

Roads Improvement Act, 1925.

[15 & 16 GEO. 5. CH. 68.]

ARRANGEMENT OF SECTIONS.

A.D. 1925.

Section.

1. Planting of trees and laying out of grass margins in highways.
2. Amendment of s. 8 of 9 Edw. 7. c. 47.
3. Acquisition of land to be given in exchange for common land, &c.
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CHAPTER 68.

An Act to make further provision for the improve- A.D. 1925.
ment of roads, including the prescription of
building lines, and for purposes connected
therewith. [7th August 1925.]

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:—

1.—(1) The Minister of Transport (hereinafter re-
ferred to as the Minister) and any county council or
other highway authority shall have power to cause
trees or shrubs to be planted and grass margins to be
laid out in any highway maintainable by him or them
respectively; and to erect and maintain guards or fences
and otherwise to do anything expedient for the main-
tenance or protection of such trees, shrubs and grass
margins. Planting of
trees and
laying out
of grass
margins in
highways.

(2) No such tree, shrub, grass margin, guard or
fence shall be placed, laid out or allowed to remain in
such a situation as to hinder the reasonable use of the
highway by any person entitled to the use thereof, or so
as to be a nuisance or injurious to the owner or occupier
of any land or premises adjacent to the highway.

(3) The powers conferred by this section shall not
be exercised by the Minister, or any county council or

A.D. 1925. — other highway authority except in a highway vested in him or them respectively, or upon land so vested which forms part of a highway.

(4) Where an urban authority incurs expenses under this section in connection with a main road which is maintained and repaired by that authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the expenses shall not be treated as part of the costs towards which the county council are required to make an annual payment under that subsection except where and so far as the county council consent to their being so treated.

51 & 52 Vict.
c. 41.

(5) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Minister, county council or other highway authority by whom the powers were exercised.

(6) For the purposes of section seven of the Telegraph Act, 1878, any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and any county council or highway authority carrying out the work shall be deemed to be the undertakers.

41 & 42 Vict.
c. 76.

Amend-
ment of s. 8
of 9 Edw. 7.
c. 47.

2. For the purposes of Part II. of the Development and Road Improvement Funds Act, 1909, the expression "improvement of roads" shall, in addition to the matters specified in subsection (5) of section eight of that Act, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside roads, the placing on or near roads of notices, milestones and sign posts, the freeing of roads from tolls, and the prescription of building lines along roads.

Acquisition
of land to
be given in
exchange for
common
land, &c.

3. Where under Part II. of the Development and Road Improvement Funds Act, 1909, a new road is constructed, or an advance is made in respect of the construction or improvement of a road, and land forming part of any common, open space, or allotment, is under any enactment acquired, or proposed to be acquired, for the purposes of such construction or improvement, if any land is required for the purpose of being given in

exchange for such land, the land required to be given in exchange shall be deemed to be required for the purpose of the construction or improvement of the road, and the provisions of section eleven of the said Act, as amended by any subsequent enactment, shall apply accordingly.

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4.—(1) Where the Minister or any county council or other highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction to the view of persons using the highway to impose restrictions with respect to any land at or near any corner or bend in a highway maintainable by him or them, respectively, the Minister, county council, or other highway authority may serve a notice—

Prevention of obstruction to view at corners.

- (a) upon the owner or occupier of the land directing him to alter the height or character of any wall (not being a wall forming part of the structure of a permanent edifice), fence, or hedge thereon so as to cause it to conform with any requirements specified in the notice; or
- (b) upon every owner, occupier and lessee of the land restraining them either absolutely or subject to such conditions as may be specified in the notice, from permitting any building, wall, fence, or hedge to be erected or planted on the land:

Provided that—

- (i) there shall be annexed to any notice served under this section a plan showing the land to which the notice relates; and
- (ii) a notice restraining the erection of any building upon land shall not be served by the Minister or any county council or other highway authority except with the consent of the local authority for the district in which the land is situated; and
- (iii) the owner or occupier of any land shall not be restrained by a notice served under this section from executing or permitting the reconstruction or repair in such manner as not to create any new obstruction to the view of persons using the highways adjacent to the land of any building which was upon the land before the service of the notice.

