

THE MAIN ROADS ACT

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THE MAIN ROADS ACT

[11th February, 1932.]

Cap. 231.
Laws
45 of 1953,
2 of 1954,
68 of 1958
S. 33.
Acts
42 of 1969,
3rd Sch.
13 of 1985
S. 18.

1. This Act may be cited as the Main Roads Act. Short title.
2. In this Act, and in the Lands Clauses Act, as herein- Interpreta-
after incorporated herewith—
 - “carriage” includes carts, waggons, drays, wheeled
carriages of every description, bicycles, tricycles and
other similar machines;
 - “cultivated” and “uncultivated” and “ruinate” in connec-
tion with the word “land”, shall be held to apply to
the actual state or condition of each particular por-
tion of any land acquired or entered upon under this
Act, without reference to any other portion of the
same land whether separated or not therefrom by any
boundary or fence;
 - “Director” means the Chief Technical Director;
 - “house” means an inhabited dwelling-house rateable to the
Parish General Rate;
 - “the promoters” means the Director;
 - “road” includes the roadway, the water tables, the bridges
and fordings, on the line of the road, and the land on
each side of the roadway and water tables up to the
boundary of the road;
 - “the undertaking” and “the works” include the laying out,
making, repairing, widening, altering, deviating, main-
taining and managing, as well of the main roads under
this Act as of any new line of road which the Minister
may authorize the Director to lay out and make, with a

view to declaring the same a main road, and all structures, buildings and lands, appertaining to any such main road or new line of road as aforesaid, or authorized under this Act to be acquired or constructed.

When and how and to what extent this Act may be made applicable to parochial roads.

3. It shall be lawful for the Minister from time to time by notice in the *Gazette*, to declare that he has charged the Director with the laying out, making, repairing, widening, altering, deviating, maintaining or managing, of any parochial road, or of any new line of road which it is desired to lay out and make with a view to the same becoming a parochial road; and thereupon the Director shall have the same powers and authority with respect to such parochial road, or proposed new line of road, as are conferred upon him by this or any other enactment, with reference to any main road, or proposed new line of main road; and all the provisions of this Act, or of any other enactment as aforesaid, shall thereupon apply to such parochial road, or proposed new line of parochial road, as if in each case the words "parochial road" were substituted for the words "main road".

Main Roads Management

Schedule of Main Roads.

4.—(1) The Director shall keep at such place and in such form and manner as the Minister may from time to time direct a Schedule of Main Roads in which shall be entered all the lines of roads which are or have been declared to be Main Roads. The Director shall from time to time add to such Schedule any other road or part of any other road which the Minister may from time to time by notice in the *Gazette* declare to be a main road and shall remove from the Schedule any road or part of a road which the Minister may from time to time by notice in the *Gazette* declare to have ceased to be a main road.

(2) The production of a certificate purporting to be signed by the Director or any senior officer of his Depart-

ment certifying that the road mentioned therein is a main road shall without further proof be *prima facie* evidence. Such certificate shall not be liable to stamp duty.

5.—(1) The Minister may from time to time by notice in the *Gazette*—

Power to the Minister to declare other roads to be main roads.

- (a) add to the Schedule any other road, or part of any other road, and declare such road or part of a road to be a main road; and
- (b) remove from the Schedule any road, or part of any road, and declare that such road or part of a road has ceased to be a main road.

(2) Unless the road or part of a road so removed from the Schedule of Main Roads be forthwith taken over by the parochial authorities for parochial road purposes, all public rights of way thereover shall cease, and it shall be lawful for the Commissioner of Lands to sell the same, giving to the owner of the adjoining land, or portion thereof, from which such road was originally taken, the first right of purchase.

