiction against such refusal or against such conditions and restrictions, and the provisions of this Act relating to appeals to courts of summary jurisdiction shall apply in relation thereto.

(6) Permits under this section shall be in such form as the competent authority may generally or specially approve, and shall be valid, unless previously cancelled, for such period as may be specified therein and for such further period as the competent authority may allow in special circumstances. Subject to such endorsements as may be made from time to time by the competent authority a permit shall be personal to the grantee. Every person who shall from time to time become entitled by endorsement as mentioned above to the benefits of a permit shall be bound also by the conditions and restrictions thereof.

(7) The competent authority may cancel a permit, or vary or add to the conditions or restrictions of a permit, where its continuance in force or, as the case may be, its continuance in force without variation of or addition to its conditions or restrictions, would be open to any of the objections mentioned in subsection (5); but when any permit is cancelled or varied as mentioned above, compensation shall be payable in accordance with the provisions of Part IV in respect of any loss, damage or injury caused to the holder of the permit by the cancellation or variation unless the circumstances justifying the cancellation or variation have arisen since the permit was granted or last varied, as the case may be.

(8) Any person who contravenes subsection (2) or any conditions or restrictions contained in any permit granted under that subsection, and the owner of the land on which the contravention takes place, is liable to a fine of three thousand dollars on summary conviction and to a fine of nine thousand dollars on conviction on indictment or at the option of the court in either case to a fine of three hundred dollars for each day during which the offence continues; but the owner of the land shall not be guilty of an offence as mentioned above if he establishes to the satisfaction of the court that the contravention was without his knowledge or privity and that he had reported the contravention to the police forthwith on becoming aware of it. On the conviction of any person under this subsection the competent authority may cancel the permit.

(9) If any controlled operation has been carried out without a permit in contravention of subsection (2) or if any condition or restriction contained in a permit granted under that subsection has been contravened, and there has been a conviction under subsection (8), the competent authority and persons acting by his authority may, after giving three days notice in writing of the intention to exercise the powers conferred by this subsection has been given to the owner of the land on which the controlled operation has been carried out, enter upon the land and cause such action (including demolition) to be taken as he may think desirable for avoiding any consequences mentioned in subsection (5); and the cost of carrying out such action shall be recoverable by the State from the owner of the land and shall also be a charge on the land.

17. (1) Whenever the competent authority is of opinion that any of the circumstances hereinafter set forth exist in relation to any watercourse, channel, drain or outfall for water, and that by

reason of such circumstances the natural flow of water (whether flood water or otherwise) is being or is likely to be materially diverted, obstructed or impeded at any point, or erosion or flooding at any point is being or is likely to be caused, the competent authority may by notice in writing served on the owner of the land in relation to which the circumstances exist give such directions (including the directions prohibiting any act or requiring action to be taken within such reasonable time, not being less than seven days, as may be specified in the notice or such further time as the competent authority may allow in special circumstances) as he may consider expedient for avoiding the continuance or likelihood of the consequences mentioned above.

(2) Where an appeal against any direction has been made to a court of summary jurisdiction under the powers conferred by subsection (4) against a direction requiring any action to be taken, the time within which the action would but for this subsection be required to be taken shall be deemed to be extended until the appeal is disposed of by the court, but if in any such case the court confirms the direction, with or without any variation, the court shall extend the time within which the required action is to be taken for such period (not being less than the period within which an appeal to the Court of Appeal could be lodged) as it may think reasonable. However, if an appeal to the Court of Appeal is lodged, the time for taking the required action shall be deemed to be extended until the appeal is disposed of.

(3) The circumstances contemplated by subsection (1) are that—

- (a) a bridge, culvert, dam, weir or other like structure, over, in or under (as the case may be) the watercourse, channel, drain or outfall for water has been constructed, re-built, altered or added to or is in course of being, or is intended to be constructed, re-built, altered or added to;
- (b) the banks or bed have been, or are in the course of being, or are likely to be, materially altered by any means, including the digging, moving or taking away of mud, stone, sand or gravel therefrom;
- (c) any action (including the removal of scrub, vegetation or undergrowth from the banks or from lands adjoining the banks) has been, or is in the course of being, or is intended to be, taken at any point of the watercourse, channel, drain or outfall for water,

which is likely to lead (whether at that point or elsewhere) to any material alteration of the banks or bed;

- (d) some action ought to be taken or prohibited to prevent any such likelihood as is contemplated by paragraph (c).

(4) Any owner aggrieved by any direction contained in a notice served on him under subsection (1) shall have a right of appeal against such direction to a court of summary jurisdiction, and the provisions of this Act relating to appeals to courts of summary jurisdiction shall apply accordingly.

(5) If any directions under this section are contravened, the competent authority and persons acting by his authority may enter upon the land and carry out the work specified in the directions or, in the event of a direction containing a prohibition, carry out such work as may be appropriate to enforce the prohibition or to restore the watercourse, channel, drain or outfall for water or its banks or the adjoining lands, as the case may be. Except in cases in which compensation is payable under subsection (6), the cost of carrying out the work shall be recoverable by the State from the owner of the land and shall also be a charge on the land.

(6) Compensation shall be payable in accordance with the provisions of Part IV in respect of any loss, damage or injury caused by compliance with any direction contained in a notice under this section or by the exercise by the competent authority and persons acting by his authority of the powers conferred by subsection (5)—

- (a) whenever the direction requires the demolition, removal or alteration of any structure in existence at the time this Act comes into force, being a structure which had since been maintained without material alteration or addition and in good repair and the existence of which at the time the notice was served was not a nuisance or otherwise actionable; or
- (b) whenever the direction was given to avoid the continuance or likelihood of consequences due solely to anything done in accordance with a permit issued under section 16 of this Act or a licence issued under section 44 of the Water and Sewerage Act; and, in any such case, the works constructed or carried out have since been maintained without material altera-

tion or addition and in good repair and no new circumstance has arisen to justify the giving of the direction.

