



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 9

##### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

##### *Stop notices*

### 73 Stop notices

- (1) The Scottish Ministers may by order make provision as to the giving by SEPA of stop notices to reservoir managers of controlled reservoirs.
- (2) Before making an order under subsection (1), the Scottish Ministers must consult in accordance with section 86.
- (3) A stop notice is a notice prohibiting a reservoir manager of a controlled reservoir from carrying on an activity specified in the notice until the manager has taken the steps specified in the notice.
- (4) Provision under subsection (1) may confer power to give a stop notice only in relation to a case where the reservoir manager is carrying on the activity and either—
  - (a) SEPA reasonably believes that the activity as carried on by the manager presents a significant risk of causing an uncontrolled release of water from the reservoir, or
  - (b) SEPA reasonably believes that the activity as carried on involves or is likely to involve the commission of an offence under this Part.
- (5) Where provision under subsection (1) confers power to give a stop notice in a case falling within subsection (4)(a)—
  - (a) SEPA must, before it exercises the power—

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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 73. (See end of Document for details)

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- (i) at its own expense appoint an engineer who is a member of a panel of reservoir engineers established under section 27 who may (by virtue of an order under that section) be appointed under this subsection, and
  - (ii) take into account recommendations made by that engineer about the stop notice,
- (b) the steps specified in any such stop notice in pursuance of subsection (3) must be steps to remove or reduce the risk referred to in subsection (4)(a),
  - (c) SEPA must give the Scottish Ministers notice of each occasion on which it exercises the power as soon as reasonably practicable after doing so.

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**Commencement Information**

**II** S. 73 in force at 1.1.2015 by S.S.I. 2014/348, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 73.