



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Miscellaneous

88 Recovery by SEPA of expenses

- (1) Provision under section 73(1) or 82(1) may include provision for SEPA, by notice, to require a reservoir manager to whom a stop notice is given or on whom a further enforcement measure is imposed, to pay the amount of any expenses reasonably incurred by SEPA in relation to (and up to the time of) the giving of the notice or (as the case may be) imposition of the measure.
- (2) In subsection (1), the reference to “expenses” includes in particular—
 - (a) investigation expenses,
 - (b) administration expenses,
 - (c) expenses of obtaining expert advice, including legal advice.
- (3) Provision pursuant to subsection (1) must secure that the reservoir manager required to pay the expenses may appeal to the Scottish Ministers against—
 - (a) the decision of SEPA to impose the requirement to pay expenses,
 - (b) the decision of SEPA as to the amount of the expenses.
- (4) Provision pursuant to that subsection may include provision about the determining by or under the order of a fee, and the charging of any fee so determined, in connection with an appeal and may require the return of a fee paid in relation to an appeal which is upheld.