

*These notes relate to the Reservoirs (Scotland) Act 2011  
(asp 9) which received Royal Assent on 12 April 2011*

# **RESERVOIRS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Reservoirs**

#### ***Chapter 9 – Civil Enforcement, Emergency Powers and Further Offences***

#### ***Section 80 – Fixed monetary penalties: procedure***

115. This section sets out the process that must be followed when a fixed monetary penalty is issued. Subsection (2) allows a reservoir manager to initially pay a lesser amount of money to prevent a fixed monetary penalty from subsequently being issued. Subsection (3) specifies what information must be included in any notification to the reservoir manager. Subsection (4) requires the order under section 79(1) to include provision for SEPA not to impose a fixed monetary penalty if SEPA are either satisfied that the reservoir manager would not by reason of defence be liable to be convicted of the related offence or due to other circumstances. Subsection (5) lists the required contents of any final notice under this section. Subsection (6) sets out the circumstances under which a reservoir manager can appeal to the Scottish Ministers against a decision under this section. Subsection (7) enables the Scottish Ministers to provide for the charging of a fee in relation to appeals under this section which is returnable if the appeal is upheld.