



## 2016 CHAPTER 7

### **Connection of drains and private sewers to public sewers: adoption agreements**

6.—(1) The 2006 Order is amended as follows.

(2) In Article 163(1) (right to connect to public sewer), after “Subject to the provisions of this Article” insert “and Article 163A”.

(3) After Article 163 insert—

#### **“163A Communication as of right only where adoption agreement entered into**

(1) This Article applies to a person’s entitlement under Article 163(1) to have a sewer communicate with a public sewer.

(2) The person may exercise that entitlement only if an agreement complying with Conditions 1, 2 and 3 was entered into under Article 161 in respect of the sewer.

(3) Condition 1 is that the agreement included provision about the standards according to which the following were to be constructed—

- (a) the sewer in question,
- (b) any drain which communicates or is intended to communicate, whether directly or indirectly, with that sewer and was constructed at the same time as it,
- (c) any associated sustainable drainage system, and
- (d) any associated waste water works.

(4) Condition 2 is that the agreement included provision about the adoption of the following by the sewerage undertaker—

- (a) the sewer in question,
- (b) such part of any drain mentioned in paragraph (3)(b) as constitutes a lateral drain,
- (c) any associated sustainable drainage system, and
- (d) any associated waste water works.

(5) Condition 3 is that the agreement included terms such as are described in Article 161(6)(a) (provision of security for the discharge of obligations imposed on the party other than the sewerage undertaker).

(6) If an agreement has been entered into in respect of a sewer and all the obligations imposed on the other party to the agreement have been complied with, the undertaker may not refuse to permit the communication in reliance on Article 163(5).

(7) In this Article—

an “associated sustainable drainage system” is any sustainable drainage system—

- (i) constructed at the same time as the sewer in question, and
- (ii) from which water is or is to be discharged, whether directly or indirectly, into that sewer;

“associated waste water works” are any waste water treatment works—

- (i) constructed at the same time as the sewer in question, and
- (ii) from which effluent is or is to be discharged, whether directly or indirectly, into that sewer; and

the “other party to the agreement” is the person mentioned in subparagraph (a) or (b) of Article 161(1).”.

(4) In Article 161 (adoption agreements), at the end insert—

“(9) The Department may issue guidance (to any person) about applying for, and making, agreements under this Article; and sewerage undertakers must have regard to the guidance.

(10) Before issuing guidance under this Article the Department must consult—

- (a) the Authority;
- (b) DOE;
- (c) sewerage undertakers;
- (d) the General Consumer Council for Northern Ireland;
- (e) such other persons as the Department considers it appropriate to consult in relation to the guidance.”.

(5) For Article 162(2) (appeals with respect to adoption) substitute—

“(2) A person who has entered into or wants to enter into an agreement under Article 161 may appeal to the Authority about any matter concerning the agreement (including whether it is concluded, its terms and its operation).”.

(6) In Article 169 (requirements for construction), at the end insert—

“(8) A requirement imposed under this Article may not be inconsistent with, or more onerous than, standards agreed in an agreement under Article 161.”.