

Water Governance Benchmarking Criteria

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Law No/12/1984
Concerning the Issue of the Law On
IRRIGATION AND DRAINAGE 76

قانون الري والصرف

Law Number 12 for the year 1984

Concerning the issue of the law On irrigation and drainage

In the name of the people

The president;

The people's assembly has decided the following law, and we have issued it;

(Article I)

The provisions of the attached law are to be implemented in the concern of irrigation and drainage.

(Article II)

The law number 74 for the year 1971 concerning irrigation and drainage, the article number 21 of the law number 143 for the year 1981 concerning the desert lands and any other decision rule that contradicts the provisions of this law shall be cancelled.

(Article III)

The decrees necessary to implement the decisions of this law and the measures to be followed, before the committees mentioned thereof shall be ratified by the minister of irrigation, within six months from the date of its implementation and until those decrees shall be issued, the decrees and regulations existing in effect and not contradicting the decisions of this law shall be followed.

(Article IV)

This law shall be published in the official Gazette & shall come in force after two months from the date of its publication.

This law is to be sealed by the stamp of the state. And to be implemented as a law of its laws.

Issued at the presidency Headquarters on the 20th of Gumadi the first in the year 1404H (22 February 1984).

Law of irrigation and Drainage

SECTION ONE

Concerning the public properties Pertaining to irrigation and drainage

CHAPTER 1

Concerning public properties

Article I Public properties pertaining to irrigation and drainage are:

- A. The river stream of the Nile and its embankments. The river Nile Stream includes all the lands located between the Nile embankments exclusive of any land or establishment possessed privately by the state or others.
- B. The main canals, public feeders and public drains and their banks inclusive of the lands and establishments located between those banks unless they are possessed privately by the state or others.
- C. The establishments concerned with equalizing the water of irrigation and drainage, or with protecting the lands and villages from the sever flow of water or from erosion and also the other industrial establishments pertaining to irrigation and drainage and possessed by the state and constructed within the public properties.
- D. The lands expropriated for the public interest for irrigation and drainage purposes and the lands possessed by the state and allocated to those purposes.

Article 2 Any canal is considered a public stream or a public drain when it's prepared for irrigation or drainage and the expenses of its maintenance are born by the state and it's registered into the registers of the ministry of irrigation or its branches from the date of implementation of this law, and also the, canals constructed by the ministry of irrigation under the name of public feeders or public drains and registered in its registers under that description.

Article 3 Any private feeder or private drain could be considered, by a decree from the minister of irrigation, a public irrigation canal or a public drain as described in the two aforementioned articles in the case this canal or drain is directly connected to the river Nile, any public irrigation canal, any public drain or lake.

With the preservation of the provisions of the law no 577 for the year 1954 concerning the expropriation of estates for the public interest or improvement, it is possible by a decree from the minister of irrigation to expropriate the other superficieses needed to complete the construction of the public irrigation canal or drain.

Article 4 The ministry of irrigation supervises the public properties stated in article (1) of this law, yet the ministry can entrust any ministry, public department, local governmental unit or general authority with the supervision of any part of those properties. ¹
However those institutions aren't entitled to construct any building or plant any trees within the said properties without the permission of the ministry of irrigation. ⁷³

Article 5 The lands privately possessed by the state, others of the public or private fictitious persons or persons and located within the river Nile banks or the public irrigation canals or the public drains, and also the lands located outside the river Nile banks within the distance of thirty metres, and those outside the constructions of the irrigation canals and drains within the distance of twenty metres are subjected to the following limitations to serve the general purpose of irrigation and drainage, even if there supervision has been entrusted to one of the institutions referred to in the proceeding at article.

- (a) The ministry of irrigation can take any action in these lands that is deemed necessary by the ministry to protect the banks or the public constructions, and their maintenance and reconditioning and to take from those lands the materials needed for that purpose on condition that their proprietors will be justly compensated.
- (b) The ministry of irrigation can dump the product of dredging of the public irrigation canals and public drains into those lands and justly compensate their owners.
- (c) It is not permitted without a licence from the ministry of irrigation – to undertake any action or digging, in the aforementioned lands, endangering the safety of the banks or affecting the current and damaging those banks or any other lands or constructions. ⁷⁰
- (d) The engineers of the ministry of irrigation are empowered to enter those lands to inspect the operations taking place in them, and if they discover that any works have been taken place or have been begun that are contradictory to the aforementioned rules they can order the wrongdoer to clear them within a suitable period otherwise they can stop the works and clear it administratively at his expense.

The supervision of any of the aforementioned authorities stated in the preceding article on a part of the mentioned public properties does not impair the implementation of the preceding provisions.

Article 6 The state assumes no responsibility for whatever damages happen to the lands and constructions located in the bed of river Nile or its surfaces or in the bed of any public irrigation canal or public drain in case of change of the height of water level as a result of the operations of irrigations and drainage, their equalizations, or any other emergency.

