

CHAPTER 289

HIGHWAYS

1900-5

Parts I to V of this Act came into operation on 1st June, 1945.

Parts VI to X of this Act came into operation on 1st November, 1900.

Amended by:

<i>1945-12</i>	<i>1959-26</i>	<i>1974-26</i>
<i>1946-23</i>	<i>1960-1</i>	<i>1974-43</i>
<i>1947-3</i>	<i>1961-46</i>	<i>1974-49</i>
<i>1949-5</i>	<i>1962-17</i>	<i>1975-18</i>
<i>1951-34</i>	<i>1966-5</i>	<i>1977-12</i>
<i>1954-46</i>	<i>1967-22</i>	<i>1979-30</i>
<i>1956-57</i>	<i>1967/51</i>	<i>1996-11</i>
<i>1958-55</i>	<i>1967/168</i>	

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1998

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 289

**HIGHWAYS
1900-5**

Arrangement of Sections

1. Short title

PART I

PRELIMINARY

2. Interpretation

PART II

**DUTIES OF CHIEF TECHNICAL OFFICER WITH RESPECT TO
HIGHWAYS**

3. Duties of Officer
4. Officer may appoint committees

PART III

PROVISIONS RELATING TO ALL HIGHWAYS TO WHICH ACT APPLIES

5. Part III to apply to highways to which Act applies
6. Officer to have general superintendence of highways
7. Officer may permit erection of poles for telephone wires at side of highways and may erect refuges

8. Provisions for widening highway
9. Crown authorised to purchase land and buildings affected by the taking of land for purposes of section 8 instead of paying compensation
10. Minister for Lands authorised to sell land or property acquired under Act
11. Abandonment etc. of highways
12. Removal of encroachments on highways
13. Removal of things placed on highways
14. Exception in favour of persons erecting or repairing buildings near highways
15. No steam engine to be erected within 50 yards of highways unless screened
16. No wells within 30 feet of highways unless enclosed
17. No mining operations, etc., within 20 feet of highways without permission
18. Removal or repair of walls and dangerous buildings overhanging highways
- 18A. Cultivation of land adjoining highway
19. Officer may require execution of works in public interest
- 19A. Appeals
- 19B. Power of entry
- 19C. Exemption from liability
- 19D. Payment into Consolidated Fund

20. Injury to highways
21. Gas or water pipes laid under highways

PART IV

PROVISIONS APPLICABLE WHERE ALL HIGHWAYS IN ANY PARISH ARE UNDER CONTROL OF OFFICER

22. Provisions of Part IV to apply in respect of every parish
23. Payment of sums collected in relation to highways
24. Wells and dams for taking off storm water to be under control of Officer
25. Roads to church and market
26. Repair of private roads used by the public
27. Repair of new highways
28. Officer to account to Auditor-General
29. Officer to keep books of account

PART V

GENERAL

30. Application of enactments to highways to which Act applies
31. Certificate of Officer *prima facie* evidence that highway is highway to which Act applies
32. Expenses of Minister or Officer, how defrayed

- 33. Minister may delegate to Officer
- 34. Regulations

PART VI

PROVISIONS RELATING TO PARTS VII TO X

- 35. Interpretation of Parts VII to X

PART VII

OFFENCES RELATING TO HIGHWAYS

- 36. Penalty for placing clothes on adjoining walls or on ground within 10 yards or on balconies
- 37. No playing on loud musical instruments, appearing masked, or taking part in marches or processions on highways without a permit
- 38. Applications for permits
- 39. Minister to make regulations in respect of section 37
- 40. Penalty for breach of section 37
- 41. Arrest of offenders under section 37
- 42. No firearms to be discharged within 100 yards of highways except on lawful and necessary occasion
- 43. Prohibition against fireworks on highways
- 44. Disturbance on, dispersing of mobs from and indecent exposure of person on or near, highways

PART VIII

MARKING OF CARTS AND CYCLES DRIVEN ON HIGHWAYS

45. All carts before being driven on a highway, to be marked
46. Provisions governing licensing of cycles
47. Cart improperly marked may be seized, etc.
48. Penalty on driver not being owner of a cart improperly marked
49. Penalty for concealing marks on cart
50. Exemption from penalty

PART IX

LICENSING OF VEHICLES AND ANIMALS

51. Annual licence for keeping of vehicles or taxable animals
52. Treasurer may decline to grant a licence to an unknown person
53. Who to be deemed the owner
54. Ticket to be affixed to every vehicle other than a cart
55. Name and address of owner to be stated on request
56. Penalty for not having licence
57. Exemptions
58. Recovery of penalties

- 59.** Publication of lists of licensed persons
- 60.** Examination before a magistrate of persons suspected of infringing section 51

PART X

MISCELLANEOUS

- 61.** Tramways allowed to be laid across highways subject to conditions
- 62.** Repair of roads opened up
- 63.** Offences
- 64.** Recovery and disposal of penalties
- 65.** Service of summons when owner absent

FIRST SCHEDULE

SECOND SCHEDULE

**BARBADOS****HIGHWAYS
1900-5**

An Act to make provision in relation to highways in Barbados.

[Commencement: 1st June, 1945 Parts I to V]

[Commencement: 1st November, 1900 Parts VI to X]

Short title

1. This Act may be cited as the *Highways Act*.

**PART I
PRELIMINARY****Interpretation**

2. For the purposes of this Act, the expression “highway” includes any public road and any street, lane, alley, bridge, watercourse, sewer, embankment, tunnel, drain, gutter or wharf, except any part of a wharf that is constructed of masonry;

[1996-11]

“highways to which this Act applies” means all highways which, by section 3, the Officer is authorised and required to take control of and to construct, reconstruct, repair and maintain in repair;

[1959-26; 1996-11]

“Officer” means the Chief Technical Officer.

[1996-11]

PART II

DUTIES OF CHIEF TECHNICAL OFFICER WITH RESPECT TO HIGHWAYS

Duties of Officer

3.(1) Without prejudice and in addition to any other duties required of him by or under this Act, the Chief Technical Officer is hereby authorised and required

(a) to take control of and to construct, reconstruct, repair and maintain in repair

(i) all highways in Barbados;

(ii) all roads taken over for the public use by the Minister under sections 25, 26 and 27;

(iii) all roads, streets, lanes, alleys, bridges, watercourses, wharves, embarkments, tunnels, drains, gutters and sewers in that part of the parish of Christ Church transferred to the City of Bridgetown which immediately prior to the 25th March, 1959* were under the control of the Commissioners of Highways of the parish of Christ Church;

**[The appointed day for the purposes of the Local Government Act.]*

(b) to perform all duties relating to transport and road traffic which may be required of him by or under any enactment of Barbados;

(c) to perform such other duties as the Minister may require of him from time to time.

(2) The Officer shall perform all the duties and exercise all the rights, powers and authority previously performed and exercised by the Central Road Board and by the Transport Board.*

**[The bodies were replaced by the Department of Highways and Transport by Act 1945-12. The Department was incorporated into the Ministry of Communications and Works.]*
[1996-11]

[1996-11]

Officer may appoint committees

4.(1) The Officer may appoint a committee for any of the purposes of Parts II to V which in his opinion would be better regulated and managed by means of a committee and may, with the approval of the Minister, delegate to the committee with or without restrictions or conditions, as he thinks fit, any of his powers under those Parts.

