

## SCHEDULE 2

### FURTHER ENFORCEMENT MEASURES

#### **Non-compliance penalties**

**9.—**(1) SEPA may impose a non-compliance penalty on a reservoir manager of a controlled reservoir (“the reservoir”) if the reservoir manager fails to comply with—

- (a) a restoration notice or a restraint notice imposed on the reservoir manager; or
- (b) an FEM undertaking from the reservoir manager which is accepted under paragraph 4(2).

(2) A “non-compliance penalty” is a requirement to pay a monetary penalty to SEPA.

(3) The amount of the monetary penalty (“the amount”) is—

- (a) where the reservoir is a high risk reservoir, £1000; and
- (b) where the reservoir is not a high risk reservoir, £600.

(4) A non-compliance penalty may only be imposed by notice (“a non-compliance penalty notice”) given by SEPA.

(5) The notice must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount of the penalty;
- (c) how payment may be made;
- (d) the period within which payment must be made;
- (e) rights of appeal; and
- (f) the consequences of non-payment.

(6) Where a reservoir manager on whom a non-compliance penalty is imposed does not pay the penalty, the penalty is recoverable as if it were payable under an extract decree arbitral bearing a warrant for execution by the sheriff for any sheriffdom.