Article 7 It is not permitted to plant the lands owned by the state and located within the banks of the river Nile or within the banks of the public irrigation canals or public drains or to use them for any purpose unless undertaken through a permission from the ministry of irrigation and according to the conditions designated by it. ⁵⁶

Article 8 The trees and palms planted or to be planted in the public banks or within them or in the public ducts and other public properties pertaining to irrigation and drainage are considered property of the owners of the lands opposite to them, and they have the right to cut or uproot them after getting a permission from the concerned irrigation general director under the following conditions:

1. That they were planted for a period not less than ten years.
2. that the owner should plant three trees instead of each tree he is permitted to cut from the trees planted on the two sides of the banks of the irrigation canals and drains used as main or secondary ways and to taken care of them.

The general administrations of irrigation put each in its circle, the order, procedure and locations of planting the trees on the water ducts.

If the existence of plants result in impeding water or, navigation, excavations and dredging operations or the enlargement of bed, or in damaging the embankments or hindering the traffic in them or any other harm, or if the trees are about to fall – the ministry should order their owner to uproot them or out their branches on the date it points out, otherwise it would do that by itself, sell it and give their owner their price after deducting the expenses of uprooting or cutting.

Section Two. ⁴⁵

Concerning the private works within the public properties pertaining to irrigation and drainage works.

Article 9 It is not permitted to make any private works within the boundaries of the public properties pertaining to irrigation and drainage or to make any alterations in them unless undertaken through license got from the ministry of irrigation and according to the conditions it issues.

The license is granted for a period not exceeding ten years liable to renovation after the payment of a charge not exceeding ten pounds specified by a decree issued by the minister of irrigation, and the same charge is due on renovation of the license.

Article 10 The ministry of irrigation can stipulate for the license.

Of any of the works referred to, in the preceding article the consideration of this work as one of the public properties of the state without any compensation at the end of the license period or at any time during it. If the work is cancelled or the allotment changed before the end the period of license, the license will be compensated for the expenses of the works in proportion to the remainder of the period of license unless the government has taken a measure that makes it dispense with the works licensed.

Article 11 If the purpose of the licensed works is the irrigation or drainage of land, the ministry of irrigation can limit the license by the condition of permitting the owners or occupants of the other lands to benefit from those works after paying a suitable portion of the costs of their construction specified by the irrigation general director.

The license should designate the area of the land benefiting from the licensed works. The lands continue to benefit from the license even after the change of their occupants.

Article 12 The license must maintain the works, preserve them in a good condition and undertake the performing of any reconditioning or alteration deemed necessary by the ministry in the time designated by it and according to the specifications determined, by it, other wise the ministry can perform that work at his expense, and if the license is granted to many persons they are considered participated in execution.

Article 13 The licensee has no right with – out a written permission from the ministry of irrigation to repair or alter the works.

Article 14 The license could be cancelled and the benefiting from the works prohibited or the works cleared by a decree from the ministry of irrigation in case of breaking of one of the conditions of the license and the licensee does not stop this breaking on the date designated by the ministry by an acknowledged receipt, letter. 67

Article 15 The license shall be cancelled in case the government has made some works whereby it could dispense with the licensed works, in that case the ministry of irrigation can issue a decree either to preserve or obliterate the licensed works without any compensation in both case. 60

Article 16 In case the license is not renewed and the Ministry has not determined to adjoin the licensed works to the properties of the state owners of those works should. Obliterate them and return the public property to its original state on the date fixed by the ministry of irrigation otherwise it will perform that at his expense.

Article17 The private bridges constructed across public irrigation canals or public drains are considered, as soon as they are constructed, public property and are subjected the supervision of the ministry of irrigation without any compensation.

Section II

Concerning the private Ducts And drains

Article 18 The owners of the lands bends benefiting from one and the some duct owned by them can take water from it in proportion to the area of land owned by each of them. 28, 46

The regional irrigation inspector concerned puts the schedule of irrigation of the lands subjected to this system, and the administrative officers execute it under his supervision. Complaints from the decisions of the regional irrigation inspectors are submitted to the general director of irrigation whose decision is final. 35

The general director of irrigation is responsible for settling any conflict that arises from the way of making use of the mentioned right of benefiting. 2

Article 19 The occupants of the lands benefiting from the private ducts and private drains should dredge them and clear the Hyscent plant and any other plants and weeds impeding the movement of water in them, maintain them and preserve their embankments in good condition. 47

Article 20 The general director of irrigation may, according to a report from the concerned regional irrigation inspector or a complaint from those concerned, inform the administrative officers to order the occupants to clear the duct or drain or obliterates anything which impedes the movement of water in it or its maintenance or repair of its embankments, or reconstruction of the embankments within a fixed period, otherwise, the General Department for Irrigation shall carry out that, after obtaining – from the concerned local authorities – the necessary costs which they collect by administrative methods from the occupants at a prorate to the area of lands possessed by each which benefit from the duct or drain; and the value of indemnity on each land that had been occupied due to cleaning shall be calculated among these costs. 3, 48

Article 21 If the lands located on the sides of a private duct or a private drain – were in possession of numerous persons, the centre of the duct or drain should be regarded as dividing border between what they possess in respect of cleaning and maintenance works, unless an evidence is established to the contrary of that. 36, 49

Article 22 The lands through which a private duct or a private drain passes shall be considered as bearing the right of use in favour of the other lands which benefit from such duct or that drain, unless an evidence is established to the contrary of that. 29, 50

Article 23 If the land – owner, or its occupant, or its leaseholder submitted a complaint to the General Department for Irrigation due to preventing or hindering him unlawfully from using a private duct or a private drain, or from entering any of the lands necessary for cleaning such duct or drain, or to repair either of them, the General Director of Irrigation is allowed shall issue a temporary decree enabling the complainant to benefit of the said right, if the complainant's land was proven to be benefiting of it in the previous year, and enables the other beneficiaries to use their rights, such rights shall be mentioned in the said decree.

