Regulation 20, which is included in accordance with section 6 (4) of the Mineral Workings Act, 1951, provides for diverting into the Ironstone Restoration Fund established under that Act a proportion of any compensation which may be received by an owner of "near-ripe" ironstone after development charge has been paid by set-off under the Regulations, where that compensation is paid on a revocation or modification of the relevant planning permission, on a compulsory purchase of land comprising the ironstone, or on the imposition of certain statutory restrictions on the working of the ironstone. The amount of the contribution to the Fund in these cases is to be ascertained under the formula contained in the First Schedule to the Regulations, which corresponds with the formula applied by the Second Schedule to the Act of 1951 where the contribution to the Fund is taken out of the Part VI payment itself.

The remainder of the Regulations, except Regulation 23, contain consequential provisions. Regulation 23 and the Second Schedule to the Regulations are included in pursuance of section 30 (6) of the Mineral Workings Act, 1951. Under these provisions the power conferred by that section to vary mining leases entered into before the appointed day will become available where "near-ripe" minerals comprised in such a lease cease to be within the set-off provisions of the Regulations.

The Town and Country Planning (Construction and Improvement of Private Streets) Regulations, 1951

1951 No. 2224

Made - - - -	17*th December*, 1951
Laid before Parliament	18*th December*, 1951
Coming into Operation	7*th January*, 1952

HLG 2230

The Minister of Housing and Local Government in pursuance of the powers given to him by Sections 48, 111, and 114 (8) of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Town and Country Planning (Construction and Improvement of Private Streets) Regulations, 1951, and shall come into force on the seventh day of January, 1952.

(2) In these Regulations, unless the context otherwise requires:—

"the Act" means the Town and Country Planning Act, 1947;

"the street" means the land declared under sub-section (2) of Section 48 of the Act to be a private street in any particular case;

"the private street works code" means such of the enactments referred to in sub-section (3) or sub-section (7) of Section 48 of the Act, or, as respects land in the administrative County of London, such of the enactments referred to in sub-section (8) of Section 114 thereof, as apply to the street by virtue of the said sub-section (3);

"the street works authority" means the authority empowered by the private street works code, as adapted by these Regulations, to execute street works in the street and to do anything else in connection therewith including the recovery of expenses in respect of such works.

(a) 10 & 11 Geo. 6. c. 51.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. In any district with respect to which special regulations are made under sub-section (7) of Section 48 of the Act these Regulations shall apply only to the extent specified by such special regulations.

3. The private streets works code shall have effect subject to the adaptations and modifications prescribed in the following Regulations so far as applicable to that code.

4.—(1) Where, as respects the execution of street works in the street and matters connected therewith including recovery of expenses, the authority empowered by the private street works code is not the appropriate council as defined in sub-section (6) of Section 48 or sub-section (8) of Section 114 of the Act, that code shall have effect as if the appropriate council were substituted for the authority so empowered.

(2) Where the private street works code empowers the street works authority to execute street works and recover expenses in respect of such works only on failure by the owners of land adjoining the street to comply with a notice calling on them to carry out the works, such notice shall, for the purpose of empowering the authority in that behalf, be deemed to have been given and not complied with.

5.—(1) The amount of expenses incurred in the execution of street works which may be charged on the owners of adjoining land (including any sum for the time being irrecoverable by virtue of the next following Regulation) shall not exceed the standard amount as hereinafter defined.

(2) Every estimate of the cost of street works required to be deposited for inspection or otherwise brought to the notice of owners of lands adjoining the street shall be accompanied by an estimate of the standard amount, or, where the estimated cost of the works does not exceed the estimated standard amount, by a certificate to that effect; and, without prejudice to the last foregoing paragraph, the street works authority shall not apportion a sum in excess of the amount they estimate to be the standard amount.

(3) " The standard amount " means—

(*a*) in relation to the construction or widening of any street (except in the case mentioned under head (*b*) below), the amount which would at the date of the commencement of the works have been the cost of the execution of street works in the course of the construction of the street if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district and as respects matters for which no such provision is made so as to comply with such requirements as would have been imposed by the highway authority at the date of the commencement of the works as a condition of declaring the street to be a highway repairable by the inhabitants at large;

(*b*) in relation to the widening of an existing highway which at the date of the making of the relevant order under sub-section (2) of Section 48 of the Act was a highway repairable by the inhabitants at large, such proportion of the amount which would at the commencement of the works have been the cost of the execution of street works on a street the construction of which had been carried out in the manner referred

(a) 52 & 53 Vict. c. 63.

to under head (*a*) above as the width of the added strip bears to the width of a byelaw street. For this purpose the term "byelaw street" means a street constructed so as to comply with any byelaws, regulations or other enactments in force in the district, and the term "added strip" means the extent by which the existing highway is less in width than a byelaw street.

6.—(1) No expenses incurred in the execution of any street works in the street shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings.

(2) No expenses incurred in the execution in the street of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street.

(3) No expenses incurred in the execution in the street of street works for the purpose of widening an existing road which at the time of the making of the relevant order under sub-section (2) of Section 48 of the Act was a highway repairable by the inhabitants at large, and apportioned against any land abutting on that road, shall be recoverable unless and until, after the material date as hereinafter defined, a building is erected on the land, other than an agricultural building or a building—

(*a*) begun before the said date; or

(*b*) erected in pursuance of a contract made before the said date; or

(*c*) erected within the site of a building existing at that date and for a purpose ordinarily incidental to the purpose for which that building is used;

and the amount recoverable shall in any case be limited to so much of the apportioned sum as is properly attributable to the land forming the site of the building.