(2) A committee appointed under this section shall consist of such number of persons as the Officer may determine.

[1996-11]

[1996-11]

PART III

PROVISIONS RELATING TO ALL HIGHWAYS TO WHICH ACT APPLIES

Part III to apply to highways to which Act applies

5. The provisions of this Part shall apply in respect of all highways to which this Act applies and the Officer, in respect of such highways, shall have all the powers, rights and duties set out in this Part.

[1996-11]

Officer to have general superintendence of highways

6.(1) The Officer shall be charged with the general superintendence of all the highways to which this Act applies and it shall be his duty to see that they are properly made, repaired and maintained.

(2) The Officer shall have milestones, as occasion may arise, affixed on the sides of each of such highways as he may think fit and shall take care that the letters and figures on such milestones are distinct and legible.

(3) The Officer shall have all trenches adjoining highways to which this Act applies kept clear of mould or obstructions and may cause the mould and other materials so cleared from the trenches to be deposited on the adjoining banks.

[1996-11]

[1996-11]

Officer may permit erection of poles for telephone wires at side of highways and may erect refuges

7.(1) The Officer may, in his discretion, grant permission to any person or company to erect poles at the side of any highway to which this Act applies for the purpose of carrying wires over, along or across any such highway

Provided always that any person or any company existing or hereafter to come into existence shall not by lapse of time hereafter acquire, and shall not be deemed by lapse of time to have already acquired, any right to maintain against the Crown or against the will of the owner of any private lands or houses any pole, wire or thing in, on or over any such highway or any lands or houses, whether public or private.

(2) The Officer may from time to time place, maintain, alter and remove in any highway to which this Act applies such raised paving or places of refuge, with such pillars, either permanent or temporary, as he thinks fit, for the purpose of protecting passengers and traffic from injury, danger or annoyance or for the

purpose of making the crossing of any such highway less dangerous to passengers

Provided that such paving or places of refuge shall not obstruct the free entry or egress to or from any lands, premises or buildings.

[1996-11]

[1967/168; 1996-11]

Provisions for widening highway

8.(1) Whenever it appears to the Minister that any highway to which this Act applies is not of sufficient width and that, having regard to all the circumstances, it is practicable to widen it, the Minister may order the same to be enlarged and widened in such manner as he thinks best so that such highway when altered shall not exceed 48 feet in breadth, subject, however, to the provisions of this Act with regard to the widening of highways to which this Act applies and compensation for land and premises taken for the purposes of this Act.

(2) Whenever it appears to the Minister desirable for any purpose, and particularly for the giving of a road to church or market to any person who is without and requires one, to alter the course of any highway to which this Act applies or any part thereof, the Minister is hereby empowered to proceed to lay out and allot such highway, but the power of the Minister in this behalf shall be exercised with as little detriment to any private person as practicable and shall not extend to the pulling down of any house or building or to the taking away of the land of any garden, orchard or yard.

[1959-26]

(3) The Minister shall employ a competent land surveyor to attend at the laying out of such highway and shall require him to furnish a plot thereof in duplicate, and when the proceedings are duly concluded, the Minister shall have one of the said plots lodged in the Registration Office, to be by the Registrar filed and

preserved with the public records of Barbados, and the other of the said plots shall be kept and preserved by the Officer.

[1996-11]

(4) In order that the person who is seised of or interested in the land which is laid off for making, enlarging or widening any highway to which this Act applies shall receive satisfaction for the same, the Minister is hereby required, in the absence of agreement as to the amount of compensation to be paid, to make application to the magistrate of the district, who shall thereupon issue a warrant for summoning and empanelling a jury, consisting of 5 freeholders of the parish where such highway may be required to be altered, turned or laid out.

(5) Each of the freeholders shall take an oath, to be administered by a Justice of the Peace, in the words following:

1996-11

“I, A. B., do swear that I will to the best of my skill and judgment, duly execute the trust reposed in me and the duties required of me by the Highways Act without fear, favour or partiality - So help me God.”

(6) The said jury are hereby empowered to assess what sum shall be awarded to the owner or tenant of the said land and also to any other person who may be injured by the enlarging or making of such highway

Provided always that 6 days' notice in writing shall be given by the Minister to the owner or occupier or other person interested in such land as aforesaid, or to his guardian, trustee or attorney, of the time of the laying off of such highways by the Minister and of the assessing of the value thereof by the jury.

(7) Upon payment or tender of payment of the money so awarded and assessed to the person entitled to receive the same, the land after being so laid off for a highway as aforesaid shall be deemed and taken and for ever afterwards made use of as a public highway to all intents and purposes whatsoever, reserving nevertheless to the owners of such land the fee simple and inheritance thereof.

(8) Where any freeholder duly summoned for any of the purposes aforesaid neglects to appear or appearing refuses to be sworn and perform the duty by this Act required of him, unless he gives a lawful excuse to be allowed of by the magistrate under whose warrant he may have been summoned, he shall forfeit and pay the sum of \$5 and every person summoned as a juror shall have 5 days' notice of the time and place when and where to attend.

(9) Whenever the Crown requires any land for the purpose of building or constructing any tunnels, drains or sewers or of continuing or altering the course of any tunnels, drains or sewers already constructed, it shall be lawful for the Minister to proceed in the manner prescribed by subsections (3) to (8) to have such land laid off and assessed, and upon payment or tender of payment of the money awarded and assessed to the person entitled to receive the same, such land shall thenceforth be for the public use, and the Officer or any person authorised by him in that behalf shall have power at all times to enter upon any premises of which the land laid off formed part for the purpose of repairing such tunnels, drains or sewers or for cleansing the same.

[1996-11]

Crown authorised to purchase land and buildings affected by the taking of land for purposes of section 8 instead of paying compensation

9. Whenever the Crown requires any land for any of the purposes mentioned in section 8, the Crown is hereby authorised (subject to the provisions of section 8 relating to the acquiring of land), if the Minister thinks it expedient to do so, instead of purchasing as nearly as possible the exact quantity of land required for any of the purposes mentioned in section 8, to purchase either by agreement with the owners of the land or in the manner prescribed by that section the land immediately adjoining with any buildings thereon which may be affected by the taking of the land required by the Crown, instead of paying compensation for the damage to the adjoining land or property so taken.

Minister for Lands authorised to sell land or property acquired under Act

10. The Minister responsible for Lands is hereby authorised to sell any land or property acquired under this Act or by agreement with the owner which may not be actually required for the purposes of the work to be done by the Officer.

[1996-11]

Abandonment etc. of highways

11.(1) Subject to subsection (2), where the Minister is of the opinion that in the public interest

- (a) the rights of the public in respect of any highway should be abandoned; or
- (b) a highway or any portion thereof should be used for a purpose other than that for which it is being used,

he shall publish a notice in the *Official Gazette* to that effect.

(2) A notice published under subsection (1) shall

- (a) for the purposes of paragraph (a) of that subsection, contain the grounds on which the Minister relies for having the rights of the public in respect of any highway abandoned, including all other matters which may be relevant thereto;
- (b) for the purposes of paragraph (b) of that subsection, set forth the purposes for which the highway is proposed to be used;
- (c) invite objections from the public to the matters contained in the notice; and
- (d) specify the date not later than which objection shall reach the Minister.

