

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER R65

ROADS ACT

Showing the Law as at 15 December 2008

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 14/2008, in force 3 November 2008

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ROADS ACT

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SCHEDULE: Roads

ROADS ACT

Interpretation

1. In this Act—

"applicant" means the owner or occupier or any person interested in any portion of land who has applied under section 13 for compensation;

"Assessment Committee" means the Committee established under section 10(1);

"Chief Engineer" means any person appointed by the Governor as Chief Engineer, and includes any officer acting under his general or specific instructions;

"officer" includes any person employed in the Department of Infrastructure, Communications, Utilities and Housing and all members of the Police Force of Anguilla, when acting in the performance of duties under this Act, and any person acting in aid of an officer while in the performance of his duties under this Act, shall be deemed to be an officer under this Act;

"road" means any public road mentioned in the Schedule and includes any public rights of way existing in Anguilla as at 1st July, 1974, or which came into existence after that date and also includes the roadway, water tables, any bridges and culverts, and the land on each side of the roadway including road drainage works and water tables up to the boundary of any road;

"street plate" means a device which is secured to the track of a vehicle replacing the normal method of contact between the vehicle and the road, and of such a design as to restrict the pressure caused by the weight of the vehicle transmitted through the device to the road surface, becoming in excess of the designed bearing capacity of the road, so as to cause fracturing or permanent deformation of the road.

Cost of maintenance of public roads

2. The roads of Anguilla mentioned in the Schedule, 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 money as may be provided by the Government for that purpose, but it shall be lawful for the Governor, out of the money, to apply such sums as he shall think fit, in each year, towards the maintenance and repair of any of the roads of Anguilla not mentioned in the Schedule.

Power to declare new roads

3. (1) The Governor may, by proclamation 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 money provided by the Government 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.

(2) The Governor in like manner may revoke, alter or amend the Schedule.

Property in public roads

4. All roads and all land taken for their construction are the property of the Government of Anguilla. Whenever any private road is, with the written consent of the owner, repaired at the public expense, such road shall thereafter be deemed taken and used as a public road for all purposes

whatsoever as if the same had been laid out under the provisions of this Act, except in any case where a special arrangement has been made to the contrary.

Power to make and annul contracts

5. The Governor may, by proclamation to be published in the *Gazette*—

(a) enter into contracts for the repair or maintenance of any of the roads in the Schedule; and

(b) annul any contract for the repair or maintenance of any road.

Chief Engineer to have control and management of roads

6. The Chief Engineer shall have the general care and supervision of the roads of Anguilla and, subject to the directions of the Governor, 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.

Power to enter on lands to survey for road

7. (1) When it is proposed to lay out a new road or to widen or divert any part of an existing road, the Governor may authorise any officer in writing, either alone or accompanied by such assistants and workmen as may be required, to enter at reasonable times upon any lands for the purpose of making such surveys as may be necessary to enable the officer to make plans and sections of the proposed new road, or part of the road, and an estimate of the cost thereof.

(2) No officer, assistants or workmen shall enter upon lands under such authority without the consent of the occupier until 3 days notice in writing has been given to the occupier of the lands, or where the occupier is not known or cannot be found, has been posted up in some conspicuous place on the land.

Notification of proposal to take land

8. (1) Whenever it appears to the Governor that any particular portion of land is required for the laying out of a new road or the widening or diverting of any part of an existing road, a declaration to that effect shall be published in the *Gazette*.

(2) The declaration shall state the district 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, the place where a plan thereof can be inspected and the amount of compensation which the Governor considers to be adequate and proposes to pay to the owner of such portion of land.

(3) The Governor shall cause a 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 exhibited to any person who may require to examine it.

(4) Any owner of land aggrieved by the amount of compensation specified in the declaration may, without prejudice to his rights under section 13, at any time not being later than 1 month from the date of declaration, deliver to the Governor an application in writing for review by the Assessment Committee of the amount of compensation so specified, and any such application shall be dealt with in accordance with the procedure laid down in sections 11 to 16.

(5) The Governor shall, as soon as possible, refer such application for review to the Assessment Committee.

Power of Governor to take land

9. In any case where a declaration has been published as required by section 8 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, then notwithstanding anything contained in any other law, and subject to sections 8 and 16 (which relate to the payment of compensation), the Governor may, on the expiration of 15 days from the publication of the declaration, enter upon the portion of land and cause the road or portion of road to be commenced and proceeded with without further notification, but no portion of land so taken shall exceed 33 feet from the centre of the proposed road measuring in a direction at right angles to the proposed road.

