



# Guide to Transfer of Private Sewers Regulations 2011

# Transfer of Private Sewers Regulations 2011 - General Principles to assist in applying the Regulations



1. Where pipes serve more than one building and those buildings are not within the same curtilage, the pipes are generally sewers and will transfer to the Sewerage Company.
2. Drainage that is wholly within a building, such as in a flat, is building drainage and will not transfer.
3. Pipes that serve a single building (or part of a building) are drains. From the point where the pipe leaves the curtilage of the building (or the curtilage of part of the building) the pipe is a lateral drain if it communicates with a public sewer. It will therefore transfer to the Sewerage Company as a public lateral drain.
4. Where a pipe serves two or more buildings which are within the same curtilage, the pipe is a drain not a sewer. Only from the point where the pipe leaves that curtilage will the pipe become a public lateral drain (not a sewer) public and transfer to the Sewerage Company, again provided it communicates with a public sewer.
5. Buildings within the same curtilage can be joined or be two or more separate blocks.
6. A building which is divided between different ownerships (eg a semi detached houses) is treated as two or more separate buildings.
7. A public highway will not be part of the curtilage of any property, but private streets within a retail, office or industrial estate and which are managed with the land surrounding the buildings on behalf of the land owner are likely to be an indication that the whole site and all the buildings on it are part of a single curtilage. Whether there is a single curtilage will depend on the individual facts.

## General Principles 2.



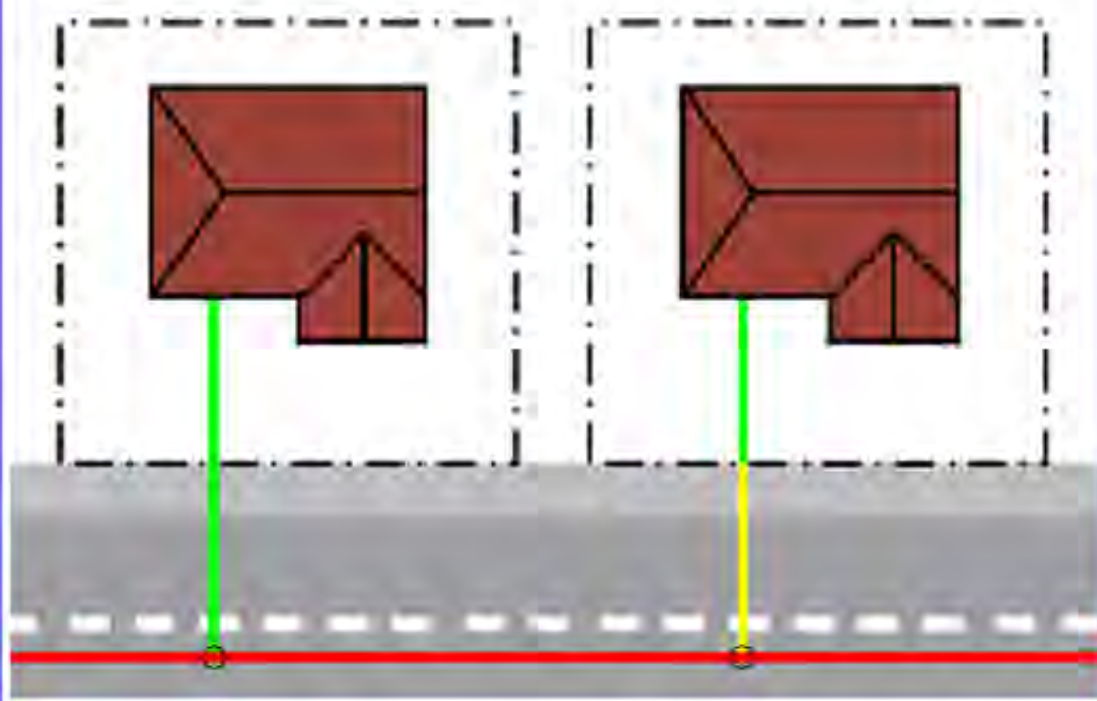
8. Gutters, down pipes and other above ground plumbing serving two or more premises is not a sewer or a drain and therefore will not transfer to the Sewerage Company.
9. Gulley pots below ground will often be accessories to the down pipes that drain into them and if so, will not transfer.
10. Pipes which are owned by a Railway Undertaker (as defined in the Water Industry Act 1991) will not transfer, wherever they are situated.
11. Pipes which are situated on or under Crown Land and in respect of which the Sewerage Company received notice from the appropriate authority prior to 1 July 2011 are exempt from the transfer, whoever owns the pipes.
12. Cast iron gulleys from rainwater down pipes which run across footpaths and the modern profiled concrete equivalent, are gutters, not drains or sewers and therefore will not transfer.
13. Drains vested in a Highway Authority are highway drains and will not transfer whether they carry surface water drainage or not.
14. Pipes which have been constructed to carry highway drainage will similarly not transfer even if they also carry surface water sewage.

**Note: these notes are intended to provide an initial indication of whether or not particular sewers or drains transfer. They are not an exhaustive analysis of the Regulations and in cases of doubt, legal advice should be obtained on the particular circumstances.**

## Detached Properties (Not Sharing a Sewer)

**Before 1 October 2011**

**After 1 October 2011**



Private drain from the rear of the footpath to its connection with the public sewer transfers to the Company as a lateral drain.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

# Detached Properties (Sharing a Sewer)

**Before 1 October 2011**

**After 1 October 2011**



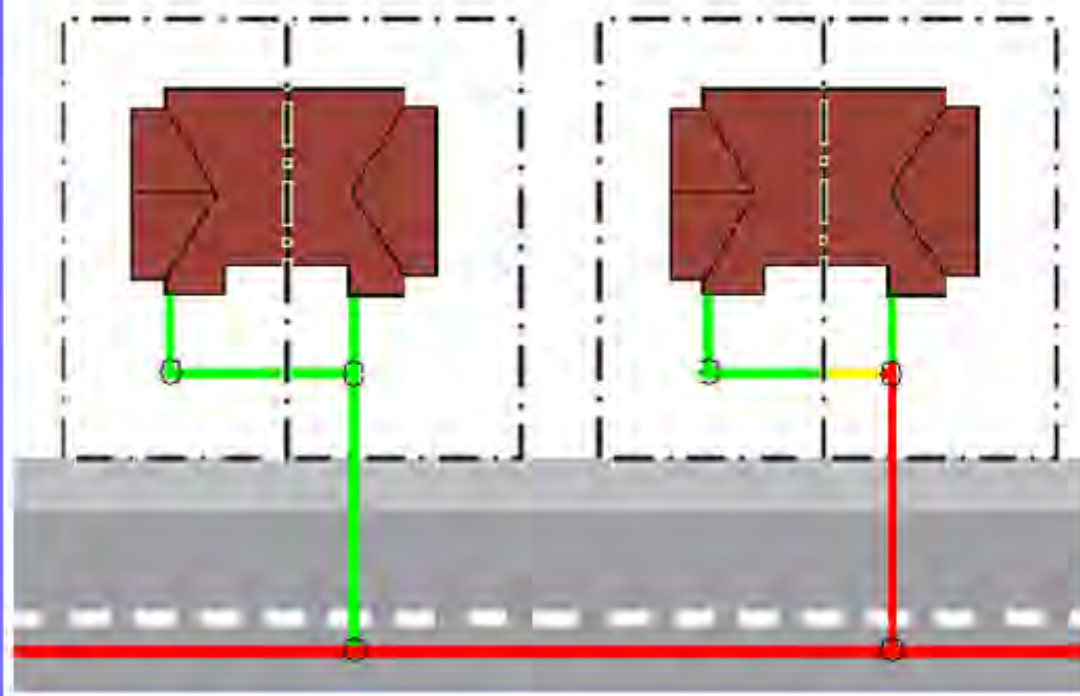
The private sewer transfers to the Company as a public sewer. The private drain from the boundary of the property served to the transferred public sewer transfers to the Company as a lateral drain.

- - - Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole


# Adjoining Properties (Semi Detached)

**Before 1 October 2011**

**After 1 October 2011**



The private sewer transfers to the Company as a public sewer. The private drain from the boundary of the property served to the transferred public sewer transfers to the Company as a lateral drain.

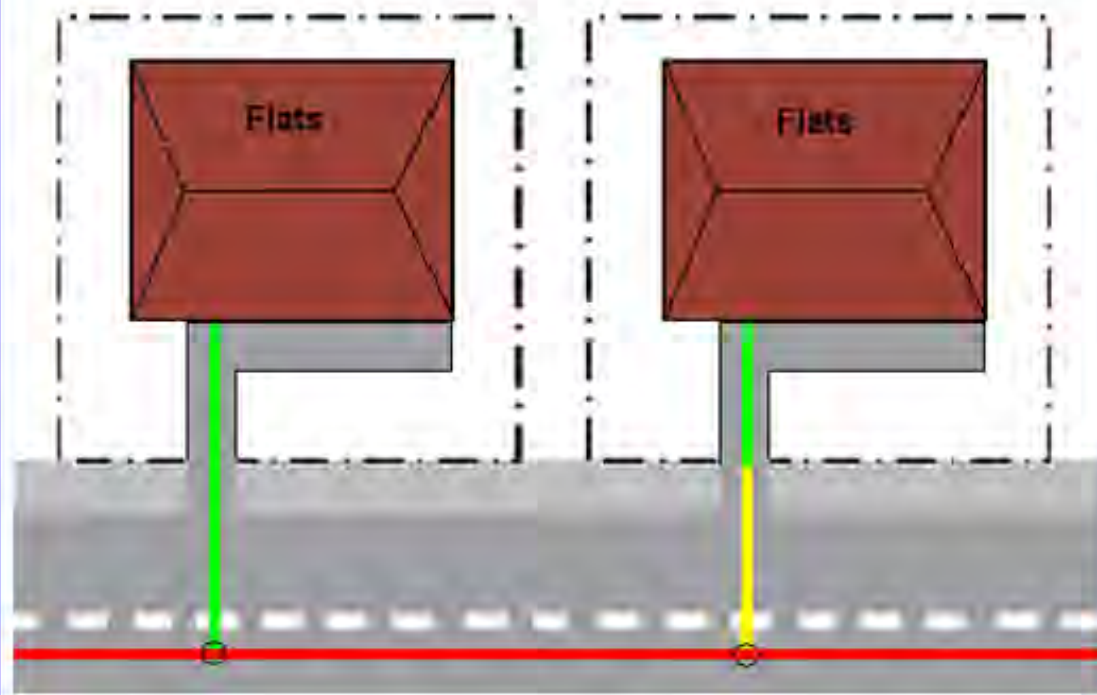
-  Property Curtilage Boundary
-  Public Sewer - Responsibility of the sewerage company
-  Private Pipe - Responsibility of the property owner
-  Lateral Drain - Responsibility of the sewerage company
-  Manhole



