



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Sewers and drains

97 Requisitioning and adoption of lateral drains: supplementary

- (1) The WIA is amended as follows.
- (2) In section 36 (interpretation of Part 2 of the WIA)—
 - (a) in subsection (3)(b)(i), after “sewer” there is inserted “ or drain ”,
 - (b) for the definition of “relevant sewer” in subsection (4) there is substituted—

““relevant sewer or drain”, in relation to any appointment or variation which would replace a company as a sewerage undertaker, means any of the following, that is to say—

 - (a) a public sewer or lateral drain vested in that company;
 - (b) a sewer or lateral drain in relation to which that company has made a declaration of vesting under section 102 below which has not yet taken effect;
 - (c) a sewer or lateral drain in relation to which that company has entered into an agreement under section 104 below.”
- (3) In section 94 (general duty to provide sewerage system), in paragraph (a) of subsection (1), after “those sewers” there is inserted “ and any lateral drains which belong to or vest in the undertaker ”.
- (4) In section 158 (powers to lay pipes in streets), for paragraph (b) of subsection (7) there is substituted—
 - “(b) in relation to a sewerage undertaker, as references to—
 - (i) any sewer or disposal main; or

Changes to legislation: Water Act 2003, Section 97 is up to date with all changes known to be in force on or before 14 August 2023. 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

- (ii) in relation to the exercise of a power to lay a pipe under paragraph (a) of subsection (1) above or a power related to that power under paragraph (c) of that subsection, any lateral drain which the undertaker is to lay by virtue of section 98 or 101B above; or
 - (iii) in relation to the exercise of any other power under subsection (1) above, any lateral drain which belongs to or is vested for the time being in the undertaker.”
- (5) In section 159 (power to lay pipes in other land), in subsection (7), at the end there is added “ (reading references there to subsection (1) as references to subsection (1) of this section). ”.
- (6) In section 171 (entry for sewerage purposes), in subsection (3), for “a private drain or sewer” there is substituted “ a drain or private sewer ”.
- (7) In section 179 (vesting of works in undertaker)—
- (a) in paragraph (a) of subsection (2), after “sewer” there is inserted “ , lateral drain ”,
 - (b) in subsection (7), in paragraph (b) of the definition of “relevant pipe”, after “sewer” there is inserted “ , lateral drain ”.
- (8) In section 199 (sewer maps), in subsection (1)—
- (a) in paragraph (a), after “sewer” there is inserted “ , lateral drain ”,
 - (b) in paragraph (b), after “sewer” there is inserted “ or lateral drain ”.
- (9) In section 219 (general interpretation)—
- (a) in subsection (1), after the definition of “inland waters” there is inserted—
 - ““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 above or in an agreement made under section 104 above;”,
 - (b) in subsection (3), after “sewer,” there is inserted “ lateral drain, ”.
- (10) In Schedule 12 (compensation etc in respect of pipe-laying and other works powers), in sub-paragraph (5) of paragraph 4, after “sewer” there is inserted “ , lateral drain ”.

Commencement Information

II S. 97 in force at 28.5.2004 by S.I. 2004/641, art. 4(b) (with Sch. 3 para. 7)

Changes to legislation:

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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):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)