



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I

GENERAL PROVISIONS AS TO SEWERAGE

Miscellaneous

23 Restriction on working minerals.

Sections 71 to 78 of the ^{M1}Railways Clauses Consolidation (Scotland) Act 1845 (which restrict the working of minerals, subject to the payment of compensation), as originally enacted and not as amended for certain purposes by section 15 of the ^{M2}Mines (Working Facilities and Support) Act 1923, shall apply in relation to

- [^{F1}(a) any public sewers, public sewage treatment works [^{F2}, public SUD systems] or public drains; and
- (b) any sewers, sewage treatment works [^{F3}, SUD systems] or drains not vested in [^{F4} Scottish Water] but forming (or forming part of) any such system as is mentioned in [^{F5} section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3)],

to which they do not already apply, with the substitution—

- (i) for references to the railway, of references to the sewers, works [^{F3}, SUD systems] or drains; and
- (ii) for references to the company, of references to [^{F6} Scottish Water], or as the case may be to the person other than [^{F4} Scottish Water], in whom the sewers, works [^{F3}, SUD systems] or drains are vested.]

Textual Amendments

F1 S. 23(a)(b)(i)(ii) substituted (for subparas. (a), (b) and words)(4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(20)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)

F2 Words in s. 23(a) inserted (30.11.2007) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), s. 38(1), **Sch. 3 para. 17(a)**; S.S.I. 2007/512, art. 2(c)

Changes to legislation: Sewerage (Scotland) Act 1968, Section 23 is up to date with all changes known to be in force on or before 20 January 2024. 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

- F3** Words in s. 23(b),(b)(i)(ii) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), **Sch. 3 para. 17(b)**; S.S.I. 2007/512, art. 2(c)
- F4** Words in s. 23 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**
- F5** Words in s. 23 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 25** (with s. 67); S.S.I. 2002/118, **art. 2**
- F6** Words in s. 23 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**

Modifications etc. (not altering text)

- C1** S. 23: 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)

Marginal Citations

- M1** 1845 c. 33.
M2 1923 c. 20.

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