(3) An objection made pursuant to a notice published under subsection (1) shall contain the grounds of objection which the Minister shall consider with due regard to the public interest.

(4) Any decision of the Minister under this section

(a) is final; and

(b) shall be notified by order published in the *Official Gazette*,

but in no case shall such decision be acted upon before any compensation to which owners of the subsoil of the highway affected may be entitled has been paid to such owners.

(5) Upon publication of an order under subsection (4) and payment of compensation to the persons to whom compensation is payable, all interest of such persons in that portion of the highway shall be extinguished.

(6) Where a road has been abandoned under this section, the owner of the subsoil through which the abandoned road or part thereof passes may, with the permission of the Minister and subject to subsection (7), take exclusive possession of such road.

(7) The Minister may, in granting the permission to which subsection (6) refers, require the owner to pay into the Consolidated Fund an amount to be determined by arbitration, in default of agreement, as is considered to be the value of the abandoned road or part thereof, as the case may be.

[1977-12]

Removal of encroachments on highways

12.(1) Any person who encroaches upon any highway to which this Act applies by means of any building, enclosure, hedge, fence or in any manner shall incur a penalty of \$10 and, if the encroachment is not removed within 24 hours after notice thereof from the Officer or any person acting under his authority, the same shall be removed at the cost of the offender, to be recovered as a penalty under this Act.

(2) Nothing herein contained shall prevent or be construed as preventing the owner or occupier of any building or land adjoining a highway to which this Act applies from covering over the gutter adjacent to any door or gate belonging to such building or land so as to allow vehicles and passengers to have access to and from such building or land

Provided that such covering shall not in any way obstruct the highway and shall not interfere with the free passage of storm water through the gutter under such covering and shall be laid under the supervision of the Officer and in such manner as the Officer approves.

[1996-11]

[1996-11]

Removal of things placed on highways

13.(1) Any person who wilfully places timber, stone, trash, manure, soil, ashes, rubbish or any matter or thing whatsoever upon any highway to which this Act applies shall incur a penalty of \$10, and it shall be lawful for the Officer to cause the said highway to be cleared by removing or disposing of such matter or thing and to apply the proceeds thereof in defraying the cost of such removal, and to pay the residue, if any, into the Consolidated Fund.

(2) Where such timber, stone, trash, manure, soil, ashes, rubbish or matter or thing is not sold for a sufficient sum to defray the expenses of removing them, the person who deposited or caused the same to be deposited on the said highway shall pay into the Consolidated Fund such sum of money as was necessarily expended in the removal thereof and in default of payment the same shall be recovered as a penalty under this Act.

(3) Where it is made to appear to the satisfaction of the magistrate hearing the complaint under subsection (2) that the local situation of the lands adjoining any highway to which this Act applies occasioned the temporary depositing thereon of such trash, manure, soil, ashes, rubbish or matter or thing intended to be applied to such lands or that bad weather or other reasonable cause had interposed to prevent the removal of such matter or thing, the party so depositing the same shall

not be subject to the prescribed penalty nor shall such articles or things be forfeited, unless they have remained on such highway after sunset of any day.

(4) Nothing in this section shall be construed as preventing stones or materials being placed on any highway to which this Act applies for the repair of the same.

(5) Notwithstanding subsections (1) to (4), the Minister may by regulations issued from time to time and published in the *Official Gazette* permit hogsheads, puncheons, casks or any description of packages of sugar, syrup, molasses or other produce of Barbados to remain deposited on any highway to which this Act applies or place adjoining or near the premises of any person who deals in sugar, syrup, molasses or other such produce, in such manner and for such time as he may consider circumstances to render expedient, having regard to the traffic on such highway or place.

(6) Any person who puts or places any soil, manure, substance or thing on any highway to which this Act applies, which may be detrimental to the same whilst undergoing repair or after the same has been repaired but before such road has become sufficiently settled and fixed, shall incur a penalty of \$5

Provided always that nothing in this subsection shall affect subsections (1) to (4).

[1996-11]

Exception in favour of persons erecting or repairing buildings near highways

14. Nothing herein contained shall be construed to prevent persons building or repairing any building of whatever description in any town of Barbados from erecting such scaffolding or collecting such materials as may be necessary in the course of such building or repairing, although the same encroaches on any highway to which this Act applies, provided the same is done with the knowledge and concurrence of the Officer and that no more of the public highway is encroached upon, nor the encroachment continued longer, than is

unavoidably necessary to such building or repairs and provided also that all due care is taken to guard the public against danger in respect of such scaffolding or collection of materials.

[1996-11]

No steam engine to be erected within 50 yards of highways unless screened

15.(1) No steam engine or other like machine or windmill shall be erected within 50 yards of any highway to which this Act applies, unless such engine or other like machine is within a house or sufficiently screened by a wall or barrier so that the same may not be dangerous to passengers, horses or cattle

Provided that it shall be lawful for the Minister to permit the erection of windmills within a shorter distance than 50 yards of any highway, where the local position renders a shorter distance indispensable, and where the same may be done without detriment to the public.

(2) It shall not be lawful for any person to make a ditch or pit upon or within 10 feet of any such highway.

(3) Any person who offends against subsection (1) or (2) shall forfeit and pay \$5 for each and every day such steam engine or other like machine, windmill, ditch or pit is permitted to continue contrary to the provisions of this section.

(4) Nothing in this section shall be construed to restrain any person from using, repairing, building or enlarging any steam engine or other like machine or any windmill which may have been erected and in existence on the 27th April, 1945.*

**[The date of passing of Act 1945-12.]*

(5) The Officer is hereby authorised to use and employ, as he may deem expedient for the purpose of crushing the metal on the highways to which this Act applies or for repairing such highways or for any purpose connected with such repairs, road-rollers propelled by steam or other motive power.

[1996-11]

(6) It shall be lawful for the Officer to make regulations relating to the working of road-rollers, the limit of speed to be observed in driving such rollers on the highways to which this Act applies and the temporary stoppage of the traffic on any such highway for the purpose of rolling such highway and for such other purposes as may be necessary.

[1996-11]

(7) Any person infringing any provision of any such regulations shall be liable to a penalty of \$5.

No wells within 30 feet of highways unless enclosed

16.(1) Any owner or occupier of land adjoining any highway to which this Act applies who has or sinks a well therein within 30 feet of any such highway shall have a wall or other substantial enclosure erected around the same, 4 feet high.

(2) Any person failing to comply with subsection (1) shall, after receiving 7 days' notice from the Officer, incur a penalty of 60 cents for each day after the expiration of such notice during which any such well remains unenclosed as aforesaid.

[1996-11]

No mining operations, etc., within 20 feet of highways without permission

17.(1) No person shall conduct any tunnelling or mining operations or shall make any excavations for the purpose of removing sand, mould, gravel, marl or any other substance, or for any other purpose, within 20 feet of any highway to which this Act applies or of the land immediately beneath such highway, unless such person has previously obtained permission in writing so to do from the Officer.

(2) Any person who fails to comply with subsection (1) shall be liable to a penalty of \$48 in respect of each day on which he continues tunnelling or mining

operations or excavations after receiving notice from the Officer to cease such operations or excavations.

