

Restriction of Ribbon Development Act, 1935.

[25 & 26 GEO. 5. CH. 47.]

ARRANGEMENT OF SECTIONS.

A.D. 1935.

Restriction of Ribbon Development.

Section.

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2. Restriction of building development along frontages of certain roads.
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CHAPTER 47.

An Act to provide for the imposition of restrictions upon development along the frontages of roads; to enable highway authorities to acquire land for the construction or improvement of roads or for preserving amenities or controlling development in the neighbourhood of roads; to extend the powers of local authorities as to the provision of accommodation for the parking of vehicles and as to the prevention of interference with traffic; and for purposes connected with the matters aforesaid. [2nd August 1935.]

A.D. 1935.

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:—

Restriction of Ribbon Development.

1.—(1) The highway authority may by resolution adopt as respects any road any of the standard widths specified in the First Schedule to this Act, and if the resolution is approved by the Minister the provisions of the Second Schedule to this Act shall be complied with, and on and after the date upon which notice of the Minister's approval is first advertised in accordance with those provisions, the

Power to
adopt
standard
widths for
roads.

A.D. 1935. following restrictions shall, subject to the provisions of this Act as to exemptions, be in force, that is to say, it shall not be lawful without the consent of the highway authority—

- (a) to construct, form or lay out any means of access to or from the road; or
- (b) to erect or make any building or permanent excavation, or to construct, form, or lay out, any works upon land nearer to the middle of the road than a distance equal to one-half of the standard width adopted :

Provided that, before any resolution is submitted for the approval of the Minister under this section, the highway authority shall cause to be advertised in two or more newspapers circulating in the locality in which the road is situated and to be sent to any person whose name and address are for the time being entered in the register kept by the highway authority for the purpose in accordance with the provisions of this Act, notice, in a form approved by the Minister, of the passing of the resolution specifying the places and times at which plans may be inspected, showing the standard width proposed to be adopted thereby and the time within which and the manner in which objection can be made to the approval of the resolution; and before approving the resolution, the Minister shall consider any objections duly made within the time aforesaid and shall, unless he considers it unnecessary so to do, hold a local inquiry.

(2) The Minister may by regulations prescribe other standard widths which may be adopted under this section and upon the coming into force of any such regulations the First Schedule to this Act shall have effect as if the standard widths prescribed by the regulations were specified therein :

Provided that—

- (a) the Minister may by any such regulations direct that any standard width thereby prescribed may be adopted only in any specified areas or class of areas, and the power to adopt any such standard width shall be subject to any such directions; and
- (b) if any such regulations prescribe a standard width exceeding one hundred and sixty feet,

the regulations shall direct that such standard width may be adopted only so far as may be necessary for making provision for any embankment or cutting required for the road as respects which it is adopted. A.D. 1935. —

(3) Where a standard width has been adopted as respects any road by a resolution passed and approved under this section, the resolution may be amended by a subsequent resolution passed and approved in like manner and after compliance with the like conditions as the former resolution, adopting as respects that road any other standard width specified in the First Schedule to this Act (either as originally enacted or as amended by regulations made under the last foregoing subsection).

(4) If, after holding a local inquiry, the Minister is satisfied that the power conferred by this section to adopt a standard width, or to alter a standard width previously adopted, ought to be exercised by the highway authority as respects any road, he may by notice in writing require the authority to exercise that power, and if the authority fail to do so within such time as may be specified in the notice, the Minister may make an order adopting a standard width or altering a standard width previously adopted as respects the road, and the order shall be deemed to be a resolution passed by the authority and approved by him.

(5) In determining the standard width to be adopted as respects any road, a highway authority and the Minister shall take into account the requirements of all classes of traffic, including foot passengers and cyclists likely to use the road, and shall consider the provision of margins for the accommodation of ridden horses and driven livestock.

2.—(1) As respects all roads which on the seventeenth day of May, nineteen hundred and thirty-five, were classified roads, the following restrictions shall, subject to the provisions of this Act as to exemptions, be in force on and after the date of the passing of this Act, that is to say, it shall not be lawful without the consent of the highway authority—

Restriction of building development along frontages of certain roads.

(a) to construct, form or lay out, any means of access to or from the road; or

A.D. 1935. — (b) to erect or make any building upon land within two hundred and twenty feet from the middle of the road.

(2) The highway authority may by resolution adopt the provisions of this section as respects any road to which the restrictions aforesaid do not apply under the last foregoing subsection, and if the resolution is approved by the Minister, the provisions of the Second Schedule to this Act shall be complied with, and on and after the date upon which notice of the Minister's approval is first advertised in accordance with those provisions, the said restrictions shall, subject to the provisions of this Act as to exemptions, apply as respects the road.

(3) No restrictions in force under this section as to the erection or making of buildings shall apply in relation to any building which is, or is to be, used mainly or exclusively for the purposes of agriculture otherwise than as a dwelling-house, and (except in the case of buildings used or to be used mainly or exclusively for the purposes of horticulture carried on by way of trade or business) occupied together with land used mainly or exclusively for the purposes of agriculture.

(4) As respects any road as respects which the restrictions specified in paragraph (a) of subsection (1) of section one of this Act are for the time being in force under that section, the restrictions specified in paragraph (a) of subsection (1) of this section shall be of no effect.

Exemptions
for works
in progress,
&c.

3.—(1) No restrictions in force under either of the last two foregoing sections shall apply to the erection or making of any building or permanent excavation or to the construction, formation, or laying out, of any means of access or works—

- (a) begun before the date on which the restrictions were first published; or
- (b) carried out in execution of a contract made before that date otherwise than in contemplation of such restrictions; or
- (c) carried out in accordance with any permission granted before that date by a planning authority.

