



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I

GENERAL PROVISIONS AS TO SEWERAGE

Vesting of sewers, drains and works

16 Vesting of sewers and other works in local authority.

- (1) ^{F1}There shall vest in ^{F2}Scottish Water]—
- (a) all sewers ^{F3}, SUD systems] and sewage treatment works constructed by ^{F4}it] at ^{F5}its] expense in pursuance of section 1 above;
 - (b) all junctions with ^{F5}its] sewers, ^{F6}. . . whether constructed at the expense of ^{F7}Scottish Water] or otherwise;
 - ^{F8}(c) subject to any determination notified under subsection (2) of section 3A of this Act, all private sewers ^{F9} and private SUD systems] connecting with ^{F5}its] sewers or sewage treatment works;
 - (cc) where ^{F10} it enters] into an agreement under subsection (2) of the said section 3A or under subsection (2) of section 16A of this Act (and subject to the terms of that agreement), all private sewers ^{F11} and private SUD systems] , or as the case may be parts of sewers ^{F11} and systems] , to which the agreement relates;]
 - (d) all sewage treatment works ^{F12} and SUD systems] taken over by ^{F4}it] by virtue of an agreement under section 8 above; and
 - (e) all sewage treatment works ^{F13}and SUD systems]taken over by ^{F4}it] under section 17 below.
- (2) Private sewers ^{F14}, private SUD systems] and junctions with sewers referred to in the foregoing subsection which are completed after ^{F15}^{F16}the date when section 21 of the Water Industry (Scotland) Act 2002 (asp 3) comes into force] shall vest in ^{F17}Scottish Water]] on the date of their completion, and the works ^{F18}and SUD systems] referred to in paragraph (e) of the foregoing subsection shall vest in ^{F19}Scottish Water] in accordance with the provisions of section 17 below.

Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Vesting of sewers, drains and works is up to date with all changes known to be in force on or before 22 May 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

- (3) All sewers, junctions therewith, drains [^{F20}, SUD systems] and sewage treatment works vested in [^{F21}Scottish Water] shall be the property of [^{F21}Scottish Water which] shall be solely responsible for their management, maintenance and renewal.
- (4) In this section “junction” means the junction between a public sewer and any other sewer or drain.

Textual Amendments

- F1** Words in s. 16(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(a)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F2** Words in s. 16(1)(3) 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. 16(1)(a) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(a)(i)**; S.S.I. 2007/512, art. 2(c)
- F4** Words in s. 16(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 20(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F5** Words in s. 16(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 20(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F6** Words repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F7** Words in s. 16(1)(b)(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 4** (with s. 67); S.S.I. 2002/118, **art. 2**
- F8** S. 16(1)(c)(cc) substituted for s. 16(1)(c) (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(a)(ii)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F9** Words in s. 16(1)(c) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(a)(ii)**; S.S.I. 2007/512, art. 2(c)
- F10** Words in s. 16(1)(cc) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 20(a)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F11** Words in s. 16(1)(cc) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(a)(iii)**; S.S.I. 2007/512, art. 2(c)
- F12** Words in s. 16(1)(d) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(a)(iv)**; S.S.I. 2007/512, art. 2(c)
- F13** Words in s. 16(1)(e) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(a)(v)**; S.S.I. 2007/512, art. 2(c)
- F14** Words in s. 16(2) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(b)(i)**; S.S.I. 2007/512, art. 2(c)
- F15** Words in s. 16(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F16** Words in s. 16(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 20(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F17** Words in s. 16(2) 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**
- F18** Words in s. 16(2) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(b)(ii)**; S.S.I. 2007/512, art. 2(c)
- F19** Words in s. 16(1)(b)(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 4** (with s. 67); S.S.I. 2002/118, **art. 2**
- F20** Words in s. 16(3) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 13(c)**; S.S.I. 2007/512, art. 2(c)
- F21** Words in s. 16(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 20(c)** (with s. 67); S.S.I. 2002/118, **art. 2**

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Modifications etc. (not altering text)

- C1 S. 16: 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)

[^{F22} 16A Vesting of certain private sewers.

- (1) Subject to any agreement entered into under subsection (2) below, there shall vest in a person authorised, under subsection (1) of section 3A of this Act, by [^{F23} Scottish Water] to construct a sewer not connecting with [^{F24} its] sewers or sewage treatment works the sewer constructed; and any sewer vested in a person by this subsection [^{F25} and any sewer or SUD system vested in a person] by a determination under subsection (2) of that section shall be his property and he solely responsible for its management, maintenance and renewal.
- (2) Notwithstanding subsection (1) above, [^{F26} Scottish Water] may, on such terms and conditions as [^{F27} it thinks] fit, at any time enter into an agreement under which the sewer [^{F28} or SUD system] , or any part of it, shall vest in [^{F29} it] .]

