



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Stop notices

Stop notices: content and procedure

78.—(1) Regulations made under section 77(1) must secure the results in subsection (2) in a case where a stop notice is served.

(2) The results are that—

- (a) the stop notice must include information as to the matters specified in subsection (3),
- (b) the reservoir manager on whom the notice is served may appeal to the Water Appeals Commission against the decision to serve it,
- (c) where, after serving the stop notice, the Department is satisfied that the manager has taken the steps specified in the notice, the Department must give a certificate to that effect (a “completion certificate”),
- (d) the stop notice ceases to have effect on the giving of a completion certificate,
- (e) the reservoir manager on whom the stop notice is served may at any time apply for a completion certificate,
- (f) the Department must make a decision as to whether to give a completion certificate before the end of the period of 14 days beginning with the day on which the application for the certificate is made,

- (g) the reservoir manager on whom the stop notice is served may appeal to the Water Appeals Commission against a decision not to give a completion certificate,
 - (h) a stop notice in respect of which an appeal referred to in paragraph (b) or (g) is made continues to have effect pending a decision being made in the appeal.
- (3) The matters referred to in subsection (2)(a) are—
- (a) the grounds for serving the stop notice,
 - (b) rights of appeal,
 - (c) the consequences of non-compliance with the stop notice.
- (4) Provision pursuant to subsection (2)(b) must—
- (a) secure that the grounds on which a reservoir manager may appeal against a decision of the Department to serve a stop notice include that—
 - (i) the decision was based on an error of fact,
 - (ii) the decision was wrong in law,
 - (iii) the decision was unreasonable,
 - (iv) any step specified in the notice is unreasonable,
 - (b) secure that the Commission may confirm, quash or vary the decision.
- (5) Provision pursuant to subsection (2)(g) must—
- (a) secure that the grounds on which a reservoir manager may appeal against a decision of the Department not to give a completion certificate include that—
 - (i) the decision was based on an error of fact,
 - (ii) the decision was wrong in law,
 - (iii) the decision was unreasonable,
 - (b) secure that the Commission may confirm or quash the decision.