



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV

#### SEWERAGE SERVICES

##### CHAPTER II

##### PROVISION OF SEWERAGE SERVICES

###### *Communication of drains and private sewers with public sewers*

#### **106 Right to communicate with public sewers.**

<sup>F1</sup>[(1) Subject to the provisions of this section—

- (a) the owner or occupier of any premises, or
- (b) the owner of any private sewer which drains premises,

shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.]

<sup>F2</sup>(1A) In this section, and in sections 107 to 109, 111, 113 to 116, 118, 119, 124, 127, 139 and 146 below—

- (a) references (however expressed) to a public sewer include a public lateral drain which satisfies sewer standards; and
- (b) for the purposes of paragraph (a) above—
  - (i) a “public lateral drain” is a lateral drain which either belongs to the sewerage undertaker or is vested in the sewerage undertaker by virtue of a declaration made under section 102 above or under an agreement made under section 104 above; and
  - (ii) “sewer standards” means such standards of construction and repair as the undertaker would require if the public lateral drain or part of it were to become a public sewer.]

*Status: Point in time view as at 07/01/2015. This version of this provision has been superseded.*

*Changes to legislation: Water Industry Act 1991, Section 106 is up to date with all changes known to be in force on or before 21 July 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)*

- (2) Subject to the provisions of Chapter III of this Part, nothing in subsection (1) above shall entitle any person—
  - (a) to discharge directly or indirectly into any public sewer—
    - (i) any liquid from a factory, other than domestic sewage or surface or storm water, or any liquid from a manufacturing process; or
    - (ii) any liquid or other matter the discharge of which into public sewers is prohibited by or under any enactment; or
  - (b) where separate public sewers are provided for foul water and for surface water, to discharge directly or indirectly—
    - (i) foul water into a sewer provided for surface water; or
    - (ii) except with the approval of the undertaker, surface water into a sewer provided for foul water; or
  - (c) to have his drains or sewer made to communicate directly with a storm-water overflow sewer.
  
- (3) A person desirous of availing himself of his entitlement under this section shall give notice of his proposals to the sewerage undertaker in question.
  
- (4) At any time within twenty-one days after a sewerage undertaker receives a notice under subsection (3) above, the undertaker may by notice to the person who gave the notice refuse to permit the communication to be made, if it appears to the undertaker that the mode of construction or condition of the drain or sewer
  - [<sup>F3</sup>(a) does not satisfy the standards reasonably required by the undertaker; or
  - (b) is such that the making of the communication would be prejudicial to the undertaker’s sewerage system.]
  
- (5) For the purpose of examining the mode of construction and condition of a drain or sewer to which a notice under subsection (3) above relates a sewerage undertaker may, if necessary, require it to be laid open for inspection.
  
- [<sup>F4</sup>(5A) Where the sewer or drain satisfies the standards reasonably required by it, a sewerage undertaker may, as a condition of permitting the communication to be made, require that the sewer or that part of the drain forming the lateral drain be vested in it by virtue of a declaration under section 102 above.]
  
- (6) Any question arising under subsections [<sup>F5</sup>(3) to (5A)] above between a sewerage undertaker and a person proposing to make a communication as to—
  - (a) the reasonableness of the undertaker’s refusal to permit a communication to be made; or
  - (b) as to the reasonableness of any requirement under subsection (5) [<sup>F6</sup>or (5A)] above,
 may, on the application of that person, be determined by [<sup>F7</sup>the Director under section 30A above][<sup>F8</sup>(and, accordingly, section 105 above shall not apply to any requirement under subsection (5A) above).]
  
- <sup>F9</sup>(7) .....
  
- (8) Where a person proposes under this section to make a communication between a drain or sewer and such a public sewer in Greater London as is used for the general reception of sewage from other public sewers and is not substantially used for the reception of sewage from private sewers and drains—

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- (a) the grounds on which a sewerage undertaker may refuse to permit the communication shall be such grounds as the undertaker thinks fit; and
- (b) no application to <sup>F10</sup>the Director] may be made under subsection (6) above in respect of any refusal under this subsection.

(9) In this section “factory” has the same meaning as in the <sup>M1</sup>Factories Act 1961.

