
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 43

The Reservoirs (Scotland) Regulations 2016

PART 4

RISK DESIGNATION

Applications for review of risk designations under section 23 of the Act

20.—(1) An application to SEPA under section 23(1) (review of SEPA’s decisions giving risk designations) of the Act must—

- (a) be made in writing; and
- (b) if a fee is charged in relation to the application under section 23(6) of the Act, be accompanied by the fee.

(2) When giving notice to a reservoir manager of a controlled reservoir of a risk designation under section 19(5) or 21(4) of the Act, SEPA must inform the reservoir manager as to—

- (a) where to send an application for a review under section 23(1) of the Act; and
- (b) the information to be provided with any such application.

Appeals to the Scottish Ministers following a review by SEPA of risk designation

21.—(1) An appeal to the Scottish Ministers under section 24(1) (appeal to the Scottish Ministers following SEPA’s review) of the Act must be made by notice in writing (“notice of appeal”).

(2) The notice of appeal must contain—

- (a) a statement of the grounds of appeal;
- (b) a copy of the notice of the decision given by SEPA under section 23(5) of the Act to which the appeal relates; and
- (c) a copy of any relevant correspondence between the person making the appeal (“the appellant”) and SEPA.

(3) The appellant must, at the same time as making any such appeal to the Scottish Ministers, send a copy of the notice of appeal to SEPA.

(4) SEPA may, within a period of 28 days beginning with the day on which it receives a copy of the notice of appeal, make representations in writing to the Scottish Ministers.

(5) SEPA must, at the same time as making representations under paragraph (4), send a copy of those representations to the appellant.

(6) The appellant may, within a period of 21 days beginning with the day on which the appellant receives a copy of any representations made by SEPA under paragraph (4), make representations in writing to the Scottish Ministers in respect of SEPA’s representations.

(7) The appellant must, at the same time as making any representations to the Scottish Ministers under paragraph (6), send a copy of those representations to SEPA.

(8) The appellant may withdraw an appeal by notice in writing to the Scottish Ministers.

Status: This is the original version (as it was originally made).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

(9) The appellant must, at the same time as sending a withdrawal notice under paragraph (8), send a copy of the notice to SEPA.

(10) Before determining an appeal, the Scottish Ministers may give the appellant and SEPA an opportunity to appear before, and be heard by, any engineer appointed under section 24(4) of the Act to make recommendations to the Scottish Ministers about the risk designation to which the appeal relates.