



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 3

RISK DESIGNATION

24 Appeal to the Scottish Ministers following SEPA's review

- (1) A reservoir manager of a controlled reservoir who is given notice of SEPA's decision in a review under section 23 may appeal to the Scottish Ministers against that decision.
- (2) Any such appeal must be made before the end of the period of 12 months beginning with the date on which the notice under section 23(5) was given.
- (3) A risk designation in respect of which an appeal is made under this section continues to have effect while the appeal is pending.
- (4) Before determining an appeal the Scottish Ministers—
 - (a) may, at their own expense, appoint to make recommendations about the risk designation 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
 - (b) must take into account—
 - (i) a recommendation by any engineer appointed under this subsection, and
 - (ii) the matters mentioned in section 22.
- (5) The Scottish Ministers must notify their determination of the appeal by giving the reservoir manager and SEPA notice—
 - (a) specifying whether they confirm the risk designation or give the reservoir a different risk designation,

Status: This is the original version (as it was originally enacted).

- (b) where they give the reservoir a different risk designation, specifying which one of the other types referred to in paragraphs (a) to (c) of section 18(3) is the different risk designation,
 - (c) specifying the reasons for their decision.
- (6) Any fee charged by SEPA under section 23(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 appeal was as a high-risk reservoir and the Scottish Ministers' decision in the appeal 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 appeal was as a medium-risk reservoir and the Scottish Ministers' decision in the appeal is to give a risk designation as a low-risk reservoir.
- (7) The Scottish Ministers may by regulations make further provision in relation to appeals under this section.