

CHAPTER 360**THE PUBLIC WORKS AND ROAD ACT**

Arrangement of Sections

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SCHEDULE A

SCHEDULE B

PUBLIC WORKS AND ROAD

(9th September, 1871.)

22/1871.
 12/1928.
 3/1935.
 7/1936.
 15/1961.
 S.R.O. 40/1978.
 S.R.O. 411/1978.
 181/1989.
 S.I. 391/1989.

- 1.** This Act may be cited as the Public Works and Road Act. **Short title.**
- 2.** In this Act— **Interpretation.**
- "Surveyor" includes the Director of Public Works of Antigua and Barbuda and any officer of the Public Works Department deputed by the Director of Public Works to perform the duties of the Surveyor under this Act.
- 3.** It shall be lawful for the Public Service Commission to appoint a fit and proper person to be Surveyor, who shall under the directions of the Minister have charge of the roads and other public works. **Appointment of Surveyor.**
- 4.** Any constable refusing or neglecting to execute any order given by the Surveyor in the course of his duty, and any person molesting or hindering the Surveyor or any person employed by the Surveyor in the due execution of their duty shall, on conviction thereof before a Magistrate, be liable to a fine not exceeding five hundred dollars. **Penalty for molesting Surveyors.**

DUTIES OF SURVEYOR OF ROADS AND PUBLIC WORKS

- 5.** It shall be the duty of the Surveyor to take charge of, and to visit and inspect weekly and oftener if requisite, the public roads, streets, and alleys, to superintend the repairs or alterations of all public works or buildings, and to make estimates for the same; to prepare plans and specifications, and to superintend the erection of any lighthouses and all other public works and buildings of every nature and kind whatsoever, and to report to the Minister monthly, or oftener if requisite, on the state and condition of the public roads, streets, and alleys, and all public works and buildings. **Duties of Surveyor.**

Surveyor to keep account of expenditure.

6. The Surveyor shall keep one or more book or books in which he shall fairly enter a just and true account of all such money as shall come to his hands and of the expenditure of the same, and shall monthly or oftener if required by the Minister produce the same, together with all papers and vouchers touching such receipts and expenditure.

Surveyor to repair roads in accordance with the regulations of Cabinet.

7. It shall be the duty of the Surveyor to see that the repairs to the roads are effected in accordance with the regulations for such purpose made by the Cabinet as hereinafter mentioned, and generally he shall govern himself in the discharge of the duties of his office by such regulations.

MISCELLANEOUS

Minister to frame regulations, the same to be approved by Legislature.

8. The Minister shall from time to time as occasion may require make regulations as to the manner in which the said roads shall be repaired, and after such regulations have received the sanction of the Legislature the Surveyor shall in the discharge of his duties govern himself thereby.

Division of roads into classes.

Schedule A.

9. The said highways and roads shall be divided into three classes, and the first class shall consist of such roads as are enumerated in part I of Schedule A, and shall be twenty-four feet wide, and the second class shall consist of such roads as are enumerated in part II of the said Schedule, and shall be eighteen feet wide, and the the third class shall consist of such roads as are enumerated in part III of the said Schedule, and shall be twelve feet wide, exclusive of the side trenches respectively, and the extent of the expenditure upon each of the said several classes of highways and roads shall be in the discretion of the said Surveyor:

Provided that nothing herein contained shall impose any obligation to maintain the said classes of roads at the width in this section mentioned.

Special powers over roads vested in Cabinet.

10. (1) It shall be lawful for the Cabinet, by order—

(a) on the written report of the Surveyor that a public road is unnecessary for public use, to direct by notice to be published three times in the *Gazette* and in a local newspaper, if any, that the said road, after an interval of six months from the date of publication thereof, shall be removed from the Schedule of public

roads, but so nevertheless that notwithstanding such removal the said road shall still be deemed and taken to be a public road:

Provided that no liability shall be imposed upon any person or persons to repair the same;

(b) to restore to the Schedule of public roads any road so removed, if at any time thereafter, on the application of any person interested in its maintenance, the Cabinet shall consider that, from any change in the circumstances, the said road shall have become again necessary whereupon the liability to repair the same shall revive accordingly; or

(c) on the like application, to place on the said Schedule any road which either before or after the passing of this Act, was or became a public road whether the same shall have at any time appeared in any Schedule to any Act or not.