For the purposes of this subsection, restrictions shall be deemed to have been first published— A.D. 1935.

- (i) in the case of restrictions in force under section one of this Act, on the date on which notice of the passing of the resolution adopting a standard width was first advertised in accordance with the provisions of this Act;
- (ii) in the case of restrictions in force under subsection (1) of section two of this Act, on the date of the passing of this Act; and
- (iii) in the case of restrictions in force under subsection (2) of the said section two, on the date on which notice of the Minister's approval of the resolution adopting the provisions of the said section was first advertised in accordance with the provisions of this Act.

(2) No restrictions in force under section one or section two of this Act, except restrictions as to the construction, formation or laying out, of means of access, shall apply to any land forming part of a burial ground, being land which has, before the passing of this Act, been used for the purpose of interment.

(3) No restrictions in force under section one of this Act shall apply to any permanent excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes, or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct or other apparatus, constructed in or upon the land before the date on which the restrictions came into force, or with the consent of the highway authority on or after that date.

(4) No restrictions specified in paragraph (b) of subsection (1) of section two of this Act and in force under subsection (1) or subsection (2) of that section shall apply to the erection of advertisements as defined by the Advertisements Regulations Acts, 1907 and 1925.

4. Where restrictions are in force under the foregoing provisions of this Act as respects any road, the highway authority may erect and maintain fences or posts for the purpose of preventing access to the road except at such places as may be permitted by them :

Power to
fence roads
subject to
restrictions.

A.D. 1935.

— Provided that such fences or posts shall not be erected or maintained so as to interfere with any fence or gate required for the purposes of agriculture, or so as to obstruct any public right of way, or any means of access exempt under the provisions of subsection (1) of the last foregoing section from the restrictions, or constructed, formed, or laid out, before the date on which the restrictions came into force, or with the consent of the highway authority on or after that date.

Register for purposes of notice of resolutions.

5.—(1) Any person having any estate or interest in any piece of land within such distance from a road that it may be made subject to restrictions brought into force by means of a resolution passed as respects that road under section one or section two of this Act, shall be entitled, upon making to the highway authority an application containing sufficient particulars of the piece of land and of his estate, or interest therein, to have his name and address, and particulars of the situation of the piece of land, entered in a register in a form approved by the Minister kept by the highway authority for the purpose of giving notice of any such resolution.

(2) If at any time it appears to the highway authority that any person whose name and address are entered in the register kept under this section has ceased to have any estate or interest in the piece of land to which the entry relates, they may serve upon him or upon his personal representative notice of their intention to delete the entry and, unless within twenty-eight days after the service of the notice the highway authority are satisfied that he has not so ceased as aforesaid, they may delete the entry accordingly.

Deposit of plans showing roads subject to restrictions.

6. It shall be the duty of the highway authority to deposit at their offices and at such other places, if any, as the Minister may direct, sufficient plans showing all roads as respects which they are the highway authority which are subject to restrictions in force under the foregoing provisions of this Act, the nature of the restrictions, and the area of the land to which the restrictions apply; and the plans so deposited shall be available for inspection by the public free of charge at all reasonable times.

General provisions as to consent.

7.—(1) Subject to the provisions of this Act, any consent which a highway authority have power to give under section one or section two of this Act may be given

subject to such conditions as the authority think fit to impose : A.D. 1935.

Provided that—

- (a) consent under either of the said sections to the construction, formation, or laying out of means of access reasonably required for any purpose shall neither be unreasonably withheld nor made subject to unreasonable conditions, and in the case of means of access required for agricultural purposes shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only; and
 - (b) consent under either of the said sections to the re-erection of or to any alteration or extension to a building erected or made before the date on which restrictions came into force under that section, not being such a re-erection, alteration or extension as is specified in the Third Schedule to this Act, shall neither be withheld nor be made subject to conditions; and
 - (c) consent under the said section two to the erection or making of any building shall neither be unreasonably withheld nor be made subject to unreasonable conditions; and
 - (d) consent under section one of this Act to the making of any excavation or the construction, formation or laying out of works in land subject to restrictions in force under that section for the purpose of constructing any underground sewer, drain, electric line, pipe, duct or other apparatus, shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct, or other apparatus shall be laid in such manner and at such levels that the construction or improvement of a road thereover will not be prevented or prejudicially affected thereby.
- (2) With a view to securing that the exercise of their powers as to the giving of such consents shall be

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A.D. 1935. — co-ordinated with the exercise by planning authorities of their powers in relation to planning schemes, the highway authority shall from time to time consult with any planning authorities concerned; and in making a decision upon any application for any such consent, the highway authority shall, whether the land affected is or is not subject to a planning scheme, have regard to the need for preserving the amenities of the locality and for securing well planned development.

(3) Subject as hereinafter provided, any conditions imposed by a highway authority attached to any such consent as aforesaid shall be binding upon, and enforceable by, the authority against every person for the time being having any estate or interest in the land to which they relate :

Provided that, where any such consent is given upon the application of any person having a less estate or interest in the land than that of owner, any condition requiring the execution or maintenance of any works upon the land shall not be binding upon, or enforceable against, any person other than the applicant and his successors in title to that estate or interest.

