CHAPTER 33

An Act to amend the New Streets Act, 1951

[6th June, 1957]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Refunds, etc., where work done otherwise than at expense of local authority.

1.—(1) Where a sum has been paid or secured under section one of the principal Act by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, and any street works are subsequently carried out in the private street in respect of that frontage to the satisfaction of but otherwise than at the expense of the local authority, the local authority may refund to the person at whose expense the works are carried out the whole or such proportion of that sum or, as the case may be, release the whole or such part of the security, as in their opinion represents the amount by which the liability of the owner of that land in respect of street works has been reduced as a result of the carrying out of the said street works:

Provided that where the person at whose expense the works are carried out is not the person who is for the time being owner of that land no refund or release shall be made under this subsection unless the owner has been notified of the proposal to make the refund or release and has been afforded an opportunity of making representations to the local authority in relation thereto.

(2) Where any land having a frontage on a private street, being land in respect of which a sum has been paid or secured under section one of the principal Act, is subsequently divided in two or more parts each having a frontage on that private street, the

sum shall be treated as apportioned between the owners thereof according to their respective frontages, and subsection (1) of this section shall have effect accordingly.

Adoption of street where work done otherwise than at expense of local authority.

2. Where a sum has been paid or secured under section one of the principal Act by the owner of land in respect of the cost of street works to be carried out in the private street on which the land has a frontage and any street works are subsequently carried out in the private street in respect of that frontage to the satisfaction of, but otherwise than at the expense of, the local authority, the local authority, without prejudice to their powers under any other enactment, may, by notice to be fixed up in the street, declare the street or a part thereof in which any of the street works were carried out, being a part which comprises a part on which the said land has a frontage, to be a highway repairable by the inhabitants at large and thereupon such street or part of the street as defined in the notice shall become a highway repairable by the inhabitants at large.

Agreements under s. 146 of Public Health Act, 1875.

3. The power of a local authority to enter into agreements for the making of roads under section one hundred and forty-six of the Public Health Act, 1875, shall be, and be deemed always to have been, exercisable in respect of a private street notwithstanding that a sum has been paid or secured under section one of the principal Act by an owner of land in respect of the cost of street works in that private street, and shall include, and be deemed always to have included, power to provide in any such agreement for the refund of such sum or any part thereof either without interest or with interest at such rate as may be specified in the agreement, or for the release of the whole or any part of a security.

Registration in local land charges register.

4.—(1) The matters specified in subsection (2) of this section shall be registered in the register of local land charges by the proper officer of the appropriate council in such manner as may be prescribed by rules made for the purpose of this section under subsection (6) of section fifteen of the Land Charges Act, 1925.

(2) The matters referred to in the foregoing subsection are the following, whether occurring before or after the passing of this Act, that is to say:—

(*a*) notices served by a local authority pursuant to subsections (1) and (3) of section two of the principal Act;

(*b*) determinations by the Minister under subsection (4) of the said section;

(*c*) payments made or securities given pursuant to section one of the principal Act;

(*d*) notices served under paragraph (*e*), paragraph (*f*) or paragraph (*h*) of subsection (3) of the said section one exempting a building from that section;

(*e*) resolutions passed under paragraph (*k*) of subsection (3) of the said section one exempting a street or a part of a street from that section; and

(*f*) refunds made and releases of securities granted under section three or section four of the principal Act or section one of this Act or in pursuance of an agreement referred to in section three of this Act.

(3) In this section " the appropriate council "—

(*a*) where the matter in question relates to a street in a borough or urban district, means the council of that borough or district;

(*b*) where the matter in question relates to a street in a rural district, means the council of the county comprising that district, or, where the council of the rural district are discharging the functions of the county council under the Private Street Works Act, 1892, as agents for the county council, means the council of the rural district.

Interest on sums paid under principal Act.

5.—(1) Any sum paid by the owner of land to a local authority under section one of the principal Act shall, in so far as it continues to be held by the authority, carry simple interest at the appropriate rate from the date of payment until such time as the sum or a part thereof remaining so held—

(*a*) falls to be set off under section three of that Act against the liability of the owner of the land in respect of the carrying out of street works; or

(*b*) falls to be refunded in full under the provisions of that Act or of this Act;

and the interest shall be held by the authority until that time and dealt with under those provisions as if it formed part of the said sum:

Provided that this subsection shall not apply to any sum in so far as it is repaid under an agreement such as is referred to in section three of this Act.

