



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Operation of Act, and administration

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- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), ss.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)

[^{F2}A1 Large raised reservoir”]: England and Wales

- (1) In this Act “large raised reservoir” means—
 - (a) a large, raised structure designed or used for collecting and storing water, and
 - (b) a large, raised lake or other area capable of storing water which was created or enlarged by artificial means.
- (2) A structure or area is “raised” if it is capable of holding water above the natural level of any part of the surrounding land.
- (3) A raised structure or area is “large” if it is capable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land.
- (4) The Minister must make regulations about how to calculate capacity for the purpose of subsection (3) (and “natural level” and “surrounding land” are to be construed in accordance with the regulations).
- (5) The Minister may by regulations provide for a structure or area to be treated as “large” by reason of proximity to, or actual or potential communication with, another structure or area.
- (6) In making regulations under subsection (5) the Minister shall aim to ensure that a structure or area is treated as large under the regulations only if 10,000 or more cubic metres of water might be released as a result of the proximity or communication mentioned in that subsection.

Changes to legislation: Reservoirs Act 1975, Cross Heading: Operation of Act, and administration is up to date with all changes known to be in force on or before 24 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) The Minister may by order substitute a different volume of water for the volume specified in subsection (3) or (6).
- (8) The Minister may by regulations provide for specified things not to be treated as large raised reservoirs for the purposes of this Act.
- (9) A reference to a large raised reservoir includes a reference to anything used or designed to contain the water or control its flow.]

Textual Amendments

- F2** S. A1 inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)

Modifications etc. (not altering text)

- C1** S. A1 excluded (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), arts. 1, **8** (with arts. 55-57, [Sch. 8 para. 13](#))
- C2** S. A1 excluded (25.3.2022) by [The Bridgwater Tidal Barrier Order 2022 \(S.I. 2022/299\)](#), arts. 1, 7 (with art. 55)
- C3** S. A1(3)(6) modified (temp.) (3.7.2013) by [The Flood and Water Management Act 2010 \(Commencement No. 2, Transitional and Savings Provisions\) \(England\) Order 2013 \(S.I. 2013/1590\)](#), [art. 4\(1\)](#)

1 Ambit of Act and interpretation.

- (1) ^{F3} ...
- (2) ^{F3} ...
- (3) ^{F3} ...
- (4) In relation to any reservoir “undertakers” means for purposes of this Act—
 - (a) in the case of a reservoir that is or, when constructed, is to be managed and operated [^{F4}by the Environment Agency, the Natural Resources Body for Wales (the “NRBW”) or a water undertaker, the Environment Agency, the NRBW or, as the case may be, the water][^{F5}undertaker]; and
 - (b) in any other case—
 - (i) if the reservoir is used or intended to be used for the purposes of any undertaking, the persons for the time being carrying on that undertaking; or
 - (ii) if the reservoir is not so used or intended to be used, the owners or lessees of the reservoir.
- [^{F6}(4A) The “area” of the Environment Agency, in its capacity as a relevant authority for purposes of this Act, is the whole of England ^{F7}....]
- [^{F8}(4C) The “area” of the NRBW, in its capacity as a relevant authority for the purposes of this Act, is the whole of Wales.]
- (5) This Act shall not be taken as conferring on any person a claim to damages in respect of a breach by undertakers of their obligations under this Act.

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[^{F9}(5A) In this Act, “appropriate agency” means—

- (a) in relation to reservoirs in England, the Environment Agency;
- (b) in relation to reservoirs in Wales, the NRBW.]

(6) The expressions listed in column 1 of Schedule 1 to this Act have for purposes of this Act the meanings given to them by the provisions of this Act shown in column 2 of the Schedule.

