



# Sewerage (Scotland) Act 1968

## CHAPTER 47

### SEWERAGE (SCOTLAND) ACT 1968

#### PART I

##### GENERAL PROVISIONS AS TO SEWERAGE

###### *Duties and powers of local authorities*

- 1 Duty of local authority to provide for sewerage of their area.
- 2 Maintenance of public sewers and other works.
- 3 Construction etc. of public sewers and public sewage treatment works.
- 3A Authorisation of construction of certain private sewers etc.
- 4 Power of local authority to close or alter public sewers etc.
- 5 General Provisions as to Sewerage
- 6 Functions outwith the area of a local authority.
- 7 Agreements between highway and local authorities.
- 8 Agreements as to provision of sewers etc. for new premises.
- 9 Loan of temporary sanitary conveniences.
- 10 Emptying of septic tanks.
- 11 Duty of local authority to keep map showing public sewers etc.

###### *Rights and duties of owners and occupiers*

- 12 Rights of owners and occupiers to connect with and drain into public sewers etc.
- 13 Rights of owners and occupiers to connect with and drain into sewers etc. of another local authority.
- 14 Direction by local authority as to manner of construction of works.
- 15 Owner or occupier to remedy defects in drains and other works.

*Changes to legislation:* Sewerage (Scotland) Act 1968 is up to date with all changes known to be in force on or before 04 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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*Vesting of sewers, drains and works*

- 16 Vesting of sewers and other works in local authority.
- 16A Vesting of certain private sewers.
- 17 Local authority may take over private sewage treatment works.

*Miscellaneous*

- 18 General Provisions as to Sewerage
- 19 General Provisions as to Sewerage
- 20 Compensation for loss etc. resulting from exercise of powers under this Part of this Act.
- 21 Buildings not to interfere with sewers.
- 22 Protection for statutory undertakers.
- 23 Restriction on working minerals.

**PART II**

TRADE EFFLUENTS

*Right to discharge into public sewers*

- 24 Right to discharge into public sewers.

*Control of new discharges*

- 25 Meaning of new discharge.
- 26 New discharge only with consent of the authority.
- 27 Procedure on application for consent to new discharge.
- 28 Time to dispose of application.
- 29 Decision on application.
- 29A Priority substances etc.
- 30 Intimation of decision.
- 31 Appeal against refusals and conditions.
- 32 Review of consents, conditions and refusals.

*Control of existing discharges*

- 33 Meaning of existing discharge.
- 34 Right to continue existing discharge.
- 35 Furnishing of information.
- 36 Review of continuation of existing discharge.

*Agreements in lieu of applications for consent*

- 37 Agreements as respects trade premises.
- 37A Register for purposes of Part II.
- 37B Exclusion from register of information affecting national security.
- 37C Exclusion from register of commercially confidential information

*Supplementary*

- 38 Power to extend Part II to other effluents.

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## PART IIA

### PRIVATE SEWAGE TREATMENT WORKS

- 38A Application of Part
- 38B Other rules
- 38C Common maintenance
- 38D Notice and effect
- 38E Review of notice
- 38F Recovery of cost
- 38G Liability of owner
- 38H Controlled Activities Regulations

## PART III

### MISCELLANEOUS AND GENERAL

- 39 Local authority to have right to sewage.
- 40 Miscellaneous and General
- 41 Breaking open of streets, etc.
- 42 Execution of works by local authorities for other persons.
- 43 Power to require occupier to permit works to be executed by owner.
- 44 Power of local authorities to require information as to ownership etc. of premises.
- 45 Production of plans and furnishing of information to authorities.
- 46 Certain matter not to be passed into drains.
- 46A Offence as to fat, oil or grease
- 46B Damage caused by fat, oil or grease
- 47 Miscellaneous and General
- 48 Powers of entry.
- 49 Miscellaneous and General
- 50 Restriction on disclosure of information.
- 51 Procedure on appeals to Secretary of State.
- 52 Miscellaneous and General
- 53 Notices etc. to be in writing.
- 54 Local enactments.
- 55 Application of Act to Crown premises.
- 56 Saving for Coast Protection Act 1949.
- 57 Expenses.
- 58 Orders.
- 59 Interpretation.
- 60 Amendments and repeals.
- 61 Short title, extent and commencement.

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## SCHEDULE 1 — CONSEQUENTIAL AMENDMENTS

### *The Public Health (Scotland) Act 1897*

- 1 .....
- 2 There shall be inserted at the beginning of section 116...

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*The Local Government (Scotland) Act 1947*

3 In Schedule 6, item 11, for the words “Section 139...

*The Radioactive Substances Act 1960*

4 .....

SCHEDULE 2 — ENACTMENTS REPEALED

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 8(2) repealed by [2003 asp 3 s. 30\(2\)\(b\)](#)
- s. 29A(3) word repealed by [2014 asp 3 sch. 3 para. 1\(2\)\(a\)](#)
- s. 38H(3)(b) substituted by [2014 asp 3 sch. 3 para. 1\(3\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(3) inserted by [2003 asp 3 s. 30\(1\)](#)
- s. 8(1A) inserted by [2003 asp 3 s. 30\(2\)\(a\)](#)
- s. 12(2A) inserted by [2003 asp 3 s. 30\(3\)](#)
- s. 14A-14C inserted by [2003 asp 3 s. 30\(4\)](#)
- s. 16A(3) inserted by [2003 asp 3 s. 30\(5\)](#)
- s. 29A(3)(b)(c) substituted for s. 29A(3)(b) by [2014 asp 3 sch. 3 para. 1\(2\)\(b\)](#)