



Towns Improvement Clauses Act 1847

1847 CHAPTER 34 10 and 11 Vict

Paving

And with respect to paving and maintaining the streets, be it enacted as follows:

47 Management of streets vested in the commissioners.

The management of all the streets which at the passing of the special Act are or which thereafter become public highways, and the pavements and other materials, as well in the footways as carriageways, of such streets, and all buildings, materials, implements, and other things provided for the purposes of the said highways, by the surveyors of highways or by the commissioners, shall belong to the commissioners.

48, 49. F1

Textual Amendments

F1 Ss. 48, 49 repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)

50 F2

Textual Amendments

F2 S. 50 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

51 Power for the commissioners to pave public streets.

The commissioners may from time to time cause all or any of the streets under their management, or any part thereof respectively, to be paved, flagged, or otherwise made good, and the ground or soil thereof to be raised, lowered, or altered, in such manner and with such materials as they think fit; and they may also pave or make, with such

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materials as they think fit, any footways for the use of passengers in any such street, and cause such streets and footways to be repaired from time to time.

52 Commissioners may place fences to footways.

The commissioners shall from time to time place such fences and posts on the side of the footways of the streets under their management as may be needed for the protection of passengers on such footways, and they may place posts in the carriageways of such streets, so as to make the crossing thereof less dangerous for foot passengers; and they shall from time to time repair any such fences or posts, or remove the same, or any obstruction to any such carriageway or footway, as they think fit.

53 Where public streets have not heretofore been paved, commissioners may cause them to be paved, at the expence of the occupiers of adjoining lands.

If any street, although a public highway at the passing of the special Act, have not theretofore been well and sufficiently paved and flagged or otherwise made good, the commissioners may cause such street, or the parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good in such manner as they think fit, and the expences incurred by the commissioners in respect thereof shall be repaid to them by the occupiers of the lands abutting on such street, or such parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such expences shall be recoverable from such occupiers respectively as herein-after provided with respect to private improvement expences, and thereafter such street shall be repaired by the commissioners out of the rates levied under this or the special Act.

54 Future streets may be declared highways.

If any street, not being a public highway at the passing of the special Act, be then or thereafter paved, flagged, or otherwise made good, to the satisfaction of the commissioners, then, on the application of the greater part in value of the occupiers of the houses and lands in such street, the commissioners shall, by writing under their common seal, if they be incorporated, or if they be not incorporated, then under the hands of five of the commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall be thereafter repaired by the commissioners out of the rates levied under this and the special Act; and such declaration shall be entered among the proceedings of the commissioners, and notice of such declaration shall be put up in some conspicuous place in or near such street.

55 Commissioners, upon completion of two thirds of any street, may upon application require remaining one third to be completed by owners of houses.

If any street, not being a public highway at the passing of the special Act, be thereafter to the extent of two third parts thereof paved and flagged or otherwise made good to the satisfaction of the commissioners, then, on the application of the owners of the lands abutting on such parts of the said street as have been so made good, the commissioners may require the owners of the buildings or lands abutting on the remainder of the said street to pave and flag or otherwise make good to the satisfaction of the commissioners such remainder of the said street, or such parts thereof as front such last-mentioned buildings and lands, within a reasonable time, to be fixed by the

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commissioners; and if such remainder of the said street, or any such part thereof as aforesaid, be not made good as aforesaid within the time so fixed, the commissioners may cause the part not so made good to be made good, and the expences which shall be incurred by the commissioners in respect thereof shall be repaid to them by the owners by whom such paving ought to have been done respectively; and such expences, if not forthwith repaid by such owners, shall be recoverable from the occupiers of such buildings and lands as hereinafter provided with respect to private improvement expences; and when the whole of the said street is paved and made good to the satisfaction of the commissioners, they shall, by writing under their common seal, if they be incorporated, or if they be not incorporated, then under the hands of five of the commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall for ever afterwards be repaired by the commissioners; and such declaration shall be entered among the proceedings of the commissioners.

56 Penalty on persons altering pavements without the consent of the commissioners.

Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street under the management of the commissioners, without their consent in writing, or without other lawful authority, shall be liable to a penalty not exceeding [^{F3}[^{F4}£25]][^{F3}level 1 on the standard scale], and also a further sum not exceeding [^{F5}25p] for every square foot of the pavement, flags, or other materials of the street, exceeding one square foot, so displaced, taken up, or altered.

Textual Amendments

- F3** “level 1 on the standard scale” substituted (E.W.) for “£25” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F4** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), **s. 31(5)(6)(9)**
- F5** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

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