# Flats or Multiple Dwellings or Non Residential

**Before 1 October 2011**

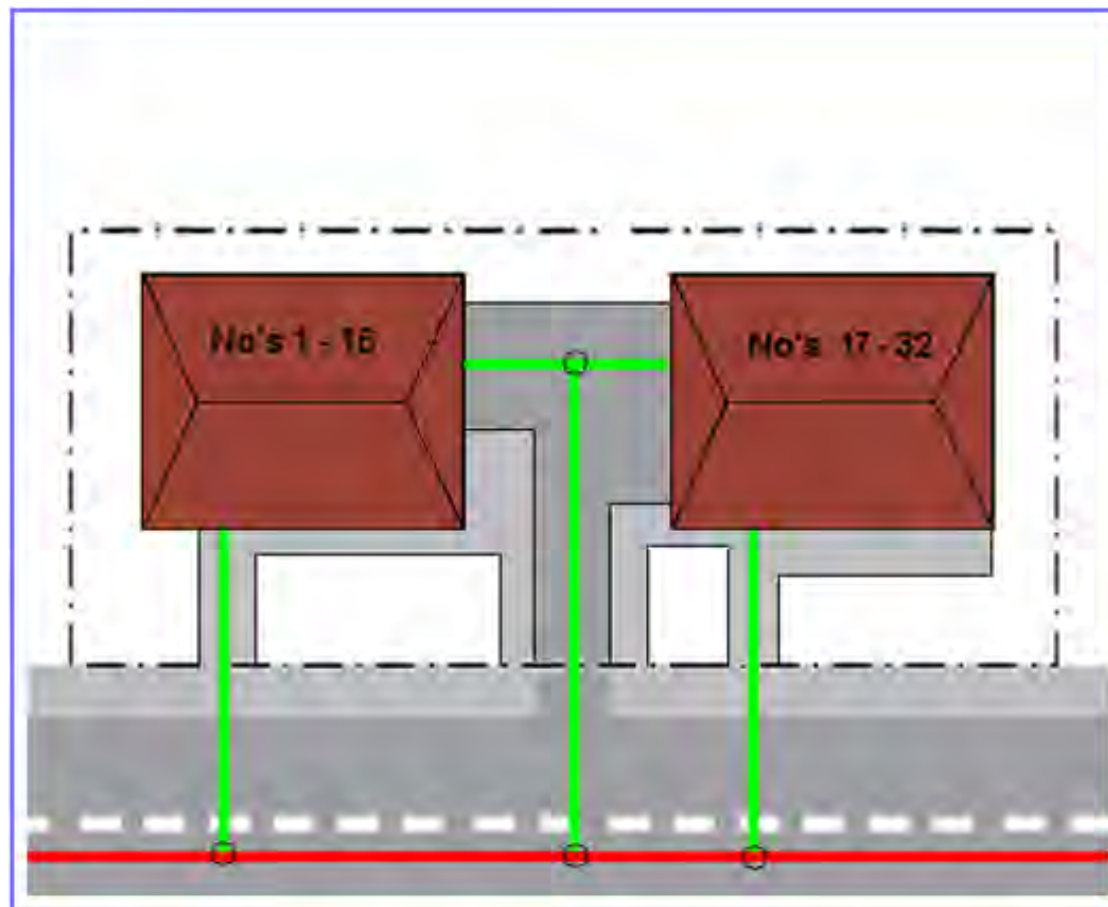
**After 1 October 2011**



The pipe draining the several flats remains private within the curtilage of the building until the boundary with the highway.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

## Flats or Multiple Dwellings or Non Residential (Before 1 October 2011)

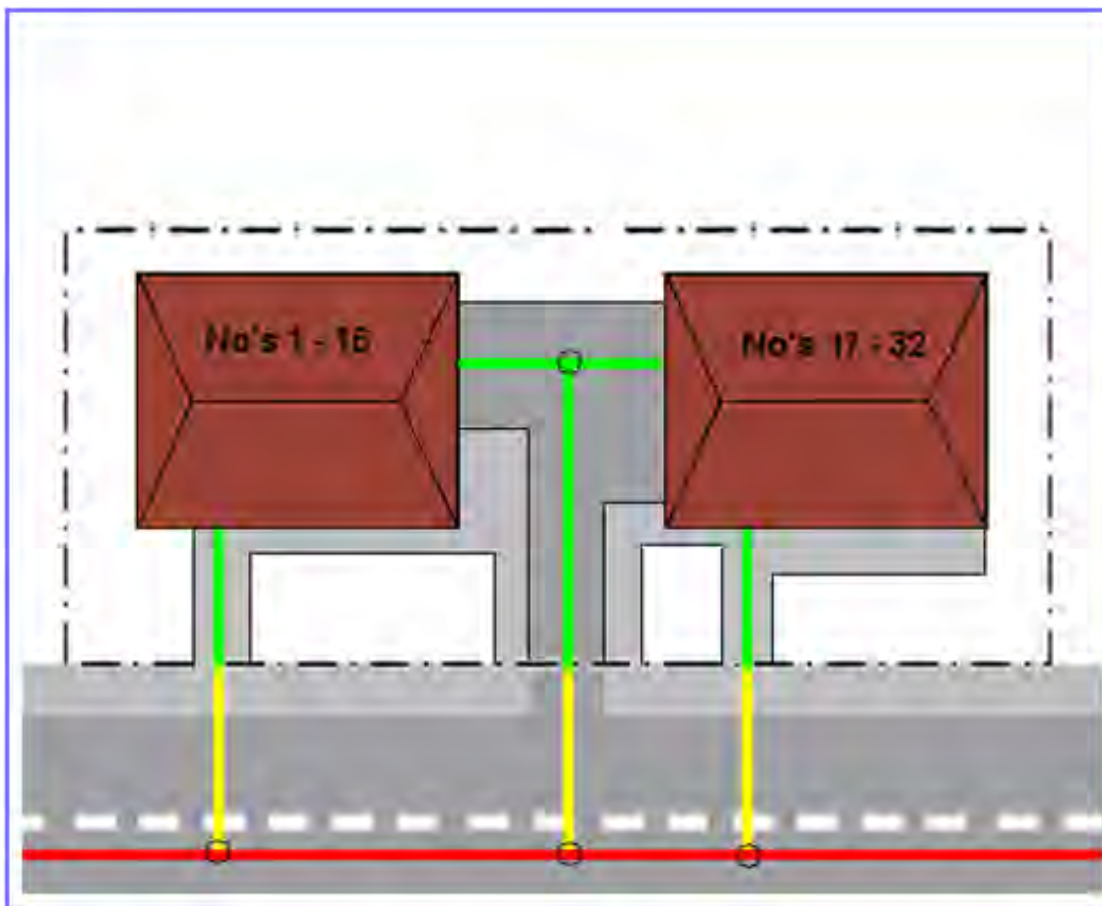


The properties have a shared area of car parking which is managed in common with the other block. There is no area obviously attributable to either. The pipe draining the two buildings is a drain as it drains two premises within a single curtilage.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole



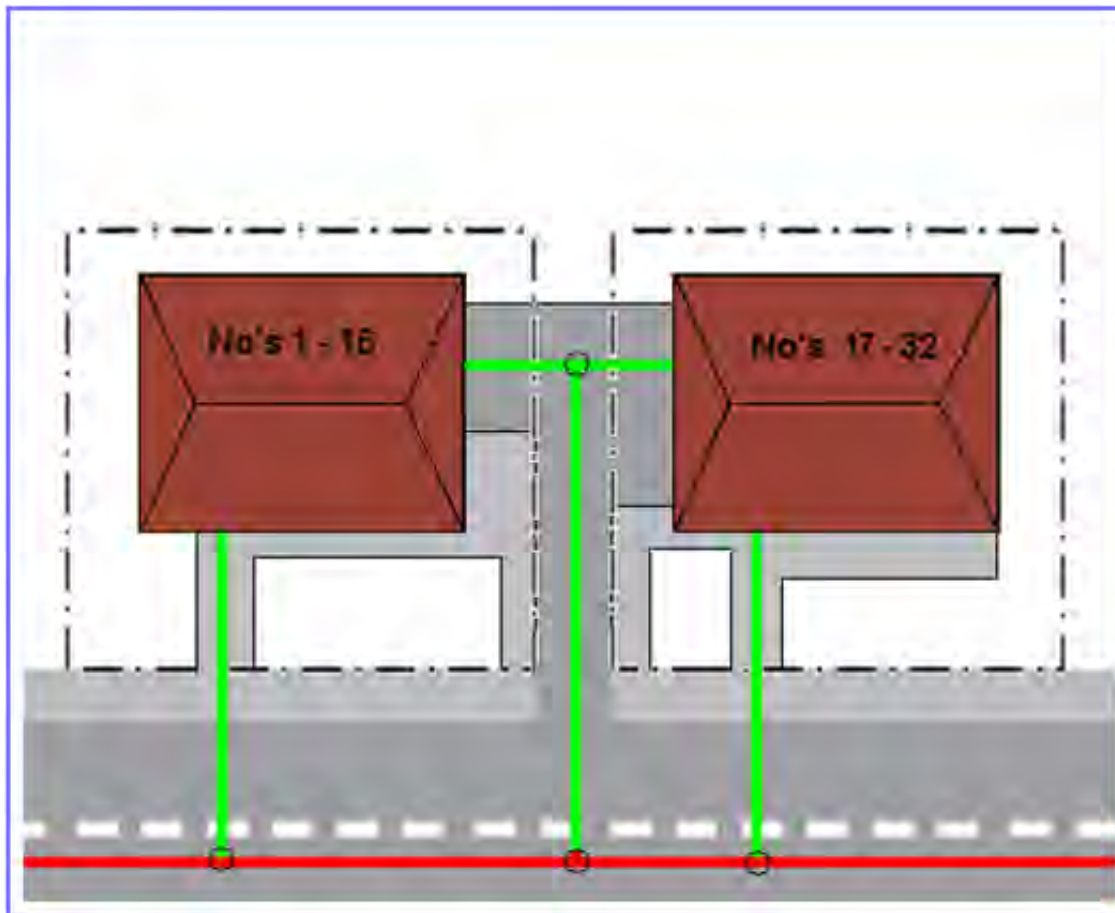
# Flats or Multiple Dwellings or Non Residential (After 1 October 2011)



The pipes draining the several buildings remain private within the single curtilage until their boundary with the highway.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

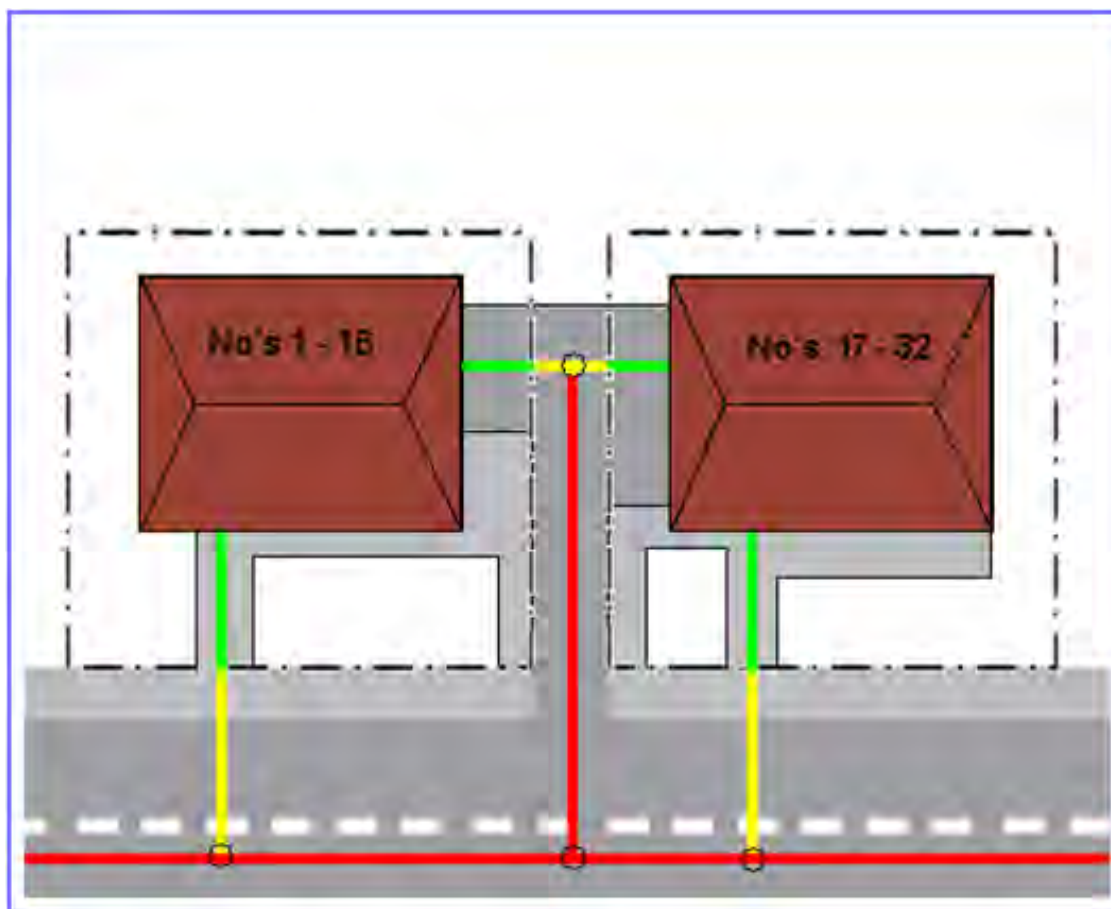
## Flats or Multiple Dwellings or Non Residential (Before 1 October 2011)



