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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Water Environment (Controlled Activities) (Scotland) Regulations 2011**

**PART V**

**Enforcement and other powers**

**Enforcement notices**

- 32.**—(1) This regulation applies if—
- (a) a person has carried out, is carrying out or is likely to carry out a controlled activity; and
  - (b) SEPA is of the opinion that the activity—
    - (i) has contravened, is contravening or is likely to contravene an authorisation under these Regulations;
    - (ii) has caused, is causing or is likely to cause significant adverse impacts on the water environment or any part of it; or
    - (iii) has caused, is causing or is likely to cause a direct or indirect discharge into groundwater of any hazardous substance or any other pollutant.
- (2) SEPA may serve a notice on the responsible person or the operator, as the case may be, specifying—
- (a) the activity;
  - (b) if SEPA is of the opinion that the activity has contravened, is contravening, or is likely to contravene an authorisation under these Regulations, the matters constituting the contravention or likely contravention;
  - (c) if SEPA is of the opinion that the activity has caused, is causing, or is likely to cause a significant adverse impact on the water environment, the nature of that adverse impact;
  - (d) if SEPA is of the opinion that the activity has caused, is causing, or is likely to cause a direct or indirect discharge into groundwater of any hazardous substance or any other pollutant, details of that direct or indirect discharge; and
  - (e) the steps to be taken by the person responsible or the operator which SEPA considers to be necessary or appropriate to prevent, mitigate or remedy the contravention of the authorisation, the adverse impacts on the water environment or the direct or indirect discharge into groundwater.
- (3) The steps referred to in paragraph (2)(e) may include cessation of a controlled activity for such period as SEPA considers necessary or appropriate.
- (4) SEPA must revoke a notice served under paragraph (2) if—
- (a) the contravention or likely contravention of an authorisation has ceased and is unlikely to recur, and any remedial mitigating or preventive steps required by SEPA have been carried out;

- (b) the adverse impacts or likely adverse impacts on the water environment have ceased and are unlikely to recur and any remedial mitigating or preventive steps required by SEPA have been carried out;
  - (c) the direct or indirect, or likely direct or indirect discharge to groundwater has ceased and is unlikely to recur and any remedial mitigating or preventive steps required by SEPA have been carried out.
- (5) SEPA may impose such time limits as it considers appropriate in a notice under paragraph (2) and may describe a time limit by reference to the completion of steps or any other requirement specified in that notice.