



MONTSERRAT

CHAPTER 7.07

ROADS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

ROADS ACT

Act 7 of 1907 .. in force 1 August 1907

Amended by Acts: 3 of 1909

5 of 1919

9 of 1939

20 of 1956

4 of 2003

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

6 of 2014 .. in force 2 April 2014

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ROADS ACT

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CHAPTER 7.07

ROADS ACT

*(Acts 7 of 1907, 3 of 1909, 5 of 1919, 9 of 1939, 20 of 1956,
4 of 2003, 9 of 2011 and 6 of 2014)*

Commencement

[1 August 1907]

Short title

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

Interpretation

2. In this Act—

“owner” includes lessee, occupier, manager, and person in charge;

“public road” includes all public highways, roads, streets, and bridges belonging to the public of Montserrat or over which the public has a right of way, but does not include a place designated for racing or speed trials under section 55 of the Road Traffic Act. *(Amended by Act 6 of 2014)*

Public roads

3. Such roads as the Governor acting on the advice of Cabinet may by order appoint are hereby declared to be public roads. Any such order shall be laid before the Legislative Assembly. The omission of any public road from any order made by the Governor acting on the advice of Cabinet shall not be deemed to affect the right of the public to such road. *(Amended by Act 9 of 2011)*

Appointment of Superintendent of Works and Roads

4. The Governor shall be *ex officio* Superintendent of Public Works and Roads, except when that office is held by some other person appointed thereto by the Governor.¹

Appointment of Inspector of Works and Roads

5. The Deputy Governor* shall appoint an Inspector of Works and Roads who shall receive such salary as may be approved.²

¹ By G.N. 10/1982 the Permanent Secretary in the Ministry of Communications and Works was so appointed.

* See Montserrat Constitution Order 2010

² By G.N. 10/1982 the Director of Public Works was so appointed.

Inspector of Works and Roads subject to directions of Superintendent

6. The Inspector of Works and Roads shall in the discharge of his duties and in the exercise of his powers under this Act be subject to any directions which may be given to him by the Superintendent of Public Works and Roads.

Duties of Inspector of Works and Roads

7. It shall be the duty of the Inspector of Works and Roads to supervise the repairs of the public roads, to prevent any encroachments on, or injuries to, the same, and, generally, to carry out and enforce this Act and all rules and regulations made under this Act by the Governor acting on the advice of Cabinet, to prosecute persons offending against the same, and to perform such other duties as may from time to time be assigned him by the Governor acting on the advice of Cabinet.

Repair of fences, etc., by owners

8. The Inspector of Works and Roads may, whenever it appears to him to be necessary, give notice in writing to the owner of any land adjoining any public road to repair and keep in repair his walls and fences and to cut down bushes growing on or near such walls or fences in such manner as to protect the public road and the ditches and drains thereof from being prejudiced or encumbered thereby. If within ten days such owner does not comply with such notice, the Inspector of Works and Roads may repair such walls and fences and cut down such bushes to the best of his skill and judgment for the preservation and improvement of the public road; and any such owner shall be liable to a penalty of \$24 besides the expenses which the Inspector of Works and Roads has incurred in respect of repairing such walls and fences and cutting down such bushes.

Cutting, etc., of trees by Inspector of Works and Roads

9. The Inspector of Works and Roads may, whenever and to such extent as in his discretion it appears to be necessary for the preservation of any public road, cut down, trim, or lop any tree growing by the side of, or overhanging such road.

Drains

10. The Inspector of Works and Roads may direct or cause to be made convenient drains or sluices for carrying the waters out of the public roads into any adjacent lands provided it can be done without direct and immediate damage to the possessors of such lands.

Rubbish may be taken from or deposited on adjoining lands

11. The Inspector of Works and Roads may take away or cause to be taken away from any land adjoining any public road any loose stones or rubbish which may be required for the repairs of the roads, and may deposit

or cause to be deposited on any land adjoining any public road any scourings or rubbish taken from any public road: Provided always that, such deposit shall be made in such manner as shall be least injurious to the adjoining land.

Penalty for encroachment on, or damage to roads

12. Any person who encroaches upon any public road or cuts away or injures any part of any public road, or cuts away or removes any earth or other matter immediately contiguous to any such road so as to endanger the same, or opens any watercourse or drain into or upon any public road so as to injure the same, or stops any drain or watercourse opened for the preservation of the public roads, or throws any stones, bushes, or other obstructions upon any public road, or, without permission from the Inspector of Works and Roads, cuts down, lops or disfigures any tree growing within fifteen feet of any public road, or, without permission from the Governor acting on the advice of the Cabinet, removes any stones from any part of the seashore of Montserrat, or resists or opposes any person acting in the execution of this Act, shall be liable to a penalty of \$48.

