



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Miscellaneous

91 Powers of entry

- (1) A person authorised by SEPA is entitled, at any reasonable time for any of the purposes in subsection (2), to enter—
- (a) land on which a controlled reservoir is situated,
 - (b) land on which SEPA considers there is situated a structure or area (or combination) referred to in section 1(4) in relation to which SEPA is considering requesting the making an order under that subsection,
 - (c) land on which a structure or area which previously at any time has been a controlled reservoir is situated.
- (2) The purposes are to carry out an inspection, survey or other operation—
- (a) to determine whether any provision of this Part applies,
 - (b) for the purpose of assisting SEPA in giving the reservoir a provisional risk designation or risk designation, or reviewing its risk designation,
 - (c) to determine whether a measure directed in a safety report has been taken,
 - (d) to determine whether the reservoir manager of a controlled reservoir is complying with the requirements of a preliminary certificate or final certificate,
 - (e) to determine—
 - (i) whether a measure directed in an inspection report has been taken (whether before or after the giving of a notice under section 69),
 - (ii) the period to be specified in a notice under that section,

Changes to legislation: There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 91. (See end of Document for details)

- (f) to determine whether a direction by a supervising engineer under section 50(4) has been complied with,
- (g) to determine whether the records required by sections 51 and 56 are being maintained,
- (h) to determine whether incidents are being reported in accordance with regulations under section 54(1),
- (i) to determine whether a flood plan is being prepared in accordance with regulations under section 55(1),
- (j) for the purposes of section 71,
- (k) to determine what (if any) emergency measures should be taken under section 77, or for any purpose connected with taking such measures,
- (l) to assess whether any offence under this Part may be being committed.

Commencement Information

- I1** S. 91(1)(2)(a)(l) in force at 1.4.2015 by [S.S.I. 2015/63](#), [art. 2](#), [Sch.](#)
- I2** S. 91(2)(b) in force at 1.10.2015 by [S.S.I. 2015/314](#), [art. 2\(i\)](#)
- I3** S. 91(2)(c)-(k) in force at 1.4.2016 by [S.S.I. 2016/42](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

Changes to legislation:

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