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(2) Any restrictions imposed by a notice served under this section shall come into force upon the service of the notice and shall remain in force until the notice is withdrawn by the Minister, county council, or other highway authority by whom it was served, and any such restrictions shall, while in force, be binding upon any successor in title to the owner or occupier of the land to which they relate unless he proves that when he became the owner or occupier of the land he had, after making due inquiries, no reasonable cause to suspect that any such restrictions were in force.

(3) If any person upon whom a notice has been served under this section objects to comply with any requirement of the notice, or objects to any restriction imposed thereby, he may, within fourteen days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the authority by whom the notice was served, and thereupon the question whether the notice shall be withdrawn as respects any requirement or restriction objected to shall be determined in the manner provided by this Act.

(4) Any person upon whom a notice is served under this section shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(5) Where notice has been served upon any person under this section, the Minister, county council, or other highway authority by whom the notice was served may, with the consent of that person, do on his behalf anything necessary for complying with the requirements of the notice.

(6) Subject to the provisions of this section, if any person upon whom a notice has been served under this section fails to comply with the requirements of, or acts in contravention of, the notice, 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 penalty not exceeding five pounds, and any person so convicted shall within such time as the court may allow do all such things as may be necessary to conform to the requirements or restrictions imposed by the notice, and if he fails to do so he shall be deemed to commit a continuing offence, and

shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues. A.D. 1925. —

(7) Any person upon whom a notice is served under this section shall be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served any expenses reasonably incurred by him in carrying out any directions contained in the notice; and any person sustaining loss in direct consequence of any requirement of a notice served under this section, or any person who proves that his property is injuriously affected by restrictions imposed by any such notice shall, if he makes a claim within six months after the service of the notice be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served compensation for the injury sustained.

(8) The improvement of a road by a county council or other highway authority in exercise of their powers under this section shall, whether or not land is required to be purchased for the purpose, be deemed to be an improvement in respect of which the Minister is empowered to make advances under section eight of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment.

(9) Nothing in this section shall—

- (a) authorise the service of a notice under this section with respect to any wall forming part of an ancient monument or other object of archaeological interest, except with the consent in writing of the Commissioners of Works; or
- (b) apply with respect to any wall belonging to a railway company or to the owners, trustees, or conservators acting under powers conferred by Parliament of any canal, inland navigation, dock, or harbour where the wall forms part of or is necessary for the maintenance of their railway, canal, inland navigation, dock, or harbour.

5.—(1) Subject to the provisions of this section a county council or other highway authority may by resolution prescribe in relation to either side of any part of a highway maintainable by them a frontage line for Prescription of building lines.

A.D. 1925. building (in this section referred to as “ a building line ”):
—

Provided that—

(a) the Minister may by order direct that a building line shall not be prescribed under this section in relation to any class of road classified by him under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered; and

9 & 10 Geo. 5.
c. 50.

(b) before a building line is prescribed under this section—

(i) affecting any main road maintainable by an urban authority by virtue of the provisions of subsection (2) of section eleven of the Local Government Act, 1888, notification of the building line proposed to be prescribed shall be sent to the council of any county in which any land proposed to be affected is situated; or

(ii) by any county council, notification of the building line proposed to be prescribed shall be sent to the local authority for every district in which any land proposed to be affected is situated, and to every authority for the time being authorised to make a scheme under the Town Planning Act, 1925, or under any enactment repealed by that Act, in respect of any such district,

15 Geo. 5.
c. 16.

and any observations by an authority to whom notification has been sent as aforesaid, which are made within three months after the receipt of the notification shall be considered by the authority proposing to prescribe the building line.

(2) Any building line proposed to be prescribed and every building line prescribed under this section shall be distinctly marked and shown on plans to be signed by, and deposited with, the clerk of the authority prescribing the building line, and the said plans shall be at all reasonable times thereafter open for the inspection of

the public without charge; and any county council or other highway authority prescribing a building line under this section—

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- (a) before the building line is prescribed shall give notice in writing of the proposal to prescribe the building line and of the times and place at which the plans aforesaid can be inspected, by serving a notice in writing upon every owner, occupier and lessee of land proposed to be affected, and shall consider any objection to the proposal made within six weeks after the service of the notice;
- (b) within six weeks after the building line has been prescribed, shall cause the plan showing the building line to be sealed and authenticated by the signature of their clerk, and shall serve upon every owner, occupier and lessee of land affected a notice in writing of the prescription of the building line and of the times and place at which the said plan can be inspected.

