

CHAPTER 396

SOIL CONSERVATION (SCOTLAND DISTRICT)

1958-37

This Act came into operation on 1st February, 1959.

Amended by:

1961-10

1980-64

1991-3

1967-1

1984-39

1998-39

1973-26

1967/168

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1993

1998

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 396

SOIL CONSERVATION (SCOTLAND DISTRICT) 1958-37

Arrangement of Sections

PART I

PRELIMINARY

- 1.** Short title
- 2.** Interpretation

PART II

SOIL CONSERVATION BOARD

- 3.** Establishment of Soil Conservation Board
- 4.** Functions of the Board

PART III

CONSERVATION ORDERS

- 5.** Conservation proposals
- 5A.** Soil Conservation Review Committee
- 5B.** Appeals
- 6.** Soil Conservation orders

7. Contents of order
8. Failure to carry out orders

PART IV

POWERS OF THE MINISTER

9. Power to carry out measures where owner or occupier fails
10. Power to act without an order
11. Powers as to watercourses and defences against water
12. General powers of Minister
13. Grants and loans
14. Conditions to be observed on the execution of certain powers
15. Power to lease land, etc.
16. Power of seizure and sale etc. of animals

PART V

CONTRIBUTIONS AND COMPENSATION

17. Contribution by landowners
18. Claims for compensation
19. Manner of making claim for compensation
20. Rules for assessment of compensation

21. Payment of compensation, etc.
22. Determination of claims for payment of contributions and claims for compensation

PART VI

OFFENCES

23. Obstructing or hindering the Minister etc.
24. Injuring works, etc.

PART VII

MISCELLANEOUS

25. Person in possession to be deemed owner
26. Power of delegation
- 26A. Coastal zone management plan
27. Regulations

FIRST SCHEDULE

Conservation Area

SECOND SCHEDULE

Charge securing moneys payable under section 17

THIRD SCHEDULE

FOURTH SCHEDULE

Constitution of the Soil Conservation Review Committee



BARBADOS

SOIL CONSERVATION (SCOTLAND DISTRICT)
1958-37

An Act to make provision for the improvement and conservation of the soil and for the prevention of damage or deterioration by erosion to land in certain areas of Barbados and for matters connected therewith.

[Commencement: 1st February, 1959]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Soil Conservation (Scotland District) Act*.

Interpretation

2.(1) For the purposes of this Act, the expression “Barbados Water Authority” means the Barbados Water Authority established by section 4 of the *Barbados Water Authority Act*, Cap. 274A;
[1991-3]

“Board” means the Scotland District Soil Conservation Board established under section 3;

“Committee” means the Soil Conservation Review Committee established under section 5A;

[1991-3]

“conservation area” means that area of land comprised in the parishes of St. John, St. Joseph and St. Andrew as described in the *First Schedule*;

“court” means the court specified under section 22;

“Minister” means the Minister responsible for Agriculture;

“Permanent Secretary” means the Permanent Secretary in the Ministry of Agriculture;

[1991-3]

“storm water” means all flow of water directly due to rainfall, before such water forms a stream;

“watercourse” includes every river, stream, passage and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently.

(2) When anything is required to be “published”, or “publicly notified” or “public notice” of anything is to be given, it is meant that a notice thereof shall be published in some newspaper circulating in the district or that printed placards containing the notice shall be affixed to a public place in the district, and a notice setting forth the object, purpose or general effect of a document shall in any case be sufficient notice of that document.

PART II
SOIL CONSERVATION BOARD

Establishment of Soil Conservation Board

3.(1) There is hereby established for the purposes of this Act, a Board to be known as the Scotland District Soil Conservation Board.

(2) The Board shall consist of

- (a) the Chief Agricultural Officer;
- (b) the Permanent Secretary;
- (c) a Senior Agricultural Officer, the Chief Technical Officer, the General Manager of the Barbados Water Authority or his nominee and the Chief Town Planner; and
- (d) four other persons appointed by the Minister who shall include representatives of the agricultural community.

(2A) The Minister shall designate one of the members referred to in subsection (2) to be Chairman.

(3) The members of the Board (other than the officers specified in paragraphs (a) and (b) of subsection (2)) shall hold office for a period of 3 years but shall be eligible for re-appointment.

(4) Any casual vacancy on the Board arising from death, resignation or removal from office shall be filled by the Minister and the member appointed to fill such vacancy shall hold office only so long as the member whose office is vacant would have held office.

(5) Where a member of the Board is prevented by illness, absence from Barbados or other cause from exercising his functions on the Board, the Minister may appoint a person to act as deputy for such member during such time as he is prevented from exercising his functions.

