



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Other civil enforcement measures

81 Fixed monetary penalties: criminal proceedings and conviction etc.

- (1) Provision under section 79(1) must secure that, in a case where a notice of intent referred to in section 80(2)(a) is given to a reservoir manager—
- (a) no criminal proceedings for the offence to which the notice relates may be instituted against the manager in respect of the act or omission to which the notice relates before the end of the period in which the manager may discharge liability for the fixed monetary penalty pursuant to section 80(2)(b),
 - (b) SEPA may not before the end of that period give a stop notice to or impose a further enforcement measure on the manager in respect of the act or omission giving rise to the notice,
 - (c) if the manager so discharges liability—
 - (i) the manager may not at any time be convicted of the offence to which the notice relates in relation to that act or omission,
 - (ii) SEPA may not give a stop notice to or impose a further enforcement measure on the manager in respect of that act or omission.
- (2) Provision under section 79(1) must also secure that, in a case where a fixed monetary penalty is imposed on a reservoir manager—
- (a) the manager may not at any time be convicted of the offence in relation to which the penalty is imposed in respect of the act or omission giving rise to the penalty,

Status: This is the original version (as it was originally enacted).

- (b) SEPA may not give a stop notice to or impose a further enforcement measure on the manager in respect of the act or omission giving rise to the penalty.