
DRAFT STATUTORY INSTRUMENTS

2011 No.

**The Water Industry (Schemes for Adoption
of Private Sewers) Regulations 2011**

Main schemes

3.—(1) The Secretary of State must make a scheme (a “main scheme”) for the adoption of private sewers and private lateral drains by every sewerage undertaker whose area is wholly or mainly in England.

(2) The Welsh Ministers must make a scheme (a “main scheme”) for the adoption of private sewers and private lateral drains by every sewerage undertaker whose area is wholly or mainly in Wales.

(3) The making of a main scheme is the circumstance giving rise to the relevant duty pursuant to that scheme.

(4) Paragraphs (5) to (7) specify criteria relevant to the performance of that duty.

(5) Each sewerage undertaker must perform the relevant duty pursuant to a main scheme in relation to any private sewer—

(a) which is situated within the area of that undertaker; and

(b) which, immediately before 1st July 2011, communicates with a public sewer⁽¹⁾.

(6) Each sewerage undertaker must perform the relevant duty pursuant to a main scheme in relation to any private lateral drain which, immediately before 1st July 2011, communicates with a public sewer which is vested in that undertaker.

(7) The relevant duty pursuant to a main scheme is not owed in relation to any private sewer or private lateral drain—

(a) which is exempt; or

(b) which is, immediately before 1st July 2011, the subject of a declaration.

(8) Each main scheme must provide that any declaration which is made pursuant to that scheme in relation to a private sewer or private lateral drain—

(a) must specify 1st October 2011 as the date of vesting of that sewer or lateral drain (except any part of that sewer or lateral drain which is a pumping station), and

(b) must specify a date no later than 1st October 2016 as the date of vesting of any pumping station which forms part of that sewer or lateral drain,

except where it is not possible, in respect of a particular sewer or lateral drain, to make a declaration specifying such a date because a proposal to make a declaration in respect of that sewer or lateral drain is subject to an outstanding appeal under section 105B(2) of the Act (adoption schemes: appeals).

(9) Any number of declarations may be made pursuant to a main scheme.

(1) See section 219(1) of the Water Industry Act 1991 for the definition of “public sewer”.

(2) Section 105B was inserted by the Water Act 2003, section 98.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 No. 1566