- (6) The powers conferred on the Board by this Act shall not be affected by reason only of there being a vacancy in the membership thereof.
- (7) Where at any meeting of the Board the chairman is absent, the members present shall appoint one of their members to be chairman for such meeting.
- (8) Three members shall form a quorum.
- (9) The chairman of the Board may at any time summon a meeting of the Board and shall summon a meeting within 7 days after a request so to do by any 2 members.
- (10) The proceedings of the meetings of the Board shall be determined by the Board.
- (11) The Minister shall assign an officer of the Ministry of Agriculture to be secretary of the Board.
- (12) There may be paid out of moneys provided by Parliament for the purposes of this Act to the members of the Board (other than a member who holds a public office) such remuneration and such travelling allowances as may be determined by the Minister.

[1991-3]

[1991-3]

Functions of the Board

4. The functions of the Board shall be to advise the Minister generally on the utilisation of lands in the conservation area in such a manner as will tend towards the conservation of the soil and the prevention and mitigation of soil erosion, and in particular

- (a) to examine all proposals submitted by the Chief Agricultural Officer concerning the conservation and improvement of land in the conservation area;

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- (b) to advise the Minister on the conservation and improvement proposals submitted to it under paragraph (a) and on the measures necessary or incidental to the carrying out of the proposals;
 - (c) to advise the Minister on
 - (i) the removal of houses and other buildings,
 - (ii) the removal of the occupants of the houses and buildings to which sub-paragraph (i) refers, and
 - (iii) the conditions of settlement and re-settlement of the occupants of houses to which sub-paragraph (ii) refers;
 - (d) to advise the Minister in connection with advances to owners and occupiers to enable them to carry out any soil conservation measures or works required under any such measures;
 - (e) to make recommendations to the Minister in connection with the apportionment of the cost of measures referred to in section 17;
 - (f) to advise the Minister on the best methods of stimulating public interest in the conservation and improvement of land in the conservation area; and
 - (g) generally to advise or make recommendations to the Minister on any matter connected with any of the matters referred to in this section.

[1991-3]

PART III
CONSERVATION ORDERS

Conservation proposals

5.(1) The Chief Agricultural Officer, if he considers that measures are necessary for

- (a) the conservation of the soil in the conservation area;
- (b) the prevention and mitigation of soil erosion in the conservation area;
- (c) the prevention of damage by storm water;
- (d) the utilisation of land in the conservation area in such a manner as will tend towards the attainment of the best use thereof or any of the objects to which paragraphs (a) to (c) refer,

shall, after consultation with the Board, prepare and submit to the Minister for approval proposals for the conservation area or any part of the area and for all or any of the purposes mentioned in this section.

(2) Where proposals made under subsection (1) have been approved by the Minister, the proposals shall be publicly notified.

(3) Any owner or occupier affected by the proposals to which subsection (1) refers may make representations to the Minister and the Board in connection with the proposals within 30 days of the notification of the proposals.

[1991-3]

Soil Conservation Review Committee

5A.(1) There is established by this Act a Committee to be known as the “Soil Conservation Review Committee.”

(2) The *Fourth Schedule* has effect with respect to the constitution of the Committee and otherwise in relation thereto.

[1991-3]

Appeals

5B. The Committee shall hear and determine appeals made to it under section 6(4) of this Act.

[1991-3]

Soil Conservation orders

6.(1) After considering such representations as may be made, the Minister may, after consultation with the Board, make such order or orders in writing as he considers necessary for any of the purposes of the Act, and every order so made by the Minister may be amended, varied or revoked by further order or orders.

(2) Subsection (2) of section 2 shall not apply to the publication of an order made under subsection (1) but instead every such order shall be published in the manner provided in subsection (3) and shall take effect not earlier than 30 days after the date on which all the requirements in respect of publication have been completed (hereinafter in this section referred to as “the date of publication of the order”) or on such later date as may be fixed in the order.

[1967-1]

(3) Every order shall, in addition to being published in the *Official Gazette*, be published twice in one weekly and one other newspaper published in Barbados and a copy thereof shall be posted in a conspicuous place in the district.

(4) Save as otherwise provided by section 22, any owner or occupier affected by the order may appeal within a period of 30 days from the date of publication

of the order against any provision of the said order to the Committee whose decision shall be final.

[1991-3]

[1991-3]

Contents of order

7. An order made under section 6 may relate to any or all of the following measures for the whole or any part of the land subject to the order, that is to say

- (a) the use to which the land or any part thereof may be put;
- (b) the crops, trees, grasses, shrubs or plants to be grown or not to be grown;
- (c) the preservation and protection of the source, course and banks of streams;
- (d) the prohibition or restriction of cultivation of any part of the land;
- (e) the method of cultivation of the land;
- (f) the number and type of stock to be maintained on the land and the manner of their watering, depasturing and movement;
- (g) the control of water, including storm water;
- (h) the construction and maintenance of works for the conservation of the land.

