



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

##### *Rights and duties of owners and occupiers*

#### **15 Owner or occupier to remedy defects in drains and other works.**

- (1) If it appears to a local authority [<sup>F1</sup>or [<sup>F2</sup>Scottish Water]] that as respects any premises in their [<sup>F3</sup>or, as the case may be, its] area the drains[<sup>F4</sup>, SUD systems ] or sewage treatment works serving such premises (other than drains [<sup>F4</sup>, SUD systems ] or works vested in [<sup>F5</sup>Scottish Water]) are defective, [<sup>F6</sup>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 [<sup>F7</sup>local][<sup>F8</sup>authority which served the notice ] may, after giving not less than 7 days' notice [<sup>F9</sup>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 [<sup>F10</sup>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 [<sup>F7</sup>local][<sup>F11</sup>authority in question [<sup>F12</sup>or, as the case may be, Scottish Water]] may, if they think [<sup>F13</sup>or it thinks] fit, remit such part of the expenses as seems to them [<sup>F10</sup>or, as the case may be, it] to be equitable.

*Changes to legislation: Sewerage (Scotland) Act 1968, Section 15 is up to date with all changes known to be in force on or before 19 October 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*

- (4) If it appears to <sup>[F14]</sup>a local authority or <sup>[F2]</sup>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 <sup>[F15]</sup>local authority <sup>[F16]</sup>which served the notice<sup>[F17]</sup>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 <sup>[F18]</sup>, SUD system ] or sewage treatment works, and “defective” shall be construed accordingly.

#### Textual Amendments

- F1** 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)**
- F2** 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**
- F3** 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**
- F4** 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)
- F5** 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**
- F6** 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**
- F7** 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**
- F8** 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)**
- F9** 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**
- F10** 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**
- F11** 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)**
- F12** 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**
- F13** 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**
- F14** 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)**
- F15** 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**
- F16** 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)**
- F17** 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**
- F18** 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](#)

**Changes to legislation:**

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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\(2\)\(b\)](#)