



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.

Changes to legislation: *Water Resources (Scotland) Act 2013, Section 35 is up to date with all changes known to be in force on or before 26 July 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*

- (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\(c\)](#)

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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. 3(g) inserted by [2019 asp 9 sch. 2 para. 8](#)