



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 6

##### OTHER REQUIREMENTS: HIGH-RISK RESERVOIRS AND MEDIUM-RISK RESERVOIRS

#### 52 Offences: inspection, supervision, record keeping

- (1) Failure by the reservoir manager of a high-risk reservoir or medium-risk reservoir to comply with any of the following requirements under this Chapter is an offence—
  - (a) the requirements of section 45(1)(a) and 46 (appointment of inspecting engineer and carrying out of required inspections),
  - (b) the requirements of section 45(1)(b) (notice of appointment to SEPA),
  - (c) the requirements of section 48(1) (compliance with direction as to taking of measure in inspection report),
  - (d) the requirements of section 49(1)(a) (appointment of supervising engineer),
  - (e) the requirements of section 49(1)(b) (notice of appointment to SEPA),
  - (f) the requirements of a direction under section 50(4) (compliance with direction of supervising engineer as to carrying out of visual inspection of reservoir),
  - (g) the requirements of section 50(6)(c) (notice of identification of thing which might affect the safety of the reservoir),
  - (h) the requirements of section 51 (including any direction under subsection (3) of that section) (maintenance of record of water levels etc.).
- (2) A reservoir manager of a controlled reservoir who fails, without reasonable excuse, to comply with the requirements of section 47(2) (giving inspecting engineer copy of final certificate and latest inspection report) commits an offence.
- (3) A reservoir manager guilty of an offence under subsection (1) or (2)—
  - (a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale,

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**Status:** *This is the original version (as it was originally enacted).*

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- (b) in relation to a controlled reservoir which is, at the time the offence is committed, a medium-risk reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.