



Building Act 1984

1984 CHAPTER 55

PART III

OTHER PROVISIONS ABOUT BUILDINGS

Drainage

59 Drainage of building.

- (1) If it appears to a local authority that in the case of a building—
- (a) satisfactory provision has not been, and ought to be, made for drainage^{F1} . . .,
 - (b) a cesspool, private sewer, drain, soil pipe, rain-water pipe, spout, sink or other necessary appliance provided for the building is insufficient or, in the case of a private sewer or drain communicating directly or indirectly with a public sewer, is so defective as to admit subsoil water,
 - (c) a cesspool or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance, or
 - (d) a cesspool, private sewer or drain formerly used for the drainage of the building, but no longer used for it, is prejudicial to health or a nuisance,
- they shall by notice require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.
- (2) Sections 99 and 102 below apply in relation to a notice given under subsection (1) above.
- (3) Subsections (4), (5) and (6) of section 21 above apply in relation to a drain that a local authority require to be constructed under this section as they apply in relation to such a proposed drain as is mentioned in that section.

Changes to legislation: Building Act 1984, Section 59 is up to date with all changes known to be in force on or before 18 May 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) View outstanding changes

- (4) Subsection (1) above, so far as it empowers a local authority to take action in the cases mentioned in paragraphs (a) and (b) of the subsection, does not apply in relation to a building belonging to statutory undertakers . . . [^{F2}the Civil Aviation Authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) and held or used by such a body or person for the purpose of that body's or that person's undertaking], unless it is—
- (a) a house, . . . ^{F3} or
 - (b) a building used as offices or showrooms, and not forming part of a railway station ^{F4} . . . ^{F3} . . .

[^{F5}(5) For the purposes of subsection (4) above, the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall be taken to be the person's undertaking as licence holder.]

[^{F6}(6) In subsection (1) above, “drainage” includes the conveyance, by means of a sink and any other necessary appliance, of refuse water and the conveyance of rainwater from roofs.]

[^{F7}(7) Schedule 3 to the Flood and Water Management Act 2010 extends the power under subsection (1)(c) of this section to sustainable drainage systems as defined in regulations under that Schedule.]

Textual Amendments

- F1** Words in s. 59(1)(a) omitted (1.4.2002) by virtue of S.I. 2001/3335, **reg. 3(4)(a)** (with reg. 4)
- F2** Words in s. 59(4) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 7(b)(i)**
- F3** Words repealed by **Airports Act 1986 (c. 31, SIF 9)**, s. 83(5), **Sch. 6 Pt. I**
- F4** Words in s. 59(4)(b) omitted (10.11.2011) by virtue of **The Airport Charges Regulations 2011 (S.I. 2011/2491)**, reg. 1(1), **Sch. 2 para. 3(3)**
- F5** S. 59(5) inserted (21.12.2001) by S.I. 2001/4050, **art. 2 Sch. Pt. II para. 7(b)(ii)**
- F6** S. 59(5) added (1.4.2002) by S.I. 2001/3335, **reg. 3(4)(b)** and renumbered as s. 59(6) (1.4.2002) by S.I. 2002/440, **reg. 4**
- F7** S. 59(7) added (2.5.2018 for W. for specified purposes, 7.1.2019 for W. in so far as not already in force) by **Flood and Water Management Act 2010 (c. 29)**, s. 49(3), **Sch. 3 para. 26(3)** (with s. 49(1)(6)); S.I. 2018/557, arts. 2(b), 3(b)

Modifications etc. (not altering text)

- C1** S. 59 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt I para. 5** (with ss. 42, 46)..
- C2** S. 59 modified (1.10.2011) by SI 2010/675, Sch. 23 Pt. 8 para. 3 Table 9 (as substituted (1.10.2011) by **The Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043)**, reg. 1(b), **Sch. 1**)
- C3** S. 59 modified (1.1.2017) by **The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)**, reg. 1(1), Sch. 23 paras. 1(3), **2** Table 9 (with regs. 1(3), 77-79, Sch. 4)
- C4** S. 59(1)(c) applied (2.5.2018 for W. for specified purposes, 7.1.2019 for W. in so far as not already in force) by **Flood and Water Management Act 2010 (c. 29)**, s. 49(3), **Sch. 3 para. 26(2)** (with s. 49(1)(6)); S.I. 2018/557, arts. 2(b), 3(b)
- C5** S. 59(4) applied with modifications by **Airports Act 1986 (c. 31, SIF 9)**, s. 58, **Sch. 2 para. 6(b)**

Changes to legislation:

Building Act 1984, Section 59 is up to date with all changes known to be in force on or before 18 May 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.

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Changes and effects yet to be applied to :

- s. 59(4)(5) repealed by [2004 c. 22 s. 5\(b\)Sch.](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A)(d) inserted by [2015 c. 7 s. 37\(2\)](#)
- s. 44(11) inserted by [2004 c. 22 s. 3\(8\)](#)
- s. 79A inserted by [2023 asc 3 Sch. 13 para. 65](#)
- s. 95(5) inserted by [2022 c. 30 s. 60\(2\)](#)
- s. 131A inserted by [2022 c. 30 s. 59](#)
- s. 131B inserted by [2022 c. 30 s. 60\(3\)](#)
- Sch. 1 para. 7A inserted by [2015 c. 7 s. 37\(4\)](#)
- Sch. 1 para. 7A(4) words substituted by [2022 c. 30 Sch. 5 para. 83\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of Sch. 1 para. 7A by [2015 c. 7, s. 37\(4\)](#) is still prospective.)