

November 2007

NAMING AND NUMBERING OF STREETS

Introduction

1. There are two separate, and mutually exclusive, sets of statutory provisions which govern the naming and numbering of streets in England and Wales (outside Greater London). The provisions are contained in
 - a) Sections 64 and 65 of the Towns Improvement Clauses Act 1847, and s.21 of the Public Health Acts Amendment Act 1907, and
 - b) S.17, s.18 and s.19 of the Public Health Act 1925.

Which set of provisions applies?

2. Either of the provisions will apply - but not both. The complex history of the Act is set out in paragraphs 16 - 19 below. In view of the somewhat complex law governing the application of the Acts to particular districts, a local council should always ask the district council which set applies in the district.

The Towns Improvement Clauses Act 1847

3. In areas where s.64 and s.65 of the 1847 Act are in force it is the **duty** of the district council to have put up or painted in a conspicuous place at or near each end, corner or entrance of every street the name by which the street is known. The council may also cause the houses and buildings in a street to be numbered.
4. It is an offence to destroy, pull down or deface any such name or number, or to put up a different name or number. The maximum penalty on conviction is a fine not exceeding level 1 on the standard scale (currently £200).

5. The occupiers of houses or buildings in a street must, if so required by the district council, mark their premises with the number(s) approved by the council and must renew the numbers as and when they become obliterated or defaced. If an occupier is served with a notice by the council requiring him to number, or renew a number on, his premises and fails to do so within one week, he is guilty of an offence. On conviction, the maximum penalty is a fine not exceeding level 1 on the standard scale (currently £200). The council must then carry out the work of numbering or renewal and may recover the cost of occupier.

The Public Health Acts Amendment Act 1907

6. S.21 of the 1907 Act provides that the district council may, with the consent of two thirds in number of the ratepayers and persons who are liable to pay an amount in respect of council tax in any street, alter the name of the street, or part of the street. The council may cause the name of the street, or part of the street, to be painted or otherwise marked on a conspicuous part of any building or other erection. A person who wilfully and without consent of the council obliterates, defaces, removes, obscures, or alters the name is liable to a penalty not exceeding level 1 of the current standard scale (currently £200)

The Public Health Act 1925

7. In areas where s.17 to s.19 of the 1925 Act are in force, the district council has **duty** to mark the name of the street in a conspicuous position on any house, building or erection in the street and to alter or renew the inscription as and when the name is changed or the inscription becomes illegible.
8. It is an offence to pull down a street name inscription, or to set up a different name, or to place a notice or advertisement within 12 inches of any street name marked on a house etc. On conviction the maximum penalty is a fine not exceeding level 1 on the standard scale (currently £200) and a daily penalty not exceeding £1.
9. A district council may by order alter the name of any street, or part of a street, or may assign a name to any street, or part thereof, which has no name. Not less than a month before making such an order, the council must post a notice of its intention to make the order at each end of the street or in some conspicuous position therein. Any person aggrieved by the intended order may appeal to a magistrates' court within 21 days after the posting of the notice. A local council is a 'person' in this context; see the

Winter 1987 issue of the Local Council Review for a case where a town council made a successful appeal.

10. Before a street is named, the person proposing to name the street must send notice of the proposed name to the district council (s.17(1)). Within one month after receipt of the notice, the council may object to the proposed name by sending written notice to that effect to the proposer (s.17(2)). The proposer may then, within 21 days after service of the notice, appeal against the objection to a magistrates' court (s.17(4)).
11. It is unlawful to put up the name of a street
 - a) Until the expiration of one month after the notice of the proposed name has been sent to the district council; and
 - b) Where the council has objected to the name unless and until the objection is withdrawn or overruled by a magistrates' court.
12. The maximum penalty on conviction is a fine not exceeding level 1 on the standard scale (currently £200) and a daily penalty not exceeding £1.
13. It should be noted that local councils do not have to be notified or consulted, about a proposal to name a new street. In practice local councils are often consulted both by builders and developers and by district councils.

The meaning of 'street'

14. In the 1847 Act the word 'street' is defined to 'extend to and include any road, square, court, alley and thoroughfare' in the area in which the Act is in force.
15. In the 1907 and 1927 Acts the word 'street' is defined as follows:

“street' includes any highway and any public bridge (not being a county bridge) and any road, lane footway, square, court, alley or passage whether a thoroughfare or not.”

Application of the Acts

16. The 1847 Act provisions applied initially only to towns which obtained private legislation incorporating the provisions. In 1875 they were extended to all county

boroughs, non county boroughs and urban districts and in 1949 to all rural districts. They continue to apply in the areas of those successor authorities (district councils) where the 1925 Act provisions have not been adopted by the district council to its pre-1974 predecessor authority.

17. The 1907 Act originally operated only in areas to which it was applied by the Minister of Health or the Secretary of State. It remains in force in those areas it applied to on the 31 March 1974 (unless and until the district council adopts the 1925 Act provisions).
18. The 1925 Act provisions are in force in all areas where they applied on 31 March 1974 and in those areas where they have subsequently been adopted by the district council.
19. Under Part II of schedule 14 to the Local Government Act 1972 a district council may resolve to apply, or disapply, any of the forgoing provisions in respect of the whole of its area. The effect of applying s.18 of the 1925 Act (paragraph 7 above) is to disapply s.21 of the 1907 Act (explained in paragraph 6 above). The effect of applying s.19 of the 1925 Act (paragraph 7 above) is to disapply s.64 and s.65 of the 1847 Act (explained in paragraphs 3, 4 and 5 above) and vice versa.

Enforcement of the Acts

20. None of the Acts provide a specific sanction for failure to carry out duties imposed thereunder. If a district council wilfully or unreasonably refuses or fails to carry them out, an aggrieved person (including a local council) has power to seek to enforce the duties by applying for judicial review in the High Court.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
15	Legal Proceedings	Sets out the relevant principles in respect of Judicial Review.