

LAWS OF TRINIDAD AND TOBAGO

46 **Chap. 54:41** *Waterworks and Water Conservation*

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

ARRANGEMENT OF REGULATIONS

REGULATION

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

made under section 15

45/1956

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, 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.

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 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.

Power 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.

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 willfully 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.

Construction of unauthorized canals, etc. 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 allows any animal to stray on the banks or sides of any irrigation works is guilty of an offence against these Regulations.

Power to arrest 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.

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

Penalty 16. Any person guilty of an offence against these Regulations is, on conviction for such offence, liable—
(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.