

## SCHEDULES

### SCHEDULE 2

Section 4.

#### SUSTAINABLE DRAINAGE SYSTEMS: FURTHER AMENDMENTS

- 1 The 2006 Order is amended as follows.
- 2 After Article 2(3B) (inserted by section 4) insert—
  - “(3C) In this Order—
    - (a) references to a sustainable drainage system include references to a tunnel or conduit which serves or is to serve as the system in question or part of it, and to any machinery or equipment of the system, and
    - (b) accordingly, references to the construction of a sustainable drainage system include references to the construction of such a tunnel or conduit and to the construction or installation of any such machinery or equipment.”
- 3 In the italic heading before Article 159, after “sewers” insert “, sustainable drainage systems”.
- 4.—(1) Article 159 (adoption) is amended as follows.
  - (2) In the heading, after “sewers” insert “, sustainable drainage systems”.
  - (3) In paragraph (2)—
    - (a) after “lateral drain”, in the first place those words occur, insert “, sustainable drainage system”, and
    - (b) after “lateral drain”, in the second place those words occur, insert “, system”.
  - (4) In paragraph (4)(a), after “lateral drain” insert “, system”.
  - (5) In paragraph (5)—
    - (a) in sub-paragraph (a), after “sewer” insert “, system”;
    - (b) in sub-paragraph (b), for “or lateral drain” substitute “, lateral drain or system”;
    - (c) in sub-paragraph (c), for “or lateral drain” substitute “, lateral drain or system”;
    - (d) in sub-paragraph (d), after “lateral drain” insert “, system”.

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(6) In paragraph (6), for “or lateral drain” (in both places) substitute “, lateral drain or system”.

**5.—**(1) Article 160 (adoption: supplementary) is amended as follows.

(2) In paragraph (1), omit the “or” at the end of sub-paragraph (b) and after that sub-paragraph insert—

“(ba) any sustainable drainage system which is situated within the area of another sewerage undertaker or which, though situated in its own area, serves the whole or any part of the area of another sewerage undertaker; or”.

(3) In paragraph (3)—

(a) in sub-paragraph (a), for “or a lateral drain” substitute “, a lateral drain or a sustainable drainage system”;

(b) in sub-paragraph (b), after “lateral drain”, in the first place those words occur, insert “, sustainable drainage system”;

(c) in sub-paragraph (b), for “or lateral drain” substitute “, lateral drain or system”;

(d) in the words following sub-paragraph (b), after “or the lateral drain” insert “ or the system”.

(4) In paragraph (4)(a), for “or lateral drain” substitute “, lateral drain or sustainable drainage system”.

**6.—**(1) Article 161 (agreements to adopt) is amended as follows.

(2) In the heading, after “sewer, drain” insert “, sustainable drainage system”.

(3) In paragraph (5), after “lateral drain” insert “, system”.

(4) In paragraph (7)(a) of that Article, after “sewer, drain” insert “, sustainable drainage system”.

**7** In Article 162 (appeals with respect to adoption), in paragraphs (1) and (3), after “lateral drain” insert “, sustainable drainage system”.

**8.—**(1) Article 163 (right to connect to public sewer), as amended by section 5, is further amended as follows.

(2) In paragraph (6), after “a notice under paragraph (4) relates” insert “, or of an associated sustainable drainage system,”.

(3) In paragraph (7)—

(a) after “or drain” insert “, or the system,”;

(b) after “the lateral drain” insert “, or the system,”.

(4) After paragraph (9) insert—

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“(10) In this Article an “associated sustainable drainage system” is any sustainable drainage system from which water is or is to be discharged, whether directly or indirectly, into a drain or sewer to which a notice under paragraph (4) relates.”.

**9.**—(1) Article 168 (restrictions on use of public sewers) is amended as follows.

(2) In paragraph (1)—

- (a) after “a public sewer” insert “ or into a sustainable drainage system ”;
- (b) in sub-paragraph (a), after “sewer, drain” (in both places) insert “ , system ”.

(3) In paragraph (2), after “sewer, drain” insert “ , system ”.

**10.**—(1) Article 169 (requirements for construction) is amended as follows.

(2) In the heading, for “or sewer” substitute “ , sewer or sustainable drainage system ”.

(3) In paragraph (1)—

- (a) in sub-paragraph (a), for “or sewer” substitute “ , sewer or sustainable drainage system ”;
- (b) in sub-paragraph (b) and in the words following that sub-paragraph, for “or sewer” substitute “ , sewer or system ”.

(4) In paragraph (6)(a), for “or sewer” substitute “ , sewer or system ”.

(5) In paragraph (6)(b)—

- (a) after “a public sewer,” insert “ , or the system is vested in the undertaker by virtue of a declaration under Article 159, ”, and
- (b) for “or sewer”, in the second place those words occur, substitute “ , sewer or system ”.

(6) In paragraph (7), for “or sewer” substitute “ , sewer or sustainable drainage system ”.

**11.**—(1) Article 171 (power to investigate defective drain or sewer) is amended as follows.

(2) In the heading, for “or sewer” substitute “ , sewer or sustainable drainage system ”.

(3) In paragraph (1)—

- (a) in sub-paragraph (a), after “private sewer so connecting,” insert “ or any sustainable drainage system from which water is discharged, whether directly or indirectly, into any such drain or private sewer, ”;
- (b) in sub-paragraph (b), for “or private sewer” substitute “ , private sewer or system ”;

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(c) in the words following sub-paragraph (b), for “or sewer” substitute “ , sewer or system ”.

(4) In paragraph (2), for “or sewer” substitute “ , sewer or system ”.

**12.—**(1) Article 174 (interpretation of Chapter 2 of Part 6) is amended as follows.

(2) In paragraph (2)—

(a) after “of a sewer” insert “ , of a sustainable drainage system ”, and

(b) after “existing sewer” insert “ , system ”.

(3) In paragraph (4), after “drain or outfall” insert “ , or any sustainable drainage system ”.

**13.—**(1) Article 236 (offences of interference with works etc.) is amended as follows.

(2) After paragraph (6) insert—

“(6A) In paragraph (6) the references to a sewer include any sustainable drainage system—

(a) which receives water directly from a sewer, or

(b) from which water is discharged directly into a sewer.”.

(3) In paragraph (9)—

(a) after “a pipe” insert “ or sustainable drainage system ”;

(b) after “the pipe” insert “ or system ”.

**14.—**(1) Article 241 (vesting of works in undertaker) is amended as follows.

(2) In paragraph (1)—

(a) in the opening words, after “the pipe” insert “ , system ”;

(b) in sub-paragraph (b), after “every” insert “ sustainable drainage system, ”;

(c) in the words following sub-paragraph (b), after “constructed” insert “ it or ”.

(3) In paragraph (2)(b), after “lateral drain” insert “ , sustainable drainage system ”.

**15.—**(1) Article 247 (duty to move pipes etc. in certain cases) is amended as follows.

(2) In paragraph (1)—

(a) after “any relevant pipe” insert “ , sustainable drainage system ”;

(b) after “that pipe” (in both places) insert “ , system ”.

(3) In paragraph (3), after “any pipe” insert “ , system ”.

**Changes to legislation:**

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