

## SCHEDULE 5

*(introduced by section 71)*

### MODIFICATIONS OF SEWERAGE (SCOTLAND) ACT 1968

- 1 The Sewerage (Scotland) Act 1968 (c. 47) is amended as follows.
- 2 In each of the following provisions, for “a sewerage authority” wherever the expression occurs substitute “Scottish Water”—
  - section 1(2)(a) and (3),
  - section 3(1), (2) and (3),
  - section 3A(1),
  - section 4,
  - section 7(1) and (3),
  - section 10(1),
  - section 11(1), (2) and (3),
  - section 12(3), (4) and (8),
  - section 14(1) and (6),
  - section 15(1) and (4),
  - section 16(1) and (3),
  - section 16A(1),
  - section 17(2) and (4),
  - section 20(1), (4) and (5),
  - section 22(1), (2A) and (3),
  - section 23,
  - section 24,
  - section 25,
  - section 26,
  - section 27(1),
  - section 28(1),
  - section 29(1),
  - section 30(1),
  - section 32(1),
  - section 36(1),
  - section 37(1) and (3),
  - section 37A(1) and (3),
  - section 38(1),
  - section 39,
  - section 44,
  - section 45(1),
  - section 48(1),
  - section 53.
- 3 In each of the following provisions, for “the sewerage authority” wherever the expression occurs substitute “Scottish Water”—
  - section 1(2)(b) and (4),
  - section 3(2),
  - section 3A(2),
  - section 11(4),

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section 12(8),  
section 15(1),  
section 16(2),  
section 16A(2),  
section 17(3),  
section 20(4),  
section 21(1),  
section 23,  
section 31,  
section 32(2),  
section 33(2),  
section 34,  
section 35,  
section 36(2),  
section 37(4) and (6),  
section 42(2),  
section 48(3),  
section 51(2) and (4).

4 In each of the following provisions, for “the authority” wherever the expression occurs substitute “Scottish Water”—

section 1(4),  
section 3A(2),  
section 4,  
section 8(1),  
section 10(2),  
section 11(1),  
section 12(3),  
section 14(1) and (5),  
section 16(1)(b) and (2),  
section 20(1) and (3),  
section 21(1),  
section 24(1) and (2),  
section 26,  
section 27(1), (3), (4) and (5),  
section 28(2),  
section 29(3) and (6),  
section 31,  
section 32(3), (5) and (7),  
section 35,  
section 36(2),  
section 37(4), (5), (6) and (7),  
section 37A(2),  
section 38(2),  
section 45(1),  
section 48(1),

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- section 51(3).
- 5 In section 1 (duty of sewerage authority to provide for sewerage of their area)—
- (a) in subsection (1)—
    - (i) for “each of the sewerage authorities” substitute “Scottish Water”,
    - (ii) for “their”, in both places where it occurs, substitute “its”,
  - (b) in subsection (2)(a), for “their”, in the first place where it occurs, substitute “its”,
  - (c) in subsection (4), before “private provider”, in the second and third places where the expression occurs, insert “the”.
- 6 In section 2 (maintenance of public sewers and other works)—
- (a) for “each of the sewerage authorities” substitute “Scottish Water”,
  - (b) for “them” substitute “it”,
  - (c) for the words from “Part” to the end substitute “the Water Industry (Scotland) Act 2002 (asp 3)”.
- 7 In section 3 (construction etc. of public sewers and public sewage treatment works)—
- (a) in subsection (1)—
    - (i) the words “within or outwith their area” are repealed,
    - (ii) in paragraph (b), for “them” substitute “it”,
  - (b) in subsection (2), for “their” substitute “its”,
  - (c) subsection (4) is repealed.
- 8 In section 3A (authorisation of construction of certain private sewers)—
- (a) in subsection (1)—
    - (i) for “their” in each place where it occurs substitute “its”,
    - (ii) for “them” substitute “it”,
  - (b) in subsection (2)—
    - (i) for “their” substitute “its”,
    - (ii) for “they” in the first place where it occurs substitute “it”,
    - (iii) for “them” in both places where it occurs substitute “it”,
    - (iv) for “they think” substitute “it thinks”.
- 9 In section 4 (power of sewerage authority to close or alter public sewers etc.)—
- (a) for “they think” substitute “it thinks”,
  - (b) for “them” substitute “it”,
  - (c) for the words from “Part” to “1994” substitute “the Water Industry (Scotland) Act 2002 (asp 3)”,
  - (d) for “they” in the second place where it occurs substitute “it”,
  - (e) for “their” substitute “its”.
- 10 Section 6 (functions outwith area of a sewerage authority) is repealed.
- 11 In section 7 (agreements between roads and sewerage authorities)—
- (a) subsection (2) is repealed,
  - (b) in subsection (3)—
    - (i) the words from “and” where it first occurs to “thereto” are repealed,
    - (ii) for “any authority” substitute “a roads authority or Scottish Water”,

