

## SCHEDULE 2

### FURTHER ENFORCEMENT MEASURES

#### **Appeals against non-compliance penalties**

**10.**—(1) A reservoir manager on whom a non-compliance penalty is imposed by notice (under paragraph 9) may appeal to the Scottish Ministers against the notice.

(2) The appeal must be made within a period of 28 days beginning with the day on which the non-compliance penalty (to which the appeal relates) was imposed on the reservoir manager.

(3) The appeal may be made on any ground including that—

- (a) the decision to give the notice was based on an error of fact;
- (b) the decision was wrong in law; or
- (c) the decision was unfair or unreasonable for any other reason.

(4) Where an appeal is made under this paragraph, the non-compliance penalty is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.