



# Sewerage (Scotland) Act 1968

## 1968 CHAPTER 47

### PART I

#### GENERAL PROVISIONS AS TO SEWERAGE

##### *Miscellaneous*

#### **20 Compensation for loss etc. resulting from exercise of powers under this Part of this Act.**

- (1) Subject to the provisions of this section, [<sup>F1</sup>Scottish Water] shall make full compensation for any loss, injury or damage sustained by any person by reason of the exercise by [<sup>F2</sup>Scottish Water] of any of [<sup>F3</sup>its] powers under this Part of this Act in relation to a matter as to which he has not himself been in default.
- (2) Any question arising under this section as to the fact of loss, injury or damage or as to the amount of compensation shall, in the case of dispute, be referred to a single arbiter to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State, and the arbiter may, and, if so directed by the Court of Session, shall, state a case for the opinion of that Court on any question of law arising in the proceedings.
- (3) A claim for compensation against [<sup>F4</sup>Scottish Water] under this section shall not be maintainable unless it is made to [<sup>F5</sup>Scottish Water] within [<sup>F6</sup>24] months after the date on which it is alleged to have arisen.
- (4) Where an owner of land claims compensation in respect of loss, injury or damage sustained by him by reason of [<sup>F1</sup>Scottish Water] having, in the exercise of [<sup>F7</sup>its] powers under this Part of this Act, constructed a sewer in, on or over his land, the arbiter in determining the amount of compensation shall determine also by what amount, if any, the value to the claimant of any land belonging to him has been enhanced by the construction of the sewer, and [<sup>F8</sup>Scottish Water] shall be entitled to set off that amount against the amount of any compensation awarded.

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**Changes to legislation:** Sewerage (Scotland) Act 1968, Section 20 is up to date with all changes known to be in force on or before 14 May 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

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[<sup>F9</sup>(5) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to [<sup>F1</sup>Scottish Water] constructing a sewer under section 3(1), of this Act.]

#### Textual Amendments

- F1** Words in s. 20(1)(4)(5) 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**
- F2** Words in s. 20(1) 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**
- F3** Word in s. 20(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 23(a)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F4** Words in s. 20(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 23(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F5** Words in s. 20(3) 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**
- F6** Word in s. 20(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(17)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F7** Word in s. 20(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 5 para. 23(c)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F8** Words in s. 20(4) 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** S. 20(5) added (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(17)(d)**; S.I. 1994/2850, **art. 3(c)(vi)** (with art. 4)

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

- C1** S. 20(5): power to modify conferred (4.1.1995) by 1994 c. 39, s. 182(2); S.I. 1994/2850, art. 3(a), **Sch. 2** (with art. 4)

**Changes to legislation:**

Sewerage (Scotland) Act 1968, Section 20 is up to date with all changes known to be in force on or before 14 May 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\(2\)\(b\)](#)