The two blocks each have a separate area around them. They do not have a shared area which is managed in common with the other block. There are clear areas obviously attributable to each block. The pipe draining the two blocks is a private sewer as it drains two separate premises.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

## Flats or Multiple Dwellings or Non Residential (After 1 October 2011)



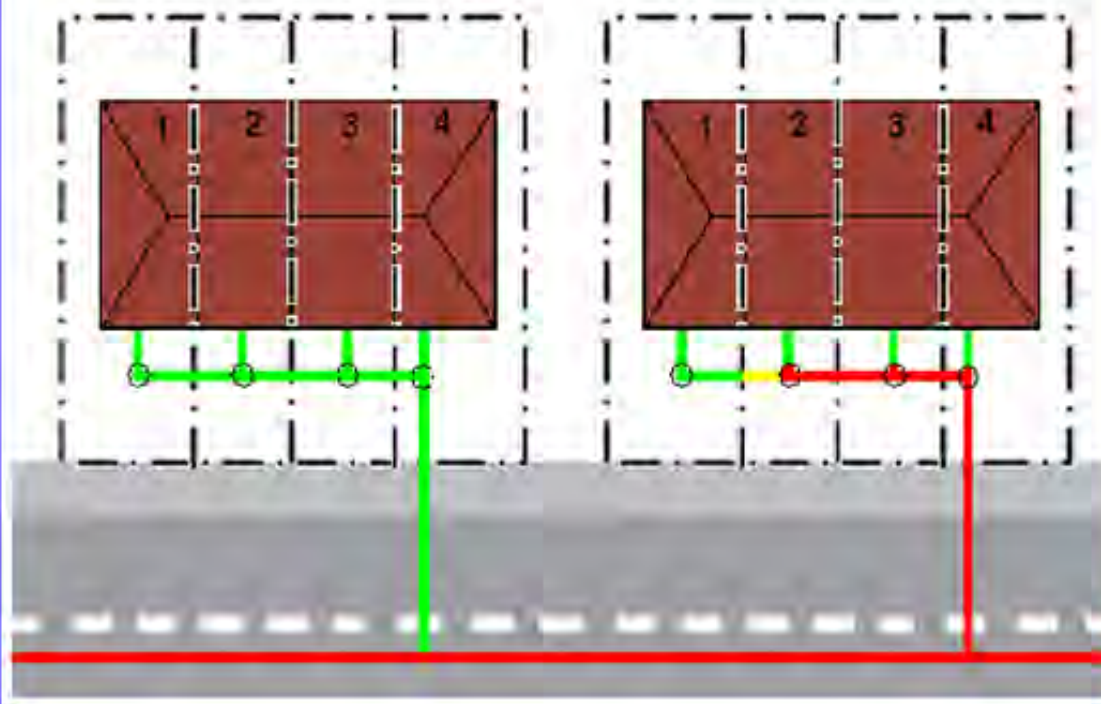
The pipes draining the several blocks remain private within the curtilage of each of the blocks but will transfer to the company from the point where they leave each block's curtilage.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

# Terraced Properties

**Before 1 October 2011**

**After 1 October 2011**

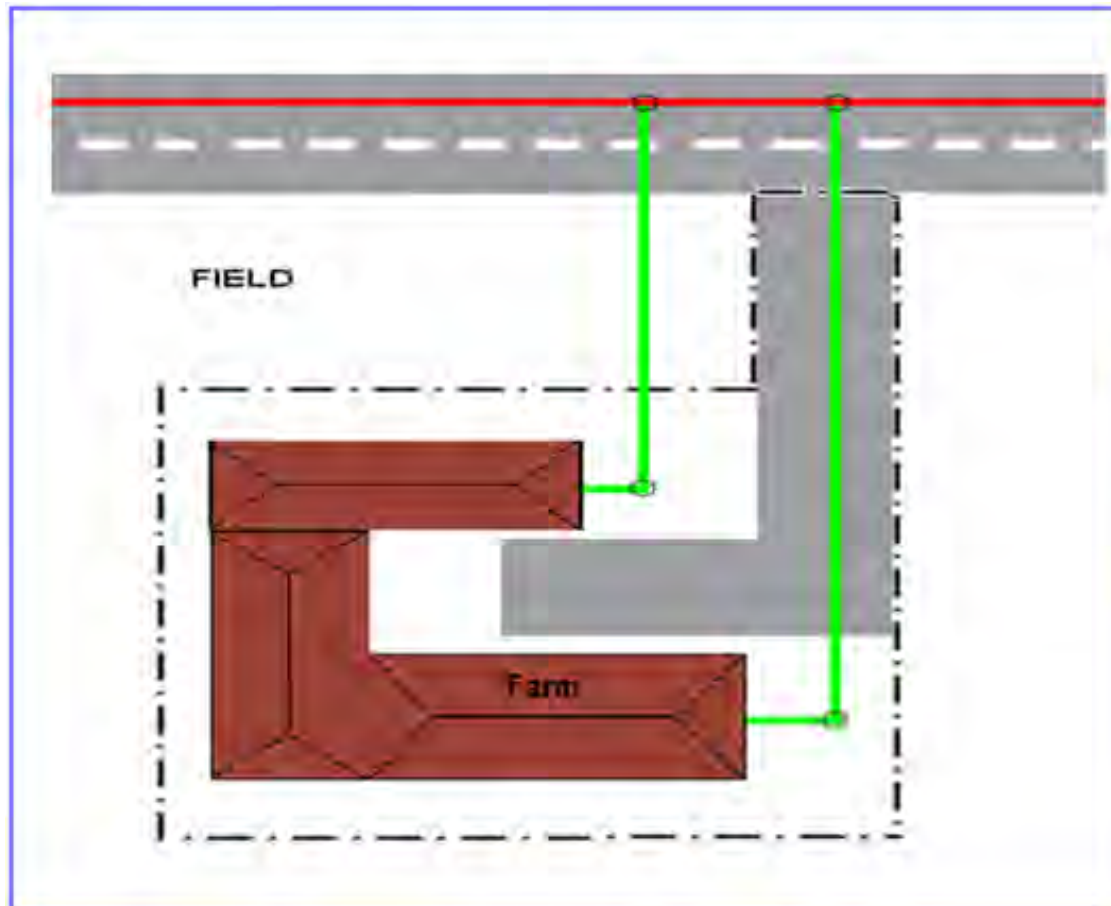


The private sewer transfers to the company as a public sewer. The private drain from the boundary of Property 1 to the transferred public sewer transfers to the Company as a lateral drain.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole



## Field and Farm (Before 1 October 2011) (These may be in the same ownership)



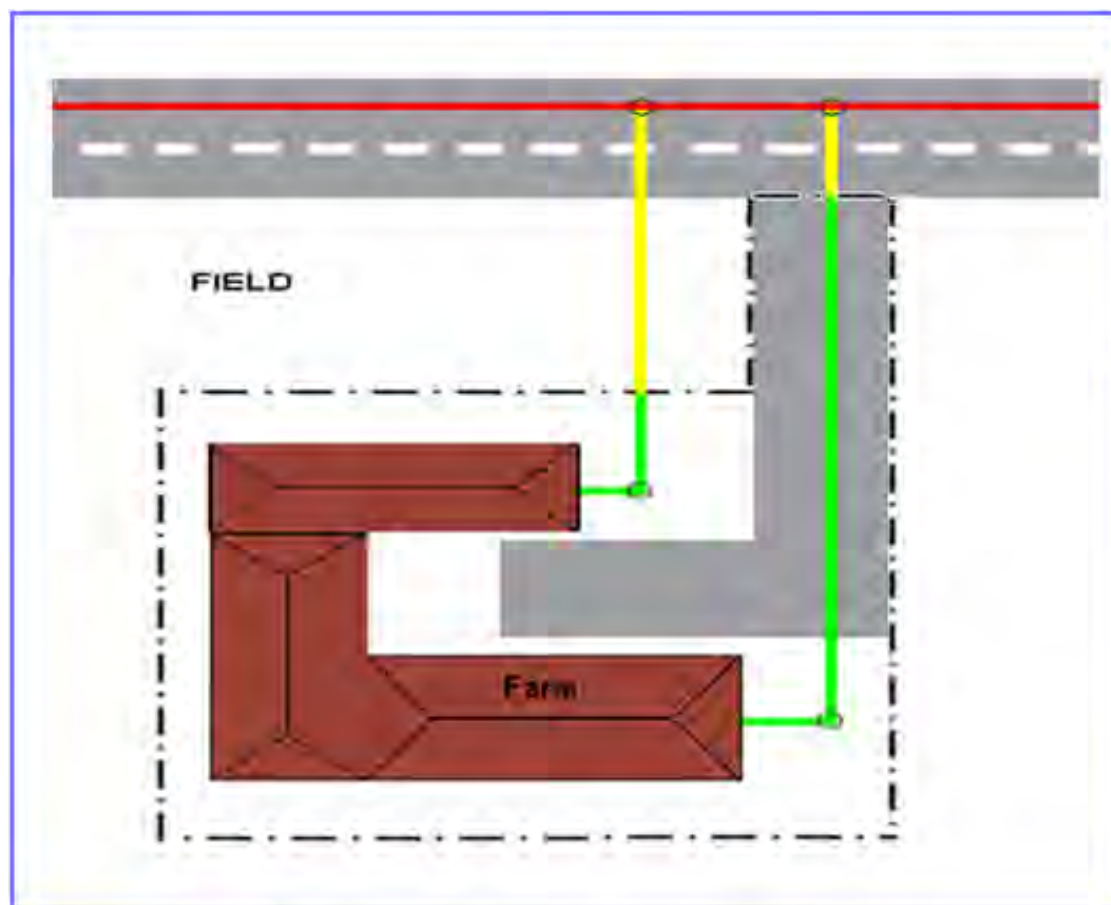
One private drain leaves the curtilage and crosses a field to reach the highway where the public sewer is located. The other drain runs under the drive to the highway.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole



# Field and Farm (After 1 October 2011)

(These may be in the same ownership)



The drain crossing the field is outside of the curtilage and therefore will transfer to the Company from the point it leaves the curtilage. The drive is used for the benefit for the farm and the drain laid in it will not transfer to the company.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

## Private Sewer Crossing Railway (Before 1 October 2011)



The house owners are responsible for the private drains and sewers, even where they cross railway land.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

