



Pow of Inchaffray Drainage Commission (Scotland) Act 2019

2019 asp 2

PART 3

MISCELLANEOUS AND GENERAL

19 Consent for activities affecting the Pow and adjacent land etc.

- (1) A person, other than a local authority, must not do any of the following without first obtaining consent from the Commission—
 - (a) any thing that will or may—
 - (i) obstruct the Pow,
 - (ii) limit or restrict access permitted under section 17(1),
 - (b) discharge any thing into, or abstract water from, the Pow.
- (2) The procedure for seeking consent is in schedule 6.
- (3) If a person contravenes subsection (1), the Commission may by notice require the person to—
 - (a) remedy the contravention within such period as the Commission may specify in the notice,
 - (b) reimburse the Commission for costs, if any, incurred by the Commission as a consequence of such contravention.
- (4) Where a person fails to comply with a notice under subsection (3)(a), the Commission may—
 - (a) remedy the contravention, and
 - (b) by notice require the person to reimburse the Commission for the costs incurred by the Commission in doing so.
- (5) Where a notice under subsection (3)(b) or subsection (4)(b) requires costs to be reimbursed to the Commission—
 - (a) the notice must include a breakdown and explanation of the costs,
 - (b) the person is to make payment to the Commission within 28 days of receipt of the notice.

Status: This is the original version (as it was originally enacted).

- (6) Except in the case of an emergency, a local authority must give not less than seven days' prior notice to the Commission before doing anything described in subsection (1) (a). In the case of an emergency, the local authority must notify the Commission as soon as reasonably practicable.