

CAYMAN ISLANDS



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THE ROADS LAW, 1974.
(Law 18 of 1974)

Date of operation: January 20, 1975

Date of non-disallowance published in Gazette No. . . of 197. . .

MEMORANDUM OF OBJECTS AND REASONS

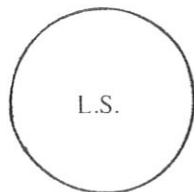
Parts of The Roads Law are antiquated and no longer operable. Furthermore the time has arrived when, for development purpose, it has become necessary to classify and schedule the roads in the Islands and make provision by regulation for the design layout, construction and maintenance thereof. This Law provides for these matters while preserving the public safeguards embodied in the old Law (Cap. 152).

THE ROADS LAW, 1974.

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LAW 18 OF 1974



I assent

T. RUSSELL

Governor

23rd December, 1974

**A LAW TO REPEAL AND RE-ENACT IN
AMENDED AND CONSOLIDATED
FORM THE ROADS LAW (CAP. 152).**

ENACTED by the Legislature of the Cayman Islands.

Short
title and
commence-
ment.

1. This Law may be cited as the Roads Law, 1974 and shall come into operation on a date to be appointed by the Governor by Government Notice published in the Cayman Islands.

Interpre-
tation.

2. In this Law unless the context otherwise requires:—

“access road” means a public road giving access from a feeder road or throughroad to any particular premises;

“Commissioner” means the Commissioner of Police or any person deputed to act on his behalf;

“Committee” means the Assessment Committee referred to in Section 7;

“feeder road” means a public road giving access to a throughroad;

Law 21 of
1971.

"Governor" means the Governor in Council;

"prescribed" means prescribed by this Law or any regulation made thereunder;

"public place" means any place to which the public has access whether as of right, upon payment or upon invitation express or implied;

"public road" means a classified road, scheduled and published in the Gazette under Section 3;

"Registrar" has the meaning ascribed to it in the Registered Land Law;

"regulation" means a regulation made pursuant to this Law;

"road" means any public place where a vehicle may be driven or parked and such areas adjacent thereto as may be prescribed;

"service road" means a public road intended to be used for the parking of vehicles and for the loading and unloading of goods;

"throughway" means a public road giving direct connection between towns and settlements;

"traffic sign" is a sign erected by the Commissioner in or in the vicinity of a road for the purpose of controlling and regulating traffic and the parking of vehicles;

"traffic signal" means a device by which illuminated signals in red, green or amber, or combinations of any two such colours are intermittently displayed at the centre or side of a road at an intersection or junction or other place where the Commissioner desires to control traffic, in conjunction with a metallic or white line drawn at right angles to the centre line of the road in the path of vehicles approaching the said device.

Governor to
classify
and
schedule
existing
roads.

3. The Governor may cause any roads in the Islands to be classified, described and scheduled as public roads and shall cause the schedules of such public roads to be published in the Gazette from time to time under the following classifications:—

- (a) throughways,
- (b) feeder roads,
- (c) access roads, and
- (d) service roads,

and shall lay down such standards for the dimensions, design, maintenance and improvement of any such roads as he may from time to time deem desirable.

Power to
enter
lands and
survey
for
roads.

4. (1) Where the Governor deems it desirable to lay out any new public road or to divert or widen any part of an existing road for use by the public he may authorise in writing any person, either alone or accompanied by such assistants and work-men as may be required, to enter at any reasonable times upon lands for the purpose of making such surveys as may be necessary to enable such person to make plans and sections of the proposed works and an estimate of the cost thereof.

(2) No person shall, under the authority of subsection (1), enter upon any occupied lands without the consent of the occupier unless three days notice in writing has been given to such occupier or, where such occupier cannot be found, notice of such entry has been posted conspicuously on the said land.

Notifica-
tion of
proposal
to take
land.

5. (1) Whenever it appears to the Governor that any particular portion of land is needed for the layout of a new public road or the widening or diverting of an existing public road, a declaration to that effect shall be gazetted.

