



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART II

TRADE EFFLUENTS

Supplementary

38 Power to extend Part II to other effluents.

- (1) The Secretary of State may by order made by statutory instrument provide that this Part of this Act shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises into the sewers or sewage treatment works of [^{F1}Scottish Water] as they apply in relation to trade effluent, but subject to such modifications, if any, as may be specified in the order, and in particular subject to any modification of the definition of trade premises in this Act which may be so specified.
- (2) An order under this section may designate particular premises in the area of [^{F2}Scottish Water], or may be made to apply to premises throughout the area, or to premises in any part of the area specified in the order.
- (3) Before making an order under this section, the Secretary of State shall consult [^{F3}the Scottish Environment Protection Agency [^{F4}, Scottish Water and such]]. . . trade organisations and other persons as the Secretary of State considers may have an interest in the order, and, where, in pursuance of subsection (2) above, the order designates particular premises, shall consult the owner and occupier thereof.
- (4) The Secretary of State may include in an order under this section such provisions as appear to him expedient for modifying any enactment relating to sewage as that enactment applies in relation to the discharge into sewers of any liquid or other matter to which any provisions of this Part of this Act are applied by an order under this section.
- (5) The Secretary of State may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.

Changes to legislation: Sewerage (Scotland) Act 1968, Section 38 is up to date with all changes known to be in force on or before 18 June 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

- (6) The Secretary of State shall not make an order under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F1** Words in s. 38(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. 38(2) 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](#)
- F3** Words in s. 38(3) inserted (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para. 12\(1\)\(a\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3](#)
- F4** Words in s. 38(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 34](#) (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:

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