
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

The Reservoirs (Enforcement etc.) (Scotland) Order 2016

PART 4

MISCELLANEOUS

Notices: supplementary provision

9.—(1) SEPA may, at any time, by notice given to the reservoir manager—

(a) withdraw (in whole or in part)—

- (i) a stop notice;
- (ii) a restraint notice;
- (iii) a restoration notice;
- (iv) a non-compliance penalty notice; or
- (v) an expenses recovery notice; or

(b) with the consent of the reservoir manager, amend the steps specified in—

- (i) a stop notice;
- (ii) a restraint notice; or
- (iii) a restoration notice,

so as to reduce the amount of work necessary to comply with the notice or, where applicable, to extend a period specified in the notice for the taking of any such step; or

(c) reduce the amount specified in—

- (i) a non-compliance penalty notice; or
- (ii) an expenses recovery notice.

(2) In paragraph (1), “the reservoir manager” means a reservoir manager who was given the stop notice, restraint notice, restoration notice, non-compliance penalty notice or expenses recovery notice in question.

Guidance about the use of powers

10. SEPA must publish guidance about the use of the powers conferred on it by this Order.

Recovery of payments

11. SEPA may recover as a civil debt any—

- (a) non-compliance penalty; or
- (b) expenses required to be paid under an expenses recovery notice.

Payment of penalties

12. Where, by virtue of this Order, SEPA receives any sum in respect of a non-compliance penalty, SEPA must pay it to the Scottish Ministers.