(2) The declaration shall state the locality in which the portion of land is situated, the approximate area of such portion of land, the intention of the Government to construct a road or portion of road over such portion of land without payment of compensation for any interest therein, and the place where a plan can be inspected.

(3) The Governor shall cause a detached plan of the proposed new road, or of the part of the road intended to be widened or diverted, and the lands through which it is to

pass, to be transmitted to the Registrar to be exhibited to any person who may require to examine it.

Power of
Governor
to take
land.

6. In any case where a declaration has been published as required by subsection (1) of section 5 and where the Governor is satisfied that it is in the public interest to lay out, widen or divert a road over the portion of land to which the declaration relates without payment of compensation therefor, then, notwithstanding anything contained in any other law, and subject to section 11 (which relates to the payment of compensation in the case of undue damage or severe hardship) the Governor may, on the expiration of fifteen days from the publication of the declaration, enter upon the said portion of land and cause the said road or portion of road to be commenced or proceeded with without further notification and without any liability to pay compensation therefor:

Provided that no portion so taken shall unless otherwise stipulated in the said declaration exceed twenty five feet from the centre of the proposed road measuring in either direction at right angles to the proposed road.

The Assess-
ment
Committee.

7. (1) There shall continue to be established for the purpose of assessing compensation under this Law a body called the Assessment Committee.

(2) The Committee shall consist of a magistrate and two other members who shall be nominated by the Legislative Assembly and shall hold office for four years and shall be eligible for re-appointment. The Magistrate shall be chairman of the Committee.

Application
for
compensa-
tion.

8. (1) The owner or occupier of, or any person having an interest in any portion of land to which a declaration under section 5 relates, or which has been taken by the Governor under this Law may, at any time before any work other than survey work has been commenced on the said land, deliver to the Governor an application in writing for assessment of compensation for any undue damage or serious hardship likely to be suffered by him as a result of the intended dispossession of the said land:

Provided that where an application has been delivered later than the time allowed by this subsection, the Governor may, in his absolute discretion and for good cause shown, accept such application.

(2) The Governor shall thereupon refer such application for compensation to the Committee.

Statement
in
writing
by the
Governor.

9. In making any reference under section 8 the Governor shall state in writing under his hand for the information of the Committee:—

- (a) the extent of the portion of land, with particulars of any trees, buildings or standing crop thereon; and
- (b) the situation and extent of the land of the applicant from which the said road has been or is proposed to be taken.

Procedure
in
consider-
ing
applica-
tions for
compensa-
tion.

10. (1) Where any application has been made to the Committee under section 8, the Committee shall cause a notice to be served upon the applicant, specifying the place, time and day on which the Committee will proceed to consider the application, and directing his appearance before the Committee on that day.

(2) In considering any application for compensation under this Law the Committee may:—

- (a) inspect the portion of land which has been or is proposed to be taken, and other land in the vicinity thereof; and
- (b) carry out such other investigations as the Committee may consider necessary.

(3) Where the Committee is satisfied that the applicant has suffered or is likely to suffer undue damage or serious hardship at the time of the taking of the said land by reason that the loss:—

- (a) of any standing crop or trees; or
- (b) the severing of such portion of land from his other land; or
- (c) the injurious effect on his other land of the dispossession of such portion thereof

exceeds

- (d) the advantage gained to the applicant by the presence of the new or improved road adjacent to his land,

the Committee shall, as soon as possible after such an application has been heard, assess the set amount of compensation, if any, which ought to be paid to the applicant and transmit its recommendations in writing to the Governor.

Notification
of
recommenda-
tions and
payment of
compensa-
tion.

11. The Governor shall, on receipt of the recommendations of the Committee in accordance with subsection (3) of section 10, inform the applicant in writing of the tenor of the said recommendations of the Committee and, if compensation is recommended to be paid, make payment to the applicant of the amount assessed.

Width of
public
roads.

