



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.