



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

[^{F1}PART IIA

PRIVATE SEWAGE TREATMENT WORKS

[^{F1}38B Other rules

- (1) This Part prevails over any rule of law or real burden—
 - (a) requiring the agreement, of any owner of common property, to the carrying out of maintenance of the property, or
 - (b) concerning the recovery, by any owner of common property from another owner of the property, of the cost of such maintenance,so far as the rule or burden is applicable in connection with measures of the kind to which section 38C(2) relates.
- (2) In subsection (1), “real burden” is to be construed in accordance with the Title Conditions (Scotland) Act 2003.]

Textual Amendments

- F1** Pt. 2A inserted (10.6.2013 for specified purposes, 21.12.2013 in so far as not already in force) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), ss. 37, 56(1)(2); S.S.I. 2013/163, art. 3, Sch.; S.S.I. 2013/342, art. 2(c)

Changes to legislation:

Sewerage (Scotland) Act 1968, Section 38B is up to date with all changes known to be in force on or before 28 May 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.

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