

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1989, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8 **E+W**

Section 69.

#### SEWERAGE FUNCTIONS

##### *General*

1 ..... F1

##### **Textual Amendments**

**F1** [S. 5\(1\)–\(4\), 6\(1\)–\(7\), 7–10, 11\(1\)–\(8\), 12, 14–22, 24–28, 31–68, 70\(3\)–\(5\), 71, 73–82, 97–135](#) 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

##### *The Public Health Act 1936 (c. 49)*

2 (1) ..... F2

(11) Without prejudice to the powers conferred by virtue of Chapter IV of Part II of this Act, no liability shall arise at any time on or after the transfer date to make a payment by virtue of section 337 of the 1936 Act (saving for certain yearly payments).

(12) ..... F2

##### **Textual Amendments**

**F2** [S. 5\(1\)–\(4\), 6\(1\)–\(7\), 7–10, 11\(1\)–\(8\), 12, 14–22, 24–28, 31–68, 70\(3\)–\(5\), 71, 73–82, 97–135](#) 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

##### *The Public Health (Drainage of Trade Premises) Act 1937 (c. 40)*

3–5. .... F3

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### Textual Amendments

**F3** S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

### *The Building Act 1984 (c. 55)*

- 6 (1) In subsection (1) of section 18 of the Building Act 1984 (building over a sewer etc.), for the words in paragraph (b) from “sewer or drain” to “sewers” there shall be substituted the words “drain, sewer or disposal main that is shown on any map of sewers or to erect it on such a site or in such a manner as would result in its interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main”.
- (2) In subsection (2) of that section (notification to water authority)—
- (a) for the words in paragraph (b) from “a water” to “sewers” there shall be substituted the words “a drain, sewer or disposal main that is shown on any map of sewers and is vested in a sewerage undertaker or to erect it on such a site or in such a manner as would result in its interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main”; and
  - (b) for the words “the water authority” there shall be substituted the words “the sewerage undertaker”.
- (3) For subsection (3) of that section (directions by water authority) there shall be substituted the following subsection—
- “(3) Subject to subsection (4) below, where a sewerage undertaker notifies a local authority of its requirements as to the manner in which the authority are to exercise their functions under subsection (1) above in relation to any case or description of cases affecting any of the undertaker’s drains, sewers or disposal mains and those requirements are reasonable, it shall be the duty of the council so to exercise those functions in accordance with those requirements.”
- (4) In subsection (4) of that section (appeal to magistrates’ court), in paragraph (a) for the words “sewer or drain” there shall be substituted the words “drain, sewer or disposal main” and for paragraph (b) there shall be substituted the following paragraphs—
- “(b) whether the site on which or the manner in which it is proposed to erect a building or an extension of a building is such as would result in the building or extension interfering with the use of any such drain, sewer or disposal main or in its obstructing the access of any person to any such drain, sewer or disposal main; or
  - (c) whether, and if so on what conditions, a consent ought to be given by a local authority; or

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(d) whether, for the purposes of paragraph (c) above, any requirements notified to a local authority by a sewerage undertaker under subsection (3) above are reasonable.”.

(5) In subsection (5) of that section (interpretation)—

(a) before the definition of “drain” there shall be inserted the following definition—

““disposal main” has the same meaning as in paragraph 1 of Schedule 19 to the Water Act 1989;”

(b) for paragraph (a) of the definition of “map of sewers” there shall be substituted the following paragraph—

“(a) any records kept by a sewerage undertaker under section 166 of the Water Act 1989 (sewer maps)”.

7 In section 60(4) of the said Act of 1984 (notice of contravention of provisions with respect to the use and ventilation of soil pipes), the words “or the water authority for the area” shall be omitted.

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