

SCHEDULE 2

FURTHER ENFORCEMENT MEASURES

Appeals

7.—(1) A reservoir manager on whom a further enforcement measure is imposed may appeal to the Scottish Ministers against the decision to impose it.

(2) The appeal must be made within a period of 28 days beginning with the day on which the final notice (to which the appeal relates) was given to the reservoir manager under paragraph 6.

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

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) the nature of a requirement imposed by the measure is unreasonable; or
- (d) the decision was unreasonable for any other reason.

(4) Where an appeal is made under this paragraph in relation to a decision to impose a further enforcement measure, the further enforcement measure is suspended from the day on which the appeal is made until the day on which the appeal is determined or withdrawn.