The said decree should be issued within fifteen days from the date of the complaint delivery to the irrigation general director and the execution shall be carried out at the expense of the complainant. The execution shall continue till the mentioned rights are settled by the concerned court. 37

Article 24 If it's difficult for any owner to irrigate or drain his land properly without the construction or utilization of a private duct or drain in the land of the others and he can't make an agreement with its owners, he is entitled to explain his complains before the concerned irrigation general director so as to order the making of investigations. The department must demand all the maps and documents necessary for the investigation within two weeks from the date of the request arrival to the irrigation general director. The regional irrigation inspector undertakes the investigation at the site of the duct or drain after informing all the concerned parties and the concerned agricultural cooperative society head, through acknowledged – receipt acknowledged letters, of the place and time, of investigations, at least 14 days before the investigation.

The result of this investigation shall be shown to the irrigation general director to issue an acceptance or refusal, justified decree giving reasons, which decree must be issued within two months from getting those maps and documents. The decree to be promulgated through acknowledged mail to all concerned parties, and the said provisions shall come into force & in case the construction of a pumping unit in the others lands, at the water source or estuary, has been requested, also the runway necessary

for the irrigation or drainage of lands separate from the source or estuary. 4, 38

Article 25 If, because of public utilities works, the land irrigation or drainage way was altered or obstructed, the irrigation general director has got to issue a decree for the construction of another irrigation or drainage way according to the procedures of the previous article. The execution of the decree shall be made before the interruption of the irrigation or drainage way at the expense of the authority undertaking the change. 40

Article 26 The decree issued according to the two last articles shall be put into effect by the administrative system after all the people have been compensated for detriments. If the decree allows the utilization of a present private duct or drain, the compensation should include a part of the construction costs at the time of allowing the utilization, computed at the ratio of the utilized area of each of them. The duct or drain maintenance expenses shall be at the ratio of the utilized area of each of them. 41

If the estimated compensation is not accepted by the interested person (or party) or can't be paid to him easily, it must be delivered to the inspectorate treasury on behalf of the concerned persons who must be informed by registered acknowledged mail. The depositing action is considered the same as the compensating one.

Article 27 If a decree was issued in favour of more than one person, the irrigation general department might license one or more of them to implement the decree on behalf of the others and the implementer of the decree has to collect from the others the cost share of each of them in the ratio of his land area. 42

Article 28 If the irrigation general director has seen that a certain duct, or drain has become useless as a result of the presence of another irrigation and drainage ways, he is entitled to block or canal it. In case the irrigation general director has been ascertained of the detriment from a special duct or drain, he must take the measures necessary to avoid the detriment. The runway owners have to implement the decree in the fixed time otherwise the irrigation general department shall implement the same at their expense. 51

Article 29 Any concerned person might complain to the minister of irrigation of the decrees issued from the irrigation general director exclusive of those decrees issued according to the decisions of the articles 18, 23 hereby, and the complaint 39 to be submitted within fifteen days from the date of informing the concerned person with the decree stay of execution of the decree results from submitting the complaint unless its immediate execution is especially stated the complaint shall be settled within thirty days from the date of submitting the same to the minister's office. If not settled during this period, the complaint is considered rejected.

SECTION III **Concerning Field Drains**

Article 30 The Agricultural lands are divided, according to the tiled drainage, into units each one including a land area fitted with covered or uncovered field drains network that drains into a main or subway public drain or a series of collectors having one common estuary on the public drain. 34

The Minister of irrigation has the right to issue a decree to expropriate the lands necessary for the construction of the main and secondary public drains network and the house buildings required for maintenance and guarding works, and also to possess temporarily the lands necessary for the construction of open and tiled drains according to the provisions of the law No. 577/1954 referred to. 52

Article 31 Without breaching the provisions of the law No. 38/1976 concerning the improvement and maintenance of agricultural lands, the ministry of irrigation undertakes the construction of open and tiled field drains and open and tile collector drains network. Lands within the drainage unit are to be connected with a series of main and secondary public drains and the costs of construction of tiled drainage network and accessories shall be divided among all the lands located within the drainage unit. 5

