

Drain Problems

If a blockage or other problem occurs on a public sewer system you should contact United Utilities on the number given overleaf.

Where a blockage or other problem occurs on a private drain or sewer the responsibility for dealing with the problem will fall to the property owners or occupiers served by the pipe. This may be yourself and your neighbours.

There are no restrictions on who you use to carry out the necessary work but most local plumbers and builders will be able to assist in clearing blockages and carrying out repairs. Alternatively, there are a number of companies within the classified directories (such as yellow pages), which offer more specialised services.

In the event of a drainage problem where you are uncertain about the responsibility for a private sewerage system, or are unable to reach agreement with those responsible, you may contact the Environmental Protection Group at South Lakeland District Council. The Environmental Protection Group can advise and enforce solutions to drainage problems where appropriate.

Contact Addresses and Phone Numbers

If you have any concerns regarding drainage problems or the responsibility for sewers and drains please contact the following departments:-

for problems on public sewers:

United Utilities,
Dawson House,
Great Sankey,
Warrington WA5 3LW

Tel. 0845 602 0406

for problems on private sewers and drains:

South Lakeland District Council,
Environmental Protection Group,
South Lakeland House,
Lowther Street,
Kendal LA9 4UD

Tel. 0845 050 4434

Responsibility for sewer systems



a guide for property owners & occupiers

South Lakeland District Council

Introduction

The law that determines the responsibility for sewerage systems has been established over many years since the public health problems of the Industrial Revolution. Much of this legislation remains relevant today in helping to confirm the ownership of sewers and drains. This legislation is often unclear and confusing.

South Lakeland District Council has produced this leaflet in an attempt to clarify the law relating to sewers and drains and the responsibilities of homeowners, occupiers and the various authorities.

Commonly Used Terms

Firstly it is important to understand five terms relating to domestic sewer systems:

Curtilage - This is an ancient term referring to the land adjacent to a dwelling house and used in connection with it (an enclosure or land within an enclosure).

Drain - A drain is a pipe serving a single building or buildings within the same curtilage. Alternatively it can be used to define a pipe, serving several properties, that discharges to a soakaway or cesspool. A drain will always be the responsibility of the property owners or occupiers served by it and can never be a public sewer.

Sewer - A sewer is a pipe used for the drainage of two or more buildings in different curtilages that drains to a proper outfall (i.e. not a soakaway).

Public Sewer - A public sewer is a sewer that vests in (belongs to) the water company (United Utilities).

Private Sewer - A private sewer is any sewer that does not vest in (belong to) the water company.

Public Sewers

The relevant legislation concerning public sewers can be divided into two distinct areas:

a) Legislation before Public Health Act 1936 . . .

Any sewer constructed before 1 October 1937 will normally be a public sewer. However, it is often difficult to establish whether a pipe was installed before this date and whether it was actually a sewer or a drain before October 1937.

If a property owner is unable to provide sufficient evidence to show that the pipe serving his/her property is a sewer, and was constructed before 1 October 1937, then it will be assumed that the pipe is private responsibility.

The location of these pre 1937 sewers is not always known and as such they are often not recorded on the public sewer records held by United Utilities.

b) Legislation after Public Health Act 1936 . . .

Any sewers constructed after 1 October 1937 will only become public sewers through a formal adoption process. These sewers will need to have been constructed to a higher standard than the Building Regulations and their approximate position is shown on the public sewer records held by the water company.

Once a sewer has been vested in the water company as a public sewer it will always remain a public sewer unless it is abandoned, even if it no longer serves more than one property.

Section 24 Sewers

Reference will occasionally be made by contractors and engineers to Section 24 sewers. This is a reference to the terms of Section 24 of the Public Health Act 1936, which has now been repealed. This section of the legislation referred to the powers of a local authority to recharge house owners for the costs in clearing blockages on pre 1937 public sewers beneath private land.

Private Sewers

Private sewers are normally the responsibility of the house owners (or occupiers) served by the pipe. This responsibility extends until the pipe connects with a public sewer and means that owners and occupiers may be responsible for pipes beneath neighbouring gardens or even the road.

The responsibility for clearing a blockage (or carrying out maintenance) on a private sewer will rest with the properties who are connected upstream of the problem. This division of responsibility may be overruled by more detailed arrangements listed in the property deeds - although this is not common.

As a result, a sewer overflowing on your neighbour's land, which collects the drainage from your own property, may be (partly) your responsibility.