Failure to carry out orders

8. Any owner or occupier of land in respect of which the Minister makes an order who fails or neglects, without reasonable cause (the proof whereof shall be on such owner or occupier) to carry out any measures provided by the order, within such reasonable time as shall be fixed by the Minister, shall be guilty of an offence and on conviction by a court of summary jurisdiction shall be liable

to a fine of \$100 and the court may order such owner or occupier to carry out the said order.

[1991-3]

PART IV POWERS OF THE MINISTER

Power to carry out measures where owner or occupier fails

9. Where any owner or occupier of land that is subject to an order under section 6 fails or neglects to carry out any order or any measures provided by such order within such reasonable time as the Minister determines, the Minister may, subject to section 14, for the purpose of carrying out or completing any measures necessary to give effect to the order, direct that any works pursuant to section 11 be carried out or exercise all or any of the powers conferred on him by section 12.

[1991-3]

Power to act without an order

10. Where the Minister decides, after consultation with the Board, that for the purpose of carrying into effect any proposal made under section 5

- (a) any measure necessary to give effect to the proposal should not be the subject of an order made under section 6; and
- (b) the measure referred to under paragraph (a) is within the public interest,

he may, subject to section 14, cause any works to be carried out pursuant to section 11 or exercise any power conferred on him by section 12 for the purpose of executing, constructing or maintaining upon any land to which the proposals relate any such measure.

[1991-3]

Powers as to watercourses and defences against water

11. The Chief Agricultural Officer may, with the approval of the Minister and for the purposes of this Act

- (a) cleanse, repair or otherwise maintain in a due state of efficiency any watercourse or outfall for water or any bank, dam, groyne or other defence against water;
- (b) deepen, widen, straighten, divert or otherwise improve any watercourse or outfall for water or remove any groynes, dams, weirs, trees, plants or debris or any other obstructions whatsoever to watercourses or outfalls for water or to the free flow of storm water in existing flood-channels or raise, widen or otherwise improve any defence against water;
- (c) in such manner and of such materials as he thinks necessary or proper, make any new watercourse or new outfall for water and cause the same to communicate with the sea or any arm thereof or with any other watercourse or a lake or erect any new defence against water or carry out any other work that is necessary or desirable for the purpose of controlling or preventing damage by storm water;
[1991-3]
- (d) divert, impound or take away from any watercourse;
- (e) plant or sow and maintain trees, shrubs, plants and grasses;
- (f) fence any land so as to protect vegetation thereon for the purposes of conserving the soil;
- (g) by agreement with the owners or occupiers of any land affected thereby, carry out any of the aforementioned measures or any other measures authorised by this Act.

[1991-3]

General powers of Minister

- 12.** The Chief Agricultural Officer shall on the direction of the Minister
- (a) without any previous payment, tender or deposit, enter upon and use any land for the purpose of taking therefrom any earth, clay, stone, boulders, gravel, sand and other material;
 - (b) at all reasonable times with or without vehicles, loaded or unloaded, enter into and pass through and over any lands for the purpose of constructing, reconstructing, altering, repairing, and maintaining any works under this Act, and for that purpose, make on those lands temporary roads or approaches to the works, doing thereby no unnecessary or avoidable damage to the lands;
[1991-3]
 - (c) lay or deposit in any lands any materials whatsoever to be used in connection with any works under this Act and erect thereon any temporary shelter for any workmen or other persons, causing thereby as little damage or inconvenience as may be;
 - (d) deposit on any land any spoil from any works constructed under this Act or removed from watercourse in the cleansing, repairing, maintaining or improving of the watercourse;
 - (e) realign or break up the soil of any roads, streets, ways or footpaths and excavate and sink trenches and do all such other matters and things necessary or proper for making, cleansing, repairing, maintaining or improving any road or watercourse or other works to be made, done and provided under this Act; and
[1991-3]
 - (f) remove any building including a chattel house, erection, article or thing from any lands;

- (g) make arrangements for the temporary or permanent accommodation and settlement of the occupiers of any dwelling house which is removed for the purposes of this Act; and
- (h) make arrangements for the resettlement in the conservation area or elsewhere of those occupiers of any buildings accommodated or settled in accordance with paragraph (g).

[1991-3]

Grants and loans

13.(1) The Permanent Secretary on the recommendation of the Chief Agricultural Officer and with the approval of the Minister may make grants or loans to any person or body for all or any of the following purposes

- (a) fencing any land so as to protect vegetation thereon for the purpose of conserving the soil;
- (b) constructing defences against water and any other works for preventing the erosion of soil;
- (c) purchasing, planting and maintaining trees, shrubs, plants or grasses for the purpose of conserving the soil;
- (d) executing any other works or doing any other act or thing that is necessary or expedient to execute or do for the attainment of any of the objects of this Act.