Article 32 A statement of what is to be considered when constructing field drains is to be prepared by the ministry of irrigation including the compensations borne by it according to the provision of the article 30 thereto plus 10% of it against administrative expenses, and then the share of each Feddan of the lands included in the drainage unit

is shown. The field drains network construction costs to be borne by the land occupant whether he is proprietor, benefitter or renter and by both the occupant and proprietor if the land is utilized through Agriculture. The occupant pays the sums shown in the last item either as a whole or by yearly installments such that all the costs are paid within a period of twenty years and the amount of each installment is not less than one pound and collection begins at the start of the year following the execution. The ministry of irrigation must send to the concerned authorities a statement of the basins included in the drainage unit and the amounts to be collected per feddan. The Minister of finance issues a decree for collecting those amounts on the due dates for collecting the lands taxes and must have the privilege of this tax. ⁶

A statement of the cost share of each beneficiary shall be declared at the agricultural cooperative society and the police center or station board, that lands are located within its circle, for at least two weeks, preceded by announcing its date and place in the Egyptian Gazette.

Concerned people have the right to protest against the amount of costs, within the thirty days following the declaration, otherwise the cost estimation shall be final; the protest to be submitted to the concerned survey inspectorate and settled by a committee formed under chairmanship of the concerned survey inspector or vice inspector and membership of a representative from Agriculture and cooperative society a technical employee from the survey inspectorate and an irrigation engineer, the decision of the committee is refutable before the concerned court of first instance, and the refute doesn't entail the stay of the decision execution.

Article 33 The ministry of irrigation, within one year from the date of constructing the tilled or open drainage network and the public drainage network, shall inform the property tax department of the land in which the network was constructed in order to reestimate its tax. ⁷

Article 34 The cultivators of the lands benefited by the open field drains are responsible for their dredging and maintenance otherwise the concerned irrigation general director shall charge them with the timely dredging and maintenance of the drain. Failing to do this means the irrigation general department shall do it at his expense. ⁷¹

The concerned department at the ministry of irrigation undertakes the maintenance of the tiled drains and the expenses of this

periodic maintenance are born by the ministry of irrigation and any other expenses are borne by the land cultivator. 57

Article 35 Land cultivators are prohibited from impeding or damaging the industrial works of the two field drains nettings types such as inspection rooms, wash columns and estuary whether this is done by destroying, stealing or filling up on its parts, throwing rubbish in it, draining irrigation water in it, connecting any sanitary or industrial drainage networks to it or establishing any buildings on it.

Without breaching the judgments stipulated in the penalty code, the concerned engineer must prove any breach of the provision of this article and he is entitled to charge the breacher to restore the situation as it was before within a small period of time fixed by him in the cases where the breaching action is followed by injury to the others, otherwise the concerned drainage general department shall do it at his expense. 24

SECTION IV Concerning water Distribution

CHAPTER ONE Concerning water Dividing

Article 36 The ministry of irrigation undertakes the distribution of irrigation water in the public STREAMS, whatever it is, on the special intakes and may modify the irrigation and drainage system according to the nature of the agricultural land.

The ministry determines the times of different turns and the dates of the winter interruption weir barrier & announces it in the Egyptian gazette and the whole thing shall be announced in detail by each irrigation general department within its circle by administrative methods. 30, 72

Article 37 The irrigation general director may decide, at any time even during the operation turns, to prohibit everyone from taking water from one or more of public canals in order to ensure the justly distribution of water, to stop giving the lands more water than their needs or to any other emergency affecting the public interest. 61

The irrigation general department is entitled to take the measures necessary to stop the occurrence of any breach of the decisions issued for the implementation of the previous article statutes and has specially to stop, by administrative methods, the flow of water into one of the ducts, or branches. Furthermore, it may interrupt, by appropriate methods, the lifting (Raising) of water. 68

Article 38 The planting of rice, in the lands other than that determined yearly by the ministry of irrigation is prohibited. Its agriculture in other areas or in the areas irrigated from artesian wells or from public drains is not allowed without the licence of the concerned irrigation general department according to its conditions. 25

CHAPTER TWO 53
Concerning Water intakes and Drain Estuaries

Article 39 Water intakes in the Nile embankments or public canals banks mustn't be constructed without the licence of the ministry of irrigation in conformity with the conditions it puts, and the performing of all the works underneath the Nile banks shall be undertaken by the irrigation general department at the expense of the licensee. ⁸

Article 40 If it was viewed by the irrigation general department that the irrigation water intakes discharge in the banks of any public canal is more or less than the need of their land, then after knowing the points of view of the land proprietors, in a predetermined session, the department might reduce or increase the number of intakes, enlarge, restrict or raise its bed level or decrease it with a view to meeting their requirements, at the government expense. The final alteration shall be approved, by the irrigation general director and implemented at the dates appropriate to the agriculture. If the land owner requests from the irrigation general department the making of other alterations, the latter must do it at his expense. ^{9, 26}

Article 41 If it was viewed by the irrigation general department, upon making an investigation, that one of the special water intakes located in the Nile bank or one of the main canals banks is endangering the bank or the course or endangering the others due to a fault in its construction, negligence of its maintenance or any other reasons, the department shall recondition the intake, reconstruct it or make whatever necessary alterations at the expense of the owner.

