



LAWS OF SEYCHELLES

ROAD ACT

CHAPTER 205

REVISED EDITION 1991

PRINTED FOR THE GOVERNMENT OF SEYCHELLES
BY SPACE

THE GOVERNMENT PRINTER

CHAPTER 205

ROAD ACT*

[4th October, 1902]

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S.I. 95 of 1975.
S.I. 72 of 1976.
Act 23 of 1976.
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*This Act consolidates with necessary modifications the following Acts -

The Road Act, (Cap 224, 1952 ED), Disused Roads Act (Cap 223, 1972 ED), Highway Authorities (Exemption from liability for Non Feasance) Act (Cap 224, 1972 ED) and Road Improvement Act (Cap 225A, 1972 ED)

SECTION

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Short title.

3/23/1976.

Cap. 223.

(1952 Ed)

1. This Act may be cited as the Road Act.

Part I - Public Roads and Highways

Definition of

Roads.

S.I. 95/1975.

3/23/1976.

2. Public roads shall be the roads, streets, and paths mentioned in the First Schedule, and such others as may be constructed or repaired under this Act and from time to time proclaimed by the Minister.

Public roads and
bridges.

3(1) All public roads and bridges shall be constructed and kept in repair by the Ministry responsible for land transport.

(2) The Ministry responsible for land transport shall have control and superintendence over all public roads and bridges.

(3) It shall be lawful for the Minister to direct that any new road shall be opened or that any existing public road shall be widened, enlarged, altered or improved.

Cap. 195.

(4) When any land is required for the purposes of subsection (3), the land may be acquired under the Lands Acquisition Act.

4(1) No persons shall carry out any works (including aerial works) on or over or under any public road except with the written permission of an officer of the Ministry responsible for land transport designated for the purpose by the Minister or otherwise than in accordance with the terms and conditions thereof.

Restriction on powers relating to work on roads. 2/9/1975.

(2) Where power to carry out works of any description on or over or under any public road is conferred by any law upon any authority, the exercise of that power shall, unless express provision to the contrary is contained in the law by which the power is conferred, be subject to this section.

(3) Any permission granted under this section may include -

- (a) a condition that the works in respect of which permission is granted shall be carried out subject to and in accordance with any direction given by the Officer referred to in subsection (1) from time to time during the course of the works;
- (b) a condition that the works in respect of which permission is granted shall be carried out before or at the same time as or in addition to other works specified in that permission.
- (c) a condition that the person to whom permission is granted shall undertake and carry out such other works in such manner as may be specified in such permission;
- (d) a condition that any dispute arising out of or connected with the performance by any person of any condition contained in any permission granted under this section shall, unless it is settled by agreement, be referred to the Minister for determination;
- (e) such other conditions as the Officer referred to in subsection (1) may deem necessary in any particular case.

Exemption from liability for non-feasance.
Cap. 224.
[1972 Ed.)

5.(1) Notwithstanding the provisions of any law for the time being in force a highway authority shall not be liable for any injury suffered through non-feasance in the discharge of its duties.

(2) In this section —

“highway” includes any way, road, street, lane, track, foot-path, bridge, square, or open space over which the public have a right of way;

“highway authority” includes the Government of Seychelles and any of its Ministries, departments and officers or any other authority or person having the charge, control and administration of or duty to maintain or repair a highway.

Cap. 223.
(1972 Ed.)
Disused roads may become private property.
S.I. 95/1975.

PART II - DISUSED ROADS

6(1) It shall be lawful for the Minister to authorise under such conditions and for such payment as he may think fit, any owner of land in Seychelles whose property is traversed by a public road, to take possession of such road provided it is no longer required for use as a thoroughfare by the general public.

(2) Such authorisation shall specify the area and boundaries of the portion of the road which may be taken possession of.

(3) Any portion of the road so taken possession of shall become the property of the owner or owners of the land bordering the road, anything in article 538 of the Civil Code to the contrary notwithstanding.

Cap. 33.

Inquiry to be held.
2/7/1971.
S.I. 95/1975.

7. Before the Minister grants any authorisation under section 6 the Minister shall refer the matter to a committee of inquiry (hereinafter referred to as the committee) consisting of not less than three persons appointed by the Minister, and the committee shall inquire into the matter as hereinafter provided.

Notice of inquiry to be given.
2/7/1971.

8. The committee shall give at least fourteen days notice of the proposed inquiry, which notice shall be published in the *Gazette* and in a local newspaper.

