



# Public Health Act 1936

## 1936 CHAPTER 49

### PART II

#### SANITATION AND BUILDINGS.

##### *Sewerage and sewage disposal.*

#### **24 Power of local authority to recover cost of maintaining certain lengths of public sewers.**

- (1) Where a local authority have carried out work for the maintenance of any length of a public sewer, being a length to which this section applies, they may, subject to the provisions of this section, recover the expenses reasonably incurred by them in so doing from the owners for the time being of the premises served by that length of sewer in such proportions as the authority deem it fair to fix, regard being had by them to all the circumstances of the case, including the benefit derived by each owner from that length of sewer, the distance for which it is laid in land belonging to each owner, the point at which any work was necessary and the responsibility for any act or default which rendered the work necessary:

Provided that, unless in the opinion of the local authority immediate action is necessary, they shall, not less than seven days before commencing the work, give notice of the work which they propose to undertake to the owners of any premises known by them to be served by the length of sewer in question and consider any representations as to the need for, and reasonableness of, the proposed work which may be made to them by any of those owners within seven days of the service of the notice.

The expression " maintenance " in relation to any length of a public sewer to which this section applies includes repair, renewal and improvement, but in the case of improvement includes only such improvement as may be necessary to make that length of sewer adequate for draining the premises served by it immediately before the improvement was undertaken.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) If a local authority, in lieu of executing works of maintenance only to any length of a public sewer to which this section applies, improve or enlarge that length of sewer for the purpose of enabling it to serve additional premises, they shall be entitled to recover under the last preceding subsection from the owners of the premises served by the existing sewer such sum only as they might reasonably have expended in executing works of maintenance necessary to make that length of sewer adequate for draining the premises served by it immediately before the improvement or enlargement was undertaken, and for the purposes of any future works of maintenance that length of sewer shall cease to be a length of sewer to which this section applies.
- (3) Any question arising under this section as to whether any length of sewer is one to which this section applies, as to the necessity for any work carried out by a local authority, as to the amount, or the reasonableness, of the expenses incurred by them, or as to the fairness of any division or apportionment of expenses made by them, may be determined by a court of summary jurisdiction either in proceedings taken by the local authority for the recovery of expenses incurred by them, or on the application of any owner concerned.
- (4) This section applies to any length of a public sewer, being either—
  - (a) a length for the maintenance of which persons other than the local authority were, immediately before the commencement of this Act, responsible by virtue either of some enactment or statutory scheme relating to combined drains or of an order made under such an enactment or scheme, or of an agreement, being an enactment, scheme, order or agreement whereby the authority were entitled to require those persons to maintain that length of the sewer, or to abate any nuisance therein, or to contribute in proportions to, or indemnify the authority against, any expenses incurred by the authority in maintaining it; or
  - (b) a length which was vested in the local authority immediately before the commencement of this Act, but was not constructed at their expense or at the expense of any authority whose successors they are, and which lies in a garden, court or yard belonging to any of the premises served by the sewer or common to any two or more of them, or lies under a building comprised in any of those premises, or lies in a roadway, footway, passage or alley which is used solely or mainly as a means of access to those premises or any of them, but is not a highway repairable by the inhabitants at large.
- (5) So much of any local Act as relates to the liability for the repair of a single private drain connecting two or more houses with a public sewer is hereby repealed.