

**Changes to legislation:** Water Environment and Water Services (Scotland) Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 21 August 2019. 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

### SCHEDULE 3 (introduced by section 33)

#### SUSTAINABLE URBAN DRAINAGE SYSTEMS: FURTHER AMENDMENTS

##### The 1968 Act

1 The 1968 Act is amended as follows.

##### Commencement Information

**I1** Sch. 3 para. 1 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

2 In section 1(1) (duty of Scottish Water to provide for sewerage)—  
(a) after “sewers” in the first place where it occurs insert “ and public SUD systems ”,  
(b) after “sewers” in the second place where it occurs insert “ and SUD systems ”.

##### Commencement Information

**I2** Sch. 3 para. 2 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

3 In section 2 (maintenance of public sewers etc.), after “sewers,” insert “ SUD systems, ”.

##### Commencement Information

**I3** Sch. 3 para. 3 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

4 In section 3 (power to construct public sewers)—  
(a) in subsection (1)(a), after “sewer” insert “ or SUD system ”,  
(b) in subsection (2), after “sewer” insert “ or SUD system ”.

##### Commencement Information

**I4** Sch. 3 para. 4 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

5 In section 3A(2) (vesting of privately constructed sewers)—  
(a) after “sewer” in the first place where it occurs insert “ or SUD system ”,  
(b) after “sewer” in each other place where it occurs insert “ or system ”,  
(c) after “sewers” insert “ , SUD systems ”.

##### Commencement Information

**I5** Sch. 3 para. 5 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

6 In section 4 (Scottish Water may close or alter public sewers etc.)—  
(a) after “sewer” in the first and third places where it occurs insert “ , SUD system ”,

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- (b) after “sewer” in the second and fourth places where it occurs insert “, system”.

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 7 In section 7(1) (agreements between roads authorities and Scottish Water), after “sewers” insert “, SUD systems”.

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 8 In section 8(1) (agreements as to provision of sewers etc. for new premises)—  
 (a) after “sewers” in both places where it occurs insert “, SUD systems”,  
 (b) after “of” in the second place where it occurs insert “ SUD systems and”.

**Commencement Information**

**I8** Sch. 3 para. 8 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 9 In section 11(1) (Scottish Water to keep maps of sewers, drains etc.), after “drains” insert “, SUD systems”.

**Commencement Information**

**I9** Sch. 3 para. 9 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 10 (1) Section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.) is amended as follows.

(2) In subsection (1)—

- (a) for “or private sewers” in the first place where those words occur substitute “, private sewers or private SUD systems”,  
 (b) after “sewers” in the second place where it occurs insert “, SUD systems”,  
 (c) after “entitled” in the second place where it occurs insert “ (a)”,  
 (d) for “and surface water from those premises” substitute “, and  
 (b) by means of those drains, private sewers or private SUD systems, to drain into those sewers, systems or works the surface water,

from those premises”.

(3) In subsection (2)—

- (a) for “or sewers” substitute “, sewers or SUD systems”,  
 (b) after “sewers” in the second place where it occurs insert “, SUD systems”,  
 (c) for “or sewer” substitute “, sewer or SUD system”.

(4) In subsection (3)—

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- (a) for “or sewers” substitute “ , sewers or SUD systems ”,
  - (b) after “sewers” in the second place where it occurs insert “ , SUD systems ”,
  - (c) for “or sewer” substitute “ , sewer or SUD system ”,
  - (d) after “sewer” in the second place where it occurs insert “ , system ”.
- (5) In subsection (8)—
- (a) for “or sewer” in both places where those words occur substitute “ , sewer or SUD system ”,
  - (b) after “sewers” insert “ , SUD systems ”.

**Commencement Information**

**I10** Sch. 3 para. 10 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 11 In section 14 (direction by Scottish Water as to manner of construction of works)—
- (a) in subsection (1)—
    - (i) for “or sewer” substitute “ , sewer or SUD system ”,
    - (ii) after “sewer” in the second, third and fourth places where it occurs insert “ , SUD system ”,
  - (b) in subsection (5), after “sewer” in each place where it occurs insert “ , SUD system ”,
  - (c) in subsection (6), after “sewer” insert “ , SUD system ”.

**Commencement Information**

**I11** Sch. 3 para. 11 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 12 In section 15 (owner or occupier to remedy defects in drains etc.)—
- (a) in subsection (1), after “drains” in both places where it occurs insert “ , SUD systems ”,
  - (b) in subsection (5), after “drain” insert “ , SUD system ”.