6. Subject to the directions of the Minister, the laying out, making, repairing, widening, altering, deviating, maintaining, superintending and managing of main roads, and the control of the expenditure of all moneys allotted thereto, shall be vested in the Director, with such permanent staff of engineers, superintendents and other subordinate officers as the Governor-General may from time to time appoint, and such temporary staff of superintendents and other subordinate officers as may from time to time be appointed, all of whom shall be deemed to be officers of the Public Works Department within the meaning of any enactment relating to the same.

Director to manage main roads and the funds thereof.

Property in
main roads,
etc., vested
in the
Commissioner of
Lands.

42/1969.
3rd Sch.

Boundaries
and widths
of main
roads.

Where no
boundary
fence exists.

When
buildings
deemed to
be an
encroach-
ment on
main road
within
meaning of
section 24.

7. The property in the main roads, and in the land pertaining thereto, and in all the erections and buildings, mileposts, fences and other things, erected upon and provided for and upon such roads, with the conveniences and appurtenances thereto respectively belonging, and the materials of which the same consist, and the materials, tools and implements, provided for the repairing of the said roads shall be vested in the Commissioner of Lands or the Accountant-General as the case may be for the time being, for the use of Her Majesty the Queen in right of the Government of Jamaica and in all legal proceedings it shall be sufficient to state generally such roads and things to be the property of Her Majesty the Queen.

8. The boundary of any main road shall be the fence running along it on either side and where there is no fence the boundary shall be a line at all points twenty-five feet from the centre of the roadway measuring in a direction at right angles to the road.

9. On any portion of a main road, where no boundary fence exists, it shall not be lawful for any person 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 main road within the meaning of section 23.

10. No person shall without the consent in writing of the Director first had and obtained erect any building within five feet of the boundary of any main road, the width of which, measured in a direction at right angles to the centre line of the road, is twenty-five feet or less and any building erected without such consent shall be deemed to be an encroachment on a main road within the meaning of section 24.

11.—(1) Every person intending to erect any fence or building along or near the boundary, or within thirty feet from the centre line, of a main road shall mark out on the ground, by means of pegs or in other sufficient manner, the line on which such fence or building is to be made, and, having done so, shall give ten days' notice to the Director of his having done so and of his intention to make such fence or building along the said line, before commencing to make such fence or building.

Notice of
intention to
erect fence
or building
along or
near bound-
ary of
main road.

(2) For the purposes of this section the word "fence" shall include hedge or wall.

(3) Every consent of the Director to the erection of any fence or building along or near the boundary, or within thirty feet from the centre line, of a main road shall be in writing.

12. All dyewood trees, and the produce of all fruit trees, growing or standing on any land being part of a main road shall be deemed to be the property of the owner or occupier of the adjacent land:

Ownership
of dyewoods
and fruit
of trees
within the
lines of
main roads.

Provided, however, that nothing herein contained shall prejudice the right of the Director, or any Officer of his Department charged with the management and care of any portion of a main road, in his discretion to fell or lop any tree as aforesaid that may in his judgment be prejudicial to the road, or to any telegraph line constructed along the same, or dangerous to persons using the road:

Provided always that any tree so felled, and the loppings thereof, shall be deemed to be the property of the owner of the adjacent land.

Power to convey abandoned road to owner of land taken for new road in certain cases.

13.—(1) When the owner of any land which it may be proposed to acquire, or enter upon, for the purpose of a new road, or alteration or widening of an existing road, is also the owner of any land through or adjoining which any road, or part of a road, passes as to which the Minister proposes to declare that it shall cease to be a main road or part thereof, it shall be lawful for the Commissioner of Lands or the Accountant-General as the case may be, as soon as such declaration has been made as aforesaid, to convey to such owner, as aforesaid, in satisfaction or part satisfaction of the compensation payable in respect of the land proposed to be acquired or entered upon, the soil of the road or part of a road as to which such declaration has been made; and thereupon, in the assessment of compensation or damages payable as aforesaid, the value of the land so conveyed as aforesaid shall be taken into consideration, and shall be deducted from the compensation or damages that would otherwise be payable.

(2) The Director may for a time divert the traffic from any road for the purpose of repairing, altering or improving the road.