9. The notice shall give full particulars of the portion of road it is proposed to hand over to private ownership and shall name a date before which objections must be lodged. Objections must be in writing and give the reasons for the objection.

Objections may be lodged.

10. The committee shall consider any written objection which may have been duly lodged and shall hear any objector who wishes to be heard, and shall also hear any other evidence which the committee considers to be relevant to the matter under inquiry.

Manner of inquiry.
3/7/1971.

11. On the conclusion of the inquiry the committee shall report to the Minister whether —

Report of inquiry.
3/7/1971.

- (a) the road is still required for use as a thoroughfare by the general public; and
- (b) if it is not so required, whether any individual proprietors should be granted a right of way or other servitude over the road.

12. An owner granted an authorisation under section 6 shall provide any adjacent proprietor who may be deprived of access by the closing of the road with free and reasonable access to the nearest public road. The provisions of article 682 of the Civil Code as to compensation and indemnity shall not apply to such a case.

Proprietor who is shut in to be granted access to public road.
Cap. 33.

13. If the Minister decides to grant the authorisation he shall announce the fact by order published in the *Gazette* setting out the conditions subject to which the authorisation is granted.

Proclamation to be issued.
S.I. 95/1975.

14. The authorisation with all conditions to which it is subject shall be registered in the Registry of Deeds free of all charge.

Registration to be free.

15. Any proprietor who shall fail to comply with the conditions set out in the order under section 13 shall be liable in damages to any person who has suffered damage from such default and shall further be liable to a fine not exceeding Rs. 1,000 to be paid to the Government at the suit of the Attorney General and the Minister may order that the road alienated under the provisions of this Act shall be restored to the *démaine public* in accordance with article 538 of the Civil Code.

Penalties.
S.I. 95/1975.
3/23/1976.

Regulations for
Part III
4/7/1971.
S.I. 95/1976.
3/23/1976.
Cap. 225A
(1972 Ed.)

Interpretation in
this Part.

16. It shall be lawful for the Minister to make regulations to govern the procedure under this Part, to confer powers on the committee, and for the better carrying out of this Part.

PART III - ROAD IMPROVEMENT

17. In this Part unless the context otherwise requires —

“building” includes any erection of whatever material and in whatever manner constructed or any part of a building, and where the context so permits, includes the land on, in or under which the building is situated;

“building line” means a frontage line for building beyond which no building or structure may project;

“building operations” include any excavations below ground level and any road works preliminary or incidental to the erection of buildings;

“centre line” in relation to any road means the line which lies down the centre of the carriageway of such road unless the Minister otherwise provides by order published in the *Gazette*;

“improvement line” means a line which may be prescribed under section 19 in relation to either or both sides of a road indicating the width to which the road is to be widened;

“land” includes land covered with water and buildings and other things attached to land and also any right or beneficial interest in or over land;

“owner” includes a lessee, a usufructuary or any other person having a beneficial interest in the land;

“road” means any highway, and any other road to which the public have access and any public place to which vehicles have access and includes any bridge, ford, culvert, or other work in the line of such road;

“structure” includes —

- (a) any pole, mast, power line, petrol pump, machinery, wall, plantation or hedge and any other object which could in like manner cause an obstruction;

- (b) any bridge, culvert or any construction of a similar nature; and
- (c) any external alteration or addition to a structure.

“undertaker” means the authority, body or person by whom a statutory power to execute undertakers’ works is exercisable in the capacity in which that power is vested in them;

“undertakers’ work” means works (including works executed or to be executed on behalf of the Republic) for any purposes, being works of any of the following kinds, that is to say —

- (a) placing, inspecting, maintaining, adjusting, repairing, altering, renewing, changing the position of or removing any apparatus;
- (b) breaking up or opening a road for the purposes of works mentioned in paragraph (a) of this definition, and tunnelling or boring under a road for such purposes, breaking up or opening a sewer, drain or tunnel for such purposes, and other works requisite for or incidental to those purposes and shall include laying any pipe-line, wire or cable on or over any such road;

“works” includes any pipe, tube, tunnel, permanent excavation, quarry, irrigation works, borehole or well, and any addition or alteration to such works.

18(1) The Minister may from time to time by order published in the *Gazette* classify any roads or proposed roads.

Classification of
roads.
S.I. 95/1975.

(2) Any such order may fix either a maximum or a minimum width in respect of each class of roads.

19(1) If the Minister is satisfied that it is necessary or expedient that any classified road should be widened or that any new road, whether classified or not, should be provided, he may prescribe an improvement line in relation to either or both sides of such road.

