

SCHEDULE 3

(introduced by section 33)

SUSTAINABLE URBAN DRAINAGE SYSTEMS: FURTHER AMENDMENTS

The 1968 Act

- 1 The 1968 Act is amended as follows.
- 2 In section 1(1) (duty of Scottish Water to provide for sewerage)—
 - (a) after “sewers” in the first place where it occurs insert “and public SUD systems”,
 - (b) after “sewers” in the second place where it occurs insert “and SUD systems”.
- 3 In section 2 (maintenance of public sewers etc.), after “sewers,” insert “SUD systems,”.
- 4 In section 3 (power to construct public sewers)—
 - (a) in subsection (1)(a), after “sewer” insert “or SUD system”,
 - (b) in subsection (2), after “sewer” insert “or SUD system”.
- 5 In section 3A(2) (vesting of privately constructed sewers)—
 - (a) after “sewer” in the first place where it occurs insert “or SUD system”,
 - (b) after “sewer” in each other place where it occurs insert “or system”,
 - (c) after “sewers” insert “, SUD systems”.
- 6 In section 4 (Scottish Water may close or alter public sewers etc.)—
 - (a) after “sewer” in the first and third places where it occurs insert “, SUD system”,
 - (b) after “sewer” in the second and fourth places where it occurs insert “, system”.
- 7 In section 7(1) (agreements between roads authorities and Scottish Water), after “sewers” insert “, SUD systems”.
- 8 In section 8(1) (agreements as to provision of sewers etc. for new premises)—
 - (a) after “sewers” in both places where it occurs insert “, SUD systems”,
 - (b) after “of” in the second place where it occurs insert “SUD systems and”.
- 9 In section 11(1) (Scottish Water to keep maps of sewers, drains etc.), after “drains” insert “, SUD systems”.
- 10 (1) Section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “or private sewers” in the first place where those words occur substitute “, private sewers or private SUD systems”,
 - (b) after “sewers” in the second place where it occurs insert “, SUD systems”,
 - (c) after “entitled” in the second place where it occurs insert “(a)”,
 - (d) for “and surface water from those premises” substitute “, and
 - (b) by means of those drains, private sewers or private SUD systems, to drain into those sewers, systems or works the surface water,

Status: This is the original version (as it was originally enacted).

from those premises”.

- (3) In subsection (2)—
- (a) for “or sewers” substitute “, sewers or SUD systems”,
 - (b) after “sewers” in the second place where it occurs insert “, SUD systems”,
 - (c) for “or sewer” substitute “, sewer or SUD system”.
- (4) In subsection (3)—
- (a) for “or sewers” substitute “, sewers or SUD systems”,
 - (b) after “sewers” in the second place where it occurs insert “, SUD systems”,
 - (c) for “or sewer” substitute “, sewer or SUD system”,
 - (d) after “sewer” in the second place where it occurs insert “, system”.
- (5) In subsection (8)—
- (a) for “or sewer” in both places where those words occur substitute “, sewer or SUD system”,
 - (b) after “sewers” insert “, SUD systems”.
- 11 In section 14 (direction by Scottish Water as to manner of construction of works)—
- (a) in subsection (1)—
 - (i) for “or sewer” substitute “, sewer or SUD system”,
 - (ii) after “sewer” in the second, third and fourth places where it occurs insert “, SUD system”,
 - (b) in subsection (5), after “sewer” in each place where it occurs insert “, SUD system”,
 - (c) in subsection (6), after “sewer” insert “, SUD system”.
- 12 In section 15 (owner or occupier to remedy defects in drains etc.)—
- (a) in subsection (1), after “drains” in both places where it occurs insert “, SUD systems”,
 - (b) in subsection (5), after “drain” insert “, SUD system”.
- 13 In section 16 (vesting of sewers and other works in Scottish Water)—
- (a) in subsection (1)—
 - (i) in paragraph (a), after “sewers” insert “, SUD systems”,
 - (ii) in paragraph (c), after “sewers” in the first place where it occurs insert “and private SUD systems”,
 - (iii) in paragraph (cc), after “sewers” in the first place where it occurs insert “and private SUD systems”, and after “sewers” in the second place where it occurs insert “and systems”,
 - (iv) in paragraph (d), after “works” insert “and SUD systems”,
 - (v) in paragraph (e), after “works” insert “and SUD systems”,
 - (b) in subsection (2)—
 - (i) after “sewers” in the first place where it occurs insert “, private SUD systems”,
 - (ii) after “works” insert “and SUD systems”,
 - (c) in subsection (3), after “drains” insert “, SUD systems”.
- 14 In section 16A (vesting of certain private sewers)—

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- (a) in subsection (1), for “or” in the second place where it occurs substitute “and any sewer or SUD system vested in a person”,
 - (b) in subsection (2), after “sewer” insert “or SUD system”.
- 15 In section 17 (Scottish Water may take over private sewage treatment works)—
- (a) in subsection (1)—
 - (i) after “works” in the first place where it occurs insert “or private SUD system”,
 - (ii) after “works” in the second place where it occurs insert “or system”,
 - (b) in subsection (2)—
 - (i) after “works” in the first place where it occurs insert “or a SUD system”,
 - (ii) after “works” in the second place where it occurs insert “or system”,
 - (c) in subsection (4), after “works” insert “and any SUD system”,
 - (d) in subsection (5)—
 - (i) after “works” insert “or a SUD system”,
 - (ii) after “them” insert “or it”,
 - (iii) after “have” insert “or it has”,
 - (e) in subsection (6), after “works” insert “or a SUD system”.
- 16 In section 21(1) (buildings not to interfere with sewers), after “sewer” insert “or SUD system”.
- 17 In section 23 (restriction on working minerals)—
- (a) after “works” in the first place where it occurs insert “, public SUD systems”,
 - (b) after “works” in every other place where it occurs insert “, SUD systems”.
- 18 In section 39 (Scottish Water to have right to sewage), after “sewers” insert “, SUD systems”.
- 19 In section 41 (breaking open of streets etc.), after “sewers” insert “, SUD systems”.
- 20 In section 45 (production of plans and information)—
- (a) after “sewer” in the first and second places where it occurs insert “, SUD system”,
 - (b) after “sewer” in the third and fourth places where it occurs insert “, system”.
- 21 In section 46 (certain matter not to be passed into drains)—
- (a) after “sewer” in the first place where it occurs insert “, public SUD system”,
 - (b) after “sewer” in the second and third places where it occurs insert “, SUD system”.
- 22 In section 48(1) (powers of entry)—
- (a) in paragraph (a), after “of” in the third place where it occurs insert “a SUD system or”,
 - (b) in paragraph (dd)—
 - (i) after “sewer” in the first place where it occurs insert “or SUD system”,
 - (ii) after “sewer” in the second place where it occurs insert “or public SUD system”,
 - (c) in paragraph (f)—

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- (i) after “sewers” in the first place where it occurs insert “, public SUD systems”,
- (ii) after “sewers” in the second place where it occurs insert “, SUD systems”.

23 In section 59 (interpretation)—

- (a) in subsection (1), in the definition of “sewage treatment works”, at the end insert “but does not include a SUD system”,
- (b) in subsection (3), after “sewer” in both places where it occurs insert “, SUD system”.

Water Industry (Scotland) Act 2002 (asp 3)

24 In section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (acquisition of land by agreement for provision of sewerage system), after “sewers” insert “, sustainable urban drainage systems”.