



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Use of pipes for sewerage purposes

115 Use of highway drains as sewers and vice versa.

- (1) Subject to the provisions of this section, a relevant authority and a sewerage undertaker may agree that—
 - (a) any drain or sewer which is vested in the authority in their capacity as a highway authority may, upon such terms as may be agreed, be used by the undertaker for the purpose of conveying surface water from premises or streets;
 - (b) any public sewer vested in the undertaker may, upon such terms as may be agreed, be used by the authority for conveying surface water from roads repairable by the authority.
- (2) Where a sewer or drain with respect to which a relevant authority and a sewerage undertaker propose to make an agreement under this section discharges, whether directly or indirectly, into the sewers or sewage disposal works of another sewerage undertaker, the agreement shall not be made without the consent of that other undertaker.
- (3) Subject to subsection (4) below, a consent given by a sewerage undertaker for the purposes of subsection (2) above may be given on such terms as that undertaker thinks fit.

Status: Point in time view as at 01/12/1991.

Changes to legislation: Water Industry Act 1991, Cross Heading: Use of pipes for sewerage purposes is up to date with all changes known to be in force on or before 31 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)

- (4) Neither a relevant authority nor a sewerage undertaker shall—
- (a) unreasonably refuse to enter into an agreement for the purposes of this section; or
 - (b) insist unreasonably upon terms unacceptable to the other party;
- and a sewerage undertaker shall not unreasonably refuse to consent to the making of such an agreement or insist unreasonably upon terms unacceptable to either party.
- (5) Any question arising under this section as to whether or not any authority or undertaker is acting unreasonably shall be referred to the Secretary of State, whose decision shall be final.
- (6) The powers by virtue of paragraph (a) of subsection (1) above of a relevant authority and a sewerage undertaker to enter into an agreement shall be exercisable by two relevant authorities as they would be exercisable if one of them were a sewerage undertaker.
- (7) Nothing in this section shall be construed as limiting the rights of a relevant authority under section 264 of the ^{M1}Highways Act 1980.
- (8) Part XII of the ^{M2}Public Health Act 1936 shall apply for the purposes of the provisions of this section which confer functions on relevant authorities as they apply for the purposes of the provisions of that Act.
- (9) In this section “relevant authority” means a county council or any local authority except a non-metropolitan district council.
- (10) The provisions of this section are subject to the provisions of section 146(4) below.

Marginal Citations

- M1** 1980 c. 66.
M2 1936 c. 49.

116 Power to close or restrict use of public sewer.

- (1) Subject to subsection (3) below, a sewerage undertaker may discontinue and prohibit the use of any public sewer which is vested in the undertaker.
- (2) A discontinuance or prohibition under this section may be for all purposes, for the purpose of foul water drainage or for the purpose of surface water drainage.
- (3) Before any person who is lawfully using a sewer for any purpose is deprived under this section by a sewerage undertaker of the use of the sewer for that purpose, the undertaker shall—
 - (a) provide a sewer which is equally effective for his use for that purpose; and
 - (b) at the undertaker’s own expense, carry out any work necessary to make that person’s drains or sewers communicate with the sewer provided in pursuance of this subsection.

Status:

Point in time view as at 01/12/1991.

Changes to legislation:

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