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THREE HOUSES SPRING (MANAGEMENT AND CONTROL) ACT, 2023

OBJECTS AND REASONS

This Bill would provide for

(a) the management and control of the spring known as the Three Houses Spring;

(b) the categories of persons entitled to use the spring;

(c) the role and functions of the Barbados Agricultural Development and Marketing Corporation in respect of the management and control of the spring;

(d) the settlement of disputes relating to the use of the spring;

(e) the repeal and replacement of the *Three Houses Spring Act*, 1713-1; and

(f) related matters.

THREE HOUSES SPRING (MANAGEMENT AND CONTROL) ACT, 2023

Arrangement of Sections

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FIRST SCHEDULE

Description of Tree Houses Spring

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THIRD SCHEDULE

Riparian Owners

BARBADOS

A Bill entitled

An Act to provide for the management and control of the spring known as Three Houses Spring.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Three Houses Spring (Management and Control) Act, 2023*.

Interpretation

2. In this Act,

"BADMC" means the Barbados Agricultural Development and Marketing Corporation established under the *Barbados Agricultural Development and Marketing Corporation Act*, Cap. 254;

"BWA" means the Barbados Water Authority established under the *Barbados Water Authority Act*, Cap. 274A;

"Committee" means the Three Houses Spring Oversight Committee established by section 12;

"Minister" means the Minister responsible for Agriculture;

"Permanent Secretary" means the Permanent Secretary with responsibility for the Ministry of Agriculture;

"pollute" includes

(a) contaminating or causing a change in the physical, chemical, biological, bacteriological or other properties of the water in the spring;

(b) introducing noxious or toxic substances in the water likely to cause harm to livestock, human beings, fauna or flora; or

(c) degrading the quality of water or rendering the water less suitable for its use;

"riparian owners" means the owners for the time being of lands adjacent to the spring and whose names are set out in the *Third Schedule*, their successors in title or assigns;

"spring" means the spring known as Three Houses Spring as described in the *First Schedule* and shown on a map in the *Second Schedule*.

Application

3. This Act shall apply to the spring described in the *First Schedule* and delineated on a map in the *Second Schedule* notwithstanding anything contained in the *Underground Water Control Act*, Cap. 283 and the *Barbados Water Authority Act*, Cap. 274A.

Role and functions of the BADMC

4.(1) The BADMC shall manage and control the spring and the stream flowing therefrom to ensure that all persons entitled to receive and use the water flowing from the spring are treated fairly and equitably.

(2) The BADMC shall

(a) maintain the proper alignment of the spring;

(b) keep and maintain registers of all persons entitled to abstract and use water from the spring;

(c) measure and regulate the flow of water from the spring and establish the volume and distribution of water to maintain adequate water levels in the spring;

(d) regulate the manner in which water may be extracted from the spring and where the BADMC considers it necessary, install sluice-gates or similar contrivances or devices to control the volume or flow of water;

(e) ensure the regular cleaning of the spring and the areas surrounding the spring;

(f) transfer water from the spring to such channels, ponds or reservoirs as may be deemed necessary or expedient;

(g) regulate the distribution of water from the spring among the persons entitled to receive and use the water:

(h) take prompt action to prevent or rectify pollution of the spring;

(i) carry out tests to analyse the quality of the water;

(j) cause the abatement of any nuisances; and

(k) establish water rates for the extraction and use of the water from the spring after consultation with the BWA.

Emergency measures

5.(1) Where the BADMC is satisfied that the spring is in danger of its water being depleted or that there is an imminent threat to the spring the BADMC may do all things necessary to protect and preserve the spring.

(2) Where Brown's Pond becomes flooded, the BADMC shall take such measures as are necessary or expedient, including channelling excess water into wells south of Brown's Pond to alleviate the effects of flooding and to protect the crops and livestock of tenants and lessees of a riparian owner or the BADMC.

Rights of entry of the BADMC

6.(1) Subject to subsections (2) and (3), the employees or duly authorized agents of the BADMC may enter the premises of a riparian owner, a lessee or tenant of a riparian owner, or a lessee or tenant of the BADMC to

(a) oversee the laying of pipes and any associated equipment;

(b) install devices or contrivances for monitoring or managing the flow of water in the spring;

(c) investigate complaints in respect of the abuse of water in the spring;

(d) investigate offences under this Act;

(e) clean the spring;

(f) divert or impound water from the spring; or

(g) deal with anything likely to cause a nuisance.