[1996-11]

(3) In addition to the penalty, if any, to which a person failing to comply with subsection (1) is liable, such person shall, in cases where the information is brought by or on behalf of the Minister, be liable to pay to the Crown such sum of money as shall be required to make, or has been necessarily expended upon making, such highway safe from any collapse caused, threatened or rendered likely by such tunnelling or mining operations or excavations.

[1996-11]

Removal or repair of walls and dangerous buildings overhanging highways

18.(1) Where any wall or dangerous building overhangs any highway to which this Act applies so as to be dangerous to passengers, it shall be lawful for the Officer to give notice to the owner or proprietor or his representative to have the same either taken down or sufficiently repaired so as to remove the danger.

(2) Where any such person omits to comply forthwith with such notice, the Officer is hereby authorised to pull down or repair the same, as he sees fit, at the expense of such person, and the expense incurred in doing so shall be recovered as a penalty before a magistrate, in addition to a penalty of \$5 for not complying with the notice given by the Officer.

[1996-11]

[1996-11]

Cultivation of land adjoining highway

18A. No owner or occupier of land adjoining a highway shall cultivate or allow to grow on such land any plant so as to prevent users of the highway from

having an unobstructed view for a distance of at least 40 yards along such highway or along any other highway adjacent thereto.

[1974-43]

Officer may require execution of works in public interest

19.(1) Where the Officer is satisfied that in the public interest any works on private lands are necessary, he may serve or cause to be served on the owner or occupier of such premises a notice in writing requiring him to execute such works.

(2) A notice under subsection (1) shall indicate the nature of the works to be executed and shall specify a period of time after the expiration of which the Officer may cause the works to be carried out if they have not been previously executed.

[1996-11]

(3) Where the Officer is satisfied on the advice of the Chief Welfare Officer that an owner or occupier is physically or financially unable to execute works under subsection (1), he may cause such works to be done without expense to the owner or the occupier.

[1996-11]

(4) Subject to subsection (3) and section 23A, a person who fails to comply with any notice served in accordance with this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and in the case of a continuing offence to a further fine of \$20 for each day or part thereof during which the offence continues after a conviction is first obtained.

(5) Where a tree overhangs a highway to which this Act applies, in a manner likely to endanger the safety of vehicles or pedestrians thereon, the Officer may cause such tree to be cut down and reasonable compensation to be made to the owner therefor.

[1996-11]

[1974-43; 1996-11]

Appeals

19A.(1) A person on whom a notice is served under section 19, or any other person having an estate or interest in the land to which such notice relates, may at any time before the expiration of the time specified in the notice appeal to a Judge in Chambers on any of the following grounds:

- (a) that the work specified in the notice is not required in the public interest;
 - (b) that there is some informality, defect or error in, or in connection with, the notice;
 - (c) that the Officer has refused unreasonably to approve the execution of alternative works;
[1996-11]
 - (d) that the works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
 - (e) that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose;
 - (f) that the notice might lawfully have been served on the occupier of the land to which it relates instead of on the owner or on the owner instead of on the occupier and it would have been equitable for it to have been so served;
 - (g) that where the work, if executed, would be of equal benefit to other land the owner of such other land ought to contribute towards the expense of executing the required works.
- (2) Where an appeal under subsection (1) is based
- (a) on the ground specified in paragraph (b) thereof, the Judge shall, if the informality, defect or error was not a material one, dismiss the appeal;
 - (b) on a ground specified in paragraph (f) or (g) of that subsection, the appellant shall serve a copy of his notice of appeal on each other person referred to therein and may serve a copy thereof on any other person

having an estate or interest in the land to which the notice under section 19 relates; and on the hearing of the appeal the Judge may make such order as he thinks fit in respect of the person by whom any work is required to be executed and in respect of the contribution to be made by any other person towards the cost of the work or as to proportions in which expenses recoverable by the Officer under subsection (8) are to be borne by the appellant and such other person.

[1996-11]

- (3) In exercising his powers under subsection (2) a Judge shall have regard
 - (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and as to the nature of the works required; and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (4) Where an appeal is brought under subsection (1) the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (5) On the determination of an appeal the Judge shall give directions for giving effect to his decision including, where appropriate, directions for quashing the notice to which the appeal relates or for varying the terms of such notice in favour of the appellant.
- (6) Where the notice to which the appeal relates is varied or the appeal is dismissed, the Judge may direct that the notice shall not come into force until such date, not being later than 28 days from the determination of the appeal, as he thinks fit.
- (7) The determination by a Judge of an appeal under subsection (1) is final.
- (8) If at the expiration of the period specified in a notice under section 19 or directed by a Judge on the determination of an appeal under subsection (1) the work specified in the notice as varied by the Judge has not been executed, the Officer may cause such work to be carried out and on completion thereof may

recover the reasonable costs of carrying out such work as a debt due to the Crown in civil proceedings before a Magistrate for District 'A', notwithstanding that such sum exceeds the amount recoverable in such court in civil cases.

[1996-11]

(9) In proceedings under subsection (8) the validity of the notice to which the proceedings relate shall not be questioned on any ground specified in subsection (1).

[1974-43]

Power of entry

19B.(1) The Officer or any other person authorised in writing by him may, at any reasonable time and using such force as is necessary, enter on lands for the purpose of

- (a) ascertaining whether there is on or in connection with the use of such lands a breach of this Act;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Officer to take action or execute works under this Act;
[1996-11]
- (c) taking action or executing work authorised or required to be taken or executed under this Act;
- (d) performing any function conferred on him or on any person authorised by him under this Act; or
- (e) generally examining and inspecting such lands.

(2) Where a power of entry is being exercised by a person authorised by the Officer, such person shall produce the document authorising him to enter; and a document purporting to be signed by the Officer is *prima facie* evidence that it has been so signed.

[1996-11]

[1974-43; 1996-11]

Exemption from liability

19C. No liability attaches to the Officer or to any person acting under his authority for any act done in good faith in the carrying out of the provisions of this Act.

[1974-43; 1996-11]

Payment into Consolidated Fund

19D. All sums recovered by the Officer under this Act shall be paid into the Consolidated Fund.

[1974-43; 1996-11]

Injury to highways

20. Any person who injures, obstructs, alters or in any manner interferes with any highway to which this Act applies or with any milestone affixed on the side of any highway to which this Act applies, except with the consent of the Officer, shall be liable to a penalty of \$500, and he shall also pay to the Crown whatever sum may be expended by the Government in removing or correcting such injury, obstruction, alteration or interference, which sum, if not paid within 10 days after notice thereof is given to him or left at his usual place of abode by the Officer, shall be recovered in a summary manner as a penalty under this Act.

[1996-11]

Gas or water pipes laid under highways

21. Where for any purpose of this Act the Officer deems it necessary to raise, sink or otherwise alter the situation of any water or gas pipes, mains, plugs or other waterworks or gas-works, laid in or under any highway to which this Act applies, he may by notice in writing require the owner of the pipes, mains, plugs or works to raise, sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice, the expense of or

connected with any such alterations to be paid by the Minister; and if such notice is not complied with at the expiration of 2 months from the date thereof the Officer may himself make the alterations required:

Provided that no such alterations shall be required or made which will permanently injure any such pipes, mains, plugs or works or prevent the water or gas from flowing as freely and conveniently as usual.