(2) In this section " the appropriate rate " means the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities for periods of ten years; and for the purposes of this Act interest on any sum held by a local authority shall be calculated in respect of each financial year of the authority during which it accrues at the appropriate rate prevailing at the commencement of that financial year.

Miscellaneous amendments of principal Act.

6.—(1) In paragraph (*e*) of subsection (3) of section one of the principal Act, for the words " become, sufficiently built up " there shall be substituted the words " be, substantially built up or in so unsatisfactory a condition as ", and at the end of the said subsection (3) the following words shall be inserted:—

" (*k*) in a case where the local authority, being satisfied—

(i) that more than three-quarters of the aggregate length of all the frontages on both sides of the street, or of a part of the street not less than one hundred

yards in length and comprising the whole of the part on which the frontage of the building will be, consists, or is at some future time likely to consist, of the frontages of industrial premises, and

(ii) that their powers under the appropriate private street works code are not likely to be exercised in relation to the street, or to that part thereof, as the case may be, within a reasonable time,

by resolution exempt the street, or that part thereof, from this section.

(4) Where a sum has been paid or secured under this section by the owner of land in relation to a building proposed to be erected thereon, and thereafter a notice is served under the last preceding subsection exempting the building from this section, or a resolution is passed under paragraph (*k*) of that subsection exempting the street or part of a street on which the building will have a frontage from this section, the local authority shall refund that sum to the person who is for the time being owner of the land or shall release the security, as the case may be.

Where the said sum was paid, and after the payment thereof but before the service of the said notice or the passing of the said resolution, as the case may be, the land in respect of which it was paid was divided in two or more parts each having a frontage on the private street in question, the sum shall be treated for the purposes of this subsection as apportioned between the owners thereof according to their respective frontages."

(2) In section two of the principal Act:—

(*a*) the following subsection shall be substituted for subsection (3):—

"(3) If, at any time after the service of a notice under subsection (1) of this section, the local authority are of opinion that the sum specified in the notice exceeds such sum as in their opinion would be recoverable as mentioned in the last preceding subsection if they were then to carry out such street works as are so mentioned, or are of opinion that no sum would be so recoverable, they may, by a further notice, served on the person who is for the time being owner of the land on which the building is to be, or has been, erected, substitute a smaller sum for the sum specified in the notice served under the said subsection (1) or, as the case may be, intimate that no sum falls to be paid or secured:

Provided that this subsection shall not apply where a sum has been paid or secured in compliance with a

notice served under the said subsection (1) and the case is one in which the local authority have power to make a refund or release under section one of the New Streets Act, 1951 (Amendment) Act, 1957.";

(*b*) in subsection (4), for the words from the beginning to the words " may appeal " there shall be substituted the words " Where a notice has been served on any person under the preceding provisions of this section (other than a notice intimating that no sum falls to be paid or secured) that person or, if he is a different person, the owner of the land on which the building is to be, or has been, erected, may, not later than one month after the service of the notice, appeal ";

(*c*) the following subsections shall be inserted after subsection (4):—

" (5) Where a sum has been paid or secured in compliance with a notice served under subsection (1) of this section and a notice is subsequently served under subsection (3) thereof substituting a smaller sum for the sum specified in the first-mentioned notice or intimating that no sum falls to be paid or secured, the local authority—

(*a*) if the sum was paid, shall refund the amount of the excess or, as the case may be, the whole sum to the person who is for the time being owner of the land on which the building is to be, or has been, erected;

(*b*) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of that land, shall release the security to the extent of the excess or, as the case may be, the whole security;

(*c*) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of that land, shall pay to that owner an amount equal to the excess or, as the case may be, the whole sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

Where any land in respect of which a sum has been so paid or secured is subsequently divided in two or more parts so that two or more owners would, if street works were carried out, incur liability in respect thereof, the sum shall be treated as apportioned between those owners according to their respective frontages and, if the sum was secured and the security is the property of one only of those owners, the local

authority shall only be required under paragraph (*b*) hereof to release the security to the extent of the amount apportioned to that owner and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (*c*) hereof.

