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*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, SCHEDULE 5. (See end of Document for details)*

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## SCHEDULE 5

(introduced by section 71)

### MODIFICATIONS OF SEWERAGE (SCOTLAND) ACT 1968

- 1 The Sewerage (Scotland) Act 1968 (c.47) is amended as follows.
- 2 In each of the following provisions, for “a sewerage authority” wherever the expression occurs substitute “ Scottish Water ”
- 3 In each of the following provisions, for “the sewerage authority” wherever the expression occurs substitute “ Scottish Water ”
- 4 In each of the following provisions, for “the authority” wherever the expression occurs substitute “ Scottish Water ”
- 5 In section 1 (duty of sewerage authority to provide for sewerage of their area)—
  - (a) in subsection (1)—
    - (i) for “each of the sewerage authorities” substitute “ Scottish Water ”,
    - (ii) for “their”, in both places where it occurs, substitute “ its ”,
  - (b) in subsection (2)(a), for “their”, in the first place where it occurs, substitute “ its ”,
  - (c) in subsection (4), before “private provider”, in the second and third places where the expression occurs, insert “ the ”.
- 6 In section 2 (maintenance of public sewers and other works)—
  - (a) for “each of the sewerage authorities” substitute “ Scottish Water ”,
  - (b) for “them” substitute “ it ”,
  - (c) for the words from “Part” to the end substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 7 In section 3 (construction etc. of public sewers and public sewage treatment works)—
  - (a) in subsection (1)—
    - (i) the words “within or outwith their area” are repealed,
    - (ii) in paragraph (b), for “them” substitute “ it ”,
  - (b) in subsection (2), for “their” substitute “ its ”,
  - (c) subsection (4) is repealed.
- 8 In section 3A (authorisation of construction of certain private sewers)—
  - (a) in subsection (1)—
    - (i) for “their” in each place where it occurs substitute “ its ”,
    - (ii) for “them” substitute “ it ”,
  - (b) in subsection (2)—
    - (i) for “their” substitute “ its ”,
    - (ii) for “they” in the first place where it occurs substitute “ it ”,
    - (iii) for “them” in both places where it occurs substitute “ it ”,
    - (iv) for “they think” substitute “ it thinks ”.
- 9 In section 4 (power of sewerage authority to close or alter public sewers etc.)—
  - (a) for “they think” substitute “ it thinks ”,
  - (b) for “them” substitute “ it ”,

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- (c) for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”,
  - (d) for “they” in the second place where it occurs substitute “ it ”,
  - (e) for “their” substitute “ its ”.
- 10 Section 6(functions outwith area of a sewerage authority) is repealed.
- 11 In section 7 (agreements between roads and sewerage authorities)—
- (a) subsection (2) is repealed,
  - (b) in subsection (3)—
    - (i) the words from “and” where it first occurs to “thereto” are repealed,
    - (ii) for “any authority” substitute “ a roads authority or Scottish Water ”,
    - (iii) for “authorities concerned” substitute “ authority concerned and Scottish Water ”.
- 12 In section 8 (agreements as to provision of sewers etc. for new premises)—
- (a) in subsection (1)—
    - (i) for “a sewerage authority are” substitute “ Scottish Water is ”,
    - (ii) for “their” substitute “ its ”,
    - (iii) for “they” substitute “ it ”,
    - (iv) for “them” substitute “ it ”,
  - (b) in subsection (2)—
    - (i) for “an authority” substitute “ Scottish Water ”,
    - (ii) for “the authority have” substitute “ it has ”.
- 13 In section 9 (loan of temporary sanitary conveniences), for—
- (a) “the sewerage authority concerned”, and
  - (b) in the proviso, “the sewerage authority”,
- substitute “ Scottish Water ”.
- 14 In section 10 (emptying of septic tanks)—
- (a) in subsection (1), for “their” in each place where it occurs substitute “ its ”,
  - (b) in subsection (2), for “they think” substitute “ it thinks ”,
  - (c) in subsection (4), for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 15 In section 11 (duty of sewerage authority to keep map showing public sewers etc.)—
- (a) for “their” wherever it occurs substitute “ its ”,
  - (b) in subsection (1)—
    - (i) for “them” substitute “ it ”,
    - (ii) for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”,
    - (iii) for “they have” substitute “ it has ”,
  - (c) in subsection (3)—
    - (i) for “they consider” substitute “ it considers ”,
    - (ii) for “the authority” substitute “ it ”,
    - (iii) for “they do” substitute “ it does ”.
- 16 In section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.)—
- (a) in subsection (1)—