(2) The BADMC shall be liable to make reasonable compensation to any of the persons referred to in subsection (1) for any loss or damage occasioned during the performance of the functions of the BADMC under this section including restoration of any of the damaged property to its original condition.

(3) Compensation payable under this section may be in such amount as is agreed between a person referred to in subsection (1) and the BADMC, or in default of agreement, in such amount as the Committee shall determine.

Notice of intention

7.(1) The BADMC shall give notice in writing to the owner or occupier of premises, as the case may be, of its intention to commence work at least 3 days before employees or duly authorized agents perform any function under section 5.

(2) In the case of an emergency arising, notice shall be given as soon as possible after the necessity for the action has arisen or after the action is begun.

Persons entitled to use water

8.(1) A person shall be entitled to use the water from the spring, free of charge, for the purposes of

(a) shorebird hunting;

(b) model boat racing;

(c) fishing;

(d) the maintenance of a bird or wildlife sanctuary;

(e) bathing; or

(f) religious practices.

(2) Subject to any regulations made under this Act

(a) riparian owners;

(b) lessees, tenants, licencees of riparian owners; and

(c) persons claiming title from riparian owners

shall be entitled to use the water from the spring free of charge.

(3) Lessees or tenants of the BADMC shall be entitled to use the water from the spring at such rates and fees charged by the BADMC.

(4) A person who claims title from a riparian owner shall make an application to the BADMC to be registered as a riparian owner and on proof of title shall be registered as a riparian owner.

(5) The persons referred to in subsections (2) and (3) shall be entitled to abstract and use the water from the spring solely for the purposes of

(a) agriculture production, including food production;

(b) horticulture;

(c) aquaculture;

(d) landscaping; or

(e) the maintenance of grounds and curtilages.

(6) A person who is entitled to abstract and use water from the spring under subsections (2) and (3) shall apply to the BADMC to do so.

Farmers at former River Plantation

9. Tenants or occupiers of lands situate at lands formerly of River Plantation and now owned by the BADMC shall be entitled to receive water from Brown's Pond by means of pipes for the purpose of irrigation on such terms and conditions as shall be agreed between the BADMC and such tenants or occupiers.

Prohibited conduct

10.(1) A person who

(a) abstracts water for any other purpose than they are entitled;

(b) diverts, dams, or blocks the spring;

(c) pollutes the spring; or

(d) installs any device or contrivance in or near to the spring which may interfere with the free flow of water,

commits an offence and is liable on summary conviction to a fine of $25,000 or imprisonment for 2 years or to both.

(2) A person who commits an offence under subsection (1) shall be ordered by the BADMC to take such action to rectify the condition of the spring.

(3) A person who fails to comply with the order of the BADMC made under subsection (2) shall be denied further use of the water from the spring until he rectifies the condition of the spring.

Interference with functions of the BADMC

11. A person who

(a) insults, abuses or uses indecent language towards; or

(b) hinders or obstructs,

an employee or duly authorised agent of the BADMC in the performance of their functions under this Act or regulations made under this Act commits an offence and is liable on summary conviction to a fine of $1 000.

Establishment of the Oversight Committee

12.(1) There is established the oversight committee to be known as the Three Houses Spring Oversight Committee.

(2) The Committee shall consist of

(a) the General Manager of the BWA who shall be the Chairperson of the Committee;

(b) a representative of the BADMC; and

(c) a representative of riparian owners.

(3) Subject to this Act, the Committee shall regulate its own procedure and may make rules for this purpose.

(4) The function of the Committee is to settle disputes which may arise, as the case may be, between

(a) persons entitled to use the spring; or

(b) persons entitled to use the spring and the BADMC.

Settlement of disputes

13.(1) Where a dispute referred to in section 12(4) arises the parties to a dispute shall first attempt to settle the dispute in accordance with this section.

(2) The Committee shall first employ its good offices to settle the dispute.

(2) Where the Committee is unable through its good offices to settle the dispute it shall seek to have the dispute settled by recourse to mediation.

(3) Where the parties to a dispute seek to have the dispute settled by mediation they may agree on a person to serve as the mediator or require the Committee to select a mediator from the list of rostered mediators of the Supreme Court.

(4) Where the parties to a dispute are unable to settle the dispute by mediation the parties may commence proceedings in the High Court.

