

Developer Services

Developers Guide to Requesting a Termination of a S104 Agreement

January 2018

It's part of our
Blueprint for Yorkshire



YorkshireWater

Developers Guide to Requesting a Termination of a S104 Agreement

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General

The purpose of this document is to provide developers with a guide on how to request a termination of a S104 Agreement. The guide provides information on how to request a cessation of an Agreement under Section 104 (S104) of the Water Industry Act 1991.

Termination of a S104 Agreement

A S104 Agreement, once signed, is legally binding between all parties incorporated within the Agreement. All parties are responsible for the development site up to and until the system proposed has been formally vested in Yorkshire Water.

Termination of a S104 Agreement typically refers to the ending of the contract between all parties subject to the Agreement and Yorkshire Water, which may be by mutual agreement or by exercise of one party and can be requested at any time.

Only in exceptional circumstances will Yorkshire Water agree to the termination of a S104 Agreement once properties have been inhabited.

Yorkshire Water has the right to refuse any cessation request received.

Contact Us

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Termination of a S104 Agreement

Request Process

To allow a cessation of a S104 Agreement to commence, the following information needs to be submitted to the Sewerage Technical Team of Developer Services for review:

- a written request from any party to the Agreement requesting a cessation of a S104 Agreement
- written confirmation from all parties to the S104 Agreement endorsing they are in agreement with the request
- written confirmation from all property owners (existing and proposed) on the affected development site that they are in agreement with the request
- written confirmation from the local highways authority for the development site that they are in agreement with the request
- if the landowner will be changing, Land Registry information will be required
- written confirmation stating which party is going to be responsible for paying the associated legal and administrative fees

Once the Sewerage Technical Team are in receipt of all required information, it will be reviewed for completeness.

When this has been deemed to be satisfactory, a decision will be made by Yorkshire Water as to whether a confirmation letter or a Deed of Release is required.

If it is determined that a Deed of Release is required we will send the request to our Legal Department who will ensure all outstanding legal matters are complete, prior to preparing a Deed of Release.

In the case of a confirmation letter, all parties subject the initial S104 Agreement will receive a copy of the letter from Yorkshire Water confirming that the S104 Agreement for the named development site has been terminated.

Once the Deed of Release / confirmation letter has been issued to all parties, we will update our records to reflect the changes made.

We will retain a copy of the Deed of Release / cessation letter, alongside the original S104 Agreement for the named development site for our records and make the appropriate amendment to our sewer records.



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