



## THE RESERVOIRS (SCOTLAND) CHARGING SCHEME 2016 - 2018

The Reservoirs (Scotland) Act 2011 gives Scottish Ministers the power to make provisions for SEPA to recover the direct regulatory and administrative costs of carrying out SEPA's duties in relation to controlled reservoirs, under the Reservoirs (Scotland) Act 2011 sections 14 and 23. The costs that will be recovered are as specified in the Reservoirs (Scotland) Act 2011 and the Reservoirs (Scotland) Regulations 2016.

### 1 CITATION, EXTENT, COMMENCEMENT AND REVOCATION

- 1.1 This scheme shall be cited and referred to as the Reservoirs (Scotland) Charging Scheme 2016 -2018 (and it shall be referred to here as "the Scheme").
- 1.2 The Scheme shall apply to Scotland only and shall come into force on 1 April 2016. The Scheme shall remain in full force and effect unless revoked, varied or withdrawn by us.
- 1.3 The Reservoirs (Scotland) Charging Scheme 2015 -2018 shall cease to have effect on 1 April 2016, insofar as it relates to any period on or after 1 April 2016.

### 2 INTERPRETATION

- 2.1 In the Scheme, unless the contrary intention appears:
  - (a) any meanings given to words or phrases within the Reservoirs (Scotland) Act 2011 and the Reservoirs (Scotland) Regulations 2016 shall have the same meanings here
  - (b) "the Act" means the Reservoirs (Scotland) Act 2011
  - (c) "the Regulations" means the Reservoirs (Scotland) Regulations 2016
  - (d) "regulation" shall mean a regulation within "the Regulations"
  - (e) "SEPA" means the Scottish Environment Protection Agency, incorporated under the Environment Act 1995 and having its principal office at Strathallan House, Castle Business Park, Stirling, FK9 4TZ;
  - (f) "us" and "we" means SEPA
  - (g) "you" means the reservoir manager
- 2.2 The Interpretation and Legislative Reform (Scotland) Act 2010 shall apply to the Scheme; excepting that "financial year" shall be defined as being a period of 12 months ending with 31 March.

- 2.3 The headings of each of the clauses are for information only and do not affect the meaning of the clauses.

### **3 FEES — GENERAL**

- 3.1 Except if we say otherwise in the Scheme, fees and charges must be paid in full at the same time as: submitting of the registration or applying for a review of risk designation.
- 3.2 We shall issue an invoice for annual subsistence fees which will be due on 1 April of each financial year for the forthcoming year. If, however, an invoice is not received or if an invoice is issued incorrectly the fee is still payable.
- 3.2.1 For reservoirs which are given their first risk designation on or after 1 April the annual subsistence fee will be applied proportionately for that financial year from the date that the first risk designation is given.
- 3.2.2 Where, as a result of a review of risk designation of a reservoir, a different risk designation is given, then the amount of subsistence fee payable for that financial year will be based on the risk designation which applied on 1 April of that year.
- 3.3 Subject to the remainder of the terms hereof, partial refunds of annual subsistence payments may apply where during the course of the relevant financial year, a reservoir no longer requires to be registered.
- 3.4 Should the risk designation change from high to medium or low risk or from medium to low risk as a result of the review application, then the application fee will be returned to the reservoir manager.

### **4 FEES PAYABLE**

<b>Type of charge</b>	<b>Financial year</b>	
	<b>2016/17</b>	<b>2017/18</b>
Registration fee	£505	£523
Annual subsistence fee:		
High risk reservoir	£419	£434
Medium risk reservoir	£282	£292
Low risk reservoir	£172	£178
Application fee for review of SEPA risk designation	£355	£367

## 5 REVIEW OF FEES

- 5.1 The levels of administrative and regulatory activity by SEPA in relation to reservoir safety will be monitored and the Scheme will be reviewed at least once in every 3 year period beginning on 1 April 2016, following which the Scheme may be revised.

## 6 METHODS OF PAYMENT

- 6.1 Payment of a fee shall not have been made until we are in receipt of cleared funds.
- 6.2 Subject to the terms of Clause 6.3, payment may be made to us by any of the following methods:
- (i) by cheque, made payable to "the Scottish Environment Protection Agency" and endorsed "A/C Payee only"; or
  - (ii) by BACS transfer, to the Royal Bank of Scotland, Sort Code: 83-34-00, Account No: 00137187, or such other sort code and account details as we may from time to time determine
  - (iii) by credit card or debit card and on completion of the appropriate form included with registration/application forms or invoices. Credit card or debit card payments can be made online at [www.sepa.org.uk](http://www.sepa.org.uk), under section 'pay my account' or by telephone.
  - (iv) by cash
- 6.3 Payment by credit cards shall attract a variable surcharge.
- 6.4 It is your duty to ensure that we know that a payment has been made by BACS; that it has come from you and to which registration or application it relates.
- 6.5 We reserve the right to withdraw any method of payment and to introduce new methods of payment, all without notice.

## 7 LIABILITY TO PAY FEES AND CHARGES

- 7.1 The reservoir manager(s) of each controlled reservoir is obliged to make payment in full to us of all fees stated herein.

**IN WITNESS WHERE OF** these presents typewritten on this and the preceding page are executed for and on behalf of SEPA by **Calum Sutherland MacDonald (subscribing his usual signature C MacDonald)**, Executive Director, at Stirling on the Thirtieth March, Two Thousand and Sixteen in the presence of Jane Dewar, Personal Assistant.

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