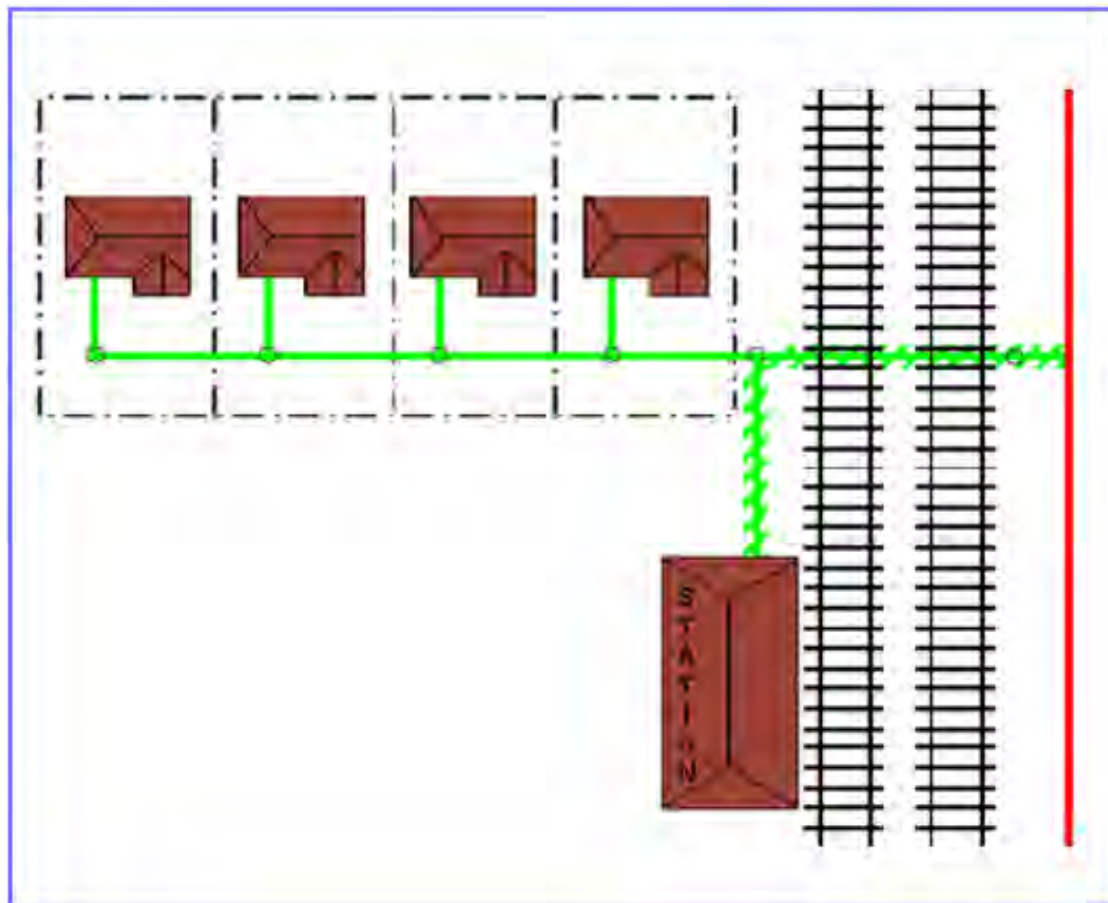
## Private Sewer Crossing Railway (After 1 October 2011)



The pipe under the railway land will transfer to the Company as it is not owned by the railway company.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

## Sewers Owned by "Railway Undertaker" (Before 1 October 2011)

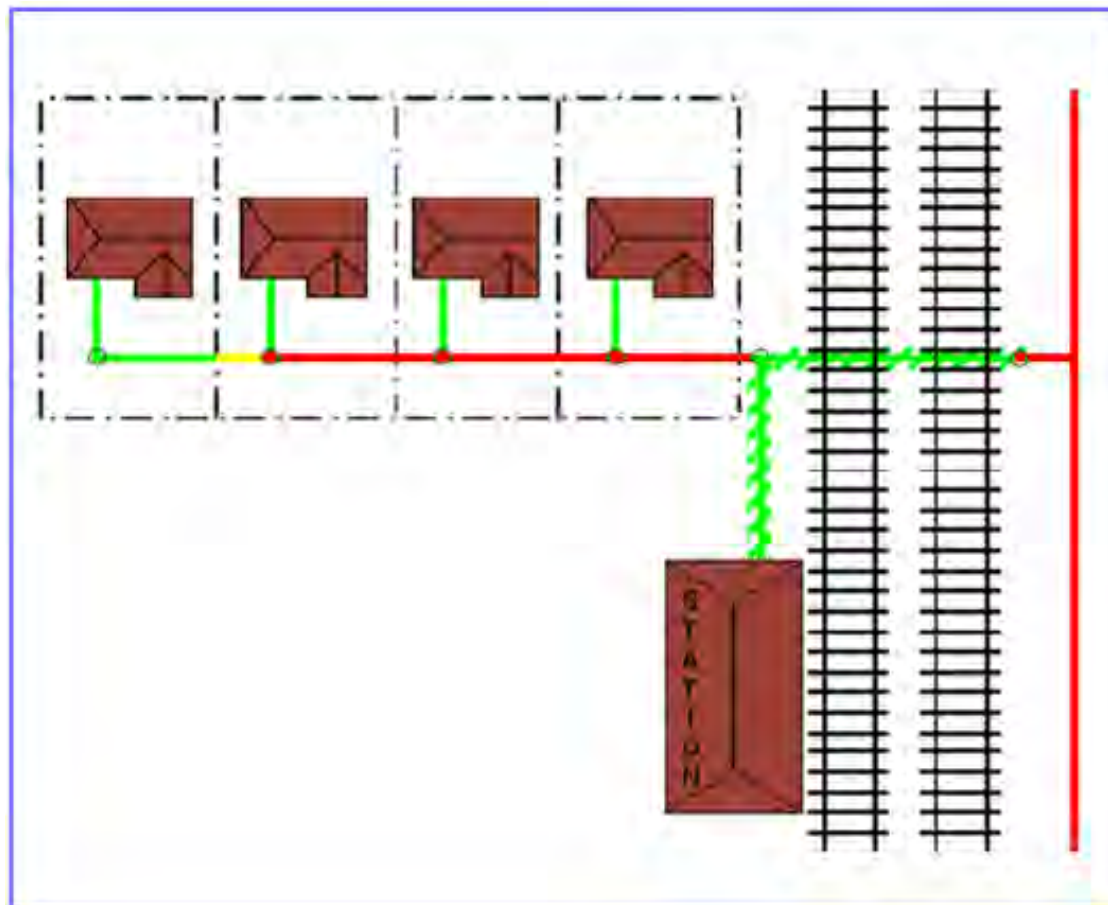


The railway company owns the pipe from the station to the existing public sewer. The house owners are responsible for the other private drains and sewers.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole
- Private Pipe - Responsibility of Railway Company



## Sewers Owned by "Railway Undertaker" (After 1 October 2011)

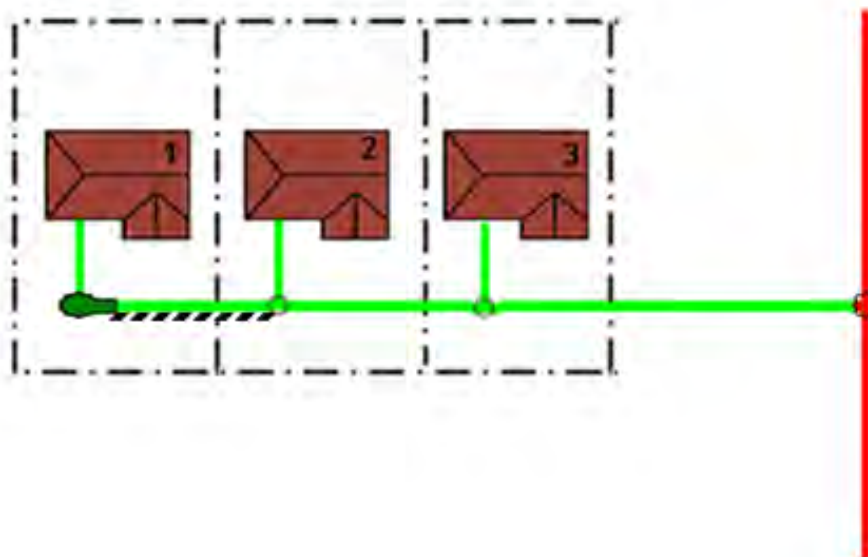


The pipe owned by the railway company is exempt and no part of it will transfer to the Company. The private sewer and the lateral from No1 will transfer even though they connect to the public sewer through a pipe which will remain private.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole
- Private Pipe - Responsibility of Railway Company



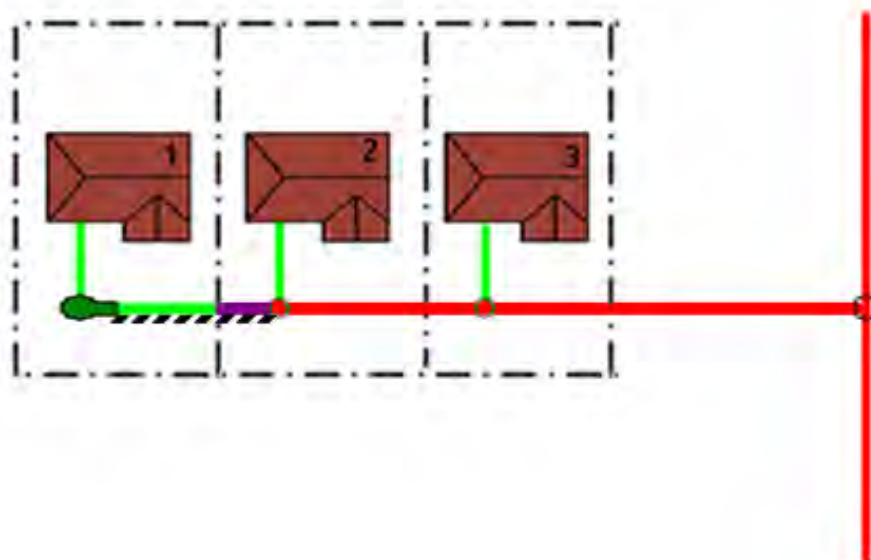
## Pumping Station Inside Curtilage (Before 1 October 2011)



Private pumping station serving only one property and situated within the property curtilage. Pumps to the manhole in No 2.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Manhole
- Private Pumping Station
- /// Indicates pressurised section of pipe

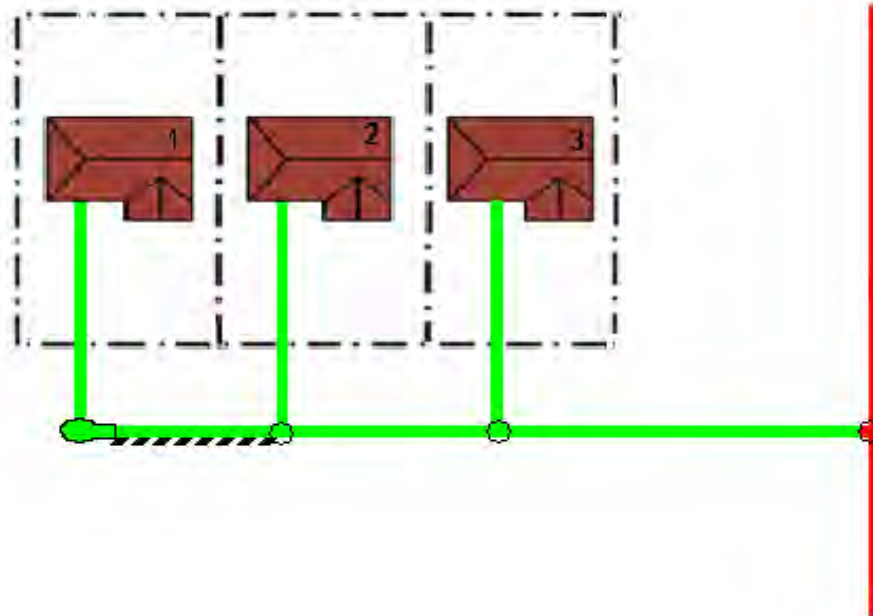
## Pumping Station Inside Curtilage (After 1 October 2011)






