



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 9

#### STATUTORY NUISANCES

#### 115 Sewerage nuisance: local authority powers

- (1) Section 26 of the Water Services etc. (Scotland) Act [2005 \(asp 3\)](#) is amended as follows.
- (2) In subsection (10), for the words from “nuisance” in the second place where it appears to the end, substitute “nuisance—
  - (a) which constitutes a sewerage nuisance; and
  - (b) in respect of which a sewerage code applies.”.
- (3) After that subsection, insert—
  - “(10A) Paragraphs 2, 3 and 5 of Schedule 3 to the Environmental Protection Act [1990 \(c. 43\)](#) apply to the exercise of functions by a local authority under this section as they apply to the exercise of functions under Part III of that Act, with the following modifications—
    - (a) in paragraph 2(1)(a), for “statutory nuisance” substitute “sewerage nuisance”;
    - (b) in paragraph 2(1)(b) and (4)(b), for “Part III” substitute “section 26 of the Water Services etc. (Scotland) Act [2005 \(asp 3\)](#)”;
    - (c) in paragraph 3(1), for the words from “, on summary conviction” to the end substitute—
      - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
      - (b) on conviction on indictment, to a fine.”;
    - (d) in paragraph 3(2), for the words from “, on summary conviction” to the end substitute—
      - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
      - (b) on conviction on indictment, to a fine.”;
    - (e) in paragraph 5—

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*Status: This is the original version (as it was originally enacted).*

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- (i) for the words “executing Part III” substitute “exercising functions under section 26 of the Water Services etc. (Scotland) Act 2005”;
- (ii) the words from “(other” to the end are to be disregarded.”.