

2012 No. [XXXX]

WATER INDUSTRY, ENGLAND AND WALES

The Sewer Adoption Agreement Regulations 2012

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - *1st April 2012*

The Secretary of State, in relation to sewerage undertakers whose areas are wholly or mainly in England, in exercise of the powers conferred by sections 106B(5)(b) and 213(2)(f) of the Water Industry Act 1991(a), makes the following Regulations:

Citation, application, commencement and expiry

1. These Regulations—

- (a) may be cited as the Sewer Adoption Agreement Regulations 2012;
- (b) apply in relation to sewerage undertakers whose areas are wholly or mainly in England;
- (c) come into force on 1st April 2012; and
- (d) cease to have effect on 1st April 2019.

Provision about adoption

2.—(1) This regulation applies in relation to an agreement entered into under section 104 of the Water Industry Act 1991 (agreements to adopt sewer, drain or sewage disposal works, at a future date)(b) pursuant to the condition specified in subsection (2) of section 106B of that Act (requirement to enter into agreement before construction).

(2) For the purposes of section 106B of the Water Industry Act 1991, Condition 2(b) is satisfied only if the agreement includes the provision specified in paragraph (3).

(3) The provision is that adoption of each part of the drain or sewer by the sewerage undertaker will occur automatically (irrespective of whether or not that part has been constructed in accordance with the agreement) when the undertaker first demands, under section 142 of the Water Industry Act 1991 (powers of undertakers to charge), charges for services provided in relation to that part.

(a) 1991 c. 56. Section 106B was inserted by section 42 of the Flood and Water Management Act 2010 (c. 29). The power is conferred by section 106B(5)(b) of the Water Industry Act 1991 on “the Minister”, and section 106B(8)(a) of that Act defines “the Minister” for the purposes of section 106B of that Act.

(b) Section 104 was amended by the Water Act 2003 (c. 37), section 96 and the Flood and Water Management Act 2010, section 42(3).

Review

3.—(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) In this regulation, “review period” means the period of five years beginning with the day on which these Regulations come into force.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to sewerage undertakers whose areas are wholly or mainly in England.

These Regulations concern the requirement under section 106B of the Water Industry Act 1991 for a person to enter into an adoption agreement with a sewerage undertaker under section 104 of that Act if they wish to exercise their right under section 106(1) of that Act to have their drains or sewers communicate with that sewerage undertaker’s public sewer.

Regulation 2 stipulates that, if a person is to rely on such an adoption agreement to allow that person to exercise their right under section 106(1) of the Water Industry Act 1991, then it must specify that the sewerage undertaker will automatically adopt that person’s drains or sewer when the first sewerage bill is sent.

Regulation 3 requires the Secretary of State to carry out a review of these Regulations and publish recommendations in a report, within 5 years of their coming into force.