Establishing the Legal Status of Roads  
(Prepared by Charles Jeremy Lane and Ian G. Heggie, 1996)

In anglophone countries roads fall into two main legal categories—they are either designated or undesignated (the terminology varies among countries, and other terms like proclaimed/unproclaimed, declared/undeclared, and adopted/unadopted are also used to describe the legal status of a road). When a road is designated, the act of designation is published in the government gazette in a notice that cites the act under which the road was designated, the road’s location, the responsible highway authority, and the functions to be delegated to that authority. In the case of trunk roads the act cited is usually the Roads and Road Traffic Act (or the equivalent). Urban roads may be designated under the Urban Transport Act (or the equivalent), while other roads may be designated under a variety of other acts, including the Local Government Act, the National Parks Act, the Game Parks Act, or the Private Streetworks Act.

Once a road has been designated, the responsible highway authority is expected to physically mark out the road reserve (to define the land-holding of the highway authority) and to take responsibility for the various functions delegated to it. Roads that are undesignated simply belong to the adjoining landowners who are solely responsible for maintaining them. Under certain circumstances, however, the government may channel funds through a designated highway authority to meet part of the costs of maintenance. When a private road is built to a certain specified standard or is improved to that standard, the highway authority will usually designate it and assign it to a legally constituted highway authority.

Note: This box describes the system of establishing legal ownership in anglophone countries, though procedures in countries with Spanish, French, and other legal systems are similar.