



# Towns Improvement Clauses Act 1847

1847 CHAPTER 34 10 and 11 Vict

## *Sewers*

And with respect to making and maintaining the public sewers, be it enacted as follows:

**22 Management of sewers and other works vested in the commissioners.**

All public sewers and drains within the limits of the special Act, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time of the passing of the special Act, or at any time thereafter, and whether made at the cost of the commissioners or otherwise, and the entire management of the same, shall vest in and belong to the commissioners.

**23 Drainage districts to be formed, subject to approval of inspector.**

The commissioners shall from time to time, subject to the approval of the inspector, divide the whole town or district within the limits of the special Act, if and as occasion shall require, into separate drainage districts, having regard in such division to the nature of the ground, to the main lines of sewers by which such separate drainage districts are or shall be drained, and to the equal benefit, as far as may be, of all the lands and buildings to be comprised in any such drainage district, and shall cause their surveyor to define and describe the several drainage districts on a plan of the town or district within the limits of the special Act, to be made as aforesaid.

**24 Power to commissioners to construct sewers where none exist, making compensation to owners of property.**

The commissioners shall from time to time, subject to the restrictions herein contained as to the notice to be given, and the plans and estimates to be prepared, cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within the limits of the special Act, and also all such reservoirs, sluices, engines, and other works as shall be necessary for cleansing such sewers, and, if needful, they may carry such sewers through and across all underground cellars and vaults under any of the streets, doing as little damage as may be, and making full compensation for any damage done; and if for completing

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any of the aforesaid works it be found necessary to carry them into or through any inclosed or other lands, the commissioners may carry the same into or through such lands accordingly, making full compensation to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the sea, or any public river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

**25 Commissioners may alter sewers from time to time.**

The commissioners may from time to time, as they see fit, enlarge, alter, arch over, and otherwise improve all or any of the sewers vested in them, and if any of such sewers at any time appear to them to have become useless, the commissioners, if they think fit to do so, may demolish and discontinue such sewer, provided that it be so done as not to create a nuisance.

**26 Commissioners not to destroy existing sewers, &c. without providing others. Penalty for neglect.**

If any person, by means of any enlargement, alteration, or discontinuance of any sewer, or other proceeding of the commissioners, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the commissioners shall provide some other sewer or drain equally effectual for such purpose; and if the commissioners refuse or do not within seven days next after notice in writing served upon them begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the commissioners, or to provide such other sewer or drain as aforesaid, they shall forfeit to the person aggrieved any sum not exceeding [<sup>F1</sup>£2] for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled, and is not provided with such other drain or sewer as aforesaid.

**Textual Amendments**

**F1** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

**27 Commissioners to cause estimates to be prepared and submitted to the inspector.**

Before entering into any contract for executing any such work as aforesaid the commissioners shall procure from their surveyor an estimate of the probable expence of constructing the same in a substantial manner, and of the yearly expence of maintaining the same in repair, and each surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or a contract for constructing the same and maintaining it in repair during a given term of years; and the commissioners shall submit the plan and estimate of every such work, together with the report of their surveyor, to the inspector, who shall make in writing such observations or suggestions thereupon as may seem to him to be expedient; and if the commissioners do not regard or do not act in conformity with such observations or suggestions, they shall enter upon the minutes of their proceedings their reasons for not so doing.

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**28 As to the expence of making new sewers. Where lands, &c. were sufficiently drained before making new sewer, occupier to have a reduction made in his rates.**

The expence of making any new sewer shall be defrayed as herein-after provided, by special sewer rates to be levied on the occupiers of all lands and buildings within the drainage district in which such sewer is situated: Provided always, that where, in the judgment of the commissioners, and by allowance of the inspector, any lands or buildings were sufficiently drained before the making of such new sewer, the occupiers thereof shall be entitled to have such deduction made from the special sewer rates to which they would otherwise be liable in respect of the making of such new sewer, and for such time, as the commissioners, with the approval of the inspector, shall deem to be just, having regard to the cost of making such new sewer, and to the value and efficiency of such old sewer; and whenever any old sewer is enlarged, or open sewer closed, the expence of such enlargement, or of closing such open sewer, shall be defrayed in like manner as if it had been incurred in making a new sewer.

**29 As to the expence of maintaining sewers, &c.**

The expence of maintaining and cleaning all sewers vested in the commissioners, and all other expences connected with such sewers not herein-before provided for, or which may not be fully defrayed by the special sewer rates, shall be defrayed by general sewer rates to be levied as herein-after provided on the occupiers of all lands and buildings within the drainage district in which such sewers are severally situated.

**30 Penalty for making unauthorized drains.**

Every person not being employed for that purpose by the commissioners, who shall make any drain into any of the sewers or drains so vested in the commissioners shall forfeit . . . <sup>F2</sup> a sum not exceeding [<sup>F3</sup>£25][<sup>F3</sup>level 1 on the standard scale] and the commissioners may cause such branch drain to be re-made as they think fit, and all the expence incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the commissioners as damages.

**Textual Amendments**

- F2** Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)
- F3** “level 1 on the standard scale” substituted (E.W.) for “£25” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F4** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)\(6\)\(9\)](#)

**31 Vaults and cellars under streets not to be made without the consent of the commissioners.**

No building shall be erected over any sewer belonging to the commissioners, and no vault, arch, or cellar shall be made under the carriageway of any street, without the consent of the commissioners first obtained in writing, and all such vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the commissioners; and if after the passing of the special Act any building be erected, or any vault, arch, or cellar be made, contrary to the provisions herein contained, the commissioners may demolish or fill up the same, and

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the expences incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

**32 Streets may be stopped for repairs.**

The commissioners may stop any street, and prevent all persons from passing along and using the same, for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

**33 All sewers, &c. to be covered with traps.**

All sewers and drains within the limits of the special Act, whether public or private, shall be provided by the commissioners or other persons to whom they severally belong with proper traps or other coverings or means of ventilation so as to prevent stench.

**34 Sewers may be used by owners and occupiers of land beyond limits of town or district.**

Any person, being the owner or occupier of any lands beyond the limits of the special Act, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this and the special Act, may, with the consent of the commissioners first obtained in writing, upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expence, and under the superintendence of the surveyor of the commissioners, cause to branch into and to communicate with any of the sewers belonging to the commissioners any sewer or drain in respect of the said property which may be lawfully made therefrom, of such size and in such manner and form of communication as the commissioners approve of: Provided always, that nothing in this or the special Act contained shall effect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the commissioners under the provisions of this or the special Act.

**Changes to legislation:**

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