Session and Chapter	Short title	Relevant provisions
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section forty-two.
6 & 7 Vict. c. 90.	The Public Notaries Act, 1843.	Section ten.
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	Section fifteen.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	Section thirty.
24 & 25 Vict. c. 96.	The Larceny Act, 1861.	Section one hundred and two.
37 & 38 Vict. c. 48.	The Hosiery Manufacture (Wages) Act, 1874.	Section three.
38 & 39 Vict. c. 18.	The Seal Fishery Act, 1875.	
40 & 41 Vict. c. 43.	The Justices Clerks Act, 1877.	Section nine.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsection (4) of section one hundred and fifty-nine.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	Subsection (2) of section eighty-seven. Subsection (2) of section one hundred and sixteen.

CHAPTER 40

New Streets Act, 1951

ARRANGEMENT OF SECTIONS

Section.
1. Payments to be made by owners of new buildings in respect of street works.
2. Determination of liability for and amount of payments.
3. Sums paid or secured to be in discharge of further liability for street works.
4. Determination to cease to have effect when plans are not proceeded with.
5. Security not to be deemed prior mortgage.
6. Power of majority of frontagers to require adoption of private streets.
7. Provision as to increase in Exchequer Equalisation Grant.
8. Application of various provisions of Public Health Act, 1936.
9. Extent of Act.
10. Interpretation.
11. Short title and commencement.

An Act to secure the satisfactory construction, lighting, sewerage, furnishing and completion of streets adjacent to new buildings, and to oblige and empower local authorities to adopt such streets. [3rd July 1951.]

BE it enacted by the King'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:—

Payments to be made by owners of new buildings in respect of street works.

1.—(1) Subject to the provisions of this section, where it is proposed to erect any building for which plans are required to be deposited with the local authority in accordance with building byelaws, and the building will have a frontage on a private street, no work shall be done in or for the purpose of erecting the building unless the owner of the land on which it is to be erected or a previous owner thereof has paid to the local authority, or secured to the satisfaction of the authority the payment to them of, such sum as may be required under the next following section in respect of the cost of street works in that street.

(2) If any work is done in contravention of the preceding subsection, the owner of the land on which the building is to be erected and, if he is a different person, the person undertaking the erection of the building shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, and any further contravention in respect of the same building shall constitute a new offence and may, on summary conviction, be punished accordingly:

Provided that where the person undertaking the erection of the building, not being the owner of the land on which it is to be erected, is charged with an offence under this subsection, it shall be a defence for him to prove that he had reasonable grounds for believing that the said sum had been paid or secured by the owner of the land in accordance with the preceding subsection.

Proceedings under this subsection shall not be taken by any person other than the local authority.

(3) This section shall not apply—

(*a*) in a case where the owner of the land on which the building is to be erected will be exempt, by virtue of any provision in the appropriate private street works code, from liability to pay expenses incurred in respect of street works in the private street in question;

(*b*) in a case where the building proposed to be erected will be situated in the curtilage of, and be appurtenant to, an existing building;

(*c*) in a case where plans for the building have been deposited with the local authority in accordance with building byelaws before the commencement of this Act;

(*d*) in a case where an agreement has been made by any person with the local authority under section one hundred and forty-six of the Public Health Act, 1875, providing for the carrying out at the expense of that person of street works in the street or a part thereof comprising the whole of the part on which the frontage of the building will be, and for securing that the street or part thereof, on completion of the works, will become a highway repairable by the inhabitants at large;

(*e*) in a case where the local authority, being satisfied that the street or such a part thereof as aforesaid is not, and is not likely within a reasonable time to become, sufficiently built-up to justify the use of powers under the appropriate private street works code for securing the carrying out of street works in the street or part thereof, by notice in writing exempt the building from this section;

(*f*) in a case where the local authority, being satisfied that the street is not, and is not likely within a reasonable time to become, joined to a highway repairable by the inhabitants at large, by notice in writing exempt the building from this section;

(*g*) in a case where the whole street, being less than one hundred yards in length, or 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, was at the commencement of this Act built-up to such an extent that the aggregate length of the frontages of the buildings on both sides of the street or part constituted at least one half of the aggregate length of all the frontages on both sides of the street or part;

(*h*) in a case (not falling within the last preceding paragraph) where the local authority, being satisfied that the street was at the commencement of this Act substantially built-up, by notice in writing exempt the building from this section;

(*i*) in a case where the building is proposed to be erected on land belonging to, or in the possession of, the British Transport Commission or any Executive established by or under section five of the Transport Act, 1947, the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London, or a development corporation established under section two of the New Towns Act, 1946;

(*j*) in a case where the building is proposed to be erected by a trading or industrial estate company within the meaning of section fifteen of the Distribution of Industry Act, 1945, and the cost thereof is to be defrayed wholly or mainly by a government department.

