



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Requisition of public sewer

98 Duty to comply with sewer requisition.

- (1) It shall be the duty of a sewerage undertaker (in accordance with section 101 below) to provide a public sewer to be used for the drainage for domestic purposes of premises in a particular locality in its area if—
- (a) the undertaker is required to provide the sewer by a notice served on the undertaker by one or more of the persons who under subsection (2) below are entitled to require the provision of the sewer for that locality;
 - (b) the premises in that locality the drainage of which would be by means of that sewer are—
 - (i) premises on which there are buildings; or
 - (ii) premises on which there will be buildings when proposals made by any person for the erection of any buildings are carried out;
- and
- (c) the conditions specified in section 99 below are satisfied in relation to that requirement.

[^{F1}(1A) It shall be the duty of a sewerage undertaker (in accordance with section 101 below) to provide a lateral drain to communicate with a public sewer and to be used for the drainage for domestic purposes of premises in its area if—

Changes to legislation: Water Industry Act 1991, Section 98 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the undertaker is required to provide the lateral drain by a notice served on the undertaker by one or more of the persons who under subsection (2A) below are entitled to require the provision of the lateral drain;
 - (b) the premises the drainage of which would be by means of that lateral drain are—
 - (i) premises on which there are buildings; or
 - (ii) premises on which there will be buildings when proposals made by any person for the erection of any buildings are carried out; and
 - (c) the conditions specified in section 99 below are satisfied in relation to that requirement.]
- (2) Each of the following persons shall be entitled to require the provision of a public sewer for any locality, that is to say—
- (a) the owner of any premises in that locality;
 - (b) the occupier of any premises in that locality;
 - (c) any local authority within whose area the whole or any part of that locality is situated;
 - [^{F2}(ca) where the whole or any part of that locality is situated within a Mayoral development area, the Mayoral development corporation;]
 - (d) where the whole or any part of that locality is situated in a new town, within the meaning of the ^{M1}New Towns Act 1981—
 - (i) the [^{F3}new towns residuary body]; and
 - (ii) ^{F4}. . . the development corporation for the new town ^{F4}. . .;
 and
 - (e) where the whole or any part of that locality is situated within an area designated as an urban development area under Part XVI of the ^{M2}Local Government, Planning and Land Act 1980, the urban development corporation.
- [^{F5}(2A) Each of the following persons shall be entitled to require the provision of a lateral drain, that is to say—
- (a) the owner of the premises the drainage of which would be by means of that lateral drain;
 - (b) the occupier of those premises;
 - (c) any local authority within whose area those premises are situated;
 - (d) where those premises are situated in a new town, within the meaning of the New Towns Act 1981—
 - (i) the [^{F6}new towns residuary body]; and
 - (ii) the development corporation for the new town; and
 - (e) where those premises are situated within an area designated as an urban development area under Part 16 of the Local Government, Planning and Land Act 1980, the urban development corporation.]
- ^{F7}(2B)
- (3) The duty of a sewerage undertaker under this section to provide a public sewer [^{F8}or, as the case may be, a lateral drain] shall be owed to the person who requires the provision of the sewer [^{F9}or lateral drain] or , as the case may be, to each of the persons who joins in doing so.

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- (4) Where a duty is owed by virtue of subsection (3) above to any person, any breach of that duty which causes that person to sustain loss or damage shall be actionable at the suit of that person; but, in any proceedings brought against a [^{F10}sewerage] undertaker in pursuance of this subsection, it shall be a defence for the undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the breach.
- (5) In this section the reference to domestic purposes, in relation to the drainage of premises ^{F11} . . . to which a requirement under this section relates, is a reference—
- (a) where there are buildings on [^{F12}those premises] , to such domestic sewerage purposes as are specified in relation to those buildings in the requirement; and
 - (b) where any person is proposing to erect buildings on [^{F13}those premises] , to such domestic sewerage purposes as are so specified in relation to the buildings and to times after the erection of the buildings.

Textual Amendments

- F1** S. 98(1A) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(2)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))
- F2** S. 98(2)(ca) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 42**
- F3** Words in s. 98(2)(d)(i) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, **Sch. 8 para. 58(a)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)
- F4** Words in s. 98(2)(d)(ii) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F5** S. 98(2A) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(3)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))
- F6** Words in s. 98(2A)(d)(i) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, **Sch. 8 para. 58(b)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)
- F7** S. 98(2B) omitted (E.) (31.10.2021) by virtue of [The Water and Sewerage Undertakers \(Exit from Non-household Retail Market\) \(Consequential Provision\) Regulations 2021 \(S.I. 2021/1208\)](#), regs. 1(2), **2(6)**
- F8** Words in s. 98(3) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(4)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))
- F9** Words in s. 98(3) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(4)**, 105(3); S.I. 2004/641, **art. 4** (with [Sch. 3 para. 7](#))
- F10** Word in s. 98(4) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), **Sch. 1 para. 26**; [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F11** Words in s. 98(5) repealed (28.5.2004) by [Water Act 2003 \(c. 37\)](#), ss. 95(5)(a), 101(2), 105(3), **Sch. 9 Pt. 3**; S.I. 2004/641, **art. 4(b)(d)(i)** (with [Sch. 3 para. 7](#))
- F12** Words in s. 98(5)(a) substituted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(5)(b)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))
- F13** Words in s. 98(5)(b) substituted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 95(5)(c)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))

Marginal Citations

- M1** 1981 c. 64.
M2 1980 c. 65.

Changes to legislation:

Water Industry Act 1991, Section 98 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)
- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)

– s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)