

A BILL

ENTITLED

AN ACT to Amend the Irrigation Act.

[ ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Irrigation (Amendment) Act, 1998, and shall be read and construed as one with the Irrigation Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and con-  
struction.

Repeal and  
replace-  
ment of  
section 4  
of principal  
Act.

2. Section 4 of the principal Act is repealed and the following substituted therefor—

"Licensing  
of Irrigation  
Authority.

4.—(1) The Minister may, by order subject to affirmative resolution, license a company to be the Irrigation Authority for the purposes of this Act.

(2) The company licensed under subsection (1) shall be responsible for the implementation of the provisions of this Act in relation to all irrigation areas and restricted areas.

(3) A licence issued under this section may make provision for—

- (a) the imposition and collection by the Authority of—
  - (i) irrigation and drainage charges (including the collection of arrears accrued prior to the date of the licence);
  - (ii) charges in relation to the reclamation of land or the use of any watercourses;
- (b) the manner in which funds collected shall be utilized by the Authority.

(4) Where the Minister is satisfied that additional sums may be required to finance the functions of the Authority under this Act the Minister may, after consultation with the Minister responsible for finance, grant the additional sums to the Authority.

(5) Any sum granted under subsection (4) shall be paid out of the Consolidated Fund.

(6) An order under subsection (1) may vest in the Authority such functions under this Act as the Minister thinks fit for such period as may be specified in the order and, without prejudice to the generality of the foregoing, may contain provisions relating to the transfer to the Authority of—

- (a) assets and liabilities—
  - (i) of any Irrigation Authority appointed under this Act and in existence immediately before the date of commencement of the Irrigation (Amendment) Act, 1998;
  - (ii) of the Black River Drainage and Irrigation Board; and
  - (iii) vested in the Commissioner of Lands in relation to the irrigation works constructed under the Rio Cobre Canal Law;
- (b) the responsibility for the staff engaged in the work of any organization referred to in paragraph (a);
- (c) such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to the order.”

3.—(1) The Black River (Upper Morass Reclamation) Act and the Rio Cobre Canal Law are hereby repealed. Repeal and transitional.

(2) Until other provisions are made under the principal Act as amended by this Act, any licence, order, permit or scheme granted or made pursuant to the enactments referred to in subsection (1) shall continue in effect.