(4) If any applicant for consent is aggrieved by any decision of the highway authority under this section withholding any consent or imposing any condition, he may appeal to the Minister who, after consultation with the Minister in charge of any other Government department concerned, may make such order as he thinks fit, and the decision of the Minister shall be final :

Provided that, before determining any such appeal, the Minister shall, if required either by the highway authority or by the applicant, cause a local inquiry to be held in public, and in giving his decision upon any such appeal the Minister shall publish a summary of the facts as found by him and of his reasons for the decision.

(5) If at the expiration of a period of two months after an application for any such consent, specifying the name and address of the applicant and sufficient particulars as to the consent required, has been delivered to the highway authority no decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may be otherwise agreed in

writing between the highway authority and the applicant) the consent shall be deemed to have been given without the imposition by the authority of any conditions. A.D. 1935.

(6) The highway authority shall maintain a register with sufficient particulars of all consents given by them under section one and section two of this Act, and the register shall be available to the inspection without charge of all persons interested and such persons shall be entitled to take extracts therefrom.

8.—(1) Upon application being made to a highway authority for any consent which the authority have power to give under section one or section two of this Act, if the application is with respect to land subject to restrictions under both those sections, the authority shall treat the application as an application for consent under both sections unless the applicant has requested that the application shall not be so treated. Provisions as to applications for consent, and applications to develop under planning schemes.

(2) Where an application is made to a planning authority for permission to develop land affected by restrictions in force under section one or section two of this Act, then—

(a) if the planning authority are also the highway authority having power to give any consent under the said sections, the application shall be treated as if it had been also an application for consent under both those sections or, if the land is subject to restrictions in force under one only of those sections, under that section, unless the applicant has requested that the application shall not be so treated;

(b) if the planning authority are not the highway authority aforesaid, the planning authority shall send sufficient particulars of the application to the highway authority.

(3) Where application is made to a highway authority for any consent which that authority have power to give under this Act affecting land subject to a planning scheme or to a resolution to prepare or adopt such a scheme in relation to which the highway authority are not the planning authority, the highway authority shall send sufficient particulars of the application to the planning authority.

A.D. 1935. —
Compensa-
tion for
injurious
affection
under sec-
tions 1
and 2.

9 & 10
Geo. 5. c. 57.

9.—(1) Subject to the provisions of this section, if any person having any estate or interest in land, which includes any piece of land subject to restrictions in force under section one or section two of this Act, proves that his estate or interest is injuriously affected by the restrictions, he shall be entitled to recover from the highway authority compensation for the injury to that estate or interest; and any question whether compensation is payable under this section or as to the amount of any compensation so payable shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919 :

Provided that, without prejudice to the power of a highway authority to agree with any claimant as to the payment of compensation, no claim for compensation under this section in respect of injurious affection to any estate or interest shall be entertained by an arbitrator—

(a) unless the claimant satisfies the arbitrator—

(i) that proposals for the development of that land which at the date of the claim to compensation are immediately practicable or would have been so if this Act had not been passed, are prevented or injuriously affected by the restrictions; and

(ii) that there is a demand for such development;

(b) if within two months after the claim to compensation has been delivered to the highway authority, notice is served on the claimant that proceedings are being taken under this or any other Act for an order authorising the compulsory purchase of the piece of land and notice to treat with respect thereto is, within twelve months after the claim, served by the highway authority in pursuance of such an order, so however that in any case in which notice that such proceedings as aforesaid are being taken is served the claimant shall be entitled to be repaid by the highway authority the amount of any expense which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and any question as to whether

such expense has been properly incurred or as to the amount thereof shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919. A.D. 1935.

(2) No compensation shall be payable under this Act in respect of injurious affection to any estate or interest in any land by reason of a piece of land being subject to restrictions in force under this Act—

- (a) if and in so far as the piece of land is subject to substantially similar restrictions in force under some other Act which were so in force at the date when the restrictions came into force under this Act; or
- (b) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other Act has already been paid to any predecessor in title to that estate or interest.

(3) Where any land acquired by a highway authority after the passing of this Act is utilised for the widening of a road or the construction of a new road, no compensation shall be payable under this section in respect of adjacent land by reason of restrictions as to means of access in force under this Act relating to the road as so widened or constructed :

Provided that, where the road as so widened or constructed incorporates land which before the widening or construction was a road or was before the passing of this Act a proposed road, compensation shall be payable under this section in respect of any adjacent land not acquired by the highway authority as if the restrictions as to means of access had related to the road or proposed road so incorporated, and as if the widening thereof or the construction of the new road, as the case may be, had not taken place.

(4) In awarding compensation under this section in respect of any estate or interest in land, the compensation shall, subject to the provisions of this section, be a sum equal to the difference between the market value of the estate or interest when the piece of land is subject to the restrictions and what would have been the market value of that estate or interest if the piece of land had not been so subject :

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Provided that—

- (a) in assessing the market value of the estate or interest when the piece of land is subject to the restrictions, there shall be taken into account any modification of those restrictions by reason of any consent given by the highway authority and any conditions attached to such consent, or by reason of any undertaking given or proposed to be given by the highway authority and any such consent, conditions, or undertaking, shall be embodied in the award;
- (b) there shall be taken into account any benefit which may accrue to any land in which the claimant has an estate or interest by reason of the construction or improvement, by any other person at any time after the coming into force of restrictions under this Act, upon land adjacent to the land in respect of which compensation is claimed, of any road or of any carriageway or other way subsidiary to such a road, or by reason of the coming into force of the restrictions;
- (c) if the piece of land has, since the date on which the restrictions came into force, become, or ceased to be, separate from other land, the amount of compensation shall not be enhanced by reason of its having so become or ceased. For the purposes of this paragraph a piece of land shall be deemed to be separate from other land when the person having the estate or interest therein in respect of which compensation is claimed has not the like estate or interest in the other land.