(7) Directions contained in a notice under this section may be varied or cancelled by directions contained in a subsequent notice served on the owner in question.

18. (1) Any person who throws or deposits in any watercourse, or in any channel, drain or outfall for water constructed or maintained by or on behalf of the State any tree, log, branches, brushwood, stone, gravel, soil or other refuse is liable on summary conviction to a fine of one thousand dollars in the case of a first offence and to a fine of one thousand five hundred dollars and to imprisonment for three months in the case of a second or subsequent offence. Offence.

(2) Any riparian owner who allows any person to commit on his land any offence described in subsection (1) is liable on summary conviction to the punishment specified in that subsection.

19. The competent authority with the approval of the Minister, may apply under section 44 of the Water and Sewerage Act, for a licence to abstract water from any watercourse; and the Water and Sewerage Authority under that Act may grant such licence as if the water to be abstracted is for an industry within the meaning of the said Act and as if the competent authority was a person carrying on an industry. Abstraction
without a
licence.
[16 of 1965].
Ch. 54:40.

PART V

FURTHER POWERS OF THE COMPETENT AUTHORITY

20. For the purpose of ascertaining the practicability or expediency of performing any duty or exercising any power under this Act, the competent authority and persons acting by his written authority may— Powers of the
competent
authority to
enter on land
for purposes of
survey, etc.
[16 of 1965].

- (a) enter upon and survey any land and take levels thereon;
- (b) dig and bore under the subsoil of such land;
- (c) do all such other things as may be incidental to or necessary for the purpose mentioned above,

except that—

- (i) in cases in which the Minister has directed by Notification that the powers conferred by this subsection may, subject to paragraph (ii), be exercised without notice, the competent authority and persons acting by his authority shall not enter upon any land without giving at least twenty-four hours notice in writing to the occupier thereof; and
- (ii) the competent authority and persons acting by his authority shall not in any event enter into any building without the consent of the occupier thereof without giving at least twenty-four hours notice in writing to such occupier; and
- (iii) compensation shall be paid in accordance with Part V for any loss, damage or injury caused by reason of the exercise of the powers conferred by this section.

Temporary user
of lands.

21. (1) For the purpose of performing any duty or exercising any power under this Act, the competent authority and persons acting by his written authority may—

- (a) enter upon any land (but not into buildings thereon);
- (b) take therefrom stones and earth;
- (c) erect provisionally on such land, within six hundred feet of the works which are being or are to be executed, labourers' camps, workshops, forges and places for mixing and preparing materials for the works;
- (d) provide a passage for materials and for all persons connected with the works,

but at least twenty-four hours notice in writing shall be given to the occupier of the land entered upon.

(2) Compensation shall be paid in accordance with Part VI for the value of stones and earth taken as mentioned above and for any loss, damage or injury caused by the exercise of the powers conferred by this section, and for any prejudice caused by the temporary user authorised by this section.

(3) This section shall not have effect, except with the owner's consent, in relation to land forming the whole or any part of a garden or orchard or the curtilage of a dwelling house or factory, or to ornamental land.

22. (1) Subject to this section, the competent authority and persons acting by his written authority may cause tunnels, conduits, aqueducts, mains, pipes, services and other structures and appliances, and accessories thereto, to be laid down on, over or under any street, or any place laid out as or intended for a street, and shall at all times have the right of access to, and of opening up any such street or place for the purpose of inspecting, renewing, repairing, replacing or removing any such works, and shall at all times have the right of access to any such street or place which has been opened up for the purpose of restoring the same.

Power to place waterworks on, over or under streets.

(2) Except in cases of emergency or of streets on State land or of streets repairable by the Government or by the competent authority, the power conferred by subsection (1) shall not be exercised unless the competent authority has caused notice in writing describing the particular work intended to be done to be served on the person interested (as defined in subsection (b)) at least fourteen days before the commencement of the work and, if written notice of objection to the work is served on the competent authority within the said fourteen days by or on behalf of the person interested, until such objection has been upheld or overruled by the Minister. The decision of the Minister shall be final and shall not be questioned in any court.

(3) A notice required by subsection (2) to be served on any person to whom paragraph (b) of the definition of "person interested" in subsection (6) relates may, without prejudice to any method of service sanctioned by this Act, be served by affixing the same to a notice board in the street or place concerned and the competent authority is hereby authorised to erect any such notice board as may be necessary for such purpose.

(4) Where the competent authority has opened up any street or place in pursuance of the powers conferred by subsection (1) the following provisions shall have effect, namely—

(a) the competent authority shall, with all convenient speed, complete the work on account of which the street or place was opened up and fill in the ground and make good the surface and generally restore such street or place to as good a condition as that in which it was before being opened up;

(b) the competent authority shall cause the place where any street or place is opened up to be protected and properly lighted by night.

(5) In the exercise of the powers conferred by subsection (1), the competent authority and persons acting by his authority shall not stop or impede traffic in any street or place, or into or out of any street or place, further than is necessary for the proper execution of the work.

(6) In this section—

“person interested” means—

- (a) in the case of any such street or place as is mentioned in subsection (1), being a street or place which is declared by any written law for the time being in force to be repairable by any statutory corporation or body, such corporation or body;
- (b) in the case of any other such street or place, the owner of such street or place.

Compulsory
acquisition of
way-leaves over
private land.
[16 of 1962].

23. (1) Subject to this section, any way-leave, which the President considers necessary or desirable to enable the competent authority to perform any duty or exercise any power under this Act, may be acquired over any land.