Improvement
lines.
S.I. 95/1975.

(2) Such improvement line may include proposals for widening or improving junctions with other roads and access points, whether in public ownership or not and whether classified under this Part or not.

Building lines.
S.I. 95/1975.

20. If the Minister is satisfied that it is necessary or expedient so to do in order to secure the orderly erection of buildings or structures, he may prescribe a building line in relation to either side or both sides of any classified road.

Withdrawal or
modification of
improvement or
building line.
S.I. 95/1975.

21. The Minister may at any time withdraw or modify an improvement line or a building line prescribed under this Part or any part of such line.

Procedure for
prescribing or
modifying lines.

22. The second schedule to this Act shall apply to the prescription of an improvement line or of a building line under this Part and to the withdrawal or modification of such line or of any part thereof.

Line included in a
development plan.
37/14/1970.
3/23/1976.
Cap. 237.

23. An improvement line or a building line shall be deemed to have been prescribed under this Part if such line is included in a development plan in force under the Town and Country Planning Act.

Prohibition of
building.
37/14/1975.
S.I. 95/1975.
3/23/1976.

24(1) Where any improvement line or a building line prescribed under this Part is in force, then subject to the following subsections, no building or structure shall be erected or building operations commenced nearer to the centre line of the road from the improvement line or the building line, as the case may be, except with the consent of the Minister who may give such consent for such period and subject to such conditions as he may deem expedient.

(2) The prohibition imposed by subsection (1) shall not apply to undertakers' works.

(3) The provisions of subsection (1) relating to consent shall be subject to the provisions of Part IV of the Town and Country Planning Act.

Cap. 237.

Restoration of land
to its former state.
S.I. 95/1975.

25. Where a building or structure has been erected or building operations commenced on any land in contravention to the provisions of section 24 the Minister may order the owner or occupier of such land to restore the land to its former state, including the removal or alteration of any building or structure.

An order may be made under this section whether or not the owner or occupier has been prosecuted for or convicted of an offence under section 29.

26(1) No person shall be entitled to recover compensation in consequence of the prescription of an improvement line or of a building line.

Compensation
and acquisition
of land.
3rd Sch./10/
1977.

(2) Where the owner of land on which a building line is prescribed proves to the Minister that the land has become incapable of use for building purposes by reason of the prescription of that line, the Republic shall purchase the land at a reasonable price agreed between the owner and the Republic.

27(1) If the Minister is satisfied that it is necessary or expedient so to do, he may authorise any officer or person to enter upon and survey, and take levels on, any land over which an improvement line or a building line is intended to be or has been prescribed or any land in the vicinity thereof. Such authority shall include all other acts incidental to or necessary for any of the aforesaid purposes.

Power to
authorise survey.
S.I. 95/1975.

(2) The authorised officer or person shall not enter into any building or into or upon any enclosed yard, court, garden attached to a dwelling house except at all reasonable hours and with the consent of the occupier without having previously given such occupier at least forty-eight hours' notice in writing of his intention to do so.

(3) The Minister shall, as soon as possible, notify the owner or occupier of the land of any authorisation he has given under subsection (1).

(4) Compensation shall be paid in respect of the land so entered upon for any actual damage or injury resulting from the exercise of the powers conferred by this section.

28. Any decision of the Minister made for the purposes of this Part shall be final and conclusive:

Minister's
decision final.
S.I. 95/1975.

Provided that if the Minister delegates any of his powers under

this Part a person aggrieved by the decision of such delegate may appeal to the Minister whose decision on the appeal shall be final and conclusive.

Offences and
penalties.

29. Any person who contravenes the provisions of section 24 shall be guilty of an offence and liable to a fine of Rs.2,000 and to imprisonment for one year, and in the case of a continuing offence to a further penalty of Rs.500 for each day during which the offence continues.

Regulations for
Part III.
S.I. 95/1975.

30. The Minister may make regulations for carrying out the objects and provisions of this Part and, in particular, but without prejudice to the generality of the foregoing power, such regulations may —

- (a) prescribe fees;
- (b) alter, amend or vary the second schedule;
- (c) create offences and provide that the contravention of or failure to comply with any such regulations shall be an offence and prescribe for such offences maximum penalties not exceeding Rs.2,000 and one year imprisonment.