Power to lay down and use temporary tramways.

14. The Director may, for the purposes of any work authorized under the provisions of this Act, at any time lay down and use a tramway or tramways upon any main road:

Provided always that such tramway shall be so laid and maintained as not to impede the ordinary traffic upon the road, and that it shall not be used except for the purpose aforesaid; and on the completion of the work for the purpose for which it was laid down, such tramway shall be removed, and the surface of the roadway restored to its proper condition.

15.—(1) The Director may, with the approval of the Minister, by instrument in writing, grant to any person permission to construct or lay down, maintain and use any works across, under, or above any main road in accordance with such specifications, for such purposes and subject to such conditions as may be prescribed in the instrument.

Power to
grant per-
mission to
construct or
lay down
works
across,
above or
under main
roads.
2/1954
S. 2.

(2) The Director may, with the approval of the Minister, revoke any permission granted under this section if the works in respect of which it was granted are not constructed, laid down, or maintained in accordance with the specifications prescribed as aforesaid or are used otherwise than for any purposes so prescribed or in contravention of any condition so prescribed.

(3) Upon the revocation of any permission granted under this section, the owner of the works in respect of which it was granted shall, within such time as the Director, with the approval of the Minister, may specify, remove such works from across or above or under the main road and shall restore such road as nearly as may be practicable to the condition in which it was immediately before the construction or laying down of such works.

(4) For the purposes of this section—
“works” includes any roadway, railway, tramway, wireline, conveyor belt, cableway, chute, aerial, ropeway, viaduct, aqueduct, flume, siphon, and any other works similar to any of the foregoing.

16.—(1) The Director may at any time, if he shall see fit, grant permission to the owner or occupier of land adjoining any main road to erect or maintain a gate across such main road.

Power to
permit gates
across
main roads.

(2) There shall not be less width than twelve feet between the gate posts of any such gate and in any such case the aforesaid owner or occupier shall, at his own

expense, keep a watchman constantly near the gate whenever the same shall be shut, who shall open it when required by any person using the road.

(3) The Director may at any time, when he so sees fit, revoke any such permission to erect or maintain a gate across any main road.

Powers to impound or destroy animals trespassing on main roads.

17. The Director, or any person acting under his authority, or any constable, may impound any animal found straying on any main road, or tethered on a main road for grazing, and may destroy or cause to be destroyed any swine or goats found at large on any main road.

Laying Out Roads—Proceedings

Power to enter on lands to survey for main road.

18.—(1) When it is proposed to lay out a new main road or to divert part of an existing main road, the Director may, by an order under his hand, authorize any officer of his Department, accompanied by such assistants 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 said officers to make plans and sections of the proposed new road, or portion of road, and an estimate of the cost thereof.

(2) No officer or assistants shall enter upon lands under such authority until three days' notice in writing has been given to the occupier of the lands, or, in case the occupier is not known or cannot be found, has been posted up conspicuously on the land, except by consent of such occupier.

Procedure on laying out new road, or altering a main road.

19.—(1) When it is proposed to lay out a new main road, or to widen or divert part of an existing main road, the Director shall cause a notice accompanied by a plan showing the proposed new road, or the portion of the road intended to be widened or diverted, and the lands through

which it is to pass, to be deposited at the office of the Collector of Taxes of the parish in which the lands are situated.

(2) The Collector shall cause such notice and plan to be exhibited to any person who may require to examine them.

(3) The Director shall advertise the deposit of the notice, and general purport thereof, in the *Gazette* for three successive weeks.

(4) Any owner or occupier of lands through which the road is to pass who objects to the construction of the new road, or the widening or diversion proposed, may, within one month of the date of the first advertisement, deliver to the Director a statement in writing of his objection, and the grounds thereof; and the Director shall consider and decide thereon, and determine the line of road or extent or diversion to be carried out, and shall thereupon notify the same by publication of *Gazette* notices for two successive weeks.

