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SCHEDULES

NINTH SCHEDULE

PROVISIONS RELATING TO LONDON

- 15 (1) The provisions of this paragraph shall have effect in relation to any land in London which is defined by a development plan—
- (a) as the site of a proposed road, or
 - (b) as land required for the widening of an existing road which is of less than byelaw width,
- and is designated by the plan as land to which this paragraph applies.

- (2) The appropriate council may at any time by order declare the land (together with any land forming part of any such existing road as is mentioned in the preceding sub-paragraph) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street:

Provided that, except with the consent of all persons interested in the land, no such order shall be made by the appropriate council in relation to land which has not been acquired by them at the date of the order, other than land forming part of any such existing road.

- (3) In relation to land which is deemed to be a private street by virtue of a declaration under the last preceding sub-paragraph.—
- (a) if it is land in the City, the provisions of sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and any provisions of the City of London Sewers Acts, 1848 to 1897, which relate to those sections, or
 - (b) if it is land elsewhere in London, the provisions of section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890, and any provisions of the Metropolis Management Acts, 1855 to 1893, which relate to those provisions,

shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply.

- (4) Regulations made for the purposes of the last preceding sub-paragraph shall make provision for securing—
- (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that sub-paragraph on the owners of adjoining land shall not exceed 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, widening or improvement, 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, with respect to

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matters for which no such provision is made, so as to comply with such requirements as would, at the date of the commencement of the works, have been imposed by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large;

- (b) that, as soon as the street has been made up or widened by or to the satisfaction of the appropriate council, it shall become a highway repairable by the inhabitants at large;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
- (d) that no expenses incurred in the execution 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.

(5) Regulations made for the purposes of sub-paragraph (3) of this paragraph—

- (a) may make provision whereby, in respect of street works carried out by the appropriate council, expenses incurred by a local authority in the construction of sewers in or under the land (being expenses incurred after the date on which the land is defined and designated as mentioned in sub-paragraph (1) of this paragraph, but before it is declared to be a private street under sub-paragraph (2) thereof) may be included in the expenses recoverable as mentioned in the last preceding sub-paragraph; and
- (b) may provide for authorising the appropriate council to enter upon any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) The references in sub-paragraph (3) of this paragraph to the enactments therein mentioned shall be construed as including references to those enactments as amended by any other local Act, and to any local Act making provision corresponding with the provisions of those enactments, or corresponding with the provisions of sections one hundred and seventy-four to one hundred and eighty-eight of the Highways Act, 1959 ; and the power of the Minister to make regulations for the purposes of this paragraph shall include power to make special regulations with respect to any district in which such a local Act is in force.

(7) In this paragraph—

“the appropriate council ” in relation to land in the City means the Common Council, and in relation to land in a metropolitan borough means the council of that borough;

“byelaw width ”, in relation to a road, means the width required by any byelaws, regulations or other enactments regulating the construction of streets in the area in which the road is situated;

“construction ” and “improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

“street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting for it.