Establishment of Assessment Committee

10. (1) There shall be established, for the purpose of assessing compensation under this Act, a body to be called the Assessment Committee.

(2) The Assessment Committee shall consist of—

(a) the following *ex officio* members, namely—

(i) a member from the Attorney General's Chambers, who shall be the Chairman of the Assessment Committee,

(ii) the Director of Finance,

(iii) the Director of Lands and Surveys, who shall be the Secretary of the Assessment Committee, and

(iv) the Chief Engineer; and

(b) three other members who shall be appointed by the Governor in Council respectively, from among persons who have wide knowledge and experience in—

(i) real estate matters,

(ii) valuation of property, and

(iii) banking or insurance.

(3) The term of office of the members appointed under subsection (2) shall be 2 years and an appointed member vacating office by effluxion of time shall be eligible for re-appointment.

Tender of payment where no application under section 8(4)

11. Where the Governor has not received an application under section 8(4), he shall promptly tender payment of the amount of compensation specified in the declaration to the owner of land under that section.

Where reference made under section 8(5)

12. Where any reference has been made to the Assessment Committee under section 8(5), the following rules shall apply to the review and recommendation of compensation by the Assessment Committee—

(a) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, in its condition at the date of the declaration under section 8, might be expected to realize if sold at that time in the open market by a willing seller for the purpose of being put to the same use to which such land was being put at that time;

(b) in ascertaining the value of such land regard shall be had—

(i) to the net amount of any income derived from that land at the date of the declaration, and

(ii) to the rent at which the land might reasonably be expected to be let from year to year for the purpose of being put to the same use to which it was being put at the time;

(c) the Committee may, in reviewing the compensation for any parcel of land taken under section 9 to lay out, widen or divert any road, take into account any enhancement in the value of the remainder of such land as may reasonably be attributable to the laying out, widening or diversion, as the case may be, of such road;

(d) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to public health, the amount of that increase shall not be taken into account;

(e) no account shall be taken of—

(i) the acquisition being compulsory or the degree of urgency or necessity which has led to the acquisition,

(ii) any disinclination of the person interested to part with the land acquired,

(iii) any damage sustained by the person interested which, if caused by a private person, would not render such person liable to an action, or

(iv) any outlay or improvement of such land which has been made, commenced or effected within 12 months before the publication of the declaration under section 8, with the intention of enhancing the compensation to be awarded therefor in the event of such land being acquired for the laying out of a new road or the widening or diverting of any part of an existing road.

Application for compensation

13. (1) The owner or occupier of, or any person interested in, any portion of land to which a declaration under section 8 relates, or which has been taken by the Governor under this Act, may at any time, not being later than 3 months after the Governor has taken possession of the portion of land, deliver to the Governor an application in writing for assessment of compensation for any undue

damage or serious hardship suffered or likely to be suffered by him as a result of the dispossession or intended dispossession of the portion of land, but, where an application has been delivered later than the time allowed by this subsection, the Governor may, if he is satisfied that the delay in delivery of the application was due to the illness or absence from Anguilla of the applicant, accept such application.

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

Statement in writing by Governor

14. In making any reference under section 8(5) or 13(2), the Governor shall state in writing under his hand for the information of the Assessment Committee—

(a) the extent of the portion of land, with particulars of any trees, buildings or standing crops thereon; and

(b) the situation and extent of the land of the applicant from which the portion has been or is proposed to be taken.

Procedure in considering applications for compensation

15. (1) Where any reference has been made to the Assessment Committee under section 8(5) or 13(2), the Assessment Committee shall cause a notice to be served on the applicant, specifying the day on which the Assessment Committee will proceed to consider the application and directing his appearance before the Assessment Committee on that day, and indicating that, if he does not appear or is not represented, the Assessment Committee may proceed with its deliberations in his absence.

(2) In considering any application for compensation under this Act, the Assessment 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 Assessment Committee may consider necessary.

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

(a) the loss of any standing crop or trees;

(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;

the Assessment Committee shall assess the amount of compensation which ought to be paid to the applicant.

(4) The Assessment Committee shall, as soon as possible after an application for compensation under this Act has been considered, transmit its recommendations in writing to the Governor.

