



# 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*

#### **70 Offence: failure to comply with notice under section 69(2)**

- (1) Failure to comply with a notice by SEPA under section 69(2) is an offence.
- (2) Where a reservoir manager has a right of review in accordance with an order made under section 69(7), non-compliance is an offence only if—
  - (a) the period within which an application for review may be made has expired, or
  - (b) where such an application has been made, it has been withdrawn or determined.
- (3) Where a reservoir manager has a right of appeal in accordance with an order made under section 69(7), non-compliance is an offence only if—
  - (a) the period within which an appeal may be made has expired, or
  - (b) where such an appeal has been made, it has been withdrawn or determined.
- (4) A reservoir manager guilty of an offence under subsection (1) 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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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 70. (See end of Document for details)

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#### **Commencement Information**

**II** S. 70 in force at 1.4.2016 by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 70.