(2) Whenever the acquisition of a way-leave over any land has been provisionally approved by the President, the competent authority shall cause to be prepared—

- (a) a detailed description (hereinafter referred to as “the description”) of the proposed way-leave and of the period for which it is sought (if it is sought for a fixed period) and of its location and of the works contemplated; and
- (b) a survey plan (hereinafter referred to as “the plan”) indicating the location of the way-leave.

(3) The competent authority shall give notice of the intention to acquire the way-leave—

- (a) by publishing in not less than three issues of a daily newspaper a notice setting forth the description, and naming a place where the plan may be inspected, and specifying the time (which shall not be less than fourteen days from the date of the last of the publications) and manner in which objections may be made; and
- (b) by causing a like notice to be exhibited conspicuously in a convenient place or places in or near the area affected by the proposed way-leave not later

than the date of the last of the publications contemplated by paragraph (a) of this subsection.

(4) Within the time specified in the notice mentioned in subsection (3), any person claiming that the granting of the way-leave will cause him loss, damage or injury may give notice in writing to the Secretary to Cabinet of his objection to the way-leave and of the grounds thereof, and thereupon the President shall consider the description and the plan and the notice of objection and either uphold or overrule the objection. When the President overrules an objection, he may nevertheless direct that the description and plan shall be modified in such manner as he may think fit. The decision of the President shall be final and shall not be called in question in any court.

(5) After the expiration of the period allowed for objections (if no notice of objection has been given during that period), or after all objections have been overruled (if no objection of which notice had been given is upheld), the competent authority may cause a certificate in the form in the Schedule, signed by him and by the Secretary to Cabinet setting out the description (or the modified description) and having the plan (or the modified plan) annexed, to be lodged with the Registrar General. Certificates so lodged shall be countersigned by the Registrar General and shall be registered and indexed by the Registrar General in such manner as he may think convenient and all persons shall be at liberty to inspect and search any such register and index on payment of the sum of sixty cents.

Schedule.

(6) When a certificate has been duly issued and lodged in accordance with this section, the way-leave described in the certificate shall be deemed to have been duly granted to the State, and shall be binding as against all persons.

(7) When any land to which a certificate relates is held under the Real Property Ordinance the Registrar General shall, on the certificate being lodged with him, endorse a reference to the certificate on the appropriate State grant or certificate of title.

Ch. 27, No. 11.
(1950 Ed.).

(8) On production to the Registrar General of a certificate signed by the Minister to whom responsibility for Finance is assigned discharging any land from any way-leave acquired under this section, the Registrar General shall endorse a reference to such discharge on the relevant certificate lodged under subsection (5), and thereupon the land shall be discharged from the way-leave. The Registrar General shall also endorse a reference to such discharge on the appropriate State grant or certificate of title.

(9) Compensation shall be paid in accordance with Part VI in respect of any loss, damage or injury which, at the time a way-leave is acquired under this section, may be expected to be caused by the way-leave. Such compensation may take the form of a sum of money payable forthwith, or a fixed periodical payment so long as the way-leave continues, or both; but the period (if any) of the way-leave and any agreement which may have been made, or undertaking which may be given, by the competent authority as to the future restoration in whole or in part of the land to which the way-leave relates shall be taken into account in determining the compensation payable.

General power
to set up
gauges, etc.

24. (1) In addition to the powers hereinbefore conferred on the competent authority in this Part, the competent authority and persons acting by his written authority may set up, maintain, repair and examine gauges and structures or appliances for measuring the flow or level of the water in any watercourse and may replace or remove any such gauges, structures or appliances; and, for any of the purposes mentioned above, may enter on any lands in or adjoining the watercourse.

(2) Compensation shall be payable in accordance with Part VI in respect of any loss, damage or injury caused by the exercise of the powers conferred by this section.

Emergency
powers.

25. Whenever flooding has resulted or is likely to result by reason of the structural failure of, or damage to, any waterworks, or by reason of the obstruction of the water in any waterworks, and, in the opinion of the competent authority, an emergency has thus arisen necessitating the exercise of the powers conferred by this section, the competent authority and persons acting by his authority may enter on any lands and take all such action as the competent authority or persons acting by his authority shall consider necessary to prevent, check or minimise the flooding or to prevent further flooding or to remove the flood water, as the case may be.

PART VI

COMPENSATION

General
provisions.
[16 of 1965].

26. Whenever compensation is payable under this Act in accordance with this Part, the following provisions shall have effect, that is to say—

- (a) the right to compensation shall be subject to the restriction that compensation shall not in any event be payable in respect of any loss, damage or injury which, if caused by a private person, would not render such person liable to an action;
- (b) the amount of the compensation payable shall be determined, in default of agreement and arbitration, in accordance with this Part;
- (c) the proceedings in which the compensation is determined shall in no case be deemed an arbitration within the meaning of the Arbitration Act;
- (d) the court or authority awarding the compensation may include in the award interest on the amount awarded for such period, and at such rate not exceeding six per cent a year, as it may think fit in all the circumstances of the case;
- (e) any compensation awarded shall bear interest at the rate of six per cent a year;
- (f) the compensation and any interest payable thereon and any costs awarded against the competent authority shall be payable out of public funds.

Ch. 5:01.

See
s. 40(2)
of 28/1994
for substitute

27. (1) Compensation payable under sections 16(7), 17(5), 20(iii), 21(2) and 24 may be recovered by action against the competent authority in the appropriate court as though the claim for compensation was a claim for damages against a private person; and all provisions of law relating to actions for damages against private persons (including provisions as to limitation of action) shall apply *mutatis mutandis* in relation to such actions for compensation against the competent authority notwithstanding the provisions of the Public Authorities Protection Act.

