



Towns Improvement Clauses Act 1847

1847 CHAPTER 34 10 and 11 Vict

New streets

And with respect to laying out new streets, be it enacted as follows:

57 Notice of intention to lay out new streets to be given to commissioners.

Every person who intends to make or lay out any new street shall give notice thereof to the commissioners, in order that the level of such street may be fixed by the commissioners.

58 Levels to be fixed by the surveyor to the commissioners.

The level of every new street shall be fixed under the direction of the surveyor of the commissioners, subject to such right of appeal as hereafter mentioned; and the level so fixed, if not altered on appeal, shall be kept thereafter by every person raising any house or other building in such street.

59 If the commissioners fail to fix the level, the party may proceed without.

If the commissioners do not fix such level within six weeks from the time of the delivery of such notice as aforesaid, unless the fixing of such level be delayed by the appeal herein-after provided, the person giving such notice may proceed to lay out the street at any level which will allow of compliance with the other provisions of this and the special Act, as if such level had been fixed by the commissioners; and in such case every change of the level which the commissioners afterwards deem requisite, and the works consequent thereon, shall be made by the commissioners, and the expence thereof, and any damage which any person sustains in consequence of such alteration, shall be defrayed by them.

Changes to legislation: There are currently no known outstanding effects for the Towns Improvement Clauses Act 1847, Cross Heading: New streets. (See end of Document for details)

60 Persons laying out streets without notice to be liable to the expences of subsequent alterations of levels.

Every person who makes or lays out any such new street as aforesaid, without causing such notice to be given to the commissioners as aforesaid, shall be liable to defray all the expences consequent upon any change of the level of the said street deemed requisite by the commissioners; and every person who in building any house or other building in such street does not keep the level fixed by the commissioners shall be liable to defray all the expences consequent upon any change of the level of that part of the street on which such house or building abuts which the commissioners deem requisite.

61 Situation of gas and water pipes to be altered at the expence of the commissioners.

For the purposes of this or the special Act, if the commissioners deem it necessary to raise, sink, or otherwise alter the situation of any water pipe or gas pipe, or other waterworks or gasworks laid in any of the streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the commissioners direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expences attending such raising, sinking, or altering, and full compensation for every damage done thereby, shall be paid by the commissioners, as well to the persons to whom such pipes or works belong as to all other persons.

Modifications etc. (not altering text)

C1 S. 61 excluded by [Public Utilities Street Works Act 1950 \(c. 39\)](#), s. 24, [Sch. 5](#)

62 If gas or water company neglect to make the alteration, the commissioners may cause the same to be done.

If the person to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the commissioners require, the commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

63 As to the width of new streets.

It shall not be lawful to make or lay out any new street unless the same be of the prescribed width, or, where no width is prescribed, unless the same, being a carriage road, be at least thirty feet wide, or, not being a carriage road, be at least twenty feet wide.

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