



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

##### *Rights and duties of owners and occupiers*

#### **12 Rights of owners and occupiers to connect with and drain into public sewers etc.**

- (1) Subject to the provisions of this section and of section 14 below, the owner of any premises within the area of a local authority shall be entitled to connect his drains or private sewers with the sewers or sewage treatment works of that authority, and the occupier of any such premises shall be entitled by means of those drains or private sewers to drain into those sewers or works the domestic sewage and surface water from those premises.
- (2) An owner shall not, under the foregoing subsection, be entitled to connect his drains or sewers with the sewers or works of an authority unless the intervening land is land through which the owner is entitled to construct a drain or sewer.
- (3) The owner of any premises who proposes to connect his drains or sewers with the sewers or works of a local authority, or to alter a drain or sewer connected with such sewer or works in such a manner as may interfere with them, shall give to the authority notice of his proposals, and within 28 days of the receipt by them of the notice the authority may refuse permission for the connection or alteration, or grant permission for the connection or alteration, subject to such conditions as they think fit, and any such permission may in particular specify the mode and point of connection and, where there are separate public sewers for foul water and surface water, prohibit the discharge of foul water into the sewer reserved for surface water, and prohibit the discharge of surface water into the sewer reserved for foul water.
- (4) A local authority shall forthwith intimate to the owner their decision on any proposals made by him under subsection (3) above, and, where permission is refused, or granted subject to conditions, shall inform him of the reasons for their decision and of his right of appeal under subsection (5) below.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Rights and duties of owners and occupiers is up to date with all changes known to be in force on or before 09 August 2023. 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)*

- (5) If a person to whom a decision has been given under subsection (4) above is aggrieved by the decision or any conditions attached thereto, he may appeal to the Secretary of State who may confirm the decision and any such conditions either with or without modification or refuse to confirm it.
- (6) Where permission has been granted as mentioned in subsection (3) above or by virtue of subsection (5) above, the person to whom it was granted shall, before commencing any work in pursuance of that permission, give not less than 3 days' notice to the local authority who granted it so as to enable them to supervise the execution of the work, and shall afford them all reasonable facilities for so doing.
- (7) Where any work to be done in pursuance of a permission granted under subsection (3) above or by virtue of subsection (5) above involves the breaking open of a [<sup>F1</sup>road], the local authority who granted the permission may undertake the work in the [<sup>F1</sup>road] and may recover the expenses reasonably incurred by them in so doing from the person for whom the work was done.
- (8) Any person who connects a drain or sewer to the sewers or works of a local authority or alters a drain or sewer without permission granted under this section, or contrary to any conditions attached thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 4 on the standard scale], and the local authority may, whether or not proceedings have been taken under this subsection, close, remove or remake any such unlawful connection, and recover from the offender any expenses reasonably incurred by them in so doing.

#### Textual Amendments

- F1** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 64\(3\)](#)
- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

### 13 Rights of owners and occupiers to connect with and drain into sewers etc. of another local authority.

- (1) Subject to the following subsection, the owner or occupier of any premises outwith the area of a local authority shall have the like rights with respect to connection with or drainage into the sewers or works of that authority as he would have under section 12 above if his premises were situated within their area, and the provisions of that section shall apply accordingly:  
Provided that—
  - (a) the owner of the premises concerned shall, at the same time as he gives notice of his proposals under subsection (3) of that section, give notice to the same effect to the authority within whose area the premises are situated; and
  - (b) the Secretary of State in determining an appeal under subsection (5) of that section may, as a condition of granting permission to a connection, require the local authority in whose area the premises are situated to make to the other local authority concerned such reasonable payment or reasonable periodical payments as he thinks fit.
- (2) The foregoing subsection shall not apply where the owner of premises is required by or under any other enactment to connect his drains or sewers with the sewers or sewage treatment works of the local authority within whose area his premises are situated.

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#### **14 Direction by local authority as to manner of construction of works.**

- (1) Where the owner of any premises proposes to construct a drain or sewer in respect of which notice has been given to the local authority by virtue of section 12(3) above or that subsection as applied by section 13 above, or sewage treatment works in respect of which notice has been given under subsection (2) below, the authority may, if they consider that the proposed drain, sewer or works is, or is likely to be, needed to form part of a general sewerage system which they have provided or propose to provide, within 28 days of the receipt by them of the notice direct him to construct the drain, sewer or works in a manner differing from that in which he proposes to construct the drain, sewer or works.
- (2) Where the owner of any premises proposes to construct sewage treatment works to serve those premises he shall give notice of his proposals to the local authority within whose area the works are to be situated.
- (3) If a person to whom a direction has been issued under subsection (1) above is aggrieved by the direction, he may appeal to the Secretary of State, who may disallow the direction or allow it with or without modification.
- (4) A person to whom a direction is issued under this section shall, before commencing any work in pursuance of that direction, give not less than 3 days' notice to the local authority who issued it so as to enable them to supervise the execution of the work and shall afford them all reasonable facilities for so doing.
- (5) An authority who issue a direction under subsection (1) above shall pay to the person constructing the drain, sewer or sewage treatment works the extra expenses reasonably incurred by him in complying with the direction and, until the drain, sewer or works become vested in the authority, they shall also from time to time pay to him so much of any expenses reasonably incurred by him in repairing, operating or maintaining the drain, sewer or works as may be attributable to their direction having been made and complied with, and, if any question arises as to the amount of any payment to be made to him under this subsection, he may refer it by summary application to the sheriff whose decision on the matter shall be final.
- (6) If any person who under this section has been directed by a local authority to construct a drain, sewer or sewage treatment works in a particular manner constructs them otherwise than in accordance with the terms of the direction, or, if the direction has been modified under subsection (3) above, of the modified direction, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 4 on the standard scale].

#### **Textual Amendments**

- F3** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

#### **15 Owner or occupier to remedy defects in drains and other works.**

- (1) If it appears to a local authority that as respects any premises in their area the drains or sewage treatment works serving such premises (other than drains or works vested in the authority) are defective, they may by notice require the owner or occupier of the premises, within a reasonable time therein specified, to remedy the defect.

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- (2) If an owner or occupier is aggrieved by a notice under the foregoing subsection he may, within the time specified in the notice, refer the matter by summary application to the sheriff, who may issue such directions as he thinks fit, and whose decision on the matter shall be final.
- (3) Where an owner or occupier fails to comply with the terms of a notice under subsection (1) above, or as modified under subsection (2) above, the local authority may, after giving not less than 7 days' notice to the owner or occupier concerned, carry out the work necessary to remedy the defect, and may recover the expenses reasonably incurred by them in so doing from the person on whom the notice was served, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier:  
Provided that the local authority may, if they think fit, remit such part of the expenses as seems to them to be equitable.
- (4) If it appears to the medical officer of health or sanitary inspector that immediate action is required to remedy a defect, and he so certifies in writing to the local authority, the foregoing provisions of this section shall apply with the following modifications—
  - (a) the period specified in a notice under subsection (1) shall be 48 hours;
  - (b) subsection (2) shall not apply; and
  - (c) the period specified in subsection (3) shall not apply and the authority may proceed to carry out the work forthwith.
- (5) In this section “defect” includes any obstruction in a drain or sewage treatment works, and “defective” shall be construed accordingly.

**Modifications etc. (not altering text)**

- C1** References to medical officer of health and sanitary inspector to be construed as references to the proper officer of a local authority: [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. I para. 2](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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