



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Emergency powers

77 **Emergency powers**

- (1) This section applies where it appears to SEPA that immediate action is needed to protect persons or property against an escape of water from a controlled reservoir (whether or not the reservoir is in use).
- (2) SEPA may take any measures that it considers necessary—
 - (a) to remove or reduce the risk to persons or property,
 - (b) to mitigate the effect of an escape of water.
- (3) SEPA must—
 - (a) appoint an engineer to make recommendations about any measures to be taken under this section,
 - (b) arrange for the measures to be taken under the supervision of the appointed engineer.
- (4) An engineer may be appointed under this section if the engineer is a member of a panel of reservoir engineers established under section 27 who may (by virtue of an order under that section) be appointed under this section.
- (5) SEPA must give notice to the reservoir manager of the measures to be taken under this section.
- (6) Notice under subsection (5)—

Status: This is the original version (as it was originally enacted).

- (a) must be given as soon as practicable (which may be after any works have begun), but
 - (b) is not required if SEPA is unable after reasonable enquiry to ascertain the name and address of the reservoir manager and the works have commenced.
- (7) The reservoir manager must pay SEPA the amount of any expenses reasonably incurred by it in the exercise of powers under this section.