[1996-11]

PART IV

PROVISIONS APPLICABLE WHERE ALL HIGHWAYS IN ANY PARISH ARE UNDER CONTROL OF OFFICER

Provisions of Part IV to apply in respect of every parish

22. The provisions of this Part shall apply in respect of every parish in Barbados.

Payment of sums collected in relation to highways

23. The Officer shall on the first Tuesday in each month pay into the Consolidated Fund all sums relating to the highways from time to time collected by him under this Act and any other enactments relating to highways, and shall at the same time furnish to the Auditor-General a return of the sums so paid into the Consolidated Fund.

[1958-55; 1961-46]

Wells and dams for taking off storm water to be under control of Officer

24. The Officer shall have and exercise in and over the wells, sucks and dams handed over to the Commissioners of Highways of any parish under the Act of the 30th August, 1880*, relating to the digging and making of wells, sucks

and dams for taking off storm waters, all the powers and authorities which he has under this Act in respect of highways to which this Act applies.

**[Ch. XI of 1880]*

[1996-11]

Roads to church and market

25.(1) Where the owner of any land in any parish requires a road to church or market, it shall be lawful for the Minister to proceed in the manner laid down in this Act, at the cost of the party requiring the same, to be assessed if necessary by a jury summoned, empanelled and sworn; and upon payment or tender of payment of the sum awarded to the owner of the land so laid off for a road, such road shall from thenceforth be for the public use.

(2) Where any plantation, estate or place contains a road leading from the buildings thereon to the public highway adjacent, and the plantation, estate or place is sold out in lots and the owner or owners of any such lot or lots require a road to the same, it shall only be lawful for the Minister to lay out such road or roads from any such lot or lots to the original road leading from such buildings to the public highway or over original lands of such plantation, estate or place, and not over lands of any other party or parties, except with the consent of the owner or owners of such land or lands

Provided always that the fee simple of any land so laid off for a road shall continue and be in the owner of the said land, his heirs and assigns forever, but without interruption or prejudice to the public, or any person whomsoever requiring the use of the said road.

Repair of private roads used by the public

26. Where the Minister deems it expedient and beneficial to the public that the Officer have power to repair any road in any parish which has never been laid off by a jury but which is made use of by the public on sufferance, he shall, if the owner of such road or his attorney give consent in writing to have such road repaired by the Officer, have full power and authority to have such road repaired,

and such road, after the repair thereof, shall be deemed taken and used as a public road to all intents and purposes whatsoever as if the same had been laid off according to law, but the fee simple in the land of such road shall nevertheless be and remain in the owner thereof, his heirs and assigns.

[1996-11]

Repair of new highways

27.(1) No road in any parish made or hereafter to be made by and at the expense of any individual or private person or body politic or corporate shall be deemed or taken to be a highway which the Officer is compelled or liable to repair, unless the person or body politic or corporate proposing to dedicate such highway to the use of the public gives 3 months previous notice in writing to the Minister of his or their intention to dedicate such highway to the use of the public, describing its situation and extent and has made or makes the same in a substantial manner, with proper drainage and surface gutters of sufficient width.

[1996-11]

(2) Where on receipt of such notice the Minister adjudges such a road not to be of sufficient utility to the inhabitants of Barbados to justify its being kept in repair at the expense of the Government or not to be made in a sufficiently substantial manner with proper drainage and surface gutters or not to be of sufficient width, then such road shall not be kept in repair by the Officer, notwithstanding the use thereof by the public and notwithstanding any act, deed, matter or thing by any person or body politic or corporate done or suffered with a view to any such dedication

Provided always that if the road has not been used as a public road before notice of intention to dedicate has been given, any user of such road subsequent to such notice shall not operate as a dedication of such road if the Minister does not adjudge that such road should be kept in repair by the Officer.

[1996-11]

[1996-11]

(3) Where the Minister adjudges such a road to be of sufficient utility to the inhabitants of Barbados to justify its being kept in repair at the expense of the Government and made in a sufficiently substantial manner with proper drainage and surface gutters and of sufficient width, then the road shall be kept in repair by the Officer.

[1996-11]

Officer to account to Auditor-General

28.(1) The Officer shall make quarterly returns to the Auditor-General of all moneys received by him in respect of the highways in such parish or part thereof for taxes, penalties, forfeitures, fines and otherwise.

(2) If the Officer neglects duly to enforce payment of all taxes in respect of the highways in such parish or any part thereof which he is authorised to collect under this Act, he shall for every such neglect forfeit a sum of \$10.

(3) If the Officer in any way misapplies or diverts any of the moneys received by him to any purpose whatsoever not authorised by this Act, he shall be liable, in addition to any penalty or punishment to which he may otherwise by any law be liable, to pay double the amount of the sums of money so misapplied or diverted by him, which amount shall be recoverable as a penalty under this Act.

[1958-55]

Officer to keep books of account

29.(1) The Officer shall and he is hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received for road purposes in respect of highways in such parish or any part thereof.

(2) Such book or books shall, on one day in the week to be fixed by the Officer, between the hours of 10:00 a.m. and 3:00 p.m. be open for the inspection of all persons rated in the said parish or any part thereof, or their legally constituted

representatives, without fee or reward, and the said persons or any of them may take copies of or extracts from the book or books or any parts thereof without paying anything for the same.

(3) Where the Officer or person with whom such book or books remain on any reasonable demand refuses to permit, or does not permit, the said ratepayers or any of them to inspect the said book or books or to take such copies or extracts, he shall forfeit and pay a sum not exceeding \$10 for every such offence.

[1958-55]

PART V
GENERAL

Application of enactments to highways to which Act applies

30. The enactments relating to highways shall, so far as the same are not expressly altered, repealed or suspended by or are not inconsistent with the provisions of Parts II to IV and this Part, apply to all highways to which this Act applies.

Certificate of Officer *prima facie* evidence that highway is highway to which Act applies

31. In any proceedings for offences or for the recovery of any penalties or forfeitures under Parts II to IV and this Part or under any regulations, a certificate of the Officer to the effect that any particular highway named therein is a highway to which this Act applies, or that all of the highways in any named parish are under the control of the Officer shall be *prima facie* evidence of the facts stated therein.

[1996-11]

Expenses of Minister or Officer, how defrayed

32. All expenses incurred by the Minister or by the Officer in carrying out the provisions of Parts II to IV and this Part shall be defrayed from moneys voted for the purposes of this Act by Parliament.

[1967/168; 1996-11]

Minister may delegate to Officer

33. The Minister may delegate to the Officer such of his powers, authorities and duties under this Act as he may from time to time consider expedient.

[1996-11]

Regulations

34. The Minister may make regulations for the better carrying into effect of the purposes of Parts II to IV and this Part.

PART VI

PROVISIONS RELATING TO PARTS VII TO X

Interpretation of Parts VII to X

35. For the purposes of Parts VII to X, the expression

“cart” includes any cart, wagon, wain, car, dray or other vehicle of burden;

“parish” means the parish where the land is situate or where the vehicle or taxable animal is kept;

“taxable animal” includes any horse, mule or ass;

“vehicle” includes any carriage, phaeton, chaise, gig, bicycle, tricycle or other cycle, van, wagon, dray, cart or other conveyance of the like description,

but does not include carts or trucks which are used solely for the purpose of conveying goods and merchandise in and about messuages, stores and warehouses or for the conveyance of goods and merchandise from or to the interior of such messuages, stores or warehouses to or from the doors thereof or to or from the sidewalk adjacent to such doors.

