



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 9

STATUTORY NUISANCES

115 Sewerage nuisance: local authority powers

- (1) Section 26 of the Water Services etc. (Scotland) Act 2005 (asp 3) is amended as follows.
- (2) In subsection (10), for the words from “nuisance” in the second place where it appears to the end, substitute “nuisance—
 - (a) which constitutes a sewerage nuisance; and
 - (b) in respect of which a sewerage code applies.”.
- (3) After that subsection, insert—
 - “(10A) Paragraphs 2, 3 and 5 of Schedule 3 to the Environmental Protection Act 1990 (c. 43) apply to the exercise of functions by a local authority under this section as they apply to the exercise of functions under Part III of that Act, with the following modifications—
 - (a) in paragraph 2(1)(a), for “statutory nuisance” substitute “sewerage nuisance”;
 - (b) in paragraph 2(1)(b) and (4)(b), for “Part III” substitute “section 26 of the Water Services etc. (Scotland) Act 2005 (asp 3)”;
 - (c) in paragraph 3(1), for the words from “, on summary conviction” to the end substitute—
 - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.”;
 - (d) in paragraph 3(2), for the words from “, on summary conviction” to the end substitute—
 - “(a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.”;
 - (e) in paragraph 5—

Status: This is the original version (as it was originally enacted).

- (i) for the words “executing Part III” substitute “exercising functions under section 26 of the Water Services etc. (Scotland) Act 2005”;
- (ii) the words from “(other” to the end are to be disregarded.”.