Payment of compensation and notification of recommendations

16. The Governor shall, on the receipt of the recommendations of the Assessment Committee in accordance with section 15(4), inform the applicant in writing of the terms of the recommendations and, if the Assessment Committee has recommended that compensation ought to be paid, the Governor shall tender payment of the amount assessed to the applicant, and an appeal shall lie to the High Court against the amount so assessed and tendered.

Boundaries and widths of roads

17. The boundary of any road shall be the fence, which may be erected by the Chief Engineer, running along it on either side, and where there is no such fence, the boundary shall be a line at all points 16 feet from the centre of the roadway measured in a direction at right angles to the road.

Having or bringing forward fence, an encroachment

18. On any portion of a road where no boundary fence exists, it shall not be lawful for any person to have or to bring forward a fence beyond the line of boundary on either side thereof and any fence so erected shall be deemed to be an encroachment on the road within the meaning of section 33.

When building deemed to be an encroachment on road

19. (1) No person shall, without the consent in writing of the Governor first had and obtained, erect any building within 10 feet of the boundary of any road, and any building erected without such consent shall be deemed to be an encroachment on a road within the meaning of section 33 hereof.

(2) For the purposes of this section, "building" includes any fixed installation on or below the surface of the ground for supplying fuel to motor vehicles.

Power to divert traffic

20. The Governor may for a time divert traffic from any road for the purpose of repairing, altering or improving the road.

Powers of Chief Engineer

21. 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 Chief Engineer without making any payment or being liable to any action therefor—

(a) to cause all weeds, mould, or rubbish to be thrown on any land which he 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 to be used in such work;

(c) to enter, with the servants, workmen and labourers employed by him, 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 shall judge to be necessary therefor;

(d) to make any temporary road, way, or path, through, over or upon any land which he 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;

(e) to dig, construct, and maintain such drains, water-traps, culverts or sluices in any land adjacent, or near to, any road as may be necessary for the proper drainage of such road;

(f) to 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;

(g) when he deems it necessary, in the course of any work upon a road necessitating the temporary blocking up of such road or any portion thereof, or when any road is unfit for traffic, to make a temporary road over lands adjoining the same, to be used as a public road while the road is being repaired, widened or altered;

(h) to make deposits of the spoil or surplus materials from any landslips or excavation or of any refuse from any road; or

(i) with the prior written consent of the owner of the land, to open and work quarries and make excavations for the purpose of obtaining materials therefrom for the construction or repair of any road, and also gather, collect and carry away stones or other materials from off the surface of lands without making excavations.

(Act 14/2008, s. 72)

Discontinuance of roads

22. (1) Whenever it appears to the Governor that it is expedient to discontinue any road or any portion of any 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) a day from and after which such road or portion of road shall cease to be a public road; and

(c) the place where a plan of such road or portion of road can be inspected.

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

(3) From and after the date specified in a declaration made under subsection (1), the road or portion of road specified in such declaration shall cease to be a public road for the purposes of this Act, but the public right of way in such road or portion of road shall continue without interruption, interference or hindrance.

(4) If the land over which such road or portion of road lies is vested in the Government, the Governor may convey, transfer or lease the same on such terms, one of which terms shall be the preservation of the public right of way referred to in subsection (3), as the Governor may think fit.

Appeal to Governor

23. If any person is dissatisfied with any decision under this Act of the Chief Engineer, he may appeal to the Governor and the decision of the Governor shall be final.

Powers of entry upon and occupying and using private lands

24. (1) For any one or more of the purposes specified in section 21, the Governor, or any person authorised by an order in writing signed by him, may at any time, without previous notice, payment, tender or deposit, enter upon any land not being more than 1 mile distant in a straight line from the boundary or fence of a road, and not being part of 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 land so long as may be necessary for any of those purposes, or any work connected therewith.

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

(a) make such openings as may be necessary in any fence;

(b) erect fences to separate any portion of the land so entered upon from the remainder;

(c) deposit and prepare upon such land materials of any kind used in the work; and

(d) erect thereon temporary workshops, stores, sheds and other buildings.

(3) The owner or occupier of, or any person interested in, any land occupied and used in pursuance of this section may at any time not being later than 3 months after the commencement of such occupation and use, deliver to the Governor an application in writing for assessment of compensation for any undue damage or serious hardship suffered, or likely to be suffered, by him as a result of such occupation and use of the land, and section 13(2) and sections 14, 15 and 16, shall apply to such application *mutatis mutandis* as they apply to an application made under section 13.

