



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 ^{F1}... shall be entitled to connect his drains or [^{F2}, private sewers or private SUD systems]with the sewers[^{F3}, SUD systems] or sewage treatment works of [^{F4}Scottish Water] , and the occupier of any such premises shall be entitled
 - [^{F5}(a)] by means of those drains or private sewers to drain into those sewers or works the domestic sewage^{F6}, and
 - (b) by means of those drains, private sewers or private SUD systems, to drain into those sewers, systems or works the surface water,from those premises .]
- (2) An owner shall not, under the foregoing subsection, be entitled to connect his drains [^{F7}, sewers or SUD systems]with the sewers[^{F8}, SUD systems] or works of [^{F9} Scottish Water] unless the intervening land is land through which the owner is entitled to construct a drain [^{F10} , sewer or SUD system] .
- (3) The owner of any premises who proposes to connect his drains [^{F11}, sewers or SUD systems] with the sewers [^{F12}, SUD systems]or works of [^{F13} Scottish Water] , or to alter a drain [^{F14}, sewer or SUD system] connected with such sewer[^{F15} , system] or works in such a manner as may interfere with them, shall give to [^{F16} Scottish Water] notice of his proposals, and within 28 days of the receipt by [^{F17} it] of the notice [^{F16} Scottish Water] may refuse permission for the connection or alteration, or grant permission for the connection or alteration, subject to such conditions as [^{F18} 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

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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) [F13 Scottish Water] shall forthwith intimate to the owner [F19 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 [F19 its] decision and of his right of appeal under subsection (5) below.
- (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 [F20 Scottish Water] so as to enable [F21 it] to supervise the execution of the work, and shall afford [F21 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 [F22 road] , [F23 Scottish Water] may undertake the work in the [F22 road] and may recover the expenses reasonably incurred by [F24 it] in so doing from the person for whom the work was done.
- (8) Any person who connects a drain [F25 , sewer or SUD system] to the sewers [F26 , SUD systems] or works of [F13 Scottish Water] or alters a drain [F25 , sewer or SUD system] 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 [F27 £40,000] , and [F28 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 [F29 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 (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(a\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F3** Words in s. 12(1) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(b\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F4** 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 }
- F5** Word in s. 12(1) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(c\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F6** Words in s. 12(1) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(d\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F7** Words in s. 12(2) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(3\)\(a\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F8** Word in s. 12(2) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(3\)\(b\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F9** 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 }

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- F10** Words in s. 12(2) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(3)(c)**; S.S.I. 2007/512, art. 2(c)
- F11** Words in s. 12(3) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(a)**; S.S.I. 2007/512, art. 2(c)
- F12** Words in s. 12(3) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(b)**; S.S.I. 2007/512, art. 2(c)
- F13** 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
- F14** Words in s. 12(3) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(c)**; S.S.I. 2007/512, art. 2(c)
- F15** Words in s. 12(3) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(d)**; S.S.I. 2007/512, art. 2(c)
- F16** 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
- F17** 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}
- F18** 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}
- F19** 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}
- F20** 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}
- F21** 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}
- F22** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 64(3)**
- F23** 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}
- F24** 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}
- F25** Words in s. 12(8) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(5)(a)**; S.S.I. 2007/512, art. 2(c)
- F26** Words in s. 12(8) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(5)(b)**; S.S.I. 2007/512, art. 2(c)
- F27** Word in s. 12(8) substituted (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), s. 145(2), **Sch. 2 para. 1(2)**; S.S.I. 2004/420, art. 3, Sch. 1
- F28** 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
- F29** 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.

F30

Textual Amendments

- F30** 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

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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 [^{F31}, sewer or SUD system] in respect of which notice has been given to [^{F32}Scottish Water] by virtue of section 12(3) above ^{F33} ... , or sewage treatment works in respect of which notice has been given under subsection (2) below, [^{F34}Scottish Water] may, if [^{F35}it considers] that the proposed drain, sewer [^{F36}, SUD system] or works is, or is likely to be, needed to form part of a general sewerage system which [^{F37}it has] provided or propose to provide, within 28 days of the receipt by [^{F38}it] of the notice direct him to construct the drain, sewer [^{F36}, SUD system] or works in a manner differing from that in which he proposes to construct the drain, sewer [^{F36}, SUD system] 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 [^{F39}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 [^{F40}Scottish Water] so as to enable [^{F41}it] to supervise the execution of the work and shall afford [^{F41}it] all reasonable facilities for so doing.
- (5) [^{F42}Where Scottish Water has issued a direction under subsection (1) above, it] shall pay to the person constructing the drain, sewer [^{F43}, SUD system] or sewage treatment works the extra expenses reasonably incurred by him in complying with the direction and, until the drain, sewer [^{F43}, SUD system] or works become vested in [^{F34}Scottish Water], [^{F44}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 [^{F43}, SUD system] or works as may be attributable to [^{F45}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 [^{F32}Scottish Water] to construct a drain, sewer [^{F46}, SUD system] 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 [^{F47}level 4 on the standard scale].

Textual Amendments

- F31** Words in s. 14(1) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), [Sch. 3 para. 11\(a\)\(i\)](#); S.S.I. 2007/512, art. 2(c)
- F32** 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](#)
- F33** 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](#)
- F34** 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](#)
- F35** 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](#)

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- F36** Words in s. 14(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 11(a)(ii)**; S.S.I. 2007/512, art. 2(c)
- F37** 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**
- F38** 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**
- F39** 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**
- F40** 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**
- F41** 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**
- F42** 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**
- F43** Words in s. 14(5) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 11(b)**; S.S.I. 2007/512, art. 2(c)
- F44** 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**
- F45** 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**
- F46** Words in s. 14(6) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 11(c)**; S.S.I. 2007/512, art. 2(c)
- F47** 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 [^{F48}or [^{F49}Scottish Water]] that as respects any premises in their [^{F50}or, as the case may be, its] area the drains [^{F51}, SUD systems] or sewage treatment works serving such premises (other than drains [^{F51}, SUD systems] or works vested in [^{F52}Scottish Water]) are defective, [^{F53}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 [^{F54}local][^{F55}authority which served the notice] may, after giving not less than 7 days' notice [^{F56}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 may recover the expenses reasonably incurred by them [^{F57}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 [^{F54}local][^{F58}authority in question [^{F59}or, as the case may be, Scottish Water]] may, if they think [^{F60}or it thinks] fit, remit such part of the expenses as seems to them [^{F57}or, as the case may be, it] to be equitable.

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- (4) If it appears to ^{F61}a local authority or ^{F49}Scottish Water] 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 ^{F62}local authority ^{F63}which served the notice]^{F64}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 ^{F65}, SUD system] or sewage treatment works, and “defective” shall be construed accordingly.

Textual Amendments

- F48** 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)**
- F49** 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**
- F50** 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**
- F51** Words in s. 15(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 12(a)**; S.S.I. 2007/512, art. 2(c)
- F52** 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**
- F53** 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**
- F54** 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**
- F55** 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)**
- F56** 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**
- F57** 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**
- F58** 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)**
- F59** 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**
- F60** 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**
- F61** 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)**
- F62** 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**
- F63** 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)**
- F64** 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**
- F65** Words in s. 15(5) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 12(b)**; S.S.I. 2007/512, art. 2(c)

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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](#)

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