Textual Amendments

- F3** S. 1(1)-(3) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 3\(1\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F4** Words in s. 1(4)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 118\(2\)](#) (with Sch. 7)
- F5** Words in s. 1(4)(a) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 25 para. 49](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F6** S. 1(4A) inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 74\(1\)\(c\)](#), 105(3); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))
- F7** Words in s. 1(4A) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 118\(3\)](#) (with Sch. 7)
- F8** S. 1(4C) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 118\(4\)](#) (with Sch. 7)
- F9** S. 1(5A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 118\(5\)](#) (with Sch. 7)

Modifications etc. (not altering text)

- C4** S. 1 excluded (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), [s. 12\(2\)](#)

^{F102} **Registration of large raised reservoirs, and enforcement of Act, by local authorities.**

- (1) [^{F11} The relevant authorities for purposes of this Act shall be, in England ^{F12}... the Environment Agency] [^{F13}, in Wales the NRBW] and, in Scotland, [^{F14} councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (2) It shall be the duty of each [^{F15} relevant authority] to establish and maintain for their area a register showing the large raised reservoirs situated wholly or partly in the area, and giving the prescribed information about each of them; and—
 - (a) the register maintained by a [^{F15} relevant authority] under this subsection and copies of it or a prescribed part of it shall be kept at such place or places as may be prescribed; and
 - (b) the register so maintained, and any copy required under sub-paragraph (a) above to be kept at any place, shall be available for inspection at all reasonable times by any person.

[^{F10}(2A) If it appears to the Secretary of State that the inclusion of any information in the register maintained under subsection (2) above by the Environment Agency [^{F16} or the NRBW] would be contrary to the interests of national security, he may direct the Agency [^{F17} or the NRBW] not to include that information in the register.]

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- [^{F18}(2B) The undertaker must register a large raised reservoir with the relevant authority.
- (2C) The Minister may make regulations about registration under this section.
- (2D) Regulations under subsection (2C) may, in particular, include provision about—
- (a) the information to be registered, and
 - (b) the time by which information, or changes to information, must be registered.
- (2E) The regulations may require an undertaker to notify the relevant authority about—
- (a) proposed alterations to which section 6 applies;
 - (b) a proposal to abandon a large raised reservoir under section 14;
 - (c) the appointment, or termination of appointment, of an engineer for a purpose of this Act.]

(3) It shall be for the [^{F15}relevant authority] in whose area a reservoir is situated, if they are not themselves the undertakers, to secure that the undertakers observe and comply with the requirements of this Act.

(4) Where a reservoir extends into the areas of more than one [^{F15}relevant authority], then unless one of those authorities are the undertakers, the authority charged under subsection (3) above with securing that the undertakers observe and comply with the requirements of this Act shall be such one of those authorities as may be agreed between them or, in default of agreement, may be determined by the Secretary of State.

(5) Where a reservoir extends into the areas of more than one [^{F15}relevant authority], and one of those authorities are the undertakers, subsections (3) and (4) above shall apply as if the reservoir did not extend into the area of that one of the authorities.

(6) For purposes of this Act “enforcement authority” means, in relation to a reservoir, the [^{F15}relevant authority] charged under subsection (3) above with securing that the undertakers observe and comply with the requirements of this Act (and, where the context so requires, includes the authority that would be so charged if the reservoir were a large raised reservoir); and accordingly the provisions of this Act relating to the enforcement authority for a reservoir do not apply in the case of a reservoir if a [^{F15}relevant authority] are the undertakers and the reservoir is situated wholly in the area of that authority.

(7) There shall be paid out of money provided by Parliament any increase attributable to this Act in the amounts so payable under any enactment by way of rate support grant.

Textual Amendments

- F10** S. 2(2A) inserted (E.W.) (1.10.2004 for E., 11.11.2004 for W.) by [Water Act 2003 \(c. 37\)](#), **ss. 78(1)**, 105(3); S.I. 2004/2528, art. 2(n) (with [Sch. para. 8](#)); S.I. 2004/2916, art. 2(b)
- F11** Words in s. 2(1) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 74(1)(a)**, 105(3); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))
- F12** Words in s. 2(1) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 119(2)(a)** (with [Sch. 7](#))
- F13** Words in s. 2(1) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 119(2)(b)** (with [Sch. 7](#))
- F14** Words in s. 2(1) substituted (S.) (1.4.1996) by [1994 c. 39](#), s. 180(1), **Sch. 13 para. 98**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F15** Words in s. 2 substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 74(1)(b)**, 105(3); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))

