

Status:  Law In Force

## Public Health Act 1925 c. 71

### Part II STREETS AND BUILDINGS

#### Street Bins, Drinking Fountains, Fire Alarms, &c.

This version in force from: **Date not available to present**

(version 1 of 1)

#### 16.— Main roads and premises of statutory undertakers.

(1) The powers conferred on the local authority by the foregoing sections of this Part of this Act shall not be exercised [...]

[1](#)

so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company, or any premises belonging to other statutory undertakers and used for the purposes of their undertaking [...]

[2](#)

[...]

[3](#)

[4](#)

[5](#)

#### Notes

[1.](#)

Words repealed by Local Government Act 1972 (c. 70), Sch. 30

[2.](#)

Words repealed by Highways Act 1959 (c. 25), Sch. 25

[3.](#)

Repealed by Local Government Act 1972 (c. 70), Sch. 30

[4.](#)

Act amended by Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government Act 1972 (c. 70), s. 180; Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(4)(a) Act extended and amended (Greater London) by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, 2 Act extended by Local Government Act 1972 (c. 70), Sch. 14 Pt. II paras. 23, 24 Act extended (England, Wales) by Gas Act 1986 (c.44), s. 67(1), (3) Sch. 7 para. 2(1)(i), Sch. 8 para. 33, Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Electricity Act 1989 (c.29), s.112(1)(3),

[5.](#)

S. 16 extended by Electricity Act 1989 (c.29), s. 112(1)(3), Sch. 16 para. 1(1)(i), Sch. 17 paras. 33, 35(1)

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**Subject:** Health **Other related subjects:** Transport; Utilities

**Keywords:** Access; Local authorities' powers and duties; Obstruction; Premises; Public health; Railway companies; Statutory undertakings

Status:  Law In Force

## Public Health Act 1925 c. 71

### Part II STREETS AND BUILDINGS

#### Naming of Streets

This version in force from: **Date not available to present**

(version 1 of 1)

#### 17.— Notice to urban authority before street is named.

(1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.

(2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.

(3) It shall not be lawful to set up in any street an inscription of the name thereof—

(a) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and

(b) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal;

and any person acting in contravention of this provision shall be liable to a penalty not exceeding [level 1 on the standard scale]

<sup>1</sup>

and to a daily penalty not exceeding [£1]

<sup>2</sup>

.

(4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a petty sessional court.

<sup>3</sup>

<sup>4</sup>

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#### Notes

<sup>1</sup>.

Words substituted by virtue of Criminal Justice Act 1982 (c.48), s. 46

<sup>2</sup>.

Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

<sup>3</sup>.

Act amended by Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government Act 1972 (c. 70), s. 180; Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(4)(a) Act extended and amended (Greater London) by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, 2 Act extended by Local Government Act 1972 (c. 70), Sch. 14 Pt. II paras. 23,

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## Public Health Act 1925 c. 71

### Part II STREETS AND BUILDINGS

#### Naming of Streets

This version in force from: **Date not available to present**

(version 1 of 1)

#### 18.— Alteration of name of street.

(1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.

(2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

(3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty sessional court against the intended order at the instance of any person aggrieved.

(4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a petty sessional court.

[...]

[1](#)

[2](#)

[3](#)

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#### Notes

[1.](#)

Repealed by Local Government Act 1972 (c. 70), Sch. 30

[2.](#)

Act amended by Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government Act 1972 (c. 70), s. 180; Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(4)(a) Act extended and amended (Greater London) by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, 2 Act extended by Local Government Act 1972 (c. 70), Sch. 14 Pt. II paras. 23, 24 Act extended (England, Wales) by Gas Act 1986 (c.44), s. 67(1), (3)Sch. 7 para. 2(1)(i), Sch. 8 para. 33, Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Electricity Act 1989 (c.29), s.112(1)(3),

[3.](#)

Power to extend or exclude section 18 conferred by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 25 S. 18 excluded (Greater London) by Local Government Act 1972 (c. 70); Sch. 14 Pt. II para. 26; modified by S.I. 1973/686, art. 3(1), Sch. 3

#### Modifications

Pt II s. 18	Modified by <a href="#">Walkways Regulations 1973/686, Sch. 3 para. 1, reg. 3(1)</a>
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## Annotation

### Section 18

#### Case Note:

“Section 18 empowers the Council by order to alter the name of any street. Other than the giving of notice, it imposes no preconditions on the exercise of that power. It gives no direction as to factors to which the council is required to have regard in making such a decision. I see no grounds on which a Court could read into the exercise of the statutory power any requirements to be met, or matters to be considered, before the power is exercised, beyond those required by familiar principles of public law, namely to have regard to all that is relevant and to disregard all that is not.

“33. In my judgment that is not surprising. The nature of the power in question is one that demands a subjective judgement by the Council. It can no more be governed by predetermined requirements than can the naming of a child in this country. Essentially, Parliament has given the Council the right to choose a name.

