



# Water Act 2003

## 2003 CHAPTER 37

### PART 3

#### MISCELLANEOUS

##### *Sewers and drains*

#### 96 Adoption of lateral drains

- (1) In section 102 of the WIA (adoption of sewers and disposal works)—
- (a) in subsection (1), the word “or” at the end of paragraph (a) is omitted and after that paragraph there is inserted—
    - “(aa) any lateral drain which communicates or is to communicate with a public sewer which—
      - (i) is so situated or serves the whole or any part of that area; and
      - (ii) is vested in that undertaker; or”
  - (b) in subsection (2), after “sewer” in both places there is inserted “, lateral drain”
  - (c) in subsection (4), in paragraph (a), after “sewer” there is inserted “, lateral drain”
  - (d) in subsection (5)—
    - (i) in paragraph (b), after “sewer” there is inserted “ or lateral drain ”
    - (ii) in paragraph (c), after “sewer” there is inserted “ or lateral drain ”
    - (iii) in paragraph (d), after “sewer” there is inserted “, lateral drain ”
  - (e) in subsection (6), after “sewer” in both places there is inserted “ or lateral drain ”.
- (2) In section 103 of the WIA (adoption of cross-border sewers etc)—
- (a) in subsection (1), the word “or” at the end of paragraph (a) is omitted and after that paragraph there is inserted—

*Status: Point in time view as at 28/05/2004.*

*Changes to legislation: Water Act 2003, Section 96 is up to date with all changes known to be in force on or before 26 September 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)*

- “(aa) any lateral drain which is situated within the area of another sewerage undertaker or which, though situated within its own area, communicates or is to communicate with a public sewer which is situated within or serves the whole or any part of the area of another sewerage undertaker; or”,
- (b) for subsection (3) there is substituted—
- “(3) Where—
- (a) a sewer (or part of a sewer) or a lateral drain is vested, or any sewage disposal works are vested, in a relevant body; and
- (b) in the case of a sewer, part of a sewer, lateral drain or works vested in railway undertakers or dock undertakers, the sewer, part or lateral drain in question is, or the works are, situated in or on land belonging to those undertakers and held or used by them for the purposes of their undertaking,
- a sewerage undertaker shall not make a declaration under section 102 above with respect to (as the case may be) the sewer, or part of it, or the lateral drain or the works, except on the application of the relevant body concerned.”,
- (c) in subsection (4), in paragraph (a), after “sewer” there is inserted “ or lateral drain ”.
- (3) Sections 102 and 103 of the WIA (adoption of sewers etc), as amended by subsections (1) and (2) above, do not apply to any lateral drains (as mentioned in those sections) the construction of which was completed before the coming into force of subsections (1) and (2) above.
- (4) Section 104 of the WIA (agreements to adopt sewer etc at future date) is amended as follows—
- (a) for subsection (1) there is substituted—
- “(1) Subject to subsection (7) and section 146(3) below, a sewerage undertaker may agree with—
- (a) any person constructing or proposing to construct—
- (i) any sewer;
- (ii) any drain which is intended to communicate with a public sewer vested in that undertaker; or
- (iii) any sewage disposal works; or
- (b) any person at whose expense the undertaker is, by virtue of an agreement under section 160 below, to carry out work in connection with the construction of such a drain or sewer,
- that, if the sewer, drain or sewage disposal works is or are constructed in accordance with the terms of the agreement, the undertaker will, upon completion of the work, at some specified date or on the happening of some future event, declare the sewer or such part of the drain as constitutes the lateral drain or the works (as the case may be) to be vested in that undertaker.”,
- (b) in subsection (2), for “constructing or proposing to construct a sewer” there is substituted “ mentioned in paragraph (a) or (b) of subsection (1) above ”,
- (c) in subsection (5), after “sewer” there is inserted “ , lateral drain ”,
- (d) subsection (6) is omitted,

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(e) after subsection (6) there is inserted—

“(6A) Without limiting the terms which may be included in an agreement under this section, the terms of an agreement which relates to a drain may include in particular—

- (a) identification of that part of the drain which constitutes the lateral drain for the purposes of the agreement and, in particular, the point or points of connection between that part and the remainder of the drain;
- (b) a requirement for the installation of an inspection chamber, at the expense of the person with whom the sewerage undertaker is to make the agreement, at a place specified in the agreement;
- (c) provision, if the inspection chamber is constructed in accordance with the terms of the agreement, for the undertaker to declare that the inspection chamber be vested in the undertaker at the same time as the lateral drain; and
- (d) provision for the lateral drain, once vested in the undertaker, to communicate with a public sewer at the place or places specified in the agreement.”

(f) for subsection (7) there is substituted—

“(7) A sewerage undertaker shall not make an agreement under this section with respect to—

- (a) a sewer, drain or sewage disposal works situated within the area of another sewerage undertaker; or
- (b) a drain which is intended to communicate with a sewer which—
  - (i) is so situated; or
  - (ii) is vested in another sewerage undertaker,

until one of the conditions mentioned in subsection (8) below is satisfied.

(8) The conditions are—

- (a) that other undertaker has consented to the making of the agreement; or
- (b) the Secretary of State, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.”

(5) In section 105 of the WIA (appeals with respect to adoption)—

- (a) in subsection (1), after “sewer” there is inserted “ , lateral drain ”,
- (b) in subsection (3), after “sewer” there is inserted “ , lateral drain ”.

#### Commencement Information

**II** S. 96 in force at 28.5.2004 by S.I. 2004/641, art. 4(b) (with Sch. 3 para. 7)

**Status:**

Point in time view as at 28/05/2004.

**Changes to legislation:**

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