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STATUTORY INSTRUMENTS

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**2011 No. 1566**

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

**Existing applications for agreements, and existing agreements, under section 104 of the Act**

9.—(1) Paragraph (2) applies where—

- (a) a private sewer or private lateral drain which would be adoptable pursuant to a main scheme is, immediately before 1st July 2011, the subject of an application, under subsection (2) of section 104(1) of the Act (agreements to adopt sewer, drain or sewage disposal works at future date), for an agreement; or
- (b) a private sewer or private lateral drain which would be adoptable pursuant to a supplementary scheme is, immediately before the relevant date, the subject of such an application.

(2) Where this paragraph applies—

- (a) that application, in so far as it relates to that sewer or lateral drain, is treated as having been withdrawn; and
- (b) any appeal under section 105(2)(2) of the Act in relation to that sewer or lateral drain which is outstanding immediately before—
  - (i) 1st July 2011, in relation to a sewer or lateral drain to which this paragraph applies by virtue of paragraph (1)(a), or
  - (ii) the relevant date, in relation to a sewer or lateral drain to which this paragraph applies by virtue of paragraph (1)(b),is to be discontinued.

(3) Paragraph (4) applies where—

- (a) a private sewer or private lateral drain which would be adoptable pursuant to a main scheme is, immediately before 1st July 2011, the subject of an agreement; or
- (b) a private sewer or private lateral drain which would be adoptable pursuant to a supplementary scheme is, immediately before the relevant date, the subject of an agreement.

(4) Where this paragraph applies—

- (a) that sewer or lateral drain vests in the relevant sewerage undertaker on the earlier of—
  - (i) the date specified as the date of vesting of that sewer or lateral drain in a declaration made pursuant to a main scheme or a supplementary scheme (as the case may be), or
  - (ii) the date of vesting under the agreement in question;
- (b) that agreement, in so far as it relates to that sewer or lateral drain, is treated as terminating on the vesting date; and

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(1) Section 104 was amended by the Water Act 2003, section 96(4) and Part 3 of Schedule 9, and is prospectively amended by the Flood and Water Management Act 2010, section 42(3).  
(2) Section 105(2) is prospectively substituted by the Flood and Water Management Act 2010, section 42(2).

- (c) the relevant sewerage undertaker may continue to benefit from any term of that agreement relating to the provision by any other party to the agreement of security for the discharge of obligations in connection with that sewer or lateral drain, in recompense for expenditure incurred prior to the vesting date by that undertaker in relation to—
  - (i) any works carried out on that sewer or lateral drain by that undertaker prior to the vesting date, or
  - (ii) any contract entered into by that undertaker with another party for the carrying out of such works.
- (5) In this regulation—
  - (a) “agreement” means an agreement under section 104 of the Act;
  - (b) “the relevant sewerage undertaker” means the sewerage undertaker which is a party to the agreement in question; and
  - (c) “the vesting date”, in relation to a sewer or lateral drain, means the date on which that sewer or lateral drain vests in the relevant sewerage undertaker, as determined by paragraph (4) (a).