Textual Amendments

- F22 S. 16A and sidenote inserted (4.1.1995) by 1994 c. 39, s. 180(1), Sch. 13 para. 75(14); S.I. 1994/2850, art. 3(c)(vi) (with art. 4)
- F23 Words in s. 16A(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
- F24 Words in s. 16A(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, Sch. 5 para. 21(a) (with s. 67); S.S.I. 2002/118, art. 2
- F25 Words in s. 16A(1) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), Sch. 3 para. 14(a); S.S.I. 2007/512, art. 2(c)
- F26 Words in s. 16A(2) 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
- F27 Words in s. 16A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, Sch. 5 para. 21(b)(i) (with s. 67); S.S.I. 2002/118, art. 2
- F28 Words in s. 16A(2) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), Sch. 3 para. 14(b); S.S.I. 2007/512, art. 2(c)
- F29 Words in s. 16A(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, Sch. 5 para. 21(b)(ii) (with s. 67); S.S.I. 2002/118, art. 2

Modifications etc. (not altering text)

- C2 S. 16A: 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)

17 Local authority may take over private sewage treatment works.

- (1) Subject to the provisions of this section, [^{F30} Scottish Water] may, by agreement with the owner of [^{F31} any private sewage treatment works [^{F32} or private SUD system]], or failing such agreement, in pursuance of proposals made by [^{F33} it] under subsection (2) below, take over the works [^{F34} or system] .
- (2) [^{F35} Scottish Water] may, by notice served on the owner of works [^{F36} or a SUD system] as mentioned in the foregoing subsection, intimate [^{F37} its] proposals to take over the works [^{F38} or system] within such period, not being less than 2 months, as may be

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specified in the notice, and on such conditions, including if [^{F39}it thinks] fit conditions as to payment of compensation by [^{F40}it], as may be so specified ^{F41}... ; any notice served under this subsection shall inform the owner of his right of appeal under subsection (3) below.

- (3) If an owner on whom a notice has been served under subsection (2) above is aggrieved by the notice, he may, within the period specified in the notice, appeal to the Secretary of State who may confirm the proposals of [^{F42}Scottish Water] and any conditions so specified either with or without modification or refuse to confirm them.
- (4) All works [^{F43}and any SUD system] taken over by [^{F44}Scottish Water] under this section shall vest in [^{F45}it] in accordance with the terms of any agreement made under subsection (1) above, or failing such agreement, at the end of the period specified under subsection (2) above or on such date as may be specified by the Secretary of State in his decision on an appeal under subsection (3) above.
- (5) Subject to the provisions of this Act, a person who immediately before the taking over of works [^{F46}or a SUD system] under this section was lawfully entitled to use them [^{F47}or it] shall continue to be so entitled after they have [^{F48}or it has] been so taken over.
- (6) An agreement under subsection (1) above or proposals under subsection (2) above may relate to a part only of works [^{F49}or a SUD system].

Textual Amendments

- F30** Words in s. 17(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F31** Words in s. 17(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F32** Words in s. 17(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(a)(i)**; S.S.I. 2007/512, art. 2(c)
- F33** Words in s. 17(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(a)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F34** Words in s. 17(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(a)(ii)**; S.S.I. 2007/512, art. 2(c)
- F35** Words in s. 17(2) 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**
- F36** Words in s. 17(2) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(b)(i)**; S.S.I. 2007/512, art. 2(c)
- F37** Words in s. 17(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F38** Words in s. 17(2) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(b)(ii)**; S.S.I. 2007/512, art. 2(c)
- F39** Words in s. 17(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F40** Words in s. 17(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F41** Words in s. 17(2) repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(b)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F42** Words in s. 17(3) 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**
- F43** Words in s. 17(4) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(c)**; S.S.I. 2007/512, art. 2(c)

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- F44** Words in s. 17(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**
- F45** Words in s. 17(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 22(c)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F46** Words in s. 17(5) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(d)(i)**; S.S.I. 2007/512, art. 2(c)
- F47** Words in s. 17(5) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(d)(ii)**; S.S.I. 2007/512, art. 2(c)
- F48** Words in s. 17(5) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(d)(iii)**; S.S.I. 2007/512, art. 2(c)
- F49** Words in s. 17(6) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 15(e)**; S.S.I. 2007/512, art. 2(c)

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