PART VII

OFFENCES RELATING TO HIGHWAYS

Penalty for placing clothes on adjoining walls or on ground within 10 yards or on balconies

- 36.** Any person who
- (a) puts or places any clothes, linen or cloth upon any wall, hedge, fence or paling adjoining any highway; or
 - (b) places or spreads the same on the ground within 10 yards of any such highway; or
 - (c) washes any clothes or other matter upon any highway; or
 - (d) puts up, places or affixes any clothes, cloth or merchandise of any sort on the outside of any building within any of the towns of Barbados or of any balcony, gallery, doors or windows of any such house or building,

shall forfeit a sum of \$5.

No playing on loud musical instruments, appearing masked, or taking part in marches or processions on highways without a permit

- 37.** It shall not be lawful for any person
- (a) to perform upon any loud musical instruments on or within 25 yards of any highway except within a dwelling-house or enclosure;

- (b) to appear masked or otherwise disguised on any highway or in any public place; or
- (c) to take part in any march or procession along any highway or in any public place,

except in accordance with the terms of a permit granted by the Commissioner of Police.

[1960-1]

Applications for permits

38.(1) Any person who desires a permit as aforesaid shall, at least 3 days before the day in respect of which such permit is desired, apply in writing to the Commissioner of Police for such permit.

(2) Every application for a permit in respect of a march or procession shall contain particulars of the point of departure, route and point of termination of the march or procession to which such application relates, the hours between which such march or procession will take place and an estimate of the number of persons who are expected to take part in such march or procession.

(3) The Commissioner of Police may, in any case, grant or refuse an application.

(4) Where an application is granted, he shall issue to the applicant a permit for the desired march or procession specifying therein the route to be followed and the times between which it shall take place.

[1960-1]

Minister to make regulations in respect of section 37

39.(1) The Minister may make regulations for all of the following purposes:

- (a) for prescribing and limiting the conditions under which persons may appear masked or otherwise disguised on highways or in public places;

- (b) for controlling the use of disguises;
- (c) for prohibiting the carrying of articles which may be put to dangerous or harmful uses;
- (d) for controlling the use of amplifying equipment on motor vehicles;
- (e) for controlling the use of public address equipment and juke boxes;
- (f) generally for the proper conduct of persons and the preservation of peace and for carrying into effect the provisions of sections 37 and 38.

(2) For the purposes of sections 38 and 39, the expression

“public place” means any place or premises to which the public have or are permitted to have access, either generally or conditionally;

“procession” includes a procession of motor vehicles.

[1960-1]

Penalty for breach of section 37

40. Any person who contravenes any of the provisions of section 37 shall be liable to a fine of \$240 or to imprisonment for 6 months or to both such fine and imprisonment.

Arrest of offenders under section 37

41. Any member of the Police Force in uniform may arrest without warrant any person who contravenes any of the provisions of section 37 or of any regulations made under section 39.

No firearms to be discharged within 100 yards of highways except on lawful and necessary occasion

42.(1) It shall not be lawful for any person to fire off or discharge any gun, pistol or firearm on any public road or within 100 yards of any public road except on some lawful and necessary occasion.

(2) Any person so offending shall, on conviction thereof on the information of any person before a magistrate, be liable to a penalty of \$5.

Prohibition against fireworks on highways

43.(1) Any person who

- (a) throws, fires or explodes, or attempts to throw, fire or explode, or causes or permits to be thrown, fired or exploded, any squib, serpent, cracker or firework or any detonating or explosive substance or any stone or thing likely to cause injury to a passenger, from or out of any house, outhouse, warehouse, balcony, yard or elsewhere, into or upon any street, lane, alley, highway, road, public thoroughfare or any place on or over which the public are allowed to assemble and pass; or
- (b) fires, throws or explodes or attempts to throw, fire or explode, any squib, serpent, cracker or firework or any detonating or explosive substance in or upon any street, lane, alley, highway, road, public thoroughfare or any place on or over which the public are allowed to assemble and pass or within 30 yards thereof; or
- (c) throws or attempts to throw any stone or thing likely to cause injury to a passenger in or upon any street, lane, alley, highway, road, public thoroughfare or any place on or over which the public are allowed to assemble and pass,

shall, in addition to any civil action to which he may be liable, be liable to a penalty of \$240.

(2) Any such person may, by authority of this Act, with or without any warrant, be apprehended by any police constable or person who sees such offence committed and shall be conveyed before any magistrate to be dealt with according to law.

(3) Where any such person refuses to discover his name, it shall be lawful to proceed against him for the penalty aforesaid by a description of his person and the offence only without adding any name or designation but expressing in the proceedings that he refused to discover his name.

(4) Where the person at the time of committing the offence is in any house, balcony, warehouse, outhouse or yard and his name is not known, and he is not apprehended and taken into custody, it shall be lawful for any police constable or other person to summon the owner or occupier of such place where the offence was committed, to the intent that such person may be proceeded against according to law.

(5) Where the owner or occupier of such place wilfully refuses to disclose or give the name of the person who committed the offence, such owner or occupier, unless he can prove he was not on the premises at the time of the commission of the offence or that he was unable to discover his name, shall be subject and liable to and shall incur the like penalty as such person, if known, would have been subject and liable to and shall be fined in like manner as if he himself had been actually the offender.

(6) Any person who throws upon any side-walk or pavement any vegetable or fruit, in whole or part, shall be liable to a penalty not exceeding \$10.

(7) Any person who wilfully discharges or causes to ascend into the open air any balloon which is kept afloat in the air by means of fire burning in or attached to such balloon may be apprehended by a police constable and taken before a magistrate or may be proceeded against by any person before such magistrate by way of information and shall on conviction before such magistrate be liable to a penalty not exceeding \$48.

Disturbance on, dispersing of mobs from and indecent exposure of person on or near, highways

44.(1) Any person who on or near a highway or in any public place, or on or near to any road over which the public are allowed to pass, makes use of obscene or indecent language or blackguards, swears, quarrels or makes or causes to be made any disturbance or annoying noise may be apprehended without warrant by a Justice of the Peace, police constable or parish constable and shall be liable on conviction before a magistrate of the district to a fine of \$10 or to imprisonment for one month

Provided always that, if the magistrate upon the hearing of any such charge deems the offence to be so trifling as not to merit any punishment, he shall dismiss the information and shall on such dismissal, if he deems fit, require the costs of the proceedings to be paid by the informant.

(2) Every Justice of the Peace, police constable or parish constable is hereby required to disperse all mobs on any of the highways or public places of Barbados.

(3) Where any person being in such mob refuses to disperse on being required so to do or uses any threatening or insulting language to any Justice of the Peace, police constable or parish constable when required to disperse, it shall be lawful for every Justice of the Peace, police constable or parish constable to apprehend such person without warrant, and such person on conviction before a magistrate of the district shall be liable to a fine of \$24 or to imprisonment for 3 months.

(4) Any person who, by bathing in the sea or in any river or pond, indecently exposes his person to the view of persons residing or passing near thereto or any person who in any way indecently exposes his person on or in view of any highway or public place shall be liable to a penalty of \$6.

