



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Sewers and drains

95 Requisition of lateral drains

(1) Section 98 of the WIA (duty to comply with sewer requisition) is amended as provided in subsections (2) to (5).

(2) After subsection (1) there is inserted—

“(1A) It shall be the duty of a sewerage undertaker (in accordance with section 101 below) to provide a lateral drain to communicate with a public sewer and to be used for the drainage for domestic purposes of premises in its area if—

- (a) the undertaker is required to provide the lateral drain by a notice served on the undertaker by one or more of the persons who under subsection (2A) below are entitled to require the provision of the lateral drain;
- (b) the premises the drainage of which would be by means of that lateral drain are—
 - (i) premises on which there are buildings; or
 - (ii) premises on which there will be buildings when proposals made by any person for the erection of any buildings are carried out; and
- (c) the conditions specified in section 99 below are satisfied in relation to that requirement.”

(3) After subsection (2) there is inserted—

“(2A) Each of the following persons shall be entitled to require the provision of a lateral drain, that is to say—

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- (a) the owner of the premises the drainage of which would be by means of that lateral drain;
 - (b) the occupier of those premises;
 - (c) any local authority within whose area those premises are situated;
 - (d) where those premises are situated in a new town, within the meaning of the New Towns Act 1981—
 - (i) the Commission for the New Towns; and
 - (ii) the development corporation for the new town; and
 - (e) where those premises are situated within an area designated as an urban development area under Part 16 of the Local Government, Planning and Land Act 1980, the urban development corporation.”
- (4) In subsection (3)—
- (a) after “public sewer” there is inserted “ or, as the case may be, a lateral drain ”,
 - (b) after “of the sewer” there is inserted “ or lateral drain ”.
- (5) In subsection (5)—
- (a) the words “in a particular locality” are omitted,
 - (b) in paragraph (a), for “premises in that locality” there is substituted “ those premises ”,
 - (c) in paragraph (b), for “premises in the locality” there is substituted “ those premises ”.
- (6) In section 99 of the WIA (financial conditions of compliance)—
- (a) in subsection (1)—
 - (i) after “98(1)(c)” there is inserted “ or 98(1A)(c) ”,
 - (ii) after “sewer”, in both places, there is inserted “ or (as the case may be) lateral drain ”,
 - (iii) in paragraph (a), after “subsection (2)” there is inserted “ or, as the case may be, subsection (2A) ”,
 - (b) after subsection (2) there is inserted—

“(2A) The undertakings which a sewerage undertaker may require for the purposes of subsection (1) above in respect of any lateral drain are undertakings which—

 - (a) bind the person or persons mentioned in that subsection to pay to the undertaker, following provision of the lateral drain, on such terms as may be specified in the undertaking, an amount not exceeding the costs reasonably incurred in or in connection with the provision of the lateral drain; and
 - (b) in the case of undertakings binding two or more persons, bind them either jointly and severally or with liability apportioned in such manner as they may agree.”,
 - (c) for subsection (3) there is substituted—

“(3) For the purposes of subsection (1)(b) above a person may be required to secure his undertakings in relation to the provision of a public sewer or, as the case may be, a lateral drain if—

 - (a) it was by virtue of section 98(2)(a) or (b) or (as the case may be) section 98(2A)(a) or (b) above that he required, or joined in requiring, the provision of the sewer or drain; and

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- (b) he is not a public authority.”,
 - (d) for paragraph (a) of subsection (5) there is substituted—
 - “(a) may be given or made in relation to the provision of a particular public sewer or (as the case may be) lateral drain, in relation to the provision of sewers or lateral drains of a particular description or in relation to the provision of public sewers or lateral drains generally; and”.
- (7) For section 101 of the WIA (determination of completion date and route for requisitioned sewer) there is substituted—

“101 Determination of completion date and route for requisitioned sewer or lateral drain

