



# 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, a local authority may, within or outwith their area—
  - (a) construct a public sewer—
    - (i) in, under or over any street, or under any cellar or vault below any street;
    - (ii) in, on or over any land not forming part of a street;
  - (b) construct public sewage treatment works in or on any land held by them or appropriated for the purpose.
- (2) Before commencing construction of a sewer in, on or over any land not forming part of a street, a local authority shall serve notice of their intention on the owner and the occupier of the 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after the service of the notice the owner or the occupier objects to the proposed works, and that objection is not withdrawn, the local authority shall not proceed to execute the works without consent after mentioned but may refer the matter by summary application to the sheriff who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 349 of the Local Government (Scotland) Act 1947 (service of notices) shall apply to notices under subsection (2) above relating to land as it applies to notices relating to premises.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where a local authority, in the exercise of their powers under subsection (1) above, propose to execute works outwith their area otherwise than in pursuance of an agreement under section 5 below, they shall in addition to any notice served under subsection (2) above serve notice of their intention on the local authority within whose area it is proposed to execute the works together with a description of the proposed works and if within two months after the service of the notice the local authority on whom it was served object to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent aftermentioned but may refer the matter for the determination of the Secretary of State 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 his decision on the matter shall be final.