(5) Where any compensation is payable under the provisions of this section in respect of injurious affection to any estate or interest in any piece of land, being glebe land or other land belonging to an ecclesiastical benefice, the sums agreed upon or ordered to be paid by way of compensation for that injurious affection shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

10.—(1) For the purpose of co-operating with any highway authority in giving effect to the purposes of section one or section two of this Act, any public department may, subject to the approval of the Treasury, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by any such agreement, be subject to the like restrictions as are specified in the said sections; and any agreement so made may contain such consequential and incidental provisions including provisions of a financial character as appear to be necessary or desirable :

A.D. 1935.

—
Power of public departments to make agreements as to restrictions.

Provided that the department concerned in making an agreement under this section, and the Treasury in considering whether their approval shall or shall not be given to the agreement, shall have regard to the purposes for which the land in question was acquired or is held by the department.

(2) Where any agreement made under the last foregoing subsection provides for the making of payments by a highway authority to a public department, any sum paid in pursuance of such a provision shall, except in so far as may be otherwise provided by the agreement, be deemed for the purposes of this Act to be paid as compensation under this Act.

11.—(1) If any person erects or makes any building or permanent excavation or constructs, forms or lays out any means of access or works in contravention of restrictions in force under section one or section two of this Act, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, whether or not any proceedings are taken either in respect of the offence or otherwise, the highway authority may demolish the building, fill up the excavation, close up the means of access, or remove the works in relation to which the contravention was committed and reinstate the land in the condition in which it was before such building or excavation was erected or made, or means of access or works were constructed, formed or laid out, and the expenses incurred by the highway authority in so doing shall be recoverable

Contraventions.

A.D. 1935. summarily as a civil debt from the person by whom the contravention was committed :

Provided that the highway authority shall not demolish any building, fill up any excavation, close up any means of access, or remove any works, which have not been determined in any proceedings to have been erected, made, constructed, or laid out, in contravention of such restrictions as aforesaid until twenty-eight days after notice of their decision to do so has been served on the person entitled to possession of the land on which the contravention is alleged to have been committed, and, if that person is aggrieved by the decision of the highway authority, he may within the said period of twenty-eight days appeal against the decision to a court of summary jurisdiction for the petty sessional division in which the building, excavation, works or means of access is situated, and the appellant or the highway authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(2) If the owner or occupier of any land subject to restrictions in force under section one or section two of this Act commits, or permits any other person to commit, any contravention of a condition attached to any consent given under either of those sections, he shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every day on which the contravention occurs or continues.

Power of
Minister
to remove
restrictions.

12. If upon the application of a highway authority or of the council of any county district the Minister is satisfied that by reason of the provisions of any enactment other than this Act or of any order, scheme, or resolution made or passed under any such enactment, any restrictions in force under section one or section two of this Act will be rendered unnecessary as respects any road, the Minister may by order direct that on and after the date on which the order comes into force the restrictions specified in the order shall not apply as respects that road, and those restrictions shall cease to apply accordingly but without prejudice to the power of the highway authority to bring such restrictions again into force by means of a subsequent resolution made and approved in accordance with the provisions of this Act.

Acquisition of Land.

A.D. 1935.

13.—(1) Any highway authority may acquire any land within two hundred and twenty yards from the middle of any road the acquisition of which is, in their opinion, necessary for the purposes of the construction or improvement of the road or of preventing the erection of buildings detrimental to the view from the road and, if they are unable to do so by agreement on terms which are in their opinion reasonable, they may purchase the land compulsorily by means of an order (in this Act referred to as a “compulsory purchase order”) made by them and confirmed by the Minister and the provisions of sections one hundred and sixty-one and one hundred and sixty-two, one hundred and seventy-four and one hundred and seventy-five of the Local Government Act, 1933, and of paragraph (a) of section one hundred and seventy-nine of that Act, shall apply with respect to any such order in like manner as they apply to orders to be confirmed by the Minister of Health under that Act:

Power to
acquire
land for
road pur-
poses.

23 & 24
Geo. 5. c. 51

Provided that the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as incorporated in the order, shall be subject to the following modifications, that is to say, in determining the amount of any compensation—

- (a) the arbitrator shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land is authorised to be acquired, and in particular (without prejudice to the generality of the foregoing provisions of this paragraph) shall, in the case of land authorised to be acquired for the widening of any road, set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which will accrue by reason of the creation of a frontage to the road as widened; and
- (b) the arbitrator shall take into account and embody in his award any undertaking given by the highway authority as to the use to which the land, or any part thereof, will be put.

(2) Any highway authority may acquire by agreement any land in the neighbourhood of any road being land

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A.D. 1935. — which they consider it desirable to acquire for the purposes of preserving the amenities of the locality in which it is situated (including the purpose of preventing the erection of buildings detrimental to the view from the road).

(3) The following provisions shall have effect with respect to the acquisition of land under the powers conferred by this section, and with respect to land acquired under those powers—

(a) except for the purposes of the construction or improvement of a road, a highway authority shall not, under the said powers, acquire compulsorily any land which is required to be retained as part of a park, garden, pleasure ground, or home farm attached to and usually occupied with a mansion house, or is otherwise required for the amenity or convenience of any dwelling-house existing when the compulsory purchase order is made, or which is for the time being subject to conditions restricting the planning, development or use thereof imposed by any agreement enforceable under section thirty-four of the Town and Country Planning Act, 1932;

22 & 23
Geo. 5. c. 48.