Determination of liability for and amount of payments.

2.—(1) In any case to which the preceding section applies, the local authority shall, within one month after the plans of the building deposited in accordance with building byelaws have been passed, serve a notice on the person by or on whose behalf the plans were deposited requiring the payment or the securing under the preceding section of a sum specified in the notice.

(2) The sum to be specified in a notice under the preceding subsection shall be such sum as, in the opinion of the local authority, would be recoverable under the appropriate private street works code in respect of the frontage of the proposed building on the private street if the authority were then to carry out such street works in the street as they would require under that code before declaring the street to be a highway repairable by the inhabitants at large.

The local authority may treat a part of the street comprising the whole of the part on which the frontage of the building will be as constituting a separate street for the purposes of this subsection.

(3) The local authority may, by a further notice served on the same person, substitute a smaller sum for the sum specified in the notice served under subsection (1) of this section.

(4) Not later than one month after the service of the notice under subsection (1) of this section or, if within that month a further notice has been served under the last preceding subsection, not later than one month after the service of that notice, the person on whom the notice under the said subsection (1) was served or, if he is a different person, the owner of the land on which the building is to be erected may appeal to the Minister, and the Minister may substitute a smaller sum for the sum specified by the local authority.

On any appeal under this subsection, the Minister shall give the appellant an opportunity of being heard before a person appointed by the Minister.

Sums paid or secured to be in discharge of further liability for street works.

3.—(1) Where a sum has been paid or secured under section one of this 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, the liability of that owner or any subsequent owner of that land in respect of the carrying out of street works in that street under the appropriate private street

works code shall, as respects that frontage, be deemed to be discharged to the extent of the sum so paid or secured and to that extent only, and if, when the street is declared to be a highway repairable by the inhabitants at large, the said sum is found to exceed the total liability aforesaid in respect of that frontage or there is no liability because the street was not made up at the expense of the local authority, 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;

(*b*) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the 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 the 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 incur or would incur the liability aforesaid, 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 to which the amount apportioned to that owner exceeds his liability aforesaid, or as the case may be, to the extent of the whole of that amount, 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.

(2) Where the said sum was paid, and not merely secured, the local authority shall pay on it simple interest at the rate of three per cent. per annum from the date of payment until the time when the street is declared to be a highway repairable by the inhabitants at large, and the interest shall be held by them and dealt with under the preceding subsection as if it formed part of the said sum.

Determination to cease to have effect when plans are not proceeded with.

4.—(1) Where, on the occasion of the deposit of any plans for the erection of a building, the amount to be paid or secured under section one of this Act has been determined under section two thereof, and subsequently—

(*a*) the local authority declare under section sixty-six of the Public Health Act, 1936, that the deposit of the plans shall be of no effect, or

(*b*) before any work has been done in or for the purpose of erecting the building the owner gives notice in writing to the local authority of his intention not to proceed with the building,

the said determination and any payment made or security given in accordance therewith shall, unless street works have already been carried out or commenced in the street under the appropriate private street works code in respect of which the owner of the land on which the building was to be erected is liable, be of no effect for the purposes of this Act.

(2) Where by virtue of the preceding subsection a determination is of no effect and any sum has been paid or security given in accordance therewith, the local authority—

(*a*) if the sum was paid, shall refund it, together with simple interest at the rate of three per cent. per annum from the date of payment, to the person who is for the time being owner of the land;

(*b*) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the 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 the land, shall pay to that owner an amount equal to the said 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 into two or more parts so that two or more owners would, if street works were carried out, incur liability in respect thereof, the sum (together with any interest thereon) 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.

