



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART III

MISCELLANEOUS AND GENERAL

59 Interpretation.

^{F1}(1) In this Act, unless the context otherwise requires—

“appointed day” means such day as the Secretary of State may by order made by statutory instrument appoint;

[^{F2} “ area ”, in relation to Scottish Water, means the area comprising all of the local government areas established by virtue of section 1 of the Local Government etc. (Scotland) Act 1994 (c.39);]

^{F2}

^{F3}

^{F4}

“domestic sewage” in relation to any area or premises means sewage which is not surface water or trade effluent;

“drain” in relation to premises, means any pipe or drain within the curtilage of those premises used solely for or in connection with the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“foul water” means any water contaminated by domestic sewage or trade effluent;

“function” includes power and duty;

^{F5}

“land” includes land covered with water and any interest or right in or over land;

“local authority” means a [^{F6}regional or islands] council;

“local enactment” means any local Act of Parliament or any provision in any such Act;

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“occupier” means the person in occupation or having the charge, management or control of premises, either on his own account or as the agent of another person;

“owner” means the person for the time being entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property applies to the persons to whom the management thereof is entrusted;

“private sewage treatment works” means sewage treatment works which are not vested in ^{F7}Scottish Water];

“private sewer” means any sewer which is not a public sewer;

^{F1} “ private SUD system ” means any SUD system which is not a public SUD system;]

“public drain” means any drain which is vested in a local authority ^{F8}or ^{F7}Scottish Water]];

“public sewage treatment works” means sewage treatment works which are vested in ^{F7}Scottish Water];

“public sewer” means any sewer which is vested in ^{F7}Scottish Water];

^{F1} “ public SUD system ” means any SUD system which is vested in Scottish Water;]

^{F9}

^{F10} “ road ” has the same meaning as in ^{F11} Part IV of the New Roads and Street Works Act 1991] ;]

^{F1} “ road water ” means the run-off of rainwater from any road for the time being entered in a list of public roads kept by a local roads authority under section 1(1) of the Roads (Scotland) Act 1984;]

“sewage” includes domestic sewage, surface water and trade effluent;

“sewage treatment works” means any works, apparatus or plant used for the treatment or disposal of sewage, and includes a septic tank ^{F12}but does not include a SUD system];

“sewer” does not include a drain as defined in this section, but, save as aforesaid, includes all sewers, pipes or drains used for the drainage of buildings and yards appurtenant to buildings;

^{F13}

^{F14}

^{F15}

“surface water” means the run-off of rainwater from roofs and any paved ground surface within the curtilage of premises;

^{F1} “ SUD system ” means a sustainable urban drainage system;]

^{F1} “ sustainable urban drainage system ” means a drainage system which—

- (a) facilitates attenuation, settlement or treatment of surface water from 2 or more premises (whether or not together with road water), and
- (b) includes one or more of the following: inlet structures, outlet structures, swales, constructed wetlands, ponds, filter trenches, attenuation tanks and detention basins (together with any associated pipes and equipment);]

“trade effluent” means any liquid, either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, including trade waste waters

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or waters heated in the course of any trade or industry and, in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises;

“trade or industry” for the purpose of the definition of “trade effluent” shall include agriculture, horticulture and scientific research or experiment [^{F16}the carrying on of a hospital and the provision of a care home service], and for the purpose of the definition of “trade premises” shall include premises used or intended to be used in whole or in part for carrying on agriculture, horticulture or scientific research or experiment, or as a hospital or a [^{F17}as accommodation provided by a care home service];

“trade premises” means any premises used or intended to be used for carrying on any trade or industry.

^{F18}
.....

- (2) Unless the context otherwise requires any reference in this Act to a drain or to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumping stations, storm water overflow pipes, outfall pipes or other accessories belonging to a drain or sewer, and any reference in this Act to sewage treatment works shall be construed as including a reference to accommodation used in connection therewith, the machinery and equipment of those works and any necessary pumping stations.
- (3) Any reference in this Act to the construction of a sewer [^{F19}, SUD system] or sewage treatment works shall be construed as including a reference to the extension of an existing sewer [^{F19}, SUD system] or of existing works.
- [^{F20}(3A) In the definition of “trade or industry” in subsection (1) above, the references to a “care home service” shall be construed in accordance with [^{F21}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010] (asp 8).]
- (4) Unless the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended by or under any subsequent enactment, including this Act.

Textual Amendments

- F1** Words in s. 59(1) inserted (6.3.2006 for specified purposes, 30.11.2007 in so far as not already in force) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), **ss. 33(1)**, 38(1) (with s. 35(2)); S.S.I. 2006/55, art. 2(c); S.S.I. 2007/512, art. 2(a)
- F2** S. 59(1): definition of "area" substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 5 para. 41(a)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F3** Definitions of
“authorised officer”
and
“local authority”
in s. 59(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 75(28)(b)**, **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(c)(d), **Sch. 2**
- F4** Definitions repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F5** Definitions of “general rate” and “regional rate” repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, **Sch. 6**
- F6** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 182**

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- F7** S. 59(1): words in definitions of "private sewage treatment works", "public drain", "public sewage treatment works" and "public sewer" substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 41\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)
- F8** Words in definition of "public drain"
in s. 59(1) added (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 75\(28\)\(d\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F9** Definition of "river purification authority"
in s. 59(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), [Sch. 22 para. 12\(1\)\(b\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3\(viii\)](#)
- F10** Definition of "road" inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 64\(5\)\(a\)](#)
- F11** Words in s. 59(1) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8](#), Part IV, para. 103(3); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F12** Words in s. 59(1) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), [Sch. 3 para. 23\(a\)](#); S.S.I. 2007/512, art. 2(c)
- F13** S. 59(1): definition of "sewerage authority" repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 41\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)
- F14** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F15** Definition of "street" repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), [Sch. 9 para. 64\(5\)\(b\)](#), [Sch. 11](#)
- F16** S. 59(1): words in definition of "trade or industry" substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), [Sch. 3 para. 3\(a\)\(i\)](#); S.S.I. 2002/162, [art. 2\(h\)](#) (subject to arts. 3-13)
- F17** S. 59(1): words in definition of "trade or industry" substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), [Sch. 3 para. 3\(a\)\(ii\)](#); S.S.I. 2002/162, [art. 2\(h\)](#) (subject to arts. 3-13)
- F18** Definition of "trunk road"
in s. 59(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13 para. 75\(28\)\(g\)](#), [Sch. 14](#); S.I. 1996/323, art. 4(1)(b)(c)(d), [Sch. 2](#)
- F19** Words in s. 59(3) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), [Sch. 3 para. 23\(b\)](#); S.S.I. 2007/512, art. 2(c)
- F20** S. 59(3A) inserted (27.3.2002) by 2001 asp 8, s. 79, [Sch. 3 para. 3\(b\)](#); S.S.I. 2002/162, {art. 2(h)} (subject to arts. 3-13)
- F21** Words in s. 59(3A) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [Sch. 1 para. 2](#)

Modifications etc. (not altering text)

- C1** References to medical officer of health, surveyor, and sanitary inspector to be construed as references to the proper officer of a local authority; [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. I para. 2](#)

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