(3) Where a building line prescribed under this section is in force it shall not be lawful, except with the consent of the authority by whom the building line was prescribed, to erect or make nearer to the middle of the highway than the building line any new building, other than a boundary wall or fence, or any permanent excavation below the level of the highway:

Provided that the consent of a county council or other highway authority for the purposes of this subsection may be given subject to such conditions as the authority think fit to impose, and any conditions so imposed shall be binding upon any successor in title to the owner, occupier or lessee of any land to which they relate.

(4) If any person erects or makes, or permits to be erected or made, any new building, or permanent excavation in contravention of the provisions of this section, 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 penalty not exceeding five pounds, and any person so convicted shall, within such time as the court may allow, remove any building erected, or fill in any excavation made in contravention of this section, and if

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A.D. 1925. — he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(5) Any person who proves that his property is injuriously affected by the prescription of a building line under this section shall, if he makes a claim within six months after the prescription thereof, or in the case of an owner, occupier, or lessee, within six months after the service upon him of a notice of the prescription thereof, be entitled to recover from the county council or other highway authority by whom the building line was prescribed, compensation for the injury sustained, 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 appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919 :

9&10 Geo. 5.
c. 57.

Provided that in determining any such question as aforesaid—

- (a) no compensation shall be payable to any person in respect of anything done by him or on his behalf after the date of the service upon him of a notice of the proposal to prescribe a building line, except in respect of anything done in pursuance of a contract made, or for the purpose of finishing a building begun, before that date; and
- (b) there shall be taken into account any benefit accruing to the person to whom compensation is payable, by reason of any improvement made or about to be made to the highway.

(6) In the administrative County of London the powers conferred by this section shall not be exercised except by the London County Council, and may be exercised by that council in relation to any highway, whether maintainable by them, by the Common Council of the City of London, or by a metropolitan borough council; and all expenses of the London County Council incurred under this section, so far as not defrayed out of any advance made by the Minister, shall be defrayed as expenses for general county purposes :

Provided that the Common Council of the City of London and any metropolitan borough council may, as part of the general expenses of the council, pay or contribute towards the payment of any expenses incurred by the London County Council under this section. A.D. 1925.

(7) The powers conferred by this section shall be in addition to, and not in derogation of, any powers conferred by any other Act :

Provided that a county council or other highway authority shall not, except with the consent of the Minister of Health and subject to any conditions imposed by him, exercise the powers conferred by this section with respect to any land to which a resolution having effect under section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act, extends.

(8) Nothing in this section shall affect—

- (a) any right of statutory undertakers for gas, water, electricity, tramways or light railways, to make any excavation for the purpose of laying, altering, repairing or renewing any main, pipe, electric line, duct or other apparatus ; or
- (b) any land belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament, of any 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
- (c) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture or storage of gas, the generating of electricity, or as a pumping station or reservoir for water, except in so far as the undertakers may consent thereto :

Provided that any consent required for the purposes of this subsection 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 the Minister of Health.

A.D. 1925.

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Power to
conduct
experi-
ments.

6.—(1) The Minister may, either by himself or through any authority or other organisation approved by him, conduct experiments or trials for the improvement of the construction of roads, or for testing the effect of various classes of vehicles on various types of roads, and may construct such roads and works, erect such plant, provide such accommodation, and, subject to the approval of the Treasury, incur such expenditure as may be necessary for the purpose.

(2) An experiment or trial under this section shall not be conducted on any highway except with the consent of the authority or person responsible for the maintenance of the highway, and, where the highway is a main road maintained by an urban authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the consent of the county council also.

(3) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Minister.

Joint
exercise of
powers.

7. The powers conferred by this Act upon the Minister, or any county council or other highway authority may, by agreement between any of them respectively, be exercised jointly, and any such agreement may provide for the apportionment of any expenses incurred thereunder.

Expenses.

8. All expenses under this Act incurred by the Minister shall be paid out of the Road Fund, and all such expenses incurred by a county council or other highway authority, so far as not defrayed out of any advance made by the Minister, shall, except as otherwise in this Act expressly provided, be defrayed as expenses incurred by the county council or authority in exercise of their powers as a highway authority, and the enactments relating to such expenses, including the provisions thereof as to borrowing, shall apply accordingly.

