



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART II

TRADE EFFLUENTS

Agreements in lieu of applications for consent

37 Agreements as respects trade premises.

- (1) [^{F1}Scottish Water] may enter into an agreement with the owner or occupier of any trade premises within [^{F2}its] area for the reception, treatment or disposal by [^{F3}it] of any trade effluent produced on those premises.
- (2) The reference in the foregoing subsection to an agreement shall include a reference to an agreement varying or renewing an existing agreement, whether that existing agreement was entered into before or after the commencement of this section.
- (3) Where [^{F1}Scottish Water] propose to enter into an agreement under this section with an occupier who is not also the owner of trade premises, [^{F4}it] shall intimate the proposal to the owner who may, within 28 days of receipt of the intimation, make representations in respect of the proposal.
- (4) Before [^{F5}Scottish Water] and such an occupier as is mentioned in subsection (3) above enter into an agreement under this section, [^{F6}Scottish Water] shall take into account any representations made by the owner of the premises in question in pursuance of that subsection.
- (5) Without prejudice to subsection (1) above, any agreement under this section may provide for—
 - (a) the construction by [^{F7}Scottish Water] of such works as may be required for the reception, treatment or disposal of trade effluent;
 - (b) the removal and disposal by [^{F8}Scottish Water] of substances produced in the course of treating any trade effluent on or in connection with the premises;

Changes to legislation: Sewerage (Scotland) Act 1968, Section 37 is up to date with all changes known to be in force on or before 08 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

- (c) the repayment by the owner or, as the case may be, occupier of the premises of the whole or part of the expenses incurred by [^{F9}Scottish Water] in carrying out [^{F10}its] obligations under the agreement.
- (6) A discharge of trade effluent which is made in accordance with an agreement under this section shall not otherwise require the consent of [^{F11}Scottish Water] nor may the making of such a discharge be reviewed by the direction of [^{F12}Scottish Water]; and accordingly sections 26 to 32 and 36 above shall not apply to such a discharge.
- (7) If the parties to an agreement under this section have failed to renew the agreement, with or without variation, on or before the date of its expiry, [^{F13}Scottish Water] may, and if requested by the person making the discharge shall, review the making of the discharge by direction; and subsections (2) to (7) of section 32 above shall, with any necessary modifications, apply to a direction under this subsection.
- (8) Until a direction has been made under subsection (7) above in respect of an agreement, a discharge may continue to be made in accordance with the agreement.
- (9) Any reference in this section to an occupier shall include a reference to a prospective occupier.

Textual Amendments

- F1** Words in s. 37(1)(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**
- F2** Word in s. 37(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 32(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F3** Words in s. 37(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 32(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F4** Words in s. 37(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 32(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F5** Words in s. 37(4) 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**
- F6** Words in s. 37(4) 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**
- F7** Words in s. 37(5) 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** Words in s. 37(5) 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**
- F9** Words in s. 37(5) 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**
- F10** Word in s. 37(5)(c) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 32(c)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F11** Words in s. 37(6) 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**
- F12** Words in s. 37(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**
- F13** Words in s. 37(7) 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**

Modifications etc. (not altering text)

- C1** Ss. 24-38 (Pt. II) excluded (30.6.1993) by S.I. 1993/1446, **reg. 3(3)**.
- C2** S. 37(6) excluded (30.6.1993) by S.I. 1993/1446, **reg. 3(2)(a)**.

Changes to legislation:

Sewerage (Scotland) Act 1968, Section 37 is up to date with all changes known to be in force on or before 08 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.

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