

Reservoirs Act 1975

1975 CHAPTER 23

IF1 Inspections

Textual Amendments

F1 Act repealed (S.) (1.4.2016) by Reservoirs (Scotland) Act 2011 (asp 9), ss. 8(2), 116(1) (with s. 110); S.S.I. 2016/42, art. 2, sch. (with art. 3)

10 Periodical inspection of large raised reservoirs.

- (1) The undertakers shall have any [F2high-risk reservoir] inspected from time to time by an independent qualified civil engineer ("the inspecting engineer") and obtain from him a report of the result of his inspection.
- (2) Unless it is at the time under the supervision of a construction engineer (or of an engineer acting under section 8 or 9 above) a [F3high-risk reservoir must be inspected under this section at the times specified by regulations made by the Minister.]
- (3) As soon as practicable after an inspection under this section, the inspecting engineer shall make a report of the result of the inspection, including in it any recommendations he sees fit to make as to—
 - [^{F4}(a) the time of the next inspection;
 - (b) the maintenance of the reservoir;
 - (c) any measures required in the interests of safety and the period within which those measures must be taken.]
- [F5(3A)] If the inspecting engineer has not provided a report before the end of the period of 6 months beginning with the date of completion of the inspection, the engineer must—
 - (a) notify [F6the appropriate agency], and
 - (b) provide a written statement of the reasons.]
 - (4) An inspecting engineer shall consider the matters (if any) that need to be watched by the supervising engineer during the period before the next inspection of the reservoir under this section, and shall include in his report a note of any such matters.

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- (5) An inspecting engineer, when he makes his report, shall also give a certificate stating that the report does or does not include recommendations as to measures to be taken in the interests of safety [F7 or as to the maintenance of the reservoir], if it includes a recommendation as to the time of the next inspection, stating also the period within which he recommends the inspection should be made.
- [F8(5A) The undertaker must comply with a recommendation made under subsection (3)(b), unless the recommendation is the subject of a reference under section 19 and the reference has not been determined.]
 - (6) Where an inspecting engineer includes in his report any recommendation as to measures to be taken in the interests of safety, then subject to any reference of the matter to a referee in accordance with this Act the undertakers shall [F9, within the period specified in the report,] carry the recommendation into effect under the supervision of a qualified civil engineer; and that engineer shall give a certificate, as soon as he is satisfied it is so, that the recommendation has been carried into effect.
- [F10(6A) The inspecting engineer must include in the report of the inspection—
 - (a) a statement as to whether all of the safety measures recommended in the previous report under subsection (3)(c) have been taken, and
 - (b) either (i) recommendations to take any safety measure that has not yet been taken or (ii) an explanation of why it is no longer required.]
 - (7) Where it appears to the enforcement authority, in the case of any [F11high-risk reservoir]—
 - (a) that an inspection and report thereon have not been made as required by this section; or
 - (b) that the latest report of the inspecting engineer includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as so required;

the authority may by written notice served on the undertakers require them within twenty-eight days after the date when the notice is served to appoint an independent qualified civil engineer to carry out an inspection under this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

- (8) Where an enforcement authority propose to serve a notice under subsection (7) above requiring the undertakers to carry a recommendation into effect, the authority shall consult as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of supervising under subsection (6) above the carrying into effect of the recommendation.
- (9) For purposes of this Act "independent" when used of a civil engineer in relation to a reservoir means—
 - (a) that he is not in the employment of the undertakers otherwise than in a consultant capacity; and
 - (b) that he was not the engineer responsible for the reservoir or any [F12alteration] to it as construction engineer, nor is connected with any such engineer as his partner, employer, employee or fellow employee in a civil engineering business.

The reference in this subsection to a construction engineer includes an engineer acting under section 8 or 9 above.]

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Textual Amendments

- F2 Words in s. 10(1) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(2) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F3 Words in s. 10(2) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(3) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F4 S. 10(3)(a)-(c) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(4) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F5 S. 10(3A) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(5) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- **F6** Words in s. 10(3A) substituted by 2010 c. 29 Sch. 4 para. 12(5) (as amended (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 468(2)(b)** (with Sch. 7))
- F7 Words in s. 10(5) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(6) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F8 S. 10(5A) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(7) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F9 Words in s. 10(6) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(8) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F10 S. 10(6A) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(9) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F11 Words in s. 10(7) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 4 para. 12(10) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- **F12** Word in s. 10(9)(b) substituted (30.7.2013 for E., 1.4.2016 for W.) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 4 para. 11(10)** (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

Modifications etc. (not altering text)

- C1 Ss. 6–10 modified by S.I. 1986/466, art. 2(2), Sch. 1
- C2 S. 10 applied (E.) (28.7.2013) by The Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (England) Regulations 2013 (S.I. 2013/1896), regs. 1(b), 7(2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(4B) inserted by 2009 asp 6 s. 84(2)
- s. 12C inserted by 2009 asp 6 s. 89
- s. 12ZA inserted by 2009 asp 6 s. 88
- s. 22B inserted by 2009 asp 6 s. 86(2)
- s. 27B inserted by 2009 asp 6 s. 90