The lateral drain from the curtilage of Property 1 to its connection with the gravity sewer will transfer by 1 October 2016. As it is under pressure it will not transfer on 1 October 2011. The pumping station is within the curtilage and so is not a lateral drain and will not transfer.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Pumped Lateral Drain – Responsibility of the sewerage company by 1 October 2016
- Manhole
- Private Pumping Station
- Indicates pressurised section of pipe

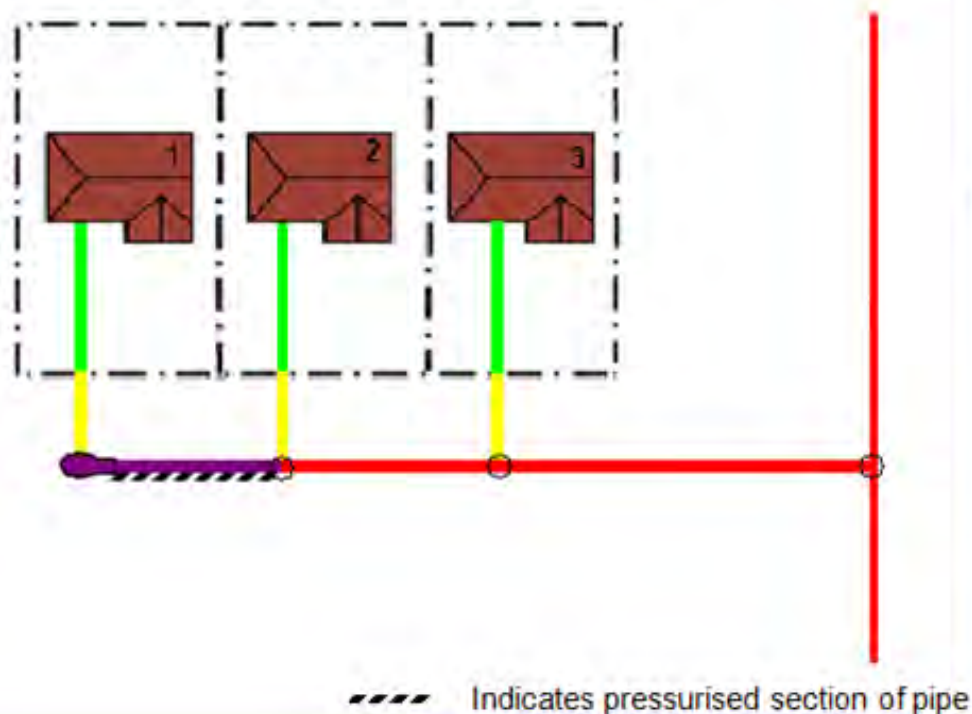
## Pumping Station Outside Curtilage (Before 1 October 2011)



Pumping station is outside the curtilage of the single property that it serves.

-  Property Curtilage Boundary
-  Public Sewer – Responsibility of the sewerage Company
-  Private Pipe – Responsibility of the property owner
-  Manhole
-  Private Pumping Station
-  Indicates pressurised section of pipe

# Pumping Station Outside Curtilage (After 1 October 2011)

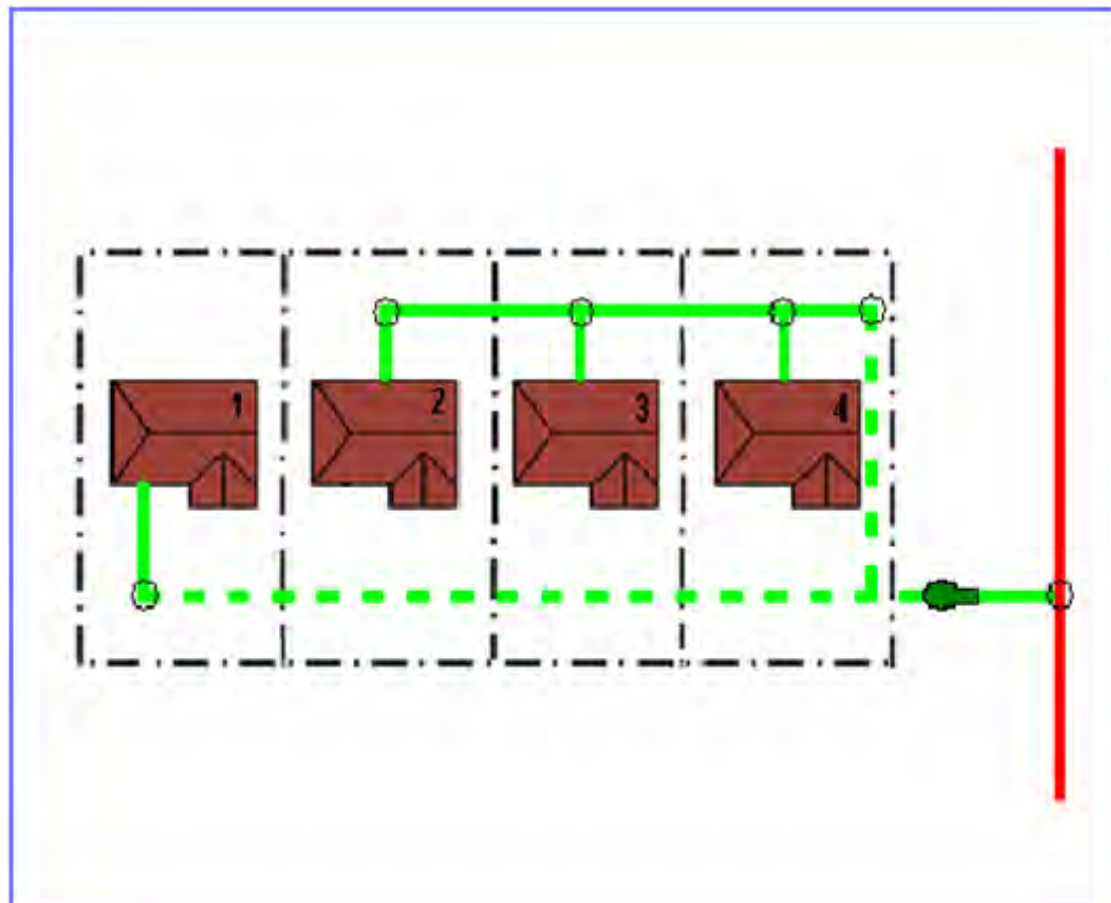


The lateral drains from the property curtilages are under gravity and transfer on 1 October 2011. The pumping station and pressurised section of pipe are also outside the curtilage of the property and therefore are a lateral drain which will transfer by 1 October 2016.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Lateral Drain – Responsibility of the sewerage company
- Pumped Lateral Drain – Responsibility of the sewerage company by 1 October 2016
- Manhole
- Pumping Station – Responsibility of the sewerage company by 1 October 2016



# Vacuum Sewer Systems (Before 1 October 2011)

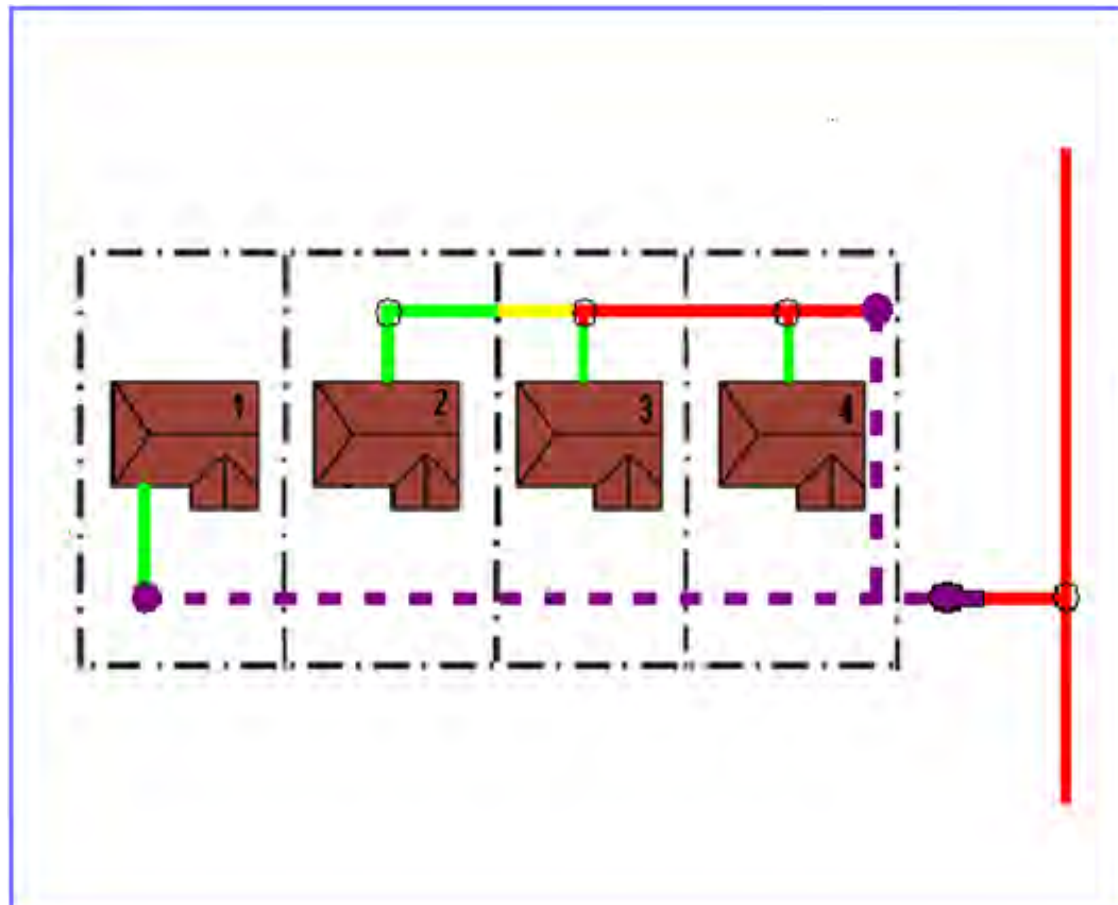


The pumping station is outside the curtilage of all the properties but the vacuum pipe which is part of the pumping station passes into several properties.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Manhole
- - - Private Vacuum Pipe – Responsibility of the property owner
- Private Vacuum Pumping Station