**Commencement Information**

**I12** Sch. 3 para. 12 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 13 In section 16 (vesting of sewers and other works in Scottish Water)—
- (a) in subsection (1)—
    - (i) in paragraph (a), after “sewers” insert “ , SUD systems ”,
    - (ii) in paragraph (c), after “sewers” in the first place where it occurs insert “ and private SUD systems ”,
    - (iii) in paragraph (cc), after “sewers” in the first place where it occurs insert “ and private SUD systems ”, and after “sewers” in the second place where it occurs insert “ and systems ”,
    - (iv) in paragraph (d), after “works” insert “ and SUD systems ”,
    - (v) in paragraph (e), after “works” insert “ and SUD systems ”,
  - (b) in subsection (2)—
    - (i) after “sewers” in the first place where is occurs insert “ , private SUD systems ”,

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- (ii) after “works” insert “ and SUD systems ”,
- (c) in subsection (3), after “drains” insert “ , SUD systems ”.

**Commencement Information**

**I13** Sch. 3 para. 13 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 14 In section 16A (vesting of certain private sewers)—
- (a) in subsection (1), for “or” in the second place where it occurs substitute “ and any sewer or SUD system vested in a person ”,
  - (b) in subsection (2), after “sewer” insert “ or SUD system ”.

**Commencement Information**

**I14** Sch. 3 para. 14 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 15 In section 17 (Scottish Water may take over private sewage treatment works)—
- (a) in subsection (1)—
    - (i) after “works” in the first place where it occurs insert “ or private SUD system ”,
    - (ii) after “works” in the second place where it occurs insert “ or system ”,
  - (b) in subsection (2)—
    - (i) after “works” in the first place where it occurs insert “ or a SUD system ”,
    - (ii) after “works” in the second place where it occurs insert “ or system ”,
  - (c) in subsection (4), after “works” insert “ and any SUD system ”,
  - (d) in subsection (5)—
    - (i) after “works” insert “ or a SUD system ”,
    - (ii) after “them” insert “ or it ”,
    - (iii) after “have” insert “ or it has ”,
  - (e) in subsection (6), after “works” insert “ or a SUD system ”.

**Commencement Information**

**I15** Sch. 3 para. 15 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 16 In section 21(1) (buildings not to interfere with sewers), after “sewer” insert “ or SUD system ”.

**Commencement Information**

**I16** Sch. 3 para. 16 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 17 In section 23 (restriction on working minerals)—
- (a) after “works” in the first place where it occurs insert “ , public SUD systems ”,
  - (b) after “works” in every other place where it occurs insert “ , SUD systems ”.

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**I17** Sch. 3 para. 17 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 18 In section 39 (Scottish Water to have right to sewage), after “sewers” insert “, SUD systems”.

**Commencement Information**

**I18** Sch. 3 para. 18 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 19 In section 41 (breaking open of streets etc.), after “sewers” insert “, SUD systems”.

**Commencement Information**

**I19** Sch. 3 para. 19 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 20 In section 45 (production of plans and information)—  
(a) after “sewer” in the first and second places where it occurs insert “, SUD system”,  
(b) after “sewer” in the third and fourth places where it occurs insert “, system”.

**Commencement Information**

**I20** Sch. 3 para. 20 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 21 In section 46 (certain matter not to be passed into drains)—  
(a) after “sewer” in the first place where it occurs insert “, public SUD system”,  
(b) after “sewer” in the second and third places where it occurs insert “, SUD system”.

**Commencement Information**

**I21** Sch. 3 para. 21 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 22 In section 48(1) (powers of entry)—  
(a) in paragraph (a), after “of” in the third place where it occurs insert “ a SUD system or ”,  
(b) in paragraph (dd)—  
(i) after “sewer” in the first place where it occurs insert “ or SUD system ”,  
(ii) after “sewer” in the second place where it occurs insert “ or public SUD system ”,  
(c) in paragraph (f)—  
(i) after “sewers” in the first place where it occurs insert “, public SUD systems”,  
(ii) after “sewers” in the second place where it occurs insert “, SUD systems”.

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**I22** Sch. 3 para. 22 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 23 In section 59 (interpretation)—
- (a) in subsection (1), in the definition of “sewage treatment works”, at the end insert “ but does not include a SUD system ”,
  - (b) in subsection (3), after “sewer” in both places where it occurs insert “ , SUD system ”.

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**Commencement Information**

**I23** Sch. 3 para. 23 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 24 In section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (acquisition of land by agreement for provision of sewerage system), after “sewers” insert “ , sustainable urban drainage systems ”.

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**Commencement Information**

**I24** Sch. 3 para. 24 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

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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. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)
- s. 28A inserted by [S.S.I. 2019/26 reg. 2\(5\)](#)
- sch. 5 inserted by [S.S.I. 2019/26 reg. 2\(6\)](#)
- sch. 5 para. 19 word inserted by [S.S.I. 2019/26, reg. 2\(6\) \(as amended\) by S.S.I. 2019/175 reg. 8\(2\)](#)