

*These notes relate to the Reservoirs (Scotland) Act 2011  
(asp 9) which received Royal Assent on 12 April 2011*

# **RESERVOIRS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Reservoirs**

#### ***Chapter 9 – Civil Enforcement, Emergency Powers and Further Offences***

#### ***Section 83 – Further enforcement measures: procedure***

118. This section details steps that SEPA must take when taking further enforcement measures, which must be provided for in an order under section 81(1). Subsection (2) sets out a reservoir manager's right to appeal on receipt of a notice of SEPA's intent to take further measures. Subsection (3) specifies what information must be included in any notification of further action. Subsection (4) sets out the circumstances where SEPA may decide not to impose further enforcement measures. Subsection (5) requires provision in the order under section 81(1) to enable SEPA to accept or reject enforcement undertakings from the reservoir manager in relation to the offence. Subsection (6) specifies what information must be included in any final judgement. Subsection (7) sets out a reservoir manager's right to appeal to the Scottish Ministers on receipt of a final notice. Subsection (8) enables the Scottish Ministers to provide for the charging of a fee in relation to appeals under this section which is returnable if the appeal is upheld.