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- (iii) for “authorities concerned” substitute “authority concerned and Scottish Water”.
- 12 In section 8 (agreements as to provision of sewers etc. for new premises)—
- (a) in subsection (1)—
    - (i) for “a sewerage authority are” substitute “Scottish Water is”,
    - (ii) for “their” substitute “its”,
    - (iii) for “they” substitute “it”,
    - (iv) for “them” substitute “it”,
  - (b) in subsection (2)—
    - (i) for “an authority” substitute “Scottish Water”,
    - (ii) for “the authority have” substitute “it has”.
- 13 In section 9 (loan of temporary sanitary conveniences), for—
- (a) “the sewerage authority concerned”, and
  - (b) in the proviso, “the sewerage authority”,
- substitute “Scottish Water”.
- 14 In section 10 (emptying of septic tanks)—
- (a) in subsection (1), for “their” in each place where it occurs substitute “its”,
  - (b) in subsection (2), for “they think” substitute “it thinks”,
  - (c) in subsection (4), for the words from “Part” to “1994” substitute “the Water Industry (Scotland) Act 2002 (asp 3)”.
- 15 In section 11 (duty of sewerage authority to keep map showing public sewers etc.)—
- (a) for “their” wherever it occurs substitute “its”,
  - (b) in subsection (1)—
    - (i) for “them” substitute “it”,
    - (ii) for the words from “Part” to “1994” substitute “the Water Industry (Scotland) Act 2002 (asp 3)”,
    - (iii) for “they have” substitute “it has”,
  - (c) in subsection (3)—
    - (i) for “they consider” substitute “it considers”,
    - (ii) for “the authority” substitute “it”,
    - (iii) for “they do” substitute “it does”.
- 16 In section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.)—
- (a) in subsection (1)—
    - (i) the words “within the area of a sewerage authority” are repealed,
    - (ii) for “that authority” substitute “Scottish Water”,
  - (b) in subsection (2), for “an authority” substitute “Scottish Water”,
  - (c) in subsection (3)—
    - (i) for “them” in the second place where it occurs substitute “it”,
    - (ii) for “they think” substitute “it thinks”,
  - (d) in subsection (4), for “their” in both places where it occurs substitute “its”,
  - (e) in subsection (6)—
    - (i) for “the sewerage authority who granted it” substitute “Scottish Water”,