The Taking of Lands

20. The Director may purchase and take lands for the undertaking under the provisions of the Lands Clauses Act, subject to the following, that is to say, the lands to be taken shall be for one or more of the following purposes—

Powers and restrictions as to acquiring land for main road purposes.

- (a) the laying out of a main road;
- (b) the altering of the course of a main road;
- (c) the widening of a main road;
- (d) the obtaining therefrom of materials for the construction or maintenance of a main road;
- (e) the obtaining access to lands taken for the purpose specified under paragraph (d);

- (f) the depositing thereon of materials for the construction or maintenance of a main road;
- (g) the depositing thereon of earth or refuse removed from a main road.

Powers of
the
Director.

21. The Director or any person authorized by him, may do any or all of the following things in the execution of the works—

- (a) he may, when he deems it necessary, in the course of any works upon a main road necessitating the temporary blocking up of such road or any portion thereof, or when any part of a main road is unfit for traffic, make a temporary road over lands adjoining the same, to be used as a public road while the main road is being repaired, widened or altered;
- (b) he may, when he deems it necessary, for the preservation of a main road, alter or regulate the course of any river, stream or watercourse not being navigable;
- (c) he may cut drains on any lands adjoining a main road, for the purpose of intercepting water that would otherwise flow on to such main road, or of carrying off water from such main road;
- (d) he may make deposits of the spoil or surplus materials from any landslips or excavation, or of any refuse from any main road;
- (e) he may, subject to the provision in the next section, open and work quarries and make excavations for the purpose of obtaining materials for the construction or repair of any road or part of a road, and also gather, collect and carry away stones or other materials from off the surface of lands without making excavations.

22.—(1) For any one or more of the purposes specified in either section 20 or section 21, the Director or any person authorized by an order in writing signed by him, may at any time, without previous notice, payment, tender or deposit, enter upon any lands not being more than one mile distant in a straight line from the boundary or fence of a main road, and not being land on which is any house, yard or garden, or provision ground attached to a house and not being a park, avenue or ground ornamentally planted, and occupy and use the said lands so long as may be necessary for the said purpose or purposes, or any works connected therewith without purchasing or taking such lands:

Powers of entry upon and occupying and using private lands.

Provided that in case of urgent necessity arising, the Director may without any previous notice, payment, tender or deposit, enter upon and temporarily occupy any such last mentioned house, yard, garden, ground, park or avenue, in the exercise of the powers conferred by section 20, paragraph (a), for the purpose of making a road to be used as a public road as in the said section mentioned:

Provided also that, excepting in such a case of urgent necessity under paragraph (a) of section 20 as is mentioned in the foregoing proviso, the Director, or any person authorized as hereinbefore provided, shall not enter upon any enclosed or cultivated land, or open or work any quarry or make any excavation on any such land, except after at least fifteen days' notice in writing to the occupier of such land:

Provided that when the Director or other persons as aforesaid has given such notice, and entered as aforesaid, it shall be lawful for him, without any fresh notice, to continue to enter upon such land, or to work such quarry, or make excavations, until he shall have ceased to do so for the period of seven days or upwards, after which it shall be necessary to give a fresh notice before any fresh entry.

(2) In the exercise of the powers mentioned in subsection (1) it shall be lawful for the Director or any person authorized by an order in writing signed by him, to make such openings in any fence then existing, or thereafter erected, as may be necessary for the purpose or purposes aforesaid, and also to erect a fence or fences to separate any portion of the land so entered upon from the remainder; and it shall also be lawful for the Director, or any person authorized, by an order in writing signed by him, to deposit and to manufacture and work upon such lands materials of every kind used in the works, and for the purposes aforesaid to erect thereupon workshops, stores, sheds and other buildings:

Provided always that nothing in this Act contained shall exempt the Director from an action for nuisance or other injury (if any) done, in the exercise of the powers hereinbefore given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid:

Provided also that no stone or slate quarry, brickfield or other like place, which is then being worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Director for the purpose specified in paragraph (e) of section 20.

