



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### [<sup>F1</sup>PART IIA

#### PRIVATE SEWAGE TREATMENT WORKS

#### [<sup>F1</sup>38C Common maintenance

- (1) Subsection (2) applies where two or more persons own any private works in common.
- (2) Any of the persons may take (or cause to be taken) any measures that the person considers necessary for ensuring that the works are properly maintained so that they comply with any applicable conditions under the Controlled Activities Regulations.
- (3) Subsection (2) is subject to section 38D.
- (4) In subsection (2), the reference to being properly maintained includes being emptied as required from time to time.]

#### 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 38C is up to date with all changes known to be in force on or before 12 October 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\(2\)\(b\)](#)