



Water Resources (Scotland) Act 2013

2013 asp 5

PART 6

SEWERAGE NETWORK

Discharge into public sewer

34 Priority substances etc.

(1) In section 29 (decision on application for trade effluent consent) of the 1968 Act, after paragraph (o) of subsection (3) there is inserted—

“(p) the elimination from or diminution in any trade effluent of any priority substance or pollutant.”.

(2) After section 29 there is inserted—

“29A Priority substances etc.

(1) In section 29(3)(p)—

“pollutant” has the meaning given by regulation 2(1) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ([S.S.I. 2011/209](#)),

“priority substance” means substance listed in Annex X of Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (as amended from time to time).

(2) The Scottish Ministers may by regulations modify the definitions in subsection (1).

(3) Regulations may be made under subsection (2) only if the Scottish Ministers consider them to be necessary or expedient in consequence of any revocation or amendment of (as the case may be)—

(a) the Regulations or Directive mentioned in subsection (1), or

- (b) any subsequent regulations made under section 20 of the Water Environment and Water Services (Scotland) Act 2003 or directive concerning the same subject-matter as that Directive.

(4) Regulations under subsection (2) are subject to the negative procedure.”.

35 Substances generally

- (1) In section 46 (certain matter not to be passed into drains) of the 1968 Act—
 - (a) in subsection (2), for the words “a fine not exceeding £40,000” there is substituted “imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both)”,
 - (b) after subsection (2) there is inserted—
 - “(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.”.
- (2) After section 46 there is inserted—

“46A Offence as to fat, oil or grease

- (1) A person commits an offence if—
 - (a) the person passes, or permits to be passed, any relevant substance from trade premises into—
 - (i) a public sewer, or
 - (ii) a drain connecting with such a sewer, and
 - (b) the condition in subsection (2) is met.
- (2) The condition is that the relevant substance (alone or in combination with any matter with which it comes, or may come, into contact)—
 - (a) interferes with, or is likely to interfere with, the free flow of the contents of the sewer, or
 - (b) adversely affects, or is likely so to affect, the treatment or disposal of the contents of the sewer.
- (3) But no offence is committed under subsection (1) if the relevant substance is passed in accordance with the provisions of Part II of this Act.
- (4) In subsections (1) to (3), “relevant substance” means fat, oil or grease.
- (5) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

46B Damage caused by fat, oil or grease

- (1) Subsection (5) applies if—
 - (a) an owner or occupier of trade premises passes, or permits to be passed, any relevant substance from the premises into—

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

- (i) a public sewer, or
 - (ii) a drain connecting with such a sewer, and
 - (b) the condition in subsection (2) is met.
- (2) The condition is that, as a result—
- (a) the sewer or drain is damaged or blocked, or
 - (b) the free flow of the contents of the sewer is otherwise interfered with.
- (3) But subsection (5) does not apply if the relevant substance is passed in accordance with the provisions of Part II of this Act.
- (4) In subsections (1) and (3), “relevant substance” means fat, oil or grease.
- (5) Scottish Water may recover, from the owner or (as the case may be) occupier, any expenses that it reasonably incurs in investigating or remedying the damage, blockage or interference.”.

36 Powers of entry

In section 48 (powers of entry) of the 1968 Act, in subsection (1)—

- (a) in paragraph (f), at the beginning there is inserted “monitoring, inspecting, testing or”,
- (b) after paragraph (f) there is inserted—
 - “(g) installing or maintaining any monitoring, testing or sampling equipment for use on the premises,
 - (h) investigating the source of any matter or substance (other than sewage) which is passing from the premises into—
 - (i) public sewers, public SUD systems or public sewage treatment works; or
 - (ii) sewers, SUD systems or sewage treatment works not vested in Scottish Water but forming (or forming part of) any such system as is mentioned in the said section 46(1)(b)(ii).”.