[1991-3]

(2) Any grant or loan made under this section shall be made upon or subject to such terms and conditions as the Minister thinks fit.

[1991-3]

(3) Any loan made under this section may be made either without security or upon such security as the Minister thinks fit.

[1991-3]

[1991-3]

Conditions to be observed on the execution of certain powers

14. The carrying out of any works pursuant to section 11 or the exercise of any power conferred on the Minister by section 12 shall be subject to the following restrictions

- (a) before entering upon any private land for the purpose of carrying out such works or of exercising any such powers, the Minister shall, except in the case of an emergency, cause 24 hours previous notice of the intended entry to be given to the occupier of the land and also to the owner, if practicable;
- (b) as little damage as possible shall be caused to any land or premises.

[1991-3]

Power to lease land, etc.

15. The Chief Agricultural Officer may, with the approval of the Minister

- (a) take on lease land for the purposes of this Act and cultivate and manage such lands;
- (b) cultivate and manage land as agent of the owner or occupier and enter into agreement with the owner or occupier for the payment by him of the whole or any part of the cost of management and cultivation;
- (c) lease or sub-lease land at his disposal on such terms and conditions as he thinks fit.

[1991-3]

Power of seizure and sale etc. of animals

16.(1) Where any sheep, goats, cattle, horses or other animals are found on any land in the conservation area in respect of which any conservation measures or works are being carried out under this Act or the regulations or in respect of which an order is made under section 6 the owner of that land or the Chief

Agricultural Officer with the approval of the Minister may seize or cause to be seized any such animals found on that land.

(1A) Subject to subsection (2), the Chief Agricultural Officer with the approval of the Minister or the owner of land referred to in subsection (1) may sell or otherwise dispose of any animals seized pursuant to subsection (1).

[1991-3]

(2) Where the owner of any animal so seized claims such animal within 3 days of the seizure thereof, the land owner or the Chief Agricultural Officer shall, on payment to him of the sum of \$10, together with the reasonable expenses incurred in seizing and impounding such animal, deliver the animal to the person claiming it.

[1980-64]

(3) On the sale of any animal so seized, the land owner or the Chief Agricultural Officer, as the case may be, shall, after deducting the sum of \$10 together with the reasonable expenses incurred by him in seizing and impounding such animal, hold the balance of the sale moneys for the owner of the animal sold.

[1980-64]

(4) The land owner or the Chief Agricultural Officer, or any person authorised by him to seize any sheep, goats, cattle, horses or other animals shall not be liable for the death or injury of any such animal when seized nor, in the event of his delivering such animal or paying the balance of the sale moneys to any person other than the owner thereof, shall be liable to the owner thereof if he had reasonable cause to believe that the person to whom such animal was delivered or to whom the moneys were paid was the owner of such animal.

[1980-64]

[1980-64; 1991-3]

PART V
CONTRIBUTIONS AND COMPENSATION

Contribution by landowners

17.(1) Where the Minister carries out, completes or executes any measures as provided in section 9 or in section 10 and it appears just and equitable to the Minister having regard to the matters referred to in subsection (2), that the owner of any land should pay or contribute towards the cost of such measures, the Minister may, after consultation with the Board, and subject to this section, direct the Permanent Secretary to claim from the owner the amount of the cost of the work or a just and equitable proportion thereof.

(2) The following matters shall be taken into consideration in determining whether an owner of land should pay or contribute towards the cost of any measures and, if so, the amount of the payment or contribution, namely

- (a) the cost of the measures and the area affected by the measures;
- (b) the present and prospective amounts by which the value of the land and of any other land within the conservation area affected by the measures will be enhanced by reason of such measures;
- (c) the extent to which the value of the land will be maintained by the measures;
- (d) the depreciation which would be likely to occur in the present value of the land had the measures not been executed.

(3) In order to obtain payment of or contribution towards the cost of any work for which a claim may be made under subsection (1), the Permanent Secretary shall, not later than 12 months after the completion of the work by registered letter or by personal delivery, serve or cause to be served on the owner of the land a claim according to the Form A in the *Third Schedule* stating

- (a) the several areas and descriptions of land in respect of which he makes a claim;

(b) the total amount of claim;

and the provisions of subsections (3), (5), (6), (7) and (8) of section 19 shall apply to any claim made pursuant to this section in like manner as they apply to a claim for compensation made under this Act, but so that the Permanent Secretary shall be the claimant and the owner of the land the respondent.

[1991-3]

(4) The amount which the Permanent Secretary is entitled to recover from the owner of the land under this section shall unless otherwise agreed be determined by the court.

[1991-3]

(5) All or any of the claims by the Permanent Secretary under this section may be heard and determined together if the court thinks fit and when the court hears and determines several such claims together it shall have power to apportion the amount awarded and the costs of the proceedings against the several respondents in such proportions and in such manner as it thinks just.

