

CHAPTER 358

THE ROADS ACT.

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CHAPTER 358

THE ROADS ACT.

Commencement: 14 April, 1949.

An Act to provide for the establishment of road reserves and for the maintenance of roads.

1. Interpretation.

For the purposes of this Act—

- (a) “administration” means the administration of a district;
- (b) “erection of a building” includes the reerecting of any building taken or fallen down to or below the top of the ground floor, or of any frame building of which only the framework is left down to the top of the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitation, and any structural addition to a building;
- (c) “road” means any way open to the public for the circulation of vehicles which is maintained by the Government or an administration;
- (d) “road authority” means— (i) in the case of a road maintained by the Government, the Minister; and (ii) in the case of a road maintained by an administration, that administration;
- (e) “road reserve” means an area declared to be a road reserve under section 2.

2. Declaration of road reserve.

The Minister may by statutory instrument declare an area bounded by imaginary lines parallel to and distant not more than fifty feet from the centre line of any road to be a road reserve.

3. Road reserves to be kept clear.

Subject to any order which may be made under section 4, no person shall, except with the written permission of the road authority, erect any building or plant any tree or permanent crops within a road reserve.

4. Power to prescribe building lines, etc. in towns, etc.

(1) The Minister, or, with the consent of the Minister, a district commissioner in relation to any road within or passing through any government town, or an administration in respect of any area not being in a government town, may by order—

- (a) prescribe the line in which buildings shall be erected in such town or area; or
- (b) prescribe the distance from the centre of the road within which no building shall be erected in such town or area,

but no order made under this section shall be repugnant to any provisions of the Public Health Act or any regulations or orders made under the Public Health Act or any scheme made under the Town and Country Planning Act.

(2) An order under this section may be made to apply to any road or specified portion of any road and, in the case of a town, shall be published in the Gazette and, in the case of an area not being a town, shall be promulgated in such manner by posting the order in some conspicuous place or some place of public resort within that area or otherwise as may seem proper to the administration issuing the order, and the order shall have the force of law from the date of such publication or promulgation notwithstanding anything to the contrary in the Interpretation Act.

5. Removal of interferences, etc.

- (1) If any person—
 - (a) constructs or erects or commences to construct or erect any building or erection in contravention of section 3 or of any order made under section 4, or which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection with any road;
 - (b) plants or permits to grow any tree or permanent crop not growing at the commencement of this Act in contravention of section 3 or of any order made under section 4, or which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection with any road; or
 - (c) connects with any road any cattle path, bicycle track, side road or entrance or means of access to a dwelling or to any other premises or place which interferes in any way with the proper function of any cutting, ditch or culvert constructed in connection

with a road or which in the opinion of the road authority is likely to be dangerous to persons or vehicles using a road, then the road authority shall give written notice to the owner or occupier of the land on which such offence took place requiring him or her—

- (d) to pull down or remove the building or erection;
- (e) to cut down or uproot the tree or crops; or
- (f) to alter or repair the cattle path, bicycle track, side road or entrance or means of access or to close it,

as the case may be.

(2) Any person who fails to obey such a notice within a reasonable time commits an offence and is liable on conviction to a fine not exceeding one thousand shillings, and the court may order the person to comply with the requirements of the notice by a date to be named in the order.

(3) Any person who fails to obey any such order is liable, unless he or she satisfies the court that he or she has used all due diligence to carry out the order, to a fine not exceeding twenty-five shillings for every day during which the default continues.

6. Road authority may dig and take away materials in road reserve.

A road authority may dig and take away materials required for the construction and maintenance of roads in any part of a road reserve approved by the district commissioner without payment to any person.

History: Cap. 345.

Cross References

Interpretation Act, Cap. 3.

Public Health Act, Cap. 281.

Town and Country Planning Act, Cap. 246.