PART VIII

MARKING OF CARTS AND CYCLES DRIVEN ON HIGHWAYS

All carts before being driven on a highway, to be marked

45.(1) The owner of every cart before it is driven or used on any highway shall paint or cause to be painted in one or more horizontal lines upon some conspicuous part of the front or of the right or off side of such cart, or on a board or plate to be securely affixed to the cart, a number corresponding to the vehicular number of such cart mentioned in his licence, his Christian name or the initials thereof and his surname, or the style or title by which he is commonly designated, and the name of his plantation or a full description of the situation of the place where he carries on his business or trade, or of the place of his abode, or if there is more than one owner of such cart the name and description aforesaid of the principal owner of such cart or, in case of a firm or incorporated or registered company, the name or style of such firm or company owning such cart, in large legible letters, of not less than 2 inches in height and of a proper and proportionate breadth; and continue to keep the same thereupon so long as such cart is used upon any highway.

(2) All such numbers, names and descriptions shall be repainted or renewed in like manner from time to time as often as the same or any part thereof becomes obliterated or defaced.

(3) Every owner of any cart who uses or allows the same to be used on any highway without the number, names and description so painted or affixed thereon or who suffers the same to become illegible shall on conviction for every such offence incur a penalty of \$25.

[1974-49]

(4) Any person who paints or causes to be painted any false or fictitious number, name or place of business, trade or abode on such cart, board or plate shall on conviction be liable to a penalty of \$50.

[1974-49]

Provisions governing licensing of cycles

46.(1) The owner of every cycle, on payment of the tax prescribed by section 51, shall obtain from the Officer a number plate which has painted on it the letter shown opposite to the name of the parish in the *First Schedule* in which the cycle is kept, and the number corresponding to the vehicular number set against such cycle in the licence.

[1979-30]

(2) The number plate shall be triangular in shape, its base being not less than $3\frac{3}{4}$ inches wide and its height not less than $3\frac{1}{2}$ inches.

(3) The letter indicating the name of the parish and the figures corresponding to the vehicular number shall be not less than one inch in height and of a proper and proportionate breadth, and the figures indicating the year shall be not less than half an inch in height and shall all be painted in white.

(4) The colour of the ground of the number plate must be red.

[1979-30]

(5) The number plate shall be firmly affixed to the cycle on that part of the frame which lies between the back of the saddle and the top of the rear wheel or on the back of a luggage carrier so as to be clearly visible from behind at all times.

(6) Any person who forges, or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any number plate as required by this section shall be guilty of an offence under this section.

(7) A person committing a breach of any of the provisions of this section relating to cycles shall be liable on summary conviction to a fine of \$50.

[1974-49]

Cart improperly marked may be seized, etc.

47.(1) Where any person drives or uses, or causes to be driven or used, on any highway any cart which does not have duly painted thereon the number,

names and description in the manner directed as aforesaid and the owner thereof be not known, it shall be lawful for any person to take and seize such cart and any article therein and any animal drawing the same and to carry or cause the same to be carried to the nearest and most convenient police station for safe custody, there to be detained and kept until the owner thereof is known so that he may be proceeded against for such offence.

(2) Any person who resists or obstructs the same being carried to such police station shall on conviction for every such offence incur a penalty of \$25.

[1974-49]

(3) The costs of the keep of the said animal shall be directed by the court to be recovered from the owner in the same manner as costs of court are recovered.

Penalty on driver not being owner of a cart improperly marked

48. Any person who, not being the owner of any cart or not being the servant of such owner, drives or uses, or causes to be driven or used, in or upon any highway any cart without the number, names and description painted thereon in the manner hereinbefore directed, shall on conviction for every such offence incur a penalty of \$25.

[1974-49]

Penalty for concealing marks on cart

49. Any driver or person in charge of any cart which is on any highway who hides from view either with his person or with any article whatsoever the number, names and description hereinbefore required to be painted on any cart, so that the same cannot be distinctly seen, shall on conviction for every such offence incur a penalty of \$25.

[1974-49]

Exemption from penalty

50. Any person against whom any information is preferred who proves to the satisfaction of the magistrate hearing such information that any cart in respect of which any information is made had painted thereon the number, names and description required to be painted thereon at the time when such cart last left the plantation or place of the owner or driver thereof and that through some accident or by no neglect or default of such person any board or other material on which such number, names and description were painted was lost shall be exempt from any penalty under this Act.

PART IX

LICENSING OF VEHICLES AND ANIMALS

Annual licence for keeping of vehicles or taxable animals

- 51.(1)** Every person who
- (a) becomes the owner of a vehicle or taxable animal that is not licensed under this Act shall within 3 days thereafter pay to the Officer such taxes as the Minister by order prescribes; and
 - (b) becomes the owner of a vehicle or taxable animal that is licensed under this Act shall within 3 days thereafter pay to the Officer such taxes as the Minister by order prescribes in respect of the transfer of the ownership of that vehicle or taxable animal, as the case may be.
- (2) The Officer shall give to a person referred to in subsection (1) a licence in the form in the *Second Schedule* to keep the vehicles and taxable animals specified in the licence; and the licence shall have written thereon a separate vehicle number for each vehicle specified in the licence.
- [1979-30]
- (3) The Officer shall also give a ticket of card or metal in the form in the *Second Schedule* for each vehicle, other than a cart or cycle mentioned in such

licence, which ticket shall have written or printed on it the name of the parish, a number corresponding to the number of the licence and a number corresponding to the vehicular number set against such vehicle in the licence and shall also be stamped with the official stamp of the Officer.

[1974-26]

(4) Where any person to whom such ticket is issued loses it, he may as often as may be necessary apply to the Officer for a duplicate and shall on payment of a fee of 6 cents receive a duplicate of such ticket, with the word “Duplicate” written thereon.

(5) On the transfer of ownership of a vehicle or taxable animal the transferor shall surrender the licence issued in respect of the vehicle or taxable animal and inform the Officer of the name and address of the transferee.

[1979-30]

[1967-22; 1974-26; 1979-30]

Treasurer may decline to grant a licence to an unknown person

52. Where the Officer does not know the person in whose name application for a licence to keep a vehicle or taxable animal is made, he may decline to grant such licence until he is satisfied that such person is of such age and in such condition as to be responsible and liable for the obligations imposed by this Act on the holder of a licence.

[1974-26]

Who to be deemed the owner

53. The person occupying the dwelling-house, stable, store or building or place in or at which any vehicle or taxable animal is accustomed to stay or be kept shall be deemed to be the owner of such vehicle or taxable animal, unless such person furnishes satisfactory evidence to the contrary.

Ticket to be affixed to every vehicle other than a cart

54.(1) Every person to whom a licence to keep a vehicle other than a cart or cycle is issued shall firmly affix to some part thereof the ticket above-mentioned, and shall on request by the Officer or any police constable show such ticket.

(2) Any person who fails to comply with either of the provisions of subsection (1) shall be liable to a penalty of \$24.

Name and address of owner to be stated on request

55.(1) Any person driving or riding any vehicle or taxable animal shall, on request by the Officer or any police constable or parish constable, state the full name and address of the owner of such vehicle or taxable animal.

