

SCHEDULE 1

STOP NOTICES

Appeals

3.—(1) A reservoir manager to whom a stop notice is given may appeal to the Scottish Ministers against the decision of SEPA to issue it.

(2) The appeal must be made within a period of 21 days beginning with the day on which the stop notice (to which the appeal relates) was given to the reservoir manager under paragraph 1.

(3) The appeal may be made on any ground including that—

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) the decision was unreasonable;
- (d) any step specified in the notice is unreasonable;
- (e) the reservoir manager has not committed the offence and would not have committed it had the stop notice not been given; or
- (f) the reservoir manager would not, by reason of any defence, have been liable to be convicted of the offence had the stop notice not been given.

(4) An appeal under this paragraph does not suspend the stop notice to which it relates.