

Legislation

Section 106 of the Water Industry Act 1991 (previously the Public Health Act 1936) relates to connections to the public sewerage system.

- Water Industry Act 1991 Section 106 (2) (b) states where separate public sewer systems exist there is no right to discharge, either directly or indirectly, foul water into a surface water sewer or, except with the approval of Northumbrian Water, surface water into a foul sewer.

Furthermore, Section 109 Water Industry Act 1991 makes it an offence to cause a drain or sewer to communicate with a public sewer in contravention of Section 106 Water Industry Act 1991.

As well as the legislation supporting this, it is vitally important that we remember that there is a moral obligation to correct this, because of the damaging impact this is having on your local environment and the water quality.

Who is Responsible?

Misconnections which are wholly on private land are the responsibility of the property owner to correct. This is the case whether the misconnection is internal or external, above or below ground.

Where a misconnection is outside the boundary of a property or occurs after the point where a property's drains combine with those from neighbouring properties, then this is a public misconnection and could be the responsibility of the water company to correct.

Selling your property?

If you are in the process of, or planning on selling your property then any misconnection/s must be disclosed to your prospective buyer in the TA6 property information form, until they are corrected.

What could happen if I refuse to correct my drainage?

The power to enforce this lies with the local authority under Section 59 of the Building Act 1984, which states that drainage on private land must not cause an environmental nuisance or be prejudicial to public health. Details of any outstanding misconnection would be passed by Northumbrian Water on to the relevant local authority.

Each authority may deal with this differently, however as an example; the council may execute the required work and then look to recover all reasonably incurred expenses from the homeowner. The homeowner could also be liable, if convicted, of a fine of up to £2500 with ongoing penalties.

In the event of any misconnection(s) from your property requiring us to undertake maintenance work on our network; i.e. cleansing works, after a reasonable period, Northumbrian Water has the right to recharge reasonable costs, to the homeowner, for our direct labour and equipment in order to protect and preserve the environment.

It is important to remember that this is the worst case scenario and we will work with you giving help and advice to you and your contractor to correct your drainage.