Certain trees or shrubs not to be cut down or destroyed

25. No person shall cut down, damage or destroy trees or shrubs growing on the edge of any road where they border on any precipitous place, and any person offending against this section is liable to forfeit and pay a sum of $1,000.

Adjacent owners to keep fences, etc., in repair

26. 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 abutting 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 thereof from being prejudiced, encumbered, obstructed or encroached upon thereby.

Procedure in case of neglect to repair, etc.

27. If any such owner or other person as is mentioned in section 26 neglects to keep in repair any such fence, or to cut or lop such trees and bushes, then the Chief Engineer 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 thereby, and if it is not removed within 10 days from the date of giving such notice, then the Chief Engineer is hereby authorised and required to remove

any such encumbrance, obstruction or encroachment and to abate any such nuisance and to cut or lop the trees and bushes and such person so neglecting to remove the encumbrance, obstruction or encroachment or to abate any such nuisance, or to cut or lop the trees or bushes, is liable to forfeit and pay for every such offence a sum not exceeding $500 in addition to the expenses which the Chief Engineer shall have incurred in removing any encumbrance, obstruction or encroachment, or in abating any nuisance, or in cutting or lopping such trees and bushes.

Procedure in case of neglect to repair dry stone wall

28. If any such owner, or other person as is mentioned in section 26, neglects to keep in repair any dry stone wall abutting and bounding any road, then the Chief Engineer shall cause a notice to be served upon the person so offending, specifying the particulars of the obstruction caused thereby, and if it is not removed within 24 hours from the time of giving such notice, then the Chief Engineer is hereby authorised and required to remove the obstruction, and such person so neglecting to remove the obstruction is liable to forfeit and pay for every such offence a sum not exceeding $500, in addition to the expenses which the Chief Engineer shall have incurred in removing the obstruction.

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

29. 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 it from becoming a danger to the public or to the occupiers of the neighbouring buildings.

On failure to do so, Chief Engineer to give notice

30. If any such 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 Chief Engineer shall cause notice to be given to the owner of such building, wall, fence or other structure or to his representative, requiring him to secure, repair or remove the building, wall, fence or other structure.

On failure to comply, Chief Engineer to take out summons

31. If any such owner, or his representative, shall refuse or neglect to comply with such notice within a reasonable time, the Chief Engineer shall take out a summons calling upon him to show cause before the Magistrate why an order should not be issued for the removal of such building, wall, fence or other structure at the expense of such owner.

On failure to show cause Magistrate to order removal

32. If such owner, or his representative, shall fail 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 Chief Engineer authorising and requiring him to cause such building, wall, fence or other structure to be removed at the expense of the owner.

Encroachments

33. The following shall be deemed to be encroachments on a road—

(a) any fence, building or construction erected upon or extending on or over any part of a road;

(b) any tree, branch, bough or other part of a tree fallen upon or over any part of a road;

(c) any tree, branch, bough or other part of a tree, or any shrub projecting upon or overhanging the road, or planted or placed upon the road without authorisation from the Governor;

(d) any debris or refuse, or the obstruction of any part of the road, remaining or resulting from anything done by or on behalf of the owner or occupier of any land, fence, building or construction adjoining the road;

(e) any pit, cutting, or excavation in, upon or under any land adjoining the road which may be or may become dangerous to persons or animals using the road and which is not sufficiently fenced or otherwise made safe;

(f) any stone, earth, timber or other substance thrown into or placed in any drain or watercourse, which impedes the drainage of water from the road;

(g) any artificial canal, conduit or pipe from which any water or any other liquid escapes onto any road owing to the defective construction or maintenance of such canal, conduit or pipe in any part of its course and in any such case the encroachment shall be deemed to proceed from the land on which the canal, conduit or pipe is effectively constructed or maintained;

(h) any earth, stone, timber or other substance left upon or deposited upon the road without authorisation from the Governor;

(i) any pipe, drain or conduit discharging water or any other liquid onto the roadway of any road from any house or premises adjoining such road.

Removal of encroachments by owner or by Governor

34. (1) Whenever there exists any encroachment on a road, the owner or occupier of the land, fence or construction from which such encroachment proceeds, or the owner of the thing constituting the encroachment, shall, after receiving a notice thereof in writing signed by the Governor, forthwith remove or abate it at his own cost.

(2) The notice shall specify the nature of the encroachment and state a reasonable time within which it must be removed.

