Status: Point in time view as at 01/02/1991.

Changes to legislation: Highways Act 1980, Section 222 is up to date with all changes known to be in force on or before 18 July 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)

Highways Act 1980

1980 CHAPTER 66

PART XI

MAKING UP OF PRIVATE STREETS

The advance payments code.

222   Sums paid or secured to be in discharge of further liability for street works.

(1) Where a sum has been paid or secured under section 219 above by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, the liability of that owner or any subsequent owner of that land in respect of the carrying out of street works in that street under the private street works code (" the street works liability") is, as respects that frontage, to be deemed to be discharged to the extent of the sum so paid or secured.

(2) If, when the street is declared to be a highway which for the purposes of this Act is a highway maintainable at the public expense, the said sum is found to exceed the total street works liability in respect of that frontage or there is no such liability because the street was not made up at the expense of the street works authority, the street works authority—

(a)   if the sum was paid, shall refund the amount of the excess or, as the case may be, the whole sum to the person who is for the time being owner of the land;

(b)   if the sum was secured and the person whose property is security for the payment of it is for the time being owner of the land, shall release the security to the extent of the excess or, as the case may be, the whole security;

(c)   if the sum was secured and the person whose property is security for the payment of it is not for the time being owner of the land, shall pay to that owner an amount equal to the excess or, as the case may be, the whole sum, and are entitled to realise the security for the purpose of recovering the amount so paid.

(3) Where land in respect of which a sum has been paid or secured under section 219 above is subsequently divided into 2 or more parts so that 2 or more owners incur or

would incur the street works liability, the sum is to be treated as apportioned between those owners according to their respective frontages, and if the sum was secured and the security is the property of one only of those owners the street works authority—

(a) are required under subsection (2)(b) above to release the security only to the extent to which the amount apportioned to that owner exceeds his street works liability or, as the case may be, to the extent of the whole of that amount, and

(b) are entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under subsection (2)(c) above.

(4) Where any refund, release or payment has been made under section 220(7) above, or under section 221 above, the foregoing provisions of this section have effect as if for references therein to a sum paid or secured there were substituted references to any sum remaining paid or secured.

Modifications etc. (not altering text)
  C1   Ss. 221–223 modified by Building Act 1984 (c. 55, SIF 15), **ss. 48(2)(3)**, 49(8)

Status:
Point in time view as at 01/02/1991.

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