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- F16** Words in s. 2(2A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 119(3)(a)** (with Sch. 7)
- F17** Words in s. 2(2A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 119(3)(b)** (with Sch. 7)
- F18** S. 2(2B)-(2E) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)

Modifications etc. (not altering text)

- C5** S. 2 modified by [S.I. 1985/176](#), art. 2(3)(ii), **Sch.** and 1986/466, art. 2(2), Sch. 2

[^{F19}2A Consideration of risk and provisional designation: England and Wales

- (1) As soon as is reasonably practicable after the registration of a large raised reservoir under section 2 [^{F20}the appropriate agency] shall consider whether the reservoir is to be designated as a high-risk reservoir (applying the criteria set out in section 2C).
- (2) [^{F20}the appropriate agency] may—
 - (a) make a provisional designation by giving notice to the undertaker, or
 - (b) notify the undertaker that the reservoir is not designated as a high-risk reservoir.
- (3) A provisional designation notice must specify—
 - (a) the reasons for the provisional designation,
 - (b) how representations to [^{F20}the appropriate agency] may be made, and
 - (c) the period within which those representations may be made.
- (4) The Minister may by order specify a minimum period within which representations may be made under subsection (3)(c).

Textual Amendments

- F19** Ss. 2A-2E inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)
- F20** Words in ss. 2A-2D substituted (1.4.2013) by: [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 120** (with Sch. 7); 2010 c. 29, Sch. 4 para. 7 (as amended by S.I. 2013/755, Sch. 2 para. 468(2)(a) (with Sch. 7))

2B Designation

- (1) [^{F20}the appropriate agency] may designate a large raised reservoir as a high-risk reservoir by giving notice confirming a provisional designation to the undertaker.
- (2) In deciding whether to confirm a provisional designation [^{F20}the appropriate agency] must have regard to the representations made in accordance with section 2A.
- (3) A notice under subsection (1) may not be given before the end of the period within which representations may be made under section 2A(3)(c).

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- (4) The notice must—
- (a) specify the provisional notice to which it relates,
 - (b) specify the reasons for the designation,
 - (c) give information about the procedure for bringing an appeal under regulations under section 2E,
 - (d) specify the period within which an appeal may be brought, and
 - (e) specify the date on which the designation takes effect, which must be after the end of the period specified under paragraph (d).

Textual Amendments

- F19** Ss. 2A-2E inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)
- F20** Words in ss. 2A-2D substituted (1.4.2013) by: [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 120](#) (with [Sch. 7](#)); 2010 c. 29, Sch. 4 para. 7 (as amended by S.I. 2013/755, Sch. 2 para. 468(2)(a) (with [Sch. 7](#)))

2C Meaning of “high-risk reservoir”

- (1) [^{F20}the appropriate agency] may designate a large raised reservoir as a high-risk reservoir if—
- (a) [^{F20}the appropriate agency] thinks that, in the event of an uncontrolled release of water from the reservoir, human life could be endangered, and
 - (b) the reservoir does not satisfy the conditions (if any) specified in regulations made by the Minister.
- (2) The conditions specified in regulations under subsection (1)(b) may, in particular, include conditions as to—
- (a) the purpose for which the reservoir is used,
 - (b) the materials used to construct the reservoir,
 - (c) the way in which the reservoir is constructed, and
 - (d) the maintenance of the reservoir.
- (3) Sections 10 to 12 make provision about requirements for inspection, monitoring and supervision of high-risk reservoirs.
- (4) References in this Act to a “high-risk reservoir” are references to a large raised reservoir that has been designated under section 2B as a high-risk reservoir.

Textual Amendments

- F19** Ss. 2A-2E inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)

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F20 Words in ss. 2A-2D substituted (1.4.2013) by: [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 120** (with [Sch. 7](#)); 2010 c. 29, Sch. 4 para. 7 (as amended by S.I. 2013/755, Sch. 2 para. 468(2)(a) (with [Sch. 7](#)))

2D Review

- (1) [^{F20}the appropriate agency] must carry out a review if it thinks that—
 - (a) the designation of a large raised reservoir as a high-risk reservoir may have ceased to be appropriate, or
 - (b) it may be appropriate to designate a large raised reservoir as a high-risk reservoir.
- (2) Sections 2A to 2C apply following a review as they apply following the registration of a reservoir.

