



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Emergency powers

77 **Emergency powers**

- (1) This section applies where it appears to SEPA that immediate action is needed to protect persons or property against an escape of water from a controlled reservoir (whether or not the reservoir is in use).
- (2) SEPA may take any measures that it considers necessary—
 - (a) to remove or reduce the risk to persons or property,
 - (b) to mitigate the effect of an escape of water.
- (3) SEPA must—
 - (a) appoint an engineer to make recommendations about any measures to be taken under this section,
 - (b) arrange for the measures to be taken under the supervision of the appointed engineer.
- (4) An engineer may be appointed under this section if the engineer 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 section.
- (5) SEPA must give notice to the reservoir manager of the measures to be taken under this section.
- (6) Notice under subsection (5)—

Changes to legislation: There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Cross Heading: Emergency powers. (See end of Document for details)

- (a) must be given as soon as practicable (which may be after any works have begun), but
 - (b) is not required if SEPA is unable after reasonable enquiry to ascertain the name and address of the reservoir manager and the works have commenced.
- (7) The reservoir manager must pay SEPA the amount of any expenses reasonably incurred by it in the exercise of powers under this section.

Commencement Information

II S. 77 in force at 1.4.2016 by S.S.I. 2016/42, art. 2, Sch. (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Cross
Heading: Emergency powers.