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**CHAPTER 201****ROADS**

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## CHAPTER 201

## ROADS

**An Act to make provision for the establishment of public roads, for the control and maintenance of public roads and for other purposes incidental thereto.** *9 cf 1968  
E L A O, 1974*

*[Commencement 31st January, 1968]*

1. This Act may be cited as the Roads Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.

“Minister” means the Minister responsible for Roads;

“occupier” in relation to land means the person in actual possession thereof, or if there is no such person, then whoever is entitled to such possession, and in the case of land of which no person is currently in actual possession the person in whom the fee simple thereof is vested shall be deemed to be entitled to such possession unless he proves the contrary;

“public road” means a road declared to be a public road under the provisions of section 5 of this Act;

“road” includes a bridge or causeway linked with or forming part thereof.
3. (1) For the purposes of this Act the public roads of The Bahamas shall be divided into the following classes — Classification of roads.
  - (a) major roads; and
  - (b) minor roads.

(2) The width of public roads shall include unmade portions, pavements, ditches and verges thereof and shall be as follows —

  - (a) major roads, not less than forty feet for a single carriageway nor more than one hundred feet for a dual carriageway;
  - (b) minor roads, not less than thirty feet nor more than forty feet:

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Provided that the Minister may vary the width of any particular public road or part thereof, when he is satisfied that it is expedient so to do.

Control of roads.

4. All public roads within The Bahamas shall be under the charge and control of the Minister who shall have and exercise in respect thereof the powers and duties conferred by this Act.

Declaration of roads.

5. Subject to the provisions of section 13 of this Act, the Minister may, from time to time, by notice in the *Gazette* —

- (a) declare any road to be a public road and may define the course thereof;
- (b) declare that a public road shall be constructed on land where no public road was previously in existence, and may define the course thereof;
- (c) classify any public road as a major road or a minor road, as the case may be, and if the circumstances require, may reclassify any such road; or
- (d) close or alter the course of any public road and extinguish the right of the public to use any part thereof so closed.

Construction and maintenance of public roads.

6. (1) The Minister may construct, reconstruct and extend public roads and it shall be his duty, so far as the funds at his disposal for the purpose permit, maintain all public roads either from departmental resources available to him or by the employment of contractors, as to him may seem expedient.

(2) For the purpose of any work or repairs the Minister as and when he considers such action necessary and after consultation with the Commissioner of Police; may temporarily close, either wholly or partially, any public road or part thereof or may restrict or regulate traffic on any such road or part thereof.

Power to impose restriction on the use of public roads.

7. (1) For the purpose of effecting any repairs or doing any other work thereon the Minister may by regulations, or by notice affixed in a conspicuous place at the approach of any public road or part thereof, impose restrictions on the use thereof —

- (a) by prohibiting the passage of any particular category of vehicle;

(b) by prohibiting the passage of any vehicle in excess of any particular weight, either laden or unladen as may be specified in such regulations or notice;

(c) by fixing a maximum speed less than the maximum speed permitted by virtue of the provisions of the Road Traffic Act and operating conditions applicable to the use of any vehicle or particular category of vehicle on such road. Ch. 220.

(2) Any person who contravenes the requirements of any regulations or notice to which this section refers shall be guilty of an offence and shall be liable on summary conviction to a fine of seventy-five dollars.

**8.** (1) The occupier of any land adjacent to any public road —

Restriction on the discharge of water, etc., onto public roads.

(a) shall take all reasonable precautions to prevent any abnormal or excessive discharge from such land, except in accordance with any prescriptive or other legal right or the terms of any licence given in that behalf by the Minister, of any surplus water, storm water or any other liquid discharge of any nature whatsoever into or onto the surface, gutters, drains or subsoil of any public road; and

(b) shall not without the prior consent of the Minister and in accordance with any conditions to which any such consent may be made subject, make or permit the making of any new building, construction, drain, road, driveway, yard or any impermeable surface whatsoever which causes or is likely to cause any artificial increase in the volume of water or other liquid from any source diverted into or onto the surface, gutters, drains or subsoil of any public road.

(2) In case of any contravention of the provisions of subsection (1) of this section the Minister may serve a notice on the occupier of the land concerned setting out the nature of the contravention alleged and requiring the occupier to take steps to remedy the matter to which the notice refers, to the satisfaction of the Minister within such reasonable time as may be specified therein.

(3) In case of the default of any occupier in carrying out any work in accordance with the requirements of a

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notice served upon him under the provisions of subsection (2) of this section, the Minister may authorise any person to enter upon the land concerned to carry out such work as may be necessary to prevent the continuance of the contravention alleged and may recover the cost of such work as a civil debt due from the occupier of the land concerned.

Private works  
and excavations

9. (1) Any person who desires to make any excavation in or under any public road for any purpose, including the construction of any drain or water-course under such road or the provision of public utilities to any premises, shall inform the Minister in writing of the reasons for and the nature of the proposed work and shall first obtain the consent of the Minister to the making of such excavation, and shall conform in all respects to any conditions prescribed by the Minister for carrying out such work. The person making any such excavation shall be responsible at his own expense for filling in the same immediately after the completion of the work for which it was required and for the restoration of the surface of the public road concerned to the satisfaction of the Minister. Any such person shall also be responsible at all times until the final restoration of the road for all necessary precautions to prevent injury, damage or loss to any person by reason of such excavation and shall be liable for any injury, damage or loss caused thereby.

