

SCHEDULES

SCHEDULE 9

MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO SEWERAGE AND DRAINAGE

PART II

SPECIFIC MODIFICATIONS OF SEWERAGE PROVISIONS OF PUBLIC HEALTH ACT 1936

- 1 (1) The powers conferred by section 15 (1) (i) shall not be exercisable by the Greater London Council, but that Council shall instead have the powers conferred by paragraph 1 of Part III of this Schedule.
- (2) Nothing in section 15 shall be construed as absolving the council of a London borough or county district from complying with any relevant requirement imposed by paragraph 7 of Part III of this Schedule.
- 2 (1) The power of a local authority under section 17 to make a declaration vesting in themselves a sewer or sewage disposal works situate within or serving their district or any part of their district shall not be exercisable—
 - (a) by the Greater London Council as respects a sewer or sewage disposal works which is vested in the council of a London borough or county district;
 - (b) by the council of a London borough or county district as respects a sewer or sewage disposal works which is vested in the Greater London Council.
- (2) In section 17 (1) the words from " being " to " Act" shall be omitted.
- (3) Section 17 (7) and (8) shall not be construed as applying to a declaration by the Greater London Council with respect to a sewer or sewage disposal works (unless the sewer or works is situate outside, or serves a district outside, the Council's sewerage area and in relation to a declaration by the council of a borough or county district with respect to a sewer situate within, or serving a district within, that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.
- 3 Section 18 (3) shall not be construed as applying to an agreement to vest a sewer or sewage disposal works in the Greater London Council unless the sewer or works is situate outside the Council's sewerage area and in relation to an agreement to vest in the council of a borough or county district a sewer situate within that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.
- 4 (1) In section 20 (1) the reference to section 29 of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.
- (2) For section 20 (2) there shall be substituted the following subsection :—

“(2) Sewers which by virtue of this section continue to be or become vested in a local authority, and sewers and drains which by virtue of section 35 of the London Government Act 1963 become so vested shall be known, and are referred to in this Act, as public sewers:

Provided that a sewer constructed by a local authority after 1st April 1965, or a sewer or drain constructed by such an authority or one of their predecessors between 30th September 1937 and that date for the purpose only of draining property belonging to the authority or their predecessors, being in the case of a sewer or drain constructed before that date by the London county council or a metropolitan borough council a sewer or drain used only for that purpose at that date, shall not be deemed to be a public sewer for the purposes of this Act unless or until it has been declared (whether before or after that date) to be a public sewer.”

5 In section 21, in its application to Greater London (whether or not in the sewerage area of the Greater London Council) but not in its application to any part of that area outside Greater London, any reference to a county council shall include a reference to the Greater London Council and in subsection (4) of that section a reference to section 29 (2) of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.

6 (1) Section 24 (4), in its application to an inner London borough, shall have effect as if references to the commencement of that Act were references to 1st April 1965 and as if at the end there were added the words “or

(c) any length which immediately before 1st April 1965 was used for draining any group or block of houses by a combined operation under an order of a metropolitan borough council or their predecessors ; or

(d) any length which immediately before that date was used for draining a group or block of houses by a combined operation, being a length laid or constructed before 1856 in pursuance of an order or direction of, or with the sanction or approval of, the Metropolitan Commissioners of Sewers.”

(2) Section 24 (5) shall not apply to an inner London borough, the City or the Temples.

7 Sections 25, 37 and 38 shall not apply to an inner London borough, the City or the Temples, and in their application to any other part of the sewerage area of the Greater London Council shall have effect as if references to a local authority did not include references to that Council.

8 For the purposes of section 27 all sewers provided by the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple shall be treated as public sewers.

9 (1) If so requested by the Greater London Council, the council of a London borough or county district shall enter into an agreement under section 28 on such terms, if any, as the Greater London Council may direct for causing a sewer in the sewerage area of the Greater London Council to communicate with or discharge into a sewer or sewage disposal works outside that area with any other sewerage authority who are willing to enter into 'the agreement on such terms.

- (2) The Common Council shall be included among the sewerage authorities with whom the council of an inner London borough may enter into an agreement under section 28.
- (3) Where the council of a London borough or county district enter into such an agreement at the request of the Greater London Council and in consequence reasonably incur expenditure in excess of that which they would have incurred apart from the agreement, the amount of the excess shall be reimbursed to them by the Greater London Council; and any dispute as to the reasonableness of the expenditure or the amount of the excess shall, in default of agreement, be determined by the Minister.
- 10 The power of letting land conferred on a local authority by section 29 shall not be exercised by the council of a London borough or county district in the case of land in the sewerage area of the Greater London Council without the consent of the Greater London Council.
- 11 In section 30 the reference to Part II of the Public Health Act 1936, and in section 31 the reference to the foregoing provisions of the said Part II, shall be construed as including references to Part III of this Schedule.
- 12 (1) The requirement to keep a map imposed on a local authority by section 32 shall not be construed as requiring the council of a London borough or county district to keep a map showing and distinguishing any sewers or drains within their district which are not vested in the council.
- (2) Section 32 (3) shall not apply in the sewerage area of the Greater London Council.
- (3) At the end of section 32 there shall be added the following subsection—
- “(4) The council of every London borough and county district having sewers in the sewerage area of the Greater London Council shall supply a copy of the said map to the Greater London Council.”
- 13 (1) Where a person proposes under section 34 or 35 to make a communication between a drain or sewer and a public sewer of the Greater London Council, the grounds on which the Council may refuse under section 34 (3) or 35 (1) to permit the communication shall be such grounds as they think fit and no application to a magistrates' court may be made under the proviso to section 34 (3) or under section 35 (2) in respect of any such refusal by the Council.
- (2) Where a communication is made under section 34 or 35 between a drain or sewer and a public sewer of the council of a borough or county district, the council shall as soon as may be after the making of the communication give the Greater London Council notice of the fact together with such particulars of the communication as the Greater London Council may require in that case or that class of case.
- 14 In sections 39 and 40, any reference to a local authority shall not include a reference to the Greater London Council.
- 15 Section 41 shall apply throughout the sewerage area of the Greater London Council and not only to the areas mentioned in subsection (1) of that section, and references in that section to a local authority shall—
- (a) in relation to a public sewer, be construed as a reference to the local authority in whom the sewer is vested ; and

Status: This is the original version (as it was originally enacted).

- (b) in relation to any other sewer or in relation to a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough or county district in which the sewer, cesspool or other receptacle is situated.
- 16 Any reference in section 42 to a local authority shall be construed as a reference to the local authority in whom the sewer in question is vested or, as the case may be, the council of the London borough or county district in which the cesspool in question is situated.
- 17 In the provisions of Part XII mentioned in section 37 (1) of this Act any reference to the Public Health Act 1936 shall include a reference to Part V of this Act (including Part III of this Schedule).
- 18 Section 290 (2) to (7) shall apply in relation to any notice given under paragraphs 14 (1) and (3) and 15 (2) of Part III of this Schedule.
- 19 In section 343 (1) the definition of " local authority" shall not apply in relation to the enactments mentioned in section 37 (1) of this Act.