

THE ROADS (AMENDMENT) BILL

Bill No. 12 of 2015

Government Gazette of Mauritius No. 92 of 5 September 2015

Explanatory Memorandum

The object of this Bill is to give greater powers to a highway authority to prevent the illegal discharge of water, soil or refuse from any private property on a road or into a road drain.

N. BODHA

*Minister of Public Infrastructure and
Land Transport*

28 August 2015

THE ROADS (AMENDMENT) BILL

(No. XII of 2015)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 27 of principal Act amended
4. Section 42 of principal Act repealed and replaced

A BILL

To amend the Roads Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Roads (Amendment) Act 2015.

2. Interpretation

In this Act –

“principal Act” means the Roads Act.

3. Section 27 of principal Act amended

Section 27 of the principal Act is amended –

(a) in subsection (1)(a), by deleting the words “No occupier” and replacing them by the words “No owner or occupier”;

(b) by adding the following new subsections –

(3) (a) Where any owner or occupier contravenes subsection (1)(a), the highway authority may issue a notice to that owner or occupier, requiring him to put an end to the contravention within such time as may be specified in the notice.

(b) Where the owner or occupier fails to comply with a notice under paragraph (a), the highway authority may, after the expiry of the delay specified in the notice, apply to the Judge in Chambers for an order –

- (i) requiring the owner or occupier to appear before him; and
 - (ii) directing the owner or occupier to put an end to the contravention within such time as the Judge may specify; or
 - (iii) allowing access to the highway authority on the premises to enable it to put an end to the contravention.
- (c) Where an owner or occupier fails to comply with an order under paragraph (b)(ii) –
- (i) the owner or occupier shall commit an offence;
 - (ii) the Judge may authorise access to the highway authority on the premises to enable it to put an end to the contravention; and
 - (iii) the highway authority may claim from the owner or occupier the expenses and costs incurred by it in putting an end to the contravention.

4. Section 42 of principal Act repealed and replaced

Section 42 of the principal Act is repealed and replaced by the following section –

42. Soil erosion and refuse

(1) No owner or occupier of premises adjoining a road shall cause soil or refuse from the premises to fall, be washed or carried, on the road or into any road drain, in such quantities as to obstruct the road or choke the road drain.

(2) Where any owner or occupier contravenes subsection (1), the highway authority may issue a notice to that owner or occupier requiring him to put an end to the contravention within such time as may be specified in the notice.

(3) Where the owner or occupier fails to comply with a notice under subsection (2), the highway authority may, after expiry of the delay specified in the notice, apply to the Judge in Chambers for an order –

(a) requiring the owner or occupier to appear before him; and

(b) directing the owner or occupier to put an end to the contravention within such time as the Judge may specify; or

(c) allowing access to the highway authority on the premises to enable it to put an end to the contravention.

(4) Where an owner or occupier fails to comply with an order under subsection (3)(b) –

(a) the owner or occupier shall commit an offence;

(b) the Judge may authorise access to the highway authority on the premises to enable it to put an end to the contravention; and

(c) the highway authority may claim from its owner or occupier the expenses and costs incurred by it in putting an end to the contravention.
