



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART II **S**

TRADE EFFLUENTS

Control of existing discharges

33 **Meaning of existing discharge.** **S**

- (1) In this Part of this Act, “existing discharge” means a discharge of trade effluent from trade premises into the sewers or sewage treatment works of a local authority which was lawfully made within the period of two years ending on the date of the commencement of this section:

Provided that where before the said date the local authority and the person making the discharge have agreed that after that date the nature or composition of the discharge may be altered or the temperature, volume or rate of discharge may be increased, any discharge made in accordance with such agreement shall be treated for the purposes of this Part of this Act as an existing discharge.

- (2) Any dispute between [^{F1}Scottish Water] and the person making the discharge as to whether the discharge is an existing discharge shall be determined by the sheriff, against whose determination an appeal shall lie to the Court of Session.

Textual Amendments

F1 Words in s. 33(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 5 para. 3](#) (with s. 67); [S.S.I. 2002/118](#), [art. 2](#)

Modifications etc. (not altering text)

C1 Ss. 24-38 (Pt. II) excluded (30.6.1993) by [S.I. 1993/1446](#), [reg. 3\(3\)](#).

Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Control of existing discharges is up to date with all changes known to be in force on or before 11 August 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) View outstanding changes

34 Right to continue existing discharge. **S**

Subject to this Part of this Act, and except where [^{F2}Scottish Water] and the person making the discharge otherwise agree, an existing discharge shall be allowed to continue.

Textual Amendments

F2 Words in s. 34 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 3** (with s. 67); S.S.I. 2002/118, **art. 2**

Modifications etc. (not altering text)

C2 Ss. 24-38 (Pt. II) excluded (30.6.1993) by S.I. 1993/1446, **reg. 3(3)**.

35 Furnishing of information. **S**

The owner or occupier of premises from which an existing discharge is being made shall, when requested in writing to do so by [^{F3}Scottish Water], furnish such information to [^{F4}Scottish Water] concerning the discharge as an applicant for consent to a new discharge is required to furnish in a trade effluent notice under section 27(2) above, and information concerning the period for which the discharge has continued.

Textual Amendments

F3 Words in s. 35 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 3** (with s. 67); S.S.I. 2002/118, **art. 2**

F4 Words in s. 35 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 4** (with s. 67); S.S.I. 2002/118, **art. 2**

Modifications etc. (not altering text)

C3 Ss. 24-38 (Pt. II) excluded (30.6.1993) by S.I. 1993/1446, **reg. 3(3)**.

36 Review of continuation of existing discharge. **S**

- (1) [^{F5}Scottish Water] may, and when requested by the person making the discharge shall, review the making of an existing discharge and may direct that any continuation of the discharge shall be either unconditional or subject to such conditions as [^{F6}it] may think fit to impose.
- (2) [^{F7}Scottish Water] may by direction from time to time, and when requested by the person making the discharge shall, review a direction under the foregoing subsection, but, unless [^{F8}Scottish Water] and the person making the discharge otherwise agree in writing, reviews under this subsection shall not take place at intervals of less than two years.
- (3) Section 29 above, except subsection (1) so far as relating to the refusal of consent and subsection (2), and section 30 above shall, with any necessary modifications, apply to a direction under this section as they apply to a decision under the said section 29; and subsections (2), (3) and (6), and subject to subsection (4) below, subsection (7) of section 32 above, shall apply to such a direction as they apply to a direction under the said section 32.

Changes to legislation: Sewerage (Scotland) Act 1968, Cross Heading: Control of existing discharges is up to date with all changes known to be in force on or before 11 August 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) View outstanding changes

- (4) Where [^{F9}Scottish Water has] directed under subsection (1) above that the continuation of the discharge shall be subject to conditions imposed by [^{F10}it] which did not previously apply to the making of the discharge, and an appeal is made against the imposition of those conditions, it shall be for [^{F11}Scottish Water] to establish that the circumstances of the making of the discharge or its reception, treatment or disposal are so altered as compared with those pertaining before the date of the commencement of section 33 above that it is reasonable that those conditions should be imposed.

Textual Amendments

- F5** Words in s. 36(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 2](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F6** Word in s. 36(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 31\(a\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F7** Words in s. 36(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 4](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F8** Words in s. 36(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 3](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F9** Words in s. 36(4) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 31\(b\)\(i\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F10** Word in s. 36(4) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 31\(b\)\(ii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)
- F11** Words in s. 36(4) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 5 para. 31\(b\)\(iii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2](#)

Modifications etc. (not altering text)

- C4** Ss. 24-38 (Pt. II) excluded (30.6.1993) by [S.I. 1993/1446, reg. 3\(3\)](#).
S. 36 applied (30.6.1993) by [S.I. 1993/1446, reg. 3\(2\)\(b\)](#).
- C5** S. 36(4) restricted (30.6.1993) by [S.I. 1993/1446, reg. 3\(1\)](#).

Changes to legislation:

Sewerage (Scotland) Act 1968, Cross Heading: Control of existing discharges is up to date with all changes known to be in force on or before 11 August 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.

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