12. Unless otherwise prescribed, the maximum width of a public road is fifty feet measured twenty five feet on either side of and at right angles to the centre line of the carriage way of such road.

Powers of
the
Governor.

13. The Governor may cause:—

- (a) traffic to be diverted from any road for the purpose of altering or improving the same;
- (b) temporary roads to be made over land adjoining public roads to be made and used as public roads while alterations or repairs are being made to such public roads;
- (c) drains to be cut on any land adjoining a public road for the purpose of intercepting water which would otherwise flow on to such road or for carrying off water from such road;
- (d) deposits to be made of any spoil or surplus material or refuse from any road, landslip or excavation;
- (e) quarries to be opened and worked and excavations to be made and stones and materials gathered for the construction or repair of any road.

Discon-
tinuance
of roads.

14. (1) Wherever it appears to the Governor that it is expedient to close a public road or portion of such road he shall publish a declaration to that effect in the Gazette and such declaration shall specify:—

- (a) the road or portion of road proposed to be discontinued;
- (b) the date from after which such road or portion of road shall cease to be a road; and
- (c) the place where a plan of such road or portion of road may be inspected.

(2) The Governor shall cause a plan of such road or portion of road proposed to be discontinued to be transmitted to the Registrar and to be exhibited to any person who may require to examine it.

(3) From the date specified in a declaration made under subsection (1), such road or portion of road specified in such declaration shall cease to be a road and all public rights of way over the same shall cease after the said date and thereafter the land over which the said road or portion of road passed shall revert to the full control of the person who would have had full control thereof if the said land had not been dedicated as a road; whoever thereafter uses or attempts to use such land as a road without the consent of the owner thereof is guilty of an offence.

Powers of
entry and
occupation
of
private
lands.

15. (1) For any one or more purposes specified in section 13, the Governor or any person authorised by him in writing, may at any time, without previous notice, payment, tender or deposit, enter upon any land not being any house, yard or garden, or provision ground attached to a house and not being a park, avenue or ground ornamentally planted, and without acquiring such land, occupy and use the said land so long as may be necessary for any of the said purposes, or any work connected therewith.

(2) In exercising the powers conferred by subsection (1) the Governor or any person authorised by him in writing may:—

- (a) make such openings as may be necessary in any fence;
- (b) erect fences to separate any portions of the land so entered upon from the remainder;
- (c) deposit and prepare upon such land materials of any kind used in the work;
- (d) erect thereupon temporary workshops, stores, sheds and other buildings.

(3) The owner or occupier of or any person interested in any land occupied or used in pursuance of this section may at any time not being later than three months after the commencement of such occupation, deliver to the Governor an application in writing for assessment of compensation for any undue damage or serious hardship suffered by him as a result of such occupation and use of the said land, and subsection (2) of section 8 and sections 9, 10 and 11 shall

apply to such application mutatis mutandis as they apply to an application made under section 8.

What are
encroach-
ments.

16. The following are for the purpose of this Law encroachments on a public road:—

- (a) any fence erected upon or extending on or over any such road;
- (b) any tree or shrub projecting upon, overhanging, fallen upon, placed or planted upon any such road;
- (c) any obstruction caused by debris or refuse resulting from works carried out by occupiers of land adjoining such road;
- (d) any pit, cutting or excavation, in, upon or under any land adjoining such road which is not sufficiently fenced or otherwise made safe;
- (e) any stone, earth, timber or other substance thrown into or placed in any water-course, which impedes or may impede the drainage of water from such road;
- (f) any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;
- (g) any earth, stone or other substance dropped, left or deposited upon such road otherwise than deposits authorised to be deposited in the course of road construction or improvement;
- (h) any pipe, drain or discharge of water or other liquid on the road from any premises adjoining such road;
- (i) any discarded or abandoned vehicle or portion thereof dumped or parked within sight from any public road; and
- (j) any obstruction of view contrary to subsection (1) of section 18.

Removal of
encroach-
ments.

