



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

[^{F1}PART IIA

PRIVATE SEWAGE TREATMENT WORKS

[^{F1}38E Review of notice

- (1) A person on whom a notice is served under section 38D(1) may apply to the sheriff for a review of the notice, if aggrieved by the serving of the notice or its terms.
- (2) An application under subsection (1) must be made—
 - (a) by way of summary application,
 - (b) within the period of 28 days beginning with the day on which the notice is duly served.
- (3) In the application, the sheriff may—
 - (a) uphold, vary or quash the notice,
 - (b) make any further order necessary.
- (4) The sheriff's decision in the application may be appealed to the sheriff principal, but only on a point of law.
- (5) The sheriff principal's determination of the review is final.
- (6) An application under subsection (1) may be—
 - (a) made by two or more persons acting together,
 - (b) heard by the sheriff along with another such application relating to the same notice.]

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 38E is up to date with all changes known to be in force on or before 16 December 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\(2\)\(b\)](#)