(2) Any person who makes any excavation in any public road without the consent of the Minister as required by subsection (1) of this section or who fails to fill in and restore any excavation made with the consent of the Minister, shall be guilty of an offence and shall be liable on summary conviction to a fine of seventy-five dollars and also to pay to the Minister such reasonable costs of the restoration of the surface of such public road, if the restoration was carried out by the Minister, as may be awarded by the court before which such person is convicted.

(3) No proceedings whatsoever shall be brought against the Crown, the Minister or any public officer or employee of the Government in respect of any personal injury suffered by any person or any loss or damage caused to any vehicle or other movable property as a result of the making of any excavation in any public road, or the

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restoration and repair of such road thereafter, unless it be proved that such excavation, restoration or repair, was made by the Minister or by some person acting on his orders or with his authority. For the purpose of this subsection a person shall not be deemed to be acting on the orders or with the authority of the Minister by reason only that the Minister had given his consent, under subsection (1) of this section, to the making of such excavation.

**10.** (1) The occupier of any land adjoining any public road shall cut and prune his hedges, trees, brushwood or other vegetation of whatever nature growing on the land in such manner as to prevent the same from overhanging the road, causing or being a potential cause of any danger or obstruction to persons using the road or obscuring or obstructing the field of view of road users at intersections, and such occupier shall be responsible for the removal from any public road of any matter or substance which may have fallen from the land onto such road.

Duties of occupiers of adjoining property

(2) In case any occupier makes default in doing any of the acts which he is required to do under the provisions of subsection (1) of this section, the Minister, after giving fourteen days notice in writing to the occupier, may, if the default continues after the expiration of such period of fourteen days, authorise any person to enter upon any land concerned to carry out such work as may be necessary to ensure compliance with the requirements of this section and may recover the cost of so doing as a civil debt due from the occupier of the land concerned:

Provided that without giving any notice to the occupier any person acting on the authority of the Minister may forthwith carry out any work necessary to remove a cause of danger or to prevent obstruction of any public road.

**11.** No person shall remove or cause or procure or permit the removal of any sand, earth, or rock from the sea coast at any place where the course of any public road brings such road within twenty yards of the sea at high water mark, except with the prior permission in writing of the Minister and subject to any conditions which the Minister may impose in any particular case. Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of seventy-five dollars.

Restriction on the removal of sand from coastal areas

Penalties for encroachments, etc.

**12.** (1) Anyone who, except with the consent of the Minister, closes, damages, deviates, disturbs, obstructs, erects any structure which projects over, or in any way encroaches or causes any nuisance upon any public road shall be guilty of an offence and upon summary conviction shall be liable to a fine of seventy-five dollars, and in the case of a continuing offence shall be liable to a further fine of fifteen dollars for each day during which the offence continues.

(2) The Minister may take any necessary action to remove any obstruction, abate any nuisance or prevent any damage to any public road and for the purpose of any such action, any person authorised by the Minister in that behalf, may at all reasonable times enter upon any land adjacent to any public road. The Minister may recover the reasonable cost of so doing from the person responsible and in case such person is convicted of an offence under this section the court recording such conviction may in the same proceedings determine the sum so payable to the Minister and the payment of any such sum, in case of default, may be enforced by such court, on the application of the Minister, in like manner to the enforcement of the payment of a fine.

Acquisition of land.

**13.** Whenever any land is required for the purpose of the exercise of any powers conferred upon the Minister under the provisions of this Act, such land shall be acquired, and compensation paid therefor, in accordance with the provisions of the Acquisition of Land Act, and such land shall be deemed to be required for a public purpose within the meaning of that Act.

Ch. 252.

Exchange of land required for road diversion.

**14.** (1) In any case in which the Minister is satisfied that it is in the public interest that any public road shall be diverted or realigned, the Minister, for the purpose of such diversion or realignment, in lieu of the payment of compensation for any land required for such purpose and with the consent of the owner of such land, may enter into an agreement for the exchange of any part of any public road, no longer to be required as a road after such diversion or realignment, for an area of land of equivalent value (or with a cash adjustment if the value is different) required by the Minister for the purpose of this Act.

(2) In pursuance of any agreement to which this section refers, the Treasurer, at the request of the Minister



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is hereby empowered to convey in fee simple to the person with whom such agreement is made that part of any public road to which the agreement relates in exchange for the conveyance in fee simple to the Treasurer of the land required by the Minister, to be held by him in trust for Her Majesty in right of Her Government of The Bahamas for public purposes.

(3) For the avoidance of doubt, it is hereby declared that the provisions of subsection (3) of section 5 of the Ministry of Finance Act, shall not apply to a disposition of land made by the Treasurer under the provisions of subsection (2) of this section.

Ch 23

**15.** Any notice required under the provisions of this Act to be served upon the owner or occupier of any land may be served personally or by registered post. In any case in which the identity or the whereabouts of the owner or occupier is unknown it shall be sufficient service for a copy of such notice to be posted at the nearest post office and also to be affixed upon the land concerned.

Service of notice

**16.** In any proceedings in respect of any offence or breach of duty alleged to have been committed against or under any provisions of this Act by the occupier of any land, the averment that any person against whom any proceedings under the Act are brought is the occupier of any particular land shall be sufficient proof of that fact unless such person shall prove the contrary.

Proof of  
occupation

**17.** (1) The Minister may make regulations for the better carrying out of the provisions of this Act and generally for the control, construction, maintenance and use of public roads.

Regulations

(2) Without derogation from the generality of the foregoing power, such regulations may prescribe the conditions subject to which the Minister may permit any temporary obstruction, encroachment or work to be made or carried out on any public road or part thereof and may prescribe the fees to be paid therefor by any person who requires such permission.