

2

(3) In assessing each owner's obligation to pay the cost of constructing, repairing or maintaining a fence in accordance with subsection (1) or (2) regard shall be had to –

- (a) the benefit each owner receives by virtue of the fence; and
- (b) the type of fence it is appropriate for each owner to pay towards having regard to his use of his property.

(4) Where –

- (a) the owner of property has constructed, repaired or maintained a fence; and
- (b) the owner of an adjoining property is by virtue of subsection (1) or (2) liable for a proportion of the cost of constructing, repairing or maintaining the fence as assessed in accordance with subsection (3),

the proportion of the cost so assessed is a debt due to the owner who constructed, repaired or maintained the fence.

Regulations.

3. The Governor in Council may make regulations necessary or convenient for the purposes of this Law and may, in particular, make regulations –

- (a) prescribing the procedure to be followed by an owner of a property when requiring the owner of an adjoining property to contribute towards the cost of the construction, repair or maintenance of a fence between their properties;
- (b) prescribing the manner in which a dispute between the owners of adjoining properties in respect of the construction, repair or maintenance of a fence between their properties is to be settled.

Repeal.

4. The Division of Fences Law, 1980 is repealed.

Passed by the Legislative Assembly the 24th day of September, 1993.

SYBIL McLAUGHLIN
Speaker.

WENDY LAUER EBANKS
Acting Clerk of the Legislative Assembly.

CAYMAN ISLANDS



Supplement No. 1 Published with Extraordinary Gazette
dated Friday, 5th November, 1993.

THE FENCES LAW, 1993

(Law 15 of 1993)

MICHAEL J GORE
Governor

22nd October, 1993

**A LAW PROVIDING FOR
THE CONSTRUCTION, REPAIR AND
MAINTENANCE OF DIVISION FENCES**

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Fences Law, 1993.

Cost of
constructing etc. of
fences to be borne
by adjoining land
owners.

2. (1) Subject to subsection (2), the cost of constructing, repairing and maintaining a fence between properties is to be borne by the owners of those properties as assessed in accordance with subsection (3).

(2) If a fence is destroyed or damaged by the act or neglect of one owner whose property adjoins the fence the cost of replacing or repairing the fence is to be borne by that owner except to the extent that the cost relates to any improvement to the fence destroyed or damaged in which case that additional cost is to be borne by the owners of the properties adjoining the fence as assessed in accordance with subsection (3).