



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Taking of safety and other measures

70 Offence: failure to comply with notice under section 69(2)

- (1) Failure to comply with a notice by SEPA under section 69(2) is an offence.
- (2) Where a reservoir manager has a right of review in accordance with an order made under section 69(7), non-compliance is an offence only if—
 - (a) the period within which an application for review may be made has expired, or
 - (b) where such an application has been made, it has been withdrawn or determined.
- (3) Where a reservoir manager has a right of appeal in accordance with an order made under section 69(7), non-compliance is an offence only if—
 - (a) the period within which an appeal may be made has expired, or
 - (b) where such an appeal has been made, it has been withdrawn or determined.
- (4) A reservoir manager guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.