



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Supplementary

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- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), ss.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

19 Reference of disputed recommendations to referee.

(1) Where—

- (a) an inspecting engineer includes in his report recommendations as to measures to be taken in the interests of safety [^{F2}, or as to the maintenance of the reservoir] or as to the time of the next inspection; or
- (b) an engineer acting under section 8, 9 or 14 above includes in his report recommendations as to measures to be taken in the interests of safety;

the undertakers if aggrieved by any recommendation may, in accordance with rules under this section, refer their complaint to a referee.

[^{F3}(1A) If an engineer determines that the requirements of a direction under section 12A(2)(a) and (b) are not satisfied for the purposes of section 12AA(3), the undertaker may refer the matter to a referee in accordance with rules under this section.]

- (2) A referee under this section shall be an independent qualified civil engineer appointed by agreement between the undertakers and the engineer making the recommendation [^{F4}or determination] complained of, or in default of their agreement shall be a person appointed by the Secretary of State.
- (3) A referee under [^{F5}subsection (1)], after investigating the complaint, shall have power to make such modifications as he thinks fit in the report containing the recommendation complained of, and the report shall for the purposes of this Act have effect accordingly.

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- (4) A referee under [^{F6}subsection (1)], when he gives his decision on a report, shall also give a certificate stating that the decision does or does not modify the report, and (if necessary in consequence of any modification) revising accordingly any certificate given with reference to the report by the engineer making the report.
- [^{F7}(4A) A referee under subsection (1A) may direct the engineer to issue a certificate for the purposes of section 12AA(3).]
- (5) The Secretary of State may by statutory instrument make rules as to the time within which a referee may be appointed by agreement under this section, as to the time within which, and the manner in which, a request for the appointment of a referee under this section may be made to him, as to the procedure before the referee and as to the costs of the proceedings before and investigation by the referee (including the remuneration of the referee), so, however, that those costs (including the remuneration of the referee) shall be paid by the undertakers.

Textual Amendments

- F2** Words in s. 19(1)(a) inserted (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. 14](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F3** S. 19(1A) 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. 22\(2\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F4** Words in s. 19(2) 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. 22\(3\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F5** Words in s. 19(3) substituted (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. 22\(4\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F6** Words in s. 19(4) substituted (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. 22\(4\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F7** S. 19(4A) 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. 22\(5\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)

Modifications etc. (not altering text)

- C1** Ss. 19, 20 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)

[^{F8}19A Appeals

- (1) The Minister must by regulations provide a right of appeal against—
- (a) a requirement to appoint an engineer under sections 8(1), 9(7), 10(7), 12(4), 13(5) and 14(4), and

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- (b) a requirement to carry a recommendation of an engineer into effect under sections 8(3A), 9(7), 10(7) and 14(4).
- (2) The regulations must—
 - (a) confer jurisdiction on the Minister, a court or a tribunal, and
 - (b) make provision about procedure (including the effect of pending appeals).]

Textual Amendments

F8 S. 19A inserted (E.W.) (1.10.2011 for specified purposes) by [Flood and Water Management Act 2010](#) (c. 29), s. 49(3), [Sch. 4 para. 30](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e)

20 General provisions as to reports, certificates etc. of engineers.

- (1) Any report [^{F9}, certificate or directions] of an engineer acting for any purpose of this Act, including a referee under section 19 above, shall be in the prescribed form.
- (2) Any such report or certificate, unless the engineer in question is appointed to act by the enforcement authority, shall be delivered to and kept by the undertakers.
- (3) Any such report or certificate, where the engineer in question is appointed to act by the enforcement authority, shall be delivered to the authority, but a copy of it shall be sent by the engineer at the same time to the undertakers and shall be kept by them.
- (4) Where any document to which this subsection applies is delivered by the engineer in question to the undertakers, the engineer shall within twenty-eight days after he delivers it to the undertakers send a copy of it to the enforcement authority.

The documents to which this subsection applies are—

- (a) any certificate of an engineer acting for any purpose of this Act;
 - (b) any report made by an inspecting engineer or an engineer acting for purposes of section 14 above ^{F10}... , and any report made by an engineer acting under section 8 or 9 above;
 - (c) any decision of a referee ^{F11}... ;
 - (d) any written explanation given by a construction engineer to the undertakers of his reasons for deferring the issue of his final certificate;
 - (e) any advice given by a supervising engineer to the undertakers which either—
 - (i) recommends them to have the reservoir inspected under section 10 above or to take any other action; or
 - (ii) draws their attention to a breach of any provision of section 6(2) to (4) or 9(2) or of section 11 above.
 - [^{F12}(f) any written statement given under section 12(2) or (2A);
 - (g) any direction given under section 12(6);]
 - [^{F13}(h) any direction given under section 12AA(4) or (7).]
- (5) Where an enforcement authority receive a certificate of an engineer acting for the purposes of section 13 above or a copy of such a certificate, and the reservoir is situated partly in the area of another [^{F14}relevant authority] not being the undertakers, the enforcement authority shall send a copy of the certificate to that other [^{F14}relevant authority].