[1991-3]

(6) For the purposes of this section, the court shall have power to determine who are the owners of the lands in respect of which any amount is claimed under this section or who are the owners of any estate or interest in any such land.

(7) The amount awarded to the Permanent Secretary by the court under this section in relation to any land shall be payable by the owner of the land: but where at the date of the award there subsists any leasehold estate in the land or any freehold estate less than the fee simple, the court shall, on the application and at the expense of the owners, apportion between the several owners of such estates the amount awarded to the Permanent Secretary.

[1991-3]

(8) Any person may, with the consent of the Permanent Secretary pay the amount awarded to be payable by him, with interest at the rate of 6 per cent *per annum*, by equal half-yearly instalments extending over a period of 10 years or less, in which case he shall, within 14 days after the date of the award, give notice in writing to the Permanent Secretary of the period over which he intends payment and shall, within 1 month after the date of the award, execute and deliver to the

Permanent Secretary a memorandum of charge, in the form in the *Second Schedule*, upon the estate or interest forming the subject of the claim against him and shall pay the costs of the preparation and completion of the memorandum of charge; and thereupon that person shall have the right to pay the amount awarded to be payable by him by instalments as set forth in the memorandum of charge: but where the estate or interest of the person giving the charge is a leasehold estate, the period over which the payments may be extended shall not exceed the unexpired period of the lease.

[1991-3]

(9) A memorandum of charge under subsection (8) shall, when registered, bind the land therein described and operate as a first charge upon the estate or interest therein of the person who executed the charge and shall rank in priority to all estates, encumbrances and interests created by him or any of his predecessors in title before the execution of the memorandum of charge.

(10) Notwithstanding anything to the contrary in any other Act, if any property subject to a charge created under this section is also subject to a charge by that other Act, the charges shall rank equally with each other unless, by virtue of that other Act, the charges created thereby would be deferred to the charge created under this section.

(11) Any memorandum of charge under this section may be registered without fee by the Registrar in a register to be provided for that purpose.

(12) Notwithstanding anything to the contrary in any such charge, the Permanent Secretary shall accept payment of the whole of the unpaid instalments secured by the charge at any time when the same is tendered and for the purpose of any such tender, interest shall be calculated and paid up to and including the day of the tender.

[1991-3]

(13) The Permanent Secretary may, subject to the approval of the Minister, accept any sum less than the amount awarded as being in full settlement thereof.

[1991-3]

(14) When any such charge has been satisfied, the Permanent Secretary shall deposit with the Registrar a memorandum of satisfaction executed on behalf of the Permanent Secretary and the Registrar shall, without fee, register the same against the memorandum of charge to which it relates.

[1991-3]

(15) All the sums received by the Permanent Secretary under this section shall be paid over by him to the Accountant-General to the credit of the Consolidated Fund.

[1991-3]

[1991-3]

Claims for compensation

18.(1) Any person who, having any estate or interest in any land or chattel house situate within the conservation area, suffers any damage or injurious affection by the construction of any works by the Chief Agricultural Officer pursuant to section 11, or suffers any damage or injurious affection from the exercise by the Chief Agricultural Officer of any other power conferred on him shall, subject to section 20, be entitled to full compensation for the same.

(2) No claim for compensation shall be made after a period of 12 months after the execution of the works out of which such claim has arisen or may hereafter arise; and all right and title to any compensation for damage suffered or injurious affection arising out of the execution of any such works shall after such period absolutely cease.

(3) For the purposes of subsection (2), the expression “execution of the works” means the completion of the construction of any portion of a work where such portion in itself (and without reference to any other part of the work) causes the damage or injurious affection; and such portion of the work shall be deemed to be completed when anything further that may be required to be done thereon to finish the same will have no effect either to increase or lessen the damage.

Manner of making claim for compensation

19.(1) Any person by whom a claim for compensation is made is hereinafter called “the claimant” and the Permanent Secretary is hereinafter called “the respondent”.

(2) In order to obtain compensation, the claimant shall serve by registered letter addressed to the respondent at the Ministry of Agriculture or by personal delivery upon the respondent a claim according to the Form B in the *Third Schedule* stating

- (a) the several areas and descriptions of land in respect of which he makes a claim or the situation of any chattel house in respect of which he makes a claim, and, if he claims as owner of land and the land is encumbered, leased or subject to any easement, he shall give particulars of such encumbrance, lease or easement; and, if he claims as owner of a chattel house in which any other person has an interest, he shall give particulars of such interest;
- (b) each matter on account of which he claims compensation, with full particulars of the nature and extent of the claim;
- (c) the total amount of claim;
- (d) his full name together with his address.