(3) The Director shall, within a reasonable time, either purchase and take any such land entered on and occupied as aforesaid, or shall make compensation to the owners and occupiers of and all other parties interested in any lands, rivers, streams or watercourses, for all damage sustained by them by reason of the temporary occupation of the same in exercise of the power given by this section; so, however, that notice in writing of any claim

for compensation as aforesaid be given to the Director within six months after the doing of the thing in respect of which compensation is claimed.

(4) Such compensation shall be settled either by agreement or in the manner prescribed in the Lands Clauses Act:

Provided that where lands so entered upon and occupied as aforesaid are savanna, ruinate or waste land, or uncultivated land, or the bed of a river or gully nothing shall be paid by way of compensation, or as the price of any materials taken therefrom; and no compensation shall be paid for damage occasioned by or in the process of the removal of any encroachment on the main road, unless caused by the wilful neglect or default of the Director, or a person acting under his authority.

Encroachments

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

What are
encroach-
ments.

- (a) any fence, building or construction, erected upon or extending on or over any part of a road;
- (b) any tree, or any 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 authorization from the Director;
- (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 tree, or any branch, bough or other part of any tree fallen from any land or fence adjoining a river, or stream or watercourse, which shall cause or tend to cause the water to flow over or otherwise to injure the road;
- (f) 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;
- (g) any stone, earth, timber or other substance, thrown into or placed in any river, or stream or watercourse, which shall cause or tend to cause the water to flow over or otherwise to injure the road;
- (h) any stone, earth, timber or other substance, thrown into or placed in any drain or watercourse, which shall impede the drainage of water from the road;
- (i) any artificial canal, conduit or pipe, from which any water escapes on to any road, owing to the defective construction or maintenance of the same in any part of its course. In any such case the encroachment shall be deemed to proceed from the land on which the canal, conduit or pipe is defectively constructed or maintained;
- (j) any earth, stone, timber or other substance, left upon or deposited upon the road without authorization from the Director;
- (k) any gate erected or maintained on the road without the permission of the Director, or after such permission shall have been revoked by him, or without a watchman being kept constantly near

to the gate, whensoever the same shall be shut, for the purpose of opening it when required by any person using the road;

- (l) any penguin fence erected after February, 1879, abutting on the road and not having the penguins planted on the top of a wall or earthen bank not less than two feet in height, or a fence of wood or iron wire fixed between the penguins and the road;
- (m) any penguins spreading themselves from any penguin fence lawfully erected so as to extend over any part of a road;
- (n) any pipe, drain or conduit, discharging water on to the roadway of any main road from any house or premises adjoining such road.

24.—(1) Whenever there shall exist any encroachment on a main 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 Director, forthwith remove or abate the same at his own cost.

As to the removal of encroachments by the owner, or in his default by the Director.

(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 Director may remove the encroachment, or cause it to be removed, in such manner as he may think fit.

Removal of
encroach-
ments by
the Director.

25. Where the Director directs the removal of an encroachment—

- (a) if the encroachment cannot be conveniently removed without entering on the land from which it comes, the Director may direct any officer of his Department, with any necessary assistants, to enter for the purpose, and without giving any notice;
- (b) neither the Director, nor any person acting under his authority in the removal shall be liable for damage occasioned thereby, unless the same is caused by his or their neglect or default;
- (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 costs of recovery, in the same way as penalties are recoverable under section 100 of the Lands Clauses Act;
- (d) anything constituting the encroachment shall be forfeited, and the Director may sell or otherwise dispose of it, unless the owner previously redeems it by payment of the full costs of removal;
- (e) whenever such thing constituting the encroachment is disposed of by the Director, 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.

Offences

26. Any of the following persons shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a penalty not exceeding the amount herein specified in respect of such offence—

List of
offences
against this
Act and
penalties
therefor.

