



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I

GENERAL PROVISIONS AS TO SEWERAGE

Vesting of sewers, drains and works

17 Local authority may take over private sewage treatment works.

- (1) Subject to the provisions of this section, [^{F1}Scottish Water] may, by agreement with the owner of [^{F2}any private sewage treatment works^{F3} or private SUD system], or failing such agreement, in pursuance of proposals made by [^{F4}it] under subsection (2) below, take over the works [^{F5}or system].
- (2) [^{F6}Scottish Water] may, by notice served on the owner of works [^{F7}or a SUD system] as mentioned in the foregoing subsection, intimate [^{F8}its] proposals to take over the works [^{F9}or system] within such period, not being less than 2 months, as may be specified in the notice, and on such conditions, including if [^{F10}it thinks] fit conditions as to payment of compensation by [^{F11}it], as may be so specified ^{F12}... ; 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 [^{F13}Scottish Water] and any conditions so specified either with or without modification or refuse to confirm them.
- (4) All works [^{F14}and any SUD system] taken over by [^{F15}Scottish Water] under this section shall vest in [^{F16}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.

Changes to legislation: Sewerage (Scotland) Act 1968, Section 17 is up to date with all changes known to be in force on or before 30 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

- (5) Subject to the provisions of this Act, a person who immediately before the taking over of works [^{F17}or a SUD system] under this section was lawfully entitled to use them [^{F18}or it] shall continue to be so entitled after they have [^{F19}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 [^{F20}or a SUD system].

Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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)
- F4** 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**
- F5** 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)
- F6** 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**
- F7** 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)
- F8** 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**
- F9** 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)
- F10** 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**
- F11** 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**
- F12** 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**
- F13** 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**
- F14** 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)
- F15** 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**
- F16** 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**
- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)

Changes to legislation:

Sewerage (Scotland) Act 1968, Section 17 is up to date with all changes known to be in force on or before 30 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.

[View outstanding changes](#)

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