

RESERVOIRS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Reservoirs

Chapter 3 – Risk Designation

Section 24 – Appeal to the Scottish Ministers following SEPA’s review

42. *Section 24* enables reservoir managers to make an appeal to the Scottish Ministers following a review by SEPA under section 23. Subsection (2) requires appeals to be made within 12 months of SEPA’s decision. Subsection (3) makes it explicit that the risk designation continues to apply until the appeal is completed. Subsection (4) enables the Scottish Ministers to appoint at their own expense an engineer from a panel established under section 27 to make recommendations about the risk designation. If they appoint an engineer in these circumstances, subsection (4)(b) requires the Scottish Ministers to take the engineer’s recommendations into account before determining an appeal. Subsection (4)(b) also requires the Scottish Ministers to take into account the matters set out in section 22 before determining an appeal. Subsection (5) requires the Scottish Ministers to notify the reservoir manager and SEPA of the outcome of the appeal against a decision made by SEPA in a review of a risk designation and lists the matters that must be specified in the notice.
43. Subsection (6) sets out the circumstances under which the fees charged by SEPA for a review of a decision on a risk designation must be returned to the reservoir manager if the Scottish Ministers give a reservoir a different risk designation. Subsection (7) enables the Scottish Ministers to make further provision relating to appeals under this section in regulations.