



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART II

SANITATION AND BUILDINGS

Sewerage and sewage disposal

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

- (1) A [^{F1}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.
- (3) A [^{F1}water authority] shall not make an agreement under this section with respect to a sewer or drain or sewage disposal works situate within [^{F1}the area] of another [^{F1}water authority] . . . ^{F2}, until that other authority . . . ^{F2} 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.

[^{F3}(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

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *There are currently no known outstanding effects for the Public Health Act 1936, Section 18. (See end of Document for details)*

- (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

- F1** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 14\(2\)](#)
- F2** Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)
- F3** [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)

- 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](#))

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Section 18.