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- (ii) for “them” in both places where it occurs substitute “it”,
  - (f) in subsection (7)—
    - (i) for “the sewerage authority who granted the permission” substitute “Scottish Water”,
    - (ii) for “them” substitute “it”,
  - (g) in subsection (8), for “them” substitute “it”.
- 17 Section 13 (rights of owners and occupiers to connect with and drain into sewers etc. of another sewerage authority) is repealed.
- 18 In section 14 (direction by sewerage authority as to manner of construction of works)—
  - (a) in subsection (1)—
    - (i) the words “or that subsection as applied by section 13 above” are repealed,
    - (ii) for “they consider” substitute “it considers”,
    - (iii) for “they have” substitute “it has”,
    - (iv) for “them” substitute “it”,
  - (b) in subsection (2), for the words from “the sewerage” to the end substitute “Scottish Water”,
  - (c) in subsection (4)—
    - (i) for the words “the sewerage authority who issued it” substitute “Scottish Water”,
    - (ii) for “them” in both places where it occurs substitute “it”,
  - (d) in subsection (5)—
    - (i) for the words “An authority who issue a direction under subsection (1) above” substitute “Where Scottish Water has issued a direction under subsection (1) above, it”,
    - (ii) for “they” substitute “it”,
    - (iii) for “their” substitute “its”.
- 19 In section 15 (owner or occupier to remedy defects in drains and other works)—
  - (a) in subsection (1)—
    - (i) after “their” insert “or, as the case may be, its”,
    - (ii) for “the authority in question” substitute “the local authority or, as the case may be, Scottish Water”,
  - (b) in subsection (3)—
    - (i) before “authority” in both places where it occurs insert “local”,
    - (ii) after “notice” in the second place where it occurs insert “or, where the notice was served by Scottish Water, that body”,
    - (iii) after “them” in both places where it occurs insert “or, as the case may be, it”,
    - (iv) after “question” insert “or, as the case may be, Scottish Water”,
    - (v) after “think” insert “or it thinks”,
  - (c) in subsection (4)(c)—
    - (i) before “authority” insert “local”,
    - (ii) after “notice” insert “or, where the notice was served by Scottish Water, that body”,
- 20 In section 16 (vesting of sewers and other works in sewerage authority)—

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- (a) in subsection (1)—
    - (i) for “them” in each place where it occurs substitute “it”,
    - (ii) for “their” in each place where it occurs substitute “its”,
    - (iii) in paragraph (cc), for “they enter” substitute “it enters”,
  - (b) in subsection (2), for “1st April 1996” substitute “the date when section 21 of the Water Industry (Scotland) Act 2002 (asp 3) comes into force”,
  - (c) in subsection (3), for “the authority who” substitute “Scottish Water which”.
- 21 In section 16A (vesting of certain private sewers)—
- (a) in subsection (1), for “their” substitute “its”,
  - (b) in subsection (2)—
    - (i) for “they think” substitute “it thinks”,
    - (ii) for “them” substitute “it”.
- 22 In section 17 (sewerage authority may take over private sewage treatment works)—
- (a) in subsection (1)—
    - (i) for the words from “a sewerage” to “situated” substitute “Scottish Water”,
    - (ii) for “the works” where that expression first occurs substitute “any private sewage treatment works”,
    - (iii) for “them” substitute “it”,
  - (b) in subsection (2)—
    - (i) for “their” substitute “its”,
    - (ii) for “they think” substitute “it thinks”,
    - (iii) for “them” substitute “it”,
    - (iv) the words from “and shall” to “situated” are repealed,
  - (c) in subsection (4), for “them” substitute “it”.
- 23 In section 20 (compensation for loss etc. resulting from exercise of powers under this Act)—
- (a) in subsection (1), for “their” substitute “its”,
  - (b) in subsection (3), for “an authority” substitute “Scottish Water”,
  - (c) in subsection (4), for “their” substitute “its”.
- 24 In section 21(1) (buildings not to interfere with sewers), for “they have” substitute “it has”.
- 25 In section 23 (restriction on working minerals), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3)”.
- 26 In section 27 (procedure on application for consent to new discharge)—
- (a) in subsection (4)—
    - (i) paragraph (a) and the following “and” are repealed,
    - (ii) the words “the second authority or” are repealed,
  - (b) subsection (6) is repealed.
- 27 In section 28 (time to dispose of application), for “them” in each place where it occurs substitute “it”.
- 28 In section 29 (decision on application)—
- (a) in subsection (1)—

