



ST. HELENA

CHAPTER 102

HIGHWAYS ORDINANCE

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 102**HIGHWAYS ORDINANCE**

ARRANGEMENT OF SECTIONS

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CHAPTER 102**HIGHWAYS ORDINANCE**

*(Ordinances 3 of 1881, 4 of 1885, 1 of 1888, 2 of 1919,
8 of 1920, 9 of 1933, 2 of 1946, 5 of 1955, 13 of 1961,
Legal Notice 4 of 1967 and Ordinances 2 of 1989, 1 of 2001 and 7 of 2003)*

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE AND USE OF HIGHWAYS AND STREETS IN ST. HELENA, AND FOR OTHER MATTERS.

Commencement

[21 April 1881]

Short title

1. This Ordinance may be cited as the Highways Ordinance.

Highways and streets under whose superintendence

2.² The highways and public streets in the Island of St. Helena shall be under the care and superintendence of the Council Committee.

² Section 2 amended by L.N. 4/1967

Control of access to highways

3.³ (1) In this section—
“**controlled works**” means any building, demolition, excavation, or other works whereby any means of access is created, closed, laid out, or modified in any way; and
“**means of access**” means any road, path, bridge or other passage or way whereby persons (with or without vehicles or animals) may gain access to or egress from any highway or other road maintained at the public expense.

(2) If any person carries out or causes to be carried out any controlled works, without the consent of the Council Committee having been first obtained, he shall be guilty of an offence and liable on conviction to a fine not exceeding £200.

(3) A court which convicts a person for an offence under this section may, in addition to any penalty imposed for the offence, make such orders as to the court may seem just (whether for the closure of the means of access or otherwise) for securing the safety of users of the highway or road concerned.

(4) If a person against whom an order is made under subsection (3) fails to comply with such Order, the Council Committee may cause such works to be carried out as are necessary to comply with the order, and may recover the costs thereof from that person as a civil debt:

Provided that nothing in this subsection shall affect any power of the court to enforce its order or to punish a person for failing to comply with the order.

Repair of fences adjoining public roads

4. All persons whose fences enclose their properties adjoining the public roads and highways shall maintain the same in such a state of repair as shall be necessary to prevent risk of injury to the road or to any person passing thereon and shall keep all trees and shrubs from overhanging the highways, and in case such fences shall not be maintained and kept in such a state of repair, or in case of any trees or shrubs overhanging the highways, it shall and may be lawful for the Council Committee to give the occupier of the land upon which such fences, trees or shrubs shall be or to which they shall belong, seven days' notice in writing, to amend, repair, lop, remove or cut down the same.

After notice, Committee to cause the fences to be repaired

5.⁴ In case such fences shall not be amended and repaired, and such trees and shrubs lopped, removed and cut down, in pursuance of such notice as aforesaid, it shall and may be lawful for the Council Committee to order the same to be done at the expense of the said occupier, and in case he refuse to pay such expense the same may be levied by order of any Magistrate, and the person or persons so offending shall on conviction thereof forfeit and pay any sum of money not exceeding £100.

Who shall repair damages to highways by horses, etc.

6.⁵ Any damage or injury done or committed upon the highway by any motor vehicle or by any horses, asses, mules, cattle or sheep passing along, trespassing or being in the

³ Section 3 amended by Ord. 2 of 1989

⁴ Section 5 amended by Ord. 1 of 2001

⁵ Section 6 amended by Ord. 1 of 2001

highroad either in the night or in the day, shall be made good and repaired by and at the expense of the proprietor or owner thereof, and for that purpose it shall be lawful for the Council Committee, in case default shall happen to be made by such proprietor or owner in repairing or making good such damage as aforesaid, within seven days after a notice in writing for that purpose shall have been given him by such Council Committee, to repair or cause to be repaired such damage as aforesaid at the expense of the said proprietor or owner of the said motor vehicle, horses, asses, mules, cattle or sheep; and in case the amount of such damage or injury shall not be paid to the Council Committee within seven days after a demand for that purpose made, it shall be lawful for any Magistrate to order the same to be levied by distress and sale of the goods and chattels of such proprietor or owner, together with a penalty not exceeding £100.

No new gates to be erected across highway

7.⁶ It shall not be lawful for any proprietor or tenant of lands through which the public roads do pass or other persons to erect or set up any gate across any part of the public roads where no gate had previously existed; and if any person or persons shall at any time hereafter set up or erect any gate where no gate had previously existed the person or persons so offending shall be liable to a fine not exceeding £200.

Magistrate may order gates to be removed

8.⁷ It shall be lawful for any Magistrate, on the complaint of the Council Committee, or other person, of any such gate being erected, to order the same to be taken down and removed at the expense of the person or persons who shall have erected the same, together with a penalty not exceeding £100.

