

CHAPTER 417

THE STREET BOUNDARIES ACT

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Cabinet to appoint Commissioners.
4. Commissioners may employ a Surveyor.
5. Commissioners proceedings.
6. Commissioners may work in sections.
7. Upon final determination of boundary, right of owners.
8. Commissioners to declare amount reasonable in respect of removals.
9. Appointment of Commissioners to vacancies.
10. Penalty for an offence committed after the street line has been determined.

STREET BOUNDARIES

(5th July, 1890.)

5/18
10/18
18/19

1. This Act may be cited as the Street Boundaries Act. **Short title.**
2. The word "street" in this Act means any public thoroughfare or open public place within the City of St. John's as defined by any Act relating to the public health, and includes the sidewalks, kerbing and guttering of any street. **Interpretation.**
10/1892.
3. It shall be lawful for the Cabinet to appoint Commissioners not exceeding twelve, who shall make due **Cabinet to app**
Commissioner

enquiry and shall report to the Cabinet what are the lines and boundaries of the streets and sidewalks in the City of St. John's which having due regard to the interests of the public and of private owners it would be expedient to take as the lines and boundaries of the said streets and sidewalks.

**Commissioners
may employ a
Surveyor.**

4. (1) It shall be lawful for the Commissioners to employ a competent Surveyor or Surveyors to make plans of such streets and sidewalks as aforesaid, and to take measurements of the same, and to do such other work in that behalf as the Commissioners may require; and the Commissioners or any of them, and such Surveyor or Surveyors as aforesaid, in and for the carrying out of the work mentioned in section 3 may enter upon any house, building, yard or premises abutting on the said streets and sidewalks at all reasonable hours, and therein to take such measurements and do all such things as may be necessary for the effectual carrying through of such work as aforesaid.

(2) Any person who shall without reasonable excuse obstruct, hinder or refuse entrance to the said Commissioners and Surveyors or any of them shall be guilty of an offence under this Act, and shall be liable upon conviction before a Magistrate to pay a sum not exceeding two hundred and fifty dollars, and in default of such payment to be dealt with by such Magistrate under the Magistrate's Code of Procedure Act.

Cap. 255.

**Commissioners
proceedings.**

5. The proceedings of the Commissioners shall be as follows—

(1) They shall cause to be made a plan of each street drawn to scale, showing the sidewalks thereof and such parts of the premises of all adjoining owners as are abutting upon such streets and sidewalks, and shall colour such plan in three colours, showing a different colour for such streets, sidewalks and premises as aforesaid respectively, and they shall also upon such plan mark with a strong red line the boundary between such premises as aforesaid, and such streets or sidewalks as aforesaid which they shall determine it would be expedient to take as the proper boundary between such premises as aforesaid and such streets and sidewalks as aforesaid.

(2) Where it shall appear upon such plans that the premises of such adjoining owners as aforesaid are extending beyond such red boundary line as aforesaid, such part so extending as aforesaid shall be clearly shown as and being an encroachment.

(3) The Commissioners shall draw up a report to be submitted to the Cabinet, together with such plan as aforesaid, and shall therein make their recommendations as to whether all or any (if any), and which of the encroachments shown on the plan should in their opinion be permitted to remain undisturbed.

(4) Thereupon it shall be lawful for the Cabinet to cause a copy of such plans as aforesaid to be posted on some convenient place in the Court House at St. John's, and to cause a copy of such recommendations as aforesaid to be delivered to the Central Board of Health and to be published in the *Gazette*.

(5) Any person objecting to the report shall within one month from the date of the publication thereof in the *Gazette* forward his objections and the grounds thereof in writing to the Clerk to Parliament.

(6) It shall be lawful for the Cabinet on the expiration of the month in subsection (5) mentioned to lay the whole of the proceedings before Parliament, who shall report what lines ought in the public interests to be finally taken as the boundary lines between the premises of adjoining owners as aforesaid and such streets and sidewalks as aforesaid. The Cabinet may thereupon cause such action to be taken as may be necessary:

Provided that nothing herein shall be construed to affect any right of the Crown or any person at once to proceed to enforce or protect any right in due course of law.

(7) A second set of plans shall be prepared showing the boundary lines recommended to be taken as the proper boundary lines as in the last subsection mentioned, and such plans shall show clearly in three colours the roads, sidewalks and adjoining premises as recommended, and the plans aforesaid or certified copies thereof shall be lodged with and

kept by the Registrar of Titles, and shall be open to inspection at such hours as a Judge of the High Court may direct for the space of three months without fee or reward and from and after such three months as aforesaid upon payment of a search fee of twenty-five cents.

Commissioners
may work in
sections.

6. It shall be lawful for the Commissioners to work and report in sections in respect of the said streets, sidewalks and premises and any section of three such Commissioners shall form a quorum for the purposes of such work and report.

It shall also be lawful to proceed thereafter in all respect as regards such reports in the same manner as is herein provided.

Upon final
determination
of boundary,
right of owners.

7. Where under any proceedings taken under this Act a boundary line shall have been finally determined, the owners of all premises abutting on such boundary line shall hold and enjoy their property up to and as far as such boundary line free from all claims, rights and easements whatsoever either by the Crown or by the public.

Commissioners
to declare
amount
reasonable in
respect of
removals.

8. It shall be lawful for the Commissioners when drawing up their report as in subsection (3) of section 5 mentioned to declare the amount which in their discretion they shall think reasonable in respect of the removal of any house, wall, gallery, fence, staircase or other erection, the removal of which shall have been recommended by them.

Appointment of
Commissioners to
vacancies.
10/1892.

9. It shall be lawful for the Cabinet where any Commissioner appointed under this Act dies or leaves Antigua and Barbuda or declines or fails to undertake and carry out the duties imposed upon him by this Act to appoint some other person to be a Commissioner in his place, who shall have all the powers and privileges and perform all the duties given to and imposed upon a Commissioner by this Act.

Penalty for
an offence
committed after
the street line has
been determined.
10/1892.

10. Where the line of the street has been finally determined under the provisions of this Act, any person who fails to remove or builds or commences to build, or repairs or commences to repair, any house, wall, gallery, fence, staircase or other structure, or fails to remove or lays, or commences to lay, any stone or pavement from, upon,

beyond, or projecting in any way across the line of the street so determined as aforesaid shall on complaint made by the Commissioner of Police be liable on summary conviction to pay a fine not exceeding one thousand dollars, and shall also be liable to pay a further penalty not exceeding one hundred dollars for every day during which the matter or thing complained of is suffered by him to continue unaltered.