(3) Where a person notifies the local authority in accordance with paragraph (*b*) of subsection (1) of this section of his intention not to proceed with the building and by reason thereof a determination is of no effect, and subsequently notice is given to the local authority by the owner of the land that he intends to proceed with the building in accordance with the plans as originally deposited, the notice to be served under subsection (1) of section two of this Act by the local authority shall, in lieu of being served as required by that subsection, be served on him within one month

after the date of the service of the notice of his intention to proceed with the building, and the said section two shall have effect accordingly.

Security not to be deemed prior mortgage.

5. If the sum the payment of which is required to be secured to a local authority in pursuance of this Act is secured by means of a mortgage of or charge on land, such mortgage or charge shall for the purposes of section thirteen of the Building Societies Act, 1894 (which prohibits advances by building societies on second mortgage) be deemed not to be a prior mortgage within the meaning of that section.

Power of majority of frontagers to require adoption of private streets.

6.—(1) Where a majority of the owners of land having a frontage on any built-up private street, or as many of those owners as have between them more than half the aggregate length of all the frontages on both sides of the street, request the local authority by notice in writing to exercise their powers under the appropriate private street works code so as—

(*a*) to secure the carrying out of such street works in that street as the local authority require under that code before declaring the street to be a highway repairable by the inhabitants at large; and

(*b*) to declare the street to be such a highway,

the local authority shall proceed to exercise their powers accordingly:

Provided that this subsection shall not apply unless, in at least one case, a payment has been made or security has been given under section one of this Act by the owner of land having a frontage on the street.

(2) Nothing in the preceding subsection shall be taken as requiring or empowering a local authority to carry out any street works for which an authorisation is required under Regulation fifty-six A of the Defence (General) Regulations, 1939, without such an authorisation, and if the local authority, on a request being made to them under this section, are informed by the Minister that an authorisation will not be granted for the carrying out of such street works as aforesaid, the local authority shall not be required to take any steps in pursuance of that request, and shall inform the persons who made the request accordingly.

(3) For the purposes of this section—

(*a*) a street shall be deemed to be built-up if the aggregate length of the frontages of the buildings on both sides of that street constitutes at least one half of the aggregate length of all the frontages on both sides of that street;

(*b*) any part of a street, being a part not less than one hundred yards in length, may be treated by the owners of land having a frontage on that part of the street as constituting a street for the purposes of this section.

7. Any increase attributable to this Act in the sums payable under the Local Government Act, 1948, out of moneys provided by Parliament shall be defrayed out of moneys so provided. Provision as to increase in Exchequer Equalisation Grant.

8. The following provisions of the Public Health Act, 1936, shall apply for the purposes of this Act, that is to say:— Application of various provisions of Public Health Act, 1936.

section two hundred and eighty-three (form of notices),

section two hundred and eighty-four (authentication of documents),

section two hundred and eighty-five (service of notices),

section three hundred and five (protection of members and officers of certain local authorities from personal liability);

and accordingly any reference in any of those provisions to the Public Health Act, 1936, shall be construed as including a reference to this Act.

9.—(1) Subject to the provisions of this section, this Act shall only apply in boroughs and urban districts in England and Wales, other than metropolitan boroughs, and any reference in this Act to the local authority shall, in relation to any such borough or urban district, be construed as a reference to the council of that borough or urban district. Extent of Act.

(2) The Minister, on the application of a county council and after consultation with the council of the rural district concerned, may by order apply this Act in any rural district within the county.

(3) Where this Act is in force in any rural district,—

(*a*) any reference in this Act to the local authority shall be construed as a reference to the council of the county comprising that district, except that the first reference in section one, the reference in paragraph (*c*) of subsection (3) of that section and the references in subsection (1) of section four and the first two references in subsection (3) of that section shall be construed as references to the rural district council;

(*b*) the rural district council, in any case to which section one of this Act may be applicable, shall within one week inform the county council of the passing of any plans deposited with them relating to the erection of a building, of the making of any declaration that the deposit of any such plans is of no effect or of the giving of any notice by an owner of his intention not to proceed with any building or to proceed with the building in accordance with the plans as originally deposited;

(*c*) if the rural district council are discharging the functions of the county council under the Private Street Works Act, 1892, as agents for the county council, they shall discharge as such agents the functions of the county council under this Act, and subsection (2) of section thirty-six of the Local Government Act, 1929, shall accordingly have effect as if this Act were one of the enactments mentioned in Part I of the First Schedule to that Act.

