

SCHEDULE 2

FURTHER ENFORCEMENT MEASURES

Decision to impose a further enforcement measure

5.—(1) After the end of the period for making representations and objections under paragraph 3, SEPA must, having had regard to any such representations or objections, decide whether to impose—

- (a) the further enforcement measure (with or without modifications); or
- (b) any other further enforcement measure which SEPA may impose.

(2) SEPA must take an FEM undertaking accepted under paragraph 4(2) into account in its decision.

(3) SEPA may not decide to impose a further enforcement measure on a reservoir manager where it is satisfied that the reservoir manager would not, by reason of any defence, be liable to be convicted of the offence in relation to which it was imposed.

(4) Where SEPA proposes, pursuant to sub-paragraph (1)(b), to impose any other further enforcement measure, the provisions of this Schedule (including paragraphs 2 and 3) apply in relation to that further enforcement measure as they apply in relation to any other such measure.