



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 9

##### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

##### *Taking of safety and other measures*

#### **69 Enforcement notice: safety and other measures**

- (1) This section applies in relation to a controlled reservoir where it appears to SEPA that the reservoir manager has failed to comply with—
  - (a) the manager's duty under section 36(1) (to comply with a direction in a safety report),
  - (b) the manager's duty under section 48(1) (to comply with a direction in an inspection report).
- (2) SEPA may by notice require the reservoir manager to comply with the duty before the end of the period specified in the notice.
- (3) SEPA must consult an engineer appointed by it under this section about the period to be specified in the notice.
- (4) An engineer may be appointed under this section, or section 71, 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 or (as the case may be) section 71.
- (5) Notice under subsection (2) must—
  - (a) specify the measure that SEPA requires to be taken,
  - (b) state SEPA's reasons for considering that this section applies,
  - (c) specify any particular steps SEPA considers must be taken to take the measure.

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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 69. (See end of Document for details)

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- (6) The reservoir manager must pay SEPA the amount of any expenses reasonably incurred by it in connection with consultation under this section.
- (7) The Scottish Ministers may by order make provision allowing a reservoir manager to whom notice is given under subsection (2)—
- (a) to apply to SEPA for a review of its decision to give the notice,
  - (b) to appeal to the Scottish Ministers against the decision to give the notice.
- (8) Any such order—
- (a) must, where it includes provision for—
    - (i) a right of review, specify the period within which a review may be made,
    - (ii) a right of appeal, specify the period within which an appeal may be made, and
  - (b) may make further provision in relation to reviews and appeals in relation to notices given under subsection (2).

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**Commencement Information**

- I1** S. 69(1)-(6) in force at 1.4.2016 by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)
- I2** S. 69(7)(8) in force at 1.1.2015 by S.S.I. 2014/348, art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 69.