



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Sewerage and sewage disposal

14 F1

Textual Amendments

F1 Ss. 14, 16 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

15 F2

Textual Amendments

F2 S. 15 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 13\(3\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

16 F3

Textual Amendments

F3 Ss. 14, 16 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)*

17 †Adoption by local authority of sewers and sewage disposal works.

- (1) Subject to the provisions of this section, a [^{F4}water authority] may at any time declare that any sewer or sewage disposal works situate within [^{F4}their area], or serving [^{F4}their area] or any part of [^{F4}their area], being a sewer or works the construction of which was not completed before the commencement of this Act, shall, as from such date as may be specified in the declaration, become vested in them:

Provided that an authority who propose to make a declaration under this subsection shall give notice of their proposal to the owner or owners of the sewer or works in question, and shall take no further action in the matter until either two months have elapsed without an appeal against their proposal being lodged under subsection (3) of this section, or, as the case may be, until any appeal so lodged has been determined.

- (2) Subject as aforesaid, the owner, or any of the owners, of any sewer or sewage disposal works with respect to which a [^{F4}water authority] might have made a declaration under the preceding subsection may make an application to that authority requesting them to make such a declaration with respect thereto.
- (3) An owner aggrieved by the proposal of a [^{F4}water authority] to make a declaration under this section may appeal to the Minister within two months after notice of the proposal is served upon him, and an owner aggrieved by the refusal of a [^{F4}water authority] to make such a declaration may appeal to the Minister at any time after receipt of notice of their refusal, or if no such notice is given to him, at any time after the expiration of two months from the making of his application.

On the hearing of an appeal under this subsection, the Minister may allow or disallow the proposal of the [^{F4}water authority] or, as the case may be, make any declaration which the [^{F4}water authority] might have made, and any declaration so made shall have the same effect as if it had been made by the authority:

Provided that the Minister may, if he thinks fit, specify conditions, including conditions as to the payment of compensation by the [^{F4}water authority] and direct that his declaration shall not take effect unless any conditions so specified are accepted.

- (4) A [^{F4}water authority] and, on an appeal, the Minister, in deciding whether a declaration should be made under this section, shall have regard to all the circumstances of the case and, in particular, to the following considerations:—
- (a) whether the sewer or works in question is or are adapted to, or required for, any general system of sewerage or sewage disposal which the authority have provided, or propose to provide, for their district or any part thereof;
 - (b) whether the sewer is constructed under a highway, or under land reserved by a planning scheme for a street;
 - (c) the number of buildings which the sewer is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings;
 - (d) the method of construction and state of repair of the sewer or works; and
 - (e) in a case where an owner objects, whether the making of the proposed declaration would be seriously detrimental to him.
- (5) Any person who immediately before the making of a declaration under this section was entitled to use the sewer in question shall be entitled to use it, or any sewer substituted therefor, to the same extent as if the declaration had not been made.
- (6) A declaration or an application under this section may be made with respect to a part only of a sewer.

Status: Point in time view as at 01/02/1991.

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- (7) Where a [^{F4}water authority] are about to take into consideration the question of making a declaration under this section with respect to a sewer or sewage disposal works situate within [^{F4}the area] of another [^{F4}water authority], or situate within their own [^{F4}area], but serving [^{F4}the area], or any part of [^{F4}the area], of another [^{F4}water authority], they shall give notice to that other authority, and no declaration shall be made by them until either that other authority have consented thereto, or the Minister, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

. . .
F5

- (8) Where a local authority have made a declaration under this section with respect to a sewer or sewage disposal works situate within [^{F4}the area] of another local authority . . .
F5 they shall forthwith give notice of the fact to that other authority . . . F5.
- (9) A local authority shall not, except on the application of the authority, council, board or statutory undertakers concerned, make a declaration under this section with respect to any sewer or any part of a sewer, or any works, if that sewer or part of a sewer, or those works—
- (a) is or are vested in another local authority, . . . F5, a county council . . . F5, or a joint sewerage board; or
 - (b) is or are vested in a railway company or dock undertakers and situate in or on land which belongs to them and is held or used by them for the purposes of their undertaking.