“34. There can be no doubt that it is the council who makes the primary decision. The right of appeal given to ‘those aggrieved’ by [section 8](#) does not change the identity of the primary decision maker. The entitlement in the court on hearing the appeal to ‘make such order ... as they consider reasonable’ describes the remedies available to the court in disposing of the appeal; it does not make the magistrates court the body charged with the decision whether or not to alter the street name. It follows that before determining what order is required the magistrates’ court must first determine whether or not the appeal succeeds; whether or not the Council’s decision was ‘wrong’.

“35. The statute provides no guidance as to the test which should be applied in determining whether or not the appeal should be allowed or rejected. I reject Ms Moonan’s submission that [section 8](#) provides the test and Mr Gasztowicz’ submission that I should read into the section a provision that the appeal should only be allowed where the Council’s decision is outside the ambit (or as he put it ‘the generous ambit’) of reasonable responses. There is no warrant for importing into s8 such a limitation into what is, on the wording of the statute an unrestricted right of appeal. ... In my judgment, a similar approach to that set out in *Stepney and Hope & Glory* is appropriate here. [Section 8](#) provides an unrestricted right of appeal; but a District Judge is obliged to pay great attention to the opinion of the Council as the duly constituted and elected local authority and should not lightly reverse their conclusion; his function is to exercise the [s8](#) powers only if he was satisfied that the judgment of the Council could be shown to be wrong, not merely because he was not satisfied that the judgment was right; if, but only if, he was first satisfied the Council was wrong was it for the District Judge to substitute his opinion for that of the Council.” ([Basildon Borough Council v James \[2015\] EWHC 3365 \(Admin\).](#))

Status:  Law In Force

## Public Health Act 1925 c. 71

### Part II STREETS AND BUILDINGS

#### Naming of Streets

This version in force from: **Date not available to present**

(version 1 of 1)

#### 19.— Indication of name of street.

(1) The urban authority shall cause the name of every street to be painted, or otherwise marked, in a conspicuous position on any house, building or erection in or near the street, and shall from time to time alter or renew such inscription of the name of any street, if and when the name of the street is altered or the inscription becomes illegible.

(2) If any person [...]

[1](#)

pulls down [...]

[1](#)

any inscription of the name of a street which has lawfully been set up, or sets up in any street any name different from the name lawfully given to the street, or places or affixes any notice or advertisement within twelve inches of any name of a street marked on a house, building, or erection in pursuance of this section, he shall be liable to a penalty not exceeding [level 1 on the standard scale]

[2](#)

and to a daily penalty not exceeding [£1]

[3](#)

.

[...]

[4](#)

[5](#)

[6](#)

#### Notes

[1](#). Words repealed by Criminal Damage Act 1971 (c. 48), Sch. 1 Pt. I

[2](#). Words substituted by virtue of Criminal Justice Act 1982 (c.48), s. 46

[3](#). Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

[4](#). Repealed by Local Government Act 1972 (c. 70), Sch. 30

[5](#). Act amended by Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government Act 1972 (c. 70), s. 180; Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(4)(a) Act extended and amended (Greater London) by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, 2 Act extended by Local Government Act 1972 (c. 70), Sch. 14 Pt. II paras. 23,

24 Act extended (England, Wales) by Gas Act 1986 (c.44), s. 67(1), (3)Sch. 7 para. 2(1)(i), Sch. 8 para. 33, Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Electricity Act 1989 (c.29), s.112(1)(3),

6.

Power to extend or exclude section 19 conferred by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 25 S. 19 excluded (Greater London) by Local Government Act 1972 (c. 70); Sch. 14 Pt. II para. 26: modified by S.I. 1973/686, art. 3(1), Sch. 3

## Modifications

Pt II s. 19	Modified by <a href="#">Walkways Regulations 1973/686, Sch. 3 para. 1, reg. 3(1)</a>
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**Subject:** Road traffic

**Keywords:** Local authorities' powers and duties; Names; Roads; Signs

Status: **R** Repealed

## Public Health Act 1925 c. 71

### Part II STREETS AND BUILDINGS

#### Naming of Streets

Repealed

(version 1 of 1)

[...]

[1](#)

[2](#)

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#### Notes

[1](#).

Repealed by Public Health Act 1936 (c. 49), Sch. 3, Pt. IV

[2](#).

Act amended by Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Local Government Act 1972 (c. 70), s. 180: Power to transfer certain functions conferred by Public Health (Control of Disease) Act 1984 (c.22), s. 7(4)(a) Act extended and amended (Greater London) by London Government Act 1963 (c. 33), s. 40, Sch. 11 Pt. I paras. 1, 2 Act extended by Local Government Act 1972 (c. 70), Sch. 14 Pt. II paras. 23, 24 Act extended (England, Wales) by Gas Act 1986 (c.44), s. 67(1), (3) Sch. 7 para. 2(1)(i), Sch. 8 para. 33, Water Act 1989 (c.15), s. 190(1), Sch. 25 para. 1(2) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58), Electricity Act 1989 (c.29), s.112(1)(3),

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**Subject:** Health **Other related subjects:** Hospitality and leisure; Local government; Road traffic; Transport