



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

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

#### **12 Rights of owners and occupiers to connect with and drain into public sewers etc.**

- (1) Subject to the provisions of this section and of section 14 below, the owner of any premises <sup>F1</sup>... shall be entitled to connect his drains or [<sup>F2</sup>, private sewers or private SUD systems ]with the sewers[<sup>F3</sup>, SUD systems ] or sewage treatment works of [<sup>F4</sup>Scottish Water] , and the occupier of any such premises shall be entitled
  - [<sup>F5</sup>(a)] by means of those drains or private sewers to drain into those sewers or works the domestic sewage<sup>F6</sup>, and
  - (b) by means of those drains, private sewers or private SUD systems, to drain into those sewers, systems or works the surface water,from those premises . ]
- (2) An owner shall not, under the foregoing subsection, be entitled to connect his drains [<sup>F7</sup>, sewers or SUD systems ]with the sewers[<sup>F8</sup>, SUD systems ] or works of [<sup>F9</sup> Scottish Water ] unless the intervening land is land through which the owner is entitled to construct a drain [<sup>F10</sup> , sewer or SUD system ] .
- (3) The owner of any premises who proposes to connect his drains [<sup>F11</sup> , sewers or SUD systems ] with the sewers [<sup>F12</sup> , SUD systems ] or works of [<sup>F13</sup> Scottish Water ] , or to alter a drain [<sup>F14</sup> , sewer or SUD system] connected with such sewer[<sup>F15</sup> , system ] or works in such a manner as may interfere with them, shall give to [<sup>F16</sup> Scottish Water ] notice of his proposals, and within 28 days of the receipt by [<sup>F17</sup> it ] of the notice [<sup>F16</sup> Scottish Water ] may refuse permission for the connection or alteration, or grant permission for the connection or alteration, subject to such conditions as [<sup>F18</sup> it thinks ] fit, and any such permission may in particular specify the mode and point of connection and, where there are separate public sewers for foul water and surface

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water, prohibit the discharge of foul water into the sewer reserved for surface water, and prohibit the discharge of surface water into the sewer reserved for foul water.

- (4) <sup>F13</sup> Scottish Water ] shall forthwith intimate to the owner <sup>F19</sup> its ] decision on any proposals made by him under subsection (3) above, and, where permission is refused, or granted subject to conditions, shall inform him of the reasons for <sup>F19</sup> its ] decision and of his right of appeal under subsection (5) below.
- (5) If a person to whom a decision has been given under subsection (4) above is aggrieved by the decision or any conditions attached thereto, he may appeal to the Secretary of State who may confirm the decision and any such conditions either with or without modification or refuse to confirm it.
- (6) Where permission has been granted as mentioned in subsection (3) above or by virtue of subsection (5) above, the person to whom it was granted shall, before commencing any work in pursuance of that permission, give not less than 3 days' notice to <sup>F20</sup> Scottish Water ] so as to enable <sup>F21</sup> it ] to supervise the execution of the work, and shall afford <sup>F21</sup> it ] all reasonable facilities for so doing.
- (7) Where any work to be done in pursuance of a permission granted under subsection (3) above or by virtue of subsection (5) above involves the breaking open of a <sup>F22</sup> road ] , <sup>F23</sup> Scottish Water ] may undertake the work in the <sup>F22</sup> road ] and may recover the expenses reasonably incurred by <sup>F24</sup> it ] in so doing from the person for whom the work was done.
- (8) Any person who connects a drain <sup>F25</sup> , sewer or SUD system] to the sewers <sup>F26</sup> , SUD systems ] or works of <sup>F13</sup> Scottish Water ] or alters a drain <sup>F25</sup> , sewer or SUD system ] without permission granted under this section, or contrary to any conditions attached thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding <sup>F27</sup> £40,000 ] , and <sup>F28</sup> Scottish Water ] may, whether or not proceedings have been taken under this subsection, close, remove or remake any such unlawful connection, and recover from the offender any expenses reasonably incurred by <sup>F29</sup> it ] in so doing.

#### Textual Amendments

- F1** Words in s. 12(1) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#) , s. 71 , [Sch. 5 para. 16\(a\)\(i\)](#) (with s. 67 ) ; S.S.I 2002/118, {art. 2}
- F2** Words in s. 12(1) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(a\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F3** Words in s. 12(1) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(b\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F4** Words in s. 12(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#) , s. 71 , [Sch. 5 para. 16\(a\)\(ii\)](#) (with s. 67 ) ; S.S.I 2002/118, {art. 2}
- F5** Word in s. 12(1) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(c\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F6** Words in s. 12(1) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(2\)\(d\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F7** Words in s. 12(2) substituted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(3\)\(a\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F8** Word in s. 12(2) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#) , s. 38(1) , [Sch. 3 para. 10\(3\)\(b\)](#) ; S.S.I. 2007/512 , art. 2(c)
- F9** Words in s. 12(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#) , s. 71 , [Sch. 5 para. 16\(b\)](#) (with s. 67 ) ; S.S.I 2002/118, {art. 2}

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- F10** Words in s. 12(2) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(3)(c)**; S.S.I. 2007/512, art. 2(c)
- F11** Words in s. 12(3) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(a)**; S.S.I. 2007/512, art. 2(c)
- F12** Words in s. 12(3) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(b)**; S.S.I. 2007/512, art. 2(c)
- F13** Words in s. 12(3)(4)(8) 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
- F14** Words in s. 12(3) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(c)**; S.S.I. 2007/512, art. 2(c)
- F15** Words in s. 12(3) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(4)(d)**; S.S.I. 2007/512, art. 2(c)
- F16** Words in s. 12(3) 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
- F17** Word in s. 12(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(c)(i)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F18** Words in s. 12(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(c)(ii)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F19** Words in s. 12(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(d)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F20** Words in s. 12(6) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(e)(i)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F21** Words in s. 12(6) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(e)(ii)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F22** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 64(3)**
- F23** Words in s. 12(7) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(f)(i)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F24** Words in s. 12(7) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(f)(ii)** (with s. 67); S.S.I. 2002/118, {art. 2}
- F25** Words in s. 12(8) substituted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(5)(a)**; S.S.I. 2007/512, art. 2(c)
- F26** Words in s. 12(8) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 10(5)(b)**; S.S.I. 2007/512, art. 2(c)
- F27** Word in s. 12(8) substituted (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), s. 145(2), **Sch. 2 para. 1(2)**; S.S.I. 2004/420, art. 3, Sch. 1
- F28** Words in s. 12(8) 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
- F29** Word in s. 12(8) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 16(g)** (with s. 67); S.S.I. 2002/118, {art. 2}

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Section 12 is up to date with all changes known to be in force on or before 25 April 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\(2\)\(b\)](#)