



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART III

#### MISCELLANEOUS AND GENERAL

#### 46 Certain matter not to be passed into drains.

- (1) Without prejudice to the provisions of Part II of this Act, no person shall pass or permit to be passed into, or into a drain connecting with, a public sewer [<sup>F1</sup>, public SUD system ] or public sewage treatment works any matter or substance which, either alone or in combination with any matter or substance with which it is likely to come into contact while passing through any sewer [<sup>F2</sup>, SUD system ] or works, is likely to injure the sewer [<sup>F2</sup>, SUD system ] or works, or to interfere with the free flow of their contents, or to affect prejudicially the treatment or disposal of their contents or to be prejudicial to health:

Provided that it shall be a defence for any person charged with an offence under this section if he proves that at the time he so passed or permitted to be passed the matter or substance concerned he did not know, and could not reasonably be expected to know, that it would be likely to have the aforementioned effects.

- (2) A person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to [<sup>F3</sup>imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both)] [<sup>F4</sup>and on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment].

[<sup>F5</sup>(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.]

#### Textual Amendments

- F1** Words in s. 46 inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003](#) (asp 3), s. 38(1), **Sch. 3 para. 21(a)**; S.S.I. 2007/512, art. 2(c)

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**Changes to legislation:** *Sewerage (Scotland) Act 1968, Section 46 is up to date with all changes known to be in force on or before 19 May 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) View outstanding changes*

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- F2** Words in s. 46 inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), **Sch. 3 para. 21(b)**; S.S.I. 2007/512, art. 2(c)
- F3** Words in s. 46(2) substituted (21.12.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), **ss. 35(1)(a)**, 56(1)(2); S.S.I. 2013/342, art. 2(c)
- F4** Words added by [Control of Pollution Act 1974 \(c. 40\)](#), **Sch. 2 para. 25(b)**
- F5** S. 46(3) inserted (21.12.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), **ss. 35(1)(b)**, 56(1)(2); 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. 3A(3) inserted by [2003 asp 3 s. 30\(1\)](#)
- s. 8(1A) inserted by [2003 asp 3 s. 30\(2\)\(a\)](#)
- s. 12(2A) inserted by [2003 asp 3 s. 30\(3\)](#)
- s. 14A-14C inserted by [2003 asp 3 s. 30\(4\)](#)
- s. 16A(3) inserted by [2003 asp 3 s. 30\(5\)](#)
- s. 29A(3)(b)(c) substituted for s. 29A(3)(b) by [2014 asp 3 sch. 3 para. 1\(2\)\(b\)](#)