(2) Any such person who refuses to state the name and address of the owner shall be liable to a penalty of \$24 and may be apprehended without warrant and taken to the police station.

(3) Any person who gives any false name or address shall be liable to a penalty of \$24.

Penalty for not having licence

56.(1) Subject to this section, any person who keeps any vehicle or taxable animal without having obtained a licence to keep such vehicle or animal as required by this Part, shall be liable to a penalty of \$9.60 in respect of each vehicle or taxable animal kept.

(2) Any person who has obtained a licence to keep a four-wheeled vehicle of burden or of pleasure may use a part of the same vehicle, there being no substitution of any material whatever in place of the part taken away, with 2 wheels only, without being required to pay any additional tax or to take out any additional licence, provided that prior to such use the fact that it is intended also to use a part of such vehicle as a two-wheeled vehicle is notified to the Officer,

and the Officer (who is hereby required to make the same) shall make an endorsement to that effect on the licence for such four-wheeled vehicle.

(3) Any person who has obtained a licence to keep a vehicle of pleasure and who has disposed of the same and subsequently acquired therefor another vehicle of pleasure of a different description, but not having a greater number of wheels, may apply to the Officer for an amendment of his licence with regard to such description, and on payment of a fee of 50 cents receive a new ticket for each acquired vehicle of pleasure.

[1974-49]

[1974-49]

Exemptions

57.(1) Members on full pay of Her Majesty's naval, military or air forces, the Crown in respect of vehicles or taxable animals belonging to the Crown, and all traders in respect of vehicles or taxable animals imported for purposes of sale, shall be exempt from the operation of this section.

(2) Cycles used by children under 12 years of age, perambulators and cycles the *bona fide* property of any officer in any naval service or of any visitor to Barbados, provided that such cycles be re-embarked within 14 days from the date of landing, shall be exempt from the operation of this Part.

[1968/167]

Recovery of penalties

58. All offences and penalties under this Part may be prosecuted and recovered in a summary manner before a magistrate on the information of the Officer, and all penalties shall be paid, one-third to the informant, one-third to the informer and the residue to the Officer.

Publication of lists of licensed persons

59.(1) The Officer shall publish, during the month of July in each year, a list of the names and addresses together with the numbers of the licences of all persons to whom licences to keep any vehicle or taxable animal have been issued, and shall as often as is necessary for the purpose of this Act publish a list of the names and addresses and numbers of licences of all persons to whom such licences have been issued since the last such publication.

(2) Such publication shall be made by keeping at each police station and office of the Officer in such place or places as are accessible to any person desiring to inspect the same and by distributing among such parish constables as the officer sees fit printed copies of the above-mentioned list of names, addresses and licences issued.

[1974-26]

(3) The Officer is hereby authorised to obtain from the Government Printer on the order of the Clerk of the House of Assembly as many copies of such lists as he may require for such publication.

[1974-26]

[1974-26]

Examination before a magistrate of persons suspected of infringing section 51

60.(1) The Officer, if he has reason to believe that any person is keeping a vehicle or taxable animal without a licence, may lay an information to that effect before a magistrate, who shall summon such person and examine him on oath or affirmation touching the matter in issue, which oath or affirmation such person shall make.

(2) Any such person who on examination makes a false statement wilfully shall be liable to be prosecuted for perjury.

[1974-26]

PART X
MISCELLANEOUS

Tramways allowed to be laid across highways subject to conditions

61.(1) It shall be lawful for the owner of any plantation to lay down tramways to facilitate the delivery of produce to and from the factory, and such tramway may be constructed, subject to the provisions hereinafter mentioned, across any public road.

(2) Sections 2, 15 to 24, 29, 41, 42, 44, 46, 48 and 50 to 53 of the *Bridgetown Tramways Company, Limited, Act, 1911** shall be incorporated with this Act and shall continue to be so incorporated notwithstanding the repeal of that Act and the references in the said sections to the Bridgetown Tramways Company, Limited, shall be deemed to apply to the owner aforesaid constructing the tramway.

**[Act 1911-12 in the Laws of Barbados, 1912 edition.]*

(3) The tramways authorised by this section across any public road shall be constructed and maintained subject to and in accordance with the provisions, regulations and restrictions contained in the same sections of the said Act:

Provided always that no tram-car shall come to a standstill on any portion of the highways crossed by the tramway, and for every infringement of this proviso the person or company owning the tramway shall be liable to a penalty of \$24.

Repair of roads opened up

62.(1) Where the surface or the causeways and footpaths of any road or any part thereof are opened up by any person having authority to do so for the laying of pipes for oil, water, gas or electricity or railroads, tramways, telegraphs or telephones or for the making of tunnels or for any other purpose whatever, the road authority under whose control or management the same may be, if they are of opinion that it is desirable to repair, renew and restore such road or footpath

or causeway so opened up, may repair, renew and restore the same and recover the expenses incurred in so doing from the person opening up the same.

(2) Notwithstanding the provisions of subsection (1) or of any other enactment to the contrary, every person shall

- (a) before opening up the surface, causeways or footpaths of any road or part thereof which he has authority to open up; and
- (b) on the demand of the road authority under whose control or management the road or part thereof is,

deposit with the Accountant-General a sum estimated by the road authority as the cost of repairing, renewing or restoring the road.

[1962-17]

(3) Where the sum deposited by any person pursuant to subsection (2) is less than the expenses actually incurred by a road authority in repairing, renewing or restoring a road, then nothing contained in this section shall be construed as preventing a road authority from recovering from any person the difference between the amount deposited by such person pursuant to subsection (2) and the expenses actually incurred by the road authority in repairing, renewing or restoring the road.

Offences

63. Any person who

- (a) assaults, resists, obstructs or intimidates the Officer or any person acting under his authority under this Act;
[1996-11]
- (b) uses abusive, indecent or insulting language to the Officer or any person acting under his authority under this Act;
[1996-11]
- (c) interferes with or hinders the Officer or any person acting under his authority under this Act; or
[1996-11]

(d) contravenes any provision of this Act or the regulations,
is guilty of an offence and liable on summary conviction to a fine not exceeding \$250 or a term of imprisonment not exceeding 6 months.

[1974-43]

Recovery and disposal of penalties

64. All fines, forfeitures and penalties imposed by this Act for which no express provision is made by this Act may be recovered in a summary manner before a magistrate on the information of any person.

Service of summons when owner absent

65. Whenever a summons is issued to require the attendance of the owner or occupier of any land or messuage or the owner of any vehicle or taxable animal for a breach of any of the provisions of this Act or of any regulation, such summons may be served, if the owner or occupier cannot be found or is not in Barbados, by posting up the said summons on some conspicuous part of the land or messuage or on the dwelling-house, stable, store or building or place in or at which any such vehicle or taxable animal is accustomed to stay or be kept.

FIRST SCHEDULE

(Section 46)

<i>Parish</i>		<i>Letter</i>
Saint Michael	.....	M.
Christ Church	.....	X.
Saint Philip	.....	P.
Saint John	.....	J.
Saint Joseph	.....	O.
Saint Andrew	.....	A.
Saint Lucy	.....	L.
Saint Peter	.....	E.
Saint James	.....	S.
Saint George	.....	G.
Saint Thomas	.....	T.

SECOND SCHEDULE