Article 42 If it was viewed by the irrigation general department that one of the special water intakes located in the Nile bank or one of the canals banks is endangering that bank, it may charge the owner or the interested person to remove or block it on an appropriate later time, to be informed to him, other – wise the irrigation general department shall do that at the expense of the owner or the interested person after the Department provides another irrigation means to his land, at the expense of the state before interrupting the irrigation way.

Article 43 If it was viewed by the irrigation general department that there exist more than one way to irrigate the lands area, it might canal what it deems superfluous to the requirements of the mentioned area or to

its share of water and the canceling shall be effected at the expense the state after the concerned persons shall be informed. 27

Article 44 If the state, at its expense, has performed the necessary means for connecting water from the Nile or one of the main canals to a land irrigated by one of the special water sources located in the Nile banks or one of the public canal banks, the irrigation general department may order the canceling of the special intakes or its removal at the expense of the state.

Article 45 The Provisions of this chapter apply to the vents made in the Nile banks or the public drain banks in order to discharge the drainage water into the Nile or any of the public drains.

CHAPTER THREE 54, 74

Groundwater and Drainage Water.

Article 46 It is forbidden to dig any well for groundwater, whether it is superficial or deep, inside the republic lands, without getting a permission from the ministry of irrigation according to the conditions it determines.

Income of digging wells in lands which are subject to the provisions of law No. 143/1981, concerning the desert lands, the license to be issued from the ministry of irrigation after the approval of the general authority for reconstruction projects and agricultural development has been issued.

Article 47 It is not permitted for those who has got the permission to dig a production well, to violate the permission by exploiting the well or exceeding the water rates and quantities licensed to be pumped. 69

Article 48 It is not allowed to use the drainage water for irrigation purposes, except under a permission of the ministry of irrigation according to its determined conditions. 31

CHAPTER FOUR 55, 75 Water Pumping Machines

Article 49 It is not allowed, without a permission from the general irrigation department, to construct or operate a pump or any machine driven by a stationary or mobile set, working automatically (mechanically) to raise water for irrigation or drainage purposes. The period of permission does not exceed ten years and can be renewed. 32

The general director of irrigation department has the authority to give a temporary permission to construct the group of mobile pumps behind the vents (opening) or to take water from the waterways through final locks, if necessary. The minister of irrigation issues a statement of the procedures, information and conditions necessary for licensing. 10

The license and its renewal is granted against payment of a fee which value is fixed by a decision from the minister of irrigation and not exceeding twenty pounds.

Article 50 If the pump, the set, the driving machine or its attachments to be constructed in a land not owned by the applicant for the permission, he must obtain a written permission from the land owner; but if the pump will be constructed on private irrigation ducts or private drains of common utility the permission is issued on condition that the licensee would not breach the rights of the other beneficiaries. The general irrigation department has the right, during the period of permission, to stop the work of the pump or machine for some certain time for the sake of other beneficiaries and the licensee hasn't the right to claim for any compensation. ⁴³

Article 51 A new permission must be obtained while exchanging the driving machine, the pump or the set, if that leads to a change in output, and also when changing the site. In case of transferring the ownership or exchanging the driving machine, the set or the pump without changing the output, it is enough to write and sign that on the permission, the previous owner shall be still responsible together with the new one to implement the provisions hereunder until the license is signed.

Article 52 Those who are trading in sets specified for raising water of irrigation or drainage, mentioned in Article 49, have to notify both the Mechanical and Electrical Department as well as the irrigation department of every disposal or selling of sets, within fifteen days from the date of disposal. The notification must include the details of a decree, to be issued by the minister of irrigation.

Article 53 It is not allowed, without a permission from the general department of irrigation, to set up a water wheel or scoop wheel or any other machine driven by cattle to raise water from the Nile or from a public or private water way of common utilization or to drain the drainage water into the Nile or any public drain or lakes. The permission for the use of such machines is not restricted with a certain period of time.

The tariff paid by the licensee shall be fixed by the minister of irrigation by a decree issued from him, and that tariff mustn't exceed two pounds. The general department fixes in the license, the place of raising machine and the conditions necessary to construct and drive it. ²²

The permission to set up the above mentioned machines might be allowed in public utilities or in the banks of public canals and

public drains. The ministry of irrigation has the right, at any time, to issue an order for transferring any machine of that type, which might be found in the above mentioned utilities or banks. The ministry has also the right to order its removal, if another way to irrigate or drain the land benefited by the above machinery has been found. The costs of transport, reinstallation, and removal of the machine shall be borne by the machine owner or beneficiary but the costs of constructing the machine feed opening are to be borne by the state.⁶⁶

Article 54 It is allowed, without a permission from the ministry of irrigation, to install, and operate the shadoofs, bailers, drums and other manually driven water raising machines, on conditions that such machines shall not be constructed inside public utilities, public drains and Nile banks.

Article 55 The permission to set up machine according to the rules here under does not exempt from getting the license stipulated by other rules.

Article 56 If the permission necessitates doing another necessary works for obtaining or draining water, the costs must be born by the claimant of the license.

