



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY  
POWERS AND FURTHER OFFENCES

*Stop notices*

**Stop notices: enforcement**

**80.**—(1) Regulations under section 77(1) may provide that, where a reservoir manager on whom a stop notice is served does not comply with it, the manager commits an offence and is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or to both,
- (b) on conviction on indictment—
  - (i) for a first such offence, to imprisonment for a term not exceeding 12 months, or to a fine, or to both,
  - (ii) for any subsequent such offence, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(2) Regulations made under section 77(1) must provide that it is a defence to a charge in proceedings for an offence created by the regulations for the person to show both—

- (a) that the failure to comply with the stop notice was as a result of either an accident which could not reasonably have been foreseen or natural cause or force majeure which was exceptional and could not reasonably have been foreseen, and

- (b) that the person—
  - (i) took all practicable steps to prevent an uncontrolled release of water from the reservoir,
  - (ii) took all practicable steps as soon as was reasonably practicable to rectify the failure,
  - (iii) provided particulars of the failure to the Department as soon as practicable after the failure arose.