Status: Point in time view as at 02/08/2005.
Changes to legislation: There are currently no known outstanding effects for the Local
Government etc. (Scotland) Act 1994, Section 102. (See end of Document for details)

Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

Amendment of Sewerage (Scotland) Act 1968

102   Emptying of septic tanks.

For section 10 of the 1968 Act (whereby local authorities are under a duty to empty septic tanks only where they have passed a resolution electing to do so) there shall be substituted—

> "**10   Emptying of septic tanks.**
>
> (1) It shall be the duty of a sewerage authority to empty a septic tank serving premises in their area on their being requested to do so by the owner or occupier of the premises; but that duty is subject to subsection (2) below and as respects any particular septic tank—
>
>> (a)   to its being reasonably practicable to empty the tank; and
>>
>> (b)   to all proper charges for their doing so being timeously paid.
>
> (2) The duty does not extend to septic tanks which receive trade effluent; but the authority may, at the request of an owner or occupier of premises served by any such septic tank, agree to empty it on such conditions as to payment or otherwise as they think fit.
>
> (3) If any question arises under this section as to whether emptying is reasonably practicable or as to whether a septic tank receives trade effluent, it shall be determined summarily by the sheriff, whose decision in the matter shall be final.

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Local Government etc. (Scotland) Act 1994 (c. 39)
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(4) For the purposes of subsection (1) above, a charge is proper if fixed in accordance with, and timeously paid if paid in accordance with, a charges scheme (within the meaning of Part II of the Local Government etc. (Scotland) Act 1994).".

Local Government etc. (Scotland) Act 1994 (c. 39)
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