



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 9

STATUTORY NUISANCES

111 Statutory nuisance: land covered with water

(1) Section 79 of the 1990 Act is further amended as follows.

(2) In subsection (1), after paragraph (e), insert—

“(ea) any water covering land or land covered with water which is in such a state as to be prejudicial to health or a nuisance;”.

(3) After subsection (5), insert—

“(5ZA) For the purposes of subsection (1)(ea) above, “land”—

(a) includes structures (other than buildings) in, on or over land;

(b) does not include—

(i) mains or other pipes used for carrying a water supply;

(ii) any part of the public sewerage system;

(iii) any other sewers, drains or other pipes used for carrying sewage;

(iv) the foreshore, that is to say, the land between the high and low water marks of ordinary spring tides;

(v) the seabed.

(5ZB) In subsection (5ZA) above—

“drain”, “sewage” and “sewer” have the meanings given by section 59 of the Sewerage (Scotland) Act 1968 (c. 47);

“main” has the meaning given by section 109(1) of the Water (Scotland) Act 1980 (c. 45);

“pipe” includes a service pipe within the meaning of that section of that Act;

“public sewerage system” has the meaning given by section 29 of the Water Services etc. (Scotland) Act 2005 (asp 3).”.