



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Miscellaneous

Recovery by the Department of certain costs

91.—(1) Regulations under section 77(1), 81(1) or 86(1) may include provision for the Department, by notice served on a reservoir manager on whom a stop notice is served, from whom an enforcement undertaking is accepted or on whom a variable monetary penalty is imposed, to require the reservoir manager to pay the amount of any costs reasonably incurred by the Department in relation to (and up to the time of) the service of the notice, acceptance of the undertaking or imposition of the penalty.

(2) In subsection (1), the reference to “costs” includes in particular—

- (a) investigation costs,
- (b) administration costs,
- (c) costs of obtaining expert advice, including legal advice.

(3) Provision pursuant to subsection (1) must—

- (a) secure that the reservoir manager required to pay the costs may appeal to the Water Appeals Commission against the following—
 - (i) the Department’s decision to impose the requirement to pay costs,
 - (ii) the Department’s decision as to the amount of the costs,
- (b) secure that the Commission may confirm, quash or vary the decision.