



**Isle of Man**

*Ellan Vannin*

**AT 2 of 1999**

**SEWERAGE ACT 1999**





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## SEWERAGE ACT 1999

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**Isle of Man***Ellan Vannin*

## SEWERAGE ACT 1999

*Received Royal Assent:* 16 February 1999  
*Passed:* 17 February 1999  
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**AN ACT** to make new provision for the construction and maintenance of sewers and sewage disposal works, the drainage of premises and the disposal of trade effluent; and for connected purposes.

### PART 1 – GENERAL

#### **1 General duty to provide sewerage system**

[P1991/56/94]

- (1) It is the duty of the Isle of Man Water and Sewerage Authority (“the Sewerage Authority”) —
  - (a) to provide, improve and extend such a system of public sewers and so to cleanse and maintain those sewers as to ensure that the Island is and continues to be effectually drained; and
  - (b) to make provision for the emptying of those sewers and such further provision as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.<sup>1</sup>
- (2) In performing its duty under subsection (1) the Sewerage Authority shall have regard —
  - (a) to its existing and likely future obligations to allow for the discharge of trade effluent into public sewers; and
  - (b) to the need to provide for the disposal of trade effluent which is so discharged.<sup>2</sup>

#### **2 Delegation of functions to local authorities**

- (1) The Sewerage Authority and a local authority may enter into and carry into effect an agreement whereby the Sewerage Authority delegates to

the authority all or any of its functions under this Act (except its functions under Part 3) within such area as may be specified in the agreement.<sup>3</sup>

- (2) The area specified in an agreement under this section shall comprise the district of the local authority or such part thereof as may be so specified, and may include the whole or any part of the district of any other local authority.
- (3) An agreement under this section may include such terms, including terms of a financial nature, as the Sewerage Authority and the authority think fit.<sup>4</sup>
- (4) A local authority shall, in the exercise of any functions delegated to it under this section, act as agents for the Sewerage Authority and in accordance with such conditions as may be specified in the agreement.<sup>5</sup>
- (5) A delegation to a local authority under this section may be determined by notice given by the Sewerage Authority to the authority, or by the authority to the Sewerage Authority —
  - (a) in accordance with the terms of the relevant agreement under this section, or
  - (b) in default of any such terms, during the first 9 months of any calendar year, and to take effect as from the 1st April in the second calendar year following that in which it is given.<sup>6</sup>
- (6) Before exercising its powers under this section the Sewerage Authority shall consult the Department of Environment, Food and Agriculture and the Department of Infrastructure.<sup>7</sup>
- (7) The powers of the Sewerage Authority to establish a joint board includes power to establish such a board for the purpose of entering into, and exercising functions pursuant to, an agreement under this section; and in relation to such a board the reference in subsection (2) to the district of a local authority shall be construed as a reference to the districts of the constituent local authorities.<sup>8</sup>

## PART 2 – SEWERAGE AND SEWAGE DISPOSAL

### *Powers to lay sewers and construct sewage disposal works<sup>9</sup>*

#### **3 Powers to lay sewers**

[P1991/56/158 and 159]

- (1) Subject to the following provisions of this Act, the Sewerage Authority, for the purpose of carrying out its functions under this Act —
  - (a) may lay a sewer in, under or over any street and keep that sewer there;



- (b) may inspect, maintain, adjust, repair or alter any sewer which is in, under or over any street; and
  - (c) subject to the road works code, may carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b), including for those purposes —
    - (i) breaking up or opening a street;
    - (ii) tunnelling or boring under a street;
    - (iii) breaking up or opening a sewer, drain or tunnel;
    - (iv) moving or removing earth and other materials.<sup>10</sup>
- (2) Subject to the following provisions of this Act, the Sewerage Authority, for the purpose of carrying out its functions under this Act —
  - (a) may lay a sewer (whether above or below the surface) in any land which is not in, under or over a street and keep that sewer there;
  - (b) may inspect, maintain, adjust, repair or alter any sewer which is in any such land; and
  - (c) may carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b).<sup>11</sup>
- (3) The powers conferred by subsection (2) are exercisable, except in an emergency, only after reasonable notice of the proposed exercise of the power has been given to the owner and to the occupier of the land in question.
- (4) For the purpose of subsection (3) —
  - (a) less than 3 months' notice, in the case of the laying of a sewer otherwise than in substitution for an existing sewer;
  - (b) less than 7 days' notice, in the case of works of inspection, maintenance or repair of an existing sewer which do not involve entry or damage to a building or structure or the opening up of the ground;
  - (c) less than 21 days' notice, in any other case;shall not be taken to be reasonable notice.

### **3A Power to construct sewage disposal works**

For the purpose of carrying out any of its functions under this Act the Sewerage Authority may construct, maintain, alter, improve or replace sewage disposal works on or over any land vested in the Sewerage Authority for the purpose of its sewerage functions.<sup>12</sup>

*Communication with public sewers***4 Right to communicate with public sewers**

[P1991/56/106]

- (1) Subject to the provisions of this section —
- (a) the owner or occupier of any building, or
  - (b) the owner of any private sewer which drains a building,
- is entitled to have his drains or sewer communicate with any public sewer, other than a transmission sewer, and thereby to discharge foul water and surface water from that building or that private sewer.
- (2) Subject to the provisions of Part 3, nothing in subsection (1) entitles any person —
- (a) to discharge directly or indirectly into any public sewer —
    - (i) any liquid from a factory or workshop, other than domestic sewage or surface or storm water, or any liquid from a manufacturing process; or
    - (ii) any liquid or other matter the discharge of which into public sewers is prohibited by or under Part 3 or any other enactment; or
  - (b) where separate public sewers are provided for foul water and for surface water, to discharge directly or indirectly —
    - (i) foul water into a sewer provided for surface water; or
    - (ii) except with the approval of the Sewerage Authority, surface water into a sewer provided for foul water.<sup>13</sup>
- (3) A person wishing to exercise his right under this section shall, not less than 21 days before making the communication or causing a communication to be made, give the Sewerage Authority notice in writing of his proposals.<sup>14</sup>
- (4) At any time within 21 days after receipt of a notice under subsection (3), the Sewerage Authority may by notice to the person who gave it require him to lay the drain or sewer open to inspection for the purpose of examining its mode of construction and condition and the state of any connections; and where a notice is given under this subsection he may not without the consent in writing of the Sewerage Authority make the communication or cause the communication to be made until the expiration of 21 days after the examination of the sewer or drain pursuant to the notice.<sup>15</sup>
- (5) At any time within 21 days after receipt of a notice under subsection (3) or, if a notice is given under subsection (4), after the examination of the sewer or drain pursuant to the notice, the Sewerage Authority may by notice to the person who gave the notice under subsection (3) —

- (a) refuse to permit the communication to be made, if it appears to the Sewerage Authority that the mode of construction or condition of the drain or sewer or the state of any connections is such that the making of the communication would be prejudicial to the Sewerage Authority's sewerage system; or<sup>16</sup>
  - (b) inform that person of its requirements as to the manner in which the communication between the drain or sewer and the public sewer is to be made; or
  - (c) inform that person that the Sewerage Authority intends to make the communication itself.<sup>17</sup>
- (6) Any person aggrieved by —
  - (a) the Sewerage Authority's refusal to permit a communication to be made under this section, or<sup>18</sup>
  - (b) any requirement under subsection (5)(b),may appeal to the High Bailiff, who on such an appeal may make such order as he thinks fit.
- (7) Subject to any order made on appeal, a person making a communication in pursuance of the right conferred by this section shall —
  - (a) comply with any requirement under subsection (5)(b);
  - (b) before commencing the work, give not less than 7 days' notice to any person directed by the Sewerage Authority to superintend the execution of the work; and<sup>19</sup>
  - (c) afford to that person reasonable facilities for that purpose.
- (8) Subject to the provisions of the road works code, a person making a communication in pursuance of the right conferred by this section may carry out any works requisite for, or incidental to, that purpose, including —
  - (i) breaking up or opening a street;
  - (ii) tunnelling or boring under a street;
  - (iii) breaking up or opening a sewer, drain or tunnel;
  - (iv) moving or removing earth and other materials.
- (9) Where the Sewerage Authority gives a notice under subsection (5)(c), it shall make the communication and shall have for that purpose all the powers which the person giving the notice under subsection (3) would have.<sup>20</sup>
- (10) Any person who without the consent of the Sewerage Authority causes a drain or sewer to communicate with a public sewer —
  - (a) otherwise than in pursuance of the right conferred by this section; or
  - (b) without complying with the requirements of this section, or

- (c) where the Sewerage Authority has given a notice under subsection (5)(c),<sup>21</sup>

is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000; and whether or not proceedings are taken in respect of the offence the Sewerage Authority may close any communication so made and recover from that person any expenses reasonably incurred by it in so doing.<sup>22</sup>

- (11) In this section “building” includes any yard or other premises forming part of the curtilage of a building.

## 5 Financial provisions

- (1) The Sewerage Authority may by order prescribe the fee to be paid for the exercise of the right conferred by section 4; and in so doing —
  - (a) shall have regard to the expense of checking the mode of construction and condition of drains and sewers and of inspecting connections; and
  - (b) may prescribe different fees as respects sewers in different areas.<sup>23</sup>
- (2) Any person causing a communication to a public sewer to be made in accordance with section 4 shall, on a demand in writing, pay to the Sewerage Authority the communication fee prescribed by an order under subsection (1).<sup>24</sup>
- (3) The Sewerage Authority may recover from the owner of the building any such fee payable in respect of any building, together with interest from the date of demand at the rate from time to time prescribed under section 46(6) of the *Local Government Act 1985*, and the fee with interest shall, until paid, be a charge on the building and on all estates and interests therein.<sup>25</sup>
- (4) Where the Sewerage Authority has given a notice under section 4(5)(c), it need not make the communication until the person to whom the notice is given has paid to it, or secured to its satisfaction, the cost of the work as estimated by the Sewerage Authority.<sup>26</sup>
- (5) Where the estimated cost of works is paid to the Sewerage Authority under subsection (4), then —
  - (a) where the expense of the works exceeds the amount paid, the Sewerage Authority may recover the balance from the person giving the notice under section 4(3); and<sup>27</sup>
  - (b) where the amount paid exceeds the expense of the works, the Sewerage Authority shall repay the excess to the person by whom it was paid.<sup>28 29</sup>

## 6 Restrictions on use of public sewers

[P1991/56/111]

- (1) Subject to the provisions of Part 3, no person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer —
  - (a) any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents; or
  - (b) any matter of a description prescribed for the purpose of this paragraph.
- (2) The Sewerage Authority may by order prescribe any description of matter for the purpose of subsection (1)(b).<sup>30</sup>
- (3) A person who contravenes subsection (1) is guilty of an offence and liable —
  - (a) on summary conviction, to a fine not exceeding £5,000 and to a further fine not exceeding £50 for each day on which the offence continues after conviction;
  - (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine or to both.