- (1) any owner or occupier of land from which any encroachment proceeds, or the owner of anything constituting any encroachment, who after due notice shall not within the time specified in the notice have removed such encroachment—ten dollars;
- (2) any person who hinders or obstructs the Director, or any person duly authorized by him, while acting under the provisions of this Act—twenty dollars;
- (3) any person who cuts down any tree so that the same falls into a main road, or obstructs a main road, or diverts a river, stream or watercourse, so as to make it encroach upon or injure a main road, and does not forthwith set about to remove the same—ten dollars;
- (4) any person who, without permission from the Director, takes any materials from any road, or from any quarry or excavation or place of deposit made and used in connection with the undertaking—ten dollars:

Provided that nothing herein shall prevent the person in possession of the land on which such quarry or excavation is situated, or any person authorized by him, from digging materials therefrom and carrying away the materials so dug;

- (5) any driver of a carriage who rides upon that or any other carriage, or upon the shafts thereof, or upon

any beast drawing the same, on any main road, without having some other person on foot to guide such carriage, unless the beast or beasts harnessed to such carriage is or are effectually guided and controlled by the driver thereof by means of reins—four dollars;

- (6) any driver of a carriage who leaves the same standing upon any main road without some proper person to hold the beast or beasts attached to the same, or who is negligently or wilfully at such a distance from the carriage, or in such a situation, that he has not proper control over the beast or beasts attached to the same—four dollars;
- (7) any driver of a carriage who, by negligence or misbehaviour, causes hurt or damage to any person's horse, cattle, carriage or goods on any main road—four dollars;
- (8) any driver of a carriage, or of any horses, mules or other beasts of draught or burden, on any main road who, when meeting or being overtaken by any other carriage or beast of burden or draught, does not keep his carriage or horses, mules or beast of draught or burden, on the left or near side of the road, except when in the act of passing another carriage, horse, mule or beast of draught or burden, going in the same direction—four dollars;
- (9) any person who wilfully or negligently prevents, hinders or intercepts, the free passage of any other person or any carriage or beast, on any main road, or who draws up any carriage in such manner as to obstruct the free passage along the road—four dollars;

- (10) any person who rides or drives furiously on any main road, or in a manner dangerous to other persons using the road—ten dollars;
- (11) any person who wilfully or through negligence causes damage to any main road, or any wall, bridge, culvert, fence, mile post, guide or direction post, road sign, drain or other structure, pertaining thereto—four dollars;
- (12) any person who, having blocked or scotched the wheel of a carriage, allows the stone or other thing used for the purpose to remain on the roadway after the carriage has moved away—four dollars;
- (13) any person who draws any logs, stones or heavy articles, upon any main road otherwise than upon a wheeled carriage—four dollars;
- (14) any person who uses any instrument for retarding the progress of any carriage, whereby the road is unnecessarily injured—four dollars;
- (15) any person who leaves any carriage upon any main road, except in case of an accident, or in that case for a longer time than is necessary to remove the same—four dollars;
- (16) any driver of a carriage any part of which, or of the lading or any shaft or outrigger of which, shall extend laterally more than six inches beyond the axle—four dollars;
- (17) *[Deleted by Act 13 of 1985, section 18.]*

MAIN ROADS

- (18) any person who removes or destroys any barrier placed on a main road by the Director, or any person authorized by him, for the purpose of diverting the traffic—four dollars;
- (19) leading or driving any horse, gelding, mare, filly, mule, or donkey, loaded or unloaded and not attached to a wheeled vehicle, along any main mountain bridle road, and neglecting to have such animal under proper control by means of ropes or reins—four dollars;
- (20) any person who allows any horned stock, horse, mule, ass, sheep, goat or pig, to be at large on any road except whilst being lawfully driven along such road—four dollars:

Provided that this provision shall not apply to the owner or occupier of any unfenced land any of whose animals as aforesaid are allowed to be at large on the portion of the road that traverses such land;