#### Textual Amendments

- F1** S. 106(1) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 43\(2\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 3, Sch. Pt. I](#)
- F2** S. 106(1A) inserted (28.5.2004) by [Water Act 2003 \(c. 37\), ss. 99\(2\), 105\(3\)](#); S.I. 2004/641, [art. 4\(b\)](#) (with [Sch. 3 para. 7](#))
- F3** S. 106(4): paras. (a)(b) substituted (28.5.2004) for words by [Water Act 2003 \(c. 37\), ss. 99\(3\), 105\(3\)](#); S.I. 2004/641, [art. 4\(b\)](#) (with [Sch. 3 para. 7](#))
- F4** S. 106(5A) inserted (28.5.2004) by [Water Act 2003 \(c. 37\), ss. 99\(4\), 105\(3\)](#); S.I. 2004/641, [art. 4\(b\)](#) (with [Sch. 3 para. 7](#))
- F5** Words in s. 106(6) substituted (28.5.2004) by [Water Act 2003 \(c. 37\), ss. 99\(5\)\(a\), 105\(3\)](#); S.I. 2004/641, [art. 4\(b\)](#) (with [Sch. 3 para. 7](#))
- F6** Words in s. 106(6)(b) inserted (28.5.2004) by [Water Act 2003 \(c. 37\), ss. 99\(5\)\(b\), 105\(3\)](#); S.I. 2004/641, [art. 4](#) (with [Sch. 3 para. 7](#))
- F7** Words in s. 106(6) substituted (1.9.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 35\(8\)\(a\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 4, Sch. Pt. II](#)
- F8** Words in s. 106(6) inserted (28.5.2004) by [Water Act 2003 \(c. 37\), ss. 99\(5\)\(c\), 105\(3\)](#); S.I. 2004/641, [art. 4](#) (with [Sch. 3 para. 7](#))
- F9** S. 106(7) repealed (1.7.1992) and is expressed to cease to have effect (1.9.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), ss. 35\(8\)\(b\), 56\(7\), Sch. 2](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, arts. 3, 4, Sch. Pts. I, II](#)
- F10** Words in s. 106(8)(b) substituted (1.9.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 35\(8\)\(c\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 4, Sch. Pt. II](#)

#### Modifications etc. (not altering text)

- C1** S. 106 applied (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\), art. 15\(2\)](#) (with savings in arts. 3(6), 12(3))
- C2** S. 106 applied (14.9.2006) by [The Borough of Poole \(Poole Harbour Opening Bridges\) Order 2006 \(S.I. 2006/2310\), art. 14\(2\)\(4\)](#)
- C3** S. 106 applied (3.7.2006) by [The Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\), art. 10\(2\)](#)
- C4** S. 106 applied (25.11.2005) by [The Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\), art. 19\(2\)](#)
- C5** S. 106 applied (7.8.2012) by [The Ipswich Barrier Order 2012 \(S.I. 2012/1867\), arts. 1, 13\(2\)](#) (with arts. 46-48, [Sch. 8 para. 18](#))
- C6** S. 106 applied (26.9.2012) by [The Network Rail \(Ipswich Chord\) Order 2012 \(S.I. 2012/2284\), arts. 1, 13\(2\)](#) (with [art. 26\(2\)](#))
- C7** S. 106 applied (6.11.2012) by [The Network Rail \(North Doncaster Chord\) Order 2012 \(S.I. 2012/2635\), arts. 1, 20\(2\)](#) (with [art. 35\(2\)](#))
- C8** S. 106 applied (13.11.2012) by [The Chiltern Railways \(Bicester to Oxford Improvements\) Order 2012 \(S.I. 2012/2679\), arts. 1, 19\(2\)](#) (with [art. 42\(2\)](#))
- C9** S. 106 modified (9.4.2013) by [The Lancashire County Council \(Torrisholme to the M6 Link \(A683 Completion of Heysham to M6 Link Road\)\) Order 2013 \(S.I. 2013/675\), arts. 1, 16\(2\)](#)

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- C10 S. 106 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **21(2)** (with arts. 48, 68, 79)
- C11 S. 106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **11(2)** (with art. 30)
- C12 S. 106 applied (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **13(2)**
- C13 S. 106 applied (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **20(2)** (with arts. 20(7), 42, 43)
- C14 S. 106 applied (9.1.2014) by The National Grid (King’s Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **14(2)** (with art. 14(7))
- C15 S. 106 applied (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **18(2)** (with art. 34(2))
- C16 S. 106 applied (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **17(2)**
- C17 S. 106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **13(2)** (with arts. 37, 38, Sch. 9 para. 19)
- C18 S. 106 applied (24.7.2014) by The Daventry International Rail Freight Interchange Alteration Order 2014 (S.I. 2014/1796), arts. 1, **17(2)** (with arts. 17(7), 24(2), Sch. 6 para. 3)
- C19 S. 106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **20(2)** (with arts. 12, 13, 20(7), Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, Sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
- C20 S. 106 applied (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **15(2)**
- C21 S. 106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **19(2)**
- C22 S. 106 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **18(2)** (with art. 33)
- C23 S. 106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **14(2)** (with arts. 6, 13, 14(7), Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C24 S. 106 applied (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **16(2)**
- C25 S. 106 applied (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **10(2)**
- C26 S. 106 modified (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 20(2)** (with arts. 30(4), 53)
- C27 S. 106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **15(2)** (with arts. 38, 39)
- C28 S. 106 applied (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **16(2)** (with Sch. 8 para. 45)
- C29 S. 106 applied (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **12(2)** (with arts. 37, 38)
- C30 S. 106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **14(2)**
- C31 S. 106(8) restricted (18.12.1996) by 1996 c. 61, s. 38, **Sch. 10 para. 13**
- C32 S. 106(8) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 16**
- C33 S. 106(8) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 5**

#### Marginal Citations

M1 1961 c. 34.

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