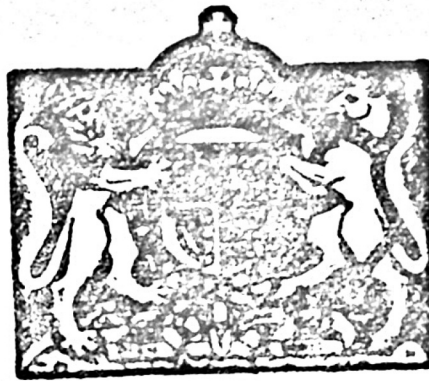


PARLIAMENT OF CEYLON

4th Session 1951



Irrigation (Amendment) Act, No. 1 of 1951

Date of Assent : February 1, 1951

Printed on the Orders of Government

Printed at the CEYLON GOVT. PRESS, COLOMBO. To be
purchased at the GOVT. PUBLICATIONS BUREAU, COLOMBO
Annual Subscription (including Bills) Rs. 25, payable in
advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS
BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price : 20 cents.

Postage : 5 cents.

L. D.—O. 57/49.

AN ACT TO AMEND THE IRRIGATION ORDINANCE,
No. 32 of 1946.

[Date of Assent: February 1, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the Irrigation (Amendment) Act, No. 1 of 1951.

Short title

2. Section 11 of the Irrigation Ordinance, No. 32 of 1946 (hereinafter referred to as "the principal Ordinance") is hereby amended as follows:—

Amendment of section 11 of Ordinance No. 32 of 1946.

(1) in sub-section (1) thereof, by the substitution, in paragraph (a) (i), for the words "assisted by irrigation;", of the words "benefited by an irrigation work;"; and

(2) in sub-section (3) thereof, by the substitution, for the words "regulations are authorised to be made", of the words "regulations have been made".

3. Section 20 of the principal Ordinance is hereby amended in sub-section (3) thereof, by the substitution, for the words "Chairman of every village committee constituted within the revenue district", of the words "Mayor of every Municipal Council and to the Chairman of every Urban Council, Town Council and Village Committee constituted within the Divisional Revenue Officer's division".

Amendment of section 20 of the principal Ordinance

4. Section 25 of the principal Ordinance is hereby amended in sub-section (4) thereof, by the substitution, for the words "irrigation headman,", of the words "irrigation headman and where the duration of office of the headman is limited to any period, such period shall be specified in the letter. ".

Amendment of section 25 of the principal Ordinance.

5. Section 27 of the principal Ordinance is hereby amended by the substitution, for the word "retirement,", of the words "retirement, termination of the duration of office, ".

Amendment of section 27 of the principal Ordinance.

Insertion of
new section
27A in the
principal
Ordinance.

6. The following new section is hereby inserted immediately after section 27, and shall have effect as section 27A of the principal Ordinance:—

“ Acting
appointments
of headmen.

27A. Where an irrigation headman is unable to discharge the duties of his office by reason of illness, ill-health or any other cause whatsoever, it shall be lawful for the Government Agent to appoint another person to act in the place of such headman for such period as the Government Agent may determine.”.

Amendment of
section 28 of
the principal
Ordinance.

7. Section 28 of the principal Ordinance is hereby amended as follows:—

- (1) by the re-numbering of that section as sub-section (1) of that section;
- (2) in re-numbered sub-section (1), by the substitution, for the words “elected or appointed”, of the word “elected”; and
- (3) by the addition, immediately after the re-numbered sub-section (1), of the following new sub-section:—

“ (2) If in the opinion of the Government Agent, there has, in any division for which an irrigation headman has been appointed, ceased to be any need of the services of such headman, the Government Agent may terminate the services of such headman and such headman shall thereupon cease to hold office and to exercise and perform any of the powers and duties conferred or imposed upon irrigation headmen by or under this Ordinance or any rule or regulation made thereunder.”.

Amendment of
section 33 of
the principal
Ordinance.

8. Section 33 of the principal Ordinance is hereby amended as follows:—

- (1) in paragraph (1) of that section, by the substitution, in sub-paragraph (e), for the words “rendered irrigable”, of the word “benefited”; and
- (2) in paragraph (2) of that section, by the substitution, in sub-paragraph (a), for the words “irrigable or to be irrigable”, of the words “benefited or to be benefited”.

Amendment of
section 44 of
the principal
Ordinance.

9. Section 44 of the principal Ordinance is hereby amended by the substitution, for the words “irrigable under”, of the words “benefited by”.

10. Section 47 of the principal Ordinance is hereby amended as follows:—

Amendment of
section 47 of
the principal
Ordinance.

- (1) by the substitution, for the words “ rendered irrigable ”, wherever those words occur collectively in that section, of the word “ benefited ”;
- (2) by the substitution, for the words “ irrigable under ”, of the words “ benefited by ”;
- (3) by the substitution, for the words “ area originally irrigable ”, of the words “ area originally benefited ”; and
- (4) by the substitution, for the words “ said original irrigable area ”, wherever those words occur collectively in that section, of the words “ said original benefited area ”.

11. Section 49 of the principal Ordinance is hereby amended as follows:—

Amendment of
section 49 of
the principal
Ordinance.

- (1) in sub-section (1) thereof, by the substitution, for the words “ irrigated or to be irrigated ”, of the words “ benefited or to be benefited ”;
- (2) in sub-section (2) thereof, by the substitution, for the words “ irrigable ”, wherever that word occurs in that sub-section, of the word “ benefited ”; and
- (3) in sub-section (3) thereof, by the substitution, for the words “ ten years ”, wherever those words occur collectively in that sub-section, of the words “ five years ”.

