



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 8

DISPUTE REFERRAL

62 Powers of referee: referral under section 59(2)

- (1) This section applies where a referral is made under section 59(2).
- (2) The referee may make such modifications (if any) as the referee considers appropriate to the direction.
- (3) Where the referee makes any such modification, the referee—
 - (a) must modify the report which contains the direction,
 - (b) where the report is a safety report, must make any necessary modification to any safety measure certificate given in relation to the report,
 - (c) where the report is an inspection report, must make any necessary modification to any interim inspection compliance certificate given in relation to the report.
- (4) The referee must take the steps mentioned in subsection (5) not later than 28 days after making a decision under subsection (2).
- (5) The steps are—
 - (a) to give the reservoir manager and the relevant engineer a certificate (a “referral certificate”) stating—
 - (i) whether the referee has modified the report,
 - (ii) any modification made,
 - (b) where the referee has modified the report or any safety measure certificate or interim inspection compliance certificate, to give the reservoir manager and the relevant engineer a copy of the modified report and any such modified certificate,

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- (c) to give SEPA a copy of the referral certificate and any modified report and any such modified safety measure certificate or interim inspection compliance certificate.
- (6) A direction, report, safety measure certificate or interim inspection compliance certificate modified under this section has effect as so modified.
- (7) In subsection (3)(b) and (c), “any necessary modification” means any modification the referee considers is necessary in relation to any measure specified in the certificate as a measure yet to be taken.