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- (i) the words “within the area of a sewerage authority” are repealed,
    - (ii) for “that authority” substitute “ Scottish Water ”,
  - (b) in subsection (2), for “an authority” substitute “ Scottish Water ”,
  - (c) in subsection (3)—
    - (i) for “them” in the second place where it occurs substitute “ it ”,
    - (ii) for “they think” substitute “ it thinks ”,
  - (d) in subsection (4), for “their” in both places where it occurs substitute “ its ”,
  - (e) in subsection (6)—
    - (i) for “the sewerage authority who granted it” substitute “ Scottish Water ”,
    - (ii) for “them” in both places where it occurs substitute “ it ”,
  - (f) in subsection (7)—
    - (i) for “the sewerage authority who granted the permission” substitute “ Scottish Water ”,
    - (ii) for “them” substitute “ it ”,
  - (g) in subsection (8), for “them” substitute “ it ”.
- 17 Section 13(rights of owners and occupiers to connect with and drain into sewers etc. of another sewerage authority) is repealed.
- 18 In section 14 (direction by sewerage authority as to manner of construction of works)—
  - (a) in subsection (1)—
    - (i) the words “or that subsection as applied by section 13 above” are repealed,
    - (ii) for “they consider” substitute “ it considers ”,
    - (iii) for “they have” substitute “ it has ”,
    - (iv) for “them” substitute “ it ”,
  - (b) in subsection (2), for the words from “the sewerage” to the end substitute “ Scottish Water ”,
  - (c) in subsection (4)—
    - (i) for the words “the sewerage authority who issued it” substitute “ Scottish Water ”,
    - (ii) for “them” in both places where it occurs substitute “ it ”,
  - (d) in subsection (5)—
    - (i) for the words “An authority who issue a direction under subsection (1) above” substitute “ Where Scottish Water has issued a direction under subsection (1) above, it ”,
    - (ii) for “they” substitute “ it ”,
    - (iii) for “their” substitute “ its ”.
- 19 In section 15 (owner or occupier to remedy defects in drains and other works)—
  - (a) in subsection (1)—
    - (i) after “their” insert “ or, as the case may be, its ”,
    - (ii) for “the authority in question” substitute “ the local authority or, as the case may be, Scottish Water ”,
  - (b) in subsection (3)—
    - (i) before “authority” in both places where it occurs insert “ local ”,

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- (ii) after “notice” in the second place where it occurs insert “ or, where the notice was served by Scottish Water, that body ”,
  - (iii) after “them” in both places where it occurs insert “ or, as the case may be, it ”,
  - (iv) after “question” insert “ or, as the case may be, Scottish Water ”,
  - (v) after “think” insert “ or it thinks ”,
  - (c) in subsection (4)(c)—
    - (i) before “authority” insert “ local ”,
    - (ii) after “notice” insert “ or, where the notice was served by Scottish Water, that body ”,
- 20 In section 16 (vesting of sewers and other works in sewerage authority)—
- (a) in subsection (1)—
    - (i) for “them” in each place where it occurs substitute “ it ”,
    - (ii) for “their” in each place where it occurs substitute “ its ”,
    - (iii) in paragraph (cc), for “they enter” substitute “ it enters ”,
  - (b) in subsection (2), for “1st April 1996” substitute “ the date when section 21 of the Water Industry (Scotland) Act 2002 (asp 3) comes into force ”,
  - (c) in subsection (3), for “the authority who” substitute “ Scottish Water which ”.
- 21 In section 16A (vesting of certain private sewers)—
- (a) in subsection (1), for “their” substitute “ its ”,
  - (b) in subsection (2)—
    - (i) for “they think” substitute “ it thinks ”,
    - (ii) for “them” substitute “ it ”.
- 22 In section 17 (sewerage authority may take over private sewage treatment works)—
- (a) in subsection (1)—
    - (i) for the words from “a sewerage” to “situated” substitute “ Scottish Water ”,
    - (ii) for “the works” where that expression first occurs substitute “ any private sewage treatment works ”,
    - (iii) for “them” substitute “ it ”,
  - (b) in subsection (2)—
    - (i) for “their” substitute “ its ”,
    - (ii) for “they think” substitute “ it thinks ”,
    - (iii) for “them” substitute “ it ”,
    - (iv) the words from “and shall” to “situated” are repealed,
  - (c) in subsection (4), for “them” substitute “ it ”.
- 23 In section 20 (compensation for loss etc. resulting from exercise of powers under this Act)—
- (a) in subsection (1), for “their” substitute “ its ”,
  - (b) in subsection (3), for “an authority” substitute “ Scottish Water ”,
  - (c) in subsection (4), for “their” substitute “ its ”.
- 24 In section 21(1) (buildings not to interfere with sewers), for “they have” substitute “ it has ”.

