



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

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

#### **1 Duty of local authority to provide for sewerage of their area.**

- (1) Subject to the provisions of this Act, it shall be the duty of [<sup>F1</sup>Scottish Water] to provide such public sewers [<sup>F2</sup>and public SUD systems ] as may be necessary for effectually draining [<sup>F3</sup>its] area of domestic sewage, surface water and trade effluent, and to make such provision, by means of sewage treatment works or otherwise, as may be necessary for effectually dealing with the contents of [<sup>F3</sup>its] sewers [<sup>F4</sup>and SUD systems ].
- [<sup>F5</sup>(2) Without prejudice to the generality of subsection (1) above—
- (a) [<sup>F6</sup> Scottish Water ] shall, subject to paragraph (b) below, take [<sup>F7</sup> its ] public sewers to such point or points as will enable the owners of premises which are to be served by the sewers to connect their drains or private sewers with the public sewers at reasonable cost;
  - (b) where [<sup>F8</sup> Scottish Water ] have agreed with some other person (in this section referred to as the “ private provider ”) that he will take a private sewer to such point or points as will enable owners to make such connection as is mentioned in paragraph (a) above, that paragraph shall not apply while the agreement subsists. ]
- (3) The duties imposed by the foregoing subsections shall not require [<sup>F9</sup>Scottish Water] to do anything which is not practicable at a reasonable cost.
- [<sup>F10</sup>(3A) Subsection (3) shall not apply to such cases or descriptions of case as the Scottish Ministers may direct.
- (3B) In determining what is a reasonable cost for the purpose of subsection (3) so far as relating to subsection (2)(a), the costs to be taken into account include the costs of—

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- (a) constructing such other public sewers, public SUD systems and such public sewage treatment works, and
- (b) carrying out such other work,

as Scottish Water considers necessary in consequence of the connection referred to in subsection (2)(a).

(3C) Subject to subsection (3B), any question as to what is a reasonable cost for the purposes of this section shall be determined in accordance with regulations made by the Scottish Ministers.

(3D) Such regulations may, in particular, make provision as to—

- (a) the matters to be taken into, or left out of, account,
- (b) the criteria to be applied,
- (c) the method of calculation to be adopted,

in determining what is a reasonable cost for those purposes, and may make different provision for different cases and descriptions of case.]

(4) If any question arises under this section as to whether [F11] a reasonable cost has been properly determined in accordance with regulations made under subsection (3C) or [anything is or is not practicable at a reasonable cost or as to the point or points to which [F12] a public sewer, or under an agreement such as is mentioned in paragraph (b) of subsection (2) above the private sewer of a private provider,] must be taken to enable drains or private sewers to be connected therewith at a reasonable cost, the [F13] Water Industry Commission for Scotland], if requested to do so by any person aggrieved, shall, after consultation with that person and with [F14][F8] Scottish Water], or as the case may be [F15] the private provider, concerned], determine that question, and [F16][F17] Scottish Water] or [F15] the private provider] shall give effect to [F18] its] determination.

[F19] (4A) The Commission—

- (a) shall prepare a statement which specifies the procedure to be followed for the purposes of its determining questions under subsection (4) above, and
- (b) may from time to time revise the statement.

(4B) In preparing or revising the statement, the Commission shall consult Scottish Water and such other persons as it considers appropriate.

(4C) The Commission shall, on payment of such reasonable fee (if any) as the Commission may determine, send a copy of the statement to any person who requests it.]

F20 [F21] ( 5 ) . . . . .

(6) The power to make regulations under [F22][F23] subsection (3C)] above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[F24] (7) The duties imposed by subsections (1) and (2) above shall not require Scottish Water to do anything which is prejudicial to its compliance with—

- (a) any directions given to it under section 56 of the Water Industry (Scotland) Act 2002 (asp 3) so far as setting objectives of a type referred to in section 56A of that Act, or
- (b) a statement of policy issued under section 29D of that Act.]]

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## Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 5(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F2** Words in s. 1(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 2(a)**; S.S.I. 2007/512, art. 2(c)
- F3** Words in s. 1(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 5(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F4** Words in s. 1(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 2(b)**; S.S.I. 2007/512, art. 2(c)
- F5** S. 1(2) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(2)(b)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F6** Words in s. 1(2)(a)(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**
- F7** Word in s. 1(2)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 5(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F8** Words in s. 1(2)(b)(4) 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**
- F9** Words in s. 1(2)(a)(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**
- F10** S. 1(3A)-(3D) inserted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **ss. 29(2), 38(1)** (with s. 35(2)); S.S.I. 2006/55, art. 2(a)
- F11** Words in s. 1(4) inserted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **ss. 29(3), 38(1)** (with s. 35(2)); S.S.I. 2006/55, art. 2(a)
- F12** Words in s. 1(4) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(2)(d)(i)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F13** Words in s. 1(4) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(1)(a), 37(2)** (with s. 36); S.S.I. 2006/167, art. 2, Sch. 1 (with art. 3(1))
- F14** Words in s. 1(4) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(2)(d)(ii)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F15** Words in s. 1(4) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 5(c)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F16** Words in s. 1(4) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(2)(d)(iii)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F17** Words in s. 1(4) 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**
- F18** Word in s. 1(4) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(1)(a), 37(2)** (with s. 36); S.S.I. 2006/167, art. 2, Sch. 1 (with art. 3(1))
- F19** S. 1(4A)-(4C) inserted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(1)(b), 37(2)** (with s. 36); S.S.I. 2006/167, art. 2, Sch. 1 (with art. 3(1))
- F20** S. 1(5) repealed (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(1)(c), 37(2)** (with s. 36); S.S.I. 2006/167, art. 2, Sch. 1 (with art. 3(1))
- F21** S. 1(5)(6) added (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(2)(e)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F22** Word in s. 1(6) substituted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **ss. 29(4), 38(1)** (with s. 35(2)); S.S.I. 2006/55, art. 2(a)
- F23** Words in s. 1(6) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(1)(d), 37(2)** (with s. 36); S.S.I. 2006/167, art. 2, Sch. 1 (with art. 3(1))
- F24** S. 1(7) added (1.7.2005) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 24(1), 37(2)** (with s. 36); S.S.I. 2005/351, art. 2, Sch. 2

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

**C1** S. 1: 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)

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