[1961-10]

(3) The claimant shall on demand be entitled to receive from the respondent as proof of service of the claim a receipt stating the day on which the claim was delivered or received and any respondent refusing to give such receipt on demand shall be liable on conviction by a court of summary jurisdiction to a fine of \$25.

(4) Where the claimant does not give full particulars of such claim or does not specify in his claim the amount claimed for each matter on account of which he claims compensation, the respondent may by notice in writing require him to furnish such particulars, and if such particulars are not supplied at least 7 days

before the date appointed by the court to hear the claim, the court may, if it thinks fit, on the application of the respondent made before or at the hearing, order the claimant to furnish such particulars and may adjourn the further hearing of the claim until such particulars are supplied and until the respondent has had a reasonable time to consider the same and may order that the costs occasioned by such adjournment shall be borne by the claimant.

(5) Where the respondent does not, within 30 days after receiving the claim, give notice in writing to the claimant and the court having jurisdiction to hear the claim that he does not admit the claim the claimant may, within 14 days after the time limited for the respondent not to admit the claim, file a copy of his claim together with the receipt of the service thereof in the court and thereupon the claim shall have the effect of an award made by the court and shall be entered as a judgment of the court.

(6) Where the respondent gives notice in writing within the said 30 days to the claimant and to the court having jurisdiction to hear the claim that he does not admit the claim, the claimant may, within 14 days after the time limited for the respondent not to admit the claim, file a copy of his claim in the court and the court shall as soon as practicable thereafter issue a summons to the claimant and the respondent informing them of the day appointed by the court to hear the claim.

(7) Where the claimant in the circumstances mentioned in subsections (5) and (6) in either case fails to file his claim within 14 days after the time limited for the respondent not to admit the claim, the claimant shall be deemed to have abandoned the proceedings in respect of his claim and shall not be entitled to prosecute the same further, except with the leave of the court in which the claim might have been filed within such time to be granted upon such terms and conditions as to the time and mode of procedure and as to the costs of the application for such leave as the court may think fit.

(8) Upon the determination of any claim, the award made by the court shall be entered as a judgment of the court.

[1991-3]

Rules for assessment of compensation

20.(1) In determining the amount of compensation to be awarded on a claim for compensation made pursuant to this Act, the court by which such claim is heard and determined shall act in accordance with the following rules

- (a) the value of land or of any chattel house, article, erection or thing on the land shall, subject as hereinafter provided, be taken to be the amount which the land or such chattel house, article, erection or thing if sold in the open market by a willing seller might have been expected to realise at the date immediately preceding the execution of the work: but this paragraph shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of the land, chattel house, article, erection or thing;
 - (b) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government Department or any local or public authority.
- (2) No allowances shall be made on account of
- (a) the carrying out of the work or exercise of the power being compulsory or the degree of urgency or necessity which has led to the carrying out of the work or exercise of the power;
 - (b) any disinclination on the part of the claimant to permit the carrying out of the work or exercise of the power;
 - (c) any outlay or improvement on such land, chattel house, article, erection or thing which has been made, commenced or effected within 2 years before the carrying out of the work or exercise of the power with the intention of enhancing the compensation to be awarded therefor in the event.

Payment of compensation, etc.

21.(1) All compensation awarded under this Act shall bear interest at the rate of 6 per cent *per annum* from the date of entry of the award as a judgment of the court until payment to the claimant or payment into the court under subsection (3).

(2) All compensation under this Act and all costs, charges and expenses lawfully incurred or payable by the Permanent Secretary shall be paid out of moneys voted for the purposes of this Act by Parliament.

[1991-3]

(3) Where there is no person able to give a good discharge for any compensation payable under this Act or no person can be found to receive the same, after the amount of compensation has been determined, the Permanent Secretary may pay the compensation into the court to the credit of the person entitled and any compensation so paid into the court may, on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of the court.

[1991-3]

Determination of claims for payment of contributions and claims for compensation

22.(1) Notwithstanding anything contained in the *Magistrates Jurisdiction and Procedure Act*, Cap. 116 or the *Petty Debt Act*, Cap. 209 or as to the extent of the jurisdiction conferred on a magistrate, all claims for payment or contribution by the Permanent Secretary under section 17 and all claims for compensation by any other person under section 18 shall, in any case where by this Act the same are required to be heard and determined or entered as a judgment of a court, be heard and determined and entered as such judgment

- (a) when the claim does not exceed the sum of \$1 000 by the magistrate having jurisdiction in the area where the land or any part of the land is situate; and

(b) in any other case by the High Court.

