



# Water Services etc. (Scotland) Act 2005

## 2005 asp 3

### PART 2

#### PROVISION OF WATER AND SEWERAGE SERVICES

##### *Scottish Water: services via licensed providers*

#### **20 Continuation and discontinuation of sewerage services**

- (1) Where sewerage is provided to, or sewage is disposed of from, premises by Scottish Water under subsection (5) of section 16, Scottish Water is to continue providing sewerage to, or (as the case may be) disposing of sewage from, the premises even if the arrangements for that provision or disposal (made between the occupier of the premises and the sewerage services provider who made the related request under subsection (4) of that section in respect of the premises) have come to an end.
- (2) Subsection (1) does not apply in relation to any trade effluent services.
- (3) Where—
  - (a) trade effluent services are provided to premises by Scottish Water under subsection (5) of section 16; and
  - (b) the arrangements for the provision of the services (made between the occupier of the premises and the sewerage services provider who made the related request under subsection (4) of that section in respect of the premises) have come to an end—
    - (i) by reason of the revocation or suspension of the licence held by the provider; or
    - (ii) for any other reason (except where the services are discontinued under subsection (10)),the duty of Scottish Water under subsection (5) of section 16 to provide trade effluent services to the premises continues for the period mentioned in subsection (4).
- (4) The period is 2 months, or such shorter period as Scottish Water with the Commission's consent determines, from the date on which the arrangements mentioned in subsection (3)(b) came to an end.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) But the continuation under subsection (3) of a duty to provide trade effluent services ceases if—
- (a) it is superseded by a new duty under subsection (5) of section 16; or
  - (b) the occupier of the premises notifies Scottish Water that the trade effluent services are not required.
- (6) A sewerage services provider may request Scottish Water to discontinue any trade effluent services provided to premises under subsection (5) of section 16.
- (7) At least 14 days before making a request under subsection (6), the provider must serve a notice of the provider’s intention to make such a request on—
- (a) the occupier of the premises;
  - (b) Scottish Water; and
  - (c) the Commission.
- (8) The notice must be in such form and contain such particulars as the Scottish Ministers may by order prescribe.
- (9) An occupier of premises who has been served with a notice under subsection (7) may, within 10 days of the date of service of the notice, make representations to the provider about the notice; and the provider must have regard to any representations so made.
- (10) Where a request is made under subsection (6), Scottish Water is to discontinue the trade effluent services provided under section 16(5) to the premises if the conditions mentioned in subsection (11) are satisfied.
- (11) The conditions are that—
- (a) any provision of sewerage to, or disposal of sewage from—
    - (i) the premises for a purpose otherwise than in respect of trade effluent;  
or
    - (ii) any other premises for any purpose,  
is not adversely affected by the discontinuation; and
  - (b) there is no likely risk to public health arising in consequence of the discontinuation.
- (12) Any reasonable costs incurred by Scottish Water in effecting a discontinuation under this section are to be met by the sewerage services provider who made the request under subsection (6) for the discontinuation.
- (13) If there is a dispute between a sewerage services provider and Scottish Water as to reasonable costs incurred in effecting a discontinuation under this section, Scottish Water is to refer the matter to the Commission for determination; and the determination of the Commission in the matter is final.
- (14) This section is without prejudice to any provision in Part II of the 1968 Act relating to trade effluent services.
- (15) In this section, “trade effluent services” means the provision of sewerage, or disposal of sewage, in respect of trade effluent.
- (16) In subsection (15), “trade effluent” is to be construed in accordance with section 59(1) (interpretation) of the 1968 Act.