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- (i) for “their” in each place where it occurs substitute “its”,
    - (ii) for “they” in each place where it occurs substitute “it”,
  - (b) in subsection (2)—
    - (i) for “the authority have” substitute “Scottish Water has”,
    - (ii) for “their” in each place where it occurs substitute “its”,
    - (iii) for “they” substitute “it”,
  - (c) in subsection (3)—
    - (i) for “their” substitute “its”,
    - (ii) in paragraph (h), for “are” substitute “is”,
    - (iii) in paragraph (j), for “them” substitute “it”, and for “their” substitute “its”,
  - (d) in subsection (5), for “an authority” substitute “Scottish Water”.
- 29 In section 30(1) (intimation of decision)—
- (a) for “their” substitute “its”,
  - (b) the words “authority or” are repealed.
- 30 In section 32 (review of consents, conditions and refusals)—
- (a) in subsection (1), for “them” substitute “it”,
  - (b) in subsection (2)—
    - (i) for “they propose” substitute “it proposes”,
    - (ii) for “their” substitute “its”,
    - (iii) for “the authority” substitute “it”,
  - (c) in subsection (4), the words “authority or” are repealed.
- 31 In section 36 (review of continuation of existing discharge)—
- (a) in subsection (1), for “they” substitute “it”,
  - (b) in subsection (4)—
    - (i) for “the authority have” substitute “Scottish Water has”,
    - (ii) for “them” substitute “it”,
    - (iii) for “the authority” in the second place where that expression occurs substitute “Scottish Water”.
- 32 In section 37 (agreements as respects trade premises)—
- (a) in subsection (1)—
    - (i) for “their” substitute “its”,
    - (ii) for “the authority” substitute “it”,
  - (b) in subsection (3), for “the authority” substitute “it”,
  - (c) in subsection (5)(c), for “their” substitute “its”.
- 33 In section 37A (register for purposes of Part II)—
- (a) in subsection (2), for “their” in each place where it occurs substitute “its”,
  - (b) in subsection (3), for “them” in each place where it occurs substitute “it”.
- 34 In section 38 (power to extend Part II to other effluents), in subsection (3), for “and such sewerage authorities” substitute “, Scottish Water and such”.
- 35 In section 39 (sewerage authority to have right to sewage)—
- (a) for “their” substitute “its”,
  - (b) for “them” substitute “it”.

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- 36 In section 41 (breaking open of roads etc.)—
- (a) for “a sewerage authority or” substitute “Scottish Water or any”,
  - (b) in the proviso, for “they” substitute “Scottish Water or, as the case may be, that person”.
- 37 In section 42(1) (execution of works by sewerage authorities for other persons)—
- (a) for “the sewerage authority concerned” substitute “Scottish Water”,
  - (b) for “their” substitute “its”.
- 38 In section 44 (power of sewerage authorities to require information as to ownership etc. of premises)—
- (a) for “them” in each place where it occurs substitute “it”,
  - (b) for “their” substitute “its”.
- 39 In section 48(1) (powers of entry)—
- (a) in paragraph (d), for “them” substitute “it”,
  - (b) in paragraph (dd), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3)”,
  - (c) in paragraph (e), for “their” substitute “its”,
  - (d) in paragraph (f)(ii), for “section 98(1)(b)” substitute “section 46(1)(b)(ii)”.
- 40 In section 55(2) (application of Act to Crown), for the words from “the sewerage” to “situated” substitute “Scottish Water”.
- 41 In section 59 (interpretation)—
- (a) for the definition of “area” substitute—
    - ““area”, in relation to Scottish Water, means the area comprising all of the local government areas established by virtue of section 1 of the Local Government etc. (Scotland) Act 1994 (c. 39);”,
  - (b) in the definitions of—
    - (i) “private sewage treatment works”,
    - (ii) “public drain”,
    - (iii) “public sewage treatment works”, and
    - (iv) “public sewer”,
 for “a sewerage authority” substitute “Scottish Water”,
  - (c) the definition of “sewerage authority” is repealed.