
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the Secretary of State and the Welsh Ministers to make schemes for the adoption by sewerage undertakers in England and Wales of private sewers and private lateral drains under section 102 of the Water Industry Act 1991 (“the Act”).

Regulation 3 makes provision in relation to main schemes (which relate to the adoption of private sewers and lateral drains which communicate with a public sewer immediately before 1st July 2011). Regulation 4 makes provision in relation to supplementary schemes (which relate to the adoption of private sewers and lateral drains which communicate with a public sewer immediately before the date of commencement of section 42(1) of the Flood and Water Management Act 2010). Regulation 5 describes sewers and lateral drains which are exempt from adoption under a scheme.

A declaration under section 102 of the Act must specify that adoptable private sewers and lateral drains will vest in an undertaker on 1st October 2011 (pursuant to a main scheme) or 6 months after the date of commencement of section 42(1) of the Flood and Water Management Act 2010 (pursuant to a supplementary scheme), or, in the case of a pumping station which forms part of a private sewer or lateral drain, no later than 1st October 2016 (regulations 3 and 4).

Regulations 7, 8 and 9 make provision in relation to private sewers and lateral drains which are the subject of existing adoption declarations or agreements under section 102 or 104 of the Act (or proposals for such declarations or agreements).

These Regulations cease to have effect on 30th June 2018.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been produced and placed in the library of each House of Parliament. It is available from the Private Sewers Transfer Team, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL or on the Defra website at www.defra.gov.uk. It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.