Textual Amendments

- F19** Ss. 2A-2E inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)
- F20** Words in ss. 2A-2D substituted (1.4.2013) by: [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 120** (with [Sch. 7](#)); 2010 c. 29, Sch. 4 para. 7 (as amended by S.I. 2013/755, Sch. 2 para. 468(2)(a) (with [Sch. 7](#)))

2E Appeals

- (1) The Minister must by regulations provide a right of appeal against designations under section 2B.
- (2) The regulations must—
 - (a) confer jurisdiction on the Minister, a court or a tribunal, and
 - (b) make provision about procedure.
- (3) Where an appeal against a designation is brought—
 - (a) the designation is suspended while the appeal is pending;
 - (b) the person or body hearing the appeal may cancel the designation.]

Textual Amendments

- F19** Ss. 2A-2E inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 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. 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, art. 2(b)

3 Reports by local authorities to, and supervisory powers of, Secretary of State.

- (1) Each [^{F21}relevant authority] shall, at such intervals as may be prescribed, make to the Secretary of State a report giving such information as may be prescribed as to the steps taken by them as enforcement authority to secure that undertakers observe and

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comply with the requirements of this Act or as to the steps taken by them to observe and comply with those requirements as undertakers for any reservoir situated wholly in their area.

- (2) If it appears to the Secretary of State that he should do so, the Secretary of State may cause an inquiry to be held into the question whether a [^{F21} relevant authority] have failed to perform any of their functions as such under this Act in a case where they ought to have performed them.
- (3) If, after an inquiry under subsection (2) above or without such an inquiry, the Secretary of State is satisfied that a [^{F21} relevant authority] have failed to perform any of their functions as such under this Act in a case where they ought to have performed them, the Secretary of State may make an order declaring the authority to be in default; and the order may, for the purpose of remedying the default, direct the authority to perform such of their functions as may be specified in the order, and may specify the manner in which, and the time or times within which, those functions are to be performed.
- (4) An order under this section may be varied or revoked by a further order of the Secretary of State.
- (5) In Scotland, if the authority declared to be in default by an order under this section fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Court of Session may, on the application of the Lord Advocate on behalf of the Secretary of State, order specific performance of the functions in respect of which there has been default, and do otherwise as to the court appears to be just.

Textual Amendments

F21 Words in s. 3 substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 74(1)(b)**, 105(3); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))

Modifications etc. (not altering text)

C6 S. 3 modified by [S.I. 1985/176](#), art. 2(3)(ii), [Sch.](#) and 1986/466, art. 2(2), Sch. 2

C7 S. 3: Functions of the Lord Advocate transferred to the Advocate General (*temp.* from 20.5.1999 to 1.7.1999) by [S.I. 1999/901](#), arts. 2(1), 5, [Sch.](#)

4 Qualification of engineers.

- (1) There shall be a panel of civil engineers for the purposes of this Act, or such number of different panels for different purposes of this Act or for different classes of reservoir as, after consultation, the Secretary of State may from time to time determine; and any reference in this Act to a qualified civil engineer is a reference to a civil engineer who is a member of the panel constituted under this section or, if there are for the time being more than one such panel, a member of the appropriate panel.
- (2) Any civil engineer may apply in the prescribed manner to be placed on any panel; and if the application is accompanied by the prescribed fee (if any), and the Secretary of State is satisfied after consultation that the applicant is qualified and fit to be placed on that panel, the Secretary of State shall appoint him to be a member of the panel.
- (3) Any appointment under subsection (2) above shall be for a term of five years; but an engineer whose appointment expires may be re-appointed under that subsection for a further term.

