



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART XII

#### STATUTORY UNDERTAKERS

#### **135 Restriction of powers of local authority in whom sewer is vested.**

- (1) [<sup>F1</sup>Section 134] of this Act (including the provisions of the [<sup>F2</sup>the Town and Country Planning (Scotland) Act 1997] applied by subsection (1) of the said section 134), shall, so far as applicable, apply in relation to the sewers and sewage disposal works of [<sup>F3</sup>Scottish Water] as they apply in relation to the apparatus of statutory undertakers.
- (2) In the said provisions of the [<sup>F4</sup>the said Act of 1997] applied for the purposes of this section, references to the appropriate Minister shall be construed, in relation to [<sup>F5</sup>Scottish Water], as references to the Secretary of State.
- (3) Where a public sewer is removed in pursuance of a notice or order given or made under [<sup>F6</sup>section 224 of the said Act of 1997] as applied for the purposes of this section, a person who is the owner or occupier of premises the drains of which communicated with that sewer, or the owner of a private sewer which communicated with that sewer, shall be entitled to recover from the special road authority expenditure for the purpose of
  - (a) linking his drain or sewer with—
    - (i) any other public sewer; or
    - (ii) a private sewage disposal plant; or
  - (b) constructing a private sewage disposal plant and linking his drain or sewer to that plant,if that expenditure was reasonably incurred in consequence of the removal.

#### **Textual Amendments**

- F1** Words in s. 135(1) substituted (1.1.1993) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), s. 168(1), [Sch. 8 para. 92](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

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*Changes to legislation: Roads (Scotland) Act 1984, Section 135 is up to date with all changes known to be in force on or before 12 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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| <b>F2</b> | Words in s. 135(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), <b>Sch. 2 para. 38(14)(a)</b>  |
| <b>F3</b> | Words in s. 135(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), <b>Sch. 7 para. 14(4)(a)</b> (with s. 67); S.I. 2002/118, <b>art. 2(3)</b> |
| <b>F4</b> | Words in s. 135(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), <b>Sch. 2 para. 38(14)(b)</b>  |
| <b>F5</b> | Words in s. 135(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), <b>Sch. 7 para. 14(4)(b)</b> (with s. 67); S.I. 2002/118, <b>art. 2(3)</b> |
| <b>F6</b> | Words in s. 135(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), <b>Sch. 2 para. 38(14)(c)</b>  |

**Changes to legislation:**

Roads (Scotland) Act 1984, Section 135 is up to date with all changes known to be in force on or before 12 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. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)