

CHAPTER 257

PRIVATE ROADS AND SUB-DIVISIONS (OUT ISLANDS)

ARRANGEMENT OF SECTIONS

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CHAPTER 257

PRIVATE ROADS AND SUB-DIVISIONS(OUT ISLANDS)

An Act to make better provision for the control of the laying out and construction of new private roads and sub-divisions in the Out Islands and to confer powers upon the Minister responsible for private roads and sub-divisions in connection therewith.

31 cf 1965
79 cf 1965
13 cf 1973
5 cf 1987

[Commencement 5th August, 1965]

1. This Act may be cited as the Private Roads and Sub-divisions (Out Islands) Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “owner”, in relation to any land, means a person other than a mortgagee not in possession who, whether in his own right or as a trustee or agent for any other person, is entitled to receive the economic rent of the land, or, where the land is not let at an economic rent, would be so entitled if it were so let;
- “Minister” means the Minister responsible for Private Roads and Sub-divisions; *13 cf 1973, s 2*
- “prescribed” means prescribed by regulations under section 11 of this Act;
- “road” means any alley, highway, lane, street or thoroughfare, but does not include a private drive or carriageway and “new road” means a road first laid out in a new sub-division after the coming into force of this Act;
- “sub-division”, in relation to any land, means a tract exceeding five acres divided into lots in the division of which provision is made for the reservation of sites for the construction of access roads and “new sub-division” means a sub-division in which the tract concerned is first divided after the coming into force of this Act;

“trunk road” means any public road used or intended to be used by members of the public for passage through or past the boundaries of any sub-division.

Approval required to lay out new road and a new sub-division

3. (1) No person shall, without the approval of the Minister, lay out any new road or any new sub-division.

(2) Every owner of land desiring to lay out any new road or new sub-division shall submit for the consideration of the Minister specifications of the construction of any proposed road and, in the case of a sub-division, also specifications for the provision of any electricity, water supply or other utility required by the Minister to be provided in such sub-division or specifications for the provision of space for the future supply of such utilities in any case in which the Minister may so direct.

(3) Specifications submitted in accordance with this section shall be in the prescribed form and shall contain such information as may be prescribed and shall include a survey plan for the whole of the proposed development.

(4) The Minister may on consideration of the specifications provided and of such additional information as he may require from the owner, approve the same with or without such modifications or additions as he may think fit or may withhold his approval.

Approval required to construct new road

4. (1) No person shall, without the approval of the Minister, construct any new road in any new sub-division.

(2) Every proposed road approved by the Minister shall be formed, graded and paved with proper and sufficient materials to the satisfaction of the Minister and in accordance with the standards specified in this Act and the work shall be completed within such reasonable period of time as the Minister shall direct.

Restriction on selling or disposing of lots in new sub-division

5. No owner shall sell, agree to sell, convey, agree to convey, demise or agree to demise any land in a new subdivision unless the approval of the Minister has been given under section 4 of this Act and either —

(a) he has furnished the Minister with a bond executed by two or more sufficient sureties approved by the Minister in a sum not exceeding the estimated cost of the proposed works plus twenty per centum thereof to be fixed by the

Minister and has entered into an agreement with the Minister for the proper construction of roads to and in such sub-division according to the specifications approved by the Minister and the supply of electricity, water and other utilities to and throughout such sub-division as may be required by the Minister within such period as the Minister may fix; such bond to be conditioned to be void upon the owner of the subdivision, within the period fixed by the Minister, so constructing such roads to the satisfaction of the Minister and completing to the satisfaction of the Minister all works necessary to provide electricity, water or other utility to and throughout such subdivision as may have been required by the Minister; or

- (b) he has to the satisfaction of the Minister constructed roads to and in such sub-division according to the specifications approved by the Minister and has completed to the satisfaction of the Minister all such works as may be necessary to facilitate the supply of electricity, water or other utility to the sub-division as may have been required by the Minister.

6. No person shall commence to erect any building or other structure on any lot in any new sub-division to which this Act applies until —

Restriction on building in certain new subdivisions

- (a) the lot has been marked out on the ground with markers approved by the Minister; and
- (b) a motor track has been laid out on the proposed road which is to lead from the lot to a public road to the satisfaction of the Minister.

7. No person shall, without the approval of the Minister sell or agree to sell, convey or agree to convey, demise or agree to demise any lot in a new sub-division to which this Act applies not being a lot marked with a number on the survey plan submitted to the Minister in accordance with section 3 of this Act, or whereof the frontage, extent or depth shall vary in any particular from the frontage, extent or depth of such lot as shown on that survey plan.

Restriction of selling, letting etc lots in certain new subdivisions

Specifications for
new roads

8. (1) Every road to be constructed within a new sub-division shall conform to the following specifications and standards —

- (a) road reservations shall be of such width as the Minister shall in each case specify, not being more than sixty feet:

Provided that all road reservations for a trunk road shall be at least sixty feet in width;

- (b) in any new sub-division, abutting onto an existing trunk road, there shall be a road reservation of at least thirty feet measured from the centre line of such trunk road along that boundary of the sub-division;
- (c) roads when constructed in any new subdivision shall be graded for a width of twenty-four feet along their entire length on main roads and for such lesser width on minor roads as the Minister may in each case specify;
- (d) where any road in a new sub-division is provided with an oiled or bitumen-macadamised surface, such surface shall extend for a minimum width of twenty feet throughout the length of the road or for such lesser width as may be specified by the Minister.

(2) Reservations for trunk roads shall be provided in every new sub-division as the Minister may in each case specify.

Penalties
5 cf 1987, s 2

9. (1) Any person contravening the provisions of section 6 or 7 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

5 cf 1987, s 2

(2) Any person contravening the provisions of section 3, 4 or 5 of this Act shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding four thousand dollars and, in the case of a continuing offence to a further fine not exceeding forty dollars for each day during which such contravention continues.

Prosecutions

10. Any person committing an offence against the provisions of this Act shall be prosecuted summarily by the Minister or by some person duly authorised in writing by the Minister before a circuit justice.

11. The Minister may make regulations for better carrying into effect the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make regulations prescribing the fees to be paid upon the approval by the Minister of any new subdivision.

Regulations
79 of 1965, s. 2

12. This Act shall apply only to such Out Island districts or parts thereof as may be specified by Order of the Governor-General, and the Governor-General may from time to time vary or revoke any such Order so applying the provisions of this Act.

Application of
this Act