



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 9

#### STATUTORY NUISANCES

#### 115 Sewerage nuisance: local authority powers

- (1) Section 26 of the Water Services etc. (Scotland) Act 2005 (asp 3) is amended as follows.
- (2) In subsection (10), for the words from “nuisance” in the second place where it appears to the end, substitute “nuisance—
  - (a) which constitutes a sewerage nuisance; and
  - (b) in respect of which a sewerage code applies.”.
- (3) After that subsection, insert—
  - “(10A) Paragraphs 2, 3 and 5 of Schedule 3 to the Environmental Protection Act 1990 (c. 43) apply to the exercise of functions by a local authority under this section as they apply to the exercise of functions under Part III of that Act, with the following modifications—
    - (a) in paragraph 2(1)(a), for “statutory nuisance” substitute “sewerage nuisance”
    - (b) in paragraph 2(1)(b) and (4)(b), for “Part III” substitute “section 26 of the Water Services etc. (Scotland) Act 2005 (asp 3)”;
    - (c) in paragraph 3(1), for the words from “, on summary conviction” to the end substitute—
      - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
      - (b) on conviction on indictment, to a fine.”;
    - (d) in paragraph 3(2), for the words from “, on summary conviction” to the end substitute—
      - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
      - (b) on conviction on indictment, to a fine.”;
    - (e) in paragraph 5—

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**Changes to legislation:** There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 115. (See end of Document for details)

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- (i) for the words “executing Part III” substitute “ exercising functions under section 26 of the Water Services etc. (Scotland) Act 2005 ”;
- (ii) the words from “(other” to the end are to be disregarded.”.

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**Commencement Information**

**II** S. 115 in force at 26.1.2009 by S.S.I. 2009/9, art. 2(a), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 115.