(2) Notwithstanding the provisions of paragraph (a) of subsection (1) of section 10 (whereby a road removed from the Schedule is deemed to remain a public road) after the therein prescribed notice has been given and the period expired, it shall be lawful for the Cabinet, by order, either—

(a) to declare that such public road shall cease permanently to be a public road and the land over which it passes shall vest in the adjacent land owners or such other persons entitled thereto as may be named in the notice aforesaid and order, and that any public right of way hitherto existing over the public road so removed shall be extinguished from the date of such order; or

(b) to deal with any road removed from the Schedule of public roads in any other manner which shall be deemed fit.

(3) Notices or other documents or matters required to be published under this section shall be served upon every person known to be an owner of property adjacent to any road dealt with under the provisions of this section at his usual place of business or residence, and if that owner is out of Antigua and Barbuda, copies of such notice or other

matter shall be forwarded to him at such address elsewhere as may be ascertainable.

(4) The provisions of this section shall not refer to any road or land within the limits of the City of Saint John's, as may from time to time be prescribed.

(5) Notwithstanding the provisions of the last preceding subsection, the streets enumerated in Schedule B shall be deemed to be first class roads for the purposes of this Act and subject to maintenance by and control of the Surveyor in the same manner as if they were roads controlled by this Act, and in addition the Surveyor is hereby empowered to exercise all the powers and privileges hitherto vested in the City Commissioners over these roads by virtue of any Act creating such powers in respect of the City of Saint John's.

Schedule B.

Surveyor to make trenches on any land if necessary.

11. It shall be lawful for the Surveyor from time to time as occasion shall require to make or cause to be made in any land, whether the same shall be public property or the property of any private individual or individuals, any trench, ditch or water-course for the purpose of draining any of the said highways and roads, and throw the soil or material from any such trench, ditch, or water-course upon the land adjoining any such trench, ditch, or water-course.

And take stones, &c., on the surface of uncultivated land or from any convenient quarry, &c.

12. It shall be lawful for the Surveyor for the purposes of the repair of any of the said highways or roads to take any stones or other materials lying or appearing on the surface of any soil, except such stone or materials as may be found in any cultivated land, and to take stones or other material from any convenient quarry except such stones as shall have been quarried, cut, or raised for building or other private purposes, and to lay upon any uncultivated land adjoining any highway or road any material to be used in the repair of such highways.

And cut down and trim trees hedges, &c. overhanging roads.

13. It shall be lawful for the Surveyor to cut down or trim or remove or cause to be cut down or trimmed or removed any trees, hedges, or fences growing, standing or being near any of the said highways or roads which the Surveyor may consider in any way to impede, interfere with, overhang, or otherwise obstruct or prejudicially affect any such highway or road.

- 14.** It shall be lawful for the Surveyor to divert, alter, widen or in any way to improve any of the said highways or roads. **And divert and alter roads.**
- 15.** It shall be lawful for the Surveyor whenever he shall deem the same necessary for the purposes of the reconstruction or repair of any of the said highways or roads to make any temporary roadway 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 houses or buildings stand, nor where any other house or other building is being built, nor where the foundations of any house or other building have been dug and 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 highway or road shall be under such reconstruction or repair. **Surveyor may on reconstruction of roads make temporary roads.**
- 16.** If and when any person shall be damnified and injured or in any way suffer loss on account or by reason of anything done or caused to be done under the authority of this Act by the Surveyor, he shall be at liberty to appear before a Magistrate of the district in which such injury or loss shall have been suffered or sustained, and state the nature and extent of such injury and loss, and the said Magistrate shall cause the Surveyor to be summoned, who is hereby required either by himself or by some person duly authorized to represent him to be present and attend, and shall upon hearing such evidence as to the nature and extent of the said loss, determine and appraise the extent of the injury done to such person, or of the loss sustained by him by reason of any one or more of the causes aforesaid, and shall upon such determination and appraisal, certify under his hand and seal the amount of money that ought to be paid, and such person so damnified suffering injury or loss as aforesaid, shall be entitled to receive such sum by way of compensation as shall be stated and set forth in the said certificate upon the warrant of the Minister. **Persons damnified by anything done under this Act may recover compensation before a Magistrate.**
- 17.** It shall be lawful for the Surveyor to direct or cause to be made, convenient drains or sluices for carrying the water out of the highways into any adjacent lands without being liable to molestation or action for the same, provided **Power of Surveyor to make convenient drains, &c.**

it can be done without great apparent damage to the possessors of the said lands.