12. Section 50 of the principal Ordinance is hereby amended by the substitution, for the words “ irrigated or to be irrigated ”, of the words “ benefited or to be benefited ”.

Amendment of
section 50 of
the principal
Ordinance.

13. Section 53 of the principal Ordinance is hereby amended as follows:—

Amendment of
section 53 of
the principal
Ordinance.

- (1) in the marginal note thereto, by the substitution, for the word “ irrigation ”, of the words “ irrigation and drainage ”; and

- (2) in sub-section (1) thereof, by the substitution, for the words "irrigable under", of the words "benefited by".

Amendment of section 55 of the principal Ordinance.

14. Section 55 of the principal Ordinance is hereby amended by the insertion, immediately after sub-section (1), of the following sub-section (1A):—

"(1A) The lands included in the specification of any major irrigation work specified in the Schedule to the Ordinance, and the proprietors thereof, shall severally be bound and liable to a maintenance rate for the maintenance of such irrigation work."

Amendment of section 57 of the principal Ordinance.

15. Section 57 of the principal Ordinance is hereby amended as follows:—

- (1) in sub-section (1) thereof, by the substitution, for the words "irrigating lands", of the words "benefiting lands"; and
- (2) in sub-section (2) thereof, by the substitution, in paragraph (a), for the words "irrigated or to be irrigated", of the words "benefited or to be benefited".

Amendment of section 63 of the principal Ordinance.

16. Section 63 of the principal Ordinance is hereby amended as follows:—

- (1) by the substitution, for paragraph (i), of the following paragraph:—

"(i) the limitation of the extent of land for which water will be supplied in each season for cultivation under the irrigation work and the fixing of dates for the commencement and completion of the supply of such water in each season;"; and

- (2) by the substitution, for paragraph (j), of the following paragraph:—

"(j) the conditions on which water will be supplied from the irrigation work and the charges to be paid for the supply of such water after the date fixed for the completion of cultivation;".

17. Section 88 of the principal Ordinance is hereby amended as follows:—

Amendment of
section 88 of
the principal
Ordinance.

- (1) in sub-section (1) thereof, by the substitution for all the words from “Where at any time” to “in respect of such land,” of the following words:—

“Where within five years from the date of purchase of any land on behalf of the Crown under section 87 and before such land is resold, the defaulter or any person authorised by him, or if the defaulter be dead, any heir of the defaulter or any person authorised by any such heir, pays to the Government the amount due from the defaulter in respect of such land together with the value of the improvements made to the land after it was purchased by the Crown,”; and

- (2) in sub-section (3) thereof, by the substitution, for the words and figures “section 85, together with interest on such amount and costs”, of the words and figures, “section 85 and the surplus, if any, which has been paid under section 86 (1), together with interest on such amount, costs and surplus”.

18. Section 90 of the principal Ordinance, is hereby amended as follows:—

Amendment of
section 90 of
the principal
Ordinance.

- (1) in sub-section (1) thereof—

(a) by the substitution, for the words “purchaser or the servant”, of the words “purchaser or the heir or servant”, and

(b) by the substitution, for the words “purchaser or his servant”, of the words “purchaser or his heir or servant”; and

- (2) in sub-section (3) thereof, by the substitution, for the words “purchaser or his servant”, of the words “purchaser or his heir or servant”.

19. Section 91 of the principal Ordinance is hereby amended by the substitution, for the words “to add the amount”, of the words “to add the aggregate amount”

Amendment of
section 91 of
the principal
Ordinance.

Amendment of
section 95 of
the principal
Ordinance.

20. Section 95 of the principal Ordinance is hereby amended by the substitution, for the words " relating to irrigation ", of the words " relating to irrigation or drainage or flood protection or salt water exclusion ".

Amendment of
section 117 of
the principal
Ordinance.

21. Section 117 of the principal Ordinance is hereby amended in sub-section (1) thereof, as follows:—

- (1) in the definition of " cost of maintenance ", by the substitution, for the words " plant and of the transport ", of the words " tools, plant and transport ";
- (2) in the definition of " expenses of construction ",
 - (a) by the substitution, for the word " inquiries " of the word " investigation "; and
 - (b) by the substitution for the words " plant and of the transport ", of the words " tools, plant and transport ";
- (3) in the definition of " irrigable area ", by the substitution, for the words " area irrigable under or by means of ", of the words " area benefited by ";
- (4) by the insertion, immediately after the definition of " irrigation division ", of the following new definition:—

“ irrigation scheme ” means a scheme between the proprietors and the Government prepared in accordance with the provisions of Part V of this Ordinance; ’;
- (5) in the definition of " irrigation work ", by the substitution, in paragraph (c) thereof, for the words " any such area; ", of the words " any such area or of protecting such area from floods; ";
- (6) by the substitution, for the definition of " major irrigation work ", of the following definition:—

“ major irrigation work ” means an irrigation work constructed and maintained by or under the authority of the Director of Irrigation out of moneys provided by Parliament; ”;

(7) by the substitution, for the definition of "minor irrigation work", of the following definition:—

"minor irrigation work" means an irrigation work other than a major irrigation work;"; and

(8) in the definition of "proprietor", by the substitution, for the words "irrigated or to be irrigated", of the words "benefited or to be benefited".

22. The following Schedule is hereby added at the end of the principal Ordinance:—

Addition of
Schedule to
the principal
Ordinance.

"Schedule.

SECTION 55(1A).

1. The Jaffna Peninsula Lagoon Scheme in the Northern Province.
2. The Pahuru Oya Flood Protection Scheme in the Western Province. "