
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Flood and Water Management Act 2010 (“the 2010 Act”).

Article 2 of this Order specifies that section 42 of the 2010 Act, to the extent not already commenced and in relation to sewerage undertakers whose areas are wholly or mainly in Wales comes into force on 1 October 2012.

Section 42 of the 2010 Act inserts section 106B into the Water Industry Act 1991 (“the 1991 Act”). Section 106B provides that a person may only exercise the right, under section 106(1) of the 1991 Act, to have his drains or sewers communicate with public sewers only if the conditions set out in section 106B(2) and (3) of that Act have been satisfied. These conditions include a requirement for the person to, prior to the construction of a sewer or lateral drain, enter into an agreement with the relevant sewerage undertaker under section 104 of the 1991 Act for the adoption of the sewer or lateral drain.

Section 106B of the 1991 Act also enables the Welsh Ministers to publish standards (in relation to sewerage undertakers whose areas are wholly or mainly in Wales) for design and construction of sewers and lateral drains. All adoption agreements under section 104 of the 1991 Act (pursuant to section 106B of that Act) must include any relevant standards, or depart from them with the express consent of the parties to the agreement.

Section 42 of the 2010 Act also makes related amendments to sections 104, 105 and 112 of the 1991 Act.

Article 3 of this Order contains transitional provisions in relation to the application of section 106B(4) to sewers or lateral drains connected with building work started before 1 October 2013.