



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Other civil enforcement measures

82 Further enforcement measures

- (1) The Scottish Ministers may by order make provision about the imposition by SEPA on reservoir managers of controlled reservoirs of one or more further enforcement measures in relation to offences under this Part.
- (2) Before making an order under subsection (1), the Scottish Ministers must consult in accordance with section 86.
- (3) Provision under subsection (1)—
 - (a) must provide that further enforcement measures—
 - (i) may be imposed only where SEPA is satisfied beyond reasonable doubt that a reservoir manager has committed an offence under this Part,
 - (ii) may not be imposed on a reservoir manager on more than one occasion in relation to the same act or omission,
 - (iii) are to be imposed by notice,
 - (b) may provide that further enforcement measures may be imposed in addition to any requirement referred to in section 65(2) or 69(2).
- (4) A further enforcement measure is any of the following—
 - (a) a requirement to pay to SEPA a penalty of such amount as SEPA may in each case determine (but not exceeding the maximum fine for which a

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person convicted of the offence concerned may be made liable on summary conviction),

- (b) a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure that the offence does not continue or recur,
- (c) a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure that the position is so far as possible restored to what it would have been if the offence had not been committed.

(5) For the purposes of this Part—

- a “variable monetary penalty” means a requirement referred to in subsection (4)(a),
- a “restraint notice” means a requirement referred to in subsection (4)(b),
- a “restoration notice” means a requirement referred to in subsection (4)(c).