(4) No interest shall be payable on any money in respect of a period during which the money is irrecoverable by virtue of this Regulation.

(5) For the purposes of this Regulation:—

(*a*) "the material date" means the date on which notice was first published of the submission to the Minister (or of the proposed making by the Minister) of the development plan, or the alterations or additions to a development plan, which contained the relevant definition and designation of land for widening the road under Section 48 of the Act;

(*b*) "site" in relation to a building includes any land occupied or proposed to be occupied with the building and for the purposes thereof.

7.—(1) Without prejudice to the foregoing provisions, expenses recoverable in respect of street works carried out by the street works authority shall include any expenses incurred by a local authority, after the date on which land is defined and designated as mentioned in sub-section (1) of Section 48 of the Act, and before it is declared to be a private street under sub-section (2) of that Section, in the construction of sewers in or under the land.

(2) Any monies recovered under this Regulation by the street works authority in respect of expenses incurred by any other local authority shall, save as otherwise agreed, be repaid by the street works authority to that other authority, subject to deduction of any expenses reasonably incurred in the recovery of the said monies.

8. The street works authority may at any reasonable time enter on any land adjoining the street for the purpose of executing street works on land comprised in the street:

Provided that the authority shall not demand admission as of right to any land which is occupied unless at least seven days notice of the intended entry has been given to the occupier together with notice of the provisions of this Regulation.

9.—(1) Where the private street works code specifies the grounds on which objection may be made to the apportionment or charging of expenses incurred in the execution of street works, the grounds so specified shall be deemed to include the ground that the sum of such expenses apportioned or charged on the owners of land adjoining the street exceeds the standard amount mentioned in Regulation 5 of these Regulations.

(2) There shall be no right to object or appeal under the private street works code on the ground that the street is, in whole or in part, a highway repairable by the inhabitants at large.

10. As soon as the street has been made up or widened by or to the satisfaction of the street works authority it shall become a highway repairable by the inhabitants at large, and thereupon the street works authority shall cause notice to that effect to be put up in the street, specifying the date on which it became a highway repairable by the inhabitants at large by virtue of this Regulation.

Dated this seventeenth day of December, 1951.

Given under the Official Seal of the Minister of Housing and Local Government.

Harold Macmillan,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 48 of the Town and Country Planning Act, 1947, enables land which is defined in a development plan as land for a proposed road or road widening (including the road it is proposed to widen) to be declared to be a private street after acquisition by the appropriate council. This will be the council of a county borough, urban district, or (as to rural districts and county roads) county, and, in London, the Common Council of the City of London or a metropolitan borough council. In relation to land thus declared to be a private street the relevant private street works code (the Private Street Works Act, 1892, Sections 150 and 151 of the Public Health Act, 1875, or comparable legislation) is to have effect subject to regulations made under the Act. These Regulations prescribe adaptations and modifications to be made in the relevant private street works code in such cases. The code applicable in any particular case, modified where necessary by Regulation 4, will enable the appropriate council to execute street works and recover expenses from the owners of adjoining lands. Regulation 5 limits the aggregate amount chargeable on adjoining owners to the "standard amount" which could have been so charged in respect of street works executed in the course of any operation of construction or widening carried out to bye-law or similar standards, and requires that any estimate of the total cost of

works, which must be published under the code, shall be accompanied by an estimate of the standard amount or by a certificate that the estimated cost does not exceed it. Regulation 9 adds to any grounds of objection specified in the code the ground that the sum of expenses charged on owners exceeds the standard amount. Regulation 6 defers the recovery of apportioned expenses in certain circumstances. Regulation 7 empowers the recovery of expenses incurred in the construction of sewers before the land is declared to be a private street. Regulation 8 gives a power of entry on neighbouring land for the purpose of executing street works. Regulation 10 provides that the street, when made up or widened, shall become a highway repairable by the inhabitants at large, and requires notice of the fact to be posted.

The Regulations are of general application but can be superseded in any particular district by special regulations made under subsection (7) of Section 48.

The Town and Country Planning (Control of Advertisements) Amendment Regulations, 1951

1951 No. 1038

Made - - - -	12*th June*, 1951
Laid before Parliament	13*th June*, 1951
Coming into Operation	1*st July*, 1951

LGP 415

The Minister of Local Government and Planning in exercise of the powers conferred on him by Sections 31 and 111 of the Town and Country Planning Act, 1947(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Amendment Regulations, 1951, and shall come into force on the first day of July, 1951.

(2) In these Regulations a Regulation referred to by number means the Regulation so numbered in the Town and Country Planning (Control of Advertisements) Regulations, 1948(**b**) as amended(**c**).

(3) The Interpretation Act, 1889(**d**), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. In sub-paragraph (*b*) of paragraph (2) of Regulation 11 after the word " any " there shall be inserted the words " building normally used for religious worship,".

3.—(1) The following Class shall be added to paragraph (1) of Regulation 12:—

" CLASS V—*Flag advertisements*

Any advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a building, and which bears no inscription or emblem other than the name or device of a person or persons occupying the building ".

(a) 10 & 11 Geo. 6. c. 51. (b) S.I. 1948 (No. 1613) I, p. 4114.
(c) S.I. 1949 (No. 1473) I, p. 4025. (d) 52 & 53 Vict. c. 63.