



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART II

#### TRADE EFFLUENTS

##### *Control of new discharges*

#### 29 Decision on application.

- (1) [<sup>F1</sup>Scottish Water] in [<sup>F2</sup>its] decision on an application under section 26 above may refuse [<sup>F2</sup>its] consent or [<sup>F3</sup>it] may grant [<sup>F2</sup>its] consent either unconditionally or subject to such conditions as [<sup>F3</sup>it] may think fit to impose.
- (2) Where [<sup>F4</sup>Scottish Water has] failed to intimate [<sup>F5</sup>its] decision on an application within the 3 month period referred to in subsection (1), or, as the case may be, the 28 day period referred to in subsection (2), of section 28 above, [<sup>F6</sup>it] shall be deemed to have made a decision on the last day of that period refusing [<sup>F5</sup>its] consent to the application.
- (3) Without prejudice to subsection (1) above, [<sup>F7</sup>Scottish Water] in granting [<sup>F8</sup>its] consent may impose conditions relating to—
  - (a) the sewers into which any trade effluent may be discharged;
  - (b) the nature or composition of any trade effluent which may be discharged;
  - (c) the maximum quantity of any trade effluent which may be discharged on any one day, either generally or into a particular sewer;
  - (d) the maximum hourly rate at which any trade effluent may be discharged, either generally or into a particular sewer;
  - (e) the period or periods of the day during which any trade effluent may be discharged into the sewers;
  - (f) the elimination from or the diminution in any trade effluent of cooling water;
  - (g) the prevention of any injury to the health of persons engaged in carrying out the functions of [<sup>F7</sup>Scottish Water] under this Act as a result of the discharge of any trade effluent into the sewers;

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- (h) the elimination or diminution of any specified constituent of any trade effluent, before it enters the sewers, where [<sup>F7</sup>Scottish Water][<sup>F9</sup>is] satisfied that that constituent would, either alone or in combination with any matter with which it is likely to come into contact while passing through any sewers—
    - (i) injure or obstruct those sewers, or make specially difficult or expensive the treatment or disposal of the sewage from those sewers, or
    - (ii) (where the trade effluent is to be discharged into sewers having an outfall in any harbour or in any waters below high water mark of ordinary spring tides or into sewers which connect directly or indirectly with sewers having such an outfall) cause or tend to cause injury or obstruction to the navigation on, or the use of, the said harbour or waters;
  - (i) the temperature of any trade effluent at the time when it is discharged into the sewers and its acidity or alkalinity at that time;
  - (j) the payment by the occupier of the trade premises to [<sup>F7</sup>Scottish Water] of charges for the reception of any trade effluent into the sewers, and for the treatment and disposal thereof, regard being had to the nature and composition and to the volume and rate of discharge of the trade effluent so discharged, to any additional expense incurred or likely to be incurred by [<sup>F7</sup>Scottish Water] in connection with the reception, treatment or disposal of the trade effluent or in connection with the provision already made by [<sup>F10</sup>it] for the treatment and disposal of trade effluent in [<sup>F11</sup>its] area, and to any revenue likely to be derived by [<sup>F7</sup>Scottish Water] from the trade effluent;
  - (k) the provision and maintenance of such inspection chambers or manholes as will enable a person readily to take at any time samples of any effluent passing into the sewers from the trade premises;
  - (l) the provision and maintenance of such meters as may be required to measure the volume and rate of discharge of any trade effluent being discharged from the trade premises into the sewers and for the testing of such meters;
  - (m) the provision and maintenance of apparatus for determining the nature, composition and temperature of any trade effluent being discharged from the premises into the sewers and for the testing of the apparatus;
  - (n) the keeping of records of the volume, rate of discharge, nature, composition and temperature of any trade effluent being so discharged, and in particular the keeping of records of readings of meters and other recording apparatus provided in compliance with any other condition imposed in connection with the consent;
  - (o) the making of returns and giving of other information to [<sup>F7</sup>Scottish Water] concerning the volume, rate of discharge, nature, composition and temperature of any trade effluent so discharged.
  - [<sup>F12</sup>(p) the elimination from or diminution in any trade effluent of any priority substance or pollutant.]
- (4) A consent granted under this section, and (where such consent is granted subject to any conditions) all or any of the conditions, may be made to take effect as from a specified date or for a specified period, being not less than two years, or both as from a specified date and for such a specified period.

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- (5) Any decision of [<sup>F13</sup>Scottish Water] under this section shall continue to be effective notwithstanding that there has been a change of ownership or occupancy of the premises to which the decision relates.
- (6) Where an application under section 26 above is for the consent of [<sup>F7</sup>Scottish Water] to an increase of volume or rate of discharge of a discharge which is already being made lawfully, no decision of [<sup>F7</sup>Scottish Water] under this section shall have the effect of restricting the discharge already being made.
- (7) In this section, any reference to a sewer or sewers includes a reference to sewage treatment works, and “harbour” has the same meaning as in section 57 of the <sup>M1</sup>Harbours Act 1964.

#### Textual Amendments

- F1** Words in s. 29 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](#)
- F2** Words in s. 29(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(a\)\(i\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F3** Words in s. 29(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(a\)\(ii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F4** Words in s. 29(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(b\)\(i\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F5** Words in s. 29(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(b\)\(ii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F6** Words in s. 29(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(b\)\(iii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F7** Words in s. 29(3)(6) 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** Word in s. 29(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(c\)\(i\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F9** Word in s. 29(3)(h) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(c\)\(ii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F10** Word in s. 29(3)(j) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(c\)\(iii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F11** Word in s. 29(3)(j) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(c\)\(iii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F12** S. 29(3)(p) inserted (10.6.2013 for specified purposes, 21.12.2013 in so far as not already in force) by [Water Resources \(Scotland\) Act 2013 \(asp 5\), ss. 34\(1\), 56\(1\)\(2\)](#); [S.S.I. 2013/163, art. 3, Sch.](#); [S.S.I. 2013/342, art. 2\(c\)](#)
- F13** Words in s. 29(5) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 28\(d\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)

#### Modifications etc. (not altering text)

- C1** Ss. 26-32 applied (30.6.1993) by [S.I. 1993/1446, reg. 3\(2\)\(b\)](#)  
Ss. 24-38 (Pt. II) excluded (30.6.1993) by [S.I. 1993/1446, reg. 3\(3\)](#)

#### Marginal Citations

- M1** 1964 c. 40.

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Section 29 is up to date with all changes known to be in force on or before 04 December 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\(2\)\(b\)](#)