



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV

#### SEWERAGE SERVICES

##### CHAPTER II

##### PROVISION OF SEWERAGE SERVICES

###### *Adoption etc. of sewers and disposal works*

#### **102 Adoption of sewers and disposal works.**

- (1) Subject to the following provisions of this section and to sections 103, 105 and 146(3) below, a sewerage undertaker may at any time declare that—
- (a) any sewer which is situated within its area or which serves the whole or any part of that area,<sup>F1</sup> . . .
  - [<sup>F2</sup>(aa) any lateral drain which communicates or is to communicate with a public sewer which—
    - (i) is so situated or serves the whole or any part of that area; and
    - (ii) is vested in that undertaker; or]
  - (b) any sewage disposal works which are so situated or which serve the whole or any part of that area,
- shall, as from such date as may be specified in the declaration, become vested in the undertaker.
- (2) The owner, or any of the owners, of any sewer [<sup>F3</sup>, lateral drain] or sewage disposal works with respect to which a sewerage undertaker might make a declaration under this section may make an application to that undertaker requesting it to make a declaration under this section with respect to the sewer [<sup>F3</sup>, lateral drain] or works.

*Status: Point in time view as at 28/05/2004. This version of this provision has been superseded.*

*Changes to legislation: Water Industry Act 1991, Section 102 is up to date with all changes known to be in force on or before 01 June 2024. 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)*

- (3) A declaration or application under this section may be made with respect to a part only of a sewer.
- (4) A sewerage undertaker which proposes to make a declaration under this section—
- (a) shall give notice of its proposal to the owner or owners of the sewer <sup>F4</sup>, lateral drain] or works in question; and
  - (b) shall take no further action in the matter until two months have elapsed without an appeal against the proposal being lodged under section 105 below or, as the case may be, until any appeal so lodged has been determined.
- (5) A sewerage undertaker, 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, that is to say—
- (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 undertaker has provided, or proposes to provide, for the whole or any part of its area;
  - (b) whether the sewer <sup>F5</sup>or lateral drain] is constructed under a highway or under land reserved by a planning scheme for a street;
  - (c) the number of buildings which the sewer <sup>F6</sup>or lateral drain] 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 <sup>F7</sup>, lateral drain] or works; and
  - (e) in a case where an owner objects, whether the making of the proposed declaration would be seriously detrimental to him.
- (6) Any person who immediately before the making of a declaration under this section was entitled to use the sewer <sup>F8</sup>or lateral drain] in question shall be entitled to use it, or any sewer <sup>F8</sup>or lateral drain] substituted for it, to the same extent as if the declaration had not been made.
- (7) No declaration may be made under this section in respect of any sewer or works the construction of which was completed before 1st October 1937.

#### Textual Amendments

- F1** Word in s. 102(1)(a) repealed (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(a)(3), 105(3), **Sch. 9 Pt. 3**; S.I. 2004/641, **art. 4(b)(d)(i)** (with Sch. 3 para. 7)
- F2** S. 102(1)(aa) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(a)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)
- F3** Words in s. 102(2) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(b)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)
- F4** Words in s. 102(4)(a) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(c)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)
- F5** Words in s. 102(5)(b) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(d)(i)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)
- F6** Words in s. 102(5)(c) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(d)(ii)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)
- F7** Words in s. 102(5)(d) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(d)(iii)(3), 105(3); S.I. 2004/641, **art. 4(b)** (with Sch. 3 para. 7)

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**F8** Words in s. 102(6) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. 96(1)(e)(3), 105(3); S.I. 2004/641, art. 4(b) (with Sch. 3 para. 7)

**Status:**

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**Changes to legislation:**

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