



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Other civil enforcement measures

84 Further enforcement measures: criminal proceedings and conviction

- (1) Provision under section 82(1) must secure the result in subsection (2) in any of the following cases—
 - (a) where a further enforcement measure is imposed on a reservoir manager,
 - (b) where an undertaking referred to in section 83(5) is accepted from a reservoir manager.
- (2) The result is that the reservoir manager may not at any time be convicted of the offence in respect of the act or omission giving rise to the further enforcement measure or undertaking except in a case mentioned in subsection (3).
- (3) The case is where each of the following applies—
 - (a) a restraint notice or restoration notice is imposed on the manager, or an undertaking referred to in section 83(5) is accepted from the manager,
 - (b) no variable monetary penalty is imposed,
 - (c) the manager fails to comply with the restraint notice, restoration notice or undertaking.
- (4) Provision under section 82(1) may for the purposes of the case referred to in subsection (3) extend any period within which criminal proceedings may be instituted against the reservoir manager.