(3) After the expiration of the time specified in any such notice or without any such delay if the encroachment endangers or impedes or threatens, or is likely to endanger or impede, the traffic on the road or the drainage of the road, the Governor may remove the encroachment or cause it to be removed in such manner as he may think fit.

Removal of encroachments by the Governor

35. Where the Governor directs the removal of an encroachment under the authority of section 34(3), the following provisions shall have effect—

(a) if the encroachment cannot be conveniently removed without entering on the land from which it comes, the Governor may authorise any person with any necessary assistants to enter on the land for the purpose and without giving any notice;

(b) neither the Governor, nor any person acting under his authority, in the removal shall be liable for damage occasioned thereby, unless it is caused by the wilful neglect or default of the Governor or of such person acting under his authority;

(c) the cost of the removal shall be paid by the owner or occupier of the land from which the encroachment proceeds, or of the thing constituting the encroachment, and shall be recoverable together with the cost of recovery, by summary proceeding before the Magistrate who in default of payment thereof may order imprisonment for a term not exceeding 3 months;

(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 payment of all costs of the removal;

(e) whenever such thing constituting the encroachment is disposed of by the Governor, the net proceeds, after deducting all costs of removal and disposal, shall be credited to the owner or occupier liable for costs of removal, and shall be allowed in the settlement of such costs, and any excess of net proceeds over costs shall be paid to such owner or occupier.

Prohibition of use of vehicles or machinery with metal wheels, etc., on road

36. (1) No person shall drive or cause or permit to be driven on any road in Anguilla any animal-drawn vehicle of which any wheel or any part of any wheel made of metal is in direct contact with the road.

(2) No person shall drag or cause or permit to be dragged on any road in Anguilla, except for the purpose of removing an obstruction from the roadway, any sled, log, tree or any heavy load or article of a nature which might cause damage to the surface of the road unless it is supported upon wheels fitted with rubber tyres.

(3) No person shall drive or draw or cause or permit to be driven or drawn on any road in Anguilla any mechanically propelled or mechanically drawn vehicle or machinery which is not wholly supported on wheels fitted with rubber tyres, whether as part of such vehicle or machinery or of any transport upon which it is being conveyed, without the permission in writing of the Governor first had and obtained.

(4) In granting permission under subsection (3), the Governor may direct by what route and at what times any such vehicle or machinery is permitted to be driven or drawn on a road, and may prescribe any other conditions he may deem necessary for safeguarding the road from damage which might be caused by such vehicle or machinery or for recovering any expenditure incurred in rectifying such damage, and in the case of a vehicle or machinery to which street plates can be fitted, may direct that they be so fitted to his satisfaction before permission is granted.

(5) The provisions of subsection (3) shall not apply to any vehicle or machinery which is actually being used on behalf of the Government for the construction, repair or maintenance of any road, but this exemption shall not apply to such a vehicle or machinery while it is travelling between the place where such construction or maintenance is being carried on and any other place.

Penalty for damaging roads, milestones, etc.

37. 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 it, or who damages, injures, defaces, or destroys any of the bridges, culverts, walls, milestones, roadmarks or any mason work or other work of, upon, or in any way belonging to, any road, is liable on summary conviction to a penalty of $5,000, in addition to the cost of repairing the damage done, and the cost of proceedings.

Obstructing free passage of roads and suffering offensive matter to flow thereon

38. Any person who wilfully places, or causes to be placed on any road, any stone, timber, matter or other things to the prejudice, interruption or danger of any person travelling thereon, 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 thereto, or who in any way wilfully obstructs the free passage of any road, is liable on summary conviction to a penalty of $5,000 independently of any damages which may be recovered against him by civil process.

Obstructing Chief Engineer

39. Any person who interferes with, obstructs, opposes or threatens the Chief Engineer, or any other person acting under the provisions of this Act, in the execution of his powers and duties under this Act, is liable on summary conviction to a penalty of $10,000.

Other offences and penalties

40. (1) Any owner or occupier of land from which any encroachment proceeds, or the owner of anything constituting any encroachment, who after due notice does not within the time specified in the notice have removed such encroachment, is liable on summary conviction to a penalty of $2,500.

(2) Any person who cuts down any tree so that it falls into a road, or obstructs a road and does not forthwith set about to remove such tree or obstruction, is liable on summary conviction to a penalty of $5,000.