Proceedings
against persons
who encroach
upon ^{or} obstruct
roads.

18. If any person shall in any way encroach upon any of the said highways or roads, or shall wilfully or negligently cause or permit any obstruction or damage to any of the said highways or roads, or shall in any way obstruct, damage or permit or suffer to be obstructed or damaged any of the drains, trenches, ditches, or water-courses under, by the sides of, or leading to or from, or in any way connected with, or made for the purposes of, any of the said highways or roads, or shall in any way damage, injure, spoil, or destroy, or permit, or suffer to be damaged, or injured, spoiled, or destroyed any of the walls, hedges, fences, mile stones, road marks, or any mason work, or other work, of, upon, or in any way belonging to any of the said highways or roads, and shall refuse or neglect within three working days after notice under the hand of the Surveyor to amend, remove, repair, or reinstate any such encroachment, obstruction, damage, injury, or destruction, it shall be lawful for the Surveyor to amend, remove, repair or reinstate any such encroachment, obstruction, damage, injury, or destruction, and such person so refusing or neglecting as aforesaid, shall be liable on conviction before a Magistrate of having refused or neglected to amend, remove, repair, or reinstate any such encroachment, obstruction, damage, injury, or destruction, to a fine or penalty not exceeding five hundred dollars, and to pay the amount which shall have been expended in the amending, removing, or reinstating any such encroachment, obstruction, damage, injury or destruction, to be paid by such time as the said Magistrate shall order, and if such person shall refuse or be unable to pay such fine or penalty, and such sum as shall have been expended by the Surveyor as aforesaid, together with costs (if any), it shall be lawful for the said Magistrate to commit such person to prison for any period not exceeding thirty days, unless such fine or penalty, sum and costs be sooner paid.

No steam engine,
windmill, or lime
kiln to be erected
within 50 yards
of any road.

19. It shall not be lawful for any person to erect or cause to be erected any steam engine or other like machine, or any machinery attached thereto, nor any windmill or lime kiln within fifty yards from any part of any of the said highways or roads, unless such steam engine or other like machinery shall be within some house or building or behind

some wall or fence sufficient to conceal or screen the same from any of the highways or roads, so that the same shall not be dangerous to passengers, horses or cattle:

Provided that nothing herein contained shall be construed to restrain any person from using, repairing, re-building, or enlarging any windmill, steam engine, or other like machine, which may have been erected and may be in use or existence at the time of the passing of this Act.

20. If any person shall commence to erect or set up any steam engine or other like machine, or any machinery attached thereto, or any windmill or lime kiln within fifty yards from any of the said highways or roads, and such person shall not immediately upon being required so to do by a notice in writing under the hand of the Surveyor take down or remove the same, it shall be lawful for the Surveyor to go upon the land upon which such steam engine or other like machine, or any machinery attached thereto, or any windmill or lime kiln, shall be commenced to be erected or set up and remove the same, and the Surveyor is hereby authorized and directed to go upon any land upon which any person shall have commenced to erect or set up any steam engine or other like machine, or any machinery thereto attached, or any windmill or lime kiln which, in the opinion of the Surveyor, shall be within fifty yards from any of the said highways or roads for the purpose of discovering whether such steam engine or other like machinery, or any machinery attached thereto, or any windmill or lime kiln is within fifty yards of any of the highways or roads, and if the person offending against the provisions of this or the next preceding section shall not on demand in writing made by the Surveyor pay the expenses which shall have been incurred in taking down or removing any such steam engine or other like machinery, or any machinery attached thereto, or any windmill or lime kiln, such person shall on conviction before a Magistrate be liable to pay the amount of expenses so as aforesaid incurred, and further to pay a fine or penalty not exceeding three thousand dollars, such expense and fine to be paid within such time as shall be appointed by the said Magistrate, and in default of payment of such expenses and fine or penalty together with costs (if any), by such person, it shall be lawful for the said Magistrate to commit such person to prison for any period not exceeding three months, unless such fine or penalty and costs shall be sooner paid.