Textual Amendments

F4 Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 14\(2\)](#)

F5 Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

Modifications etc. (not altering text)

C1 Unreliable marginal note

C2 [Ss. 17, 18](#) amended by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 69](#), [Sch. 8 para. 1\(2\)\(a\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [13\(2\)\(3\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))

18 †Power of local authority to agree to adopt sewer or drain, or sewage disposal works, at future date.

- (1) A [^{F6}water authority] may agree with any person constructing, or proposing to construct, a sewer or sewage disposal works that, if the sewer or works is or are constructed in accordance with the terms of the agreement, they will upon the completion of the work, or at some specified date, or on the happening of some future event, declare the sewer or works to be vested in them, and any such agreement shall be enforceable against the authority by the owner or occupier for the time being of any premises served by the sewer or works.
- (2) The foregoing provisions of this section shall apply also in relation to drains, but it shall be a condition of any agreement made under those provisions with respect to a drain that the declaration shall not be made before the drain has become a sewer.

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- (3) A [^{F6}water authority] shall not make an agreement under this section with respect to a sewer or drain or sewage disposal works situate within [^{F6}the area] of another [^{F6}water authority] . . . ^{F7}, until that other authority . . . ^{F7} have consented thereto, or the Minister, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

[^{F8}(4) Where—

- (a) a person constructing or proposing to construct a drain or sewer or any sewage disposal works has made an application to a sewerage undertaker requesting the undertaker to enter into an agreement under this section;
- (b) that application has been accompanied or supplemented by all such information as the undertaker may have reasonably required; and
- (c) the undertaker refuses the application, offers to grant it on terms to which that person objects or fails before the expiration of two months from the making of the application either to refuse the application or to give notice to the applicant of the terms on which it is prepared to grant the application,

that person may appeal to the Minister under this subsection.

- (5) On the hearing of an appeal under the preceding subsection, the Minister may uphold the refusal of the undertaker to grant the application or to modify the terms offered or may, on behalf of the undertaker—

- (a) refuse the application; or
- (b) enter into any agreement into which the undertaker might have entered on the application;

and where under this subsection the Minister enters into any agreement on behalf of a sewerage undertaker, he may do so on such terms as he considers reasonable or, as the case may be, on the terms offered by the undertaker subject to such modifications as he considers appropriate for ensuring that the terms of the agreement are reasonable.

- (6) Subsection (4) of the preceding section shall apply with the necessary modifications in relation to an appeal under subsection (4) of this section as it applies in relation to an appeal under subsection (3) of that section.]

Textual Amendments

F6 Words substituted by virtue of [Water Act 1973 \(c. 37\), s. 14\(2\)](#)

F7 Words repealed by [London Government Act 1963 \(c. 33\), Sch. 18 Pt. II](#)

F8 [S. 18\(4\)–\(6\)](#) inserted by [Water Act 1989 \(c. 15, SIF 130\), s. 69, Sch. 8 para. 2\(1\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Modifications etc. (not altering text)

C3 Unreliable marginal note

C4 [Ss. 17, 18](#) amended by [Water Act 1989 \(c. 15, SIF 130\), s. 69, Sch. 8 para. 1\(2\)\(a\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)

19 †Power of local authority to require proposed sewer or drain to be so constructed as to form part of general system.

- (1) Where a person proposes to construct a drain or sewer, the [^{F9}water authority] may, if they consider that the proposed drain or sewer is, or is likely to be, needed to form part of a general sewerage system which they have provided or propose to provide, require him to construct the drain or sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by them, to construct it, and it shall be his duty to comply with the requirements of the [^{F9}water authority]:
 Provided that, if he is aggrieved by the requirements of the authority, he may within twenty-eight days appeal to the Minister who may either disallow the requirements or allow them with or without modification.
- (2) An authority who exercise the powers conferred upon them by this section shall repay to the person constructing the drain or sewer the extra expenses reasonably incurred by him in complying with their requirements and, until the drain or sewer becomes a public sewer, they shall also from time to time repay to him so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to their requirements having been made and complied with, . . . ^{F10}
- [^{F11}(3) The duty under this section to comply with the requirements of a sewerage undertaker shall be owed to the undertaker; and any breach of that duty which causes the undertaker to sustain loss or damage shall be actionable at the suit of the undertaker.]
- (4) Nothing in this section shall apply in relation to so much of any drain or sewer as is proposed to be constructed by a railway company or dock undertakers in or on land which belongs to them and is held or used by them for the purposes of their undertaking.

