



Reservoirs Act 1975

1975 CHAPTER 23

Operation of Act, and administration

1 Ambit of Act, and interpretation

- (1) For purposes of this Act "reservoir" means a reservoir for water as such (and accordingly does not include a mine or quarry lagoon which is a tip within the meaning of the Mines and Quarries (Tips) Act 1969); and—
 - (a) a reservoir is a "raised reservoir" if it is designed to hold, or capable of holding, water above the natural level of any part of the land adjoining the reservoir; and
 - (b) a raised reservoir is a "large raised reservoir" if it is designed to hold, or capable of holding, more than 25,000 cubic metres of water above that level.

For the avoidance of doubt it is hereby declared that the expression "reservoir" does not include a canal or inland navigation (but this Act applies to a reservoir notwithstanding that it may form part of a watercourse or be used for navigation).

- (2) The provision made by this Act in relation to reservoirs shall, unless otherwise stated, extend to any place where water is artificially retained to form or enlarge a lake or loch, whether or not use is or is intended to be made of the water, and references in this Act to a reservoir shall be construed accordingly.
- (3) The provision made by this Act in relation to large raised reservoirs extends as well to those constructed under statutory powers as to those not so constructed.
- (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 by a water authority, that authority; 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.

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

2 Registration of large raised reservoirs, and enforcement of Act, by local authorities

- (1) The local authorities for purposes of this Act shall be, in England and Wales, the Greater London Council and county councils and, in Scotland, regional and islands councils.
- (2) It shall be the duty of each local 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 local 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.
- (3) It shall be for the local 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 local 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 local 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 local 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 local 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.

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

- (1) Each local 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 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 local 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 local 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.

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.
- (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

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

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.

5 Power to prescribe by regulations

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).