And if commenced to be erected within that distance to be removed.

Buildings, &c.,
near to
highways, streets,
&c., dangerous
to life to be
rendered safe or
removed.

Penalty for non-
removal.

21. If there shall be on or near any of the said highways, streets and roads, any house, building, wall, or erection of any kind or nature whatsoever, or any thing whatsoever, which may be in the opinion of the Surveyor, who is hereby authorized, empowered and required to go upon the property of any person for the purpose of inspecting and examining the same, dangerous to the life of any person who may pass or travel on any such highway, street, or road, and the person on whose land any such thing may be, shall not, on being required by the Surveyor so to do, remove, repair, uphold, or otherwise render safe and secure any such thing which may as aforesaid be dangerous to life, it shall be lawful for the Surveyor to take such steps or to do such thing as he may deem proper for rendering such thing safe and secure, and any person who shall not, upon such notice as aforesaid, remove, repair, uphold or otherwise render safe and secure any such thing as aforesaid, so as aforesaid dangerous to life, shall be liable on conviction before the said Magistrate, to a fine or penalty not exceeding five hundred dollars, and to pay the amount which shall have been expended by the Surveyor in rendering such thing safe and secure; and if such person shall not on conviction of such offence pay the amount which shall have been so expended in rendering such thing safe and secure and the amount of such fine or penalty together with costs (if any) by such time as shall be fixed by the Magistrate, it shall be lawful for the Magistrate to commit such person to prison for any period not exceeding thirty days, unless such fine or penalty, sum and costs shall be sooner paid.

Penalty for
obstructing
Surveyor in the
execution of his
duty.

22. Any person who shall molest, threaten, oppose, or interfere with the Surveyor while in the discharge or execution of his duty, under and in relation to the provisions of this Act, shall be liable on conviction thereof before a Magistrate to a fine or penalty not exceeding five hundred dollars, and in default of payment thereof, together with costs (if any), it shall be lawful for the said Magistrate to commit such person to prison with or without hard labour for any period not exceeding thirty days, unless such fine or penalty and costs be sooner paid.

23. If any surveyor of roads or any person employed under the authority or for the purposes of this Act shall lay or cause to be laid upon any of the said highways or roads any heap of stones or any other matter or thing whatsoever, or shall allow the same to remain on any of such highways or roads, or shall dig or cause to be dug any hole, trench, ditch, or watercourse, or shall do or suffer to be done upon any such highways or roads, any thing which may be to the danger or damage, injury, or loss of any person passing thereon, and shall not take all due, proper and reasonable precaution to guard against the same, or shall do or suffer to be done any thing not authorized by the provisions of this Act whereby any person or the property of any person is damaged, injured or destroyed, such surveyor of roads or person so offending shall be liable, on conviction before the Magistrate of the district, to a fine or penalty not exceeding five hundred dollars, and in default of payment thereof, it shall be lawful for the said Magistrate to commit such surveyor of roads or person so offending to prison with or without hard labour for a period not exceeding thirty days, without prejudice to the right of any such person to recover compensation in any action or suit for or in respect of any such damage, injury or loss.

Surveyor or other person employed under this Act causing damage to any one through neglect liable to penalty without prejudice of right of party to compensation by suit.

24. The sections providing for and regulating appeals from the summary decisions of Magistrates contained in the Magistrate's Code of Procedure Act, shall be and the same are hereby incorporated into and shall form part of this Act and appeals from summary decisions of Magistrates under this Act shall and may be made and prosecuted in the cases and in the manner mentioned in the said Act.

Right of appeal.

Cap. 255.

25. The fines and penalties imposed by this Act shall be paid into the Public Treasury and shall be applied to the purposes of this Act.

Applications of fines and penalties.

26. The Accountant-General shall from time to time pay on the warrant of the Minister and upon the certificate of the Surveyor such sums of money as shall be required for the payment of the expenses incurred under the authority and provisions of this Act, provided for in the annual estimates.

