

### SCHEDULE 3

(introduced by section 33)

#### SUSTAINABLE URBAN DRAINAGE SYSTEMS: FURTHER AMENDMENTS

##### *The 1968 Act*

- 1 The 1968 Act is amended as follows.
- 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”.
- 3 In section 2 (maintenance of public sewers etc.), after “sewers,” insert “SUD systems,”.
- 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”.
- 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”.
- 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”,
  - (b) after “sewer” in the second and fourth places where it occurs insert “, system”.
- 7 In section 7(1) (agreements between roads authorities and Scottish Water), after “sewers” insert “, SUD systems”.
- 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”.
- 9 In section 11(1) (Scottish Water to keep maps of sewers, drains etc.), after “drains” insert “, SUD systems”.
- 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,

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*Status: This is the original version (as it was originally enacted).*

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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)—
  - (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”.
- 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”.
- 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”.
- 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 it occurs insert “, private SUD systems”,
    - (ii) after “works” insert “and SUD systems”,
  - (c) in subsection (3), after “drains” insert “, SUD systems”.
- 14 In section 16A (vesting of certain private sewers)—

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- (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”.
- 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”.
- 16 In section 21(1) (buildings not to interfere with sewers), after “sewer” insert “or SUD system”.
- 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”.
- 18 In section 39 (Scottish Water to have right to sewage), after “sewers” insert “, SUD systems”.
- 19 In section 41 (breaking open of streets etc.), after “sewers” insert “, SUD systems”.
- 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”.
- 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”.
- 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)—

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- (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”.

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”.

*Water Industry (Scotland) Act 2002 (asp 3)*

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”.