



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I

GENERAL PROVISIONS AS TO SEWERAGE

Duties and powers of local authorities

3 Construction etc. of public sewers and public sewage treatment works.

- (1) Subject to the provisions of this Act, [^{F1}Scottish Water] may, ^{F2}...—
 - (a) construct a public sewer [^{F3} or SUD system]—
 - (i) in, under or over any [^{F4}road], or under any cellar or vault below any [^{F4}road];
 - (ii) in, on or over any land not forming part of a [^{F4}road];
 - (b) construct public sewage treatment works in or on any land held by [^{F5}it] or appropriated for the purpose.
- (2) Before commencing construction of a sewer [^{F6} or SUD system] in, on or over any land not forming part of a [^{F4}road], [^{F7}Scottish Water] shall serve notice of [^{F8}its] intention on the owner and the occupier of land concerned together with a description of the proposed works and of the right to object thereto, and if within 2 months after the service of the notice the owner or the occupier objects to the proposed works, and that objection is not withdrawn, [^{F9}Scottish Water] shall not proceed to execute the works without consent aftermentioned but may refer the matter by summary application to the sheriff who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as he thinks just, or who may withhold his consent, and the decision of the sheriff on the matter shall be final.
- (3) Section [^{F10}192] of the Local Government (Scotland) Act [^{F10}1973] (service of notices) shall apply to notices [^{F11}served by [^{F12}Scottish Water]] under subsection (2) above relating to land as it applies to notices [^{F13}served by a local authority] relating to premises.
- (4) ^{F14}.....

Changes to legislation: Sewerage (Scotland) Act 1968, Section 3 is up to date with all changes known to be in force on or before 06 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. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 3(1) 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- F2** Words in s. 3(1) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 7(a)(i)** (with [s. 67](#)); [S.S.I. 2002/118](#), **art. 2**
- F3** Words in s. 3(1)(a) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), **Sch. 3 para. 4(a)**; [S.S.I. 2007/512](#), art. 2(c)
- F4** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 64(2)**
- F5** Word in s. 3(1)(b) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 7(a)(ii)** (with [s. 67](#)); [S.S.I. 2002/118](#), **art. 2**
- F6** Words in s. 3(2) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), **Sch. 3 para. 4(b)**; [S.S.I. 2007/512](#), art. 2(c)
- F7** Words in s. 3(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**
- F8** Word in s. 3(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 7(b)** (with [s. 67](#)); [S.S.I. 2002/118](#), **art. 2**
- F9** Words in s. 3(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**
- F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 179**
- F11** Words in s. 3(3) inserted (1.4.1996) by [1994 c. 39](#), s. 180(1), **Sch. 13 para. 75(4)(b)(i)**; [S.I. 1996/323](#), **art. 4(1)(b)(c)**
- F12** Words in s. 3(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**
- F13** Words in s. 3(3) inserted (1.4.1996) by [1994 c. 39](#), s. 180(1), **Sch. 13 para. 75(4)(b)(ii)**; [S.I. 1996/323](#), **art. 4(1)(b)(c)**
- F14** S. 3(4) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 7(c)** (with [s. 67](#)); [S.S.I. 2002/118](#), **art. 2**

Modifications etc. (not altering text)

- C1** S. 3 applied (with modifications) (1.4.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 45(10)**; [S.I. 1992/266](#), **art. 3**

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