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SCHEDULES

SCHEDULE 9

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

PART III

PROVISIONS REPRODUCED FROM PART II OF PUBLIC HEALTH (LONDON) ACT 1936

Control of drainage work

- 13 (1) It shall not be lawful in an inner London borough—
- (a) to erect any house or other building, or
 - (b) to rebuild any house or other building which has been pulled down to, or to a level below, the floor commonly called the ground floor,
- unless there are provided to the satisfaction of the borough council drains conforming with the requirements of this paragraph and all such drains and all works and apparatus in connection therewith are constructed to the satisfaction of the council and, in particular, are constructed of such materials and size, at such level and with such fall, as are approved by the council and are provided with a water supply.
- (2) In an inner London borough it shall not be lawful to occupy any house or other building which has been erected or rebuilt in contravention of the foregoing sub-paragraph or of section 37 of the Public Health (London) Act 1936.
- (3) In order to conform with the requirements of this paragraph a drain must provide for the drainage of the house or building in connection with which it is required—
- (a) into such sewer, situate or intended to be constructed near the house, building or site, as the borough council may direct; or
 - (b) if no sewer is or will be available for the drainage of the house or building, into such covered cesspool or other place, not being under any house or other building, as the council may direct;
- and the drains must secure efficient drainage by gravitation at all times and under all conditions of all parts of the house or building including any areas, water-closets, privies and offices belonging to the house or building.
- (4) In rebuilding in an inner London borough any house or building which has been pulled down to, or to a level below, the floor commonly called the ground floor, the level of the lowest floor of the house or building shall, subject to the provisions of the next following sub-paragraph, be raised so far as may be necessary to allow of the construction of such works as are required by this paragraph, and for that purpose levels shall be taken and determined under the direction of the borough council.
- (5) Notwithstanding anything in the foregoing provisions of this paragraph, where it is proposed to erect or rebuild in an inner London borough any house or building at

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such a level as will not allow of the drainage of all parts of the house or building by gravitation as aforesaid, the borough council may, as respects any part of the house or building which cannot be so drained, either—

- (a) allow that part to be constructed so as not to require drainage therefrom; or
- (b) allow that part to be drained by means of such pumping or lifting apparatus as may be provided to the satisfaction of the council.

Any pumping or lifting apparatus provided under this sub-paragraph shall be deemed to be a drain.

- (6) Where separate sewers for the reception of surface water and sewage respectively have been, or are intended to be, provided in any street, the borough council may, in the discharge of their functions under this paragraph in relation to any house or other building which is to be drained into the sewers in that street, require that the house or building be provided with separate drains for discharging surface water and sewage respectively into the appropriate sewers.
 - (7) Any person aggrieved by any order, direction, requirement or other decision of a borough council under the foregoing provisions of this paragraph may appeal to a magistrates' court.
- 14 (1) Where in an inner London borough—
- (a) any house or other building, whether erected before or after 1st April 1965, is not drained, to the satisfaction of the borough council, by means of a sufficient drain communicating with, and emptying itself into, a sewer, and
 - (b) a sewer is or will be available for the drainage of the house or building,
- the council may, by notice served on the owner of the house or building, impose such requirements as are mentioned in the next following sub-paragraph.
- (2) The requirements which may be imposed by notice under this paragraph are requirements—
- (a) to construct a covered drain from the house or building into the said sewer and such connections to the drain as are adequate for the purposes of draining the house or building, including any areas, water-closets, privies and offices belonging to the house or building and of conveying the sewage therefrom into the sewer ;
 - (b) to construct the drain and the connections of such materials and size, at such level and with such fall, as are adequate for the said purposes ;
 - (c) to provide proper paved or impermeable sloping surfaces for carrying surface water into the drain or any connections thereto ;
 - (d) to provide proper sinks, and proper inlets and outlets, syphoned or otherwise trapped, for preventing the emission of effluvia from the drain or any connections thereto ;
 - (e) to provide a proper water supply and water-supplying pipes, cisterns and apparatus for scouring the drain and any connections thereto, and for causing the drain and any connections thereto to convey away the soil;
 - (f) to provide proper sand traps, expanding inlets and other apparatus for preventing the entry of improper substances into the drain or any connections thereto ; and
 - (g) to provide all such other proper works and arrangements as appear to the council or their officers necessary to secure the safe and proper working of the drain and to prevent it from obstructing or otherwise injuring, or impeding the action of, the sewer into which it leads.

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- (3) Where—
- (a) any house or other building in an inner London borough, whether erected before or after 1st April 1965, is without sufficient drainage ; and
 - (b) there is no proper sewer within two hundred feet of any part of the house or building,

the borough council may, with a view to making temporary provision for the drainage of the house or building and for the abatement of any nuisance existing therein or caused thereby, serve on the owner of the house or building a written notice requiring him—

- (i) to construct, elsewhere than under a house and not nearer to any house than the council may direct, a covered watertight cesspool or tank or other suitable receptacle ; and
- (ii) to construct and lay a covered drain leading from the first-mentioned house or building into that cesspool, tank or other receptacle.

- (4) Where a borough council have required any works to be executed under the foregoing provisions of this paragraph, the council may, from time to time during the execution of the works, cause them to be inspected and may by further notice served on the owner of the house or building require such reasonable alterations thereof, additions thereto or abandonment of parts thereof as the council or their officers, with the fuller knowledge afforded by the opening of the ground, consider necessary to secure that the works will be thoroughly effective for their purpose.

- (5) Where—
- (a) it appears to the council of an inner London borough that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, can more economically or advantageously be drained and improved in combination than separately ; and
 - (b) a sewer of sufficient size is situate, or about to be constructed, within one hundred feet of any part of the group or block,

the council may by order require that the group or block be drained by a combined operation complying with such of the requirements mentioned in sub-paragraph (2) of this paragraph as may be specified in the order.

- (6) Any person aggrieved by an order made by a borough council under (the last foregoing sub-paragraph may appeal to a magistrates' court.

- 15 (1) No person shall—
- (a) begin to lay or to dig out the foundations of any house or building in an inner London borough, or to rebuild any house or building therein; or
 - (b) begin to make any drain for the purpose of draining directly or indirectly into a sewer under the control of the council of such a borough,

unless, at least seven days previously, he has given to the borough council notice of his intention so to do, and if any person begins to lay or dig out the foundations of any such house or building, or to make any drain for the purpose aforesaid, in contravention of this paragraph, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day thereafter until the notice is given.

- (2) If any house or building, or any drain for draining directly or indirectly into a sewer under the control of the council of a London borough, or any connections to such a drain, or any works, apparatus or water supply in connection with such a drain, is or

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are begun, erected, made or provided in an inner London borough in contravention of the provisions of this Part of this Schedule or of the corresponding provisions of any enactment repealed by this Act, the council of the borough at their option may either—

- (a) serve upon the owner of the house or building or of the drain (as the case may be) a notice requiring him to cause the house or building to be demolished or altered or to cause the drain or the connections or other works and apparatus in connection therewith or the water supply to be relaid, remade, altered or added to, as the case may require ; or
- (b) recover from the person in default, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the contravention continues.