



Sewerage (Scotland) Act 1968

1968 CHAPTER 47

PART I **S**

GENERAL PROVISIONS AS TO SEWERAGE

Rights and duties of owners and occupiers

15 **Owner or occupier to remedy defects in drains and other works.** **S**

- (1) If it appears to a local authority [^{F1}or a sewerage authority] that as respects any premises in their area the drains or sewage treatment works serving such premises (other than drains or works vested in the [^{F2}sewerage] authority) are defective, [^{F3}the authority in question] may by notice require the owner or occupier of the premises, within a reasonable time therein specified, to remedy the defect.
- (2) If an owner or occupier is aggrieved by a notice under the foregoing subsection he may, within the time specified in the notice, refer the matter by summary application to the sheriff, who may issue such directions as he thinks fit, and whose decision on the matter shall be final.
- (3) Where an owner or occupier fails to comply with the terms of a notice under subsection (1) above, or as modified under subsection (2) above, the [^{F4}authority which served the notice] may, after giving not less than 7 days' notice to the owner or occupier concerned, carry out the work necessary to remedy the defect, and may recover the expenses reasonably incurred by them in so doing from the person on whom the notice was served, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier:
Provided that the [^{F5}authority in question] may, if they think fit, remit such part of the expenses as seems to them to be equitable.
- (4) If it appears to [^{F6}a local authority or a sewerage authority that immediate action is required to remedy a defect], the foregoing provisions of this section shall apply with the following modifications—
 - (a) the period specified in a notice under subsection (1) shall be 48 hours;

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Sewerage (Scotland) Act 1968, Section 15 is up to date with all changes known to be in force on or before 26 July 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)

- (b) subsection (2) shall not apply; and
- (c) the period specified in subsection (3) shall not apply and the authority [^{F7} which served the notice] may proceed to carry out the work forthwith.

(5) In this section “defect” includes any obstruction in a drain or sewage treatment works, and “defective” shall be construed accordingly.

Textual Amendments

- F1** Words in s. 15(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(a)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F2** Words in s. 15(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(a)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F3** Words in s. 15(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(a)(iii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F4** Words in s. 15(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(b)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F5** Words in proviso to s. 15(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(b)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F6** Words in s. 15(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(c)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F7** Words in s. 15(4)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(12)(c)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

- C1** References to medical officer of health 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**

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation:

Sewerage (Scotland) Act 1968, Section 15 is up to date with all changes known to be in force on or before 26 July 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.