



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

### RESERVOIRS

### CHAPTER 9

#### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

#### *Other civil enforcement measures*

#### **84 Further enforcement measures: criminal proceedings and conviction**

- (1) Provision under section 82(1) must secure the result in subsection (2) in any of the following cases—
  - (a) where a further enforcement measure is imposed on a reservoir manager,
  - (b) where an undertaking referred to in section 83(5) is accepted from a reservoir manager.
- (2) The result is that the reservoir manager may not at any time be convicted of the offence in respect of the act or omission giving rise to the further enforcement measure or undertaking except in a case mentioned in subsection (3).
- (3) The case is where each of the following applies—
  - (a) a restraint notice or restoration notice is imposed on the manager, or an undertaking referred to in section 83(5) is accepted from the manager,
  - <sup>F1</sup>(b) .....
  - (c) the manager fails to comply with the restraint notice, restoration notice or undertaking.
- (4) Provision under section 82(1) may for the purposes of the case referred to in subsection (3) extend any period within which criminal proceedings may be instituted against the reservoir manager.

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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 84. (See end of Document for details)

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#### Textual Amendments

- F1** S. 84(3)(b) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 13(5)**; S.S.I. 2014/160, art. 2(1)(2), Sch.
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#### Commencement Information

- I1** S. 84 in force at 1.1.2015 by S.S.I. 2014/348, art. 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 84.