



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 9

#### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

#### *Miscellaneous*

#### 95 Compensation

- (1) SEPA must pay compensation in accordance with this section where, in the exercise of a right to enter land conferred by section 91 (whether or not under a warrant under section 92) any of the following occurs—
  - (a) any land, other than land which is occupied by the reservoir manager, is damaged,
  - (b) the enjoyment of any land, other than land which is so occupied, is disturbed.
- (2) Compensation is to be paid in respect of the damage or disturbance to—
  - (a) a person with an interest in the land,
  - (b) a person whose enjoyment of the land is disturbed.
- (3) Any dispute about compensation under this section is to be determined by the Lands Tribunal for Scotland.
- (4) Compensation payable under this section is to be treated, for the purposes of recovery from the reservoir manager, as expense incurred by SEPA in the exercise of its powers under section 77.

#### Commencement Information

- 11** S. 95(1)-(3) in force at 1.4.2015 by S.S.I. 2015/63, art. 2, **Sch.**
- 12** S. 95(4) in force at 1.4.2016 by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 95.