



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 5

##### CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

### 32 Application of Chapter 5

- (1) This Chapter applies where a controlled reservoir is to be constructed or subject to alteration.
- (2) Subsections (3) to (7) have effect for the purposes of this Chapter.
- (3) Any work for the purpose of restoring an existing structure or area (which has previously at any time been capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land) so that it is capable of so holding such amount of water is to be treated as construction of a controlled reservoir.
- (4) Alteration of a controlled reservoir includes—
  - (a) any work for the purpose of increasing or decreasing the capacity of a controlled reservoir,
  - (b) any other work in relation to the reservoir (including work which the Scottish Ministers are satisfied might affect its safety) which the Scottish Ministers by regulations specify.
- (5) Alteration of a controlled reservoir amounts to discontinuance of a controlled reservoir where the alteration is for the purpose of making the reservoir incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land (but still capable of holding water above the natural level of any part of that land).
- (6) Alteration of a controlled reservoir amounts to abandonment of a controlled reservoir where the alteration is for the purpose of making the reservoir incapable of filling with water above the natural level of any part of the surrounding land.

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*Status: This is the original version (as it was originally enacted).*

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(7) Any reference to—

- (a) a controlled reservoir being constructed or subject to alteration is to be construed in accordance with this section,
- (b) a controlled reservoir being restored to use is to be construed as a reference to a controlled reservoir being constructed as mentioned in subsection (3),
- (c) a controlled reservoir being discontinued is to be construed as a reference to a controlled reservoir being subject to an alteration for the purpose referred to in subsection (5),
- (d) a controlled reservoir being abandoned is to be construed as a reference to a controlled reservoir being subject to an alteration for the purpose referred to in subsection (6),
- (e) “relevant works” is a reference to any works carried out for the purpose of the construction or alteration of a controlled reservoir.