17. (1) Wherever there exists any encroachment on a road, the owner or occupier of the land or thing from which such

encroachment proceeds, or the owner of the thing constituting the encroachment shall, after receiving a notice thereof in writing from the Governor, forthwith remove or abate the same at his own cost and in the event of non-compliance with such a notice by the owner or occupier as the case may be the Governor may cause the encroachment to be removed in such manner as he may think fit.

(2) Where the Governor directs the removal of an encroachment under the authority of subsection (1), the following provisions shall have effect:—

- (a) the Governor may without giving notice authorise any persons to enter upon any land for the purpose of removing the encroachment;
- (b) neither the Governor or any person authorised by him shall be liable for any damage occasioned by the removal unless the same is caused by such person's wilful neglect or default;
- (c) the cost of removal shall be defrayed by the person responsible for the encroachment and shall be recoverable as a civil debt;
- (d) anything constituting the encroachment shall be forfeited, and the Governor may sell or otherwise dispose of it unless the owner previously redeems it by paying all the costs of the removal;

the above provisions are without prejudice to the penal and civil liabilities of any person responsible for an encroachment.

Obstruction
of view.

18. (1) No person owning or occupying land adjoining any public road shall permit to be on such land within thirty feet of any road junction or intersection or the inside of any bend in such road, measured from the nearest boundary of such road, any hedge, bank, fence or other thing constituting a natural or artificial obstruction of view from the road of a height greater than two feet from the level of the verge of such road, unless permitted so to do by any other provision of this Law:

Provided that this subsection shall not apply to buildings lawfully erected at the time of coming into effect of this Law.

(2) Anything unauthorised by subsection (1), which causes an obstruction of the view along any public road is an encroachment for the purpose of section 16.

Regulations.

19. The Governor may make regulations:—

- (a) prohibiting the use of certain classes of vehicles on specified roads;
- (b) prescribing conditions upon which certain classes of vehicles may be used on certain roads;
- (c) exempting specified roads or portions of roads from the provisions of section 18;
- (d) naming and numbering public roads and numbering plots;
- (e) for the erection of distance markers and sector markers for the measurement of roads;
- (f) prescribing the design, location and erection of road directional sign posts;
- (g) prescribing speed limits in public roads and portions of such roads when road works are projected or in progress and the design, location and erection of signs notifying such limits;
- (h) for the establishment or confirmation of foot-paths and pedestrian precincts; and
- (i) generally for the better implementation of this Law.

Offences
and
penalties.

20. Whoever:—

- (a) having caused or permitted to be caused any encroachment under section 16 (a) to (j) fails to remove the same after notice served;
- (b) causes or permits any encroachment under section 16;
- (c) causes or permits an unauthorised encroachment under subsection (1) of section 18;
- (d) other than in the course of roadworks or removing an obstruction, drags in direct contact with the surface of a public road any sled, log, tree or other article likely to do damage to the said road;
- (e) hinders or obstructs the Governor or any person authorised by him while carrying out any provision of this Law;
- (f) having knowingly caused or permitted any tree, large stone or other potentially dangerous thing to fall upon a public road, fails promptly to remove it;

THE ROADS LAW, 1974.

- (g) takes for his own purposes any materials from any road or from any deposit made for the building, maintenance or repair of any road;
- (h) contravenes any other provision of this Law or any regulation; or
- (i) moves, defaces or otherwise interferes with any road marker or sign or any traffic sign or signal

is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding six months or to both.

Notice under
the Law to
be Notice
to the
Registrar.
Law 21 of
1971.

21. Any matter notified by Government Notice under the authority of this Law shall constitute notice thereof to the Registrar for all purposes of the Registered Land Law.

Repeal and
Saving
(Cap. 152).

22. The Roads Law is hereby repealed without prejudice to anything done thereunder or to any matter in course of process at the time of coming into operation of this Law.

Passed the Legislative Assembly this 15th day October, 1974.

T. RUSSELL

President

SYBIL MCLAUGHLIN

Clerk of the Legislative Assembly.