



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, Section 16 is up to date with all changes known to be in force on or before 31 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](#))

Changes to legislation:

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