- (21) any person riding, driving or being upon any carriage, bicycle, tricycle, or other similar machine on a road, who contravenes, or fails to comply with any of the provisions of section 27—four dollars;
- (22) the owner of any horned stock, horse, mule, ass, sheep, goat, or pig tethered on any road, or so tethered as to be able to stray on any road—four dollars;
- (23) any person who tethers, or allows to be tethered, on any road, or so as to be able to stray on any road any horned stock, horse, mule, ass, sheep, goat or pig—four dollars;

- (24) any person driving or riding any carriage, who upon overtaking any carriage, or any horse, or other beast of burden, or any foot passenger, being or proceeding along the carriage way, or on approaching a corner, neglects or fails, within a reasonable distance from and before passing such carriage, horse, or other beast of burden, or such foot passenger, or from and before passing such corner, to sound a bell or whistle, or otherwise give audible and sufficient warning of his approach—four dollars;
- (25) any person riding, driving or being upon or in charge of any carriage other than a motor vehicle within the meaning of the Road Traffic Act, who uses, or sounds a horn operated by means of a pneumatic bulb as a means of giving warning of the approach of such carriage—four dollars;
- (26) any person who cuts away or causes or procures to be cut away any hill-side or bank or land adjoining any main road, whether above or below such road, whereby the stability of such road is or may be lessened or the safety of persons passing along it is or may be endangered—four dollars;
- (27) any person who works or cultivates, or causes or procures to be worked or cultivated, any part of any hill-side or bank on land adjoining any main road, whether above or below such road, within five feet of the boundary of a main road where such hill-side or bank slopes more than one foot in three—four dollars;

- (28) any person who plants or causes or procures to be planted any coconut tree within thirty feet from the centre line of a main road—four dollars;
- (29) any person who erects any fence or building along or near the boundary, or within thirty feet from the centre line, of a main road without marking out the same and giving the notice by section 11 required, or having marked out such line and given such notice shall, except with the consent in writing of the Director, commence to erect such fence or building otherwise than along the line marked out as aforesaid—four dollars.

Lights and Carriages

Lamps and
lighting
during
specified
period.

27.—(1) On every carriage (except motor vehicles as defined in the Road Traffic Act) in use on a road within the period specified in this section, save as in subsection (2) mentioned—

- (a) two front lamps at least shall be carried and shall be so constructed and affixed on the outside of the carriage as to show when lighted white lights adequate to signal the approach or position of such carriage; one of such lamps shall be placed on the extreme right or off side, and the other on the extreme left or near side, of the carriage and in such a position as to be free of all obstruction to the light;
- (b) except where the front lamps when lighted exhibit red lights visible from the rear within a reasonable distance, a tail lamp shall be carried so placed and in such a position, free of all obstruction, as to exhibit, when lighted a red light, visible in the reverse direction at a reasonable distance:

Provided it shall be sufficient for a cart, wagon or dray to be fitted with one lamp so placed as to exhibit to the traffic on the road a white light adequate to signal the approach or position of such cart, waggon or dray and a red light visible within a reasonable distance in the reverse direction.

(2) On every bicycle, tricycle, or other similar machine, when in use on a road within the period specified in this section, one front lamp at least shall be carried, so affixed thereto as to show when lighted a white light adequate to signal the approach or position of such machine and a tail lamp so placed and in such a position, free of all obstruction, as to exhibit a red light visible in the reverse direction at a reasonable distance :

Provided it shall not be necessary to carry a lamp showing a red light to the rear if such machine has attached thereto an unobscured and efficient red reflector.

(3) Every such lamp shall be kept properly trimmed and ready for lighting and shall be lighted when the carriage, bicycle, tricycle, or other similar machine is in use on any road during the period between one-half hour after sunset and one-half hour before sunrise.