Textual Amendments

- F9** Words substituted by virtue of [Water Act 1973 \(c. 37\), s. 14\(2\)](#)
- F10** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 69, 190(3), Sch. 8 para. 2(2)(a), **Sch. 27 Pt. I** (with ss. 58(7), 69, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)
- F11** [S. 19\(3\)](#) substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 2(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Modifications etc. (not altering text)

- C5** Unreliable marginal note
- C6** [S. 19](#) amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, **Sch. 8 para. 1(2)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

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- C7** S. 20 repealed by [Water Act 1989](#) (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(3), 17, 40(4), 41(1), 57(6), 58)

21 **Agreements with county council for use of highway drains and sewers for sanitary purposes, or to allow public sewers to be used for drainage of highways.**

- (1) Subject to the provisions of this section, a county council [^{F12}, metropolitan district council or London borough council] and a [^{F13}water authority] may agree that—
 - (a) any drain or sewer which is vested in the county council [^{F12}, metropolitan district council or London borough council] in their capacity of highway authority may, upon such terms as may be agreed, be used by the [^{F13}water authority] for the purpose of conveying surface water from premises or streets;
 - (b) any public sewer vested in the [^{F13}water authority] may, upon such terms as may be agreed, be used by the county council [^{F12}, metropolitan district council or London borough council] for conveying surface water from roads repairable by the county council [^{F12}, metropolitan district council or London borough council].
- (2) Where a sewer or drain with respect to which a county council [^{F12}, metropolitan district council or London borough council] and a [^{F13}water authority] propose to make an agreement under this section discharges, whether directly or indirectly, into the sewers or sewage disposal works of another [^{F13}water authority], the agreement shall not be made without the consent of that other [^{F13}water authority], who may give their consent upon such terms as they think fit.
- (3) A county council [^{F12}, metropolitan district council or London borough council] or [^{F13}water authority] shall not unreasonably refuse to enter into an agreement for the purposes of this section or insist unreasonably upon terms unacceptable to the other party, and a [^{F13}water authority] shall not unreasonably refuse to consent to the making of such an agreement or insist unreasonably upon terms unacceptable to either party thereto, and any question arising under this section as to whether or not any authority or council are acting unreasonably shall be referred to the Minister, whose decision shall be final.
- [^{F14}(4) Nothing in this section shall be construed as limiting the rights of a county council [^{F12}, metropolitan district council or London borough council] under section 264 of the Highways Act 1980.]
- [^{F15}(5) In this section references to a London borough council include references to the Common Council of the City of London.]

Textual Amendments

- F12** Words inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 47**
- F13** Words substituted by virtue of [Water Act 1973](#) (c. 37), **s. 14(2)**
- F14** S. 21(4) substituted by [Highways Act 1980](#) (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 4(b)**
- F15** S. 21(5) inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 47**

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Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)

Modifications etc. (not altering text)

- C8** S. 21 amended by [Water Act 1989](#) (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
- C9** S. 21(1)(a) amended by [Water Act 1973](#) (c. 37), **s. 14(3)**

22 †Power of local authority to alter, or close, public sewers.

[^{F16}A sewerage undertaker may discontinue and prohibit the use of any public sewer vested in the undertaker], either entirely, or for the purpose of foul water drainage, or for the purpose of surface water drainage, but, before any person who is lawfully using the sewer for any purpose is deprived by the authority of the use of the sewer for that purpose, they shall provide a sewer equally effective for his use for that purpose and shall at their expense carry out any work necessary to make his drains or sewers communicate with the sewer so provided.

