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THE FENCES LAW (15 OF 1993)

(1997 Revision)

Revised under the authority of Law Revision Law (19 of 1975).

Originally enacted-

Law 15 of 1993-24th September, 1993.

Revised this 2nd day of September, 1997.

FENCES LAW

(1997 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Cost of constructing, etc., of fences to be borne by adjoining land owners
3. Regulations

FENCES LAW

(1997 Revision)

1. This Law may be cited as the Fences Law (1997 Revision).

Short title

2. (1) Subject to subsection (2), the cost of constructing, repairing and maintaining a fence between properties is to be borne by the owners of those properties as assessed under subsection (3).

Cost of constructing, etc., of fences to be borne by adjoining land owners

(2) If a fence is destroyed or damaged by the act or neglect of one owner whose property adjoins the fence, the cost of replacing or repairing the fence is to be borne by that owner except to the extent that the cost relates to any improvement to the fence destroyed or damaged, in which case that additional cost is to be borne by the owners of the properties adjoining the fence as assessed under subsection (3).

(3) In assessing each owner's obligation to pay the cost of constructing, repairing or maintaining a fence under subsection (1) or (2) regard shall be had to -

- (a) the benefit each owner receives by virtue of the fence; and
- (b) the type of fence it is appropriate for each owner to pay towards, having regard to his use of his property.

(4) Where-

- (a) the owner of property has constructed, repaired or maintained a fence; and
- (b) the owner of an adjoining property is, by virtue of subsection (1) or (2), liable for a proportion of the cost of constructing, repairing or maintaining the fence as assessed under subsection (3),

the proportion of the cost so assessed is a debt due to the owner who constructed, repaired or maintained the fence.

3. The Governor in Council may make regulations necessary or convenient for the purposes of this Law and may, in particular, make regulations -

Regulations

- (a) prescribing the procedure to be followed by an owner of a property when requiring the owner of an adjoining property to contribute towards the cost of the construction, repair or maintenance of a fence between their properties; and

- (b) prescribing the manner in which a dispute between the owners of adjoining properties in respect of the construction, repair or maintenance of a fence between their properties is to be settled.

Publication in revised form authorised by the Governor in Council this 2nd day of September, 1997.

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Clerk of Executive Council