



Water Act 1989

1989 CHAPTER 15

PART IV

POWERS IN RELATION TO LAND AND WORKS POWERS ETC.

Records of underground works

165 Maps of water mains etc

- (1) Subject to subsections (4) and (5) below, it shall be the duty of the Authority and of every water undertaker to keep records of the location of—
 - (a) every resource main, water main or discharge pipe which is for the time being vested in the Authority or, as the case may be, that undertaker; and
 - (b) any other underground works, other than a service pipe, which are for the time being vested in the Authority or, as the case may be, that undertaker.
- (2) It shall be the duty of the Authority and of every water undertaker to secure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the Authority or, as the case may be, of the undertaker.
- (3) Any information which is required under this section to be made available by the Authority or a water undertaker for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) Nothing in this section shall require the Authority or a water undertaker, at any time within the period of ten years beginning with the transfer date, to keep records of—

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- (a) any pipe which was laid before that date; or
 - (b) any underground works which were completed before that date,
- unless those particulars were shown, immediately before that date, on a map kept by a water authority or statutory water company under section 12 of Schedule 3 to the 1945 Act (maps of underground works).
- (6) The reference in subsection (5) above to section 12 of Schedule 3 to the 1945 Act shall have effect, without prejudice to section 20(2) of the Interpretation Act 1978 (references to enactments to include references to enactments as amended, extended or applied), as including a reference to that section as applied, with or without modifications, by any local statutory provision.
 - (7) The duties of a water undertaker under this section shall be enforceable under section 20 above by the Secretary of State.
 - (8) In this section “resource main” and “discharge pipe” have the same meanings as in paragraph 1 of Schedule 19 to this Act.

166 Sewer maps

- (1) Subject to subsections (6) and (7) below, it shall be the duty of every sewerage undertaker to keep records of the location and other relevant particulars—
 - (a) of every public sewer or disposal main which is vested in the undertaker;
 - (b) of every sewer in relation to which a declaration of vesting has been made, or is treated as having been made, by the undertaker under section 17 of the 1936 Act but has not taken effect; and
 - (c) of every drain or sewer to which an agreement to make such a declaration relates, being an agreement entered into, or treated as entered into, by the undertaker under section 18 of that Act.
- (2) For the purposes of this section the relevant particulars of a drain, sewer or disposal main are (in addition to its location) particulars—
 - (a) of whether it is a drain, sewer or disposal main and of the descriptions of effluent for the conveyance of which it is or is to be used; and
 - (b) of whether it is vested in the undertaker or, if it is not, of whether it is a sewer in relation to which a declaration has been made under section 17 of the 1936 Act or a drain or sewer to which an agreement under section 18 of that Act relates;

and the records kept by a sewerage undertaker under this section shall be kept separately in relation to the area of each local authority within whose area there is any drain, sewer or disposal main of which that undertaker is required to keep records.
- (3) It shall be the duty of every sewerage undertaker—
 - (a) so to provide local authorities, free of charge, with copies of the contents of records kept under this section, and with copies of any modifications of those records, as to ensure that every local authority to whose area any of those records relate are at all times informed of the contents for the time being of the records relating to their area; and
 - (b) to secure that the contents of all the records for the time being kept by the undertaker under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the undertaker.

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- (4) A local authority shall secure that so much of any information provided to them by virtue of subsection (3)(a) above as consists in the contents for the time being of records kept by a sewerage undertaker under this section is available, at all reasonable times, for inspection by the public free of charge at an office of the authority.
- (5) Any information which is required under this section to be provided to a local authority or to be made available by a sewerage undertaker or local authority for inspection by the public shall be so provided or made available in the form of a map.
- (6) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (7) Nothing in this section shall require a sewerage undertaker—
- (a) to keep records of any particulars of a drain, sewer or disposal main laid before the transfer date if—
- (i) the undertaker does not know of or have reasonable grounds for suspecting the existence of the drain, sewer or disposal main; or
- (ii) it is not reasonably practicable for the undertaker to discover the course of the drain, sewer or disposal main and it has not done so;
- or
- (b) at any time within the period of ten years beginning with the transfer date, to keep records of any particulars of any other drain, sewer or disposal main laid before that date unless—
- (i) those particulars were shown, immediately before that date, on a map kept by a local authority under section 32 of the 1936 Act (sewer maps); or
- (ii) it is a drain or sewer in relation to which a declaration of vesting, or an agreement to make such a declaration, has been made under section 17 or 18 of the 1936 Act since the beginning of that period.
- (8) The duties of a sewerage undertaker under this section shall be enforceable under section 20 above by the Secretary of State.
- (9) In this section—
- “the 1936 Act” means the Public Health Act 1936;
- “disposal main” has the same meaning as in paragraph 1 of Schedule 19 to this Act;
- “local authority”, in relation to the Inner Temple and the Middle Temple, includes, respectively, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.