



# Water Resources (Scotland) Act 2013

## 2013 asp 5

### PART 6

#### SEWERAGE NETWORK

##### *Discharge into public sewer*

#### 35 Substances generally

- (1) In section 46 (certain matter not to be passed into drains) of the 1968 Act—
- (a) in subsection (2), for the words “a fine not exceeding £40,000” there is substituted “imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both)”,
  - (b) after subsection (2) there is inserted—
    - “(3) This section does not apply in relation to the passing of fat, oil or grease from trade premises into a public sewer or a drain connecting with such a sewer.”.
- (2) After section 46 there is inserted—

#### “46A Offence as to fat, oil or grease

- (1) A person commits an offence if—
- (a) the person passes, or permits to be passed, any relevant substance from trade premises into—
    - (i) a public sewer, or
    - (ii) a drain connecting with such a sewer, and
  - (b) the condition in subsection (2) is met.
- (2) The condition is that the relevant substance (alone or in combination with any matter with which it comes, or may come, into contact)—
- (a) interferes with, or is likely to interfere with, the free flow of the contents of the sewer, or
  - (b) adversely affects, or is likely so to affect, the treatment or disposal of the contents of the sewer.

*Status: Point in time view as at 21/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013, Section 35. (See end of Document for details)*

- (3) But no offence is committed under subsection (1) if the relevant substance is passed in accordance with the provisions of Part II of this Act.
- (4) In subsections (1) to (3), “relevant substance” means fat, oil or grease.
- (5) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

#### **46B Damage caused by fat, oil or grease**

- (1) Subsection (5) applies if—
  - (a) an owner or occupier of trade premises passes, or permits to be passed, any relevant substance from the premises into—
    - (i) a public sewer, or
    - (ii) a drain connecting with such a sewer, and
  - (b) the condition in subsection (2) is met.
- (2) The condition is that, as a result—
  - (a) the sewer or drain is damaged or blocked, or
  - (b) the free flow of the contents of the sewer is otherwise interfered with.
- (3) But subsection (5) does not apply if the relevant substance is passed in accordance with the provisions of Part II of this Act.
- (4) In subsections (1) and (3), “relevant substance” means fat, oil or grease.
- (5) Scottish Water may recover, from the owner or (as the case may be) occupier, any expenses that it reasonably incurs in investigating or remedying the damage, blockage or interference.”.

#### **Commencement Information**

**II** S. 35 in force at 21.12.2013 by [S.S.I. 2013/342](#), [art. 2\(c\)](#)

**Status:**

Point in time view as at 21/12/2013.

**Changes to legislation:**

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