*Adoption of sewers etc.*

## 7 Adoption of sewers and disposal works

[P1991/56/102]

- (1) Subject to the following provisions of this section and to section 9, the Sewerage Authority may at any time, either of its own motion or on the application of the owner or any of the owners thereof, declare that any sewer or part of a sewer or any sewage disposal works shall, as from such date as may be specified in the declaration, become vested in the Sewerage Authority.<sup>31</sup>
- (2) Before making a declaration under this section the Sewerage Authority shall give not less than 2 months' notice of its proposal to the owner or owners of the sewer or works in question.<sup>32</sup>
- (3) In deciding whether a declaration should be made under this section, the Sewerage Authority shall have regard to all the circumstances of the case and in particular to —
  - (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 Sewerage Authority has provided or proposes to provide;<sup>33</sup>
  - (b) whether the sewer is constructed under a highway;

- (c) the number of buildings which the sewer 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 or works;
  - (e) in a case where an owner objects, whether the making of the proposed declaration would be seriously detrimental to him; and
  - (f) where an order under subsection (4) is for the time being in force, any document approved by the order, so far as it is relevant.<sup>34</sup>
- (4) For the purpose of providing practical guidance with respect to the methods of construction of sewers and sewage disposal works and any other matter mentioned in subsection (3), the Sewerage Authority may by order —
- (a) approve and issue any document (whether or not prepared by it), or
  - (b) approve any document issued or proposed to be issued otherwise than by it,
- if in the opinion of the Sewerage Authority the document is suitable for that purpose.<sup>35</sup>
- (5) Any person who immediately before the making of a declaration under this section was entitled to use the sewer in question shall be entitled to use it, or any sewer substituted for it, to the same extent as if the declaration had not been made.

## **8 Agreements to adopt sewer etc at future date**

[P1991/56/104]

- (1) The Sewerage Authority may agree with any person constructing or proposing to construct any sewer or any sewage disposal works that, if the sewer or works is or are constructed in accordance with the terms of the agreement, the Sewerage Authority will, upon the completion of the work, at some specified date or on the happening of some future event, declare the sewer or works to be vested in the Sewerage Authority.<sup>36</sup>
- (2) Any agreement made under this section by the Sewerage Authority shall be enforceable against the Sewerage Authority by the owner or occupier for the time being of any premises served by the sewer or works to which it relates.<sup>37</sup>
- (3) An agreement under this section may include —
  - (a) provision enabling the Sewerage Authority —

- (i) to carry out works to remedy any failure to construct the sewer or works in accordance with the terms of the agreement; and
  - (ii) to recover from another party to the agreement the expenses reasonably incurred by the Sewerage Authority in so doing; and<sup>38 39</sup>
- (b) provision for security for any sums due to the Sewerage Authority under paragraph (a)(ii).<sup>40</sup>
- (4) Subsections (1) to (3) apply also in relation to drains as if references to a sewer included references to a drain; but it shall be a condition of any agreement under this section with respect to a drain that a declaration shall not be made before the drain has become a sewer.

## 9 Appeals with respect to adoption

[P1991/56/105]

- (1) An owner of any sewer or sewage disposal works who is aggrieved by —
  - (a) the proposal of the Sewerage Authority to make a declaration under section 7; or<sup>41</sup>
  - (b) the refusal of the Sewerage Authority to make such a declaration,<sup>42</sup>

may appeal to the High Bailiff at any time within 2 months after notice of the proposal is given to him, or at any time after notice of the refusal is given to him, as the case may be, or, if no notice of refusal is given to him, at any time after the end of 2 months from the making of a written request for the declaration.
- (2) A person constructing or proposing to construct a drain or sewer or any sewage disposal works may appeal to the High Bailiff where the Sewerage Authority —
  - (a) has refused a request in writing by that person to enter into an agreement under section 8;
  - (b) has offered to enter into such an agreement on terms to which that person objects; or
  - (c) has failed, before the end of 2 months from the making of such a request, either to refuse the request or to notify that person of the terms on which it is prepared to enter into such an agreement.<sup>43</sup>
- (3) Where, within 2 months from the making of such a request as is mentioned in subsection (2)(a), the Sewerage Authority has by notice required the person making the request to supply such further information as the Sewerage Authority may reasonably require and is specified in the notice, subsection (2)(c) has effect with the substitution, for the period of 2 months from the making of the request, of the period of 2 months from the supply of that information.<sup>44</sup>

- (4) On the hearing of an appeal under this section, the High Bailiff may —
  - (a) in the case of an appeal under subsection (1), allow or disallow the proposal of the Sewerage Authority or, as the case may be, order the Sewerage Authority to make any declaration which it might have made; or<sup>45</sup>
  - (b) in the case of an appeal under subsection (2) —
    - (i) uphold the Sewerage Authority's refusal of the request, or<sup>46</sup>
    - (ii) order the Sewerage Authority to enter into any agreement into which it might have entered on the request.<sup>47</sup>
- (5) Where the High Bailiff makes an order under subsection (4), he may do so subject to such terms or conditions as he considers reasonable.
- (6) The High Bailiff, in deciding on an appeal under this section whether any declaration or agreement should be made, shall have regard to all the circumstances of the case and, in particular, to the matters specified in section 7(3).

### *Requisition for sewer*

## **10 Requisition for sewer**

Schedule 1 shall have effect for the purpose of enabling owners and occupiers of premises to require public sewers to be provided to serve those premises.

### *Sewerage charges*<sup>48</sup>

## **11 Sewerage charges**

- (1) The Sewerage Authority may, by order (a “sewerage charge order”), impose charges on any person (each a “beneficiary”) for whom it performs, or who receives the benefit of the performance of, its functions under this Act.
- (2) However, subsection (1) does not apply to functions for which charges are imposed under Schedule 2 (conditions of trade effluent consent).
- (3) A sewerage charge order may give a discount or rebate for prompt payment of the charges it imposes.
- (4) The discount or rebate cannot be more than 5%.
- (5) The following apply for a sewerage charge order —
  - (a) it must be made on or before 31 January in the financial year before the charges imposed under it are to take effect (the “next year”);
  - (b) the charges take effect in advance —



- (i) at the time or times during the next year as provided for under the order; or
- (ii) if no time or times are provided, when the next year starts; and
- (c) unless the order otherwise provides, a particular charge becomes owing from when the relevant function is performed for the beneficiary.
- (6) Subsection (5)(c) applies subject to sections 4 and 5.
- (7) In imposing the charges, the Sewerage Authority must consider the amounts it will need to perform the functions to which the charges relate.<sup>49</sup>

### 11A Recovery of unpaid sewerage charges

- (1) This section applies if a sewerage charge imposed under section 11 becomes owing under that section and all or any part of the amount of the charge is unpaid.
- (2) Interest is payable on any unpaid amount of the charge from time to time at the rate prescribed under section 46(6) (recovery of expenses) of the *Local Government Act 1985*.<sup>50</sup>

### *Miscellaneous*

## 12 Requirement that drain or sewer be constructed to form part of general system

[P1991/56/112]

- (1) Where —
  - (a) a person proposes to construct a drain or sewer; and
  - (b) the Sewerage Authority considers that the proposed drain or sewer is, or is likely to be, needed to form part of a general sewerage system which the Sewerage Authority provides or proposes to provide,<sup>51</sup>

the Sewerage Authority may by notice require that person to construct the drain or sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall or otherwise, from the manner in which that person proposes, or could otherwise be required by the Sewerage Authority, to construct it.<sup>52</sup>

- (2) Section 58 (appeals etc.) of the *Local Government Act 1985* applies to a notice under subsection (1) with the substitution for references to a local authority of references to the Sewerage Authority.<sup>53</sup>
- (3) The Sewerage Authority shall —

- (a) repay to the person constructing a drain or sewer the extra expenses reasonably incurred by that person in complying with the requirements of a notice under subsection (1); and
- (b) until the drain or sewer becomes a public sewer, from time to time repay to that person so much of any expenses reasonably incurred by him in repairing or maintaining the drain or sewer as may be attributable to his compliance with those requirements.<sup>54</sup>

### **13 Power to alter drainage system of premises**

[P1991/56/113]

- (1) Where any premises have a drain or sewer communicating with a public sewer or a cesspool, but that system of drainage, though sufficient for the effectual drainage of the premises —
  - (a) is not adapted to the general sewerage system of the locality; or
  - (b) is, in the opinion of the Sewerage Authority, otherwise objectionable,<sup>55</sup>the Sewerage Authority may, at its own expense, and after giving not less than 2 months' notice of its proposal to the owner of the premises, close the existing drain or sewer and fill up the cesspool, if any, and do any work necessary for that purpose.<sup>56</sup>
- (2) The Sewerage Authority may not exercise the power conferred by subsection (1) unless it first provides, in a position equally convenient to the owner of the premises in question, a drain or sewer which —
  - (a) is equally effectual for the drainage of the premises; and
  - (b) communicates with a public sewer.<sup>57</sup>
- (3) Any dispute as to the convenience of a drain or sewer proposed to be provided under subsection (2), whether as regards its position or its sufficiency, shall be determined by arbitration.

### **14 Power to close or restrict use of public sewer**

[P1991/56/116]

- (1) The Sewerage Authority may discontinue and prohibit the use of any public sewer —
  - (a) for all purposes,
  - (b) for the purpose of foul water drainage, or
  - (c) for the purpose of surface water drainage.<sup>58</sup>
- (2) Before any person who is lawfully using a sewer for any purpose is deprived under this section of the use of the sewer for that purpose, the Sewerage Authority shall —
  - (a) provide a sewer which is equally effective for his use for that purpose; and

- (b) at the Sewerage Authority's own expense, carry out any work necessary to make that person's drains or sewers communicate with the sewer provided in pursuance of this subsection.<sup>59</sup>
- (3) Any dispute as to the effectiveness of a sewer proposed to be provided under subsection (2) shall be determined by arbitration.

