



Towns Improvement Clauses Act 1847

1847 CHAPTER 34 10 and 11 Vict

House drains

And with respect to the drainage of houses, be it enacted as follows:—

35 Commissioners empowered to construct drains from houses, charging owner, &c. with the expence.

If any house or building within the limits of the special Act be at any time not drained by a sufficient drain or pipe communicating with some sewer, or with the sea or some public river, to the satisfaction of the commissioners, and if there shall be such means of drainage within one hundred feet of any part of such house or building, the commissioners shall construct or lay from such house or building a covered drain or pipe, of such materials, of such size, at such level, and with such fall, as they think necessary for the drainage of such house or buildings, its areas, waterclosets, privies, and offices; provided that the cost of executing such work shall not, without the written consent of the owner, exceed one year's rackrent of such house or building; and the expences incurred by the commissioners in respect thereof, if not forthwith paid by the owner or occupier, shall be defrayed by the drainage rates herein-after mentioned.

36 No house to be hereafter built without drains being constructed.

No house or building within the limits of the special Act shall be built upon a lower level than will allow of the drainage of the wash and refuse of such house or building into some sewer belonging to the commissioners either then existing or marked out upon the map herein-before directed to be made by them, or into the sea, or some public river into which the commissioners are empowered to empty their sewers; and if there be such means of drainage existing within one hundred feet of such intended house or building, the commissioners shall cause a drain leading thereunto from the intended site of such house to be made, of such materials, of such size, at such level, and with such fall, as they think fit, or if there be no such means of drainage within one hundred feet of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the commissioners direct, not being under any dwelling house, and constructed to the satisfaction of the commissioners, so as effectually to prevent the escape of the contents thereof, until

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such sewer as aforesaid is made by the commissioners, when they shall make a drain to communicate with such new-made sewer, and shall demolish and fill up any such cesspool.

37 Where houses are rebuilt, the level shall be sufficient to allow a drain to be constructed.

Whenever any house is rebuilt within the limits of the special Act, the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is herein-before provided in the case of houses to be built after the passing of the special Act; and whenever any house is taken down as low as the floor of the first story for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act.

38 Notice of buildings and rebuildings to be given to the commissioners.

Before beginning to build any new house, or to rebuild any existing house, within the limits of the special Act, the person intending to build or rebuild such house shall give to the commissioners notice thereof in writing, and shall accompany such notice with a plan showing the level at which the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the commissioners.

39 Commissioners may signify disapproval within fourteen days.

Within fourteen days after receiving such notice the commissioners may signify their disapproval of the level at which it is proposed to lay the foundations of any such house, and in case of such disapproval may within the said fourteen days fix the level at which the same is to be laid, subject to such right of appeal as is herein-after mentioned.

40 Houses built without notice, or contrary to provisions of this or the special Act, may be altered.

In default of sending such notice and plan, or if such building be begun or made at any level different from that fixed by the commissioners within the said fourteen days, or determined on appeal as after mentioned, or in any other respect contrary to the provisions of this or the special Act, the commissioners may, if necessary, cause such building to be altered or demolished, as the case requires, and the expence incurred by the commissioners in respect thereof shall be repaid to them by the person failing to comply with the provision aforesaid, and shall be recoverable as damages.

41 If commissioners fail to signify their approval, &c. within fourteen days, parties may proceed without.

Provided always that if the commissioners fail to signify in writing their approval or disapproval of the level shown on such plan as aforesaid within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything herein-before contained, proceed to build or rebuild the house therein referred to according to the level shown on such plan, provided that such building or rebuilding be otherwise in accordance with the provisions of this and the special Act.

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42 Commissioners may require owners of houses to provide privies and ashpits for the same.

The commissioners shall require the owner of every house within the said limits, to which no sufficient privy and ashpit, with proper doors and coverings, is attached, to provide, where it appears to them that there is room enough for the purpose, such privy and ashpit in such situation, not disturbing any building then already erected, as the commissioners deem necessary for the use of the inmates and occupiers thereof; and every such privy and ashpit shall be constructed to the satisfaction of the commissioners, so as effectually to prevent the escape of the contents thereof: Provided always that where a privy and ashpit is used in common by the inmates and occupiers of two or more of such houses, the commissioners may, if they think fit, dispense with the provision of a privy and ashpit for each such house.

43 Penalty for neglecting to provide privy, &c.

The owner of any such house shall provide the same with a privy, with such door and covering to the same, and with such ashpit as aforesaid, to the satisfaction of the commissioners, within one month next after notice in writing for that purpose given by the commissioners to him or to the occupier of such house, and in default thereof the commissioners shall cause such privy and ashpit to be provided, so nevertheless that the cost of executing such work shall not, without the written consent of the owner, exceed one year's rackrent of such house or building; and the expence incurred thereby shall be defrayed by the drainage rates herein-after mentioned.

44 Drains, privies, and cesspools to be kept in good order by owners. If owners neglect, commissioners may cause the same to be done, and charge the owners with the expence.

All branch drains, as well within as without the lands or buildings to which they belong, and all privies, ashpits, and cesspools within the limits of the special Act, shall be under the survey and control of the commissioners, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner and occupier of any land or buildings to which any such drain, privy, ashpit, or cesspool belongs neglect, during fourteen days after notice in writing for that purpose, to alter, repair, and to put the same into good order, in the manner required by the commissioners, the commissioners may cause such drain, privy, ashpit, or cesspool to be altered, repaired, covered, and put in good order; and the expence incurred by the commissioners in respect thereof shall be repaid to them by the owners by whom the same ought to have been done, and shall be recoverable as damages.

45 As to the inspection of drains, privies, and cesspools.

The surveyor of the commissioners may inspect any drain, privy, ashpit, or cesspool within the limits of the special Act, and for that purpose, at all reasonable times in the daytime, after twenty-four hours' notice in writing to the occupier of the premises to which such drain, privy, ashpit, or cesspool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain, privy, ashpit, or cesspool is found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expences of opening,

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closing, and making good such drain, privy, ashpit, or cesspool shall in that case be defrayed by the commissioners.

46 Penalty on persons making or altering drains, &c. contrary to the orders of the commissioners.

If any such drain, privy, or cesspool be on inspection found to have been constructed, after the passing of the special Act, contrary to the directions and regulations of the commissioners, or contrary to the provisions of this or the special Act, or if any person, without the consent of the commissioners, construct, rebuild, or unstop any drain, privy, or cesspool which has been ordered by them to be demolished or stopped up or not to be made, every person so doing shall be liable to a penalty not exceeding ^[F1]~~£25~~^[F2] ^[F1]level 1 on the standard scale]; and the commissioners may cause such amendment or alteration to be made in any such drain, privy, or cesspool as they think fit; and the expence attending any such amendment or alteration shall be paid by the person by whom such sewer was improperly constructed, rebuilt, or altered, and shall be recoverable from him as damages.

Textual Amendments

- F1** “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**
- F2** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), **s. 31(5)(6)(9)**

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