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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 43**

**The Reservoirs (Scotland) Regulations 2016**

**PART 1**

**INTRODUCTORY**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Reservoirs (Scotland) Regulations 2016 and come into force on 1st April 2016.

(2) In these Regulations—

“the Act” means the Reservoirs (Scotland) Act 2011;

“the 1930 Act” means the Reservoirs (Safety Provisions) Act 1930<sup>(1)</sup>;

“the 1975 Act” means the Reservoirs Act 1975<sup>(2)</sup>;

“1975 Act panel” means any of the following (established under section 4 of the 1975 Act)—

- (a) all reservoirs panel;
- (b) non-impounding reservoirs panel;
- (c) service reservoirs panel; and
- (d) supervising engineers panel;

“2011 Act panel” means any of the following (established under section 27(a) of the Act)—

- (a) All Reservoirs (Scotland) Panel;
- (b) Non-Impounding Reservoirs (Scotland) Panel;
- (c) Service Reservoirs (Scotland) Panel; and
- (d) Supervising Engineers (Scotland) Panel;

“adjacent” includes below;

“annual subsistence fee” means a fee that SEPA may charge under regulation 15(1);

“charging scheme” means a scheme of charges prepared by SEPA under regulation 19;

“eligible person” means a person who—

- (a) would have been a member of a 1975 Act panel throughout the transitional period if the term of that membership (so far as it extended to Scotland) had not ceased by virtue of the repeal of the 1975 Act; and
- (b) wishes to be appointed to the corresponding 2011 Act panel;

“fetch”, in relation to a reservoir, means the effective length of the reservoir over which wind can build up waves;

“financial year” means a period of 12 months ending with 31st March;

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(1) 1930 c.51.

(2) 1975 c.23; section 2(2) of the 1975 Act was relevantly amended by the Water Act 2003 (c.37), section 74(1)(b).

“natural level” has the meaning it has in regulation 5;

“new manager fee” means a fee that SEPA may charge under regulation 17(1);

“registration fee” means a fee that SEPA may charge under regulation 13(1);

“the relevant engineer” has the meaning it has in section 61(4) (appointment of referee) of the Act;

“surrounding land” has the meaning it has in regulation 5;

“top water level” has the meaning it has in regulation 3(3); and

“transitional period” means the period beginning with 1st April 2015 and ending with the date on which the statement referred to in paragraph 5 of Schedule 3 was signed and dated.

(3) In these Regulations, a reference to any panel in one of the following sub-paragraphs is to be construed as corresponding only to the other panel in that sub-paragraph—

- (a) all reservoirs panel and All Reservoirs (Scotland) Panel;
- (b) non-impounding reservoirs panel and Non-Impounding Reservoirs (Scotland) Panel;
- (c) service reservoirs panel and Service Reservoirs (Scotland) Panel; and
- (d) supervising engineers panel and Supervising Engineers (Scotland) Panel.

(4) In these Regulations—

- (a) where a form in a Schedule contains italicised words in round brackets or a Note, those words and brackets and any such Note may be omitted from the completed form;
- (b) where a form in a Schedule contains italicised words in square brackets, those words and brackets are, in the completed form, to be substituted with the information specified by those words; and
- (c) where anything is to be done “in writing” that includes an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(3), which is capable of being reproduced.

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(3) 2000 c.7. Section 15 was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).