



ST. CHRISTOPHER AND NEVIS

CHAPTER 15.05

ROADS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 15.05

ROADS ACT

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CHAPTER 15.05

ROADS ACT

AN ACT TO MAKE PROVISION RESPECTING THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Roads Act.

Interpretation.

2. In this Act—

“road” includes a public road, a street mentioned in the Schedule to the Act, a statutory road, a private road, roadway, bridle path, and a bridge;

(Substituted by Act 16 of 1998)

“Surveyor” means the Superintendent of Public Works and Surveyor of Roads for the State;

“statutory road” means a road constructed by a statutory body or a statutory corporation.

(Inserted by Act 16 of 1998)

PART II

ADMINISTRATION

Cost of maintenance of public roads.

3. The roads of the State mentioned in the Schedule to this Act and the bridges over which they pass, together with the retaining and breast walls thereof, shall, save as is hereinafter provided, be constructed and maintained at the public expense out of such moneys as may be provided by the National Assembly for that purpose:

Provided that the Minister may, out of the said moneys, apply such sums as he or she shall think fit, not exceeding in the aggregate four hundred and eighty dollars in each year, towards the maintenance and repair of any of the roads of the State not mentioned in the Schedule.

Power to declare new roads.

4. (1) The Minister may, by Notice published in the *Gazette*, declare that any road, or part thereof, not mentioned in the Schedule shall be constructed and maintained at the public expense out of moneys provided by the National Assembly, and thereupon all the provisions of this Act shall apply to such road, or part thereof, in the same manner as if it had been mentioned in the Schedule.

(Amended by Act 6 of 1976)

(2) The Minister in like manner may order that any road mentioned in the Schedule or added thereto by subsection (1) shall be abandoned and cease to be maintained as aforesaid, and thereupon the provisions of this Act shall no longer apply to such road, and it shall be lawful to sell or lease any abandoned road as to the Minister shall seem best.

(Amended by Act 6 of 1976)

(3) The Minister in like manner may revoke, alter or amend the Schedule.

(Amended by Act 6 of 1976)

Property in public road.

5. (1) Any public road and any land on which a public road is constructed shall be the property of the Government of the Federation.

(2) Where a private or statutory road is repaired at public expense, with the consent of the owner, then such a road shall thereafter be taken and used as a public road for all purposes, except in any case where special arrangements are made to the contrary.

(3) A person, statutory body or statutory corporation may construct a private road to which the public has access provided that the construction of such a road must be approved and be subject to inspection by the Department of Public Works.

(Substituted by Act 16 of 1998)

Power to divide State into districts and cantons and to make and annul contracts.

6. The Minister may, by Notice published in the *Gazette*—

- (a) divide the State, or any portion thereof, into road districts for the purposes of this Act;
- (b) divide the State, or any portion thereof, into cantons for the purposes of this Act;
- (c) vary the limits of any district or canton;
- (d) enter into contracts for the repair or maintenance of any of the roads in the Schedule; and
- (e) annul any contract for the repair or maintenance of any road.

(Amended by Act 6 of 1976)

Surveyor to have control and management of roads.

7. The Surveyor shall have the general care and supervision of the roads of the State and, subject to the directions of the Minister shall be entrusted with, and be responsible for the laying out, making, repairing, widening, altering, deviating, maintaining, superintending and managing the same, and shall see that all contracts are duly and satisfactorily performed.

Powers to be exercised by Assistant Superintendent of Public Works in Nevis.

8. All powers and authorities vested in, and all duties imposed on, the Surveyor may be exercised and performed, in respect of the Island of Nevis, by the Assistant Superintendent of Public Works:

Provided, nevertheless, that nothing in this section contained shall relieve the Surveyor of the responsibilities placed upon him or her by section 7.

PART III

CONSTRUCTION AND MAINTENANCE OF ROADS

Width of roads.

9. (1) The main roads round the Islands of St. Christopher and Nevis shall be maintained at a width of not less than 24 feet.

(2) All other roads shall be kept open and maintained in accordance with any law, custom, rule, or regulation which now is, or hereafter shall be, in force with regard thereto.

For effecting necessary repairs.