- (1) A sewerage undertaker shall not be in breach of a duty imposed by section 98 above in relation to any locality or (in the case of a lateral drain) in relation to any premises unless—
- (a) the period of six months beginning with the relevant day has expired; and
 - (b) the sewerage undertaker has not, before the end of that period, so laid (as the case may be)—
 - (i) the public sewer to be provided as to enable drains and private sewers to be used for the drainage of premises in the locality to communicate with the public sewer; or
 - (ii) the lateral drain to be provided as to enable the drain to be used for the drainage of premises to communicate with a public sewer vested in that undertaker,at the place or places determined under subsection (3) below.
- (2) The period mentioned in subsection (1)(a) above may be extended—
- (a) by agreement between the undertaker and the person or persons who required the provision of the public sewer or, as the case may be, lateral drain; or
 - (b) where there is a dispute as to whether the period should be extended, by the Authority on a reference under subsection (4) below.
- (3) The places mentioned in subsection (1)(b) above shall be—
- (a) such place or places as are determined by agreement between the sewerage undertaker and the person or persons who required the provision of the public sewer or, as the case may be, lateral drain; or
 - (b) in default of agreement, such place or places as are determined by the Authority on a reference under subsection (4) below to be the place or places at which it is reasonable, in all the circumstances—
 - (i) in relation to the provision of a public sewer, for drains or private sewers to be used for the drainage of premises in the locality in question to communicate with the public sewer; or
 - (ii) in relation to the provision of a lateral drain—
 - (a) for the lateral drain to communicate with a public sewer vested in the undertaker; and
 - (b) for the remainder of the drain of which the lateral drain forms part to connect with the lateral drain.

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- (4) A reference for the purposes of subsection (2) or (3) above may be made to the Authority for determination under section 30A above by either party to the dispute.
- (5) In this section “relevant day”, in relation to a requirement to provide a public sewer for any locality or, as the case may be, a lateral drain, means the day after whichever is the later of the following—
 - (a) the day on which the conditions specified in section 99 above are satisfied in relation to the requirement; and
 - (b) the day on which the place or places where (as the case may be)—
 - (i) drains or private sewers to be used for the drainage of premises in that locality will communicate with the public sewer; or
 - (ii) the lateral drain will communicate with a public sewer and the remainder of the drain will connect with the lateral drain, are determined under subsection (3) above.”
- (8) The substitution, by subsection (7), of section 101 of the WIA does not apply in respect of requirements notified under section 98 of the WIA before subsection (7) comes into force.
- (9) After section 101A of the WIA there is inserted—

“101B Power to construct lateral drains following provision of public sewer

- (1) Where a sewerage undertaker provides a public sewer pursuant to a duty to do so imposed on it by section 98 or section 101A above, the undertaker may, at the request of the person mentioned in subsection (2) below, also provide at the same time one or more lateral drains to be used for the drainage for domestic purposes of premises in its area and to communicate with that sewer.
- (2) A request under subsection (1) above may be made—
 - (a) in the case of a public sewer to be provided under section 98 above, by the person who requires the provision of the sewer under that section; and
 - (b) in the case of a public sewer to be provided under section 101A above, by the owner or occupier of any premises in respect of which the duty to provide the sewer arises under that section (but any request may only be for the provision of a lateral drain to his premises).
- (3) The person making a request under this section shall pay to the water undertaker, following provision of the lateral drain, the costs reasonably incurred in or in connection with providing that drain.
- (4) Any dispute between the sewerage undertaker and the person making a request under this section as to—
 - (a) whether a lateral drain should be provided pursuant to the request; or
 - (b) the costs reasonably incurred in the provision of a lateral drain,
 may be referred to the Authority for determination under section 30A above by either party to the dispute.

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- (5) Any lateral drain provided pursuant to a request made to a sewerage undertaker under this section shall belong to the undertaker.”
- (10) Section 101B of the WIA (as inserted by subsection (9)) does not apply in respect of a public sewer to be provided pursuant to—
- (a) a requirement notified under section 98 of that Act before the coming into force of subsection (9), or
 - (b) a duty under section 101A of that Act which the sewerage undertaker had accepted, or the Environment Agency had determined, it was under before the coming into force of subsection (9).

Commencement Information

II S. 95 in force at 28.5.2004 by S.I. 2004/641, art. 4(b) (with Sch. 3 para. 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)