[1967/168]

(2) Save as provided by subsection (1), the provisions of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, the *Supreme Court of Judicature Act*, Cap. 117A and the *Petty Debt Act*, Cap. 209 and of any rules of court made under the authority of those Acts, in so far as they apply to any cause of action within the jurisdiction of such courts with respect to

- (a) the appearance of a plaintiff and defendant either personally or by an attorney-at-law or agent;
- (b) the dismissal of such cause of action if a plaintiff thereto fails to appear and to the hearing and determination of such cause of action in the absence of the defendant thereto;
- (c) the summoning of all persons required by any party to such cause of action before the court or by the court to give evidence before the court;
- (d) the examination on oath or affirmation of all persons appearing as parties or witnesses to any cause of action before the court;
- (e) the production of any documents, plans or other papers in the custody of any party or witness to any such cause of action before the court;
- (f) the rights, privileges and obligations of any plaintiff or defendant, their attorneys-at-law, agents and witnesses in any such cause of action before the court;
- (g) the powers of the court;
- (h) the entry of any judgment thereon as a judgment of the court;
- (i) the enforcement of any judgment of the court thereon and appeals therefrom,

shall in like manner apply respectively to any claim required by this Act to be heard and determined by or entered as a judgment of such court as if such claim was a cause of action within the jurisdiction of the court: but no appeal shall lie

in respect of any claim entered as a judgment pursuant to subsection (5) of section 19.

[1991-3]

PART VI
OFFENCES

Obstructing or hindering the Minister etc.

23.(1) Any person who wilfully obstructs or hinders the Minister or any person delegated by him under this Act is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months.

(2) Any person who wilfully obstructs or hinders the Chief Agricultural Officer or any person delegated by him under this Act is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months.

[1991-3]

Injuring works, etc.

24. Any person who injures or causes injury to any land or water conservation work shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine of \$500 or to imprisonment for 6 months and in addition to any such penalty may be ordered by the court to pay compensation.

[1991-3]

PART VII
MISCELLANEOUS

Person in possession to be deemed owner

25. Where any question arises touching the title of any person to any lands which may be entered upon for the purposes of this Act or touching the title of any person to any building, including a chattel house, removed from any land pursuant to paragraph (f) of section 12 or touching any estate or interest in such land or building, the person having the ostensible possession or enjoyment of the rents and profits of such land or building shall, for the purposes of this Act, be deemed to be the owner of the same until the contrary is proved.

Power of delegation

26.(1) The Minister may delegate to any public servant in the Ministry of Agriculture such of his powers under this Act as he considers expedient.

(2) The Chief Agricultural Officer may delegate to any public servant in the Ministry of Agriculture such of his powers under this Act as he considers expedient.

[1991-3]

Coastal zone management plan

26A. In the exercise of their functions under this Act, the Board, the Minister and the Chief Agriculture Officer shall have regard to the coastal zone management plan referred to in the *Coastal Zone Management Act*, Cap. 394.

Regulations

27.(1) The Minister may, after consultation with the Board, make regulations for all or any of the following purposes:

- (a) the establishment, functions and powers of Conservation Councils for any part of the conservation area;
- (b) prohibiting the lighting of fires in the conservation area or any part thereof, except under such circumstances and subject to such conditions, limitations or restrictions as may be prescribed by the regulations or pursuant thereto;
- (c) regulating or prohibiting the destruction of or interference with trees, shrubs, plants or grasses in the conservation area or any part thereof;
- (d) prohibiting or regulating any change in the use of any land in the conservation area or any part thereof;
- (e) restricting or regulating the use of any lands in the conservation area or any part thereof for agricultural or pastoral purposes;
- (f) anything which is required to be prescribed;
- (g) generally, giving effect to this Act.

(2) Any regulation made under this section may be made to apply to any class or classes of land or to all land other than land of any specified class or classes within the conservation area.

(3) No regulation made under this section and no direction, requirement, prohibition, condition, limitation or restriction given or imposed under any regulation so made shall be deemed invalid on the ground that it delegates to or confers on the Minister or the Board or any other body or person or class of persons any discretionary authority.

(4) Regulations made under this section shall be subject to negative resolution.

[1961-10; 1991-3]

FIRST SCHEDULE*(s. 2 (1))**Conservation Area*

For the purposes of this Act, the Scotland District is presumed to be contained within the boundary line between the parishes of St. Andrew and St. Peter beginning at a point on the seashore near Pico Teneriffe continuing on the same boundary line to the point where the boundary line between the parishes of St. Peter and St. James meets it; continuing on the boundary line between the parishes of St. James and St. Andrew to the point where the boundary line between the parishes of St. James and St. Thomas meets it; continuing along the boundary line between the parishes of St. Andrew and St. Thomas to Highclere and thence along the public highway from Highclere to Canefield, to Carrington's Village, to Bloomsbury, to Chimborazo, to Castle Grant; thence by a line from Castle Grant to the top of Horse Hill; thence by a line following the limestone escarpment known as Hackletons Cliff to St. John's Church, Coach Hill, Codrington High School, Stewart Hill and then along the boundary line between the parishes of St. John and St. Philip to the point where it meets the sea south of Consett Point and then following the seashore northwards to the point (the starting point) where the boundary line between the parishes of St. Peter and St. Andrew meets the sea south of Pico Teneriffe.