Textual Amendments

- F16** Words substituted by [Water Act 1989](#) (c. 15, SIF 130), s. 69, **Sch. 8 para. 2(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

Modifications etc. (not altering text)

- C10** Unreliable marginal note
- C11** S. 22 amended by [Water Act 1989](#) (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)

23, 24. ^{F17}

Textual Amendments

- F17** Ss. 23, 24 repealed by [Water Act 1989](#) (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 2(5), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

25 ^{F18}

Textual Amendments

- F18** S. 25 repealed by [Building Act 1984](#) (c. 55, SIF 15), s. 133(2), **Sch. 7**

26 ^{F19}

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)***Textual Amendments****F19** S. 26 repealed by [Public Health \(Drainage of Trade Premises\) Act 1937 \(c. 40\), s. 1\(3\)](#)**27 Certain matters not to be passed into public sewers.**

- (1) No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer—
- (a) any matter likely to injure the sewer or drain, or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or
 - (b) any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred and ten degrees Fahrenheit, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous, or the cause of a nuisance, or prejudicial to health; or
 - (c) any petroleum spirit, or carbide of calcium.
- (2) A person who contravenes any of the provisions of this section shall be liable;
- [^{F20}(a) on summary conviction, to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after conviction thereof;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both].
- (3) In this section the expression “petroleum spirit” means any such—
- (a) crude petroleum;
 - (b) oil made from petroleum, or from coal, shale, peat or other bituminous substances; or
 - (c) product of petroleum or mixture containing petroleum,
- as, when tested in the manner prescribed by or under the ^{M1}Petroleum (Consolidation) Act 1928, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

Textual Amendments**F20** Words substituted by [Control of Pollution Act 1974 \(c. 40\), Sch. 2 para. 7](#)**Modifications etc. (not altering text)****C12** S. 27 amended by [Radioactive Substances Act 1960 \(c. 34\), s. 9, Sch. 1 para. 3](#)**C13** S. 27(1)(a)(b) excluded by [Public Health \(Drainage of Trade Premises\) Act 1937 \(c. 40\), s. 1\(2\)](#)**Marginal Citations****M1** 1928 c. 32.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)

Textual Amendments

F21 Ss. 28, 35 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

29 **F22**

Textual Amendments

F22 S. 29 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1)(3), [Sch. 25 para. 1\(2\)](#), [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 13\(3\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

30 Sewage, &c. to be purified before discharge into streams, canals, &c.

Nothing in this Part of this Act shall authorise a [^{F23}water authority] to construct or use any public or other sewer, or any drain or outfall, for the purpose of conveying foul water into any natural or artificial stream, watercourse, canal, pond or lake, until the water has been so treated as not to affect prejudicially the purity and quality of the water in the stream, watercourse, canal, pond or lake.

Textual Amendments

F23 Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 14\(2\)](#)

Modifications etc. (not altering text)

- C14** S. 30 extended by [London Government Act 1963 \(c. 33\)](#), [Sch. 9 Pt. II para. 11](#); excluded by that 1963 Act, Pt. III para. 4
- C15** Ss. 30, 31 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, [Sch. 8 para. 1\(2\)\(a\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 13\(2\)\(3\), 17, 40\(4\), 57\(6\), 58](#))

31 †Local authority not to create any nuisance.

A [^{F24}water authority] shall so discharge their functions under the foregoing provisions of this Part of this Act as not to create a nuisance.

Textual Amendments

F24 Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 14\(2\)](#)

Modifications etc. (not altering text)

- C16** Unreliable marginal note
- C17** S. 31 extended by [London Government Act 1963 \(c. 33\)](#), [Sch. 9 Pt. II para. 11](#); excluded by that 1963 Act, Pt. III para. 4
- C18** Ss. 30, 31 amended by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 69, [Sch. 8 para. 1\(2\)\(a\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 13\(2\)\(3\), 17, 40\(4\), 57\(6\), 58](#))

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal. (See end of Document for details)*

32 F25

Textual Amendments

F25 S. 32 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, Sch. 25 para. 1(2), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 8 para. 2(5), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 41(1), 57(6), 58)

33 Application of 27 & 28 Vict. c. 114 to works for supply of sewage.

Works for the supply of sewage to land for agricultural purposes shall be deemed to be an improvement of land authorised by the ^{M2}Improvement of Land Act 1864 and the provisions of that Act shall apply accordingly.

Marginal Citations

M2 1864 c. 114.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Sewerage and sewage disposal.