FIRST SCHEDULE

LIST OF PUBLIC STREETS, ROADS, ROUNDBOUTS, JUNCTIONS, LANES, AVENUES, WAYS AND FOOTPATHS

STREETS

1. Albert Street.
2. Royal Street.
3. Victoria Street.
4. Benezet Street.
5. Button Street.
6. Church Street.

7. Eauclaire Lane.
8. Grave-yard Street.
9. Hangard Street.
10. Harrison Street.
11. Labourdonnais Street.
12. La Loge Street.
13. La Rosière Street.
14. Malakoff Street.
15. Market Street.
16. Morrison Street.
17. Philomel Street.
18. Quincy Street.
19. Rock Lane.
20. St. Joseph Street.
- *21. Palm Street.
- *22. Manglier Street.

S.I 101/1975

ROADS, AVENUES, ROUNDABOUTS, JUNCTION, LANES AND WAYS

MAHÉ

1. Mont Fleuri Road, from Le Chantier to the junction of the Misère Road.

2. South East Road, from junction of the Misère Road to Seashore at Takamaka by Anse Royale, Anse Forbans, and Quatre Bornes.

3. West Coast Road, from Police Station, Takamaka, to Anse Proc. 8/1930.
Souillac by Anse La Mouche, Anse Boileau, Barbarons,

* Streets described as items 21 and 22 are described on plan M/L/ROAD/16 registered in Register A36, No 233 of 1st August, 1973 in the office of the Director of Surveys

Grand'Anse, Montagne Posée, Port Glaud, and Port Launay, with deviation crossing various properties.

4. Old (lower) North West Bay Road, from end of Royal Street to St. Louis Gap.

Proc. 9/30.

5. New (upper) North West Bay Road from end of Royal Street to St. Louis Gap, with deviations.

Proc. 9/30.

6. St. Louis Road, from the limits of the town at St. Louis Gap to Beau Vallon, with deviations.

7. Bel Ombre Road, from Beau Vallon to Dans Iles.

8. Glacis Road, from Beau Vallon to Glacis Church.

9. North East Road, from end of Albert Street to Mr. F. Hodoul's property at St. Antoine.

10. Misère Road, from the limits of the town of Victoria to Grand'Anse on the West Coast Road.

11. Forêt Noire Road, from the Mont Fleuri Road to West Coast Road at Montagne Posée.

Proc. 2/1927.

12. Canelles Road, from the North East Road at Anse Royale to West Coast Road at Anse La Mouche, as repaired and regraded.

13. Anse Etoile to Glacis Road, from the North East Road at Anse Etoile to Glacis Church.

Proc. 9/1904.

14. Sweet-Escott Road, from the Roman Catholic Church at Anse Royale to the Canelles Road.

Proc. 10/1904.

15. Pointe au Sel Deviation, on the properties of the Hon. E. Savy, Miss I. Fleurot, and Mr. S. Butler.

Proc. 11/1904.

16. North Coast Road, from Anse Etoile to Glacis by Maccabé.

Proc. 15/1904.

17. Port Glaud Deviation on the properties of Messrs. D. Laurence, W.H. Griffiths, Uzice, and Chang Mann.

Proc. 7/1904.

18. Anse Corail Road, from Quatre Bornes, on the Anse Vorband to Takanaka Road, to Anse Corail.

19. Bel Air Road from Royal Street to junction with Forêt Noire Road on Sans Souci Estate.
20. Bel Air - St. Louis Road to junction with Niole Road.
21. Niole Road, from St. Louis Road to right bank of Grand St. Louis River.
22. King Edward VII Road from Anse Bougainville to Baie Lazare.
23. Bradley's Road from Anse Royale main road to Anse Louis.
24. Anse Gouvernement Road from public road of Quatre Bornes crossing various properties. Proc. 5/1912.
25. Anse aux Pins Road from Anse aux Pins to main road at Anse Boileau, with deviation. Procs. 1/1913, 11/1928.
26. Cap Maçon (South Coast) Road. Proc. 11/1931.
27. Anse Etoile to La Retraite Road. Proc. 18/1937.
28. Bazarka to Anse Grande Police Road. Proc. 4/1939.
29. Takamaka to Baie Lazare Road. Proc. 17/1941.
30. St. Louis Path from St. Louis Road to Old St. Louis Road (Serrete Road) following the eastern side of Mr. Jean Stevenson's property. G.N. 15/1952.
- *31. Badamier Avenue. S.I. 101/1975.
32. Cassia Avenue.
33. Latanier Road.
34. Veloutier Road.
35. Le Chantier Roundabout.
36. Long Pier Roundabout.
37. La Posière Junction.