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- (4) Any appointment to a panel shall also lapse on the abolition or alteration of that panel; but—
- (a) before abolishing or altering any panel the Secretary of State shall give to the engineers for the time being on the panel such notice as he considers reasonable to allow them to apply for appointment to any other panel constituted or to be constituted wholly or partly for the same purposes; and
 - (b) subject to subsection (5) below, a person who is appointed to act for any purpose of this Act (otherwise than as supervising engineer) at a time when he is a qualified civil engineer for that purpose may, on ceasing under this subsection to be a member of the appropriate panel, continue for not more than four years to act by virtue of that appointment and shall be for the purpose a qualified civil engineer.
- (5) The Secretary of State may remove an engineer from any panel, or direct that he shall no longer be qualified to act by virtue of subsection (4)(b) above, if the Secretary of State is satisfied after consultation that the engineer is not fit to remain on the panel or not fit so to act.
- (6) References in this section to consultation by the Secretary of State are references to consultation with the President of the Institution of Civil Engineers or, if that institution appoint a committee for the relevant purpose, with that committee.
- (7) The Secretary of State may reimburse to the Institution of Civil Engineers any expenses incurred by the Institution for purposes of this section.
- (8) Any expenses of the Secretary of State under this section shall be defrayed out of money provided by Parliament; and any fees received by the Secretary of State under subsection (2) above shall be paid into the Consolidated Fund.
- (9) If at any time the Institution of Civil Engineers ceases to exist references in this section to that institution or its President shall have effect as references to the prescribed institution or head of the prescribed institution.
- [^{F22}(10) The Secretary of State and the Welsh Ministers acting jointly may establish one or more panels of engineers under this section (“joint panels”).
- (11) For the purposes of anything done in relation to a joint panel, a reference in this section to the Secretary of State is a reference to the Secretary of State and the Welsh Ministers acting jointly.]

Textual Amendments

F22 S. 4(10)(11) added (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. 9](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

5 Power to prescribe by regulations.

[^{F23}(1)] The Secretary of State may by statutory instrument make regulations for prescribing anything which is under this Act to be prescribed (and in this Act “prescribed” means prescribed by regulations so made).

[^{F24}(2) A statutory instrument under this Act—

- (a) may make provision that applies generally or only for specified purposes,

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- (b) may make different provision for different purposes, and
 - (c) may include incidental, consequential or transitional provision.
- (3) Regulations or an order made under any provision listed in subsection (5) or (7) shall be made by statutory instrument.
- (4) A statutory instrument containing regulations, rules or an order made under any provision listed in subsection (5)—
 - (a) shall be subject to annulment in pursuance of a resolution of either House of Parliament, in the case of an instrument made by the Secretary of State, or
 - (b) shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales, in the case of an instrument made by the Welsh Ministers.
- (5) The provisions are—
 - (a) section A1(4) and (5),
 - (b) section 2(2) or (2C),
 - (c) section 2A(4),
 - (d) section 2E(1),
 - (e) section 3(1) or (3),
 - (f) section 4(9),
 - (g) section 11(1),
 - (h) section 14(6),
 - (i) section 19(5),
 - (j) section 19A(1),
 - (k) section 20(1),
 - (l) section 20A(1),
 - (m) section 21(1),
 - (n) section 21B(1), and
 - (o) section 22D(1).
- (6) A statutory instrument containing regulations or an order made under any provision listed in subsection (7) may not be made unless a draft has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of regulations or an order made by the Secretary of State, or
 - (b) the National Assembly for Wales, in the case of regulations or an order made by the Welsh Ministers.
- (7) The provisions are—
 - (a) section A1(7) and (8),
 - (b) section 2C(1)(b),
 - (c) section 6(6B),
 - (d) section 10(2), and
 - (e) section 13(4).
- (8) The first sets of regulations under section 2E or 19A may not be made unless a draft has been laid before and approved by resolution of—
 - (a) each House of Parliament, in the case of the first regulations made by the Secretary of State under either section, and

Changes to legislation: Reservoirs Act 1975, Cross Heading: Operation of Act, and administration is up to date with all changes known to be in force on or before 24 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) the National Assembly for Wales, in the case of the first regulations made by the Welsh Ministers under either section.]]

Textual Amendments

- F23** S. 5 renumbered as s. 5(1) (E.W.) (1.10.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 38\(2\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(g)
- F24** S. 5(2)-(8) added (E.W.) (1.10.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 38\(3\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(g)

Changes to legislation:

Reservoirs Act 1975, Cross Heading: Operation of Act, and administration is up to date with all changes known to be in force on or before 24 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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](#)