

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 43**

**The Reservoirs (Scotland) Regulations 2016**

**PART 3**

**REGISTRATION**

**Annual subsistence fee: determination and charging**

**16.**—(1) SEPA must determine the amounts of the annual subsistence fee to be included in its charging scheme having regard to—

- (a) its functions under Part 1 of the Act;
- (b) the likely cost to SEPA of carrying out those functions;
- (c) the number of controlled reservoirs that have been or are likely to be registered; and
- (d) the categories of risk designation.

(2) Different amounts of annual subsistence fee may be set for controlled reservoirs with different risk designations.

(3) The annual subsistence fee is chargeable in respect of each financial year.

(4) The annual subsistence fee is payable at the beginning of the financial year in respect of which it is chargeable.

(5) Where a controlled reservoir is given a first risk designation under section 19 of the Act during any financial year, the annual subsistence fee for that financial year must be such proportion of the annual subsistence fee which would otherwise be payable under these Regulations as relates to the period of that year for which the reservoir had a risk designation.

(6) Where a different risk designation is given following a review under Chapter 3 of Part 1 of the Act, the risk designation for the purposes of determining the amount of the annual subsistence fee in any given financial year is the risk designation that applied on 1st April of that year.

(7) Where a controlled reservoir has more than one reservoir manager and one or more nominations are made under section 4(3) of the Act such that a single reservoir manager (“the point of contact manager”) has been nominated by the other managers to fulfil the following functions under Part 1 of the Act—

- (a) making representations to SEPA within the meaning of section 18(4) of the Act;
- (b) applying for a review of a risk designation under section 23(1) of the Act;
- (c) giving notice to SEPA of proposed works under section 33(1) of the Act;
- (d) giving notice to SEPA of the appointment of a construction engineer under section 33(2)(b) of the Act;
- (e) giving notice to SEPA of the appointment of an inspecting engineer under section 45(1)(b) of the Act;
- (f) giving notice to SEPA of the appointment of any other qualified engineer under section 48(2)(b) of the Act;

---

**Status:** This is the original version (as it was originally made).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

---

- (g) giving notice to SEPA of the appointment of a supervising engineer under section 49(1) (b) of the Act;
- (h) submitting flood plans to SEPA under section 55(3)(f) of the Act;
- (i) giving notice to SEPA of any relevant appointments under section 65(2)(b) of the Act;
- (j) giving SEPA notice of revocation of appointment of an engineer under section 103(1) of the Act; and
- (k) giving SEPA a copy of a notice of resignation by an engineer under section 103(2) of the Act,

SEPA may only charge the point of contact manager the annual subsistence fee in respect of that controlled reservoir.

(8) SEPA must not charge an annual subsistence fee for the financial year ending 31st March 2016.