



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

##### *Duties and powers of local authorities*

#### **[<sup>F1</sup> 3A Authorisation of construction of certain private sewers etc.**

(1) Without prejudice to [<sup>F2</sup> its ] powers under section 3 of this Act (including any power to authorise the construction, on [<sup>F2</sup> its ] behalf, of a public sewer), [<sup>F3</sup> Scottish Water ] may authorise a person to construct, within [<sup>F2</sup> its ] area but whether or not connecting with [<sup>F2</sup> its ] sewers or sewage treatment works, a sewer—

- (a) in, under or over any road, or under any cellar or vault below any road; or
- (b) in, on or over any land which does not form part of a road and is not land as respects which he is owner, lessee or occupier,

but where authorisation is so given, subsection (2) of section 3 of this Act shall apply in respect of the person and the construction proposed as that subsection applies in respect of a sewerage authority and works proposed by [<sup>F4</sup> it ] under subsection (1) of that section.

(2) [<sup>F5</sup> Scottish Water ] —

- (a) in giving authorisation to a person under subsection (1) above; or
- (b) as respects any sewer [<sup>F6</sup> or SUD system ] (not being a sewer constructed by or on behalf of [<sup>F7</sup> Scottish Water ] ) whose construction by a person does not require such authorisation,

may, in a case where the proposed sewer [<sup>F8</sup> or system ] will connect with [<sup>F9</sup> its ] sewers [<sup>F10</sup> , SUD systems ] or sewage treatment works, determine (and by written notice advise the person) that all, or a part which [<sup>F11</sup> it ] shall specify in the notice, of the sewer [<sup>F8</sup> or system ] constructed shall not vest in [<sup>F12</sup> it ] through the operation of section 16(1)(c) of this Act and shall instead vest in him; but notwithstanding the determination [<sup>F13</sup> Scottish Water ] may, on such terms and conditions as [<sup>F14</sup> it ] thinks

*Changes to legislation: Sewerage (Scotland) Act 1968, Section 3A is up to date with all changes known to be in force on or before 09 December 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*

] fit, then or at some later time enter into an agreement under which the sewer [<sup>F8</sup> or system ], or as the case may be the part, shall vest in [<sup>F12</sup> it ] . ]

#### Textual Amendments

- F1** S. 3A and sidenote inserted (4.1.1995) by 1994 c. 39, s. 101 (with s. 74(4)); S.I. 1994/2850, art. 3(a), **Sch. 2** (with art. 4)
- F2** Words in s. 3A(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(a)(i)** (with s. 67); S.I. 2002/118, art. 2
- F3** Words in s. 3A(1) 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
- F4** Word in s. 3A(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(a)(ii)** (with s. 67); S.I. 2002/118, art. 2
- F5** Words in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 3** (with s. 67); S.I. 2002/118, art. 2
- F6** Words in s. 3A(2)(b) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 5(a)**; S.S.I. 2007/512, art. 2(c)
- F7** Words in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 4** (with s. 67); S.I. 2002/118, art. 2
- F8** Words in s. 3A(2)(b) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 5(b)**; S.S.I. 2007/512, art. 2(c)
- F9** Word in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(b)(i)** (with s. 67); S.I. 2002/118, art. 2
- F10** Words in s. 3A(2)(b) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 5(c)**; S.S.I. 2007/512, art. 2(c)
- F11** Word in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(b)(ii)** (with s. 67); S.I. 2002/118, art. 2
- F12** Words in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(b)(iii)** (with s. 67); S.I. 2002/118, art. 2
- F13** Words in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 3** (with s. 67); S.I. 2002/118, art. 2
- F14** Words in s. 3A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 8(b)(iv)** (with s. 67); S.I. 2002/118, art. 2

#### Modifications etc. (not altering text)

- C1** S. 3A: power to modify conferred (*temp.* from 4.1.1995 to 1.4.1996) by 1994 c. 39, s. 182(2); S.I. 1994/2850, art. 3(a), **Sch. 2** (with art. 4)

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Section 3A is up to date with all changes known to be in force on or before 09 December 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.

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