Penalty for injury to roads by neglect of ranges, etc.

13. If any public road is injured by any water flowing, by neglect, from the ranges and paths on the land of any person, such person shall forthwith repair such injury, and, if he fails or neglects to do so within such time as the Inspector of Works and Roads thinks reasonable, the Inspector of Works and Roads shall repair such injury and such person shall be liable to a penalty of \$24 besides the expenses incurred by the Inspector of Works and Roads.

Penalty for obstructing roads

14. Any person who lays out in any public road or on the side thereof any stone, timber, instrument of husbandry, or other matter or thing, or who, after having balked or stopped any cart, waggon, or other carriage, causes or suffers to remain on any public road the stone or other thing with which such cart or other carriage has been stopped, shall be liable to a penalty of \$24, independently of any damage which he may occasion thereby.

Penalty for careless driving

15. Any person who—

- (a) being the driver of any cart, car, dray, or waggon, rides upon any such vehicle in any public road, not having some other person on foot or horseback to guide the same (such carriages as are conducted by some persons holding the reins of the horse or horses drawing the same excepted); or
- (b) being the driver of any carriage whatsoever on any part of any public road by negligence or wilful misbehaviour causes

any hurt or damage to any person, animal, or carriage passing or being upon such road, or without sufficient cause, quits such road and goes on the other side of the hedge or fence enclosing the same, or wilfully is at such distance from such carriage or in such a situation whilst it is passing upon such road that he cannot have the direction or government of the horses or cattle drawing the same, or by negligence or wilful misbehaviour prevents, hinders, or obstructs the free passage of any other vehicle on such road;

- (c) being the driver of any empty or unloaded cart, waggon or other carriage, herd of cattle, or other beasts, refuses or neglects to turn aside and make way for any coach, chaise, loaded waggon, cart, or other carriage, or any person travelling on such road,

shall be liable to a penalty of \$24.

Penalty for furious riding or driving

16. Any person who rides or drives any horse or other animal on any public road furiously or in such a manner as to endanger the life or property of any person on such road shall be liable to a penalty of \$48.

Diversion of public roads

17. (1) The Governor acting on the advice of Cabinet may by Order change the course of or divert any public road or portion of any public road.
(Amended by Act 9 of 2011)

(2) Upon the making of such Order, or from the date (if any) fixed by such Order, the public road or portion of public road to which the same relates is deemed to be changed or diverted, and, as so changed or diverted, shall be in place and substitution for such public road or portion of public road so changed or diverted.

Closure of roads dangerous to traffic

18. The Governor acting on the advice of Cabinet may by Order close for such traffic as may be specified in such Order, and either permanently or for and during such time or times as may be specified in such Order, any public road or portion of public road which may in the opinion of the Governor acting on the advice of Cabinet be dangerous to traffic. It shall thereupon be lawful for the Inspector of Works and Roads or other Public officer to block or stop up permanently or temporarily, as the case may be, such public road or portion of public road so as to prevent the same from being used for such traffic as may be specified in such Order as aforesaid.

(Amended by Act 9 of 2011)

Retrospective section

19. (1) Any of the foregoing Orders in Cabinet provided for by this Act may be made to operate retrospectively from such date as may be fixed by the Order, and shall, in such event, be deemed to and shall extend to all acts or omissions within the scope of such Order, done or suffered after the date so fixed by such Order.

(2) No person shall have any right of action against the Inspector of Works and Roads or other Public officer in respect of any act or omission covered by such Order in Cabinet as aforesaid.

(Amended by Act 9 of 2011)

Buildings adjoining roads or streets

20. (1) No person shall commence to build, or rebuild, or repair any building or wall adjoining any public road or street until he has given to the Inspector of Works and Roads fourteen days' notice of his intention so to do. Such notice shall specify the description of the building or wall which it is proposed to erect and the exact situation in which it is to be erected.

(2) Any person who contravenes this section shall be liable to a penalty of \$24.

(3) The Governor acting on the advice of the Cabinet may, if he thinks fit, dispense with the notice required by this section.

Regulations

21. The Governor acting on the advice of the Cabinet may make regulations for regulating the duties of the Inspector of Works and Roads, the width of public roads, and the manner of repairing the same, the planting of trees by the sides of public roads and the preservation of the same, the provision and custody of tools and implements for the repair of the public roads, and, generally for carrying out the provisions of this Act.

ROADS REGULATIONS – SECTION 21

Short title

1. These Regulations may be cited as the Roads Regulations.

Division of roads

2. The roads of Montserrat are divided into the following sections as specified in the Schedule.

Maintenance of roads

3. The roads of Montserrat shall be repaired and maintained by the employment of gangs under the immediate direction of the Inspector of Works and Roads, at times and places to be determined by that Officer.

