

SCHEDULE 1

STOP NOTICES

Defence

7. It is a defence to a charge in proceedings for an offence under paragraph 6 for the reservoir manager to show both—

- (a) that the failure to comply with the stop notice was as a result of either an accident which could not reasonably have been foreseen or natural cause or force majeure which was exceptional and could not reasonably have been foreseen; and
- (b) that the reservoir manager—
 - (i) took all practicable steps to prevent an uncontrolled release of water from the reservoir; and
 - (ii) took all practicable steps as soon as was reasonably practicable to rectify the failure; and
 - (iii) provided particulars of the failure to SEPA as soon as practicable after the failure arose.