10. In and for the purposes of the reparation, amendment, alteration, diversion or construction of any road, bridge, retaining wall, or breast wall, it shall be lawful for the Surveyor, without making any payment or satisfaction, or being liable to any action therefor—

- (a) to cause all weeds, mould, or rubbish to be thrown on any land which he or she may think convenient, provided that no injury shall be done thereby;
- (b) to deposit on any uncultivated land adjoining such road any stones, or other materials, about to be used in such work;
- (c) to enter, with the servants, workmen and labourers employed by him or her, on any land in which such work is being carried out, and to dig, or cause to be dug, any trass which may be required, and to take and carry away the same, and so much of the rubbish or refuse stones lying and being thereon, as he or she shall judge to be necessary therefor; and
- (d) to make any temporary road, way, or path, through, over, or upon any land which he or she may deem most convenient and conducive to the public advantage (such land not being the site or ground upon which any house or other building stands, or where any house or other building is being built, or where the foundation of any house or other building has been dug or laid, nor being a garden, lawn, yard, planted walk, or avenue to any house) to be made use of as a public way, road, or path, during the time that any such road shall be under construction or repair.

Power to dig drains.

11. The Surveyor may—

- (a) dig, construct and maintain such drains, watertraps, culverts or sluices in any land adjacent, or near to, any road as may be necessary for the proper drainage of such road; and
- (b) enter on any land with all necessary assistants, for the purpose of surveying and tracing any proposed road diversion, or laying out any proposed bridge, retaining or breast wall, or other structure.

Appeal to Minister.

12. If any person is dissatisfied with any decision of the Surveyor, or the Assistant Superintendent of Public Works, under this Act, he or she may appeal to the Minister, and the decision of the Minister shall be final.

(Amended by Act 6 of 1976)

PART IV**LIABILITY OF ADJACENT LANDOWNERS****Injury to road by water from adjacent ranges.**

13. If any road be injured by any water flowing by neglect from the ranges and paths on the land of any person or persons, such person or persons shall, on the requisition of the Surveyor, forthwith repair the injury so done as aforesaid, or in default thereof shall forfeit and pay any sum not exceeding three hundred dollars.

(Amended by Acts 6 of 1976 and 9 of 1986)

Certain trees or shrubs not to be cut down or destroyed.

14. No person shall cut down, damage or destroy trees or shrubs growing on the edge of any road where the same borders on any precipitous place, and any person offending against this section shall forfeit and pay any sum not exceeding five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Adjacent owners to keep fences, etc., in repair.

15. The owners, renters, occupiers, managers or directors of the land next adjoining any road shall repair or keep in repair their fences and dry stone walls butting and bounding the road, and shall cut down and lop the trees and bushes growing near or in such road in such manner as to protect the road and the ditches and drains thereof from being prejudiced, encumbered, obstructed or encroached upon thereby.

Procedure in case of neglect to repair.

16. (1) If the owner or other person mentioned in section 15 neglects to keep in repair the fence, or to cut or lop such trees and bushes, then the surveyor shall cause a notice in writing to be served upon the person so offending, specifying the particulars of the encumbrance, nuisance, obstruction or encroachment caused by the neglect, and if the same be not removed within ten days from the date of giving the notice, then the Surveyor is hereby authorised and required to remove the encumbrance, obstruction or encroachment and to abate the nuisance and to cut or lop the trees and bushes.

(2) A person who neglects to remove the encumbrance, obstruction or encroachment, or to abate the nuisance, or to cut or lop the trees or bushes, shall forfeit and pay for every such offence a sum not exceeding one hundred and fifty dollars in addition to the expenses which the Surveyor shall have incurred in removing the encumbrance, obstruction, or encroachment, or in abating the nuisance, or in cutting or lopping the trees and bushes.

Procedure in case of neglect to repair dry stone wall.

17. If the owner, or other person mentioned in section 15, neglects to keep in repair any dry stone wall, butting and bounding any road, then the Surveyor shall cause a notice to be served upon the person so offending, specifying the particulars of the obstruction caused by the neglect, and if the same be not removed within twenty-four hours from the time of giving such notice, then the Surveyor is hereby authorized and required to remove the obstruction, and the person so neglecting to remove the obstruction shall forfeit and pay for every such offence a sum not exceeding two hundred and fifty dollars, in addition to the expenses which the Surveyor shall have incurred in removing the obstruction.

