

CHAPTER 177.

CROWN LANDS (PRIVATE ROADS).

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Grant of permission to construct and maintain private road on crown lands.
4. Conditions of grant of permission.
5. Power to charge tolls for use of road.
6. Trespass on road.
7. Licence of occupancy for land required for road.
8. Revocation of permission and resumption.
9. Notification of permission and its terms.
10. Application of Ordinance to road made by Government.
11. Regulations.
12. Existing roads.

CHAPTER 177.

CROWN LANDS (PRIVATE ROADS).

1929 Ed.
c. 173.

[13TH MAY, 1893.]

Short title.

1. This Ordinance may be cited as the Crown Lands (Private Roads) Ordinance.

Inter-
pretation.

2. In this Ordinance and in any regulations made hereunder, unless the context otherwise requires—

“road” includes any track available for traffic by means of foot-passengers and beasts of burden only;

“crown lands” includes any lands belonging to the Colony.

Grant of
permission to
construct and
maintain
private road
on crown
lands.

3. (1) The Governor may grant permission to anyone to maintain and construct on crown lands any road necessary or useful for mining, woodcutting, or other purposes.

(2) If the road passes over any crown land in the lawful occupation of another, the permission shall be granted with the consent of that other person, or subject to any terms as regards the making of compensation to him or otherwise prescribed by the Governor.

4. The Governor may annex to the grant of any permission under this Ordinance any terms and conditions he thinks proper, including the right to cut timber on crown lands for the purposes of constructing and maintaining the road to which the permission relates, and may from time to time annex additional terms and conditions and modify or revoke any of the terms and conditions.

Conditions
of grant of
permission.

5. (1) The Governor, by the grant or by any other instrument, may authorise the grantee of any permission under this Ordinance to levy any tolls the Governor may fix in respect of the use of the road to which the permission relates by beasts of burden or vehicles.

Power to
charge tolls
for use of
road.

(2) Subject to any general or particular direction of the Governor to the contrary, any road constructed and maintained under this Ordinance may be used without payment of tolls by foot-passengers, but the powers given by this section shall be exercised subject to any regulations made under this Ordinance.

6. Subject to the provisions of this Ordinance and of any regulations made hereunder, the grantee of a permission under this Ordinance shall be deemed to be the owner of the land occupied by the road to which the permission relates for the purposes of any enactment for the time being in force relating to wilful trespass on lands.

Trespass on
road.

7. In the event of any application being made by the grantee of permission under this Ordinance for a licence of occupancy for crown lands required by the grantee in connection with the use of the road to which the permission relates, the Governor may direct that the licence applied for shall not be subject to public competition.

Licence of
occupancy
for land
required
for road.

8. (1) With the consent of the grantee of a permission under this Ordinance, or in the event of default in compliance with any terms and conditions annexed to the grant, the Governor may revoke the permission.

Revocation
of permission
and
resumption.

(2) The Governor may direct possession to be resumed, for the benefit of the Crown or of the Colony, of the land occupied by the road to which the permission relates, and may if he thinks fit thereafter direct that the road shall be maintained and used, with the necessary modifications, in accordance with the provisions of this Ordinance and of any regulations made hereunder.

Notification
of permission
and its
terms.

9. Notification shall be made in the Gazette of a permission granted under this Ordinance and of any terms and conditions annexed thereto, and also of any table of tolls fixed under this Ordinance.

Application
of Ordinance
to road made
by Govern-
ment.

10. The Governor, out of any moneys provided by the Legislative Council for that purpose, may cause any road to be constructed and maintained for any of the purposes mentioned in this Ordinance, and may give any directions he thinks fit for the application to that road of all or any of the provisions of this Ordinance; and the directions shall have the same force and effect as if they had been embodied in an Ordinance.

Regulations.

11. The Governor and Legislative Council may make regulations for the better carrying out of all or any of the provisions of this Ordinance.

Existing
roads.

12. Any road constructed before the commencement of this Ordinance and coming within the scope of the provisions hereof may, by the direction of the Governor, be regarded and dealt with as far as possible in the same manner in all respects as if it had been constructed in accordance with a permission granted under this Ordinance.
