



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 5

##### CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

#### 42 Offences: construction or alteration

- (1) Failure by the reservoir manager of a controlled reservoir to comply with any of the following requirements under this Chapter is an offence—
  - (a) the requirements in section 33(1) (notice to SEPA of proposed relevant works),
  - (b) the requirements in section 33(2)(a) (appointment of construction engineer),
  - (c) the requirements in section 33(2)(b) (notice to SEPA of the appointment),
  - (d) the requirements in section 36(1) (compliance with direction as to taking of safety measure in safety report),
  - (e) the requirements in section 40 (compliance with preliminary certificate or final certificate).
- (2) A reservoir manager guilty of an offence under subsection (1)(a), (b) or (c)—
  - (a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
  - (b) in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) A reservoir manager guilty of an offence under subsection (1)(d) or (e) is liable—
  - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
  - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

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**Status:** Point in time view as at 01/04/2016.

**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 42. (See end of Document for details)

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#### **Commencement Information**

**II** S. 42 in force at 1.4.2016 by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)

**Status:**

Point in time view as at 01/04/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 42.