Determination
of
compensation.

Ch. 8:03.

(2) Claims to compensation payable under section 23 may be heard and determined by a Judge of the High Court on the application of the competent authority or the claimant. There shall be a right of appeal to the Court of Appeal against any decision of a Judge as mentioned above. Rules of Court may be made under the Supreme Court of Judicature Act for implementing this subsection, and in particular and without prejudice to the generality of this power, such Rules may be made as to the practice and procedure to be followed in relation to applications and appeals under this subsection, as to the costs and fees thereon, as to the payment of compensation into Court in appropriate cases and the investment and disposal of moneys in Court, and as to any ancillary or consequential matters.

Ch. 4:01

See
s. 40(2)
of 28/1994
for
reversion

Betterment.

28. Whenever—

Ch. 58:01.

(a) any land is acquired for the purposes of this Act under the Land Acquisition Act; or

(b) any compensation is payable in accordance with this Part,

the ~~court, Judge or tribunal~~ ^{Judge or} determining the compensation shall, in addition to any other matters which would be required to be taken into consideration if this section had not been passed—

(i) have regard to the extent to which any land of the claimant (apart from any land acquired) will be benefited by the purpose for which, or in relation to which, the land is acquired or by the purpose for which, or in relation to which the work, operation, or direction which is alleged to give rise to the claim for compensation is carried out or given;

(ii) take into account and embody in the award any undertaking given by the competent authority as to any such relevant purpose as is contemplated by subparagraph (i).

However, ~~the court, Judge or tribunal~~ shall not have regard to, or take into account, any such matters mentioned above except on the written request of the competent authority; but if any benefit to any land by reason of any such purpose is set off against any compensation which would otherwise be payable a Water Improvement Rate shall not be levied under Part III in respect of that land by reason only of such purpose.

Power of competent authority to take steps to reduce compensation payable.
Ch. 58:01.

29. (1) Whenever compensation is, or would but for steps taken under this subsection be, payable under the Land Acquisition Act in respect of land acquired for the purposes of this Act, and such compensation is based on any loss of or interference with riparian rights or any other right to take water from a water-course, the competent authority may take steps to provide the claimant with a compensatory supply of water.

(2) The competent authority may also take any steps, including the provision of a compensatory supply of water in appropriate cases, which he may consider desirable with the view to preventing, mitigating or remedying any loss, damage or injury which is or might otherwise be subject to compensation in accordance with the provisions of this Part.

(3) The ~~court, Judge or tribunal~~ ^{Judge or} determining the compensa-

see
28/1994

del
28/1994

tion shall, in addition to any other matters which would be required to be taken into consideration if this section had not been passed, have regard to any such steps taken by the competent authority and take into account and embody in the award any undertaking given by the competent authority to take any such steps.

(4) Nothing in this section shall be construed as authorising the entry on, or the doing of things in relation to streets, land or private property except to the extent authorised by Part V.

30. Notwithstanding any right, title or interest of any person whensoever and by whatsoever means created, compensation in respect of loss of, or interference with, riparian rights or any other rights to take water from a watercourse, caused by the acquisition of land for the purposes of this Act under the Land Acquisition Act, or by any other action whatsoever taken by or on behalf of the competent authority under this Act, shall be subject to the following restrictions, namely—

Compensation for interference with or loss of riparian rights. [16 of 1965].

- (a) it shall not in any event be payable except to the extent that the claimant is deprived of some part of the average flow of the watercourse as from time to time determined; and
- (b) in cases in which the claimant has lost his riparian rights, or other right to take water, without being given or offered a compensatory supply of water by the competent authority, it shall be payable only in respect of actual loss, damage or injury from time to time caused by reason of loss of, or interference with, some lawful user of water which the claimant is making or would make but for the circumstances giving rise to the claim.

PART VII

MISCELLANEOUS

31. All sums received by or on behalf of the State under this Act shall be paid to the Comptroller of Accounts and all expenses of the competent authority under this Act shall be paid out of public funds.

Receipts and payments. [16 of 1965].

32. Every charge on land under sections 16 and 17, shall be a charge also on all buildings whatsoever standing thereon, and

Recovery of charges. [16 of 1965].

Ch. 74:03.

shall be recoverable by the competent authority under the Rates and Charges Recovery Act; and the competent authority is hereby declared to be a Public Authority within the meaning and for the purposes of the said Act.

Service of notices.

33. (1) A notice required or permitted by this Act to be given to or served on any person may be given to or served on such person personally, or by leaving the same at his usual or last known place of abode or business with some adult person therein, or may be posted in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) Any notice which is to be given to any person as the owner or occupier of any land or other premises may be addressed to him as the "owner" or "occupier", as the case may be, of the land or other premises (naming them) and may be posted in some conspicuous place on the land or other premises, or, where the premises are a building, may be left with some adult person in the building; but service shall not be effected in any manner provided in this subsection if it would be practicable after reasonable inquiry to effect service in the manner provided in subsection (1).

(3) Service on one co-owner or co-occupier shall be deemed to be service on all co-owners or co-occupiers, as the case may be.

Civil liability of owners of land.

34. When any civil liability is imposed by this Act, on the owner of any land and there are in fact two or more co-owners of the land, all such co-owners shall be jointly and severally liable.

Obstruction of officers.

35. If any person obstructs, molests or hinders the competent authority or any person acting by his written authority while the competent authority, officer or other person is in the performance of any duty or the exercise of any power under this Act or any regulation thereunder, such first mentioned person shall be liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for three months.

General regulations.