SECOND SCHEDULE*(s. 17 (8))**Charge securing moneys payable under section 17*

I, the undersigned, _____, do hereby, in pursuance of section 17 of the *Soil Conservation (Scotland District) Act, Cap. 396* of the Laws of Barbados charge my estate or interest as *(here describe the same)* in *(here describe land)* with the payment to the Crown of *(number)* equal half-yearly payments of \$ _____, each payable on the.....day of the months of _____ in each year, the first payment to be made on the _____ day of 19_____, such charge to be a first charge upon my said estate or interest in priority to all estates, encumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act; and I, the said _____, hereby covenant with the Crown to pay to it the several instalments on the respective dates above mentioned.

Given under my hand this _____ day of _____ 19_____

(Signature)

Witness: (Signature)

(Occupation)

(Address)

THIRD SCHEDULE*(s. 17 (3))***FORM A***Form of claim to payment or contribution under section 11*To *(Here insert name of the owner of the land)*

WHEREAS the public works mentioned in Table A hereunder having been executed by my authority on the lands described in Table B hereunder, it appears just and equitable to me having regard to the matters referred to in section 17(2) of the *Soil Conservation (Scotland District) Act, Cap. 396* of the Laws of Barbados that you should pay/contribute towards the cost of such measures. This is to give notice that I claim the sum of \$ as payment/contribution from you for/towards the cost of the said measures which cost amounted to \$

Given under my hand this day of 19

Permanent Secretary

TABLE A

Nature of the Works

*(Here describe the works which have caused the claim)***TABLE B**

Description of the land on which works were executed

(Here describe the area and situation of the land or other means of identification)

FORM B

(s. 19 (2))

*Form of claim to compensation under section 18 of the Soil Conservation
(Scotland District) Act, Cap. 396 of the Laws of Barbados*

To the Permanent Secretary

WHEREAS the public works mentioned in Table A hereunder have been (or are about to be) executed by your authority, by which the lands (and/or chattel building) described in Table B hereunder, in which I have an interest as described in Table C hereunder have/has been (or will be) damaged or injuriously affected by the said works by reason that (*here state items of claim with a reference number to each and give in each case full particulars of the nature and extent of each such item*).

This is to give notice that I claim the sum of \$ _____ as compensation for all loss arising out of the construction of the said public works which sum is made up as follows

Here state reference number and short heading of each item of claim previously detailed and the amount claimed in respect of each sum item separately	\$	¢
Total claim		

Given under my hand this _____ day of _____ 19____

Claimant (Name in full)

Address (Address in full)

TABLE A

Nature of the Works

(Here describe the works constructed or proposed which have caused the claim)

TABLE B

Description of the land affected

(Here describe the area and situation of the land and other \$ means of identification)

TABLE C

Nature of interest in lands and/or chattel building damaged or injuriously affected

(Here state in full the nature of the interest as owner in fee simple, mortgagee, lessee or occupier; and if the lands and/or chattel building are leased or encumbered or if the lands are subject to any easement, give particulars of such lease or encumbrance, etc.)

FOURTH SCHEDULE*(Section 5A)**Constitution of the Soil Conservation Review Committee*

- 1.(1) The Committee comprises
- (a) a Minister, other than the Minister responsible for Agriculture, appointed by the Cabinet;
 - (b) the Solicitor General, *ex officio*, or his nominee; and
 - (c) three other persons appointed by the Cabinet.
- (2) The Minister referred to under sub-paragraph 1 (a) of paragraph 1 shall be Chairman.
- 2.(1) Members of the Committee shall hold office for a period of 3 years and are eligible for re-appointment.
- (2) A member of the Committee who is absent from 3 consecutive meetings of the Committee without the permission of the Cabinet ceases to be a member.
- (3) The Chairman may at any time resign his office by instrument in writing addressed to the Secretary to the Cabinet and upon the date of receipt by the Secretary to the Cabinet of the instrument the Chairman ceases to be a member.
- (4) A member of the Committee other than the Chairman, may at any time resign his office by instrument in writing addressed to the Secretary to the Cabinet and transmitted through the Chairman to the Secretary to the Cabinet and upon the date of the receipt by the Secretary to the Cabinet of the instrument the member ceases to be a member.

3. The Committee shall meet within 1 month of the receipt of an appeal under section 5B and at such other times and at such places as the Committee considers necessary or expedient for the transaction of its business.

4. In the absence of a member or in the case of a member's inability to act, the Cabinet may appoint any person to act temporarily in the place of the member.

5. A simple majority of members of the Committee form a quorum.

[1991-3]