

**No. 160. THE IRRIGATION (PRIVATE WATER) ASSOCIATION LAW, 1949.**

In pursuance of the provisions of sub-section (3) of section 12 of the Irrigation (Private Water) Association Law, 1949, the following Rules made by the Committee of the Irrigation Association of Dhali ("Mikellis" Water), in the District of Nicosia, are published in the *Gazette*.

**IRRIGATION ASSOCIATION OF DHALI ("MIKELLIS" WATER).****Rules.**

1. These Rules may be cited as the Irrigation Association of Dhali ("Mikellis" Water) Rules, 1951.

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 Association;

"Irrigation Association" means the Irrigation Association of Dhali ("Mikellis" Water);

"Law" means the Irrigation (Private Water) Association Law, 1949;

"List" means the list of the names and residences of the proprietors and of the extent of the interest of each proprietor in the water, as finally settled in accordance with the provisions of section 11 of the Law;

"works" means the irrigation works of the Irrigation Association;

"water" means the water commonly known as "Mikellis" Water.

3. The present Committee shall hold office for a period of three years beginning on the 11th March, 1951. The election of each subsequent Committee shall take place in the manner hereinafter provided every third year in the first week of the month of March and it shall hold office for a period of three years from the date of the expiration of the period of office of the previous Committee.

4.—(1) The Commissioner shall, not less than one month before the holding of the meeting as in rule 3 provided, cause a written notice thereof to be—

(a) published in a newspaper or newspapers; and

(b) posted in a conspicuous place in the town, village or quarter in which the water is situate.

(2) All expenses connected with the notices shall be paid for from the funds of the Irrigation Association.

5.—(1) The Commissioner shall preside at every meeting so convened and if any question is raised as to the right of a person to attend thereat or to vote, the Commissioner may there and then make such enquiry as he may deem requisite and declare whether such person has a right to attend or to vote or not and the decision so made shall be final; and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

(2) No business shall be transacted at any such meeting and no decision shall be taken thereat, unless more than one-half of the aggregate number of the proprietors are present in person or are represented by a proxy properly appointed by an instrument signed in the presence of and certified by a mukhtar.

(3) The Commissioner shall call the persons who are present at the meeting and entitled to vote to elect, by an open vote, to be taken as to him may appear convenient, a Committee of not less than three and not more than five persons from among the proprietors. Every candidate for such election shall be properly proposed and seconded at the meeting.

(4) Every proprietor present shall be entitled to give one vote for each candidate and every authorized proxy shall be similarly entitled to give one vote in respect of every proprietor from whom he holds authority.

(5) At the conclusion of the voting the Commissioner shall count the votes and the candidates who have received the greatest number of votes shall be declared to be elected as the Committee and shall hold office for a period of three years from the date of the expiration of the period of office of the previous Committee.

(6) In case a person elected as a member of the Committee declines to act, the person who received the greatest number of votes next to such candidate shall be appointed by the Commissioner to be a member of the Committee in the place of the candidate so declining to act.

(7) In case the number of candidates proposed and elected as members of the Committee is not greater than the number of persons required as members of the Committee and one or more of them declines to act, the Commissioner shall nominate another proprietor or proprietors to be a member or members of the Committee in his or their place.

(8) The Commissioner shall keep or cause to be kept minutes of the proceedings at every such meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for and against them and shall at the close of the meeting sign the minutes and declare the result of votes given.

(9) The Commissioner may at his discretion adjourn any such meeting from time to time to a date and place to be declared by him at the meeting or the adjourned meeting and no further notice thereof shall be necessary:

Provided that, unless special notice is given therefor, no subject which was not contained in the notice convening the public meeting shall be discussed or considered at any adjourned meeting.

6.—(1) The Committee shall appoint a treasurer who shall collect the charges assessed upon the proprietors mentioned in the list.

(2) The treasurer shall, on the 1st November, in every year, prepare a statement of all charges still due and unpaid on that date and shall forward such statement to the Commissioner.

(3) The treasurer shall be unpaid: 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.

7. Every proprietor mentioned in the list shall pay a charge not exceeding sixty shillings per annum, as may be determined by the Committee from time to time, for each hour of water of which he is the proprietor.

8. All charges assessed under these rules shall be paid on or before the 30th September in every year.

9. The annual estimates of the Irrigation Association shall be submitted by the Committee to the Commissioner for approval not later than the 1st day of February in every year.

10. 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;
- (b) for any purpose approved by the Commissioner in connection with the operations of the Irrigation Association provision for which is made in any estimates approved by the Commissioner; and
- (c) for any compensation payable under section 24 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 the said section.

11. 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.

12. During the months of August and September in every year, the Committee shall cause the works to be properly cleared and repaired.

13. No person shall—

- (a) enlarge or lessen the width of any branch channel 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 of, or fails or neglects to observe, the terms and conditions thereof, he shall be guilty of an offence against this rule.

14. 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.

15. If there are two or more proprietors interested in any channel and they are unable to agree between themselves for the repair of any such channel and the clearing of the same of obstructions, the Committee shall cause such channel 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.

16. The Committee shall distribute the water from time to time to every proprietor in accordance with the interest of each proprietor as recorded in the list and in accordance with the usage heretofore observed with regard to the turn of irrigation and distribution of such water.

17. The Committee may with the consent of the Commissioner enter into any agreement or arrangement with the Committee of any other irrigation association or of any irrigation division formed under the provisions of the Law or of the Irrigation Divisions (Villages) Laws, 1938 to 1949, as the case may be, with regard to any dams or channels which are shared in common between the Irrigation Association and such other Irrigation Association or Irrigation Divisions, the maintenance thereof and the proportion of any contribution for any expenses incurred in connection therewith to be paid by the Irrigation Association.

18.—(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 Association be dissolved, the Commissioner shall, subject to the provisions of section 6 of the Law, call a meeting of the proprietors for the purpose of determining whether the Irrigation Association should be dissolved.

(2) Every meeting so convened shall be held in the presence of the Commissioner at the time and place appointed.

(3) No business shall be transacted at any such meeting and no decision shall be taken thereat, unless more than one-half of the aggregate number of the proprietors are present in person or are represented by a proxy properly appointed by an instrument signed in the presence of and certified by a mukhtar.

(4) If, subject to the provisions of sub-paragraph (3) above, the majority of the proprietors or the authorized proxies thereof who are present decide that the Irrigation Association should be dissolved, the Irrigation Association shall be so dissolved accordingly:

Provided that a proxy holding authority from more than one person shall be entitled to vote in respect of every proprietor from whom he holds authority:

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

(5) Any money in the hands of the Committee or the treasurer at the time of the dissolution of the Irrigation Association 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 Dhali and shall be utilized by the Commissioner for such purpose of public utility in the village of Dhali as may be approved by him.