36. (1) The Minister may make regulations—

- (a) prescribing all such matters as are required or permitted by this Act to be prescribed;
- (b) generally to implement or carry into effect any of the provisions of this Act.

(2) Regulations under this section shall be subject to affirmative resolution of Parliament.

(3) Regulations under this section may make different provisions in different classes of cases.

PART VIII

APPEALS AND OTHER APPLICATIONS TO COURTS OF SUMMARY JURISDICTION AND APPEAL TO THE COURT OF APPEAL

37. (1) Where in this Act provision is made for an appeal to a court of summary jurisdiction against a direction, refusal or other requirement of the competent authority, the proceedings shall be by way of complaint for an order, and the Summary Courts Act shall apply to the proceedings.

Appeals and applications to courts of summary jurisdiction. [16 of 1965]. Ch. 4:20.

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the direction, refusal or other requirement of the competent authority was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies the document notifying to the person concerned the direction, refusal or other requirement of the competent authority in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

38. Where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other provision of this Act authorised to appeal, he may appeal to the Court of Appeal.

Appeals to Court of Appeal against decisions of magistrates. [16 of 1965].

39. Where upon an appeal under this Act a court varies or reverses any decision of the competent authority it shall be the duty of the competent authority to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or document, and to make any necessary entry in any register.

Effect of decision of court upon an appeal. [16 of 1965].

Section 23.

SCHEDULE

Certificate of Compulsory Acquisition of a Way-leave.

I hereby certify that, in accordance with the provisions of the Waterworks and Water Conservation Act, the State has duly acquired the way-leave described below and in the plan annexed.

Notice of intention to acquire the way-leave was duly given in accordance with the provisions of the said Act.

DESCRIPTION OF THE WAY-LEAVE

[set out description]

(Sgd.)

Competent Authority.

I hereby certify that no objection to this way-leave was upheld by the President.

(Sgd.)

Secretary to Cabinet.

Lodged with me this day of

(Sgd.)

Registrar General.

SUBSIDIARY LEGISLATION

WATER IMPROVEMENT AREA (CARONI IRRIGATION)
REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Application.
3. Interpretation.
4. Duties of Irrigation Officer.
5. Removal of trees, refuse, etc.
6. Power to withhold water.
7. Fish traps prohibited.
8. Waste of water.
9. Further penalty for wasting water.
10. Compulsory provision of field ridges, etc.
11. Refusal to allow passage of irrigation water.
12. Construction of unauthorised canals, etc.
13. Allowing animals to stray.
14. Power to arrest.
15. Service of notices.

SCHEDULE

WATER IMPROVEMENT AREA (CARONI IRRIGATION)
REGULATIONSG.7.12.44.
[221/1946].*made under section 15*

1. These Regulations may be cited as the Water Improvement Area (Caroni Irrigation) Regulations. Citation.

2. These Regulations shall apply to the area described in Schedule A and declared to be a Water Improvement Area. Application.
Schedule A.

3. In these Regulations— Interpretation.
 “the Area” means the Water Improvement Area referred to in regulation 2;
 “competent authority” means the officer or authority designated for the purpose by the Minister;

L.R.O. 1/1980

“irrigation works” means the works constructed or maintained by the competent authority for abstracting, distributing or using water for irrigation purposes;

Duties of
Irrigation
Officer.

4. (1) The Irrigation Officer shall give effect to the directions, general or special, given to him by the competent authority in the exercise of his powers under the Act and shall also exercise the powers vested in him by these Regulations.

(2) The Irrigation Officer shall report to the competent authority upon the working of the Area at such times as the competent authority may fix, or whenever necessary or advisable, and shall furnish to the competent authority an annual balance sheet showing the amounts of Water Improvement Rates collected in respect of the Area and the expenditure on construction, management, supervision and maintenance of the works in the said Area. For the purpose of such balance sheet, the Chief Executive Officer of County Caroni shall forward to the Irrigation Officer a monthly return of the Water Improvement Rates collected by him.

(3) The competent authority may from time to time, by writing under his hand, with the approval of the Minister authorise, subject to such limitations as the Minister may think fit, any officer of the Ministry of Works 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.

Removal of
trees, refuse,
etc.

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—

- (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 subregulation (1)(a) 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, is liable to a fine of seven hundred and fifty dollars or to imprisonment for three months, 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 competent authority on behalf of the Government. If any of the requirements mentioned in subregulation (1)(b) 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 competent authority shall pay to the owner of such trees or plants reasonable compensation for same. If the parties fail to agree as to the amount so payable, the compensation may be recovered by action against the competent authority before the appropriate court as though the claim for compensation was a claim for damages against a private person and the provisions of section 26 of the Act shall 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 Act 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 authority, fish by means of a fish trap in any irrigation works is liable to a fine of fifteen hundred dollars or to imprisonment for six months.

Fish traps prohibited.

8. Any person who wilfully causes waste of water conserved by any irrigation works is liable to a fine of fifteen hundred dollars or to imprisonment for six months.

Waste of water.

LAWS OF TRINIDAD AND TOBAGO

*Waterworks and
Water Conservation*

32

Chap. 54:41

[Subsidiary]

Water Improvement Area (Caroni Irrigation) Regulations

Further penalty
for wasting
water.

9. If the owner or occupier of any land irrigated by any irrigation works suffers or permits water obtained from such works or from any watercourse or channel connected therewith to run to waste on his land, or obtains water for such land from such works, watercourse or channel in a manner not authorised by the Irrigation Officer such owner or occupier is liable to a fine of fifteen hundred dollars or to imprisonment for six months.

Compulsory
provision of
field ridges, etc.

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 is liable to a fine of seven hundred and fifty dollars or to imprisonment for three months, 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 competent authority on behalf of the Government.

Refusal to allow
passage of
irrigation water.

