

SCHEDULE 8

Drainage and water enquiries

PART 1

General

Interpretation

1.—(1) In this Schedule—

“the 1991 Act” means the Water Industry Act 1991⁽¹⁾;

“the 2000 Regulations” means the Water Supply (Water Quality) Regulations 2000⁽²⁾;

“the 2001 Regulations” means the Water Supply (Water Quality) Regulations 2001⁽³⁾;

“adoption agreement” means an agreement made or to be made under section 51A(1) or 104(1) of the 1991 Act⁽⁴⁾;

“bond” means a surety granted by a developer who is a party to an adoption agreement;

“bond waiver” means an agreement with a developer for the provision of a form of financial security as a substitute for a bond;

“calendar year” means the twelve months ending with 31st December;

“discharge pipe” means a pipe from which discharges are made or are to be made under section 165(1) of the 1991 Act;

“disposal main” means (subject to section 219(2) of the 1991 Act) any outfall pipe or other pipe which—

(a) is a pipe for the conveyance of effluent to or from any sewage disposal works, whether of a sewerage undertaker or of any other person; and

(b) is not a public sewer;

“drain” means (subject to section 219(2) of the 1991 Act) a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“effluent” means any liquid, including particles of matter and other substances in suspension in the liquid;

“financial year” means the twelve months ending with 31st March;

“lateral drain” means—

(a) that part of a drain which runs from the curtilage of a building (or buildings or yards within the same curtilage) to the sewer with which the drain communicates or is to communicate; or

(b) (if different and the context so requires) the part of a drain identified in a declaration of vesting made under section 102 of the 1991 Act or in an agreement made under section 104 of that Act⁽⁵⁾;

(1) 1991 c. 56.

(2) S.I. 2000/3184. These Regulations apply in relation to England.

(3) S.I. 2001/3911. These Regulations apply in relation to Wales.

(4) Section 51A is inserted by section 92(2) of the Water Act 2003 (c. 37). Section 104(1) is amended by section 96(4) of that Act.

(5) To which there are various amendments made by sections 102 and 104 by section 96 of the Water Act 2003.

Status: This is the original version (as it was originally made).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

“licensed water supplier” means a company which is the holder for the time being of a water supply licence under section 17A(1) of the 1991 Act⁽⁶⁾;

“maintenance period” means the period so specified in an adoption agreement as a period of time—

(a) from the date of issue of a certificate by a sewerage undertaker to the effect that a developer has built (or substantially built) a private sewer or lateral drain to that undertaker’s satisfaction; and

(b) until the date that private sewer or lateral drain is vested in the sewerage undertaker;

“map of waterworks” means the map made available under section 198(3) of the 1991 Act⁽⁷⁾ in relation to the information specified in subsection (1A);

“private sewer” means a pipe or pipes which drain foul or surface water, or both, from premises, and are not vested in a sewerage undertaker;

“public sewer” means, subject to section 106(1A) of the 1991 Act⁽⁸⁾, a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker—

(a) by virtue of a scheme under Schedule 2 to the Water Act 1989⁽⁹⁾;

(b) by virtue of a scheme under Schedule 2 to the 1991 Act⁽¹⁰⁾;

(c) under section 179 of the 1991 Act⁽¹¹⁾; or

(d) otherwise;

“public sewer map” means the map made available under section 199(5) of the 1991 Act⁽¹²⁾;

“resource main” means (subject to section 219(2) of the 1991 Act) any pipe, not being a trunk main, which is or is to be used for the purpose of—

(a) conveying water from one source of supply to another, from a source of supply to a regulating reservoir or from a regulating reservoir to a source of supply; or

(b) giving or taking a supply of water in bulk;

“sewerage services” includes the collection and disposal of foul and surface water and any other services which are required to be provided by a sewerage undertaker for the purpose of carrying out its functions;

“sewerage undertaker” means the company appointed to be the sewerage undertaker under section 6(1) of the 1991 Act for the area in which the property is or will be situated;

“surface water” includes water from roofs and other impermeable surfaces within the curtilage of the property;

“water main” means (subject to section 219(2) of the 1991 Act) any pipe, not being a pipe for the time being vested in a person other than the water undertaker, which is used or to be used by a water undertaker or licensed water supplier for the purpose of making a general supply of water available to customers or potential customers of the undertaker or supplier, as distinct from for the purpose of providing a supply to particular customers;

“water meter” means any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from any premises;

“water supplier” means the company supplying water in the water supply zone, whether a water undertaker or licensed water supplier;

⁽⁶⁾ Inserted by section 56 of and Schedule 4 to the Water Act 2003.

⁽⁷⁾ Subsection (1A) is inserted by section 92(5) of the Water Act 2003.

⁽⁸⁾ Section 106(1A) is inserted by section 99 of the Water Act 2003.

⁽⁹⁾ 1989 c. 15.

⁽¹⁰⁾ To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.

⁽¹¹⁾ To which there are various amendments made by section 101(1) of and Schedule 8 to the Water Act 2003.

⁽¹²⁾ Section 199 is amended by section 97(1) and (8) of the Water Act 2003.

“water supply zones” in relation to a calendar year means the names and areas designated by a water undertaker within its area of supply that are to be its water supply zones for that year; and
“water undertaker” means the company appointed to be the water undertaker under section 6(1) of the 1991 Act for the area in which the property is or will be situated.

(2) In this Schedule, references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe.

Enquiries and responses

2.—(1) The search report required by regulation 8(1) must contain—

- (a) the enquiries (or requests) set out in sub-paragraph (1) of each paragraph of Part 2; and
- (b) in relation to each such enquiry (or request), a response in the terms set out in sub-paragraph (2) of each such paragraph, which is the appropriate response as regards the property.

(2) Only one of the alternative responses in sub-paragraph (2) of each paragraphs 3 to 11 and 13 to 24 may be the appropriate response.

(3) Where the search report is made using a document which reproduces all of the enquiries (or requests) and responses set out in Part 2, such of those responses as are not appropriate must be deleted or struck out.

(4) Where a response set out in sub-paragraph (2) of a paragraph of Part 2—

- (a) includes words highlighted in italics which request the giving of information about specified matters—
 - (i) the appropriate response or the search report must include the information to which those matters refer; and
 - (ii) where information is so included and the search report is made using a document which reproduces that response, the words in italics may be deleted or struck out; and
- (b) refers to an additional document being included, that document must accompany the search report required by regulation 8(1).