(5) A party to a dispute shall commence the process for settling a dispute by giving notice in writing to the Permanent Secretary that a dispute exists.

(6) The Permanent Secretary shall within 3 days of receiving the notice forward it to the Chairperson of the Committee.

Regulations

14.(1) The BADMC may with the approval of the Minister, make regulations to provide for

(a) the types, size and specifications of pipes and pumps to be used for the abstraction of water from the spring;

(b) the use of water from the spring and the prioritization of its use;

(c) the rate of abstraction of water from the spring;

(d) the rates and charges for use of water from the spring;

(e) the exemption of persons from the payment of rates and charges for the use of water from the spring;

(f) special rates or charges payable in respect of the use of water; and

(g) giving effect to this Act generally.

(2) Regulations made under this Act may provide for a penalty not exceeding $1 000 or imprisonment for a term not exceeding 18 months.

(3) Regulations made under this Act are subject to negative resolution.

Repeal

15. The *Three Houses Spring Act*, 1713-1 is repealed.

Commencement

16. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 2)

Description of Tree Houses Spring

The body of water as labelled "THS1" as shown on a map in the *Second Schedule* originating on lands of the former Tree Houses Plantation bearing the approximate coordinates Easting 40656.73, Northing 72704.61 and running in a south-easterly direction towards lands of the former River Plantation and ending at approximate coordinates Easting 43132.04(m), Northing 71118.52(m).

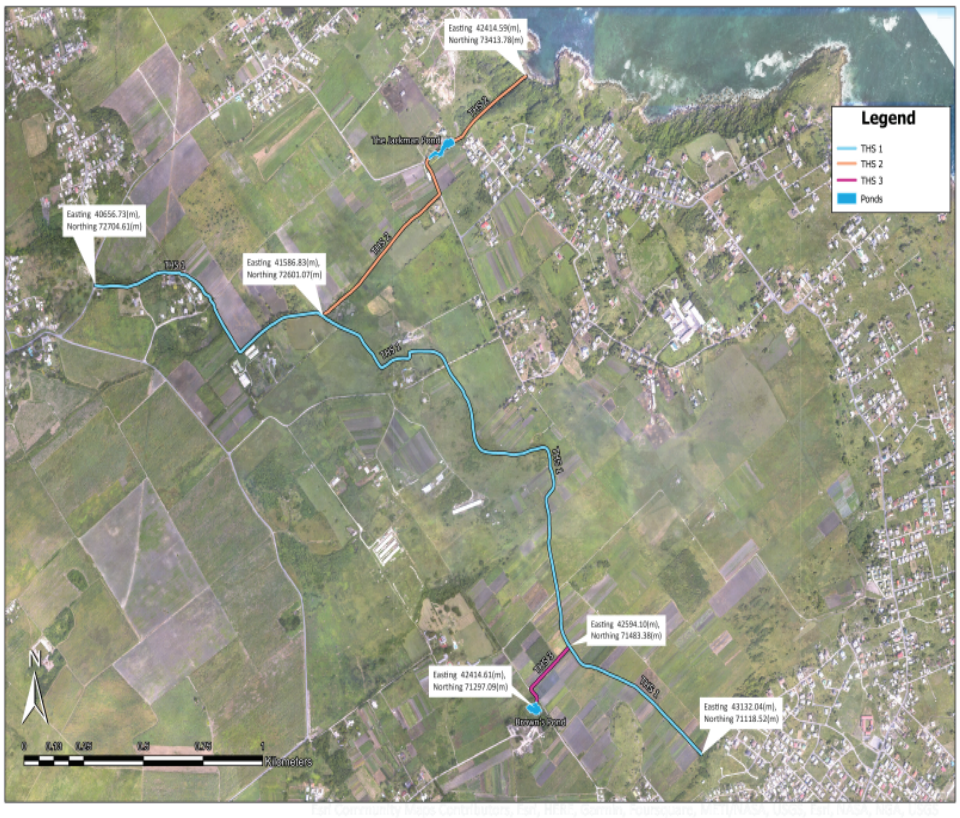
The body of water as labelled "THS2" as shown on a map in the *Second Schedule* from that part of the spring labelled "THS1" identified at approximate coordinates Easting 41586.83(m), Northing 7260.07(m) and running in a north-easterly direction towards the former Wiltshire Planation and running through a pond commonly known as "The Jackman Pond" and ending near the sea at approximate coordinates Easting 42414.59(m), Northing 73413.78(m).