New gates to be of a certain construction

9. All new gates which shall or may be erected across the public roads, in parts where gates had previously existed, shall and are hereby required to be eight feet six inches in width, and three and a half feet in height at the least, and to be hung above the road sufficiently high to prevent their opening being obstructed by dragging on the road; no palisade or upright shall project above the top bar or rail of any gate so erected or to be erected; and in case of any latch being attached thereto such latch shall be at least fifteen inches in length, and made with a handle projecting at least three inches above the top bar or rail.

Neglect of gates

10.⁸ If any person shall erect any gate less than the prescribed width or height, or make or attach any latch thereto otherwise than above described, or shall at any time diminish the height or width of such gate, or shall permit any such gate, or any gate now in existence, to be or continue out of repair, it shall and may be lawful for the Council Committee to require the occupier or occupiers of the land adjoining the road where such gate shall be, or the person or persons charged with the maintenance thereof, to widen, repair, or amend the same or the latch thereof; and in case of the refusal or neglect of such occupier or occupiers or person or persons liable to the maintenance thereof, so to do, it shall and may be lawful for the Council

⁶ Section 7 amended by Ord. 1 of 2001

⁷ Section 8 amended by Ord. 1 of 2001

⁸ Section 10 amended by Ord. 1 of 2001

Committee to cause the same to be done at the cost of such occupier or occupiers or other person or persons chargeable with the maintenance thereof; and in case such occupier or occupiers or persons liable as aforesaid shall refuse to pay the same within two months after notice thereof in writing for that purpose given, the person or persons so offending shall be liable to a fine not exceeding £200, together with the expense of such widening, amending, and repairing as aforesaid.

Damaging gates, etc.

11.⁹ If any person or persons shall unlawfully or maliciously break down or otherwise destroy, deface or remove any gates, posts, hooks, hinges or latches appertaining to any gate across any public road, every person or persons so offending, and being lawfully convicted thereof, shall be liable to a fine not exceeding £200; and in default shall be imprisoned for any time not exceeding one calendar month.

Galloping through the street

12.¹⁰ (1) Any person or persons galloping or riding furiously in the streets of Jamestown shall, on conviction thereof, be liable to a fine not exceeding £100, over and above any damage which may be occasioned thereby.

(2) Any person or persons who shall ride upon or place any horse, mule, ass, sheep or cattle, upon the footpath of any public street of Jamestown, shall be liable to a fine not exceeding £100, over and above the damages which may be occasioned thereby.

Horses, etc., being loose about the streets

13.¹¹ The Governor in Council may make regulations prohibiting the standing of horses, cattle, mules or asses on any road or roads except at such places and times as may be prescribed in such regulations, and no person shall permit any animal to stand on any road in contravention of such regulations or to stray on any road:

Provided always that horses, mules, cattle and entire male asses shall under any circumstances be so secured as to prevent them from getting loose and annoying the public.

Every person committing a breach of this section shall be liable to a penalty of any sum not exceeding £100.

Reeds and bushes on the banks of the Run

14. All persons occupying land situated upon the banks of the stream known as the Run between the places known respectively as the Big Waterfall and the Upper Bridge shall twice in every year, namely, in the months of July and December respectively, cut down or otherwise destroy and clear away all reeds and bushes growing upon the land in their occupation upon the banks of the Run within a distance of thirty feet on either side from the banks; and in case such reeds or bushes are not destroyed and cleared away within the said months it shall be lawful for the Council Committee to give to the occupier of the land in which such reeds or bushes may be, seven days' notice in writing to destroy and clear away the same.

⁹ Section 11 amended by Ord. 1 of 2001 and Ord. 7 of 2003

¹⁰ Section 12 amended by Ord. 1 of 2001

¹¹ Section 13 amended by Ords. 13 of 1961 and 1 of 2001

Reeds or bushes may be destroyed and removed at the expense of the occupier

15.¹² (1) In case such reeds or bushes shall not be destroyed and removed in pursuance of such notice, it shall be lawful for the Council Committee to enter upon the land and to cause the reeds or bushes to be destroyed and removed at the expense of the person occupying the land.

(2) In case such person refuse or neglect to pay the expense so incurred, the amount of the same may be levied by order of any Magistrate, and the person so offending shall on conviction thereof be liable to a fine not exceeding £100.

Discharging drainage, etc.

16.¹³ Any person who shall discharge any refuse, rubbish, drainage, filth, dirt or offensive matter whatsoever into the streams known as Bishops' and Hunts Gut, or into any part of the Run, and any person causing an infringement of this provision or being in any occupation of any land or house or other building and permitting upon his land or premises any infringement of this provision shall be liable upon conviction thereof to a fine not exceeding £100.

¹² Section 15 amended by Ord. 1 of 2001

¹³ Section 16 amended by Ords. 5 of 1955 and 1 of 2001