(b) whenever land is acquired by a highway authority under the said powers, the authority shall furnish to the Minister, in a form approved by him, sufficient particulars of the purposes for which the land is acquired and of the manner in which it is intended to be used for those purposes and the said particulars shall be so furnished in the case of land to be acquired by means of a compulsory purchase order by specifying them in the order submitted to the Minister, and in any other case in such manner as the Minister may direct;

(c) a highway authority shall not have power to use in any manner other than that specified in the particulars furnished under the last foregoing paragraph or to let, sell, or exchange any land which has been acquired by them under the said powers for the purposes of preventing the erection of buildings detrimental to the view from a road or for any of the purposes specified in subsection (2) of this section unless they are authorised to do so by an order made by the

Minister of Health and, except in the case of A.D. 1935.
an order authorising the letting of such land —
for a term not exceeding seven years for purposes
specified in the order, being purposes which, in
the opinion of the Minister of Health, are con-
sistent with the preservation of the amenities
of the locality, any such order shall be pro-
visional only and shall not have effect unless
and until it is confirmed by Parliament.

(4) The powers conferred upon highway authorities
by section one of the Roads Improvement Act, 1925, 15 & 16
(which relates to the planting of trees and shrubs and the Geo. 5. c. 68.
laying out of grass margins), may be exercised upon any
land acquired by a highway authority under this section
notwithstanding that the land does not form part of a
highway.

(5) Where any highway authority are authorised by
an order confirmed under this section to purchase land
compulsorily, then, at any time after notice to treat has
been served, the authority may, after giving to the
owner and to the occupier of the land not less than
fourteen days' notice, enter on and take possession of the
land or such part thereof as is specified in the notice,
without previous consent or compliance with sections
eighty-four to ninety of the Lands Clauses Consolida- 8 & 9 Vict.
tion Act, 1845, but subject to the payment of the like c. 18.
compensation for the land of which possession is taken,
and interest on the compensation awarded, as would have
been payable if those provisions had been complied with.

(6) Save as is provided in the section of this Act next
following, nothing in this section shall authorise the
compulsory acquisition of any land which is the property
of any local authority (including any drainage board) or
has been acquired by any statutory undertakers for the
purposes of their undertaking.

14.—(1) Subject to the provisions of this section, a Power to
compulsory purchase order under the last foregoing acquire
section may authorise a highway authority to acquire com-
pulsorily, subject to such conditions (including condi- pulsorily
tions as to the persons by whom any works are to be for certain
constructed or maintained) as may be imposed by the road pur-
order, a right upon, under, or over any land which is the poses rights.
property of any local authority (including any drainage in connec-
tion with

A.D. 1935.
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land belong-
ing to local
authorities
and statu-
tory under-
takers.

board), or has been acquired by statutory undertakers for the purpose of their undertaking, if the acquisition is—

- (a) for the purposes of the construction of any bridge (not including the reconstruction or alteration of an existing bridge) upon, under, or over such land or of the approaches to any such bridge; or
- (b) for the purposes of any system of road drainage.

(2) A compulsory purchase order for the acquisition of any right for the purposes specified in the last foregoing subsection shall be made subject to such conditions as the Minister, after consultation with the local authority or statutory undertakers from whom the right is to be acquired, considers necessary for securing that the bridge and approaches or the drainage system, as the case may be, to be constructed will be so designed, constructed and placed as to avoid unreasonable interference with the functions and future development of the local authority or statutory undertakers and shall provide for the bridge and approaches or the drainage system, as the case may be, being constructed and maintained, except so far as may be otherwise agreed, at the expense of the highway authority:

19 & 20
Geo. 5. c. 33.

Provided that, in the case of any such order authorising a highway authority to acquire a right for the purpose of substituting a bridge for any level crossing over a railway, the provisions of sections six and seven of the Bridges Act, 1929, shall, as set out with modifications in the Fourth Schedule to this Act, apply with respect to the apportionment of the expenses of the construction and maintenance thereof.

(3) Where by means of a compulsory purchase order a highway authority has acquired from any local authority or statutory undertakers a right for any of the purposes specified in subsection (1) of this section, any additional expense which is thereafter, in consequence of the construction of the bridge or approaches or of the drainage system, as the case may be, incurred by the local authority or statutory undertakers in connection with the widening or alteration upon land which was vested in them before the confirmation of the order of any railway, canal, inland navigation, dock, harbour, works or apparatus belonging to them, shall be defrayed by the highway authority, and any question whether such additional expense has been

so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration. A.D. 1935.

(4) A compulsory purchase order for the acquisition of any right for the purposes specified in paragraph (b) of subsection (1) of this section shall be made, subject to such conditions as the Minister considers necessary for securing that no road shall be drained into any watercourse under the control of a drainage board without the consent of that board or into any reservoir, river, canal, dock, harbour, basin or other work which belongs to or is under the jurisdiction of any local authority or statutory undertakers without their consent.

(5) Nothing in this section shall authorise the compulsory acquisition of any right in, under, or over any land for the purposes of the construction of a bridge under or over the Manchester Ship Canal.

15. Where land subject to restrictions in force under section one or section two of this Act is acquired by a highway authority by means of an order made under this or any other Act authorising compulsory purchase of the land, any compensation payable in respect of any estate or interest in the land shall be assessed as if the restrictions were not in force if compensation in respect of injury to that estate or interest occasioned by the restrictions has been paid under this Act neither to the person having that estate or interest nor to any of his predecessors in title.

Effect of restrictions where land is acquired compulsorily.

Parking Places and Means of Access.