## **15 Vesting of works in Authority**

[P1991/56/179]

- (1) The following are vested in the Sewerage Authority —
  - (a) every sewer and sewage disposal works which, immediately before the coming into operation of the Transfer of Functions (New Departments) (No. 2) Order 2010, were vested in the Department of Transport (as it existed before that Order came into operation) or a local authority;<sup>60</sup>
  - (b) every sewer laid by the Sewerage Authority in exercise of any power conferred by this Act;<sup>61</sup>
  - (c) every sewage disposal works constructed by the Sewerage Authority in exercise of the power conferred by section 3A;<sup>62</sup>
  - (d) every sewer or sewage disposal works with respect to which a declaration of vesting under section 7 or 8 takes effect.<sup>63</sup>
- (2) Anything which, in pursuance of any agreement under section 2, is done on behalf of the Sewerage Authority by a local authority is, subject to any provision to the contrary contained in any such agreement, to be treated for the purposes of this section as done by the Sewerage Authority.<sup>64</sup>
- (3) Subsections (1) and (2) are without prejudice to the vesting of anything in the Sewerage Authority by virtue of the exercise by the Sewerage Authority of any power to acquire property by agreement or compulsorily.<sup>65</sup>
- (4) Any question whether a sewer or sewage disposal works is vested in the Sewerage Authority may be referred to the High Court by the Sewerage Authority or any interested person.<sup>66</sup>
- (5) On a reference under subsection (4) the High Court, after giving the Sewerage Authority and any other interested person an opportunity to be heard, may declare that the sewer or works in question is or is not vested in the Sewerage Authority; and a declaration under this subsection shall be conclusive and binding for all purposes on all persons (but without prejudice to the future exercise of any power conferred by this Act or referred to in subsection (3)).<sup>67 68</sup>

**16 Sewer maps**

[P1991/56/199]

- (1) The Sewerage Authority shall keep records of the relevant particulars —
  - (a) of every public sewer;
  - (b) of every sewer in relation to which a declaration of vesting has been made by the Sewerage Authority under section 7 but has not taken effect; and<sup>69</sup>
  - (c) of every drain or sewer which is the subject of any agreement to make such a declaration which has been entered into by the Sewerage Authority under section 8.<sup>70 71</sup>
- (2) For the purposes of this section the relevant particulars of a drain or sewer are —
  - (a) its location;
  - (b) whether it is a drain or a sewer;
  - (c) whether it is a transmission sewer;
  - (d) the descriptions of effluent for the conveyance of which it is or is not to be used; and
  - (e) whether it is vested in the Sewerage Authority and, if it is not, whether it is a sewer in relation to which a declaration has been made under section 7 or a drain or sewer which is the subject of an agreement under section 8.<sup>72</sup>
- (3) Subject to subsection (4), the Sewerage Authority shall secure that the contents of all the records for the time being kept by it under this section are available in the form of a map, at all reasonable times, for inspection by the public free of charge at an office of the Sewerage Authority.<sup>73</sup>
- (4) Where any information which is required under this section to be made available by the Sewerage Authority for inspection by the public is kept on a computer, it may be made available in any visible and legible form.<sup>74</sup>
- (5) The duty imposed by subsection (1) includes a duty to modify the records as soon as reasonably practicable after the completion of any 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.
- (6) Nothing in this section requires the Sewerage Authority to keep records of any particulars of a drain or sewer laid before the commencement of this section if —
  - (a) the Sewerage Authority does not know of, or have reasonable grounds for suspecting, the existence of the drain or sewer; or<sup>75</sup>

- (b) it is not reasonably practicable for the Sewerage Authority to discover the course of the drain or sewer and it has not done so.<sup>76</sup>

77

## PART 3 – TRADE EFFLUENT

### 17 Consent required for discharge of trade effluent into public sewer

[P1991/56/118]

- (1) Subject to the following provisions of this Part, the occupier of any trade premises may, with the consent of the Sewerage Authority, discharge any trade effluent proceeding from those premises into a public sewer.<sup>78</sup>
- (2) Nothing in this Part authorises the discharge of any effluent into a public sewer otherwise than by means of a drain or sewer.
- (3) The following —
  - (a) the restrictions imposed by section 4(2); and
  - (b) section 6 so far as it relates to anything falling within section 6(1)(a) or, if this subsection is applied in relation thereto by an order under section 6(2), anything falling within section 6(1)(b),do not apply to any discharge of trade effluent which is lawfully made by virtue of this Part.
- (4) Accordingly, section 4(3) to (8) has effect in relation to communication with a sewer for the purpose of making any discharge which is lawfully made by virtue of this Part as it has effect in relation to communication with a sewer for the purpose of making discharges which are authorised by section 4(1).
- (5) If any trade effluent proceeding from trade premises is discharged without such consent or other authorisation as is necessary for the purposes of this Part, the occupier of the premises is guilty of an offence and liable —
  - (a) on summary conviction, to a fine not exceeding £5,000; and
  - (b) on conviction on information, to a fine.

### 18 Application for consent

[P1991/56/119 and 121]

- (1) The owner or occupier of any trade premises may apply to the Sewerage Authority in writing for a consent to discharge trade effluent from the premises into a public sewer.<sup>79</sup>
- (2) An application under this section with respect to a proposed discharge of any such effluent shall state —

- (a) the nature or composition of the trade effluent;
  - (b) the maximum quantity of the trade effluent which it is proposed to discharge on any one day; and
  - (c) the highest rate at which it is proposed to discharge the trade effluent.
- (3) On an application under this section the Sewerage Authority may either —
  - (a) refuse the consent applied for, or
  - (b) grant such consent either unconditionally or subject to such conditions as the Sewerage Authority thinks fit to impose in accordance with Schedule 2.<sup>80 81</sup>
- (4) On granting a consent under this section the Sewerage Authority may direct that trade effluent shall not be discharged before a date specified in the direction.<sup>82</sup>
- (5) Before granting a consent under this section with respect to a discharge of any special category effluent, the Sewerage Authority shall consult the Department of Environment, Food and Agriculture —
  - (a) as to whether the discharge to which the notice relates should be prohibited; and
  - (b) if it is not prohibited, as to the conditions on which it may be made.<sup>83</sup>
- (6) If a condition imposed under this section is contravened in the case of any trade premises, the occupier of the premises is guilty of an offence and liable —
  - (a) on summary conviction, to a fine not exceeding £5,000; and
  - (b) on conviction on information, to a fine.

## **19 Appeals with respect to decisions on applications etc**

- (1) Subject to subsection (2), any person aggrieved by —
  - (a) the refusal of the Sewerage Authority to give a consent on an application under section 18;<sup>84</sup>
  - (b) the failure of the Sewerage Authority to give such a consent within the period of 2 months beginning with the day on which the application is made;<sup>85</sup>
  - (c) any condition attached by the Sewerage Authority to such a consent; or<sup>86</sup>
  - (d) a direction under section 18(4),may appeal to the High Bailiff.

- (2) No appeal shall lie against the refusal of a consent, or a condition attached to a consent (except a condition as to charges), relating to a discharge of any special category effluent.
- (3) On an appeal under this section in respect of a refusal or failure to give a consent, the High Bailiff may direct the Sewerage Authority to give the necessary consent, either unconditionally or subject to such conditions as he thinks fit to impose for determining any of the matters as respects which the Sewerage Authority has power to impose conditions under section 18.<sup>87</sup>
- (4) On an appeal under this section in respect of a condition attached to a consent, the High Bailiff may review all the conditions attached to the consent, whether appealed against or not, and may order the Sewerage Authority —
  - (a) to substitute for them such other conditions, whether more or less favourable to the appellant, as he thinks fit; or
  - (b) to annul such of the conditions as he thinks fit.<sup>88</sup>
- (5) On an appeal under this section relating to a direction under section 18(4), the High Bailiff may —
  - (a) vary the direction by substituting such other direction as he thinks fit, or
  - (b) annul the direction.
- (6) The High Bailiff may, under subsection (4), include provision as to the charges to be made in pursuance of any condition attached to a consent for any period before the determination of the appeal.

## 20 Variation of consents

[P1991/56/124]

- (1) The Sewerage Authority may from time to time give a direction varying the conditions which have been attached to any consent under this Part to the discharge of trade effluent into a public sewer.<sup>89</sup>
- (2) Subject to subsections (3) and (4) and section 21, no direction shall be given under this section with respect to a consent under this Part —
  - (a) within 2 years from the date of the consent; or
  - (b) where a previous direction has been given under this section with respect to that consent, within 2 years from the date on which notice was given of that direction.
- (3) Subsection (2) does not prevent a direction being given before the time specified in that subsection if it is given with the consent of the owner and occupier of the trade premises in question; but the fact that a direction is given with such consent does not affect the time at which any subsequent direction may be given.

- (4) The Sewerage Authority shall give to the owner and occupier of the trade premises to which a consent under this Part relates notice of any direction under this section with respect to that consent, and such notice shall —
- (a) include information as to the right of appeal conferred by section 22(1);
  - (b) state the date, being a date not less than 2 months after the giving of the notice, on which (subject to section 22(2)) the direction is to take effect; and
  - (c) where the direction is given by virtue of section 21(1) and the Sewerage Authority is of the opinion mentioned in section 21(2), the reasons for that opinion.<sup>90 91</sup>
- (5) Before giving a notice under subsection (4) the Sewerage Authority shall, if it is reasonably practicable to do so, consult the owner and occupier of the trade premises in question.<sup>92</sup>
- (6) For the purposes of this section references to the variation of conditions include references to the addition or annulment of a condition and to the attachment of a condition to a consent to which no condition was previously attached.

## 21 Variations within time limit

[P1991/56/125]

- (1) The Sewerage Authority may give a direction under section 20 before the time specified in section 20(2) and without the consent required by section 20(3) if it considers it necessary to do so in order to provide proper protection for persons likely to be affected by the discharges which could lawfully be made apart from the direction.<sup>93</sup>
- (2) Where the Sewerage Authority gives a direction by virtue of subsection (1), it shall be liable to pay compensation to the owner and occupier of the trade premises to which the direction relates, unless the Sewerage Authority is of the opinion that the direction is required —
- (a) in consequence of a change of circumstances which —
    - (i) has occurred since the beginning of the period of 2 years in question; and
    - (ii) could not reasonably have been foreseen at the beginning of that period; and
  - (b) otherwise than in consequence of consents for discharges given after the beginning of that period.<sup>94</sup>
- (3) For the purposes of this section the circumstances referred to in subsection (2)(a) may include the information available as to the discharges to which the consent in question relates or as to the interaction of those discharges with other discharges or matter.



- (4) Any dispute as to the amount of any compensation payable under this section shall be determined by arbitration.

## **22 Appeals with respect to variations of consent**

[P1991/56/126]

- (1) Subject to subsection (2), the owner or occupier of any trade premises may —
  - (a) within 2 months of the giving to him of a notice under section 20(4); or
  - (b) with leave, at any later time,appeal to the High Bailiff against the direction.
- (2) No appeal shall lie against a direction varying or imposing a condition (except a condition as to charges) relating to a discharge of any special category effluent.
- (3) If such an appeal is brought before the date specified under section 20(4)(b) in the notice referred to in subsection (1)(a), the direction (except so far as it relates to the making of charges payable by the occupier of any trade premises) shall not take effect until the appeal is withdrawn or finally disposed of.
- (4) On an appeal under subsection (1) with respect to a direction, the High Bailiff may —
  - (a) annul the direction; and
  - (b) substitute for it any other direction, whether more or less favourable to the appellant;and any direction given by the High Bailiff may include provision as to the charges to be made for any period between the giving of the notice by the Sewerage Authority and the determination of the appeal.<sup>95</sup>
- (5) Where a notice under section 20(4) includes a statement of reasons under section 20(4)(c), the person to whom it is given may appeal to the High Bailiff on the ground that compensation should be paid in consequence of the direction to which the notice relates; and on such an appeal the High Bailiff may direct that the direction shall have effect as if the Sewerage Authority were not of the opinion mentioned in section 21(2)(a) or (b), as the case may be.
- (6) Any direction given by the High Bailiff under this section in respect of discharges of trade effluent shall have effect for the purposes of this Part as if given by the Sewerage Authority.<sup>96</sup>

## **23 Variation of time for discharge**

[P1991/56/128]

- (1) Where —

- (a) a direction has been given under any of the preceding provisions of this Part requiring that trade effluent shall not be discharged until a specified date, and
  - (b) it appears to the Sewerage Authority that in consequence of —
    - (i) a failure to complete any works required in connection with the reception and disposal of the trade effluent; or
    - (ii) any other exceptional circumstances,a later date ought to be substituted for the date so specified in the direction,<sup>97</sup>
- the Sewerage Authority may give a further direction to that effect.<sup>98</sup>
- (2) The Sewerage Authority shall give the owner and occupier of the trade premises to which the consent in question relates notice of any direction under this section with respect to that consent.<sup>99</sup>
  - (3) Section 22(1), (4) and (6) (appeals) applies to a direction under this section as it applies to a direction under section 20.

## **24 Agreements with respect to the disposal etc of trade effluent**

[P1991/56/129]

- (1) The Sewerage Authority may enter into and carry into effect —
  - (a) an agreement with the owner or occupier of any trade premises for the reception and disposal by the Sewerage Authority of any trade effluent produced on those premises;<sup>100</sup>
  - (b) an agreement with the owner or occupier of any such premises under which it undertakes, on such terms as may be specified in the agreement, to remove and dispose of substances produced in the course of treating any trade effluent on or in connection with those premises.<sup>101</sup>
- (2) An agreement under subsection (1)(a) may, in particular, provide —
  - (a) for the construction or extension by the Sewerage Authority of such works as may be required for the reception or disposal of the trade effluent; and<sup>102</sup>
  - (b) for the repayment by the owner or occupier, as the case may be, of the whole or part of the expenses incurred by the Sewerage Authority in carrying out its obligations under the agreement.<sup>103</sup>
- (3) The power of the Sewerage Authority to enter into an agreement under this section includes a power, by that agreement, to authorise such a discharge as apart from the agreement would require a consent under this Part.<sup>104</sup>
- (4) Before entering into an agreement under this section with respect to the reception or removal and disposal of special category effluent, the

Sewerage Authority shall consult the Department of Environment, Food and Agriculture.<sup>105</sup>

## **25 Evidence from meters etc**

[P1991/56/136]

Any meter or apparatus provided in pursuance of this Part in any trade premises for the purpose of measuring, recording or determining the volume, rate of discharge, nature or composition of any trade effluent discharged from those premises shall be presumed in any proceedings to register accurately, unless the contrary is shown.

## **26 Meaning of “special category effluent”**

[P1991/56/138]

- (1) Subject to subsection (2), trade effluent is special category effluent for the purposes of this Part if —
  - (a) such substances as may be prescribed are present in the effluent or are present in the effluent in prescribed concentrations; or
  - (b) the effluent derives from any such process as may be prescribed or from a process involving the use of prescribed substances or the use of such substances in quantities which exceed the prescribed amounts.
- (2) The Department of Environment, Food and Agriculture may by order prescribe any substance, process or other matter for the purpose of subsection (1)(a) or (b); and in that subsection “prescribed” means prescribed by such an order.<sup>106</sup>
- (3) Nothing in this Part enables an order under subsection (2) to prescribe as special category effluent any liquid or matter which is not trade effluent but falls to be treated as such for the purposes of this Part by virtue of an order under section 27.

## **27 Power to apply Part 3 to other effluents**

[P1991/56/139]

- (1) If it appears to the Sewerage Authority expedient that this Part should apply in relation to liquid or other matter of any description which is discharged into public sewers as it applies in relation to trade effluent, it may by order provide that, except as mentioned in section 26(3), any provisions of this Part shall apply to that matter —
  - (a) subject to such modifications (if any) as may be specified in the order; and
  - (b) in particular, subject to any such modification of the meaning for the purposes of this Part of the expression “trade premises” as may be so specified.<sup>107</sup>

- (2) An order under this section may modify any enactment (other than this Part) relating to sewage in its application to any matter to which any provisions of this Part are applied by the order.

## 28 Interpretation of Part 3

[P1991/56/141]

- (1) In this Part —

“**special category effluent**” has the meaning given by section 26;

“**trade effluent**” —

- (a) means any liquid, either with or without particles of matter in suspension in the liquid, which is wholly or partly produced in the course of any trade or industry carried on at trade premises; and
- (b) in relation to any trade premises, means any such liquid which is so produced in the course of any trade or industry carried on at those premises,

but does not include domestic sewage;

“**trade premises**” means, subject to subsection (2), any premises used or intended to be used for carrying on any trade or industry.

- (2) For the purposes of this Part any land or premises used or intended for use (in whole or in part and whether or not for profit) —

- (a) for agricultural or horticultural purposes or for the purposes of fish farming; or
- (b) for scientific research or experiment,

are deemed to be premises used for carrying on a trade or industry; and the references to a trade or industry in the definition of “trade effluent” in subsection (1) include references to agriculture, horticulture, fish farming and scientific research or experiment.

- (3) Every consent under this Part shall be given in writing.
- (4) Nothing in this Part affects any right with respect to water in a river, stream or watercourse, or authorises any infringement of such a right, except in so far as any such right enables anything to be done which is prohibited or regulated by this Part by virtue of an order under section 26.

## PART 4 – SANITATION

### 29 Drainage of building

[P1984/55/59]

- (1) If it appears to a local authority that satisfactory provision has not been, and ought to be, made for the drainage in the case of a building in its district, the authority shall by notice require the owner of the building to make satisfactory provision for the drainage of the building.
- (2) If it appears to a local authority that in the case of a building in its district —
  - (a) a cesspool, private sewer, drain, soil pipe, rain-water pipe, spout, sink or other necessary appliance provided for the building is insufficient or, in the case of a private sewer or drain communicating directly or indirectly with a public sewer, is so defective as to admit subsoil water, or
  - (b) a cesspool or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance, or
  - (c) a cesspool, private sewer or drain formerly used for the drainage of the building, but no longer used for it, is prejudicial to health or a nuisance,

the authority shall by notice require either the owner or the occupier of the building to do such work as may be necessary —

- (i) for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or
  - (ii) for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.
- (3) A notice under this section may not require a drain to be provided unless it is either to communicate with a sewer or to discharge into a cesspool or into some other place; but a drain shall not be required to communicate with a sewer unless —
  - (a) that sewer is —
    - (i) within 100 feet of the site of the building,
    - (ii) at a level which makes it reasonably practicable to construct a drain to communicate with it, and
    - (iii) if it is not a public sewer, a sewer which the person constructing the drain is entitled to use; and
  - (b) the intervening land is land through which that person is entitled to construct a drain.
- (4) Subsection (3)(a)(i) does not apply where the local authority undertakes to bear so much of the expenses reasonably incurred in constructing, and

in maintaining and repairing, a drain to be provided under this section as may be attributable to the fact that the distance of the sewer from the site of the building exceeds 100 feet.

### **30 Drainage of building: emergency measures**

- (1) Where any of the conditions in section 29(2)(a), (b) or (c) is fulfilled, but it appears to the local authority that immediate action is necessary to remove an imminent risk to health, the authority may, instead of serving a notice under section 29, take such steps as may be necessary for that purpose.
- (2) Before exercising its powers under this section, the local authority shall, if it is reasonably practicable to do so, give notice of its intention to the owner and occupier of the building in question.
- (3) Subject to subsections (4) and (5), the local authority may recover from the owner or the occupier of the building the expenses reasonably incurred by it under this section.
- (4) In proceedings to recover expenses under this section, the court shall inquire whether the local authority might reasonably have proceeded instead under section 29, and, if the court determines that the local authority might reasonably have proceeded instead under that subsection, the authority shall not recover the expenses or any part of them.
- (5) In proceedings to recover expenses under this section, the court may —
  - (a) inquire whether the expenses ought to be borne wholly or in part by the occupier instead of by the owner, or by the owner instead of by the occupier, and
  - (b) make such order concerning the expenses or their apportionment as appears to the court to be just,

but the court shall not order the expenses or any part of them to be borne by any person other than a defendant in the proceedings unless it is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

### **31 Disconnection of drain**

[P1984/55/62]

- (1) Where a person —
  - (a) reconstructs in the same or a new position a drain that communicates with a sewer or another drain,
  - (b) executes any works to such a drain so as permanently to discontinue its use, or
  - (c) executes any works on premises served by such a drain so as permanently to discontinue its use,

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at such points as the Department of Infrastructure may reasonably require.<sup>108</sup>

- (2) Any question as to the reasonableness of a requirement of the Department of Infrastructure under this section shall be determined by the High Bailiff, who may vary the requirement as he thinks fit.<sup>109</sup>
- (3) No one shall be required under this section to carry out any work in land outside the premises served by the drain if he has no right to carry out that work, but, subject to the road works code, the person undertaking the reconstruction of the drain or the execution of the works may break open any street for the purpose of complying with a requirement under this section.
- (4) A person who knowingly fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £500 and to a further fine not exceeding £5 for each day on which the default continues after he is convicted.
- (5) This section does not apply in relation to anything done in the course of the demolition of a building, or of part of a building, as respects which the Department of Infrastructure may give a direction under section 27 of the *Building Control Act 1991*.<sup>110</sup>

## 32 Provision of closets in building

[P1984/55/64]

- (1) If it appears to a local authority —
  - (a) that a building in its district is without sufficient closet accommodation,
  - (b) that a part of a building in its district, being a part that is occupied as a separate dwelling, is without sufficient closet accommodation, or
  - (c) that any closets provided for or in connection with such a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the authority shall, by notice to the owner of the building, require him to provide the building with such closets or additional closets, or such substituted closets, being in each case either water-closets or earth-closets, as may be necessary.

- (2) Unless a sufficient water supply and sewer are available, the local authority shall not require the provision of a water-closet except in substitution for an existing water-closet.

- (3) Among the grounds on which an appeal may be brought under section 58 of the *Local Government Act 1985* against a notice under this section is that —
- (a) the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
  - (b) the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.
- (4) Where the grounds on which an appeal under the said section 58 is brought include the ground specified in subsection (3) —
- (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
  - (b) on the hearing of the appeal the court may make such order as it thinks fit with respect to —
    - (i) the contribution to be made by any such person towards the cost of the works, or
    - (ii) the proportion in which any expenses that may be recoverable by the local authority are to be borne by the appellant and any such other person.
- (5) This section does not apply to a building that is used as a workplace.

### 33 Provision of sanitary conveniences in workplace

[P1984/55/65]

- (1) A building that is used as a workplace shall be provided with —
- (a) sufficient and satisfactory accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building, and
  - (b) where persons of both sexes are employed or in attendance, sufficient and satisfactory separate accommodation for persons of each sex, unless the Department of Infrastructure, having consulted the Department of Environment, Food and Agriculture, is satisfied that in the circumstances of the particular case the provision of such separate accommodation is unnecessary.<sup>111</sup>
- (2) If it appears to the Department of Infrastructure that subsection (1) is not complied with in the case of any building, it shall by notice require the owner or the occupier of the building to make such alterations in the existing conveniences, and to provide such additional conveniences, as may be necessary.<sup>112</sup>



- (3) Section 58 of the *Local Government Act 1985* (appeals) applies with any necessary modifications to a notice under subsection (2) as it applies to a notice requiring the execution of works and served by a local authority.
- (4) In this section “sanitary convenience” means a closet or urinal.

### **34 Replacements of earth-closets etc**

[P1991/55/66]

- (1) If a building in the district of a local authority has a sufficient water supply and sewer available, the authority may, subject to this section, by notice to the owner of the building require that any closets, other than water-closets, provided for, or in connection with, the building shall be replaced by water-closets, notwithstanding that the closets are not insufficient in number and are not prejudicial to health or a nuisance.
- (2) A notice under subsection (1) shall either —
  - (a) require the owner to execute the necessary works, or
  - (b) require that the local authority itself shall be allowed to execute them.
- (3) Section 58 (appeals etc.) of the *Local Government Act 1985* applies to a notice under subsection (2) subject to the modification that no appeal lies on the ground that the works are unnecessary.

### **35 Nuisances in connection with watercourses etc**

[P1936/49/260]

A local authority may —

- (a) deal with any pond, pool, ditch, gutter or place containing or used for the collection of any drainage, filth, stagnant water, or matter likely to be prejudicial to health by draining, cleansing or covering it, or otherwise preventing it from being prejudicial to health, but not so as to interfere with any private right, or with any public drainage, sewerage or sewage disposal works;
- (b) execute any works, including works of maintenance or improvement, incidental to or consequential on any exercise of the power conferred by paragraph (a);
- (c) contribute towards the expenses incurred by any other person in doing anything mentioned in this section.

### **36 Public lavatories**

- (1) A local authority may provide public lavatories within its district, and may make charges for their use.
- (2) A local authority may make byelaws for the regulation and management of such lavatories and for the conduct of persons using them.

**37 Concurrent exercise of certain powers**

- (1) Any of the functions exercisable by a local authority under the foregoing provisions of this Part shall also be exercisable by the Department of Environment, Food and Agriculture or the Department of Infrastructure, after consultation with the local authority.<sup>113</sup>
- (2) In relation to the exercise of any such functions by the Department of Environment, Food and Agriculture or the Department of Infrastructure, any reference in this Part to a local authority shall be construed as a reference to that Department.<sup>114</sup>
- (3) The Department of Infrastructure may authorise a local authority to exercise within its district any of the powers conferred by section 31(1).<sup>115</sup>

**38 [Inserts section 11A in the *Building Control Act 1991*.]****39 Power to repeal etc certain provisions**

- (1) Paragraph 10 (building regulations may repeal, amend or modify certain provisions) of Schedule 1 to the *Building Control Act 1991* applies to sections 29 to 32 as if they were enactments passed before that Act.
- (2) Section 80 (regulations may repeal or modify certain provisions) of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island, applies to section 33 as if this Act had been passed before the 31st July 1980.

## **PART 5 – SUPPLEMENTAL**

**40 Civil liability**

- (1) Where any person (including the Sewerage Authority) suffers loss or damage caused by the discharge of any matter into a drain or sewer in contravention of section 6, then, subject to the defences and other incidents applicable to breaches of statutory duty, that person shall be entitled to recover compensation from the person by whom the discharge was made, or suffered or permitted to be made, in respect of that loss or damage.<sup>116</sup>
- (2) Where any person (including the Sewerage Authority) suffers loss or damage caused by the discharge of trade effluent from trade premises —
  - (a) without such consent or other authorisation as is necessary for the purposes of Part 3, or
  - (b) in contravention of a condition imposed under section 18,

then, subject to the defences and other incidents applicable to breaches of statutory duty, that person shall be entitled to recover compensation from the occupier of the premises in respect of that loss or damage.<sup>117</sup>

- (3) Subsections (1) and (2) are without prejudice to section 6(3), 17(5) or 18(6), or to any right of action which exists apart from this section.
- (4) In this section “damage” includes the death of or injury to any person (including any disease and any impairment of a person’s physical or mental condition).

#### **41 Application of provisions of 1985 Act**

- (1) Section 35 (powers of entry) of the *Local Government Act 1985* applies in relation to this Act with respect to functions of a local authority (including functions exercisable by a local authority by virtue of an agreement under section 2).
- (2) The following provisions of the *Local Government Act 1985* apply to this Act in relation to functions of the Sewerage Authority with the substitution for references to a local authority of references to the Sewerage Authority —
  - section 35 (powers of entry)
  - section 36 (offences in connection with entry)
  - section 37 (power to obtain particulars of owners etc. of land)
  - section 38 (power to execute works on behalf of owners)
  - section 39 (power to dispose of things removed)
  - section 40 (obstruction)
  - section 41 (protection of members and officers)
  - section 46 (recovery of expenses)
  - section 47 (recovery of expenses where owner cannot be found)
  - section 48 (limitation of liability of certain owners)
  - section 49 (recovery of establishment charges)
  - section 57 (power to require occupier to permit works to be executed)
  - section 59 (procedure for appeals)
  - section 60 (effect of court’s decision)
  - section 61 (arbitration)
  - section 62 (compensation for works).<sup>118</sup>
- (3) Where any person is authorised to enter on any land by any such provision, as applied by subsection (2), he may take with him on to the land in question such other persons, and such vehicles and equipment (including heavy equipment), as he may consider necessary.<sup>119</sup>

- (4) Subsection (2) is without prejudice to the application of any of the provisions mentioned in that subsection in relation to a local authority exercising functions under this Act by virtue of an agreement under section 2.

## 42 Interpretation - general

- (1) Subject to subsection (2), section 73 (meaning of “building”, “drain”, “sewer” etc.) of the *Local Government Act 1985* applies to this Act.
- (2) References in this Act to a drain or sewer include references to any manhole, ventilating shaft, pump or other apparatus or accessories associated with the drain or sewer, and references to the laying of a drain or sewer include references to the construction or installation of any such apparatus or accessories.

- (3) [Repealed]<sup>120</sup>

- (4) In this Act —

“**cesspool**” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

“**contravention**” includes a failure to comply, and cognate expressions shall be construed accordingly;

“**the Department**” [Repealed]<sup>121</sup>

“**disposal**”, in relation to sewage, includes treatment;

“**domestic sewage**”, in relation to premises, means the contents of lavatories, water used for washing or cooking (except water used for the business of a laundry or for a business of preparing food or drink) and surface water;

“**effluent**” means any liquid, including particles of matter and other substances in suspension in the liquid;

“**the Environment Department**” [Repealed]<sup>122</sup>

“**information**” includes anything contained in any records, accounts, estimates or returns;

“**local authority**” includes a joint board established under section 7 of the *Local Government Act 1985*;

“**meter**” means any apparatus for measuring or showing the volume of effluent discharged from any premises;

“**notice**” means notice in writing;

“**private sewer**” means a sewer which is not a public sewer;

“**public sewer**” means a sewer vested in the Sewerage Authority by virtue of section 15;<sup>123</sup>

“**the road works code**” means the provisions of Schedule 4 to the *Highways Act 1986*;

“**sewage disposal works**” includes the pumping stations and any other works used for the reception, treatment, handling or disposal of foul sewage or surface water, together with the machinery, equipment, accessories and outfall pipes of those pumping stations and other works;<sup>124</sup>

“**Sewerage Authority**” means the Isle of Man Water and Sewerage Authority;<sup>125</sup>

“**sewerage rate**” means a rate levied by virtue of section 11;

“**surface water**” includes water from roofs;

“**trade effluent**” has the meaning given by section 28;

“**transmission sewer**” means a sewer for the time being designated by an order under subsection (5);

“**water-closet**” means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water, whether by the operation of a mechanism or by automatic action;

“**watercourse**” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except mains and other pipes which belong to the Isle of Man Water and Sewerage Authority or are used by that Authority or any other person for the purpose only of providing a supply of water to any premises;<sup>126</sup>

“**workplace**” includes any place in which persons are employed otherwise than in domestic service.

- (5) The Sewerage Authority may by order designate a sewer or proposed sewer for the purposes of this Act as a sewer for the conveyance of effluent from other sewers to a sewage disposal works (a “transmission sewer”).<sup>127</sup>

## 43 Subordinate legislation

- (1) None of the following shall have effect unless it is approved by Tynwald —
- (a) an order under any of the following provisions —
- section 5(1) (communication fees);
  - section 6(2) (matter not to be put in public sewers);
  - section 7(4) (approved documents);
  - section 11(1) (sewerage charges);<sup>128</sup>
  - section 26(2) (special category effluent);
  - section 27(1) (matters deemed to be trade effluent);
  - section 42(5) (designation of transmission sewer);

- paragraph 3(5) of Schedule 1 (requisition of sewer);
  - (b) an order under section 45(2) (commencement), to the extent that it brings section 11 into operation.
- (2) The Sewerage Authority shall not make —
- (a) an order which makes such provision as is mentioned in section 5(1)(b), or
  - (b) an order under paragraph 3(5) of Schedule 1,
- without the consent of the Department of Infrastructure.<sup>129</sup>
- (3) Before it gives or refuses its consent under subsection (2) the Department of Infrastructure —
- (a) shall consider whether, having regard to the development plan and to all other material considerations, development in the area in question ought to be encouraged or discouraged; and
  - (b) shall consult every local authority whose district appears to it to be affected by the proposed order.<sup>130</sup>

#### **44 Transitional provisions, amendments and repeals**

- (1) The transitional provisions in Schedule 3 shall have effect.
- (2) The enactments specified in Schedule 4 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 5 are repealed to the extent specified in column 3 of that Schedule.

#### **45 Short title and commencement**

- (1) This Act may be cited as the Sewerage Act 1999.
- (2) This Act shall come into operation on such day or days as the Sewerage Authority may by order appoint after consultation with the Department of Infrastructure and such local authorities (if any) as appear to the Sewerage Authority to be concerned.<sup>131 132</sup>
- (3) An order under subsection (2) may make such transitional, consequential, incidental and supplemental provision (including provision to take account of the partial operation of this Act) as appears to the Sewerage Authority to be necessary or expedient for the purposes of the order.<sup>133</sup>

## SCHEDULE 1

### REQUISITION FOR SEWER

#### Section 10

#### *Duty to comply with sewer requisition*

1. (1) The owner or the occupier of any premises may by notice served on the Sewerage Authority require it to provide a public sewer to be used for the drainage of domestic sewage from those premises.<sup>134</sup>

(2) A notice under sub-paragraph (1) shall specify —

- (a) the name and address of the person, or each of the persons, by whom it is served;
- (b) the premises in respect of which the person, or each of the persons, by whom it is served is the owner or the occupier;
- (c) the buildings on those premises, or the buildings intended to be erected on those premises, to be drained by the proposed sewer;
- (d) the description of domestic sewage to be drained by the sewer;
- (e) the period by the end of which the sewer is required to be provided.

(3) Subject to the following provisions of this Schedule, if the conditions specified in paragraph 2 are satisfied in relation to a requirement under sub-paragraph (1), the Sewerage Authority shall provide a public sewer in accordance with the requirement.<sup>135</sup>

(4) The duty of the Sewerage Authority under sub-paragraph (3) is so to lay a public sewer as to enable drains and private sewers to be used for the drainage of the premises specified under sub-paragraph (2)(b) at such places as are determined, by agreement between the Sewerage Authority and the person or persons by whom the notice under sub-paragraph (1) was served or, in default of agreement, by arbitration, to be the places at which it is reasonable, in all the circumstances, for drains or private sewers to be used for the drainage of premises in the locality to communicate with the public sewer.<sup>136</sup>

#### *Financial conditions of compliance*

2. (1) The conditions mentioned in paragraph 1(3) are that —

- (a) the person or persons who have required the provision of the sewer have given such undertakings as the Sewerage Authority may have reasonably required —
  - (i) binding him or them to pay to the Sewerage Authority, in respect of each of the 12 years following the provision of

the sewer, an amount not exceeding the relevant deficit (if any) for that year on that sewer; and<sup>137</sup>

- (ii) in the case of undertakings binding 2 or more persons, binding them either jointly and severally or with liability to pay apportioned in such manner as they may agree; and<sup>138</sup>
- (b) subject to sub-paragraph (2), such security as the Sewerage Authority may have reasonably required has been provided for the discharge of any obligations imposed by those undertakings.<sup>139</sup>

(2) The Sewerage Authority may not require security under sub-paragraph (1)(b) of a public authority.<sup>140</sup>

(3) Where for the purposes of sub-paragraph (1)(b) any sums have been deposited with the Sewerage Authority by way of security for the discharge of any obligation, the Sewerage Authority shall pay interest on every such sum, at such rate as may be determined by the Treasury, for any period during which it remains in the hands of the Sewerage Authority.<sup>141</sup>

#### *Calculation of “relevant deficit”*

3. (1) For the purposes of paragraph 2 the relevant deficit for any year on a public sewer is the annual borrowing costs of a loan of the amount required for the provision of the sewer, less the sewerage rates (if any) payable during that year in respect of the buildings directly or indirectly communicating with the sewer.

(2) The annual borrowing costs of a loan of the amount required for the provision of a public sewer are the aggregate amount which would fall to be paid in any year by way of payments of interest and repayments of capital, if an amount equal to so much of the costs reasonably incurred in providing that sewer as were not incurred in the provision of additional capacity had been borrowed by the Sewerage Authority on terms —

- (a) requiring interest to be paid and capital to be repaid in 12 equal annual instalments; and
- (b) providing for the amount of the interest to be calculated at such rate, and in accordance with such other provision, as may have been determined by the Treasury for the purposes of this sub-paragraph.<sup>142</sup>

(3) For the purposes of this paragraph the costs reasonably incurred in providing a public sewer (“the new sewer”) include —

- (a) the costs reasonably incurred in providing such other public sewers and such pumping stations as it is necessary to provide in consequence of the provision of the new sewer;
- (b) the costs reasonably incurred in —
  - (i) providing such new sewage disposal works as it is necessary to provide, or



- (ii) carrying out such improvements of existing sewage disposal works as it is necessary to carry out, in consequence of the provision of the new sewer; and
  - (c) such proportion (if any) as is reasonable of the costs reasonably incurred in providing any such additional capacity in an earlier public sewer as falls to be used in consequence of the provision of the new sewer.
- (4) In sub-paragraph (3)(c) —
  - (a) the reference to an earlier public sewer, in relation to the new sewer, is a reference to any public sewer which —
    - (i) has been provided in the period of 12 years immediately before the provision of the new sewer; and
    - (ii) was so provided in pursuance of a requirement under paragraph 1;
  - (b) the reference to the provision of additional capacity in such a public sewer is a reference to such works carried out or other things done in connection with the provision of that sewer as are carried out or done for the purpose of enabling that sewer to be used for purposes in addition to those for which it is necessary to provide the sewer in order to comply with the requirement.
- (5) The Sewerage Authority may by order provide that, as respects any sewer wholly or partly serving any area specified in the order, sub-paragraph (1) shall have effect as if, for the reference to the amount required for the provision of the sewer, there shall be substituted a reference to —
  - (a) that amount less such proportion thereof, or
  - (b) that amount with the addition of such proportion thereof,as is specified in the order.<sup>143</sup>

#### *Determination of completion date*

4. (1) If the Sewerage Authority considers that it cannot reasonably be expected to provide a sewer within the period specified under paragraph 1(2)(e), it may, within 3 months of the date on which the notice under paragraph 1(1) (“the original notice”) was served on it, serve a counter-notice on that person, or each of those persons, extending that period by such period as is specified in the counter-notice.<sup>144</sup>
- (2) If the person, or any of the persons, by whom the original notice was served objects to the extension of that period, he may within one month of service of the counter-notice refer the matter to arbitration; and the arbitrator may —
- (a) quash the counter-notice;
  - (b) confirm the counter-notice without modification; or

- (c) confirm the counter-notice with the substitution of a shorter period for that specified in it;

and in case (b) or (c) the original notice shall have effect with the substitution, for the period specified under paragraph 1(2)(e), of that period as extended by the counter-notice, or by the counter-notice as modified, as the case may be.

#### *Determinations by Treasury*

5. A determination made by the Treasury for the purposes of this Schedule —

- (a) may be given or made in relation to the provision of a particular public sewer, in relation to the provision of sewers of a particular description or in relation to the provision of public sewers generally; and
- (b) may be revoked at any time (except in the case of a determination under paragraph 3(2) in relation to a sewer which has already been provided).

#### *Effect of agreement under section 8*

6. Where —

- (a) a person has required the provision of a public sewer under paragraph 1, and
- (b) the Sewerage Authority subsequently enters into an agreement under section 8 with that person or his successor in title as owner or occupier of the premises in question relating to a sewer to be used for the drainage of domestic sewage, or any description of domestic sewage, from those premises,<sup>145</sup>

on the making of that agreement the requirement under paragraph 1 shall cease to have effect so far as it relates to the premises in question or to the drainage of domestic sewage of that description from the premises, as the case may be.

## SCHEDULE 2

### CONDITIONS OF TRADE EFFLUENT CONSENT

#### Section 18(3)(b)

##### *Matters to which conditions may relate*

1. (1) Conditions imposed pursuant to section 18(3)(b) may relate to all or any of the following matters —

- (a) the sewer or sewers into which the trade effluent may be discharged;
- (b) the nature or composition of the trade effluent which may be discharged;
- (c) the maximum quantity of trade effluent which may be discharged on any one day, either generally or into a particular sewer;
- (d) the highest rate at which trade effluent may be discharged, either generally or into a particular sewer;
- (e) the period or periods of the day during which the trade effluent may be discharged from the trade premises into the sewer;
- (f) the exclusion from the trade effluent of all condensing water;
- (g) the elimination or diminution, in any case specified in subparagraph (2), of any specified constituent of the trade effluent, before it enters the sewer;
- (h) the temperature of the trade effluent at the time when it is discharged into the sewer, and its acidity or alkalinity at that time;
- (i) the payment by the occupier of the trade premises to the Sewerage Authority of charges for the reception of the trade effluent into the sewer and for the disposal of the effluent;<sup>146</sup>
- (j) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take samples, at any time, of what is passing into the sewer from the trade premises;
- (k) the provision, testing and maintenance of such meters as may be required to measure the volume and rate of discharge of any trade effluent being discharged from the trade premises into the sewer;
- (l) the provision, testing and maintenance of apparatus for determining the nature and composition of any trade effluent being discharged from the premises into the sewer;
- (m) the keeping of records of the volume, rate of discharge, nature and composition of any trade effluent being discharged and, in particular, the keeping of records of readings of meters and other recording apparatus provided in compliance with any other condition attached to the consent; and

- (n) the making of returns and giving of other information to the Sewerage Authority concerning the volume, rate of discharge, nature and composition of any trade effluent discharged from the trade premises into the sewer.<sup>147</sup>

(2) The case referred to in sub-paragraph (1)(g) is where the Sewerage Authority is satisfied that the constituent in question, either alone or in combination with any matter with which it is likely to come into contact while passing through any sewers —

- (a) would injure or obstruct those sewers, or make the treatment or disposal of the sewage from those sewers specially difficult or expensive; or
- (b) in the case of trade effluent which is to be or is discharged —
  - (i) into a sewer having an outfall in any harbour or tidal water; or
  - (ii) into a sewer which connects directly or indirectly with a sewer or sewage disposal works having such an outfall,

would cause or tend to cause injury or obstruction to the navigation on, or the use of, the harbour or tidal water.<sup>148</sup>

*Charges for reception of trade effluent*

2. In the exercise of the power conferred by virtue of paragraph 1(1)(i), regard shall be had —

- (a) to the nature and composition and to the volume and rate of discharge of the trade effluent discharged;
- (b) to any additional expense incurred or likely to be incurred by the Sewerage Authority in connection with the reception or disposal of the trade effluent; and<sup>149</sup>
- (c) to any revenue likely to be derived by the Sewerage Authority from the trade effluent.<sup>150</sup>

## SCHEDULE 3

### TRANSITIONAL PROVISIONS

#### Section 44(1)

#### *Interpretation*

1. (1) References in this Schedule to the sewerage functions of a local authority are to its functions under —

- (a) sections 42 to 60 of the *Local Government Consolidation Act 1916*;
- (b) sections 1 to 7 and 10 to 14 of the *Douglas (Braddan and Onchan Drainage) Act 1949*;
- (c) sections 7, 9 and 10 of the *Castletown Town Act 1966*;
- (d) sections 12, 15, 17 to 25, 27 and 28 of the *Ramsey Town Act 1970*; and
- (e) sections 3 to 6 of the *Laxey Village District Act 1971*.

(2) References in this Schedule to “the Department” are to the Department of Transport (as it existed prior to the coming into operation of the Transfer of Functions (New Departments) (No. 2) Order 2010).<sup>151</sup>

#### *Transfer of property relating to sewerage functions*

2. (1) Without prejudice to section 15, all real and personal property which immediately before the commencement of Part 1 was vested in or held by a local authority for the purpose of its sewerage functions shall on such commencement vest in the Department without any conveyance or other assurance for the purpose of the Department’s functions under that Part.

(2) Subject to any declaration under sub-paragraph (4), a certificate signed by or on behalf of the Sewerage Authority and stating that any property specified in the certificate, being property which immediately before the commencement of Part 1 was vested in or held by a local authority, was so vested or held for the purpose of its sewerage functions, shall be conclusive evidence of that fact; and a certificate purporting to be so signed shall be presumed to be so signed until the contrary is proved.<sup>152</sup>

(3) If any question arises whether any property, which immediately before the commencement of Part 1 was vested in or held by a local authority, was so vested or held for the purpose of its sewerage functions, the question may be referred by the Sewerage Authority or the authority, or by any other interested person, to the High Court.<sup>153</sup>

(4) On a reference under sub-paragraph (3) the High Court, after giving the Sewerage Authority and the local authority and any other interested person an

opportunity to be heard, may declare that the property in question was or was not vested or held as mentioned in that sub-paragraph.<sup>154</sup>

(5) A declaration under sub-paragraph (4) shall be conclusive and binding for all purposes and on all persons, other than a purchaser for valuable consideration of an interest in the property by virtue of a transaction entered into or taking effect before the reference was made, and persons deriving title under him.

(6) Without prejudice to section 3, where any sewage disposal works, or any apparatus or accessories mentioned in section 42(2), become vested in the Sewerage Authority by virtue of sub-paragraph (1), but access thereto cannot reasonably be obtained except through land remaining vested in a local authority, there shall vest in the Sewerage Authority such rights as are reasonably necessary for the purpose of obtaining access thereto through that land; and any dispute concerning the existence, nature or extent of such rights, in default of agreement between the Sewerage Authority and the local authority or its successor in title as owner or occupier of the land in question, shall be determined by arbitration.<sup>155</sup>

*Transfer of rights etc. relating to sewerage functions*

3. (1) All rights, obligations and liabilities which immediately before the commencement of Part 1 were enforceable by or against a local authority and were enjoyed or incurred for the purpose of its sewerage functions shall on and after such commencement be enforceable by or against the Department.

(2) All references to a local authority, so far as they relate to its sewerage functions and not otherwise, in any statutory provision, agreement, deed, instrument, licence, consent, application, notice or other document shall, unless the context otherwise requires, be construed as references to the Sewerage Authority.<sup>156</sup>

(3) This Act shall not affect the validity of anything done by or on relation to a local authority before the commencement of Part 1; and anything which on such commencement is in process of being done by or in relation to a local authority, so far as it relates to any of its sewerage functions, may be continued by or in relation to the Sewerage Authority.<sup>157</sup>

(4) Anything made or done by a local authority, so far as it relates to any of its sewerage functions, shall, if in force on the commencement of Part 1, have effect as if made or done by the Sewerage Authority so far as that is required for continuing its effect after such commencement.<sup>158</sup>

*Matter not to be put into public sewers*

4. (1) Until an order is made under section 6(2) the following descriptions of matter shall be deemed to be prescribed for the purpose of section 6(1) —

- (a) any chemical refuse or waste steam, or any liquid of a temperature higher than 110°F, being refuse or steam which is, or a liquid which when so heated is, (either alone or in combination with the contents of the sewer or drain) —

- (i) dangerous; or
    - (ii) the cause of a nuisance; or
    - (iii) prejudicial to health;
  - (b) any petroleum spirit or carbide of calcium; or
  - (c) any tar or creosote or any mineral oils, whether or not derivatives of coal or petroleum.
- (2) Until an order is made under section 6(2), section 17(3) applies in relation to the matter referred to in sub-paragraph (1)(a) as if it had been so applied by such an order.
- (3) In sub-paragraph (1) —
- “petroleum spirit” means any such —
- (a) crude petroleum;
  - (b) oil made from petroleum or from coal, shale, peat or other bituminous substances; or
  - (c) product of petroleum or mixture containing petroleum,
- as, when tested by an inspector, has a flash point of less than 21°C;
- “inspector” means an inspector appointed for the purpose of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island.

*Sewage disposal works*

5. For the avoidance of doubt, where a sewage disposal works was immediately before the commencement of section 15 used by the Department or a local authority for the purpose of treating or disposing of the contents of any sewer vested in the Department or the authority, the works shall be deemed to have been vested in the Department or the authority, as the case may be, immediately before such commencement.

*Trade effluent: temporary exemption*

6. (1) Subject to sub-paragraph (2), the following —
- (a) the restrictions imposed by section 4(2)(a);
  - (b) section 6 so far as it relates to anything falling within section 6(1)(a) or paragraph 4(1)(a);
  - (c) section 17(5), and the requirement for the consent of the Sewerage Authority under section 17(1),<sup>159</sup>

shall not, for a period of 3 years from the commencement of section 17, apply to the discharge from any premises from which any trade effluent was discharged at any time within a period of 12 months ending on such commencement, of trade effluent of the same description as was discharged in that period, at rates and in quantities not

exceeding the rates at which and the quantities in which it was discharged during that period.

(2) For the purpose of sub-paragraph (1) no account shall be taken of any discharge before the commencement of section 17 which —

- (a) was unlawful by virtue of —
  - (i) section 56 of the *Local Government Consolidation Act 1916*;
  - (ii) section 14 of the *Douglas (Braddan and Onchan Drainage) Act 1949*;
  - (iii) section 16 of the *Local Government (Special Drainage Districts) Act 1952*;
  - (iv) section 10 of the *Castletown Town Act 1966*; or
  - (v) section 28 of the *Ramsey Town Act 1970*; or
- (b) was the subject of a consent referred to in paragraph 7.

*Existing consents for trade effluent*

7. (1) Any consent under —

- (a) section 13 of the *Douglas (Braddan and Onchan Drainage) Act 1949*;
- (b) section 15(2) of the *Local Government (Special Drainage Districts) Act 1952*;
- (c) section 9 of the *Castletown Town Act 1966*; or
- (d) section 27 of the *Ramsey Town Act 1970*;

which was in force immediately before the commencement of section 17 shall be treated as a consent granted by the Department under section 18 on the date of such commencement, subject to the like conditions as were contained in the first-mentioned consent.

(2) Where at any time within a period of 12 months ending on such commencement a person has discharged any liquid from any premises into a sewer in exercise of the right conferred by section 13(1) of the said Act of 1949, that discharge shall be treated for the purpose of sub-paragraph (1) as having been made by virtue of a consent under section 13(2) of that Act in force immediately before such commencement and containing such conditions as may have been agreed, or imposed by order of the Department, under the said section 13(1).

(3) Where at any time within a period of 12 months ending on such commencement a person has discharged any liquid from any premises into a sewer in exercise of the right conferred by section 15(1) of the said Act of 1952, that discharge shall be treated for the purpose of sub-paragraph (1) as having been made by virtue of a consent under section 15(2) of that Act in force immediately before such commencement and containing such conditions as may have been agreed, or imposed by order of the High Court, under the said section 15(1).



## SCHEDULE 4

### AMENDMENT OF ENACTMENTS

#### Section 44(2)

[Sch 4 amends the following Acts —

The Rating and Valuation Act 1953 q.v.

The Building Control Act 1991 q.v.

The Water Act 1991 q.v.

The Water Pollution Act 1993 q.v.]

## SCHEDULE 5

### ENACTMENTS REPEALED

#### Section 44(3)

[Sch 5 repeals the following Acts wholly —

Local Government (Amendment) Act 1945

Douglas (Braddan and Onchan Drainage) Act 1949

Local Government (Special Drainage Districts) Act 1952

Local Government (Special Drainage Districts) Act 1959

Public Lavatories (Turnstiles) Act 1964

Local Government and Douglas (Braddan and Onchan Drainage) Act  
1970

Laxey Village District Act 1971

Sewerage (Amendment) Act 1994

and the following Acts in part —

Factories and Workshops Act 1909 q.v.

Local Government Consolidation Act 1916 q.v.

Local Government Amendment Act 1922 q.v.

Douglas Extension of Boundaries Act 1952 q.v.

Local Government Act 1963 q.v.

Castletown Town Act 1966 q.v.

Ramsey Town Act 1970 q.v.

Local Government (Miscellaneous Provisions) Act 1976 q.v.

Acquisition of Land Act 1984 q.v.

Local Government Act 1985 q.v.

Highways Act 1986 q.v.

Building Control Act 1991 q.v.

Water Act 1991 q.v.

Ramsey Boundary Extension Act 1993 q.v.

Water Pollution Act 1993 q.v.]

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>2</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>3</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>4</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>5</sup> Subs (4) amended by SD155/10 Sch 9.

<sup>6</sup> Subs (5) amended by SD155/10 Sch 9.

<sup>7</sup> Subs (6) substituted by SD155/10 Sch 11.

<sup>8</sup> Subs (7) amended by SD155/10 Sch 9.

<sup>9</sup> Cross-heading amended by Sewerage (Amendment) Act 2011 s 3.

