



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I

GENERAL PROVISIONS AS TO SEWERAGE

Miscellaneous

21 Buildings not to interfere with sewers.

- ^{F1}(1) Unless with the consent of [^{F2}Scottish Water], which shall not be unreasonably withheld, no building shall be erected [^{F3}or embankment constructed] over, or in such a way as to interfere with or to obstruct access to, any sewer [^{F4}or SUD system] vested in [^{F5}Scottish Water][^{F6}or in respect of which [^{F7}it has] made a determination under section 3A(2) of this Act].
- (2) If any question arises as to whether consent under the foregoing subsection has been unreasonably withheld or as to what conditions should be attached to the consent, a person aggrieved may refer the question by summary application to the sheriff, whose decision in the matter shall be final.
- (3) In this section “building” has the same meaning as in section [^{F8}55(1) and (2) of the Building (Scotland) Act 2003 (asp 8)].

Textual Amendments

- F1** S. 21(1): power to modify conferred (4.1.1995) by 1994 c. 39, s. 182(2); S.I. 1994/2850, art. 3(a), **Sch. 2** (with art. 4)
- F2** Words in s. 21(1) 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
- F3** Words in s. 21(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(18)(b)**; S.I. 1996/323, art. 4(1)(b)(c)
- F4** Words in s. 21(1) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 16**; S.S.I. 2007/512, art. 2(c)

Changes to legislation: Sewerage (Scotland) Act 1968, Section 21 is up to date with all changes known to be in force on or before 07 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

- F5** Words in s. 21(1) 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**
- F6** Words in s. 21(1) added (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(18)(c)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F7** Words in s. 21(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 24** (with s. 67); S.S.I. 2002/118, **art. 2**
- F8** Words in s. 21(3) substituted (1.5.2005) by Building (Scotland) Act 2003 (asp 8), s. 59(1), **Sch. 6 para. 2** (with s. 53); S.S.I. 2004/404, art. 2(1)

Modifications etc. (not altering text)

- C1** S. 21 extended by Control of Pollution Act 1974 (c. 40), **s. 28(3)**

Changes to legislation:

Sewerage (Scotland) Act 1968, Section 21 is up to date with all changes known to be in force on or before 07 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.

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