



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

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

#### PRIVATE SEWAGE TREATMENT WORKS

#### [<sup>F1</sup>38D Notice and effect

- (1) Before taking (or causing to be taken) any measures under section 38C(2), a person must serve on each of the other owners a notice—
  - (a) giving the person's name and address,
  - (b) specifying the private works in question,
  - (c) in addition to describing the measures to be taken, stating—
    - (i) why the measures are to be taken,
    - (ii) when the measures are to be taken,
  - (d) containing—
    - (i) an estimate of the cost of the measures,
    - (ii) a note showing the proportion of that cost for which each owner would be liable (along with their names and addresses),
  - (e) directing the reader to this Part.
- (2) The measures described in the notice may be taken under section 38C(2) at any time after the end of the period of 28 days beginning with the day on which it is duly served (or, if it is so served on different days, the last of those days).
- (3) Unless the notice has expired, the measures may be so taken—
  - (a) with or without the agreement of any or all of the other owners,
  - (b) subject to any review or appeal under section 38E.
- (4) The notice expires—
  - (a) at the end of the period of 12 months beginning with the day on which it is duly served, or
  - (b) if it is extended in any review or appeal under section 38E, at the end of the period of extension.

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**Changes to legislation:** Sewerage (Scotland) Act 1968, Section 38D is up to date with all changes known to be in force on or before 12 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. (See end of Document for details) View outstanding changes

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(5) A notice under subsection (1) may be served by two or more persons acting together.]

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**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)

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