(3) Any person who, without permission from the Governor, takes any materials from any road or from any quarry, excavation or deposit made for the purpose of road work, is liable on summary conviction to a penalty of $2,500, but nothing in this subsection shall prevent the person in possession of the land on which such quarry or excavation is situated, or any person authorised by him from digging materials therefrom and carrying away the materials so dug.

(4) Any person who contravenes the provisions of section 36(1) or (2), is liable on summary conviction to a penalty of $2,500.

(5) Any person who contravenes the provisions of section 36(3), or who fails to carry out any directions or conditions prescribed in section 36(4), is liable on summary conviction to a penalty of $5,000.

Penalty in general

41. Any person committing any offence against any of the provisions of this Act for which no penalty is provided is liable on summary conviction to a penalty of $2,500.

Service of notices

42. 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 such notice in some conspicuous place on the land.

Proceedings in the name of the Chief Engineer

43. All proceedings under this Act may be in the name of the Chief Engineer.

How penalties to be recovered

44. All fines, penalties and forfeitures imposed by this Act or by any regulation made hereunder may be recovered summarily in the manner provided by the Magistrate's Code of Procedure Act.

Saving for other proceedings

45. 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.

Regulations

46. The Governor may make regulations, including regulations to levy fees and penalties, which in his opinion are required for the better direction, control and carrying out of the objects, purposes and provisions of this Act.

Citation

47. This Act may be cited as the Roads Act, Revised Statutes of Anguilla, Chapter R65.

SCHEDULE

(Section 2)

ROADS

1. From Mahogany Tree through the Quarter and Sandy Hill to Island Harbour.
2. From Island Harbour through Welches and Chalvilles to Sandy Hill.
3. From Chalvilles through Little Dix and Stoney Ground to Mahogany Tree.
4. From Little Dix to Shoal Bay.
5. From White Hill to Junks Hole.
6. From Mahogany Tree to Crocus Bay.
7. From the Hospital to Crocus Hill Top.
8. From Webster Park through South Hill to West End.
9. From Mahogany Tree to The Forest.
10. Court House Road.
11. Short road from George Hill across Wallblake to the old Airport road.
12. From The Forest to Farrington.
13. From The Forest to Corito.
14. From South Hill to Sandy Ground.
15. From South Hill to Blowing Point.
16. From South Hill to North Hill Village.
17. West End Road to Rendezvous Bay.
18. West End Road to Cove Bay.
19. Long Bay Village Road.
20. From George Hill to Little Harbour.
21. North Side Road
22. Landsome Road.
23. Cauls Bottom Road.
24. Sile Bay Road.
25. From the main road at Welches through Tom Ground towards Shoal Bay.
26. From the Island Harbour spring through the main road to the old Island Harbour school.
27. From the main road at East End through the Pond Ground to Sile Bay.
28. From the main road at East End (before reaching the school) through the Copse to Sile Bay.
29. From the main road at East End Seventh Day Adventist Church, through White Ground to the Mumbay Hill – Chalvilles Road.
30. From the main road at Sandy Hill to Sandy Hill Bay.

31. From the main road at Mumbay Hill to Sandy Hill Bay.

32. From the main road at the Quarter through Rey Hill to the main road at the upper end of the airport.

33. From the main road at the Old Road Methodist Church burial ground through the back of South Hill village along the cliff overlooking Sandy Ground to the main West End Road.

34. From the main road at the upper end of the East End pond through the Copse to Mimi Bay.

35. From the main road at the Road Hill to the Road Well to North Hill Village.

36. From the Mount Fortune Public Road to Savannah Bay.

37. The road from the Blowing Point Main road to the Cul-de-Sac.

38. From Webster Park junction to Stoney Ground public road.

39. The main road through the Quarter starting opposite the road to Cockpit leading south for 1,200 feet to the cliff at Rey Hill.

40. The public right of way, 1228.8 metres in length, starting from the western edge of Blowing Point Main Road and leading to the pond edge.

41. The public right of way, 1967.4 metres in length, starting from the northern edge of Long Bay Main Road and leading to the western edge of the Lower South Hill Main Road.

42. The right of way, 1499.9 metres in length, starting from the western edge of the Cove Public Road and leading to the southern edge of the Meads Bay Public Road.

43. The right of way, 385.8 metres in length, starting from the eastern edge of the Buntin Hill Public Road and leading to the end of the traverse.

44. The public right of way, 1456.62 metres in length, starting from the intersection of the Sandy Ground Main Road and the Well Road and curving in a northerly direction around the Sandy Ground Pond and ending at a point North of the existing public road.