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SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS, ETC.

Public Health Act 1936

32 In section 15(1) of the Public Health Act 1936 (power to construct or acquire sewers and sewage disposal works) for the words before paragraph (i) there shall be substituted the words " A water authority may, either inside or outside their area, "

33 For section 20 of that Act (vesting of public sewers and sewage disposal works in a local authority) there shall be substituted the following section:—

“20 Vesting of sewers and sewage disposal works in water authority.

(1) In addition to the sewers and sewage disposal works vested in a water authority by virtue of section 254 or 68 of the Local Government Act 1972, as either section applies for the purposes of the Water Act 1973, there shall vest in a water authority—

- (a) all sewers and sewage disposal works constructed by the water authority at their expense, or vested in the authority in pursuance of arrangements under section 15 of the Water Act 1973, or otherwise acquired by the authority ;
- (b) all sewers constructed under Part IX of the Highways Act 1959, except sewers belonging to a road maintained by a highway authority;
- (c) all sewers and sewage disposal works with respect to which a declaration of vesting under the foregoing provisions of this Part of this Act has taken effect.

(2) Sewers which by virtue of the said section 254 or 68 or this section become vested in a water authority shall be known as, and are in this Act referred to as, public sewers.”

34 In section 24(4) of the Public Health Act 1936 (lengths of public sewers to which that section applies) references to the local authority shall be construed, in relation to any area, as references to the local authority who immediately before the commencement of that Act had the function of providing, for the drainage of that area, the sewers within the meaning of the Public Health Act 1875 which by virtue of section 254 or 68 of the 1972 Act, as either section applies for the purposes of this Act, are vested in the water authority in question.

35 Section 28 of that Act (communications between sewerage authorities' sewers) and section 35 of that Act (use of public sewers by persons outside the district) shall cease to have effect.

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- 36 (1) Notwithstanding the repeal by this Act of section 37 of the London Government Act 1963 (which applied certain provisions of the Public Health Act 1936 to Greater London and the sewerage area of the Greater London Council)—
- (a) the following provisions of the Public Health Act 1936, that is to say, section 32 (map of public sewers) and sections 39 to 41 (miscellaneous provisions as to drainage) shall continue to apply throughout Greater London (except the Inner Temple and the Middle Temple); and
 - (b) the following provisions of the said Act of 1936, that is to say, section 25 (need for consent to building over public sewers, etc.) and sections 37 and 38 (drainage of new buildings) shall continue to apply to the outer London boroughs.
- (2) In the said provisions in their application to a London borough or the City of London references to a local authority shall be construed as references to the borough council or the Common Council of the City, as the case may be, except that references in section 41 of the said Act of 1936 to a local authority shall, in relation to a private sewer or a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough in which the sewer, cesspool or other receptacle is situated or, if it is situated in the City of London, the Common Council of the City.
- (3) At the end of section 32 of the said Act of 1936 there shall be added the following subsection:—
- “(4) The council of every inner London borough and the Common Council of the City of London shall supply a copy of the said map to the Greater London Council.”
- 37 (1) Where a person proposes under section 34 of that Act (right of owners and occupiers to drain into public sewers) to make a communication between a drain or sewer and a main sewer in Greater London, the grounds on which the local authority may refuse under subsection (3) of that section to permit the communication shall be such grounds as they think fit, and no application to a magistrates' court may be made under the proviso to that subsection in respect of any such refusal by the water authority.
- (2) In this paragraph " main sewer " means a public sewer used for the general reception of sewage from other public sewers and not substantially used for the reception of sewage from private sewers and drains.
- 38 In section 40(4) of that Act (soil pipes and ventilating shafts) after the words " local authority " there shall be inserted the words " or the water authority for the area ".
- 39 (1) In section 48(1) of that Act (examination and testing of drains, etc.) for the word " local " there shall be substituted the word " relevant ".
- (2) After the said subsection (1) there shall be inserted the following subsection:—
- “(1A) In subsection (1) above " relevant authority " means, in relation to a drain or private sewer connecting with a public sewer, the water authority for the area, and in any other case the local authority.”.
- 40 In section 50(1) of that Act (overflowing and leaking cesspools) after the words "the local authority" there shall be inserted the words " or the water authority for the area ".

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- 41 In section 137(1) of that Act, as amended by section 29 of the Water Act 1945, (securing sufficient water supply to new houses) the words " the local authority or other " shall cease to have effect.
- 42 (1) In section 138(1) of the said Act of 1936, as amended by section 30 of the Water Act 1945, (securing sufficient water supply for occupied houses) the words " the local authority or other " shall cease to have effect.
- (2) In section 138(4) of the said Act of 1936. as amended by Schedule 4 to the Water Act 1945, for the words from "section thirty-five " to " that section" there shall be substituted the words " section 29 of Schedule 3 to the Water Act 1945 or under that section ".
- (3) In section 138(5) of the said Act of 1936, the words " the local authority or other " shall cease to have effect