



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 3

#### RISK DESIGNATION

### **23 Review of SEPA's decisions giving risk designations**

- (1) A reservoir manager of a controlled reservoir who is given notice of a risk designation (under section 19(5) or 21(4)) may apply to SEPA for a review of the designation.
- (2) Any such application must be made before the end of the period of 12 months beginning with the date on which the notice was given.
- (3) Subject to subsection (4), a risk designation in respect of which an application is made under this section continues to have effect despite the application and the review.
- (4) Where as a result of the review SEPA gives the controlled reservoir a different risk designation, the designation which is the subject of the application ceases to have effect from the date on which SEPA gives its decision.
- (5) SEPA gives its decision in the review by giving the reservoir manager notice—
  - (a) specifying whether it confirms the risk designation or gives the reservoir a different risk designation,
  - (b) where it gives the reservoir a different risk designation, specifying the different risk designation concerned,
  - (c) specifying the reasons for its decision,
  - (d) giving information about the right of appeal under section 24 against the risk designation following the review.
- (6) SEPA may charge a reasonable fee of such amount as it determines in relation to an application for review under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Any fee charged by SEPA under subsection (6) must be returned by it to the reservoir manager in the following circumstances—
- (a) where the risk designation which was the subject of the application was as a high-risk reservoir and SEPA's decision in the review is to give a risk designation as a medium-risk reservoir or a low-risk reservoir,
  - (b) where the risk designation which was the subject of the application was as a medium-risk reservoir and SEPA's decision in the review is to give a risk designation as a low-risk reservoir.
- (8) The Scottish Ministers may by regulations make further provision in relation to applications and reviews under this section.