



Highways Act 1980

1980 CHAPTER 66

PART XI

MAKING UP OF PRIVATE STREETS

Introductory

203 Interpretation of Part XI.

- (1) In this Part of this Act (and elsewhere in this Act) “the private street works code” means sections 205 to 218 below; and “the advance payments code” means sections 219 to 225 below.
- (2) In this Part of this Act “private street” means a street that is not a highway maintainable at the public expense, and—
 - (a) includes any land that is deemed to be a private street by virtue of a declaration made under section 232 below, and
 - (b) for the purpose of the application of the advance payments code or section 229 below in relation to any building, includes—
 - (i) any land shown as a proposed street on plans deposited with respect to that building either under building regulations or on an application for planning permission under [^{F1}the Town and Country Planning Act 1990], and

^{F2}(ii)

but the fact that a part of a street is a highway maintainable at the public expense does not prevent any other part of it from being a part of a private street for the purposes of this Part of this Act.

- (3) In this Part of this Act—
 - “contributory place” has the same meaning as in section 343 of the ^{M1}Public Health Act 1936;
 - “fronting” includes adjoining, and “front” is to be construed accordingly;

Status: Point in time view as at 01/04/1996.

Changes to legislation: Highways Act 1980, Cross Heading: Introductory is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“industrial premises” means premises used or designed or suitable for use for the carrying on of any such process or research as is specified in section 66(1) of the ^{M2}Town and Country Planning Act 1971, and includes premises used for purposes ancillary to the carrying on of any such process or research;

“local Act” includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;

“paving, metalling and flagging” includes all methods of making a carriageway or footway;

“place of public religious worship” means a place of public religious worship which belongs to the Church of England or to the Church in Wales (within the meaning of the ^{M3}Welsh Church Act 1914), or which is for the time being certified as required by law as a place of religious worship;

“street works” means any works for the sewerage, levelling, paving, metalling, flagging, channelling and making good of a street, and includes the provision of proper means for lighting a street;

“street works authority” means—

- (a) as respects a street outside Greater London, the council of the county [^{F3}or metropolitan district] in which the street is situated,
- (b) as respects a street in a London borough, the council of the borough, and
- (c) as respects a street in the City, the Common Council.

(4) For the purposes of the advance payments code and of section 229 below, the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied, with the building and for the purposes of it has or will have on the street.

(5) In ascertaining a majority in number of owners for the purposes of any provision of this Part of this Act, joint owners are to be treated as one owner.

Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(11\)](#)
- F2** [S. 203\(2\)\(b\)\(ii\)](#) repealed (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 84\(6\), Sch. 19 Pt.V](#) (with ss. 81(2), 84(5); S.I. 1991/2067, [art.3](#)).
- F3** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 8, Sch. 4 para. 33](#)

Modifications etc. (not altering text)

- C1** [S. 203](#): definition of "street works" applied (23.7.1991) by S.I. 1991/1760, [art. 10\(3\)](#)

Marginal Citations

- M1** 1936 c. 49.
- M2** 1971 c. 78.
- M3** 1914 c. 91.

204 Purposes and application of private street works code and advance payments code.

(1) The private street works code has effect for securing the execution of street works in private streets anywhere in England or Wales.

Status: Point in time view as at 01/04/1996.

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- (2) The advance payments code has effect for securing payment of the expenses of the execution of street works in private streets adjacent to new buildings, and applies—
- (a) in all outer London boroughs;
 - (b) in all areas in counties in which the advance payments code in the ^{M4}Highways Act 1959 (which is replaced by the advance payments code in this Act) was in force immediately before 1st April 1974; and
 - (c) in any parish or community in which the advance payments code in the Highways Act 1959 was, after 1st April 1974, adopted in accordance with Schedule 14 to that Act, or in which the advance payments code is adopted in accordance with Schedule 15 to this Act.
- [^{F4}(3) The areas in which the advance payments code applies by virtue of subsection (2)(b) above shall be taken to include any area in Wales—
- (a) which is, or is in, a county borough; and
 - (b) in which the code applied immediately before 1st April 1996 by virtue of that subsection.]

Textual Amendments

F4 S. 204(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para.17** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.

Marginal Citations

M4 1959 c. 25.

Status:

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