
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 43

The Reservoirs (Scotland) Regulations 2016

PART 3

REGISTRATION

Controlled reservoirs register: additional information

10.—(1) From the date on which a controlled reservoir is required to be registered under the Act, the controlled reservoirs register must contain the business address of any construction engineer, inspecting engineer, other qualified civil engineer or supervising engineer appointed at any time in relation to the reservoir.

(2) From the date on which a 1975 Act reservoir is required to be registered under the Act, the controlled reservoirs register must contain the name and business address of any construction engineer, inspecting engineer or supervising engineer appointed immediately before that date (or, if any such engineer was not appointed at that point, the last such engineer appointed) under the 1975 Act in relation to the reservoir, and the period of any such appointment.

(3) In paragraph (2)—

“1975 Act reservoir” means—

- (a) a controlled reservoir which was, immediately before 1st April 2015, required to be registered in a register maintained under section 2(2) of the 1975 Act; or
- (b) a controlled reservoir which—
 - (i) was not, immediately before 1st April 2015, required to be registered in a register maintained under section 2(2) of the 1975 Act; and
 - (ii) was, on or after that date, required to be registered in a register maintained under section 2(2) of the 1975 Act;

“construction engineer” has the meaning it had in section 6(1) of the 1975 Act;

“inspecting engineer” has the meaning it had in section 10(1) of the 1975 Act; and

“supervising engineer” has the meaning it had in section 12(1) of the 1975 Act.

Information that a reservoir manager must register with SEPA

11. The reservoir manager of a controlled reservoir must, under section 10(1) of the Act, register—

- (a) the information and documents (in relation to the reservoir) specified in Schedule 1;
- (b) if the reservoir is a reservoir to which section 11(2) of the Act applies—
 - (i) a copy of the most recent report of an inspection under section 10 of the 1975 Act in relation to that reservoir;
 - (ii) the name, business address, email address and telephone number(s) of the inspecting engineer who carried out the inspection to which the report relates; and

- (iii) to the extent known or readily obtainable by the reservoir manager, the name, business address, email address and telephone number(s) (including a telephone number for making contact outside normal working hours or in an emergency) of any—
 - (aa) construction engineer;
 - (bb) inspecting engineer; or
 - (cc) supervising engineer,
appointed immediately before the date on which the reservoir was registered (or, if any such engineer was not appointed at that point, the last such engineer appointed) under the 1975 Act in relation to the reservoir (and the period of any such appointment); and
- (c) if the reservoir is required to be registered in accordance with section 13 of the Act, a map showing the area of land which, in the event of an uncontrolled release of water from the reservoir, would be likely to be flooded.

Time by which changes to information must be registered

12. Where there is a change to information referred to in regulation 11, the change to the information must be registered by the reservoir manager under section 10(1) of the Act within 28 days beginning with the date on which the information changed.

Registration fees: general

13.—(1) Subject to regulation 14, SEPA may charge the reservoir manager of each controlled reservoir a fee in relation to the registration by that manager of the controlled reservoir under section 10(1) of the Act.

- (2) The reservoir manager must pay the registration fee to SEPA.
- (3) The registration fee is recoverable as a civil debt.

Registration fees: determination and charging

14.—(1) SEPA must determine the registration fee to be included in its charging scheme having regard to the likely average cost to SEPA of registering a controlled reservoir.

(2) The registration fee must accompany the information to be registered under section 10(1) of the Act.

(3) SEPA must not charge a registration fee in connection with any registration under section 10(1) of the Act where the information to be registered was received by SEPA before 1st October 2015.

Annual subsistence fee: general

15.—(1) Subject to regulation 16, SEPA may charge the reservoir manager of each controlled reservoir which has been given a risk designation under the Act an annual fee in relation to the performance by SEPA of its functions under Part 1 of the Act.

- (2) The reservoir manager must pay the annual subsistence fee to SEPA.
- (3) The annual subsistence fee is recoverable as a civil debt.

Annual subsistence fee: determination and charging

16.—(1) SEPA must determine the amounts of the annual subsistence fee to be included in its charging scheme having regard to—

- (a) its functions under Part 1 of the Act;
- (b) the likely cost to SEPA of carrying out those functions;
- (c) the number of controlled reservoirs that have been or are likely to be registered; and
- (d) the categories of risk designation.

(2) Different amounts of annual subsistence fee may be set for controlled reservoirs with different risk designations.

(3) The annual subsistence fee is chargeable in respect of each financial year.

(4) The annual subsistence fee is payable at the beginning of the financial year in respect of which it is chargeable.

(5) Where a controlled reservoir is given a first risk designation under section 19 of the Act during any financial year, the annual subsistence fee for that financial year must be such proportion of the annual subsistence fee which would otherwise be payable under these Regulations as relates to the period of that year for which the reservoir had a risk designation.

(6) Where a different risk designation is given following a review under Chapter 3 of Part 1 of the Act, the risk designation for the purposes of determining the amount of the annual subsistence fee in any given financial year is the risk designation that applied on 1st April of that year.

(7) Where a controlled reservoir has more than one reservoir manager and one or more nominations are made under section 4(3) of the Act such that a single reservoir manager (“the point of contact manager”) has been nominated by the other managers to fulfil the following functions under Part 1 of the Act—

- (a) making representations to SEPA within the meaning of section 18(4) of the Act;
- (b) applying for a review of a risk designation under section 23(1) of the Act;
- (c) giving notice to SEPA of proposed works under section 33(1) of the Act;
- (d) giving notice to SEPA of the appointment of a construction engineer under section 33(2)(b) of the Act;
- (e) giving notice to SEPA of the appointment of an inspecting engineer under section 45(1)(b) of the Act;
- (f) giving notice to SEPA of the appointment of any other qualified engineer under section 48(2)(b) of the Act;
- (g) giving notice to SEPA of the appointment of a supervising engineer under section 49(1)(b) of the Act;
- (h) submitting flood plans to SEPA under section 55(3)(f) of the Act;
- (i) giving notice to SEPA of any relevant appointments under section 65(2)(b) of the Act;
- (j) giving SEPA notice of revocation of appointment of an engineer under section 103(1) of the Act; and
- (k) giving SEPA a copy of a notice of resignation by an engineer under section 103(2) of the Act,

SEPA may only charge the point of contact manager the annual subsistence fee in respect of that controlled reservoir.

(8) SEPA must not charge an annual subsistence fee for the financial year ending 31st March 2016.

Transfer fees: general

17.—(1) Subject to regulation 18, SEPA may charge the reservoir manager of a controlled reservoir a fee in relation to a notice given to SEPA by that manager under section 15(2) of the Act.

- (2) The reservoir manager must pay the new manager fee to SEPA.
- (3) The new manager fee is recoverable as a civil debt.

Transfer fees: determination and charging

18.—(1) SEPA must determine the amount of any new manager fee to be included in its charging scheme having regard to the likely cost to SEPA of performing SEPA's functions under section 15 of the Act.

- (2) A notice under section 15(2) of the Act must be accompanied by any new manager fee.
- (3) SEPA must not charge a new manager fee in respect of any notice under section 15(2) of the Act which was given to SEPA before 1st October 2015.

Charging schemes

19.—(1) SEPA must—

- (a) set out its fees to be charged under this Part in a published charging scheme; and
 - (b) consult such persons as SEPA considers likely to be affected by the scheme before it publishes or revises a scheme.
- (2) SEPA must, at least once in every three year period beginning with 1st April 2016, review the scheme.
- (3) Following a review, SEPA may revise the scheme.