The body of water labelled as "THS3" as shown on a map in the *Second Schedule* from that part of the spring labelled "THS1" identified at approximate coordinates Easting 42594.10(m), Northing 71483.38(m) and running in a south-westerly direction and ending at Brown's Pond at approximate coordinates Easting 42414.61(m), Northing 71297.09(m).

SECOND SCHEDULE

(Section 2)

Map of Three Houses Spring



THIRD SCHEDULE

(Section 2)

Riparian Owners

KEITH DURANT and HEATHER DURANT
GEOFFREY ALLAN KINCH ET UX
P J HOLDINGS LTD
OSCAR A. BURGESS
GORDON M. TAYLOR and MONIQUE BURKE-TAYLOR
EDGE GROVE LTD
MARCUS C. MORRIS
THE BARBADOS AGRICULTURAL DEVELOPMENT CORPORATION
VICTOR A. PINTO
RHONA GIBSON, ESBATH and LISA WESTERMAN and CHESTERFIELD WESTERMAN
OSWALD T. SMALL
HAROLD H. PARRIS and DALSTON PARRIS
FRANTZ HAREWOOD-HAMBLIN
ANNA WENT
LELON ADAMS
ANNETTE POWER
WENDY WILKINSON and MAY ERNESTINE JACKMAN

Read three times and passed the House of Assembly this day of , 2023.

Speaker

Read three times and passed the Senate this day of , 2023.

President

BARBADOS AGRICULTURAL DEVELOPMENT AND MARKETING CORPORATION (AMENDMENT) ACT, 2023

OBJECTS AND REASONS

This Bill would amend the *Barbados Agricultural Development and Marketing Corporation Act*, Cap. 254.

BARBADOS AGRICULTURAL DEVELOPMENT AND MARKETING CORPORATION (AMENDMENT) ACT, 2023

Arrangement of Sections

1. Short title

2. Amendment of section 4 of Cap. 254

BARBADOS

A Bill entitled

An Act to amend the *Barbados Agricultural Development and Marketing Corporation Act*, Cap. 254.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Barbados Agricultural Development and Marketing Corporation (Amendment) Act, 2023*.

Amendment of section 4 of Cap. 254

2. ***Section 4 of the Barbados Agricultural Development and Marketing Corporation Act, Cap. 254 is amended by***

(a) ***deleting the word "and" appearing in paragraph (i); and***

(b) ***inserting immediately after paragraph (j) the following paragraph:***

"*(k)* to manage and control the spring located in the parish of Saint Philip known as Three Houses Spring. ".

Read three times and passed the House of Assembly this day of , 2023.

Speaker

Read three times and passed the Senate this day of , 2023.

President

BARBADOS

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Statutory Instrument

S.I. 2023 No. 24

Defence Act

CAP. 159

DEFENCE (OFFICERS) (AMENDMENT) REGULATIONS, 2023

The President, in exercise of the powers conferred on her by section 16(1) of the *Defence Act*, makes the following Regulations:

1. These Regulations may be cited as the *Defence (Officers) (Amendment) Regulations, 2023*.

2. ***Regulation 6 of the Defence (Officers) Regulations, 1979 (S.I. 1979 No. 162) is amended by deleting paragraph (2) and substituting the following:***

> "(2) Subject to paragraphs (3) and (4) an officer of the rank of Colonel or lower may, when he attains the retiring age appropriate to his rank, be transferred to the second class of the Reserve and may serve in that class until he attains the age of 65 years.".

Made by the President this 11th day of April, 2023.

S. MASON

President

BARBADOS

The Official Gazette Part A 27th April, 2023

Statutory Instrument

S.I. 2023 No. 25

Defence Act

CAP. 159

DEFENCE (BARBADOS DEFENCE FORCE RESERVE) (AMENDMENT) REGULATIONS, 2023

The Defence Board, in exercise of the powers conferred on it by section 224 of the *Defence Act*, makes the following Regulations:

1. These Regulations may be cited as the *Defence (Barbados Defence Force Reserve) (Amendment) Regulations, 2023*.

2. ***Regulation 4(3) of the Defence (Barbados Defence Force Reserve) Regulations, 1981 (S.I. 1981 No. 48) is amended by deleting the word "fifty-fifth" and substituting the word "sixty-fifth".***

Made by the Defence Board this 21st day of April, 2023.

MIA AMOR MOTTLEY
Chairman
Defence Board