(4) Notwithstanding anything in this section contained when a carriage is stationary it shall be sufficient for the same to be fitted with one lamp so placed as to exhibit on the side of the carriage exposed to the traffic on the road a white light visible within a reasonable distance in the direction in which the carriage is intended to proceed, and a red light visible within a like distance in the reverse direction.

Power to Arrest

Power to
arrest
offenders on
view without
warrant.

28.—(1) The Director, or any person authorized by him, or any Justice or constable and all persons whom they or any one of them may at any time call to their assistance, may take into custody without warrant to be dealt with according to the provisions of this Act, any person who is guilty in their sight of any of the offences specified in section 26.

(2) The power of arrest conferred by this section on a constable shall extend to cases where although any such offence has not been committed in his view, such constable is informed by some person known to him that such offence has been committed in the sight of such person, and is required by him to arrest the offender:

Provided that no constable shall arrest any person on the information of any other person as aforesaid unless he shall take both the informer and the person accused to the nearest police station that the informer may sign the charge sheet, or before a Justice for the purpose of laying an information.

(3) No person shall be liable to be arrested under this section if, on demand, he shall give his name and address unless the constable or other person having power of arrest under this section has reason to believe and believes the name and address given to be false.

Legal

Making and
execution of
deeds and
instruments
relating to
main roads.

45/1953
S. 2 (a) &
(b).

29.—(1) In every contract, release, covenant or agreement, deed or instrument, in relation to the main roads, to which the Director is a party, it shall be sufficient to describe him by the style of Chief Technical Director without naming him, and every such contract, release, covenant or agreement deed or instrument, may be executed by the Director

or by any duly authorized officer by signing his name, or if the instrument be in the form of a deed, by signing, sealing and delivering the same as his deed.

(2) For the purposes of this section a duly authorized officer shall be any officer of the Public Works Department appointed by the Director from time to time in writing under his hand for the purposes mentioned in subsection (1), subject to such limitations as the Director may impose.

45/1953
S. 2 (c).

***30.** The Director may sue and be sued in respect of any cause of action relating to the main roads; and in any suit or action to be brought by or against the Director it shall be sufficient to describe him as Chief Technical Director, without naming him; and such action or suit shall not abate by the death, resignation, departure from this Island or removal from office, of the person holding the office of Director.

Actions
relating to
main roads.
68/1958
S. 33.

31. All deeds, contracts, conveyances, receipts, agreements and other documents, made or given under this Act shall be free of stamp duty.

Exemption
of stamp
duties.

32. The Director and all persons employed by or under him, shall be exempt from personal responsibility for any act done under the provisions and powers of this Act** and all damages and costs which may be recovered against the Director in any action or suit for acts so done shall be paid out of the Consolidated Fund on the warrant of the Minister.

Exemption
from
personal
responsi-
bility for
acts done
under this
Act.
68/1958
S. 33.

*This section is repealed by section 33 of the Crown Proceedings Act, in so far as it affects proceedings by or against the Crown or any officer of the Crown as defined in that Act.

**The words "and all damages.....Minister" following the asterisk are repealed by section 33 of the Crown Proceedings Act, insofar as they affect proceedings by or against the Crown or any officer of the Crown as defined in that Act.

Right of
free process.

33. In any prosecution under this Act the Director and any officer of his department shall have the right of free process in any of the Courts of Judicature in this Island.

Miscellaneous

Payments
by promo-
ters, how
made.

34. Payments and deposits required to be made by the promoters shall be made by the Accountant-General on the warrant of the Director.

Special pub-
lication of
sections 23
and 26
required.

35. The Commissioner of Police shall cause copies of sections 23 and 26 to be printed upon posters in large type, and kept affixed outside every police station that abuts on a main road, and at such other public places as he may think fit.

Lands
Clauses Act
partially in-
corporated.

36. With this Act is incorporated the Lands Clauses Act except sections 10, 11, 12, 13, 14, 15, 16, 84, 88, 101, 104, 105 and except where the provisions of that Act are inconsistent with the provisions of this Act.