



**BERMUDA**  
**1984 : 58**

**PRIVATE ROADS (LIGHTING) ACT 1984**

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[24 December 1984]

*[preamble and words of enactment omitted]*

**Short title**

- 1 This Act may be cited as the Private Roads (Lighting) Act 1984.

**Interpretation**

- 2 In this Act, unless the context otherwise requires —
  - "Department" means the Department of Works and Engineering;
  - "frontage" means that part of the boundary of frontage land which fronts on the private road concerned;
  - "frontage land" means a lot of land which fronts on a private road the owner of which has the right to use that private road for the purpose of gaining access to that lot of land;

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"frontager" means a person who owns a freehold estate in possession of frontage land which has a dwelling house thereon;

"Minister" means the Minister charged with responsibility for Works and Engineering;

"Permanent Secretary" means the Permanent Secretary for the Department of Works and Engineering;

"private road" means any road (not being a highway or a naval or military road or a United States road, as defined in the Road Traffic Act 1947) [*title 21 item 3*] which gives access to 3 or more dwelling houses and over which the occupants of those dwelling houses have a right of way;

"scheme" means a scheme for the placing of lights along a private road.

### **Minister may sanction scheme**

3 (1) Subject to this Act the Minister may sanction a scheme if —

- (a) a request in writing is made to him by at least one frontager to place lights along the road on which his land fronts; and
- (b) there are not less than 3 frontagers who own dwelling houses on that road; and
- (c) not less than 50% of the frontagers on that road are in agreement with the scheme.

(2) Before the Minister may sanction a scheme the Permanent Secretary shall prepare and submit to him a memorandum containing the following particulars relating to the scheme—

- (a) the name (if any) and description of the private road concerned;
- (b) particulars of the type of lighting proposed;
- (c) the number of poles on which the lights will be placed;
- (d) the estimated capital cost of installing the lights and the recurrent cost of operating and maintaining them,

and shall at the same time submit a plan of the private road on which the scheme is to be carried out.

(3) The Permanent Secretary shall, before submitting a scheme to the Minister, obtain the written agreement of not less than 50% of the frontagers on the road, and thereafter the Minister may sanction the scheme.

(4) In calculating the percentage of frontagers on a private road one vote shall be ascribed to a frontager irrespective of the number of frontage lands owned by him on the road concerned.

**Gazette notice of sanction by Minister**

4 The Minister may, within thirty days of presentation to him by the Permanent Secretary of the scheme and the written agreement of the required percentage of frontagers, sanction the scheme, and if he sanctions the scheme, he shall, within 15 days thereafter, cause to be published in the Gazette a notice of the fact that he has sanctioned the scheme and of his intention to have lights placed on the road mentioned in the scheme.

**Use of existing light poles**

5 (1) In executing the work of installing lights on a private road the Permanent Secretary may, where there are existing electric light poles on the road or on privately owned land adjacent to the road, utilise those poles for the purpose of installing the necessary lights.

(2) If there are no existing electric light poles, the Permanent Secretary shall cause to be erected new poles for the purpose of installing the lights.

**Objections; compensation**

6 (1) Where any frontager objects in writing to the implementation of a scheme sanctioned pursuant to section 3 the Minister may, notwithstanding such objection, cause the scheme to be carried out if he is satisfied that the conditions laid down in section 3(1)(a), (b) and (c) have been satisfied.

(2) Where any frontager objects in writing as aforesaid the Minister shall compensate every frontager on the private road.

(3) Compensation shall be effected —

(a) by agreement with all frontagers; or

(b) if no agreement can be reached, by submission to arbitration,

and in the case of arbitration the provisions of the Acquisition of Land Act 1970 [*title 19 item 2*] relating to arbitration shall, mutatis mutandis, apply.

**Assumption of existing lights**

6A (1) Subject to this section, where not less than 3 frontagers who own dwelling houses on a private road have before 10 May 1985 caused lights to be installed thereon at their own expense, the Minister may, if a request in writing is made to him by at least 1 frontager, and not less than 50% of the frontagers on that road are in agreement,

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assume the responsibility for the recurrent cost of operating and maintaining the lights.

(2) Before the Minister assumes the responsibility for any lights under subsection (1) the Permanent Secretary shall prepare and submit to him a memorandum containing the following particulars—

- (a) the name (if any) and description of the private road concerned;
- (b) particulars of the type of lighting installed;
- (c) the number of poles on which the lights are placed;
- (d) the estimated recurrent cost of operating and maintaining the lights,

and shall at the same time submit a plan of the private road concerned.

(3) When the Minister assumes the responsibility for any lights under subsection (1) he shall, with 15 days thereafter, cause to be published in the Gazette a notice to that effect.

### **Entry upon frontage lands**

7 (1) Notwithstanding any objection to a scheme it shall be lawful for the Minister or his servants or agents, at any time after the expiration of the notice referred to in section 4, to enter upon the private road and frontage lands for the purpose of carrying out any necessary work relating to the scheme.

(2) The Minister or his servants or agents, at any time after the publication of the notice referred to in section 6A(3), may enter upon the private road and frontage lands for the purpose of carrying out any necessary work relating to the Minister's responsibility under section 6A.

### **Commencement**

8 [omitted]

[this Act was brought into operation on 10 May 1985]

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[Amended by

1986 17

1988 19]