
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 19

The Water Environment (Remedial Measures) (Scotland) Regulations 2016

PART 4

Enforcement powers

Powers and duty to monitor, enforce etc.

8.—(1) SEPA must monitor compliance with, and enforce the provisions of, these Regulations.

(2) SEPA may secure the carrying out, through such persons as it considers appropriate, of such examination and investigation as it considers necessary for the purpose of discharging its functions under these Regulations.

(3) In regulation 31(5) of the 2011 Regulations—

(a) in sub-paragraph (c), remove the word “and”; and

(b) at the end insert—

“; and

(e) the Water Environment (Remedial Measures) (Scotland) Regulations 2016.”.

Power to obtain information

9.—(1) Subject to paragraph (2), SEPA may serve an information notice on any person requiring that person to provide SEPA, within such period and in such form and manner as may be specified in the notice, with such information as SEPA reasonably considers necessary for the purposes of enabling it to perform any function under these Regulations.

(2) The information which a person may be required to furnish under paragraph (1) may include information which, although it is not in the possession of that person or would not otherwise come into the possession of that person, is information which it is reasonable to require that person to obtain for the purposes of complying with the information notice.

(3) SEPA may vary or revoke an information notice by serving, on the person on whom the information notice was served, a further notice varying or, as the case may be, revoking it.

Enforcement by the courts

10. If SEPA is of the opinion that proceedings for an offence under regulation 11(1)(a) or (b) would afford an ineffectual remedy against a person who has failed to comply with a requirement of—

(a) a remedial measures notice; or

(b) a variation notice,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

it may take proceedings in any court of competent jurisdiction for the purpose of securing compliance with that notice.