(4) The two last preceding subsections shall not apply in the Isles of Scilly, but the Minister on the application of the council of those Isles may by order apply this Act in those Isles and, upon the making of the order, any reference in this Act to the local authority shall be construed as a reference to the council.

(5) The power of making orders under subsection (2) and subsection (4) of this section shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Upon the making of an order under subsection (2) or subsection (4) of this section, the county council, or, as the case may be, the council of the Isles of Scilly, shall take such steps for notifying the public of its having been made as the Minister may direct.

Interpretation.

10.—(1) In this Act—

" the appropriate private street works code " means—

(*a*) in any county borough or county district in which the Private Street Works Act, 1892, is in force, that Act and any local Act amending that Act;

(*b*) in any county borough or county district in which there is in force any local Act which contains provisions regulating the procedure relating to the execution of street works and payments in respect thereof, that local Act;

(*c*) in any county borough or county district in which sections one hundred and fifty, one hundred and fifty-one and one hundred and fifty-two of the Public Health Act, 1875, are in force, those sections and section forty-one of the Public Health Acts Amendment Act, 1890, and any local Act amending any of those sections:

Provided that if in any county borough or county district there is in force a local Act referred to in sub-paragraph (*b*) of this definition and also either the code referred to in sub-paragraph (*a*) or the code referred to in sub-paragraph (*c*), the council of that

borough or district shall, in the case of any private street in the borough or district, by resolution determine whether the said local Act or such one of the other codes as is so in force is to be the appropriate private street works code for the purposes of this Act in relation to that street, and shall publish any such resolution by advertisement in one or more newspapers circulating within the borough or district and otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested;

" building byelaws " and " owner " have the same meanings as in the Public Health Act, 1936;

" local Act " includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;

" local authority " shall be construed in accordance with section nine of this Act;

" the Minister " means the Minister of Local Government and Planning;

" private street " means any street as defined by the Public Health Act, 1936, in which the local authority have power under the appropriate private street works code to require works to be executed or to execute works, and includes any land which is deemed to be a private street by virtue of a declaration under section forty-eight of the Town and Country Planning Act, 1947;

" street works " means any works for the sewering, levelling, paving, metalling, flagging, channelling, making good and lighting a street, and " paving, metalling and flagging " includes all methods of making a carriage-way or footway.

(2) For the purposes of this Act the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied with the building and for the purposes thereof has or will have on the street.

(3) For the purposes of this Act joint owners shall be treated as one owner.

Short title and commencement.

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

(2) This Act shall come into operation on the first day of October, 1951.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Public Health Acts Amendment Act, 1890 ...	53 & 54 Vict. c. 59.
Private Street Works Act, 1892	55 & 56 Vict. c. 57.
Building Societies Act, 1894	57 & 58 Vict. c. 47.
Local Government Act, 1929	19 & 20 Geo. 5. c. 17.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Distribution of Industry Act, 1945	8 & 9 Geo. 6. c. 36.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.

CHAPTER 41

An Act to extend the power of the Minister of Fuel and Power to make advances to the National Coal Board for capital purposes and to extend the temporary borrowing powers of that Board; and to adjust as between the Cannock Chase and South Staffordshire Valuation Districts the amount of compensation apportioned by the Central Valuation Board to those districts under section twelve of the Coal Industry Nationalisation Act, 1946. [3rd July 1951.]

BE it enacted by the King'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:—

Extension of power to make advances to National Coal Board, and of temporary borrowing powers of Board.

9 & 10 Geo. 6. c. 59.

1.—(1) For section twenty-six of the Coal Industry Nationalisation Act, 1946 (which empowers the Minister of Fuel and Power to make advances to the National Coal Board for capital purposes of sums not exceeding, in the period of five years from the commencement of that Act, one hundred and fifty million pounds, or, in any subsequent period, an amount to be determined by Parliament) there shall be substituted the following section:—

"26.—(1) For the purpose of enabling the Board to defray expenditure properly chargeable to capital account, including the provision of working capital, the Minister may make advances to the Board: