

Guidance on the private sewer transfer regulations 2011

This document outlines some useful information about regulations that were introduced in 2011 to transfer the ownership of any private sewers, lateral drains and pumping stations from property owner(s) to regulated sewerage companies in England and Wales.

The private sewer transfer regulations 2011 came into effect on 1 October 2011 and state that:

- Private sewers and lateral drains constructed and connected before 1 July 2011 are now the responsibility of the regulated sewerage company, in this case that's us, Anglian Water.
- Private sewers and lateral drains constructed and connected after 1 July 2011 would only be the responsibility of the sewerage company if they're transferred to us. This means a 'Section 104 sewer adoption agreement' needs to be in place between the sewerage company and a housing developer.

What are private sewers and lateral drains?

These are the pipes that carry wastewater (and sometimes surface water) from a property to the public sewer. They're usually located in back gardens, under a street or under the footpath.

Why are these regulations in place?

Before 2011, the responsibility for maintaining and repairing private sewers and lateral drains was shared between the property owner(s) and the water and sewerage companies, depending on the location of the pipes and how they were laid. This caused confusion and disputes when problems happened, so to make things less costly for property owners sewerage companies are now responsible for more pipes.

Which pipes are sewerage companies responsible for?

All main public sewers (generally under roads and footpaths) are maintained and repaired by our teams. Generally, sewerage companies are responsible for maintaining and repairing every existing private sewer and lateral drain that was connected to the public sewer as of 1 July 2011. This means that property owners no longer have legal or financial responsibility when it comes to any problems with these older pipes once they leave the property boundary.

Which pipes are not the responsibility of the sewerage company?

The regulations don't apply to private sewers and lateral drains that aren't connected to the public sewer, like the ones that go to septic tanks or cesspits. They also don't apply to any that were constructed or laid after 1 July 2011. That means any private sewers and lateral drains laid from 1 July 2011 and in the future are the responsibility of the property owners or housing developers, unless there's been a Section 104 agreement drawn up for them to be formally adopted by a sewerage company.

New build developments

A housing developer must pay to enter into an adoption agreement with the local sewerage company (as laid out in the Water Industry Act 1991) to have the sewers and lateral drains of any new build development adopted by the sewerage company. The adoption of sewers and lateral drains for new build developments is entirely voluntary. The developer can also choose which of the development's sewers and/or lateral drains they want the sewerage company to adopt.

This is then set out in the Section 104 sewer adoption agreement along with the terms and conditions for the sewerage company to take over the ownership and responsibility for the specified sewers. Once they're constructed, the sewers and/or lateral drains must be inspected and signed off to the required standards, they're then formally adopted. They'll then be added onto our maps and can be viewed online.

In summary

If you're not sure about who's responsible for a particular lateral drain or sewer, you should apply the guidance of the 2011 Regulations:

- Lateral drains and private sewers that were already constructed and connected to the public sewer before 1 July 2011 became the property and responsibility of the local water and sewerage company.
- Lateral drains and sewers constructed after 1 July 2011 will only be adopted by the water and sewerage company if there's a Section 104 agreement that says they will. If it's been adopted you'll be able to see it on our maps. If it's not been adopted yet, you'll only be able to find out which sewers and lateral drains the developer is putting forward for adoption by looking at the detail in the specific agreement.

If you need more help or you're not sure about what applied to a specific drain or sewer, give us a call on **0345 606 6087** option 2 (8am to 5pm, Monday to Friday) or email us at drainage@anglianwater.co.uk and we can take a closer look for you.