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No. 38

Government Notices

No. 91

ASSENT TO ACTS

The undermentioned Act, which have been assented to by His Excellency the President, is published with and forms part of this issue of the *Official Gazette*:—

No. 14 of 2013. 2013/2014 Appropriation Act, 2013.

By Command

STEVE FERROL
Secretary to the Cabinet.

Appearances:

Mr. David Bruney for the Claimant
Ms Sherma Dalrymple for Defendant

2013: March 20th
April 2nd; 10th
August 27th

JUDGMENT

[1] Cottle, J: The claimant brought a claim against the defendant for negligence and nuisance. In his amended statement of claim the claimant also averred that Ministry of Public Works had responsibility under its maintenance program for the upkeep of a ravine under the Public Works Corporation Act No. 7 of 2006. The claimant says the ministry failed to ensure the proper construction and function of the drainage system servicing the ravine and thereby caused the claimant loss.

[2] The claimant occupies a parcel of land at the Fond Cole industrial site. He operates a steel fabrication workshop on the site. The claimant says that in or around the year 2000 the Ministry of Public Works constructed a man made ravine and drainage system adjacent to the claimant's property. This altered the original alignment of the then existing watercourse and has led to flooding in the claimant's workshop.

DEPARTMENTAL AND OTHER NOTICES

EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA

IN THE HIGH COURT OF JUSTICE
DOMHCV2011/0232

Between:

Ernest Nesty

Claimant

and

Attorney General

Defendant