11. Any owner or occupier of land within the Area who refuses to allow the passage of irrigation water over his land, or who wilfully obstructs such passage, or knowingly does or allows to be done, on his land any act which impedes the normal distribution of irrigation water in the Area, is liable to a fine of fifteen hundred dollars or to imprisonment for three months.

Construction of
unauthorised
canals, etc.

12. No person shall, without the authority in writing of the Irrigation Officer, construct any canal, 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 is liable to a fine of fifteen hundred dollars or to imprisonment for six months whenever any such unauthorised construction or other work interferes with the proper functioning of any irrigation works.

13. Any person who allows any animals to stray on the banks or sides of any irrigation works is liable to a fine of seven hundred and fifty dollars or to imprisonment for three months.

Allowing
animals to stray.

14. The Irrigation Officer or any officer or servant of the Ministry of Works duly authorised in writing by the Irrigation Officer may arrest any person found committing any offence against section 5, 6, 8 or 35 of the Act and regulation 7 of these Regulations. Any person so arrested shall be delivered as soon as possible into the custody of a constable.

Power to arrest.

15. The provisions of section 33 of the Act applies in respect of the service of notices issued under these Regulations.

Service of
notices.

SCHEDULE A.

Regulation 2.
[221/1946].

All that area of land situated in the Wards of Cunupia and Chaguanas, both in the County of Caroni, and bounded by a line commencing at the north-western corner of the Woodford Lodge Estate on the left bank of the Madame Espagnol River and proceeding from thence along the southern and eastern boundaries of State lands adjoining the Woodford Lodge and Felicity Estates to the northern boundary of the access road trace at its commencement near the north-west corner of the Felicity Estate; thence in an easterly direction along the northern boundary of the said access road trace to its junction with another access road trace; thence due south along the eastern boundary of that access road trace to the south-western corner of a parcel containing 49a. 1r. 19p. of land now or formerly the property of George J. Kernahan; thence due east to the north-western corner of a parcel containing 9a. 3r. 39p. of land now or formerly the property of J. A. Campbell; thence due south to the north-western corner of a parcel containing 4a. 3r. 39p. of land now or formerly the property of James Henry; thence due east to the north-eastern corner of the same parcel; thence due south to the north-western corner of a parcel containing 9a. 3r. 24p. of land now or formerly the property of Nathaniel Cuff; thence due east to the north-eastern corner of the same parcel; thence due south along the western boundary of a parcel containing 25 acres of land now or formerly the property of Joseph Rymer to the northern boundary of the Cacandee Road; thence north-eastwards along the northern boundary of the said road, to the eastern boundary of the last

mentioned parcel; thence north-easterly and easterly along the northern boundary of the Cacandee road to the south-east corner of a parcel containing 19a. 3r. 27p. of land now or formerly the property of Boya; thence along the western and northern boundaries of a parcel containing 1r. 39p. of land now or formerly the property of the Woodford Lodge Estate; thence due north along the western boundary of the Tahadille Road to the south-eastern corner of a parcel containing 10 acres of land now or formerly the property of Seebaran; thence due east, crossing the Tahadille Road, along the northern boundary of a trace to the south-western corner of a parcel containing 10 acres of land now or formerly the property of Nasiban; thence due north to the north-western corner of a parcel containing 5 acres of land now or formerly the property of Ramkalawansingh; thence due east to the north-eastern corner of the same parcel; thence due north to the south-western corner of a parcel containing 10 acres of land now or formerly the property of Jugmohun Mahradge; thence due east to the south-eastern corner of the same parcel on the western boundary of the Caroni Savanna Road; thence northwards along the western boundary of the said road to the northern bank of the Cunupia River Canal; thence due east along the northern bank of the said canal to the south-eastern corner of a parcel containing 10a. 0r. 1p. of land now or formerly the property of Annund; thence due north to the south-western corner of a parcel containing 10 acres of land now or formerly the property of Mahomedbocus; thence due east to the south-eastern corner of the same parcel; thence due north to the north-eastern corner of the same parcel; thence due west to the south-eastern corner of a parcel containing 15a. 3r. 36p. of land now or formerly the property of Neamuth; thence due north to the north-eastern corner of the said parcel; thence due east to the south-eastern corner of a parcel containing 5 acres of land now or formerly the property of Hurdun; thence due north to the north-eastern corner of the said parcel; thence due east to the south-western corner of a parcel containing 9a. 3r. 13p. of land now or formerly the property of Deehaloo; thence due north to the north-western corner of the said parcel; thence due north to a point on the northern boundary of the Bejucal Road, thence easterly along the northern boundary of the Bejucal Road to the south-eastern corner of a parcel of land now or formerly the property of Bhagwandeén and Mahadaya; thence due north along the western boundary of a road reserve to the south-eastern corner of a parcel containing 4a. 3r. 39p. of land now or formerly the property of Haiattoo and others; thence due east along the northern boundary of an access road trace to the south-western corner of a parcel contain-

ing 3 acres of land now or formerly the property of Mungaree and Ramoutar; thence due north to a point on the northern boundary of Warren Road; thence due east along the northern boundary of the Warren Road to the south-western corner of a parcel containing 16 acres of land now or formerly the property of Rangoo; thence due north to the north-western corner of the said parcel; thence due east to the south-eastern corner of a parcel containing 10 acres of land now or formerly the property of Rangoo; thence due north to the northern boundary of an access road trace; thence due east to the south-eastern corner of a parcel containing 3a. 0r. 36p. of land now or formerly the property of Gangersingh and Mungia; thence due north along the western boundary of an access road trace to a point due west of the south-western corner of a parcel containing 9a. 3r. 35p. of land now or formerly the property of Baldeosing; thence due east to the south-eastern corner of the last mentioned parcel; thence due north to the north-eastern corner of the said parcel; thence due west along the southern boundary of an access road trace to the northern boundary of which road trace forms the southern boundary of the Caroni Sugar Estates, Ltd., to a point on the left bank of the Guayamare River; thence due west across the River to the right bank; thence in a south-westerly direction along the right bank of the Guayamare River and the Madame Espagnol River to a point due west of the north-western corner of the Woodford Lodge Estate; thence due east across the river to the point of commencement.