Road wardens

4. The Governor acting on the advice of the Cabinet shall appoint from time to time, as necessary, fit and proper persons to be styled “**ROAD WARDENS**” who shall assist and co-operate with the Inspector of Works and Roads in the supervision of the repair and maintenance of the roads within the limits for which they shall be so appointed.

SCHEDULE

<i>Section</i>	<i>Extent of Section</i>
No. 1.	General Turning Road and on to Belham Bridge.
2.	Belham Bridge to St. Peter’s Church.
3.	St. Peter’s Church to Carr’s Bay and Banks Road.
4.	Cudjoe Head to Carr’s Bay via St. John’s (Drummond’s Road).
5.	St. John’s to Bottom’s Ghaut via Blakes.
6.	Bottom’s Ghaut to junction with Pea Ghaut Road.
7.	Hyde Park to Rose Cottage with Paradise Extension.
8.	Rose Cottage to General Turning Junction.
9.	Weekes, Windy Hill, Hodges Hill, Venturesome.
10.	Kinsale to O’Gara’s.
11.	Chateau, Fairfield, German’s Bay, Toby Hill.
12.	Morris to Tar River gates via the Soufriere.
13.	Tar River gates via Bethel and Pea Ghaut to Hyde Park.
14.	Environs of Plymouth.

SCHEDULE OF PUBLIC ROADS ORDER – SECTION 3

(S.R.O. 9/1939)

Short title

1. This Order may be cited as the Schedule of Public Roads Order.

Roads declared Public Roads

2. The roads set out and classified in the Schedule respectively as Main Roads, First Class By-ways, Second Class By-ways, and Third Class By-ways are hereby declared to be public roads.

SCHEDULE

		<i>Approx. length in miles.</i>
MAIN ROADS		
Northern Main Road	St. Anthony's Church to St. John's Church <i>via</i> Salem and Carr's Bay	11.2
Windward Main Road	Glendon Hospital to Bethel	6.4
Eastern Main Road	Bethel to Tar River	2.4
Southern Main Road	Wapping to O'Garro's Estate	3.7
Total Main Roads		23.7
FIRST CLASS BY-WAYS		
Olveston	Belham Bridge to "The Glebe" <i>via</i> Olveston	1.8
Pea Ghaut	Pea Ghaut to Long Range	.8
General Turning	Winward Main Road to Richmond	.5
Total First Class By-ways		3.1

SECOND CLASS BY-WAYS

St. Patrick's	German's Bay to Morris'	1.2
Chateau	Kinsale to Old Hospital	1.0
Trials	Kinsale to Spring Garden	.7
Fort Barrington	Fort Barrington House to Aymer's Ghaut <i>via</i> old Poor House	.7
Fairfield	Kinsale School to Fairfield House	1.3
Parsons	Victoria Village to Parson's Village	1.2
Reservoir	Fort Barrington House to Victoria Village <i>via</i> Amersham	.7
Cork Hill	Ffrye's to Belham River	1.5
Salem	Olveston to Salem	.5
Church Hill	Cheapend to St. Peter's School <i>via</i> Woodrupt	1.5
Cavalla Hill	Cudjoe Head to St. John's	3.0
St. John's	Sweeney's to St. John's	.5
Blakes	Gerald's to Blake's Estate	1.5
St. George's Hill	Harry Ghaut to St. George's Fort.....	1.5
Harris' Village	St. George's Church to Lookout	1.5
Trants	Bethel Church to Trants <i>via</i> Farm	1.2
St. George's School	St. George's Church to Plum Tree Ghaut	.5
Roads in Webb's District		2.0
Total Second Class By-ways		22.0

THIRD CLASS BY-WAYS

Happy Hill	Belham Bridge to Happy Hill	1.0
Weekes/Molyneux	Ffrye's to Molyneux <i>via</i> Weekes	3.0
Molyneux	Molyneux to Dyers	1.5
Windy Hill	Farrell's to Molyneux <i>via</i> Windy Hill	3.5
Hodges Hill	Comeover to Windy Hill	1.0
Tuitt's	Pea Ghaut to Hog Hole	1.5
Roches	Galway's to Tar River	7.0
John Blake	Lees to Weekes	1.0
Weekes/St. Geo. Hill	Weekes to St. George's Hill School	1.0
Friths (Upper & Lower)	Through Frith's Village	2.5
Hope	Salem to Hope	1.5
Virgin Island	St. Peter's to Virgin Island	1.0
Banks	Cudjoe Head to Brades <i>via</i> Nixons	1.8
Baker Hill	Cudjoe Head to Cavalla Hill	2.5
Drummonds	Geralds to Rendezvous	3.0
Blakes/Trants	Blakes Estate to Trants Estate	5.0
Judy Piece	St. John's to Judy Piece	1.0
	Total Third Class By-ways	<u>38.8</u>