<sup>10</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>11</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>12</sup> S 3A inserted by Sewerage (Amendment) Act 2011 s 3 effective 12 July 2011.

See also s 7 of that Act which is reproduced below for the convenience of users:

Sewage disposal works constructed under Sewerage Act 1999

(1) Any sewage disposal works —

(a) constructed by the Department of Transport (as it existed before the Transfer of Functions (New Departments) (No. 2) Order 2010 [SD155/10] came into operation) or the Sewerage Authority in pursuance of its duty to make provision for effectually dealing with the contents of public sewers in accordance with section 1(1)(b) of the *Sewerage Act 1999*; and

(b) vested in the Sewerage Authority in accordance with section 15 of that Act, shall, on the commencement of this Act, be treated as constructed in accordance with section 3A of that Act.

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(2) Subsection (1) is without prejudice to any rights, obligations and liabilities enforceable by or against the Sewerage Authority or the former Department of Transport enjoyed or incurred prior to the commencement of this Act.

<sup>13</sup> Subpara (ii) amended by SD155/10 Sch 9.

<sup>14</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>15</sup> Subs (4) amended by SD155/10 Sch 9.

<sup>16</sup> Para (a) amended by SD155/10 Sch 9.

<sup>17</sup> Subs (5) amended by SD155/10 Sch 9. Para (c) amended by SD155/10 Sch 9.

<sup>18</sup> Para (a) amended by SD155/10 Sch 9.

<sup>19</sup> Para (b) amended by SD155/10 Sch 9.

<sup>20</sup> Subs (9) amended by SD155/10 Sch 9.

<sup>21</sup> Para (c) amended by SD155/10 Sch 9.

<sup>22</sup> Subs (10) amended by SD155/10 Sch 9.

<sup>23</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>24</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>25</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>26</sup> Subs (4) amended by SD155/10 Sch 9.

<sup>27</sup> Para (a) amended by SD155/10 Sch 9.

<sup>28</sup> Para (b) amended by SD155/10 Sch 9.

<sup>29</sup> Subs (5) amended by SD155/10 Sch 9.

<sup>30</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>31</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>32</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>33</sup> Para (a) amended by SD155/10 Sch 9.

<sup>34</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>35</sup> Subs (4) amended by SD155/10 Sch 9.

<sup>36</sup> Subs (1) amended by SD155/10 Sch 9.

<sup>37</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>38</sup> Subpara (ii) amended by SD155/10 Sch 9.

<sup>39</sup> Para (a) amended by SD155/10 Sch 9.

<sup>40</sup> Para (b) amended by SD155/10 Sch 9.

<sup>41</sup> Para (a) amended by SD155/10 Sch 9.

<sup>42</sup> Para (b) amended by SD155/10 Sch 9.

<sup>43</sup> Subs (2) amended by SD155/10 Sch 9.

<sup>44</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>45</sup> Para (a) amended by SD155/10 Sch 9.

<sup>46</sup> Subpara (ii) amended by SD155/10 Sch 9.

<sup>47</sup> Subpara (ii) amended by SD155/10 Sch 9.

<sup>48</sup> Cross-heading substituted by Flood Risk Management Act 2013 s 92.

<sup>49</sup> S 11 substituted by Flood Risk Management Act 2013 s 92.

<sup>50</sup> S 11A inserted by Flood Risk Management Act 2013 s 92.

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- <sup>51</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>52</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>53</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>54</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>55</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>56</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>57</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>58</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>59</sup> Subs (2) amended by SD155/10 Sch 9. Para (b) amended by SD155/10 Sch 9.
- <sup>60</sup> Para (a) substituted by SD155/10 Sch 9. Ed. note: The Transfer of Functions (New Departments) (No. 2) Order 2010 (SD155/10) effective 1 April 2010.
- <sup>61</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>62</sup> Para (c) amended by SD155/10 Sch 9 and by Sewerage (Amendment) Act 2011 s 4.
- <sup>63</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>64</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>65</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>66</sup> Subs (4) amended by SD155/10 Sch 9.
- <sup>67</sup> Subs (5) amended by SD155/10 Sch 9.
- <sup>68</sup> S 15 amended by SD155/10 Sch 9.
- <sup>69</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>70</sup> Para (c) amended by SD155/10 Sch 9.
- <sup>71</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>72</sup> Para (e) amended by SD155/10 Sch 9.
- <sup>73</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>74</sup> Subs (4) amended by SD155/10 Sch 9.
- <sup>75</sup> Para (a) amended by SD155/10 Sch 9.
- <sup>76</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>77</sup> Subs (6) amended by SD155/10 Sch 9.
- <sup>78</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>79</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>80</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>81</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>82</sup> Subs (4) amended by SD155/10 Sch 9.
- <sup>83</sup> Subs (5) substituted by SD155/10 Sch 11.
- <sup>84</sup> Para (a) amended by SD155/10 Sch 9.
- <sup>85</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>86</sup> Para (c) amended by SD155/10 Sch 9.
- <sup>87</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>88</sup> Subs (4) amended by SD155/10 Sch 9.
- <sup>89</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>90</sup> Para (c) amended by SD155/10 Sch 9.
- <sup>91</sup> Subs (4) amended by SD155/10 Sch 9.

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- <sup>92</sup> Subs (5) amended by SD155/10 Sch 9.
- <sup>93</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>94</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>95</sup> Subs (4) amended by SD155/10 Sch 9.
- <sup>96</sup> Subs (6) amended by SD155/10 Sch 9.
- <sup>97</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>98</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>99</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>100</sup> Para (a) amended by SD155/10 Sch 9.
- <sup>101</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>102</sup> Para (a) amended by SD155/10 Sch 9.
- <sup>103</sup> Para (b) amended by SD155/10 Sch 9.
- <sup>104</sup> Subs (3) amended by SD155/10 Sch 9.
- <sup>105</sup> Subs (4) substituted by SD155/10 Sch 11.
- <sup>106</sup> Subs (2) amended by SD155/10 Sch 3.
- <sup>107</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>108</sup> Subs (1) amended by SD155/10 Sch 5.
- <sup>109</sup> Subs (2) amended by SD155/10 Sch 5.
- <sup>110</sup> Subs (5) amended by SD155/10 Schs 5 and 11.
- <sup>111</sup> Para (b) amended by SD155/10 Schs 3, 5 and 11.
- <sup>112</sup> Subs (2) amended by SD155/10 Sch 5.
- <sup>113</sup> Subs (1) amended by SD155/10 Schs 3, 5 and 11.
- <sup>114</sup> Subs (2) amended by SD155/10 Schs 3, 5 and 11.
- <sup>115</sup> Subs (3) amended by SD155/10 Sch 5.
- <sup>116</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>117</sup> Subs (1) amended by SD155/10 Sch 9.
- <sup>118</sup> Subs (2) amended by SD155/10 Sch 9.
- <sup>119</sup> Subs (3) amended by Sewerage (Amendment) Act 2011 s 5.
- <sup>120</sup> Subs (3) repealed by Sewerage (Amendment) Act 2011 s 6(a).
- <sup>121</sup> Definition of “the Department” repealed by SD155/10 Sch 9.
- <sup>122</sup> Definition of “the Environment Department” repealed by SD155/10 Sch 3.
- <sup>123</sup> Definition of “public sewer” amended by SD155/10 Sch 9.
- <sup>124</sup> Definition of “sewage disposal works” inserted by Sewerage (Amendment) Act 2011 s 6(b).
- <sup>125</sup> Definition of “Sewerage Authority” inserted by SD155/10 Sch 9.
- <sup>126</sup> Definition of “watercourse” amended by SD155/10 Sch 9.
- <sup>127</sup> Subs (5) amended by SD155/10 Sch 9.
- <sup>128</sup> Item inserted by Flood Risk Management Act 2013 s 92.
- <sup>129</sup> Subs (2) substituted by SD155/10 Sch 11.
- <sup>130</sup> Subs (3) amended by SD155/10 Sch 5.
- <sup>131</sup> Subs (2) substituted by SD155/10 Sch 11.

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<sup>132</sup> ADO (whole Act except s 11) 1/4/2001 (SD182/01). The original section 11 was replaced by sections 11 and 11A which were inserted by section 92 of the Flood Risk Management Act 2013. That section (and the substituted sections 11 and 11A) were commenced on 30/1/2014 (see SD2014/0033).

<sup>133</sup> Subs (3) amended by SD155/10 Sch 9.

<sup>134</sup> Subpara (1) amended by SD155/10 Sch 9.

<sup>135</sup> Subpara (3) amended by SD155/10 Sch 9.

<sup>136</sup> Subpara (4) amended by SD155/10 Sch 9.

<sup>137</sup> Sub-item (i) amended by SD155/10 Sch 9.

<sup>138</sup> Item (a) amended by SD155/10 Sch 9.

<sup>139</sup> Item (b) amended by SD155/10 Sch 9.

<sup>140</sup> Subpara (2) amended by SD155/10 Sch 9.

<sup>141</sup> Subpara (3) amended by SD155/10 Sch 9.

<sup>142</sup> Subpara (2) amended by SD155/10 Sch 9.

<sup>143</sup> Subpara (5) amended by SD155/10 Sch 9.

<sup>144</sup> Subpara (1) amended by SD155/10 Sch 9.

<sup>145</sup> Subpara (b) amended by SD155/10 Sch 9.

<sup>146</sup> Item (i) amended by SD155/10 Sch 9.

<sup>147</sup> Item (n) amended by SD155/10 Sch 9.

<sup>148</sup> Subpara (2) amended by SD155/10 Sch 9.

<sup>149</sup> Subpara (b) amended by SD155/10 Sch 9.

<sup>150</sup> Subpara (c) amended by SD155/10 Sch 9.

<sup>151</sup> Para 1 amended by SD155/10 Sch 9. Subpara (2) added by SD155/10 Sch 9. Ed. note: The Transfer of Functions (New Departments) (No. 2) Order 2010 (SD155/10) effective 1 April 2010.

<sup>152</sup> Subpara (2) amended by SD155/10 Sch 9.

<sup>153</sup> Subpara (3) amended by SD155/10 Sch 9.

<sup>154</sup> Subpara (4) amended by SD155/10 Sch 9.

<sup>155</sup> Subpara (6) amended by SD155/10 Sch 9.

<sup>156</sup> Subpara (2) amended by SD155/10 Sch 9.

<sup>157</sup> Subpara (3) amended by SD155/10 Sch 9.

<sup>158</sup> Subpara (4) amended by SD155/10 Sch 9.

<sup>159</sup> Item (c) amended by SD155/10 Sch 9.