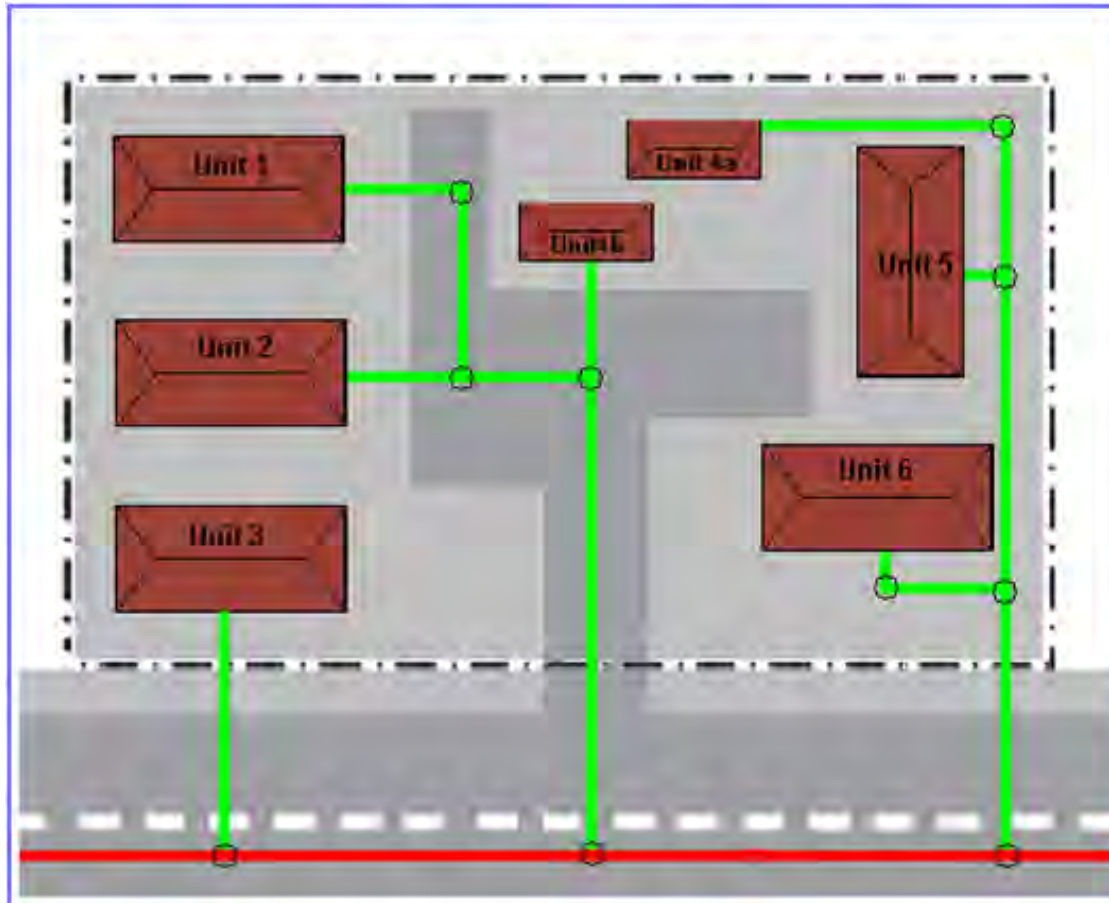
# Vacuum Sewer Systems (After 1 October 2011)



All of the vacuum pipes (including the section within Property 1) will transfer by October 2016 as the system is an accessory to a pumping station which will also transfer by October 2016. The diagram assumes that the section of pipe from the pumping station to the public sewer operates by gravity.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Lateral Drain – Responsibility of the sewerage company
- Manhole
- Private Vacuum Pipe – Responsibility of the sewerage company by 1 October 2016
- Vacuum Pump Station – Responsibility of the sewerage company before 2016

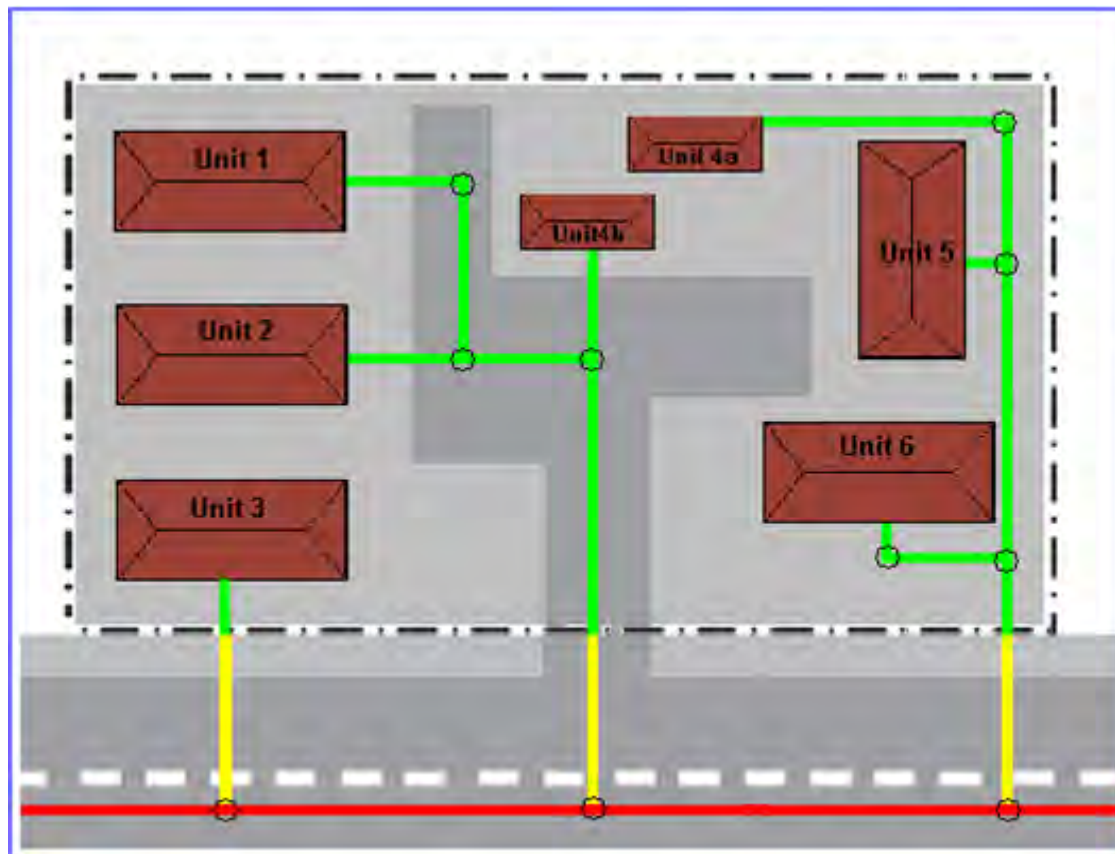
## Industrial Units (Before 1 October 2011)



The units have individually allocated car parking but the access and car parking area is not otherwise divided into separate curtilages for each unit. The whole site is incorporated as a single unit.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

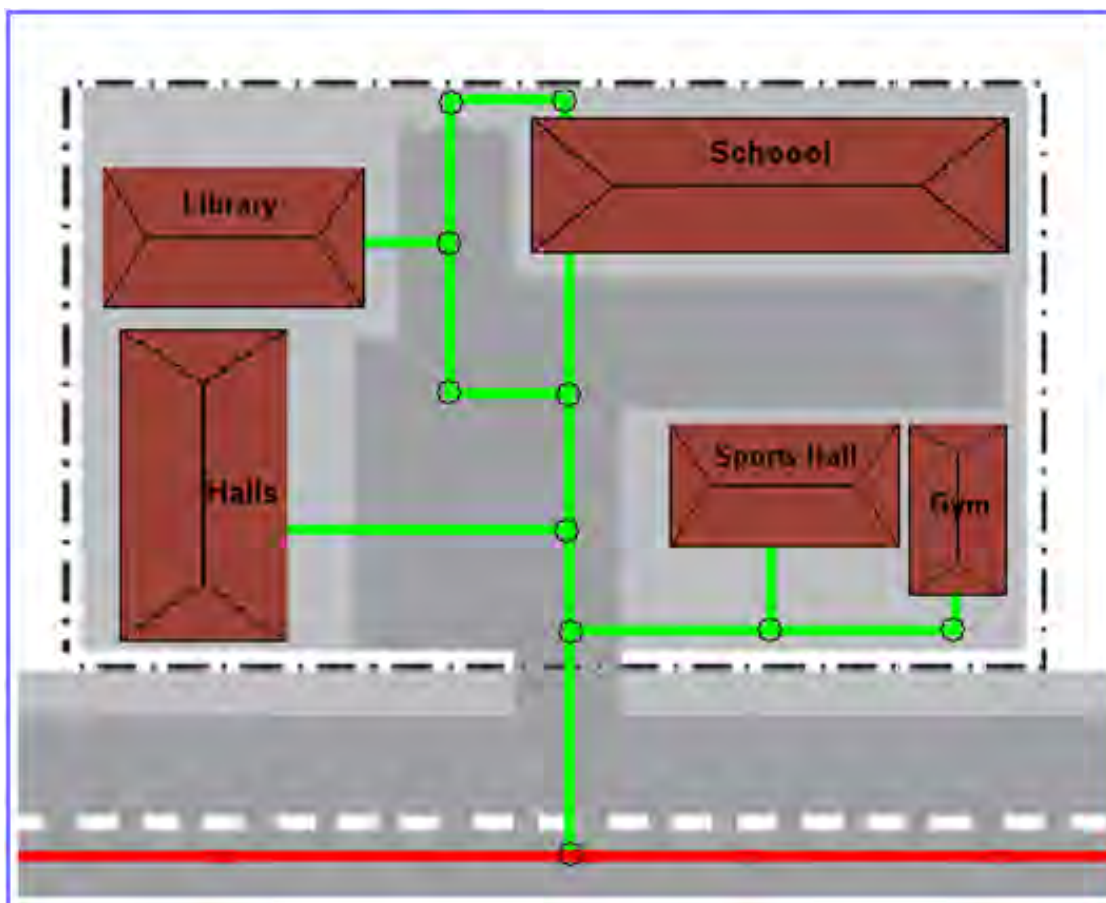
## Industrial Units (After 1 October 2011)



The units do not have separate curtilages. The pipes draining more than one are therefore drains and do not transfer to the sewerage company until the point where they leave the site.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage Company
- Private Pipe – Responsibility of the property owner
- Lateral Drain – Responsibility of the sewerage Company
- Manhole

## Educational Campuses (Before 1 October 2011)

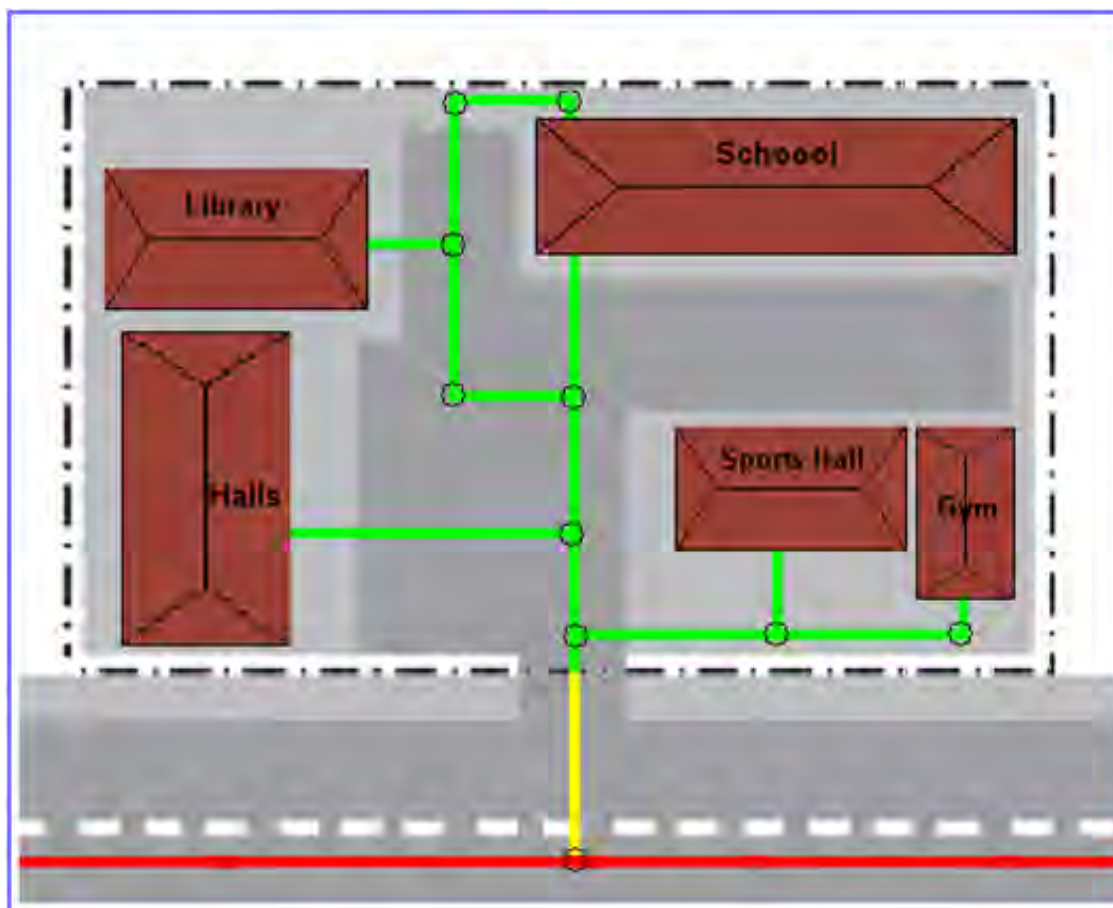


Site all owned and managed by the school. Medical campuses and similar establishments are likely to be treated in the same way.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole



