

## • AUTOMATIC TRANSFER OF PRIVATE DRAINAGE SYSTEMS IN ENGLAND AND WALES

Many properties are connected to the mains drainage system for water and drainage. The responsibility for repairing and maintaining those supplies lies with the utility companies.

However there are a substantial number of properties that connect to the mains system via private pipelines, drains and sewers. Where there is a private drainage system, the cost of repairing and maintaining the pipelines falls onto the property owner. More often than not, more than one property will share the use of the private system and where this is the case, the cost of repairing and maintaining the system is normally shared.

### WHAT IS THE PROPOSED CHANGE?

Proposed legislation was placed before parliament at the end of April 2011 which will alter the general position outlined above.

Under the new regulations, all private sewers and drains which carry waste from more than one property into the public system will be transferred into the ownership of the local utility company unless the owner objects.

Any drains which exclusively serve one property will remain the responsibility of the property owner, as will the drains and pipes that form part of the structure of the property itself.

### WHY THE NEED FOR CHANGE?

The changes stem from a review of the privately held drainage system and subsequent consultation in 2003, which found the private systems to be on the whole in a poor state of repair with urgent action needed to improve the country's water management.

Many owners are also not aware of their responsibilities where there is a private drainage system and often do not know that they are using a private drain.

The cost and need to repair shared systems are also often the cause of disputes between neighbours, particularly where the systems run through more than one property.

### WHEN WILL THIS CHANGE TAKE PLACE?

The regulations propose that the transfer will take place on 1 October 2011. From that date, the utility company will be wholly responsible for the repair and maintenance of the drains.

### HOW WILL I BE AFFECTED?

The changes apply to private drainage systems and so the regulations will affect all properties, whether commercial or residential, that use such a system.

Of course, there is a cost implication to this process and the cost of bringing the private systems up to the necessary standards will be borne by consumers. The government is currently predicting an increase in the sewerage element of bills across the country of between 7.5 and 23 pence per week.

### IS THERE ANY WAY TO PREVENT THIS FROM HAPPENING?

The regulations do allow for property owners to object to the automatic transfer. This is likely to only be of interest to developers and owners of estates who must then be able to demonstrate that the automatic transfer will have an adverse impact on their property.

### WHEN WILL I HEAR MORE?

Owners and administrators who are based in the Channel Islands will need to pay close attention to updates if they wish to object to the transfer taking place. Utility companies will not be required to serve notice on affected properties and will be obliged only to advertise the transfer in the local newspapers.

### FOR MORE INFORMATION, PLEASE CONTACT:



**MICHAEL MORRIS**  
SENIOR ASSOCIATE  
t: +44 (0)1481 734263  
e: michael.morris@collascrill.com

### Collas Crill **Guernsey**

Gategny Court, PO Box 140,  
Gategny Esplanade, St Peter Port,  
Guernsey, GY1 4EW  
t: +44 (0) 1481 723191  
f: +44 (0) 1481 711880  
e: guernsey@collascrill.com  
w: www.collascrill.com