



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

^{F1}[Provision of public sewers otherwise than by requisition]

^{F1}[101A Further duty to provide sewers.

- (1) Without prejudice to section 98 above, it shall be the duty of a sewerage undertaker to provide a public sewer to be used for the drainage for domestic sewerage purposes of premises in a particular locality in its area if the conditions specified in subsection (2) below are satisfied.
- (2) The conditions mentioned in subsection (1) above are—
 - (a) that the premises in question, or any of those premises, are premises on which there are buildings ^{F2}. . . ;
 - (b) that the drains or sewers used for the drainage for domestic sewerage purposes of the premises in question do not, either directly or through an intermediate drain or sewer, connect with a public sewer; and
 - (c) that the drainage of any of the premises in question ^{F3}. . . is giving, or is likely to give, rise to such adverse effects to the environment or amenity that it is appropriate, having regard to any guidance issued under this section by the Secretary of State and all other relevant considerations, to provide a public sewer for the drainage for domestic sewerage purposes of the premises in question.

Changes to legislation: Water Industry Act 1991, Section 101A is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Without prejudice to the generality of subsection (2)(c) above, regard shall be had to the following considerations, so far as relevant, in determining whether it is appropriate for any sewer to be provided by virtue of this section—
- (a) the geology of the locality in question or of any other locality;
 - (b) the number of premises, being premises on which there are buildings, which might reasonably be expected to be drained by means of that sewer;
 - (c) the costs of providing that sewer;
 - (d) the nature and extent of any adverse effects to the environment or amenity arising, or likely to arise, as a result of the premises or, as the case may be, the locality in question not being drained by means of a public sewer; and
 - (e) the extent to which it is practicable for those effects to be overcome otherwise than by the provision (whether by virtue of this section or otherwise) of public sewers, and the costs of so overcoming those effects.
- (4) Guidance issued by the Secretary of State under this section may—
- (a) relate to how regard is to be had to the considerations mentioned in paragraphs (a) to (e) of subsection (3) above;
 - (b) relate to any other matter which the Secretary of State considers may be a relevant consideration in any case and to how regard is to be had to any such matter;
 - (c) set out considerations, other than those mentioned in paragraphs (a) to (e) of subsection (3) above, to which (so far as relevant) regard shall be had in determining whether it is appropriate for any sewer to be provided by virtue of this section;
 - (d) relate to how regard is to be had to any such consideration as is mentioned in paragraph (c) above;
 - (e) without prejudice to paragraphs (a) to (d) above, relate to how a sewerage undertaker is to discharge its functions under this section.
- (5) ^{F4}... the Secretary of State shall arrange for any guidance issued by him under this section to be published in such manner as he considers appropriate.
- (6) Subject to the following provisions of this section, the duty of a sewerage undertaker by virtue of subsection (1) above shall be enforceable under section 18 above—
- (a) by the Secretary of State; or
 - (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.
- (7) [^{F5}Subsections (7A) and (7B) apply where there is a dispute] between a sewerage undertaker and an owner or occupier of any premises in its area as to—
- (a) whether the undertaker is under a duty by virtue of subsection (1) above to provide a public sewer to be used for any such drainage of those premises as is mentioned in that subsection;
 - (b) the domestic sewerage purposes for which any such sewer should be provided; or
 - (c) the time by which any such duty of the undertaker should be performed,
- ^{F6} ...
- [The dispute is to be determined by the appropriate person and may be referred to the ^{F7}(7A) appropriate person for determination by either of the parties to the dispute.

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- (7B) If the dispute is between a sewerage undertaker and an owner or occupier of premises in Wales, the NRBW must provide advice in relation to any of the matters mentioned in subsection (7)(a) to (c) if so requested by—
- (a) either of the parties to the dispute, or
 - (b) the appropriate person.

(7C) Any advice provided by the NRBW under subsection (7B) must be provided to both parties to the dispute and to the appropriate person.]

- (8) The [F⁸appropriate person] —
- (a) shall notify the parties of the reasons for its decision on any dispute referred to it under [F⁹subsection (7A)] above; and
 - (b) may make any such recommendations, or give any such guidance, relating to or in connection with the drainage of the premises or locality in question as it considers appropriate.

(9) The decision of the [F¹⁰appropriate person] on any dispute referred to it under [F¹¹subsection (7A)] above shall be final.

(10) A sewerage undertaker shall only be taken to be in breach of its duty under subsection (1) above where, and to the extent that, it has accepted, or the [F¹²appropriate person] has determined under this section, that it is under such a duty and where any time accepted by it, or determined by the [F¹²appropriate person] under this section, as the time by which the duty is to that extent to be performed has passed.

[In this section “the [F¹⁴appropriate person] ” means—

- F¹³(11) (a) the Environment Agency, in relation to disputes between sewerage undertakers and owners or occupiers of premises in England;
- (b) [F¹⁵the Welsh Ministers] , in relation to disputes between sewerage undertakers and owners or occupiers of premises in Wales[F¹⁶, or such person as the Welsh Ministers may from time to time appoint as the appropriate person in relation to such disputes.]]

[A person may be appointed as the appropriate person under subsection (11)(b) only if F¹⁷(12) the person is independent of the NRBW.

- (13) A person is independent of the NRBW for the purposes of subsection (12) if the person is—
- (a) an individual who is not a member of the NRBW or the NRBW's staff, or
 - (b) a body none of whose members is a member of the NRBW or the NRBW's staff.]]

Textual Amendments

- F1 S. 101A inserted (1.2.1996 for specified purposes and otherwise 1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 103](#) (with [ss. 7\(6\), 115, 117](#)); S.I. 1996/186, [arts. 2, 3](#)
- F2 Words in s. 101A(2)(a) repealed (28.5.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 94\(a\), 105\(3\)](#), [Sch. 9 Pt. 3](#); S.I. 2004/641, [art. 4](#) (with [Sch. 3 para. 7](#))
- F3 Words in s. 101A(2)(c) repealed (28.5.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 94\(b\), 105\(3\)](#), [Sch. 9 Pt. 3](#); S.I. 2004/641, [art. 4](#) (with [Sch. 3 para. 7](#))
- F4 Words in s. 101A(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), [Sch. 22 para. 17](#)

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- F5** Words in s. 101A(7) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(2)(a)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F6** Words in s. 101A(7) repealed (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(2)(b)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F7** Ss. 101A(7A)-(7C) inserted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(3)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F8** Words in s. 101A(8) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(5)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F9** Words in s. 101A(8)(a) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(4)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F10** Words in s. 101A(9) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(5)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F11** Words in s. 101A(9) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(4)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F12** Words in s. 101A(10) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(5)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F13** S. 101A(11) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 237(4)** (with Sch. 7)
- F14** Words in s. 101A(11) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(5)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F15** Words in s. 101A(11)(b) substituted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(6)(a)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F16** Words in s. 101A(11)(b) inserted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(6)(b)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)
- F17** S. 101A(12)(13) inserted (1.11.2015) by [Water Act 2014 \(c. 21\)](#), **ss. 41(7)**, 94(3); S.I. 2015/1786, art. 2 (with art. 3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)

- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)
- s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)