Deter-
mination of
questions.

9.—(1) If any question arises—

(a) whether compensation is payable under any of the provisions of this Act except section

five thereof or as to the amount of any compensation so payable ; or A.D. 1925.

- (b) whether a notice served under section four of this Act shall be withdrawn as respects any requirement or restriction objected to in manner provided by this Act; or
- (c) whether any expenses were reasonably incurred by any person in carrying out directions contained in a notice served under section four of this Act;

the question shall be decided, if the parties so agree, by a single arbitrator appointed by them, or in default of such agreement as aforesaid, by the county court.

(2) A county court shall have jurisdiction to deal with any such question as aforesaid, notwithstanding that, by reason of the amount of claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

(3) In determining any question whether a notice served under section four of this Act shall be withdrawn as respects a requirement or restriction objected to, the arbitrator or court shall have power to order that the requirement or restriction shall have effect subject to such modifications, if any, as the arbitrator or court may direct.

(4) Except in so far as they may be applied by county court rules, the provisions of the Arbitration Act, 1889, shall not apply to any proceedings in a county court under this Act. 52 & 53 Vict. c. 49.

10. Subject as hereinafter provided, every notice which may be served under this Act may be served either by delivering it or leaving it at the usual or last known place of abode of the person on whom it is to be served, or by sending it by post as a registered letter addressed to him at his usual or last known place of abode, or if that cannot be found, by fixing it on some conspicuous part of the land ; and any such notice or document may be addressed, as the case may require, to the "owner," "occupier" or "lessee" of the land (describing it) without further name or description : Provisions as to notices.

Provided that a notice requiring the owner or occupier of land to alter the height or character of any

A.D. 1925. — wall, fence or hedge thereon shall be served personally upon him or his agent, or upon some person having charge of his affairs, and if the notice is served upon the occupier a copy thereof shall be served upon the owner, or if it is served upon the owner a copy thereof shall be served upon the occupier of the land.

Interpretation.

11. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“Building” includes any erection of whatsoever material and in whatsoever manner constructed, and any part of a building;

“Common, open space and allotment” have the meanings respectively assigned to them by the Development and Road Improvement Funds Act, 1909;

“Fence” includes any hoarding or paling;

“Hedge” includes any tree or shrub, whether forming part of a hedge or not;

“Local authority for the district” means as respects land within the administrative County of London, the Common Council of the City of London, or a metropolitan borough council, as the case may require, and as respects any other land, the district council;

“New building” includes any addition to an existing building;

“Owner” has the same meaning as in the Public Health Acts, 1875 to 1907;

“Road” includes any bridge, viaduct, subway, road, ferry and footway;

“Wall” includes any partition of whatsoever material constructed, and any bank.

Application to Scotland.

12. In the application of this Act to Scotland—

(a) a reference to the Scottish Board of Health shall be substituted for any reference to the Minister of Health, and a reference to the Town Planning (Scotland) Act, 1925, shall be substituted for any reference to the Town Planning Act, 1925;

15 Geo. 5.
c. 17.

- (b) The expression “highway authority” shall mean a county council or a district committee in a county divided into districts, or a town council charged with the management and maintenance of the highways in the burgh; A.D. 1925. —
- (c) The expression “county court” shall mean sheriff court;
- (d) Subsection (3) of section one shall not apply as regards any highway authority, but the powers conferred by that section shall not be exercised by any county council, district committee, or town council in any highway or in any land forming part thereof unless the county council, district committee, or the town council of the county, district or burgh in which such highway is situated is charged with the management and maintenance thereof;
- (e) paragraph (ii) of the proviso to subsection (1) of section four, and paragraph (b) of the proviso to subsection (1) of section five shall not apply, but a notice restraining the erection of any building on land situated within a burgh the town council of which is not charged with the management and maintenance of the highways therein, shall not be served without the consent of such town council, and a building line affecting land within any such burgh shall not be prescribed by a county council or by a district committee without the consent of the town council of such burgh.

13.—(1) This Act may be cited as the Roads Improvement Act, 1925. Short title and extent.

(2) This Act shall not extend to Northern Ireland.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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ISBN 10 516186 1