



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART VIII

BUILDINGS, ETC.

88 Installation of pipes through neighbouring property.

(1) The sheriff may, on summary application by an owner of a part of a building who requires, but has been refused or otherwise has been unable to obtain, the consent of any other person for—

(a) the installation—

(i) on the outside surface of any external wall or roof of the building;

(ii) in, through or under any part of the building which is held in common by the owner and the other person or any land pertaining to the building which is so held;

(iii) in, through or under any part of the building owned by the other person or any land pertaining to the building which is so owned

of such pipes or drains as are necessary for the purpose of water supply to, or the soil, waste or rainwater drainage or the ventilation in connection with such drainage of, the owner's part of the building;

(b) the making of connections with common water supply pipes, or soil, waste or rainwater drains or drain ventilating pipes; or

(c) access to the pipes or drains referred to in paragraph (a) above for the purpose of their maintenance and repair,

subject to subsection (2) below, grant warrant authorising such installation, making of connections or access.

(2) The sheriff shall not grant warrant under—

(a) subsection (1) above unless it appears to him that it is reasonable that the installation be carried out, the connections be made or, as the case may be, the maintenance or repair for which access is applied for under that subsection, be done;

Changes to legislation: Civic Government (Scotland) Act 1982, Section 88 is up to date with all changes known to be in force on or before 19 April 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](#)

- (b) under paragraph (a) or (b) of that subsection or, except for repair in an emergency, paragraph (c) of that subsection to an owner who has been otherwise unable to obtain consent unless it appears to him that the owner's request for consent was made in writing to the other person at least 28 days before the application under that subsection.
- (3) The sheriff may—
 - (a) make a warrant granted by him under this section subject to such conditions as he thinks fit;
 - (b) make such award of expenses as he sees fit in relation to an application under this section.
- (4) An appeal shall lie to the Court of Session from the decision of the sheriff under this section.
- (5) This section is without prejudice to any requirement to obtain approval under or any other obligation imposed by or by virtue of the Building (Scotland) Acts 1959 and 1970, the^{M1} Sewerage (Scotland) Act 1968, the Town and Country Planning (Scotland) Acts 1972 to 1974, the^{M2} Water (Scotland) Act 1980 or any other enactment relating to building, the provision of public sewerage services, planning or the public supply of water.

Marginal Citations

M1 1968 c. 47.

M2 1980 c. 45.

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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. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)