TUNAPUNA RICE AREA

All that area of land situate in the Ward of Tacarigua in the County of St. George, more particularly described as bounded by a line commencing at the south-eastern corner of a parcel of land comprising 1a. 3r. 4p. now or formerly the property of Ramballi proceeding thence in a south-easterly direction along the northern boundary of Orange Grove Road, crossing Freeman's Road, a Road Reserve, Tunapuna River and Streatham Lodge Road to a point on the eastern boundary of the last named road; thence in a southerly direction along the eastern boundary of Streatham Lodge Road crossing Guayabal River, Trinidad Government Railway lands (Port-of-Spain-San Fernando Line), Tacarigua River and a Road Reserve to a point at its intersection with the southern boundary of the said Road Reserve, which point is situate at the north-western corner of a parcel of land now or formerly the property of Khurjune and Adjejan; thence in an easterly and south-easterly direction along the southern and western boundaries of the said Road Reserve which lies west of the

Trinidad Government Railway lands crossing a Canal to a point at its intersection with the southern boundary of a Road Reserve which forms the southern boundary of a parcel of land comprising 0.766 of an acre now or formerly the property of Soomeria; thence in a westerly direction along the southern boundary of the said Road Reserve to a point on the western boundary of the Streatham Lodge Road; thence in a northerly direction along the western boundary of the said Road Reserve to a point at its intersection with the southern boundary of another Road Reserve, which bounds with a canal, the northern boundary of which forms the southern boundary of a parcel of land comprising 1.081 acres now or formerly the property of Subbadoo and Chengamal; thence in a westerly direction along the southern boundary of the said Road Reserve, crossing Freeman's Road, to a point on the western boundary of the said Freeman's Road; thence in a northerly direction along the western boundary of the said road, crossing two canals, to a point at the north-eastern corner of a parcel of land comprising 1.264 acres now or formerly the property of Ramnuaj Maradge; thence in a westerly direction along the northern boundary of the said parcel of land, crossing Tacarigua River, to a point on its right bank, thence in a north-westerly direction along the right bank of the said river to a point at its intersection with the western boundary of a Road Reserve, thence along the western boundary of the said Road Reserve to the north-eastern corner of a parcel of land comprising 1.432 acres now or formerly the property of John Springer; thence in a north-easterly direction crossing the Road Reserve to a point at the intersection of the northern boundary of the said Road Reserve and the western boundary of a canal, which forms the eastern boundaries of the parcels of land comprising 1.035 acres, 0.605 acre, 0.500 acre and 0.647 acre now or formerly the properties of Algoo and Nepaulia, Kalliah and Teemul, Hitlall and Luckeah, and Dussai and Bhoodai respectively; thence in a north-easterly direction along the eastern boundaries of the above four parcels of land to the north-eastern corner of the last named parcel of land; thence in a westerly direction along the northern boundary of the said parcel of land to the north-western corner; thence in a northerly direction, crossing Tunapuna River to a point on the western boundary of a drain which point is situate $273^{\circ} 47'$ and is 29.4 links distant from the north-western corner of a parcel of land comprising 2a. 3r. 34p. leased to the Imperial College of Tropical Agriculture; thence on a bearing of $93^{\circ} 47'$, crossing the drain for 853.4 links to the north-eastern corner of the said parcel of land, which corner is situate on the right bank of the Tunapuna River; thence in a north-easterly

direction along the right bank of the said river to a point at its intersection with the western boundary of Freeman's Road; thence in a northerly direction, crossing a Road Reserve, the former Trinidad Government Railway lands (Port-of-Spain-San Fernando Line) and Orange Grove Road to the point of commencement.

**THE WATERWORKS AND WATER CONSERVATION
(CONTROLLED CHANNELS) ORDER**

107/1959.

made under section 16(1)

1. This Order may be cited as the Waterworks and Water Conservation (Controlled Channels) Order. Citation.

2. The watercourses and drains delineated on a plan—Controlled channels.
Drawing No. 20167/Tracing No. 20167 (showing the Watercourses to be declared "controlled channels" dated 9th April 1958 and signed by the then Chief Drainage Engineer, Department of Works and Hydraulics) and more particularly described in the Schedule, are hereby declared to be controlled channels to which section 16 of the Act applies. Schedule.

SCHEDULE

NORTHERN AREA

Bejucal Canal—from the Caroni Savannah Road to its junction with the Guayamare River;

Bejucal Drain—from its source near the Southern Main Road to its junction with the Guayamare River;

Caparo, Honda and Ravine Sable Rivers—from source to their outfall;

Caroni River—from its junction with the Tumpuna River to its outfall;

Cunupia River and its tributaries (including the Clair, Dépot, La Riche and Marchine Rivers and their tributaries)—from source to the junction of the Cunupia and Guayamare Rivers;

LAWS OF TRINIDAD AND TOBAGO

*Waterworks and
Water Conservation*

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[Subsidiary]

The Waterworks and Water Conservation (Controlled Channels) Order

Diego Martin River including the tributary known as the Petit Valley Ravine—from source to the outfall of the Diego Martin River;

Guayamare River—from its source to its outfall;

Maraval River—from its source to its outfall;

North-South Drain;

San Juan River and its tributaries—from source to the junction of the San Juan and Caroni Rivers;

St. Joseph River and its tributaries—from source to the junction of the St. Joseph and Caroni Rivers;

Tacarigua River—from the Caura Dam to its junction with the Caroni River;

Tunapuna River—from its source to its junction with the Caroni River.