38. Patchouli way.
39. Cinnamon Lane.
40. Long Pier Road.

PRASLIN

1. Road from Pelissier bridge, Bay St. Anne to the Southern boundary of Côte d'Or Estate.
2. Road from Fond de l'Anse, Grand' Anse, on Côte d'Or Estate, to the bridge on La Mâre Colin.
3. Deviation of Grand' Anse to Anse Kerlan road.
4. Road from Grand' Anse to St. Sauveur.

Proc. 14/1921.

Proc. 1/1941.

LA DIGUE

1. Road from Morel bridge, Anse l'Union to Anse Sévère and thence to Anse Grosse Roche.
2. Road from La Passe to Anse Sévère.
3. Road from Anse Sévère to Anse Gaulette.

Proc. 3/1948.

Proc. 5/1942.

FOOTPATHS

MAHÉ

1. Bel Air path, from the old Cemetery to Trois Frères River.
2. Mount Buxton path, from Hangard Street to boundary of Mr. Lanier's property.
3. Crève Coeur path, from Hangard Street to Crève Coeur Gap.
4. Niolo path, from St. Louis Road to St. Louis River.

*Roads etc. described as items 31-40 are described on Plan ML/NOA/16 registered in Register A36, No 2633 of 1st August, 1975 at the office of Director of Surveys.

5. Path from Anse Bougainville to Bay Lazare.
6. South Coast path, from Anse Forbans to Takamaka by Anse Marie Louise, Grande Police, Anse Basarka, Anse Corail, and Anse Intendance.
7. Anse Corail path, from Quatre Bornes to Anse Corail.
8. Path from Quatre Bornes to Anse Gaulette.
9. Old Forêt Noire path, from the sea shore at Forêt Noire to Salazie.
10. North coast path, from Mr. Hodoul's property at St. Antoine to Glacis Church, by Macabé and North Point.
11. Morne Blanc path, from the western boundary of Morne Blanc Estate to the new Forêt Noire Road.
12. Mare aux Cochons path, from the West Road at Port launay to Dans Iles on Bel Ombre Road.
13. Path from main road at Rochon through various properties to Rochon River.
14. Path from North East Road to Mont Buxton Road.

PRASLIN

1. Path from Pelissier bridge, Bay St. Anne, to Anse Marie Louise.
2. Path from the boundary between Côte d'Or Estate and Mrs. Rabat's property at Anse Vaulbert to La Mère Colin, Grand' Anse, by Pointe Chevalier, Anse Kerlan, and Anse Georgette.
3. Salazie path, from Anse Vaulbert to Grand' Anse by the Plaine Hollandaise.
4. Pasquier path, from Pasquier to Grand' Anse.

LA DIGUE

Haut de La Mère path to Morel Bridge.

Proc. 4/1906.

Veuve Berlouis path from "Reservoir" to the property of Mr. D. Nibourette.

SECOND SCHEDULE

[SECTION 22]

IMPROVEMENT LINES AND BUILDING LINES

S.I. 95/1975.

1. A line which the Minister proposes to prescribe shall be shown on a plan which shall be deposited at a place specified in the notice referred to in the next succeeding paragraph and may be inspected by any person free of charge at all reasonable hours during a period of one month from the day on which it is so deposited.

2. As soon as the plan has been so deposited notice shall be given in the *Gazette* and in one newspaper published and circulating in Seychelles of the proposal to prescribe a line and the time and place at which the plan may be inspected.

S.I. 95/1975.

3. The Minister shall consider any objection to the proposed line made within six weeks from the date on which the notice aforesaid has been published in the *Gazette* and may then prescribe the line.

S.I. 95/1975.

S.I. 6/1990.

4. Not late than three weeks after the date on which the Minister has prescribed the line a Plan shall be prepared and duly certified by the Director of Surveys, on which the line shall be shown. Notice shall be given in the *Gazette* and in one newspaper published and circulating in Seychelles of the prescribing of the line and of the times and place at which the said plan may be inspected.

5. If the Minister withdraws or modifies the line, or any part thereof, notice of the withdrawal or modification shall be given in the *Gazette* and in one newspaper published and circulating in Seychelles and the extent to which the line has been with-

drawn or modified shall be indicated on the plan prepared in accordance iwth the last foregoing paragraph.

Note: The First Schedule to the Act has since 31st December, 1991 been replaced by S.I. 38 of 1992.

NO SUBSIDIARY LEGISLATION
