

**CHAPTER 55:02**

**WATER COMMISSIONERS ACT**

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1929 Ed.  
c. 129  
1953 Ed.  
c. 235

CHAPTER 55:02

WATER COMMISSIONERS ACT

8 of 1886

**An Act to enable Commissioners appointed under any Act for regulating the Conservation or Distribution of Fresh Water to make and enforce By-laws, and also to provide for the Punishment of certain Offences.**

[6TH OCTOBER, 1886]

Short title.

1. This Act may be cited as the Water Commissioners Act.

Interpretation.

2. In this Act “Commissioners” includes any person or body corporate however named or described.

MAKING AND EFFECT OF BY-LAWS

Commissioners may make by-laws.

3. Where any commissioners are appointed under any Act for regulating the conservation, supply, or distribution of fresh water, or where any commissioners are entrusted under any Act with any duty relating to the conservation, supply, or distribution of fresh water, they may make by-laws for any of the following purposes, that is to say, for—

(a) regulating the proper distribution of the water amongst those entitled thereto;

(b) regulating the manner in which the supply of water shall be afforded to or received by those entitled thereto;

(c) preventing the fouling of the water in any reservoir, canals or trench under their charge;

(d) preventing injury to any of the works under their charge;

(e) regulating the use and the traffic over, along, or on the dams or canals under their charge; and

(f) generally securing the proper conservation of the water under their charge, and preventing any waste thereof.

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4. (1) No by-law, and no alteration, addition, or repeal of any by-law, made by the Commissioners, shall take effect unless and until submitted to and approved by the Minister, who may allow, or disallow, or alter the same as he thinks proper.

Approval and publication of by-laws.

(2) The Minister may alter or repeal any by-law previously approved.

5. (1) The Commissioners may, by any by-law made under this Act, impose on offenders against the same a penalty not exceeding the sum of one hundred and fifty dollars for each offence, and in case of a continuing offence a further penalty of four thousand eight hundred and seventy-five dollars for each day after written notice of the offence from the Commissioners or any of their officers or servants.

Imposition of penalties.  
[6 of 1997]

(2) All the penalties are recoverable under the Summary Jurisdiction Acts.

6. (1) The Commissioners, in addition to section 5, may also, by any by-law made under this Act, in any case where the proprietor of a plantation might derive benefit by not complying with a by-law, direct that the penalty incurred by non-compliance therewith, whoever the actual offender may be, shall be payable by the proprietor of the plantation.

Liability of proprietor of plantation in certain cases for breach of by-laws.  
[6 of 1997]

(2) No penalty so imposed shall exceed forty-eight thousand seven hundred and fifty dollars for a first offence, or ninety-seven thousand five hundred dollars for a second or any subsequent offence, or, in case of a continuing offence, a further penalty of forty-eight thousand seven hundred and fifty dollars for each day after written notice of the offence from one of the Commissioners has been served on the manager of the plantation.

(3) The penalty is recoverable at the instance of the Commissioners by parate execution against the proprietor, without naming him.

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(4) Every application for that execution shall be by motion before a judge of the High Court in its civil jurisdiction, and notice of the motion shall be served in the manner provided by law for serving a writ of summons on the owner of a plantation in cases where the process is against an owner without the names being mentioned.

(5) On the motion, the manager of the plantation and anyone interested in the plantation may appear and oppose the granting of the application.

(6) When it is proved that the penalty has been incurred, the judge hearing the motion may order that parate execution issue against the proprietor, without naming him, for the recovery of the penalty incurred.

Recovery of reduced penalty.

**7.** All by-laws made under this Act imposing a penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Publication and proof of by-laws.

**8.** (1) All by-laws made under this Act, when settled and approved by the Minister, and every alteration thereof, shall be published in the *Gazette*.

(2) The production of the *Gazette* containing a copy of the by-laws, or any alteration thereof, purporting to be made or approved by the Minister is conclusive evidence thereof for all purposes, and that the same have been rightly made and are in force, unless the person disputing the validity thereof can prove that any of them has been subsequently altered or repealed with the approval of the Minister.

Laying of property in legal proceedings.

**9.** In any legal proceedings (other than proceedings by or on behalf of the State, or of any public officer against the Commissioners), the property of any works, material, water, or thing under the charge of the Commissioners may be laid in the Commissioners.

Saving of other powers.

**10.** Nothing contained in the preceding sections shall be deemed to limit the powers or authority of the Commissioners given by any Act or to prevent them enforcing any right by civil process.

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OFFENCES

- 11.** Everyone who without lawful excuse wilfully damages any dam, trench, outfall, koker, or sluice is liable on summary conviction, to a fine of not less than nine hundred and seventy-five dollars and not more than forty-six thousand eight hundred dollars, and to imprisonment for a term of three months. Damaging works.  
[6 of 1997]
- 12.** Everyone who wilfully throws any glass, or permits any glass to fall, into any canal or trench for the storage or supply of fresh water is liable on summary conviction to a fine of nine hundred and seventy-five dollars. Throwing glass into canal.  
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- 13.** Everyone who wilfully fouls the water in a canal or trench for the supply or distribution of fresh water is liable on summary conviction to a fine of nineteen thousand five hundred dollars and to imprisonment for a term of three months. Fouling water in canal.  
[6 of 1997]

RESERVATION OF RIGHTS OF THE PUBLIC

- 14.** (1) Where any canal or trench is constructed on land held under grant from the State and is under the charge of the Commissioners, the public, subject to any by-laws approved by the Minister, has the right of passing and re-passing along and over the banks of that canal. Saving of rights of public, etc.
- (2) Subject to negative resolution of the National Assembly the Minister may declare that a bank may be used by any person or company for the purpose of laying and working a railway or tramway thereon or for any other purpose, subject to the conditions and stipulations to the Minister seeming expedient.
- (3) Subject to negative resolution of the National Assembly the Minister may permit navigation and traffic on boats on a canal, subject to the by-laws from time to time approved by him.

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