16.—(1) The powers of a local authority under section sixty-eight of the Public Health Act, 1925 (which relates to the provision of parking places for the purpose of relieving or preventing congestion of traffic) shall include power to provide and maintain buildings for use as parking places, and to provide and maintain underground parking places for the like purpose, and also to provide and maintain cloakrooms and other conveniences for use in connection with parking places, and in that section the expression " parking place " shall be construed accordingly as including such buildings, underground parking places, cloak rooms and other conveniences, so, however, that for the purposes of that section an underground parking place shall not be deemed to be part of

Extension of powers of local authorities as to parking places.
15 & 16
Geo. 5. c. 71.

A.D. 1935. a street by reason only of its being situated under a street.

(2) The powers of a local authority under the said section sixty-eight to acquire, utilise, and adapt land shall include powers to acquire, utilise, and adapt land (including any right in, over or under land) for the purpose of providing means of entrance to and egress from any parking place and, notwithstanding anything in subsection (4) of the said section, the said power to adapt land shall include power to adapt land being part of a street for the purpose aforesaid with the consent of the authority or person responsible for the maintenance of the street.

(3) The powers of a local authority under the said section sixty-eight shall include powers to let for use as a parking place any parking place provided by them not being part of a street.

(4) Subsection (6) of the said section sixty-eight (which relates to the power of a local authority to make regulations as to the matters therein specified) shall have effect as if for the word "regulations" there were therein substituted, in all places where that word occurs, the word "byelaws," and in relation to any byelaws made under the said subsection references in section two hundred and fifty of the Local Government Act, 1933, to "the confirming authority" shall be construed as references to the Minister of Health :

Provided that any regulations which were in force under the said subsection immediately before the passing of this Act shall, during the period of twelve months after the passing thereof, have effect as if they had been byelaws made under the said subsection as amended by this Act.

Power to require the provision of means of entrance and egress, &c. as a condition of approval of building plans.

17.—(1) Whenever, in pursuance of any enactment or byelaw requiring plans to be submitted to a local authority, application is made to such an authority for the approval of plans for the erection of a new building which, if erected in accordance with the plans, will be a building to which this section applies, then, unless the local authority are satisfied that either—

- (a) the character of the new building is such as not to be likely to cause increased vehicular traffic along any road adjacent thereto; or

(b) satisfactory arrangements have been, or will be, made for limiting interference with traffic along the roads adjacent thereto, A.D. 1935.

the local authority, after consultation with the chief officer of police for the district, may, as a condition of their approval, require the provision and maintenance of such means of entrance and egress, and of such accommodation for the loading or unloading of vehicles, or picking up and setting down of passengers, or the fuelling of vehicles, as may be specified by the local authority for the purpose of limiting such interference as aforesaid :

Provided that, where the local authority to whom such plans are submitted are not the highway authority as respects any road affected, the local authority shall, as soon as may be after such plans as aforesaid are submitted to them, consult the highway authority or such officer of the highway authority as may be nominated by them for the purpose and the powers conferred by this subsection shall not be exercised except after such consultation as aforesaid.

(2) Any condition imposed by a local authority under this section shall be in force as from the date on which notice thereof is served on the applicant and on the occupier of the land upon which the building is or will be situated, and shall remain in force unless and until it is withdrawn by the local authority, so, however, that any such condition may at any time be modified by agreement between the local authority and the occupier of the building to which the condition relates :

Provided that the local authority, if they are not the highway authority as respects any road affected, shall, before withdrawing or modifying any condition imposed by them under this section, consult the highway authority or such officer of the highway authority as may be nominated by the highway authority for the purpose.

(3) Any condition imposed by a local authority under this section shall while in force be binding upon, and enforceable by the authority against, every person who is for the time being the occupier of the building to which the condition relates.

(4) Any person aggrieved by any decision of the local authority in any matter as to which they are required to be satisfied under the provisions of subsection (1) of

A.D. 1935. — this section or by the imposition of any condition under this section may, within twenty-eight days after the date on which notice of the condition is served upon him, appeal to a court of summary jurisdiction for the petty sessional division in which the building with respect to which the plans were submitted is, or will be, situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(5) If the occupier of a building to which any condition imposed under this section relates, who has incurred or is about to incur any expense for the purpose of securing that the condition is complied with, alleges that the whole or any part of the expense ought to be borne by any other person having any estate or interest in the building, he may apply to the county court for the district in which the building is situated, and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

(6) In the event of the erection of a new building (being a building to which this section applies) without compliance with any condition in force under this section, or in the event of any means of entrance or egress or accommodation provided in compliance with such a condition ceasing to be maintained in accordance with the requirements thereof, the occupier of the building shall be guilty of an offence for which he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, where any person is convicted of such an offence, the court may in lieu of or in addition to imposing a fine, order that the building in respect of which the offence was committed shall not be occupied or used until the conditions in force under this section are complied with.

(7) Where the occupier of any building is charged with an offence under this section, he shall be entitled, upon information laid by him, to have any other person whom he charges as the actual offender brought before

the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that he had used due diligence to comply with the conditions in force under this section, and that the said other person had committed the offence in question without his consent or connivance, the said other person shall be summarily convicted of the offence and the occupier shall be exempt from any fine. A.D. 1935.

(8) This section applies to any building whereof the external or containing walls contain a space of not less than two hundred and fifty thousand cubic feet measured in accordance with directions given by the Minister of Health, and to any place of public resort, refreshment house, station for public service vehicles, petrol filling station, or garage used or to be used in connection with any trade or business.