Owners to keep adjacent buildings, etc., from becoming dangerous.

18. The owner of any building, wall, fence or other structure adjacent to any road shall keep such building, wall, fence or other structure in such state of repair as to prevent the same from becoming a menace to the public, or to the occupiers of the neighbouring buildings.

On failure to do so Surveyor to give notice.

19. If any building, wall, fence or other structure shall at any time become in a ruinous state, and dangerous to the public, or to the occupiers of the neighbouring buildings, then the Surveyor shall cause notice to be given to the owner of the building, wall, fence or other structure, or to his or her representative, requiring him or her to secure, repair or remove the building, wall, fence or other structure.

On failure to comply Surveyor to take out summons.

20. If the owner, or his or her representative, refuses or neglects to comply with the notice, within a reasonable time, the Surveyor shall take out a summons calling upon him or her to show cause before a Magistrate why an order should not be issued for the removal of the building, wall, fence or other structure, at the expense of the owner.

On failure to show cause Magistrate to order removal.

21. If the owner, or his or her representative, fails to show cause to the satisfaction of the Magistrate why the building, wall, fence or other structure should not be removed, or if no owner or representative can be found on whom to serve such summons, the Magistrate shall issue an order to the Surveyor authorising and requiring him or her to cause the building, wall, fence or other structure to be removed at the expense of the owner.

PART V

OFFENCES

Penalty for damaging roads, milestones, etc.

22. Any person who wilfully or negligently damages or causes to be damaged any road, or drain, or ditch thereof by digging, embanking, encroaching, altering, diverting or obstructing the same, or who damages, injures, defaces or destroys any of the bridges, culverts, walls, milestones, roadmarks or any masonwork or other work of, upon, or in any way belonging to, any road, shall be liable, on conviction, to

a penalty not exceeding two hundred and fifty dollars, in addition to the cost of repairing the damage done, and the cost of proceedings.

Penalty for obstructing free passage of roads and suffering offensive matter to flow on the road.

23. Any person who wilfully places, or causes to be placed, on any road any stone, timber, matter or other thing to the prejudice, interruption, or danger of any person travelling on the road, or who suffers any filth, dirt or other offensive thing, or matter whatsoever to run or flow into, or upon, any road from any house, building, erection, lands or premises adjacent to the road, or who in any way wilfully obstructs the free passage of any road, shall be liable, on conviction, to a penalty not exceeding two hundred and fifty dollars, independently of any damages which may be recovered against him or her by civil process.

Penalty for obstructing Surveyor.

24. Any person who interferes with, obstructs, opposes, or threatens the Surveyor, or any other person acting under the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding five hundred dollars.

Penalty.

25. Any person who commits any offence against any of the provisions of this Act for which no penalty is provided shall be liable, on conviction, to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

PART VI

LEGAL PROCEEDINGS

Services of notices.

26. All notices under this Act shall be in writing, and may be served by leaving a copy of such notice with any person resident on the land mentioned and referred to in the notice, or by posting up a copy of the notice in some conspicuous place on the land.

All proceedings in name of the Surveyor.

27. All proceedings under this Act may be in the name of the Surveyor.

Recovery of penalties.

28. All fines, penalties and forfeitures imposed by this Act, or by any rule made under the Act may be recovered summarily in the manner provided by the Magistrates' Code of Procedure Act, Cap. 3.17.

Saving.

29. Nothing in this Act shall prejudice or affect any right of action or any proceedings which may lawfully be taken otherwise than under this Act.

PART VII
MISCELLANEOUS

Regulations.

30. (1) The Minister may make regulations—

- (a) as to the width of the roads, or any of them, and the manner in which the same shall be formed and repaired;
- (b) with respect to railway crossings; custody of gates, fencing of railways running adjacent to or across the said roads or any of them; and
- (c) for enforcing the observance of any rule by forfeiture or fine not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

(2) All regulations made under the authority of this section shall be laid before the National Assembly at the first sitting thereof after such regulations have been made, and shall have the same force and effect as if they were contained in this Act.

(3) Until and except in so far as they are revoked by any regulations to be made under the authority of this Act, the regulations with reference to the matters aforesaid in force at the time of the commencement of this Act shall continue to be in force after the passing of this Act.