(6) Where a security is realised for the purpose of recovering an amount paid by a local authority under paragraph (*c*) of the last preceding subsection, and the sum produced by realising the security exceeds the amount so paid, the amount of the excess shall be held by the authority and dealt with under this Act as if it had been an amount paid under section one thereof on the date on which the security was realised."

(3) In section three of the principal Act, the following subsection shall be substituted for subsection (2):—

" (2) Where any refund, release or payment has been made under subsection (5) of the last preceding section or under section one or section three of the New Streets Act, 1951 (Amendment) Act, 1957, the preceding subsection shall have effect as if for references therein to a sum paid or secured there were substituted references to any sum remaining paid or secured."

(4) In section four of the principal Act:—

(*a*) in paragraph (*a*) of subsection (2), the words from " together " to " payment " are hereby repealed;

(*b*) in the second paragraph of subsection (2), the words " (together with any interest thereon) " are hereby repealed;

(*c*) the following subsection shall be inserted after subsection (2):—

" (2A) Where any refund, release or payment has been made under subsection (5) of section two of this Act, or under section one or section three of the New Streets Act, 1951 (Amendment) Act, 1957, the last preceding subsection shall have effect as if for references therein to a sum paid and security given there were substituted references to any sum remaining paid and any remaining security respectively."

(5) In section six of the principal Act, the words " and the payment has not been refunded, or the security released or realised, under subsection (4) of section one of this Act, or under section four thereof." shall be inserted at the end of subsection (1).

(6) In section eight of the principal Act after the words " that is to say:—" there shall be inserted the words " section two hundred and seventy-seven (power of councils to require information as to ownership of premises) ".

(7) In section nine of the principal Act:—

(*a*) at the end of subsection (2) there shall be inserted the words " or in any contributory place (within the meaning of the Public Health Act, 1936) within any such rural district ";

(*b*) in subsection (3) after the words " rural district " in the first place where those words occur, there shall be inserted the words " or in any contributory place within a rural district ";

(*c*) the following subsection shall be inserted after subsection (4):—

" (4A) Where this Act is in force in any area by virtue of an order made under this section, references in this Act to the commencement thereof shall be construed, in relation to that area, as references to the coming into operation of the order ".

(8) In subsection (1) of section ten of the principal Act:—

(*a*) after the definitions of " building byelaws " and " owner " there shall be inserted the following definition—

" ' industrial premises ' means premises used or designed or suitable for use for the carrying on of any industrial process within the meaning of the Distribution of Industry Act, 1945, and includes premises used for purposes ancillary to the carrying on of any such process; ";

(*b*) there shall be added at the end of the definition of " private street " the following words:—

" and also includes, for the purpose of the application of this Act in relation to any building, any land shown as a proposed street on plans deposited with respect to that building either under building byelaws or on an application for planning permission under the Town and Country Planning Act, 1947. ".

Interpretation.

7. In this Act " the principal Act " means the New Streets Act, 1951.

Citation, construction and commencement.

8.—(1) This Act may be cited as the New Streets Act, 1951 (Amendment) Act, 1957.

(2) This Act shall be construed as one with the principal Act and section nine of the Local Government (Miscellaneous Provisions) Act, 1953; and this Act and the said section nine may be cited together with the principal Act as the New Streets Acts, 1951 to 1957.

(3) This Act shall come into force on the expiration of three months beginning with the date of its passing.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Private Street Works Act, 1892	55 & 56 Vict. c. 57.
Public Works Loans Act, 1897	60 & 61 Vict. c. 51.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Distribution of Industry Act, 1945 ...	8 & 9 Geo. 6. c. 36.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
New Streets Act, 1951	14 & 15 Geo. 6. c. 40.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 26.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 8*d.* net
PRINTED IN GREAT BRITAIN
(38689)

National Health Service Contributions Act, 1957

5 & 6 ELIZ. 2 CH. 34

ARRANGEMENT OF SECTIONS

Section

1. Contributions to national health service.
2. Consequential reduction of national insurance contributions.
3. Supplementary provisions.
4. Financial provisions.
5. Corresponding legislation in Northern Ireland.
6. Interpretation.
7. Short title, citation and extent.

SCHEDULES :

First Schedule—Rates of national health service contributions.

Second Schedule—Reduction of national insurance contributions.

Third Schedule—Provisions to be substituted in First Schedule to National Insurance Act, 1946.