SOUTHERN AREA

Cipero River and its tributaries—from source to the outfall of the Cipero River;

Godineau River and its tributaries—from source to the outfall of the Godineau River;

Mosquito Creek and its tributaries—from source to the outfall of the Mosquito Creek;

Taruba River and its tributaries—from source to the outfall of the Taruba River.

EASTERN AREA

Oropouche River and its tributaries—from source to the outfall of the Oropouche River.

91/1955.

**WATER IMPROVEMENT (EL SOCORRO) AREA
ORDER**

made under section 10

Citation.

1. This Order may be cited as the Water Improvement (El Socorro) Area Order, 1955.

2. The area in Trinidad and Tobago described in the Schedule, which area the Minister is satisfied generally has been, and may be expected to be, materially benefited by means of waterworks carried out in the area and serving the area and which are for the purposes of irrigation and drainage, is hereby declared to be a Water Improvement Area.

Water
Improvement
Area.
Schedule.

SCHEDULE

All that area of land, situate in the Ward of St. Ann's in the County of St. George, bounded as follows:—

On the North by the Churchill-Roosevelt Highway;

On the South by the Caroni River;

On the East by the western boundary of the Aranguéz Estate;

On the West by the eastern boundary of the Barataria Estate; now State lands; and more particularly delineated on a plan dated the 1st day of April, 1955, signed by the Director of Surveys and filed in his office.

WATER IMPROVEMENT (EL SOCORRO) AREA REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Application.
3. Interpretation.
4. Duties of Irrigation Officer.
5. Removal of trees, refuse, etc.
6. Power to withhold water.
7. Fish traps prohibited.
8. Waste of water.
9. Further penalty for wasting water.
10. Compulsory provision of field ridges, etc.
11. Refusal to allow passage of irrigation water.
12. Construction of unauthorised canals, etc.
13. Allowing animals to stray.
14. Powers to arrest.
15. Service of notices.
16. Penalty.

**WATER IMPROVEMENT (EL SOCORRO) AREA
REGULATIONS**

made under section 15

Citation. **1.** These Regulations may be cited as the Water Improvement (El Socorro) Area Regulations.

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;
“Irrigation Officer” means the officer appointed by the Minister to be in charge of the irrigation works in the Area;
“irrigation works” means the works constructed or maintained by the competent authority for abstracting, distributing or using water for irrigation purposes;

Duties of
Irrigation
Officer.

4. (1) The Irrigation Officer shall give effect to the directions, general or special, given to him by the competent authority in the exercise of his powers under the Act and shall also exercise the powers vested in him by these Regulations.

(2) The Irrigation Officer shall report to the competent authority upon the working of the Area at such times as the competent authority may fix, or whenever necessary or advisable, and shall furnish to the competent authority 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 Chief Executive Officer 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 competent authority may, with the approval of the Minister, from time to time, by writing under his hand authorise, subject to such limitations as the Minister may think fit, any officer of the Ministry of Works 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 etc.

- (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 subregulation (1)(a) 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, is 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 competent authority on behalf of the Government. If any of the requirements mentioned in subregulation (1)(b) 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 competent authority shall pay 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 competent authority before the appropriate court as though the claim for compensation was a claim for damages against a private person, and the provisions of sections 26 and 27 (1) of the Act shall, *mutatis mutandis*, apply in respect of any such claim.

[Subsidiary]

*Water Improvement (El Socorro) Area Regulations*Powers to
withhold water.

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 Act or these Regulations; and the water rate payable upon such land shall be payable notwithstanding such refusal.

Fish traps
prohibited.

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 is guilty of an offence against these Regulations.

Waste of water.

8. Any person who wilfully causes waste of water conserved by any irrigation works is guilty of an offence against these Regulations.

Further penalty
for wasting
water.

9. If the owner or occupier of any land irrigated by any irrigation works suffers or permits water obtained from such works or from any watercourse or channel connected therewith to run to waste on his land, or obtains water for such land from such works, watercourse or channel in a manner not authorised by the Irrigation Officer such owner or occupier is guilty of an offence against these Regulations.

Compulsory
provision of
field ridges, etc.

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 competent authority on behalf of the Government.

11. Any owner or occupier of land within the Area who refuses to allow the passage of irrigation water over his land, or who wilfully obstructs such passage, or knowingly does, or allows to be done, on his land any act which impedes the normal distribution of irrigation water in the Area, is guilty of an offence against these Regulations. Refusal to allow passage of irrigation water.
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. Construction of unauthorised canals, etc.
13. Any person who allows any animal to stray on the banks or sides of any irrigation works is guilty of an offence against these Regulations. Allowing animals to stray.
14. The Irrigation Officer or any officer or servant of the Ministry of Works duly authorised in writing by the Irrigation Officer may arrest any person found committing any offence against section 5, 6, 8 or 35 of the Act or against regulation 7 of these Regulations. Any person so arrested shall be delivered as soon as possible into the custody of a constable. Power to arrest.
15. The provisions of section 33 of the Act applies in respect of the service of notices issued under the provisions of these Regulations. Service of notices.
16. Any person guilty of an offence against these Regulations is, on conviction for such offence, liable— Penalty.
- (a) in respect of an offence under regulation 5 (2), 10 (3), or 13, to a fine of seven hundred and fifty 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 fifteen hundred dollars or to imprisonment for six months.