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- 25 In section 23 (restriction on working minerals), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “ section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 26 In section 27 (procedure on application for consent to new discharge)—
- (a) in subsection (4)—
    - (i) paragraph (a) and the following “and” are repealed,
    - (ii) the words “the second authority or” are repealed,
  - (b) subsection (6) is repealed.
- 27 In section 28 (time to dispose of application), for “them” in each place where it occurs substitute “ it ”.
- 28 In section 29 (decision on application)—
- (a) in subsection (1)—
    - (i) for “their” in each place where it occurs substitute “ its ”,
    - (ii) for “they” in each place where it occurs substitute “ it ”,
  - (b) in subsection (2)—
    - (i) for “the authority have” substitute “ Scottish Water has ”,
    - (ii) for “their” in each place where it occurs substitute “ its ”,
    - (iii) for “they” substitute “ it ”,
  - (c) in subsection (3)—
    - (i) for “their” substitute “ its ”,
    - (ii) in paragraph (h), for “are” substitute “ is ”,
    - (iii) in paragraph (j), for “them” substitute “ it ”, and for “their” substitute “ its ”,
  - (d) in subsection (5), for “an authority” substitute “ Scottish Water ”.
- 29 In section 30(1) (intimation of decision)—
- (a) for “their” substitute “ its ”,
  - (b) the words “authority or” are repealed.
- 30 In section 32 (review of consents, conditions and refusals)—
- (a) in subsection (1), for “them” substitute “ it ”,
  - (b) in subsection (2)—
    - (i) for “they propose” substitute “ it proposes ”,
    - (ii) for “their” substitute “ its ”,
    - (iii) for “the authority” substitute “ it ”,
  - (c) in subsection (4), the words “authority or” are repealed.
- 31 In section 36 (review of continuation of existing discharge)—
- (a) in subsection (1), for “they” substitute “ it ”,
  - (b) in subsection (4)—
    - (i) for “the authority have” substitute “ Scottish Water has ”,
    - (ii) for “them” substitute “ it ”.
    - (iii) for “the authority” in the second place where that expression occurs substitute “ Scottish Water ”.
- 32 In section 37 (agreements as respects trade premises)—
- (a) in subsection (1)—
    - (i) for “their” substitute “ its ”,

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- (ii) for “the authority” substitute “ it ”,
  - (b) in subsection (3), for “the authority” substitute “ it ”,
  - (c) in subsection (5)(c), for “their” substitute “ its ”.
- 33 In section 37A (register for purposes of Part II)—
- (a) in subsection (2), for “their” in each place where it occurs substitute “ its ”,
  - (b) in subsection (3), for “them” in each place where it occurs substitute “ it ”.
- 34 In section 38 (power to extend Part II to other effluents), in subsection (3), for “and such sewerage authorities” substitute “ , Scottish Water and such ”.
- 35 In section 39 (sewerage authority to have right to sewage)—
- (a) for “their” substitute “ its ”,
  - (b) for “them” substitute “ it ”.
- 36 In section 41 (breaking open of roads etc.)—
- (a) for “a sewerage authority or” substitute “ Scottish Water or any ”,
  - (b) in the proviso, for “they” substitute “ Scottish Water or, as the case may be, that person ”.
- 37 In section 42(1) (execution of works by sewerage authorities for other persons)—
- (a) for “the sewerage authority concerned” substitute “ Scottish Water ”,
  - (b) for “their” substitute “ its ”.
- 38 In section 44 (power of sewerage authorities to require information as to ownership etc. of premises)—
- (a) for “them” in each place where it occurs substitute “ it ”,
  - (b) for “their” substitute “ its ”.
- 39 In section 48(1) (powers of entry)—
- (a) in paragraph (d), for “them” substitute “ it ”,
  - (b) in paragraph (dd), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “ section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3) ”,
  - (c) in paragraph (e), for “their” substitute “ its ”,
  - (d) in paragraph (f)(ii), for “section 98(1)(b)” substitute “ section 46(1)(b)(ii) ”.
- 40 In section 55(2) (application of Act to Crown), for the words from “the sewerage” to “situated” substitute “ Scottish Water ”.
- 41 In section 59(interpretation)—
- (a) for the definition of “area” substitute—
    - ““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);”,
  - (b) in the definitions of—
    - (i) “private sewage treatment works”,
    - (ii) “public drain”,
    - (iii) “public sewage treatment works”, and
    - (iv) “public sewer”,
 for “a sewerage authority” substitute “ Scottish Water ”,
  - (c) the definition of “sewerage authority” is repealed.

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