Article 57 The license who has the permission to set up a machine for irrigation or drainage is liable to enables the exploiters of all the lands within the area of the license, to irrigate or drain them by the licensed machine.

Article 58 Granting the permission doesn't result in giving the right to pass water into other lands but, only the licensee is responsible for any behavior or action which may cause any harm to third party. If the Nile is diverted from its course resulting in the formation of an island or alleviation towards a land on which licensed water raising machine is set up, in that case the licensee has the right to dig a feeder in the new land to get water to that machine without paying any compensation.⁴⁴

Article 59 The ministry of irrigation has the right to order the transfer of any machine or pump or any licensed equipment or the change of the place of a licensed artesian well or the transfer of works which were established for any of that to another place to evade the occurrence of dangers to embankments or other irrigation

establishments or for creating new works or modifying some other existent works of public utilization, all at the expense of the state. 11, 62

Article 60 The general director of irrigation department has the authority to stop, when necessary, any driven machine contradicting the provisions of this law, has the authority, as well, to prevent water from reaching that machine, without waiting the result of the licision on the violation. 12

Article 61 The minister of irrigation or whom he empowers, has the right to issue a justified resolution to canale the permission, if any violation of its conditions has happened. 13

CHAPTER FIVE 14, 33

Irrigation of New Lands

Article 62 According to the provisions of this Chapter, any land, not licensed before for irrigation is considered new whether it is it is inside the (Basin) bed of the Nile or in any other place inside A. R. E. and is Provided with water supply through the plan of the state.

Article 63 It is not allowed to allocate any lands for the new horizontal agricultural expansion, without getting the approval of the ministry of irrigation to ensure that the land is provided with a water supply, to be determined by the ministry for its irrigation.

Article 64 The permission for the irrigation of those lands is, to be issued from the concerned general department for irrigation and the licensee must follow the way of irrigation fixed by the ministry of irrigation in the license.

Article 65 The Claimant licensee must submit, an application to the concerned irrigation general department including the land area superficies to be irrigated and complete classification of the soil, suggested water supply, method of irrigation and suggested agricultural circulation.

Article 66 The concerned general authority for irrigation reviews the details submitted by the license claimer, and if its truth was validated, the general department determines the method of irrigation to be used and the water criterion of the land to be licensed and notifies the

license claimer within two months, at most, from the date of offering the whole documents.

Article 67 The Claimant licensee has to submit a written pledge, after receiving the notification mentioned in the previous article, to the concerned general department of irrigation concerning his commitment of the way of irrigation, water criterion and agricultural circulation.

Article 68 The concerned general irrigation department issues the required license during a week from presenting the commitment mentioned in the last article including the irrigation method, the agricultural cycle, the source of water and the permitted quantity of water to be used every year.

Article 69 The licensee is obliged to carry out and follow the conditions of the permission and to obtain water according to the programmes fixed by the concerned irrigation general department.

Article 70 A part from the special provisions concerning this law in respect of the irrigation of the new lands, all those lands are subject to all other provisions stated hereunder, with regard to their irrigation.

Article 71 The implementation of the provisions of this chapter shall be undertaken through a decree from the minister of irrigation, pointing out the conditions and situations of licensing the irrigation of the new lands and the costs and prices of water supply and distribution.

SECTION V 63
Drainage and Irrigation Prices

Article 72 Prices of lands irrigation and drainage are fixed by means of a decree of the minister of irrigation, concerning the using of the state pumps and machines, unless the unpaid benefiting of lands of irrigation or drainage (free of charge) hasn't been considered while estimating the land tax.

Article 73 By a resolution of the minister of irrigation, the prices of irrigation with machines constructed on artesian wells or on Nile or public canals and private ducts and the prices of drainage by lifting machinery are fixed, and it's not allowed to take more than the fixed prices, the excess collected must be refund. The excess of price must be proven by all means of proof whatever the value of the dispute.

Article 74 That who has been licensed to use or drain water for purposes other than the agricultural ones whose water is raised by governmental pumps, is liable to pay a sum of money gains water lifting according to the principles and categories determined by a decree issued by the minister of irrigation.

Article 75 It is not allowed for those who exploit the artesian wells, and raising machines, to abstain from the irrigation of the beneficiary land or lands stated in the permission, or the hindering of water drainage. They aren't allowed to stop the exploitation of those wells or machines for the above purpose, except for serious reasons.

Article 76 The irrigation general director has the right, in case of any violation to the decisions of the two previous articles, to engage someone temporarily for the operation of the well or the rising machine (crane) at the expense of the licensee. The concerned person has the right to complain of that resolution to the minister of irrigation and judgment shall be issued within thirty days otherwise the complaint is rejected. 15

SECTION VI 16, 65
PROTECTION OF Irrigation, Navigation and Riverside
CHAPTER ONE
Evading the Troubles of Raising of Water Levels

Article 77 A state of emergency might be decreed by the minister of irrigation upon the unnatural rising of water levels with a view to taking the urgent protection measures.

