

These notes refer to the Water Act 2003 (c.37) which received Royal Assent on 20th November 2003

WATER ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Sections 93 to 99 Sewers and drains

418. Provisions in 93 to 99 are devolved to the Assembly.

419.

Section 93: Requisition and adoption of sewers.

This section amends section 99 of the WIA to allow the offset payment to be made as a single sum as an alternative to paying over 12 years. It also provides a new section 100A which sets out how the single sum should be calculated.

420.

Section 94: Provision of public sewers otherwise than by requisition.

Section 101A of the WIA imposes a duty on sewerage undertakers to provide a public sewer in certain circumstances to properties where the existing non-mains drainage arrangements is causing environmental or amenity problems. This was limited to buildings built before 20th June 1995. This section removes that cut-off date.

421. *Sections 95 to 99* make provisions in relation to lateral drains. A lateral drain is that part of a drain which runs from the curtilage of the premises to the sewer. The provisions include for lateral drains to be requisitioned from the sewerage undertaker. Also, if they are to be constructed by someone else for adoption by the undertaker, an agreement should be entered into with the undertaker to ensure they are built to adoptable standards. They also provide for an inspection chamber to be constructed close to the curtilage of the property to define the demarcation between the lateral and the house drain. The chamber will also have to be constructed to the required standard for adoption by the sewerage undertaker.

422.

Section 95: Requisition of lateral drains.

This section amends section 98 of the WIA (duty to comply with sewer requisition) to enable lateral drains to also be requisitioned from the sewerage undertaker.

423.

Section 96: Adoption of lateral drains.

This section amends s104 of the WIA to enable lateral drains to be adopted by the sewerage undertaker if they have been constructed in accordance with an agreement with the undertaker. It also makes provision for an inspection chamber to be installed in the lateral drain at or near the point of connection between the lateral drain and the house drain at the curtilage of the property.

424.

Section 97: Requisitioning and adoption of lateral drains: supplementary.

This section amends other relevant sections of the WIA and includes a definition of lateral drains.

425.

Section 98: Schemes for the adoption of sewers, lateral drains and sewage disposal works.

This section provides for the Secretary of State to make regulations to place a duty on sewerage undertakers to exercise their existing powers, under Section 102 of the Water Industry Act 1991, to adopt private sewers under defined circumstances where certain criteria are satisfied. The circumstances and criteria will be set out in schemes made under the regulations.

426.

Section 99: Communications with public sewers.

This section makes consequential amendments to section 106 of the WIA (right to communicate with public sewers) and in particular to subsection 4 to enable a request to communicate a lateral drain with the sewer to be refused if the standard of construction of the lateral is unreasonable.