## Educational Campuses (After 1 October 2011)

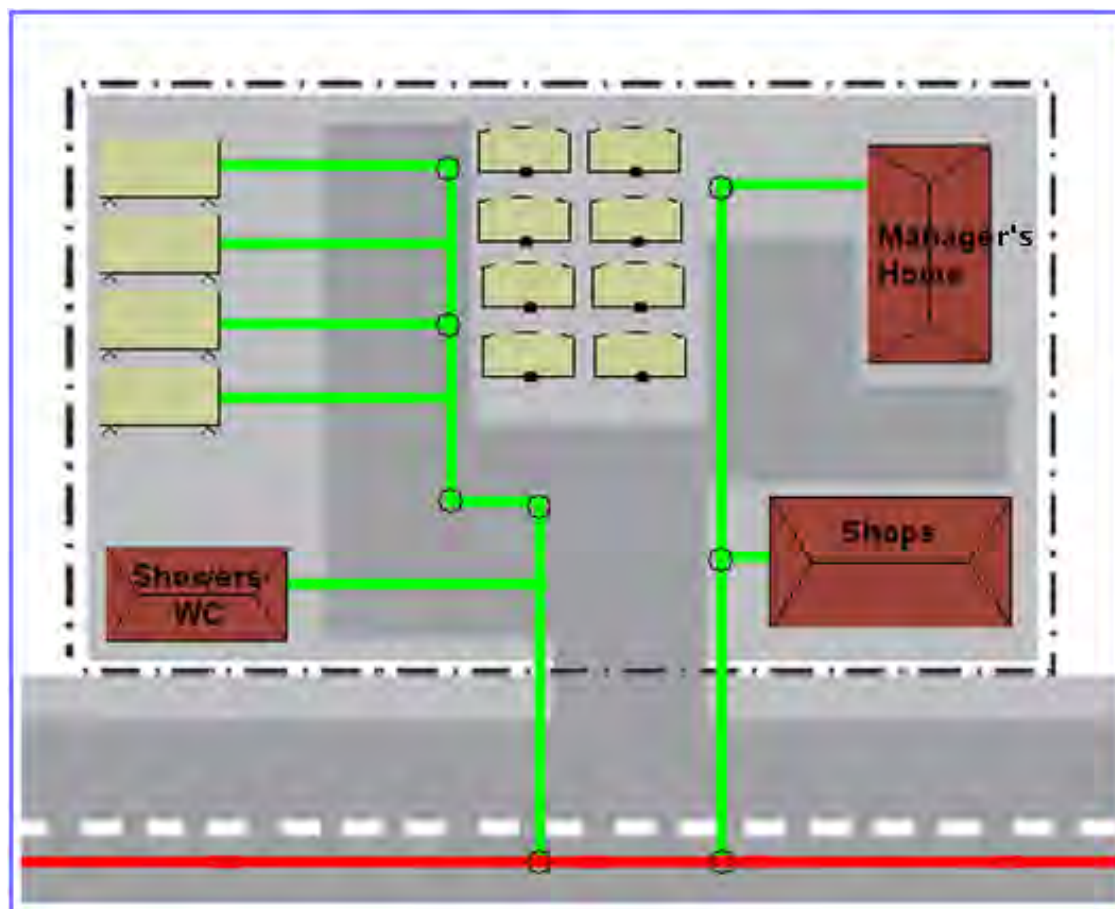


Buildings are all within a single curtilage. The pipes serving the buildings are all drains. Only the lateral drain outside the site transfers on 1 October 2011.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole



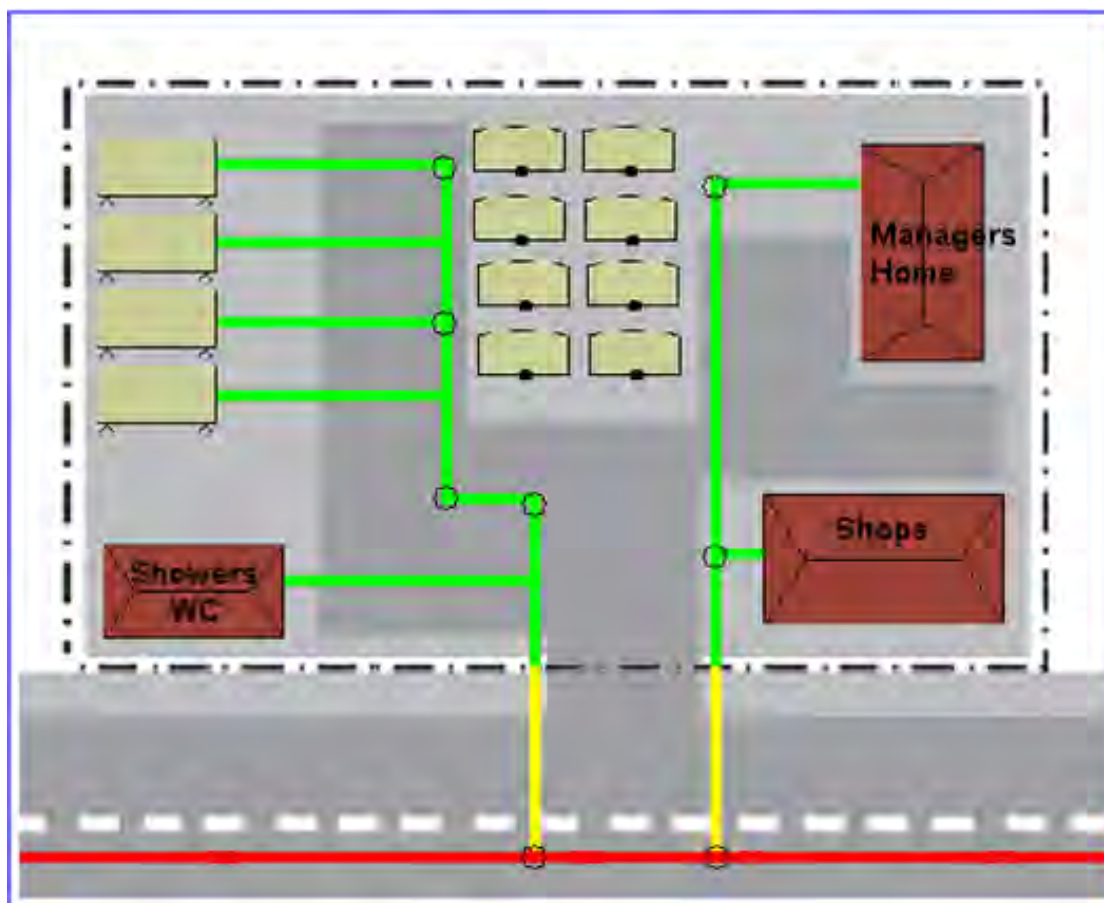
## Park Sites (Before 1 October 2011)



The manager's house, shops, mobile homes and caravans are all owned and managed as a single site.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

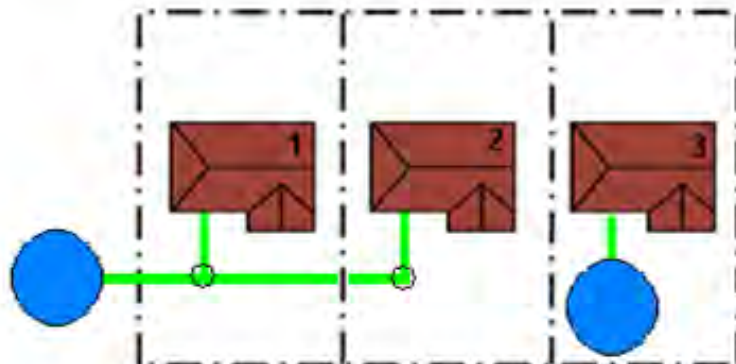
## Park Sites (After 1 October 2011)








As all the buildings and mobile homes are within a single curtilage, the pipes serving them are drains. Only the lateral drains outside the site transfer on 1 October 2011

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

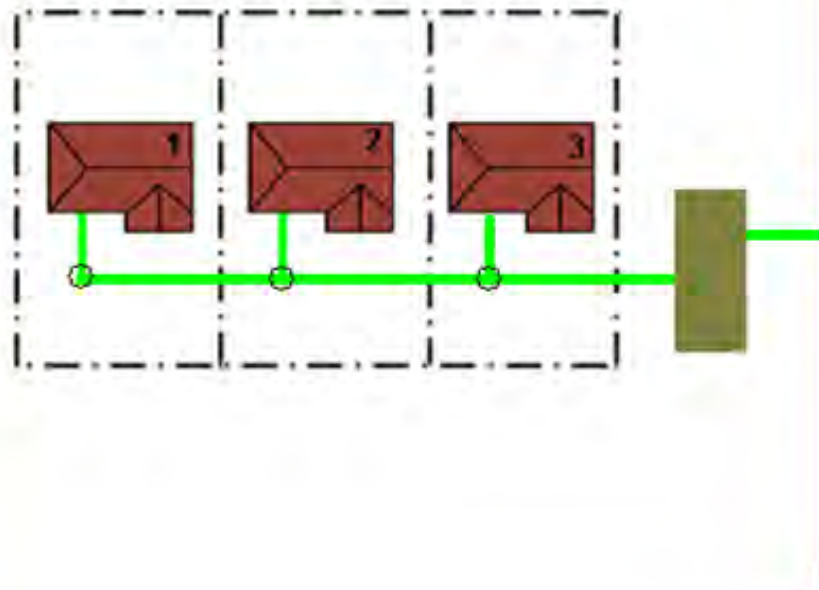
## Septic Tank or Soakaway (No Change)



None of the properties communicate with the public sewerage system and therefore none of the pipes will transfer.