Article 78 The irrigation general director, under the said state of emergency of the last article, has the right to call the tough adults whose ages range between 18&50 so as to Joint and Cooperate in guarding and watching the banks of the Nile, public canals and public drains and blocking whatever occur of Cuts in the said banks and performing the works necessary to safeguard the banks and other irrigation establishments against danger. The governorates security directors shall take the measures necessary to ease gathering all those people and transport them to the sites where the water overflow is feared.
The appropriate wages of the charged assistants are determined by a decree of the minister of irrigation

Article 79 In case of probable danger from water overflow, every engineer responsible for guarding and supervising the banks must request immediately from the governorate security director to call the persons according to what was mentioned in the previous article, without the need for a decree to be issued by the minister of irrigation concerning the dangerous situation & inform the ministry of the same. The mayor or the acting mayor in case of dangerous situation, in the absence of superior employee, has the right to call the a/m : persons who re living in his town to evade the danger from a neighbour town providing that the matter must be informed immediality to the chief of security department of the governorate and the commissioner of police, s well as the general department of irrigation that must inform the ministry.

Article 80 Every responsible engineer according to the provisions of the last article, has the right to take any land or tools, machine, undertake any excavation, demolish any building, cut trees, or uproot the plants to the extent necessary to evade the danger or stop it, against a compensation paid by the ministry of irrigation.

CHAPTER TWO

Water Protection and Resisting the Obstacles of Irrigation, Navigation and Banks:

Article 81 The following is not allowed without a permission from the ministry of irrigation:

1. The drainage in a public canal.
2. Passing of any mobile machine or heavy loads over banks, bridges or industrial works belonging to the ministry of irrigation, if that may damage the banks, bridges or the industrial works. 58

Article 82 Each of the following actions is prohibited.

1. Wasting the irrigation water, by draining it into a private or public drain or into uncultivated or unlicensed land.
2. Hammering wedges to fasten nets in public canal or drain banks or on the bottom of any of them, or in the banks of the basin of a Barrage, locks or bridges or in the weirs, barriers built in the Nile or any public canal or drain.
3. Obstructing water flow in a public canal or drain or undertaking any work that might disturb the balances.
4. Opening or shutting any canal lock or sluice or any regulation device to balance water current and constructions in the public canals and drains, or that crossing or piercing the Nile banks or the banks of any public canal or drain.
5. Damaging any of the industrial works belonging to the department of irrigation, field tiled drainage networks, spray irrigation network or any of the other developed and modern ways of irrigation.
6. Cutting the banks of the Nile, public canals or public drains.
7. Digging in the banks of the Nile, public canals, or public drains or on the bottom of any of them or on Nile banks, stopes or surfaces any of these banks. 59

Article 83 The owner of the ship or shipment has not the right to claim from the government any compensation due to any delaying caused by shutting one of the public passages (Barrages or bridges) Built on the Nile, a public canal or a public drain or because of water deficiency is any of the above – mentioned waterways.

Article 84 If because of water deficiency, a ship was stranded, drowned or stopped sailing, whether this happened in the Nile a canal or a

drain, its owner or captain must inform that immediately to the nearest police station in order to have a report written down for proving the situation of the ship and its shipment, which report must be sent to the concerned irrigation general department which informs the ship owner or captain or shipment owner so as to get the ship out or remove its wreck within three days otherwise the department shall do this. If the department views that the ship or its wreck must be removed immediately for the public interest, it's entitled to undertake that without any binding measures.

The state mustn't be claimed for compensating the damages occurring to the ship or its shipment during its removal by means of the irrigation general department; and in all such cases the ship owner and shipment owner are responsible together (unlimited) for paying the expenses of extraction or removal to the irrigation general department. The department has the right to hold the ship and shipment to ensure the collection of those expenses during the period it fixes, otherwise it may sell the ship or shipment or both of them in a public auction.

Article 85 The concerned authorities aren't entitled to issue any license concerning the landing of ferryboats or Nile house boats or any other float on the shore of the Nile or its branches, public canals, public drains or any public water way or the operating of transport ferryboats without the approval of the ministry of irrigation in each case according to the conditions it lays.

Article 86 The construction of any structures on the country Northern coast overlooking the Mediterranean sea along its length from the republic western borders to its eastern ones for two hundred meters inside the coastal water line is prohibited.

Article 87 The Egyptian general authority for coasts protection determines the final prohibition line upon its investigation and this line, after being determined is the final line beyond which any constructions are prohibited. The prohibition mentioned in article 86 shall be valid until the final line has been determined by the authority and the prohibition has been informed to all concerned authorities and then the line mentioned in article 86 shall be cancelled.

Article 88 In the cases of utmost necessity entailing the construction of special establishments inside the prohibition area mentioned in article 86 a permission from the Egyptian general authority for costs safeguard

including its consent to set up the structure and determining of the necessary protective works, must be got.

CHAPTER VII 64

Penalties

Article 89 Without breaching any severer penalty mentioned in the penal code or any other law, the breaching of this law shall be punished by the penalties here – under.

Article 90 The breaching of any provision mentioned in item (c) of article 5 and in articles 7,19,54,81 and item 2 of article 82 is punished by a fine not less than thirty pounds and not more than one hundred pound.