FIRST SCHEDULE*(Section 3)*

ST KITTS.	MILES
(a) Main road round the Island, excluding the town of Basseterre	29.95
(b) From the main road to Palmetto Point Village.....	27
(c) Old Road streets.....	25
(d) From the main road at Old Road through Nine Turn Gut to Phillips Village	5.61
(e) From the main road to the foot of Brimstone Hill.....	.50
(f) From the main road to the Leper Asylum10
(g) Sandy Point streets50
(h) From Mount Idle, Sandy Point, through Fig Tree Village to the main road at Brothersons, including Fig Tree Long Path	3.50
(i) From the main road at Dieppe Bay Village to Bethel Village96
(j) Dieppe Bay streets28
(k) From the main road at Belle Vue Estate to Tabernacle Village	1.82
(l) From Tabernacle Village through Phillips Village to the main road at Molineux Estate	2.44
(m) From the main road at Brighton Estate to St. Mary's Church.....	.50
(n) From the main road at Cayon Village through Bayfords Estate to the Basseterre Town boundary.....	5.00
(o) From Stapleton Estate to Milliken Estate.....	.61
(p) From Basseterre to Frigate Bay.....	1.88
	<u>54.17</u>

SECOND SCHEDULE*(Section 30)***PUBLIC ROADS (RAILWAY CROSSINGS) REGULATIONS****Short Title.**

1. These Regulations may be cited as the Public Roads (Railway Crossings) Regulations.

Railway Crossings.

2. Where any railway crosses a public road on the level, the railway company shall at all times maintain good and sufficient gates across the railway where the same communicate with the road, of such dimensions and so constructed as when closed to prevent persons and stock from entering on the railway.

Custody of Gates.

3. The railway company shall employ proper persons to open and shut the gates for the passage of engines or trains, and such gates shall be kept constantly closed across the railway on both sides of the road, except during the time when the engines or trains travelling on the railway have to cross the road.

Closing of Gates.

4. The person entrusted with the care of the gates shall cause the same to be closed immediately after any engine or train travelling on the railway has passed through the same, and if any such person omits so to do, he or she commits an offence and, on conviction, shall be liable to a penalty not exceeding three hundred dollars.

Crossings to be Paved or Concreted.

5. All level crossings on main roads shall be properly paved, but in the case of bye-roads they may be concreted instead.

Grading of Roads Crossed by Railway.

6. If any alteration be made in the level or rate of inclination of any public road at a point at which it will be crossed by the railway, the company shall properly grade the road so crossed.

Height of Railway Bridges Above Road.

7. The arch of every bridge erected for the purpose of carrying the railway over the road shall be a clear height of not less than twelve feet from the surface of the road.

Danger Alarm.

8. On approaching the crossings of every public road all railway locomotives shall give ample notice of such approach by sounding an alarm whistle.

Remedies.

9. Any person suffering damage from neglect to observe any of the foregoing regulations shall be entitled to recover such damage from the company in an ordinary action or suit therefor, but, save and except the penalty mentioned in regulation 4, no penalty other than such damages shall be recoverable from the company in respect of any such neglect.

THIRD SCHEDULE

(Section 4)

ROADS PROCLAMATION

WHEREAS by section 4 (1) of the Roads Act, it is ordained that the Governor-General may, from time to time, by Proclamation in the *Gazette*, declare any road or part thereof not mentioned in the First Schedule to the Act, shall be constructed and maintained at the public expense out of moneys provided by the National Assembly, and thereupon all provisions of the Act shall apply to such road or part thereof:

NOW THEREFORE the Governor-General, with advice of the Cabinet of the State, hereby declares that the roads described in the Schedule to this Proclamation shall be constructed and maintained at the public expense out of moneys provided by the National Assembly.

SCHEDULE TO THE PROCLAMATION

1. The road of a length of 194 yards or thereabouts known as Methodist Road and situate at the Village of Tabernacle.
 2. The road of a length of 194 yards or thereabouts known as Maclellan Road and situate at the Village of Tabernacle.
 3. The road of a length of 194 yards or thereabouts known as Taylors Long Path and situate at the Village of Tabernacle.
 4. The road of a length of 150 yards or thereabouts known as Gomez Road and situate at the Village of Tabernacle.
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