

No. 308. The Irrigation Divisions (Villages) Laws, 1938 and 1944.

In pursuance of the provisions of section 19 of the Irrigation Divisions (Villages) Laws, 1938 and 1944, the following Rules made by the Committee of the Irrigation Division of Ayia Marina Xyliatou in the District of Nicosia, are published in the *Gazette*. (M.P. 816/44.)

IRRIGATION DIVISION OF AYIA MARINA XYLIATOU.*Rules.*

1. These Rules may be cited as the Irrigation Division of Ayia Marina Xyliatou Rules, 1944.
2. In these rules, unless the context otherwise requires—
 - “Commissioner” means the Commissioner of the District of Nicosia;
 - “Committee” means the Committee of the Irrigation Division;
 - “Irrigation Division” means the Irrigation Division of Ayia Marina Xyliatou;
 - “Law” means the Irrigation Divisions (Villages) Laws, 1938 and 1944;
 - “list” means the list of the names and residence of the proprietors and of the lands and extent thereof which are to be benefited or are capable of being benefited by the works prepared under the provisions of section 15 of the Law as finally settled under the provisions of section 16 of the Law;
 - “works” means the irrigation works of the Irrigation Division.
3. The Committee shall hold office for a period of three years beginning on the 28th May, 1944. Thereafter the election of the Committee shall take place every third year in the first week of the month of May and it shall hold office for a period of three years from the 28th May next following its election.
- 4.—(1) The Committee shall appoint a treasurer who shall collect the rates and charges assessed upon the proprietors mentioned in the list.
 - (2) The treasurer shall, on the 1st August in every year, prepare a statement of all rates or charges still due and unpaid on that date and shall forward such statement to the Commissioner.
 - (3) The treasurer shall receive as remuneration five per centum of all rates and charges collected by him as in paragraph (1) hereof: Provided that he shall be paid such of his out of pocket expenses as may be sanctioned by the Committee.
 - (4) The treasurer shall be appointed for such period as the Committee may fix but in no case extending over the term of office of the Committee appointing such treasurer.
5. Every proprietor mentioned in the list shall pay a rate not exceeding twenty shillings per annum as may be prescribed by the Committee from time to time for every Government donum of land owned by such proprietor which is benefited or is capable of being benefited by the works.
6. All rates assessed under the provisions of the Law and of these rules shall be paid on or before the 31st July in every year.
7. The list shall be examined annually not later than the 1st day of March in every year by the Committee who shall have power to amend same as in section 16 (6) of the Law provided.
8. The annual estimates of the Irrigation Division shall be submitted by the Committee to the Commissioner for approval not later than the 1st day of October in every year.
9. The Committee shall from time to time authorize the treasurer to pay out of the money in his hands any sum required—
 - (a) for the works or for the maintenance or repairs thereof; and
 - (b) for any purpose approved by the Commissioner in connection with the operations of the Irrigation Division provision for which is made in any estimates approved by the Commissioner; and
 - (c) for any compensation payable under sections 31 and 33 of the Law, whenever there are funds at the disposal of the treasurer or of the Committee sufficient to meet any amount payable as compensation under the provisions of these sections.
10. The Committee may from time to time appoint such person or persons as may be required for the purpose of carrying out any work or for the performance of any duty under the provisions of the Law or of these rules, and fix the remuneration of such person or persons: Provided that the person or persons appointed for carrying out any work shall be first approved by the Commissioner.
11. During the months of January, February, March and October in every year, the Committee shall cause the works to be properly cleared and repaired.

12.—(1) No person shall—

(a) enlarge or lessen the width of any branch or channel ;

(b) open a new channel ;

(c) in any way interfere with the water or the works,

without the licence in writing of the Committee previously obtained and subject to such terms and conditions as the Committee may impose and if any person to whom such licence has been granted acts in contravention or fails or neglects to observe the terms and conditions thereof, he shall be guilty of an offence against this rule.

(2) No licence shall be granted under this rule until after the expiration of ten days from the posting in a conspicuous part of the village of Ayia Marina Xyliatou of a notice of the intended licence so that any objection to the grant thereof may be made and considered by the Committee.

13. Every proprietor through whose lands there pass any channels shall at all times keep such part of such channels as may pass through his lands, clean and free from all obstructions whatsoever and if he fails to do so the Committee may cause any obstructions to be removed from such part of the channel and the cost thereof shall be paid by the proprietor concerned in addition to the rate payable by such proprietor under rule 5 without prejudice to any other liability of such person for the breach of this rule.

14.—(1) Every proprietor through whose lands there pass any branch channels shall, not later than the 1st January and 1st October in every year, repair such channels and clear them of all obstructions and if he fails to do so the Committee shall cause such channels to be repaired and cleared of obstructions and the cost thereof shall be paid by the proprietor concerned in addition to the rate payable by such proprietor under rule 5 without prejudice to any other liability of such person for the breach of this paragraph of this rule.

(2) If there are two or more persons interested in any branch channels and they are unable to agree between themselves for the repair of any such channels and the clearing of the same of obstructions the Committee shall cause such channels to be repaired and cleared of obstructions and the cost thereof shall be paid by the proprietors concerned in such proportion as the Committee may direct, in addition to the rate payable by every such proprietor under rule 5.

15. The Committee shall distribute the water from time to time to every proprietor in accordance with the usage heretofore observed with regard to the turn of irrigation and the distribution of such water, due regard being also had to the quantity of water available and to the number of donums of land to be irrigated by each proprietor.

16. The Committee may with the consent of the Commissioner enter into any agreement or arrangement with the Committee of any other Irrigation Division formed under the provisions of the Law with regard to any dams or channels which are shared in common between the Irrigation Division and such other Irrigation Division, the maintenance thereof and the proportion of any contribution for any expenses incurred in connection therewith, to be paid by the Irrigation Division.

17.—(1) Upon an application to the Commissioner signed by not less than two-thirds of the proprietors mentioned in the list requesting that the Irrigation Division be dissolved, the Commissioner shall call a meeting of the proprietors for the purpose of determining whether the Irrigation Division should be dissolved.

(2) Every meeting so convened shall be held in the presence of the Commissioner at the time and place appointed and if at such meeting a majority of two-thirds of the proprietors or the authorized proxies thereof who are present decide that the Irrigation Division should be dissolved, the Irrigation Division shall be so dissolved accordingly :

Provided that all rates due and unpaid on the date of dissolution shall be levied and paid as if the Irrigation Division had not been dissolved.

(3) The provisions of sections 4, 6, 7, 8 and 9 of the Law with respect to public meetings shall apply *mutatis mutandis* to a meeting convened under the provisions of this rule.

(4) Any money in the hands of the Committee or the treasurer at the time of the dissolution of the Irrigation Division and any money recovered at any time thereafter on account of the rates due and unpaid at the time of such dissolution, shall be paid to the Commissioner and shall be passed in the books of the Commissioner to the credit of the village of Ayia Marina Xyliatou and shall be utilized by the Commissioner for such purpose of public utility in the village of Ayia Marina Xyliatou as may be approved by him.