



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 5

CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

42 Offences: construction or alteration

- (1) Failure by the reservoir manager of a controlled reservoir to comply with any of the following requirements under this Chapter is an offence—
 - (a) the requirements in section 33(1) (notice to SEPA of proposed relevant works),
 - (b) the requirements in section 33(2)(a) (appointment of construction engineer),
 - (c) the requirements in section 33(2)(b) (notice to SEPA of the appointment),
 - (d) the requirements in section 36(1) (compliance with direction as to taking of safety measure in safety report),
 - (e) the requirements in section 40 (compliance with preliminary certificate or final certificate).
- (2) A reservoir manager guilty of an offence under subsection (1)(a), (b) or (c)—
 - (a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
 - (b) in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) A reservoir manager guilty of an offence under subsection (1)(d) or (e) 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.

Status: Point in time view as at 01/04/2016.

Changes to legislation: There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 42. (See end of Document for details)

Commencement Information

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

Status:

Point in time view as at 01/04/2016.

Changes to legislation:

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 42.