-  Property Curtilage Boundary
-  Public Sewer – Responsibility of the sewerage company
-  Private Pipe – Responsibility of the property owner
-  Manhole
-  Septic Tank or Soakaway

## Private Sewers Discharging to Private STW which Discharges to a Public Sewer (No Change)

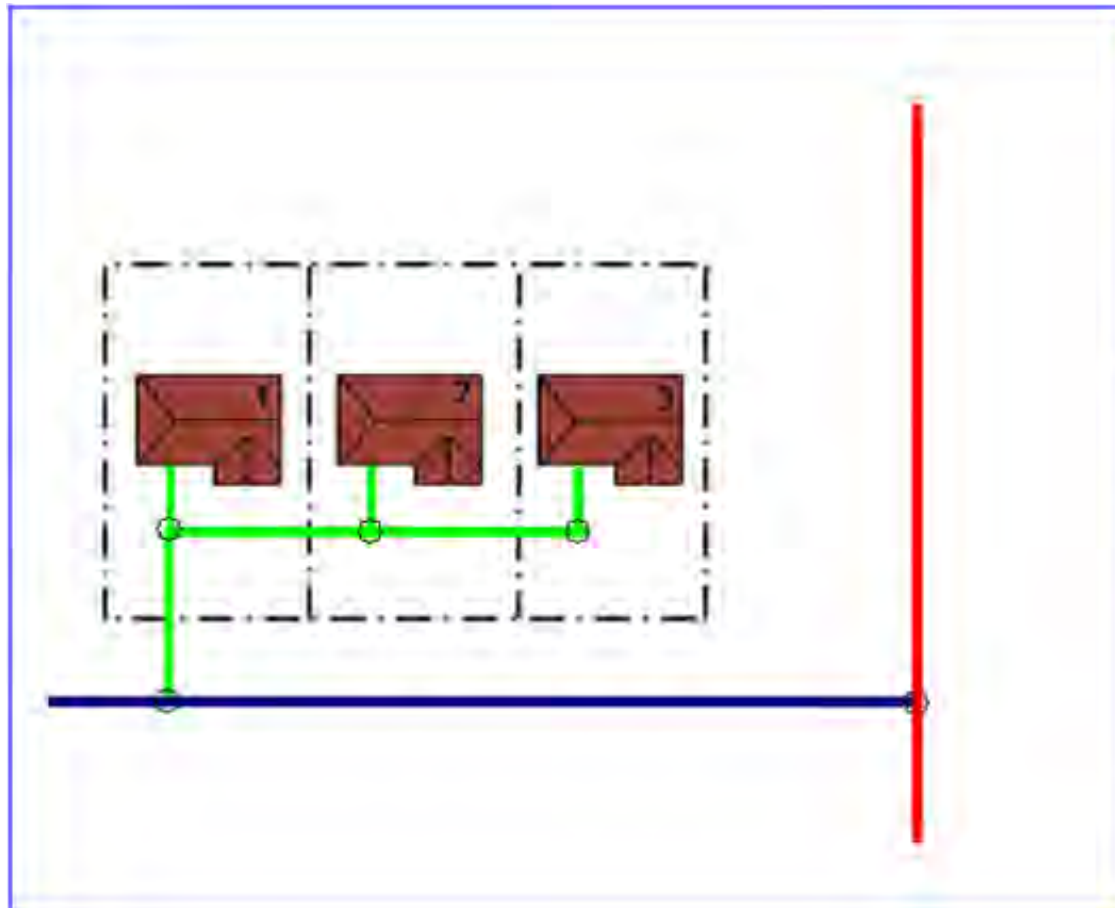


Sewerage is not discharged into the public sewer, only effluent from the treatment works, consequently no pipes transfer.

- • — Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company
- Private Pipe – Responsibility of the property owner
- Manhole
- Private Sewerage Treatment Works



## Drainage Via Highway Drain to Sewer (Before 1 October 2011)



Surface water is discharged to the public sewerage system via a highway drain.

-  Property Curtilage Boundary
-  Public Sewer - Responsibility of the sewerage company
-  Private Pipe - Responsibility of the property owner
-  Lateral Drain - Responsibility of the sewerage company
-  Highway Drain
-  Manhole

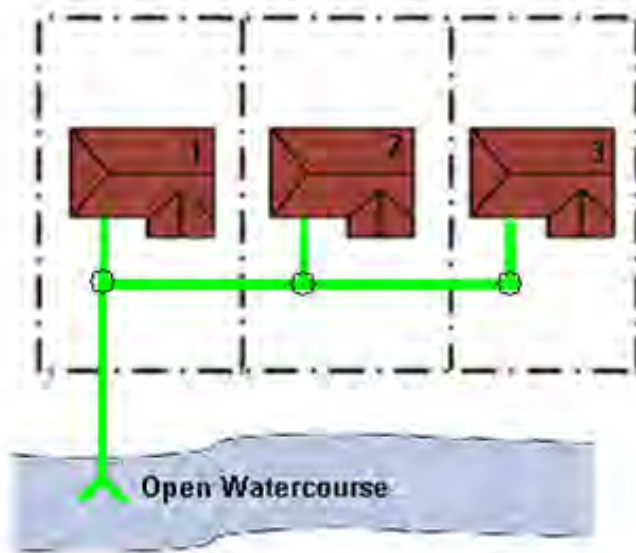
## Drainage Via Highway Drain to Sewer (After 1 October 2011)



The lateral drains and sewer will transfer on 1 October 2011 even though they discharge via a highways drain which will remain the responsibility of the Highways Agency.

-  Property Curtilage Boundary
-  Public Sewer - Responsibility of the sewerage company
-  Private Pipe - Responsibility of the property owner
-  Lateral Drain - Responsibility of the sewerage company
-  Highway Drain
-  Manhole

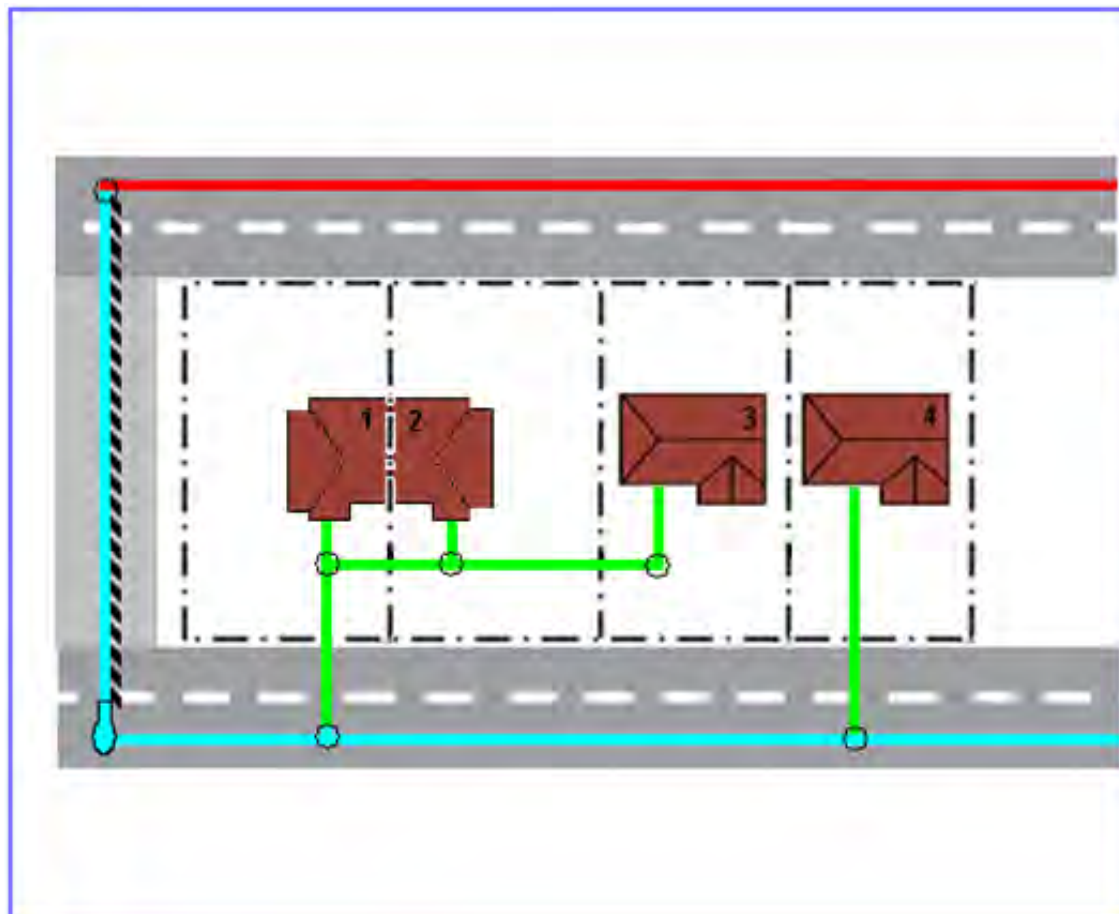
## Sewers Discharging to Watercourses (No Change)



None of the properties communicate with the public sewerage system and therefore none of the pipes will transfer.

- Property Curtilage Boundary
- Public Sewer - Responsibility of the sewerage company
- Private Pipe - Responsibility of the property owner
- Lateral Drain - Responsibility of the sewerage company
- Manhole

## Cross Boundary Sewer Scenario (Before 1 October 2011)

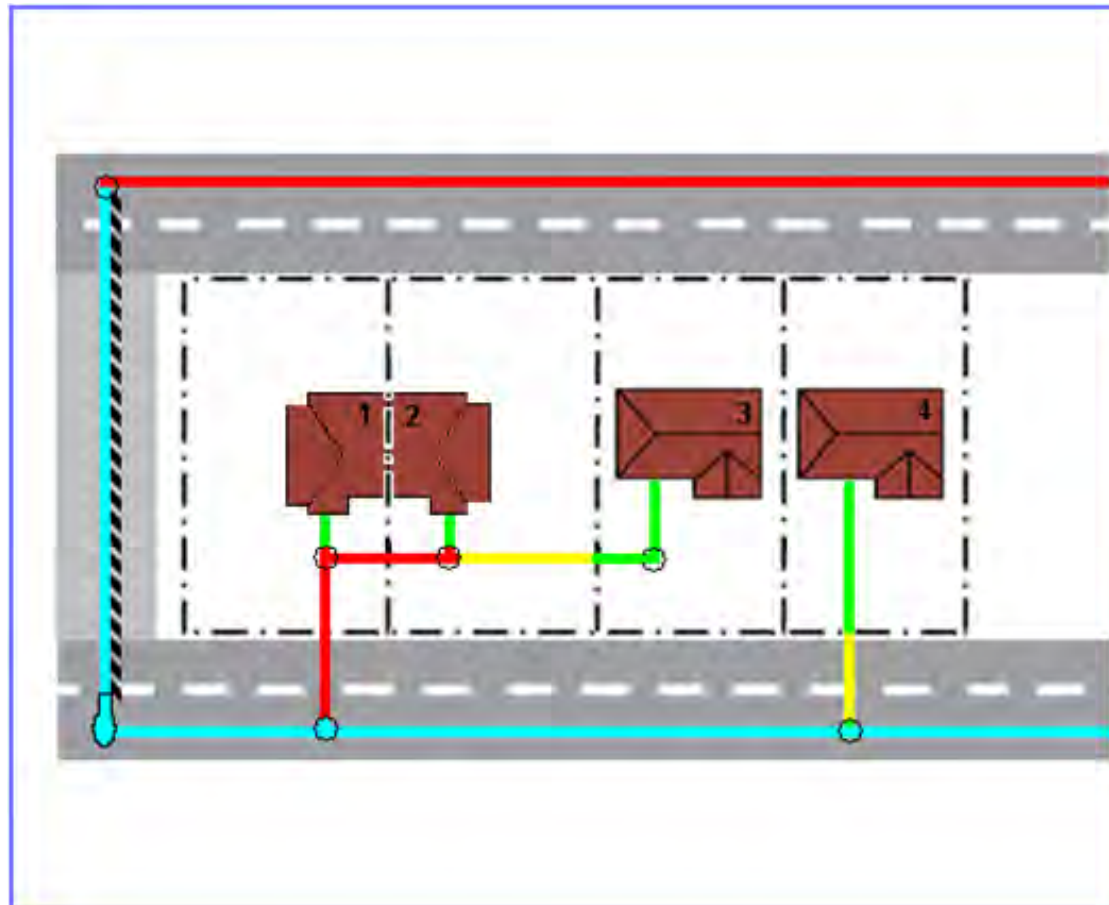


All the properties are within the area of sewerage company A but are served initially by a sewer belonging to sewerage company B.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company A
- Public Sewer – Responsibility of the sewerage company B
- Public Pumping Station
- Private Pipe – Responsibility of the property owner
- Manhole
- /// Indicates pressurised section of pipe



## Cross Boundary Sewer Scenario (After 1 October 2011)



The private sewers and lateral drains are within the area of sewerage company A and communicate with the public sewers of sewerage company A even though they discharge via public sewers belonging to sewerage company B which will remain the responsibility of sewerage company B.

- Property Curtilage Boundary
- Public Sewer – Responsibility of the sewerage company A
- Public Sewer – Responsibility of the sewerage company B
- Public Pumping Station
- Private Pipe – Responsibility of the property owner
- Manhole
- Indicates pressurised section of pipe
- Lateral Drain – Responsibility of the sewerage company A