Payment of expenses incurred under this Act.

SCHEDULE A

PART I

Road	1. St. John's to All Saints	}	District No. 1
	2. St. John's to Jennings		
	6. Drews Hill to Belvedere		
	15. St. John's to Villa — junction of road 16	}	District No. 2
	16. Villa — junction of road 15 to Fort James		
	18. St. John's to Langfords — junction of road 17		
	19. St. John's to Parham		
	20. St. John's to Vernons		
	30. Camacho Avenue		
	31. Vernons Church pond to Potwork <i>via</i> Parrys	}	District No. 3
	39. All Saints to English Harbour		

PART II

Road	2. Jennings to Old Road	}	District No. 1		
	3. St. John's to Galley Bay				
	4. Herberts to Tyrells				
	5. Tyrells to Belvedere — from road 39 to road 6 <i>via</i> Shirley ghaut, Sweets and Body Ponds				
	6. Belvedere to Old Road <i>via</i> Wallings				
	7. Bendals to Creekside <i>via</i> Greencastle				
	12. Belle Vue — junction of road 1 — to Pims Pond (road 31) <i>via</i> Freemans Village and Sandersons				
	13. Sea View Farm Village to junction of road 1 (Clarkes Hill)				
	14. All Saints to Vernons				
	45. From road 6 to road 5 <i>via</i> Mill Hill				
	15. Villa — junction of road 16 — to Wetherills corner — junction of road 17			}	District No. 2
	17. Wetherills to Thibous <i>via</i> St. James'				
	21. Parham to Vernons (Church pond)				
	22. Thibous to junction of road 19				
	23. Millars to junction of road 22				
	24. Judges to Winthropes				
	25. Winthropes to road 19 <i>via</i> St. George's				
	26. Dunbars to road 22 <i>via</i> Cedar Valley				
	27. North Sound to Weirs				
	29. Potters Village to road 20				

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| <ul style="list-style-type: none"> 32. Pot Work to Montpelier 33. Top of Sam Harmans Hill to Freetown 34. From road 31 (Royal Oak) to Willikies
<i>via</i> Pares and Carrs ghaut 36. All Saints to Yeamans 37. Liberta to Little Duers <i>via</i> Bodkins and
Delaps 38. Road 36 to road 37 <i>via</i> Burkes 41. Montpelier to road 37 <i>via</i> St. Philip's
Church 42. From road 32 to road 34 <i>via</i> Collins 43. From road 32 to road 41 <i>via</i> Lyons 44. From road 32 to road 41 <i>via</i> Lavingtons 47. Parham to Bettys Hope — junction of
road 34 — <i>via</i> Crabbs, Cotton, and
Mercers Creek | } | District No. 3 |
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PART III

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| <p>Road</p> <ul style="list-style-type: none"> 8. From road 3 to Green Bay 9. From road 2 to Cedar Hall 10. From road 2 to Grays Hill 11. Bolans Bridge (road 2) to Roses Village 48. From road 2 to New Division | | District No. 1 |
| <ul style="list-style-type: none"> 28. Scotts Hill to Clare Hall Wireless Station 49. St. James' Village (junction of road 17)
— to Hodges Bay 50. Junction of road 24 to Fort Byam | } | District No. 2 |
| <ul style="list-style-type: none"> 35. Seatons to junction of road 34 40. Falmouth to road 37 <i>via</i> Piccadilly and
Bethesda 46. Comfort Hall to Elmes (from road 34 to
road 32) <i>via</i> Wyckhams | } | District No. 3 |

SCHEDULE B

S. 10(5).

CLASS I

FIRST CLASS STREETS

1. From the north side of the Bridge leading from Dickenson Bay Street to the City Limit pier on the Villa Road (No. 15).
 2. From the east side of East Street to the City Limit pier on the Parham Road (No. 19).
 3. From the east side of East Street to the City Limit pier on the Vernons Road (No. 20) including the road north of the Cenotaph.
 4. From the south side of the Bridge in Market Street to the City Limit pier on the All Saints Road (No. 1).
 5. From the south side of the Bridge in Market Street to the City Limit pier on the Jennings Road (No. 2).
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