



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART II

#### TRADE EFFLUENTS

##### *Control of existing discharges*

#### **33 Meaning of existing discharge.**

- (1) In this Part of this Act, “existing discharge” means a discharge of trade effluent from trade premises into the sewers or sewage treatment works of a local authority which was lawfully made within the period of two years ending on the date of the commencement of this section:

Provided that where before the said date the local authority and the person making the discharge have agreed that after that date the nature or composition of the discharge may be altered or the temperature, volume or rate of discharge may be increased, any discharge made in accordance with such agreement shall be treated for the purposes of this Part of this Act as an existing discharge.

- (2) Any dispute between [<sup>F1</sup>Scottish Water] and the person making the discharge as to whether the discharge is an existing discharge shall be determined by the sheriff, against whose determination an appeal shall lie to the Court of Session.

#### **Textual Amendments**

- F1** Words in s. 33(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](#)

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

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

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Section 33 is up to date with all changes known to be in force on or before 31 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.

[View outstanding changes](#)

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