

SCHEDULE 2

FURTHER ENFORCEMENT MEASURES

Power to impose further enforcement measures

1.—(1) SEPA may by notice impose on a reservoir manager of a controlled reservoir one or more further enforcement measures in relation to an offence under section 42(1)(e) (failure to comply with preliminary certificate or final certificate) of the Act.

(2) A further enforcement measure—

- (a) may be imposed on a reservoir manager only where SEPA is satisfied beyond reasonable doubt that the reservoir manager has committed an offence under section 42(1)(e) of the Act; and
- (b) may not be imposed on a reservoir manager on more than one occasion in relation to the same act or omission.

(3) A further enforcement measure may be imposed in addition to any requirement referred to in—

- (a) section 65(2) (enforcement notice: appointment of engineer) of the Act; or
- (b) section 69(2) (enforcement notice: safety and other measures) of the Act.

(4) In this Schedule—

“further enforcement measure” means—

- (a) a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure that the position is so far as possible restored to what it would have been if the offence had not been committed; or
- (b) a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure that the offence does not continue or recur;

“restoration notice” means a notice under sub-paragraph (1) which imposes a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure (whether in whole or in part) that the position is so far as possible restored to what it would have been if the offence had not been committed; and

“restraint notice” means a notice under sub-paragraph (1) which imposes a requirement to take such steps as SEPA may specify, within such period as it may specify, to secure (whether in whole or in part) that the offence does not continue or recur.