
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 19

The Water Environment (Remedial Measures) (Scotland) Regulations 2016

PART 2

Notices to improve or restore characteristics of bodies of water

Remedial measures notice

3.—(1) SEPA may serve a remedial measures notice on an appropriate person requiring that person to undertake such remedial measures as may be specified in the notice.

(2) SEPA may serve the notice only if it is satisfied that—

- (a) the appropriate person owns, manages, maintains or is otherwise responsible for an artificial structure which, by virtue of its impact on the hydromorphological characteristics of a body of water, is likely to prevent or delay the achievement of an environmental objective;
- (b) it is necessary or expedient to require the appropriate person to undertake the remedial measures for the purposes of facilitating the achievement of that objective; and
- (c) the measures specified in the notice are necessary and proportionate for those purposes.

(3) The notice may be served on more than one appropriate person.

Content of notice

4.—(1) Each notice served under this Part must—

- (a) identify the appropriate person on whom it is served (“recipient”);
- (b) specify—
 - (i) the remedial measures which require to be undertaken;
 - (ii) the date by (or period within) which each measure must be completed;
 - (iii) any improvements to the hydromorphological characteristics which the measures are intended to facilitate; and
 - (iv) the environmental objectives which the measures are intended to facilitate; and
- (c) inform the recipient of the right of appeal against the notice under regulation 16.

(2) The notice must not require a remedial measure to be undertaken (or commenced) within the period of 2 months beginning with the day on which the notice was served.

(3) Where the notice is served on more than one appropriate person, it must—

- (a) identify each recipient; and
- (b) specify whether each remedial measure is to be undertaken—
 - (i) by an individual recipient and, if so, which recipient; or

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(ii) jointly by two or more recipients and, if so, which recipients.