

PRIVATE SEWERS BECOME PUBLIC SEWERS

Until 1st October 2011 the responsibility for maintenance of sewerage pipes between a private property and the mains sewer is the responsibility of the owners of the property. This applies either individually in the case of a detached house, or on a shared basis where detached, semi-detached or terraced houses join into the same pipe work which leads to the mains. Sometimes responsibility is set out in the deeds to your property where there is provision for shared cost. Sometimes, as in the case of, for example, a block of flats, there is a service charge system which requires all flat owners to contribute a percentage share towards the upkeep of shared utility systems, including the sewerage pipes up to the point they reach the mains.

New Situation

From 1st October we are to be blessed with a new system. From that date the part of the pipe work which will now be the responsibility of the water and sewerage company will also become their responsibility for investigation and repair.

Will it affect you?

Part of the sewerage pipe will remain the sole liability of the property owner up to the point it leaves their property or where it joins into a shared pipe. If you can imagine a run of 6 terraced houses with sewerage pipes draining from the back of their house to a shared pipe running along the back gardens, then each house will be responsible for that part of the pipe running between their house and the shared pipe. From 1st October the water authority will be responsible for the shared pipe. Quite how water authorities are going to undertake such a huge increase in their responsibilities remains to be seen. Up until now there are many thousands of miles of private sewers and lateral pipes which have been the responsibility of the property owners and in many cases there will

be no clear maps or records of where such pipes run. Modern properties on Private and Industrial Estates will already have sophisticated maintenance systems in place and may not be best pleased that those carefully planned and satisfactory working arrangements may be jettisoned in favour of the statutory regime.

The Government in their wisdom have decided that private sewers would be better looked after if they become part of the public sewer network and it is said that the previously privately owned systems will become maintained more efficiently as part of a single network. The new rules relate to both residential and commercial properties.

A private sewer is a pipe that carries rainwater or waste water away from more than one property to the public sewer whereas a lateral drain is a pipe that carries waste water away from a single property. The part that is to be transferred to the water authority is the length of pipe located outside each property boundary.

What will happen?

Each property owner recorded as being connected to the public sewerage system will receive a notification. However, this may only be by advertising in local press. I suggest that it would be as well to have a plan of how you think your private sewerage drains run and where the manhole covers are etc to assist the water company should the need arise, to help them find it. Your knowledge of your own property may well be superior to that of the water company both now and in the future.

Who will pay the cost?

You need hardly ask whether your water bill will go up because it will. It is said that the cost of sewer maintenance will be spread more fairly once the transfer has taken place and that customers will have peace of mind once their sewer is the responsibility of the water and sewerage company – I wonder if that will prove to be true! The views of the water companies will be interesting to see once they have assumed such an enormous additional burden. Here in the South West we already pay the highest charges in the country for our water and sewerage bills. I think many of us will have to swallow hard when we see the size of future bills.

Can you object?

Yes, it is possible if an individual landowner can prove it would be detrimental. But it would have to be a serious detriment. An example might be where an easement in the title deeds permits an existing sewer to be relocated to allow for redevelopment, and adoption by the Water Authorities would result in that right being lost.

Unaffected Systems?

In this part of the England and Cornwall there are many properties that do not connect to the mains sewerage systems and the following are exceptions which are not affected by these new rules including:-

- Private drains within your property boundary.
- Surface water sewers that drain direct to water courses, land drainage and highway drainage.
- Privately owned sewage treatment works and pipes connected to them. Privately owned septic tanks and cess pits. Note that private sewage pumping stations are proposed for gradual transfer to be the responsibility of the sewerage companies.

When will it happen?

Up until the 1st October the current private part of the system remains the owner's responsibility. But once transfer has taken place (virtually by stealth and without any formal deed or document affecting individual properties) all owners should contact their water and sewerage company for repairs to be carried out. I suppose it will be not permitted for any private owner to carry out work on a previously privately owned part of the system which after the 1st October will become the part of the system that moves into the responsibility of the water authority. It is estimated that some 10 million homes will

be affected by the new rules. Let us hope that they are well prepared and have the back up to undertake such a huge task overnight.

Action

So be alive to these important changes which take effect from 1st October. If you need further advice on your rights, and help with understanding the law relating to property, feel free to get in touch. **Busbys** has an enormously experienced property department. We have the coveted Lexcel accreditation. Lexcel stands for “Legal Excellence” and is the benchmark of quality. You can contact me on **01288 35 9000** or email me at **david.helman@busbyslaw.co.uk**

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