(9) In this section the expression "local authority" means a local authority for the purposes of the Public Health Acts, 1875 to 1932, and the expression "the erection of a new building" shall include the operations which are deemed to be the erection of a new building for the purposes of those Acts by virtue of the provisions of section twenty-three of the Public Health Acts Amendment Act, 1907.

7 Edw. 7.
c. 53.

Supplementary.

18.—(1) In relation to any road as respects which the functions of maintenance and repair are under section thirty-two of the Local Government Act, 1929, for the time being exercisable by the council of a borough or urban district, the functions conferred by this Act on highway authorities shall be exercised by that council and not by the county council, and accordingly references in this Act to a highway authority shall be construed as including references to the council of the borough or urban district :

Exercise of functions as respects roads maintained by councils of county districts.

19 & 20
Geo. 5. c. 17.

Provided that, before adopting any standard width in the exercise of the functions aforesaid, a borough or urban district council shall consult the council of the county in which the borough or urban district is situated.

[CH. 47.] *Restriction of* [25 & 26 GEO. 5.]
Ribbon Development Act, 1935.

A.D. 1935. — (2) If an order is made by the Minister under subsection (4) of section one of this Act as respects any county road as respects which the council of a borough or of an urban district have powers under that section and the order is made after consultation with the council of the county in which the borough or urban district is situated, the Minister may by the order direct the county council to exercise for such period, and subject to such conditions, as may be specified in the order the powers conferred by the said section one as respects that road and the order may empower the county council to exercise those powers on behalf, and at the expense, of the council of the borough or urban district.

Expenses. 19.—(1) Such part of the expenses incurred by or in connection with the roads department of the Ministry of Transport as the Minister may from time to time, with the consent of the Treasury, determine to be expenses incurred in the carrying into effect of this Act shall be paid out of the Road Fund, and there shall be included in the expenses to be so paid such charges in respect of superannuation and other allowances and gratuities payable on death or retirement as the Minister with the like consent may determine.

9 Edw. 7.
c. 47. (2) The power of the Minister to make advances under section eight of the Development and Road Improvement Funds Act, 1909, shall include power to make such advances for the purpose of meeting expenditure incurred by reason of the coming into force of restrictions under section one of this Act, and Part II of that Act shall have effect accordingly.

(3) Any expenses incurred by the council of a borough or of an urban district in the exercise of functions as respects county roads exercisable by them under section one of this Act, or in respect of the exercise of such functions on their behalf by a county council, shall be deemed for the purposes of section thirty-three of the Local Government Act, 1929, to be expenses of an improvement of a road, not being expenses in connection with the maintenance and repair thereof, but no expenses incurred by any such council under section two of this Act shall be deemed for the purposes of that section to be part of the cost of the maintenance and repair or of an improvement of a road.

(4) Where an order is made by the Minister under the last foregoing section, empowering a county council to act on behalf, and at the expense, of the council of a borough or of an urban district, the order may apply any of the provisions of section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear expedient. A.D. 1935.
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56 & 57 Vict.
c. 73.

(5) The council of any county may contribute towards any expenses incurred by the council of a county district under this Act or under section sixty-eight of the Public Health Act, 1925, and the council of any county district may contribute towards any expenses incurred by the council of another county district or by a county council under this Act.

20.—(1) Save in so far as any provisions of this Act may be applied by orders made under this section, this Act shall not extend to the Administrative County of London. Application
to London.

(2) The Minister of Health may by order confer upon the Common Council of the City of London and upon councils of the metropolitan boroughs and (except in the City of London) upon the London County Council the like powers as are conferred by section sixty-eight of the Public Health Act, 1925, upon authorities who are local authorities for the purposes of the Public Health Acts, 1875 to 1932; and any such order may incorporate with adaptations such of the provisions of this Act, of those Acts, and of the Local Government Act, 1933 (including provisions as to the compulsory acquisition of land) as may be necessary for the purpose of the application of the said section to London :

Provided that—

- (a) any such order shall provide that the powers thereby conferred shall not be exercised except after consultation with the Minister; and
- (b) no such order shall empower any such council as aforesaid to authorise the use as a parking place of any part of a street except as is provided by subsection (2) of section sixteen of this Act:

Provided also that the powers conferred upon the London County Council shall not extend to any area

[CH. 47.] *Restriction of* [25 & 26 GEO. 5.]
Ribbon Development Act, 1935.

A.D. 1935. — on or under any street repairable by the inhabitants at large except with the consent of the highway authority concerned.

(3) The Minister of Health may by order confer upon the London County Council the like powers as are conferred by section seventeen of this Act upon authorities who are local authorities for the purposes of the Public Health Acts, 1875 to 1932; and any such order may make such provision for requiring the submission to the London County Council of plans of buildings to which the said section applies as may be necessary for enabling the council to exercise those powers and may incorporate with adaptations such of the provisions of this Act and of the provisions of the London Building Act, 1930, relating to appeals as may be necessary for the purpose of the application of the said section to London :

20 & 21
Geo. 5.
c. clviii.

Provided that any such order shall provide—

- (a) that the powers thereby conferred shall not be exercised except after consultation with the Minister and after consultation, in the case of powers affecting the City of London, with the Common Council, and in the case of powers affecting any metropolitan borough, with the council of that metropolitan borough; and
- (b) that any appeal by a person aggrieved by the imposition of any condition shall be to the appeal tribunal under the London Building Act, 1930.

(4) Any order made under this section may be varied or revoked by any subsequent order made in like manner.

Provisions
as to local
inquiries.

