



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

##### *Vesting of sewers, drains and works*

#### 16 Vesting of sewers and other works in local authority.

- (1) [<sup>F1</sup>There shall vest in a sewerage authority]—
  - (a) all sewers and sewage treatment works constructed by them at their expense in pursuance of section 1 above;
  - (b) all junctions with their sewers, . . . <sup>F2</sup> whether constructed at the expense of the authority or otherwise;
  - [<sup>F3</sup>(c) subject to any determination notified under subsection (2) of section 3A of this Act, all private sewers connecting with their sewers or sewage treatment works;
  - (cc) where they enter into an agreement under subsection (2) of the said section 3A or under subsection (2) of section 16A of this Act (and subject to the terms of that agreement), all private sewers, or as the case may be parts of sewers, to which the agreement relates;]
  - (d) all sewage treatment works taken over by them by virtue of an agreement under section 8 above; and
  - (e) all sewage treatment works taken over by them under section 17 below.
- (2) Private sewers and junctions with sewers referred to in the foregoing subsection which are completed after [<sup>F4</sup>1st April 1996 shall vest in the sewerage] authority on the date of their completion, and the works referred to in paragraph (e) of the foregoing subsection shall vest in the authority in accordance with the provisions of section 17 below.
- (3) All sewers, junctions therewith, drains and sewage treatment works vested in a [<sup>F5</sup>sewerage] authority shall be the property of the authority who shall be solely responsible for their management, maintenance and renewal.

*Status: Point in time view as at 30/06/1999.*

*Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Vesting of sewers, drains and works is up to date with all changes known to be in force on or before 26 September 2024. 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)*

- (4) In this section “junction” means the junction between a public sewer and any other sewer or drain.

#### Textual Amendments

- F1** Words in s. 16(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(a)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F2** Words repealed by **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**
- F3** S. 16(1)(c)(cc) substituted for s. 16(1)(c) (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(a)(ii)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)
- F4** Words in s. 16(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F5** Word in s. 16(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(13)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Modifications etc. (not altering text)

- C1** S. 16: power to modify conferred (*temp.* from 4.1.1995 to 1.4.1996) by 1994 c. 39, s. 182(2); S.I. 1994/2850, **art. 3(a), Sch. 2** (with art. 4)

### [<sup>F6</sup>16A Vesting of certain private sewers.

- (1) Subject to any agreement entered into under subsection (2) below, there shall vest in a person authorised, under subsection (1) of section 3A of this Act, by a sewerage authority to construct a sewer not connecting with their sewers or sewage treatment works the sewer constructed; and any sewer vested in a person by this subsection or by a determination under subsection (2) of that section shall be his property and he solely responsible for its management, maintenance and renewal.
- (2) Notwithstanding subsection (1) above, the sewerage authority may, on such terms and conditions as they think fit, at any time enter into an agreement under which the sewer, or any part of it, shall vest in them.]

#### Textual Amendments

- F6** S. 16A and sidenote inserted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(14)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)

#### Modifications etc. (not altering text)

- C2** S. 16A: power to modify conferred (*temp.* from 4.1.1995 to 1.4.1996) by 1994 c. 39, s. 182(2); S.I. 1994/2850, **art. 3(a), Sch. 2** (with art. 4)

### 17 Local authority may take over private sewage treatment works.

- (1) Subject to the provisions of this section, a [<sup>F7</sup>sewerage] authority within whose area premises served by private sewage treatment works are situated may, by agreement with the owner of the works, or failing such agreement, in pursuance of proposals made by them under subsection (2) below, take over the works.
- (2) A [<sup>F7</sup>sewerage] authority may, by notice served on the owner of works as mentioned in the foregoing subsection, intimate their proposals to take over the works within such period, not being less than 2 months, as may be specified in the notice, and on

*Status: Point in time view as at 30/06/1999.*

*Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Vesting of sewers, drains and works is up to date with all changes known to be in force on or before 26 September 2024. 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)*

such conditions, including if they think fit conditions as to payment of compensation by them, as may be so specified, and shall serve copies of the notice on any other [<sup>F7</sup>sewerage] authority within whose area any of the works, or any sewers or drains connected therewith, are situated; any notice served under this subsection shall inform the owner of his right of appeal under subsection (3) below.

- (3) If an owner on whom a notice has been served under subsection (2) above is aggrieved by the notice, he may, within the period specified in the notice, appeal to the Secretary of State who may confirm the proposals of the [<sup>F7</sup>sewerage] authority and any conditions so specified either with or without modification or refuse to confirm them.
- (4) All works taken over by a [<sup>F7</sup>sewerage] authority under this section shall vest in them in accordance with the terms of any agreement made under subsection (1) above, or failing such agreement, at the end of the period specified under subsection (2) above or on such date as may be specified by the Secretary of State in his decision on an appeal under subsection (3) above.
- (5) Subject to the provisions of this Act, a person who immediately before the taking over of works under this section was lawfully entitled to use them shall continue to be so entitled after they have been so taken over.
- (6) An agreement under subsection (1) above or proposals under subsection (2) above may relate to a part only of works.

#### Textual Amendments

- F7** Words in s. 17(1)-(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(15)**; S.I. 1996/323, **art. 4(1)(b)(c)**

**Status:**

Point in time view as at 30/06/1999.

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Cross Heading: Vesting of sewers, drains and works is up to date with all changes known to be in force on or before 26 September 2024. 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.