



# 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 <sup>F1</sup>... shall be entitled to connect his drains or private sewers with the sewers or sewage treatment works of [<sup>F2</sup>Scottish Water] , 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 [<sup>F3</sup>Scottish Water] 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 [<sup>F4</sup>Scottish Water], 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 [<sup>F5</sup>Scottish Water] notice of his proposals, and within 28 days of the receipt by [<sup>F6</sup>it] of the notice [<sup>F5</sup>Scottish Water] may refuse permission for the connection or alteration, or grant permission for the connection or alteration, subject to such conditions as [<sup>F7</sup>it thinks] 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) [<sup>F4</sup>Scottish Water] shall forthwith intimate to the owner [<sup>F8</sup>its] 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 [<sup>F8</sup>its] decision and of his right of appeal under subsection (5) below.

*Status: Point in time view as at 01/04/2002.*

*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 14 January 2024. 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 [<sup>F9</sup>Scottish Water] so as to enable [<sup>F10</sup>it] to supervise the execution of the work, and shall afford [<sup>F10</sup>it] 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>F11</sup>road], [<sup>F12</sup>Scottish Water] may undertake the work in the [<sup>F11</sup>road] and may recover the expenses reasonably incurred by [<sup>F13</sup>it] 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 [<sup>F4</sup>Scottish Water] 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>F14</sup>£20,000], and [<sup>F15</sup>Scottish Water] 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 [<sup>F16</sup>it] in so doing.

#### Textual Amendments

- F1** Words in s. 12(1) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(a\)\(i\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F2** Words in s. 12(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(a\)\(ii\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F3** Words in s. 12(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(b\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F4** Words in s. 12(3)(4)(8) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 2](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)
- F5** Words in s. 12(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 4](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)
- F6** Word in s. 12(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(c\)\(i\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F7** Words in s. 12(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(c\)\(ii\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F8** Words in s. 12(4) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(d\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F9** Words in s. 12(6) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(e\)\(i\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F10** Words in s. 12(6) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(e\)\(ii\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F11** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 64\(3\)](#)
- F12** Words in s. 12(7) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(f\)\(i\)](#) (with s. 67); S.S.I 2002/118, {art. 2}
- F13** Words in s. 12(7) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 16\(f\)\(ii\)](#) (with s. 67); S.S.I 2002/118, {art. 2}

*Status: Point in time view as at 01/04/2002.*

*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 14 January 2024. 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)*

- F14** Word in s. 12(8) substituted (1.10.1991) by virtue of [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), **Sch. 10**, para. 5(a); S.I. 1991/2187, art. 3, **Sch.**
- F15** Words in s. 12(8) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 3** (with s. 67); S.S.I. 2002/118, **art. 2**
- F16** Word in s. 12(8) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 16(g)** (with s. 67); S.S.I 2002/118, {art. 2}

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

**F17** .....

#### Textual Amendments

- F17** S. 13 repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 17** (with s. 67); S.S.I. 2002/118, **art. 2**

### 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 <sup>F18</sup>Scottish Water] by virtue of section 12(3) above <sup>F19</sup>... , or sewage treatment works in respect of which notice has been given under subsection (2) below, <sup>F20</sup>Scottish Water] may, if <sup>F21</sup>it considers] that the proposed drain, sewer or works is, or is likely to be, needed to form part of a general sewerage system which <sup>F22</sup>it has] provided or propose to provide, within 28 days of the receipt by <sup>F23</sup>it] 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 <sup>F24</sup>Scottish Water] .
- (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 <sup>F25</sup>Scottish Water] so as to enable <sup>F26</sup>it] to supervise the execution of the work and shall afford <sup>F26</sup>it] all reasonable facilities for so doing.
- (5) <sup>F27</sup>Where Scottish Water has issued a direction under subsection (1) above, it] 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 <sup>F20</sup>Scottish Water], <sup>F28</sup>it] 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 <sup>F29</sup>its] 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 <sup>F18</sup>Scottish Water] 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

*Status: Point in time view as at 01/04/2002.*

*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 14 January 2024. 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)*

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 [F30]level 4 on the standard scale].

#### Textual Amendments

- F18** Words in s. 14(1)(6) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 2** (with s. 67); S.S.I. 2002/118, **art. 2**
- F19** Words in s. 14(1) repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F20** Words in s. 14(1)(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 4** (with s. 67); S.S.I. 2002/118, **art. 2**
- F21** Words in s. 14(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F22** Words in s. 14(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(a)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F23** Words in s. 14(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, {Sch. 5 para. 18(a)(iv)} (with s. 67); S.S.I. 2002/118, **art. 2**
- F24** Words in s. 14(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F25** Words in s. 14(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(c)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F26** Words in s. 14(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(c)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F27** Words in s. 14(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(d)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F28** Words in s. 14(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(d)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F29** Words in s. 14(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 18(d)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F30** 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 [F31] or [F32] Scottish Water [F32]] that as respects any premises in their [F33] or, as the case may be, its] area the drains or sewage treatment works serving such premises (other than drains or works vested in [F34] Scottish Water]) are defective, [F35] the local authority or, as the case may be, Scottish Water] may by notice require the owner or occupier of the premises, within a reasonable time therein specified, to remedy the defect.
- (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 [F36] local [F36] [F37] authority which served the notice ] may, after giving not less than 7 days' notice [F38] or, where the notice was served by Scottish Water, that body] to the owner or occupier concerned, carry out the work necessary to remedy the defect, and

*Status: Point in time view as at 01/04/2002.*

*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 14 January 2024. 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)*

may recover the expenses reasonably incurred by them <sup>F39</sup>or, as the case may be, it] 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 <sup>F36</sup>local<sup>F36</sup> <sup>F40</sup>authority in question <sup>F41</sup>or, as the case may be, Scottish Water<sup>F41</sup> <sup>F42</sup>may, if they think <sup>F42</sup>or it thinks] fit, remit such part of the expenses as seems to them <sup>F39</sup>or, as the case may be, it] to be equitable.

- (4) If it appears to <sup>F43</sup>a local authority or <sup>F32</sup>Scottish Water<sup>F32</sup> that immediate action is required to remedy a defect], 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 <sup>F44</sup>local] authority <sup>F45</sup>which served the notice]<sup>F46</sup>or, where the notice was served by Scottish Water, that body] 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.

#### Textual Amendments

- F31** Words in s. 15(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(a)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F32** Words in s. 15(1)(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 2** (with s. 67); S.S.I. 2002/118, **art. 2**
- F33** Words in s. 15(1) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F34** Words in s. 15(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 3** (with s. 67); S.S.I. 2002/118, **art. 2**
- F35** Words in s. 15(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F36** Words in s. 15(3) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F37** Words in s. 15(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(b)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F38** Words in s. 15(3) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F39** Words in s. 15(3) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F40** Words in proviso to s. 15(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(b)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F41** Words in s. 15(3) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(b)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F42** Words in s. 15(3) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(b)(v)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F43** Words in s. 15(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(c)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F44** Word in s. 15(4)(c) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(c)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F45** Words in s. 15(4)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(c)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F46** Words in s. 15(4)(c) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 19(c)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**

---

*Status: Point in time view as at 01/04/2002.*

**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 14 January 2024. 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)

---

**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 01/04/2002.

**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 14 January 2024. 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.