21. The Minister may hold an inquiry in connection with any matter as to which he is authorised to act under this Act and the provisions of subsections (2) (3) (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any such inquiry as they apply to local inquiries held under that section but as if for references to a department there were substituted therein references to the Minister.

Service of
notices.

22. A notice which is required by this Act to be given or sent to any person may be given or sent either—

- (a) by delivering it to the person on whom it is to be served; or

- (b) by leaving it at the usual or last-known place of abode of that person; or A.D. 1935. —
- (c) by sending it in a prepaid letter addressed to that person at his usual or last-known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of premises on whom it should be served, or if the premises are unoccupied or the name of the occupier is not known, by addressing it to him by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

23.—(1) Subject to the provisions of this section, Savings.
nothing in this Act shall, save as otherwise expressly provided in section fourteen thereof, affect—

- (a) any right of a local authority including any drainage board to make any excavation for the purpose of laying, making, altering, repairing, or renewing any sewer, drain, watercourse, or other work or, in the case of a drainage board, to make, alter or repair any bank in connection with any watercourse; or
- (b) any right of statutory undertakers for gas or water, electricity, railways, tramways, trolley vehicles, or light railways, to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus; or
- (c) any land belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament, of any

[CH. 47.] *Restriction of* [25 & 26 GEO. 5.]
Ribbon Development Act, 1935.

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canal, inland navigation, dock or harbour where the land is held by them for the purposes of their railway, canal, inland navigation, dock or harbour, except in so far as they may consent thereto; or

- (d) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture, storage or distribution of gas, the generation, transformation or distribution of electricity, or as a pumping station or reservoir for water, or for the purposes of waterworks, except in so far as the undertakers may consent thereto:

Provided that—

- (i) any restrictions in force under section one or section two of this Act as to the construction, formation or laying out of means of access to or from any road shall, without any such consent as aforesaid, extend to any such land as is specified in paragraph (c) or paragraph (d) of this section in so far as the restrictions relate to means of access over or under such land to or from land other than land so specified; and
- (ii) any consent required for the purposes of this section shall not be unreasonably withheld, and any question whether or not consent so required is unreasonably withheld shall be determined by the Minister after consultation with any other Government Department concerned; and the decision of the Minister shall be final.

(2) Nothing in this Act shall affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1926, and for the purposes of those Acts any underground parking place situate under a street which is provided and maintained under section sixty-eight of the Public Health Act, 1925, shall be deemed to be a subway within the meaning of section six of the Telegraph Act, 1878.

41 & 42 Vict.
c. 76.

Interpreta-
tion.

24.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
“Agriculture” includes horticulture when carried on as a trade or business, and the use of land for any

purpose of husbandry, whether as arable, meadow, pasture-ground or orchard, or for the keeping or breeding of livestock or poultry, or for the purpose of a plantation or a wood, or for the growth of saleable underwood; and "agricultural" has a corresponding meaning: A.D. 1935.

"Building" includes neither fences, gates, posts, masts, ornaments, or other similar structures or erections required for the purposes of agriculture or of any dwelling-house or garden occupied with a dwelling-house, nor greenhouses or summer-houses required in connection with any such garden, nor temporary tents or scaffolding required for any purpose, but save as aforesaid includes any structure or erection of whatsoever material and in whatsoever manner constructed, and any part of a building:

"Burial ground" means any churchyard, cemetery, or other ground, whether consecrated or not, set apart for the purpose of interment:

"Chief officer of police" has the same meaning as in the Police Pensions Act, 1921:

"Classified road" means a road classified by the Minister under the Ministry of Transport Act, 1919, in Class I or Class II or any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929:

11 & 12
Geo. 5. c. 31.
9 & 10
Geo. 5. c. 50.

"Contravention", in relation to any restriction or condition, includes any failure to comply with that restriction or condition:

"Excavation", in relation to any piece of land, does not include any workings which do not pierce the surface of that piece of land:

"Land" includes land covered with water and any right in, over, or under land:

"Means of access" includes any means of access, whether private or public, for vehicles or for foot passengers, and includes any street:

"Middle of the road" means, in relation to any road for the improvement of which plans have been prepared by the highway authority with the approval of the Minister, the middle of the

A.D. 1935.
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road as proposed to be improved in accordance with the plans, and in cases where no such plans have been prepared, the point half-way between the boundaries of the road :

“ Minister ” means the Minister of Transport :

“ Owner ” in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land :

“ Place of public resort ” has the meaning assigned to it by subsection (6) of section thirty-six of the Public Health Acts Amendment Act, 1890 :

“ Planning authority ” means, in relation to any land subject to a planning scheme or a resolution to prepare or adopt such a scheme, the authority having power to control the development or interim development of that land, and in paragraph (c) of subsection (1) of section three of this Act includes any tribunal or authority to whom an appeal lies from any decision given by an authority having such power as aforesaid :

15 & 16
Geo. 5. c. 16.

“ Planning scheme ” means a scheme under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or under any enactment repealed by either of those Acts :

“ Proposed road ” means land upon which in accordance with plans approved by the Minister a highway authority are for the time being constructing or intending to construct a highway or part of a highway shown in the plans which will be repairable by the inhabitants at large :

36 & 37 Vict.
c. 48.

“ Railway company ” has the same meaning as in the Regulation of Railways Act, 1873 :

“ Road ” means a highway repairable by the inhabitants at large and includes any part of such a highway and any proposed road and any bridge over which such a highway passes or a proposed road is intended to pass :

“ Statutory undertakers ” means any persons authorised by any public, general, or local Act or order having the force of an Act to