Article 91 The breaching of any provision mentioned in articles 9, 18, 39, 48,51,52,53, and item 1 of article 82 is punished by a fine not less than fifty pounds and not exceeding two hundred pounds.

Article 92 The breaching of article 8 i.e. cutting the trees and palms without being so licensed, is punished by a fine not less than thirty pounds and not more than two hundred pounds.

The breaching of item 2 of the said article, whether caused by non-planting or carelessness, is punished by a fine not less than twenty pounds and not exceeding two hundred pounds, the ministry of irrigation may undertake the planting and care at the expense of the breacher.

Article 93 The breaching of any provision mentioned in articles, 23, 24, 35, 37, 45, 49, 57, 73 and items 3,4,5,6,7,8,9 of article 82 and the decisions issued according to article 60 is punished by a fine not less than fifty pounds and not exceeding three hundred pounds.

Article 94 The breaching of the provision of article 38 is punished by a fine not less than thirty pounds and not exceeding a hundred pound per each feddan or less.

Article 95 The breaching of the provision of article 46 is punished by a fine not less than two hundred pounds and not more than a thousand pounds and the breaching of the provisions of the article 47 is punished by a fine not less than fifty pounds and not exceeding

two hundred pounds. The infliction of punishments because of the breaching of the provisions of the articles 46, 47 doesn't impair the right of the ministry of irrigation to return the thing as it was before at the expense of the breacher.

Article 96 The breaching of the provision of the article 69 is punished by a fine not exceeding one thousand pounds whether the breacher is owner, renter or occupant and the breaching of the provision of the article 69 is punished by a fine not less.

Than fifty pounds or exceeding one hundred pounds. The ministry of irrigation has the right to canal or stop working with the licence until the breach reasons have been investigated.

Article 97 The irrigation or drainage engineers appointed by a decree from the minister of justice in participation with the minister of irrigation are empowered with the jurisdictional arresting powers of commissioners with respect to the crimes mentioned hereto lying within their concern circles, and also the engineers of the general authority for coasts safe – guarding with respect to the crimes mentioned in articles 86, 87,88 here – under. ¹⁷

Article 98 The concerned irrigation engineer, when aggression on the irrigation and drainage utilities has occurred has the right to ask the beneficiary of this aggression to restore the thing to its original state within fixed time other wise he undertakes this at his expense; the beneficiary must be notified by registered mail or in cases of emergency by a telegram communicated through concerned police station and these measures confirmed in the breaching report written by the irrigation engineer. In case the beneficiary hasn't restored the thing on the fixed date, the concerned irrigation general director has the right to issue a decree for removing the aggression administratively without prejudice to the punishments stated hereunder. The beneficiary shall be informed of the costs of restoring the matter and is responsible for paying this sum within a month from his being notified otherwise the ministry shall collect it through administrative retention. ¹⁸

Article 99 The breaching of the articles 86, 87, 88 hereto shall be punished by jail and fine not exceeding ten thousand pounds and it's not allowed to stay the execution of the fine punishment. In all cases the administrative stopping of the violating works at the expense of the breacher and the seizure of used machinery, tools and

equipment must be undertaken without waiting the verdict of the case and confiscation of the above in case of conviction.

Article 100 The breacher of the license conditions pertaining to the irrigation of new lands is responsible for compensating the water quantities used in excess of the determined quantity, without impairing the punishments stated hereunder, according to the rules laid down by the minister of irrigation. This compensation might be paid administratively.

CHAPTER VIII General and Final Provisions

Article 101 Mayors and chiekh of villages must preserve the irrigation and drainage industrial works delivered to them according to the conditions agreed upon between the ministries of interior and irrigation and they have to notify the concerned arthorities of any loss immediately upon its discovery. 19, 21

Article 102 Without violating the provisions of the law number for the year 1954 referred to the settlement of the compensation disputes mentioned hereunder is the concern of the committee formed, within the governorate circle, under chairmanship of a judge delegate by the head of the court of first instance and membership of the irrigation vice general director and survey vice – inspector and the governorate agricultural vice director or whoever represents them and a governorate representative chosen by the concerned governor. The presence of the chairman and at least two of the members is necessary for the committee to be in correct session. The decision of the committee is issued within one month from the date of the first meeting. The decision shall be issued under the majority of votes, an in case of votes equality the side comprising the chairman is out – weighed. The decision of the committee is refutable before the concenerned court of first instance and the refuting doesn't entail the stay of the decision's execution. 20

Article 103 A special fund of capital L.E. 700.000 must be established in order to finance the restoring of things in case the beneficiary doesn't undertake that. The receipts of the dues, fines and the sums judged according to the decisions hereunder are led to the above fund. The minister of irrigation issues decree concerning the principles organizing the fund, the formation of its board and its financial system. 23

Article 104 All the sums hereunder deserved by the state are privileged upon the debtor's money in conformity with the provisions of the article 1139 of the civil law, and its order follows that of the jurisdictional expenses, and is collected by means of administrative preservation.