

SCHEDULE 5

ENFORCEMENT NOTICES: REVIEWS AND APPEALS

Reviews of decisions to give notice under section 69(2) of the Act

1.—(1) A reservoir manager to whom a notice (“the notice”) is given under section 69(2) of the Act, may apply to SEPA for a review of its decision to give the notice.

(2) The application—

- (a) must be made in writing; and
- (b) must be given to SEPA within a period of 28 days beginning with the day on which the notice was given to the reservoir manager.

(3) On receipt of any such application, SEPA must as soon as practicable—

- (a) review its decision to give the notice; and
- (b) decide whether to—
 - (i) confirm the notice;
 - (ii) confirm the notice with modifications; or
 - (iii) withdraw the notice.

(4) SEPA must by notice (a “decision notice”) inform the applicant of its decision under sub-paragraph (3)(b).

(5) The decision notice must include information as to—

- (a) SEPA’s decision under sub-paragraph (3)(b);
- (b) the reasons for its decision; and
- (c) rights of appeal.

(6) Where, under sub-paragraph (1), a reservoir manager applies to SEPA for a review of its decision to give a notice under section 69(2) of the Act, the notice is suspended from the day on which the application is made until the day on which the applicant is, under sub-paragraph (4), informed of SEPA’s decision (in respect of the application).