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Textual Amendments

- F9** Words in s. 20(1) substituted (E.W.) (1.10.2011 for specified purposes) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 31](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(f)
- F10** Words in s. 20(4)(b) 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. 28](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F11** Words in s. 20(4)(c) 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. 23\(2\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F12** S. 20(4)(f)(g) added (30.7.2013 for E., 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. 17\(6\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b) (with art. 4(2)-(5)); S.I. 2016/79, arts. 2(c), 3
- F13** S. 20(4)(h) 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. 23\(3\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F14** Words in s. 20 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)

- C2** Ss. 19, 20 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)

[^{F15}20A Assessment of reports and statements

- (1) The Minister may by regulations make provision for the assessment of the quality of reports and written statements prepared by—
 - (a) inspecting engineers, and
 - (b) supervising engineers.
- (2) The regulations may make provision for the assessment to be made by a committee consisting of members of the Institution of Civil Engineers; and the regulations may specify the conditions for membership of the committee.
- (3) The regulations may, in particular, make provision about—
 - (a) the criteria for assessment,
 - (b) the documents, or categories of documents, that are to be assessed,
 - (c) the assessment procedure, which may include provision about oral or written representations, and
 - (d) timing.]

Textual Amendments

- F15** S. 20A inserted (E.W.) (1.10.2011 for specified purposes) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 32](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e)

21 Duty of undertakers to furnish information.

- (1) Where undertakers intend—
 - (a) to construct a large raised reservoir ^{F16}... ; or

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(b) to bring a large raised reservoir back into use as a reservoir after that use has been abandoned;

the undertakers, if they are not a [^{F17}relevant authority], shall serve notice of their intention, giving the prescribed information, on the [^{F17}relevant authority] in whose area the intended large raised reservoir will be or, if it will extend into the areas of more than one [^{F17}relevant authority], on each of those authorities; and if the undertakers are a [^{F17}relevant authority] and the reservoir or any part of it will be in the area of another [^{F17}relevant authority] or authorities, they shall serve notice of their intention on the other authority or authorities.

A notice under this subsection shall be served not less than twenty-eight days before any work on the construction or alteration of the reservoir is begun or, if the case is within paragraph (b) above and the reservoir is to be brought back into use without alteration, not less than twenty-eight days before it is brought back into use.

(2) ^{F18} ...

(3) ^{F18} ...

(4) ^{F18} ...

(5) The supervising engineer and every inspecting engineer for a [^{F19}high-risk reservoir], and any civil engineer employed by the undertakers for purposes of section 8, 9, 10(6) [^{F20}, 13] or 14 above or appointed by an enforcement authority under section 15(2) or 16(3), shall be afforded by the undertakers all reasonable facilities for the effective performance of his functions; and the undertakers shall furnish him—

(a) with the statutory record required to be kept for the reservoir; and

(b) with copies of any statutory certificates relating to the reservoir, with their annexes (if any); and

(c) with copies of the reports made by inspecting engineers on any statutory inspection of the reservoir; and

(d) with such further information and particulars as he may require

(6) In this section “statutory” refers to matters provided for by this Act or by the ^{M1}Reservoirs (Safety Provisions) Act 1930.

Textual Amendments

F16 Words in s. 21(1)(a) 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. 5\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

F17 Words in s. 21 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](#))

F18 S. 21(2)-(4) 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. 5\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

F19 Words in s. 21(5) substituted (30.7.2013 for E., 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. 18](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b) (with art. 4(2)-(5)); S.I. 2016/79, arts. 2(c), 3

F20 Word in s. 21(5) inserted (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. 26\(2\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)

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Modifications etc. (not altering text)

C3 S. 21 modified by [S.I. 1985/176, art. 2\(3\)\(ii\)](#), [Sch.](#) and 1986/466, art. 2(2), Schs. 1, 2

Marginal Citations

M1 [1930 c. 51.](#)

[^{F21}21A Power to require information

- (1) For the purposes of carrying out its functions under this Act, [^{F22}the appropriate agency] may by notice require an undertaker to provide information specified in the notice.
- (2) The notice may require the information to be provided—
 - (a) within a specified period;
 - (b) in a specified manner or form.
- (3) The period specified under subsection (2)(a) must be a period of at least 28 days beginning with the day on which the notice is issued.

Textual Amendments

- F21** Ss. 21A, 21B 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. 33](#) (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\(d\)](#)
- F22** Words in s. 21A substituted by 2010 c. 29, Sch. 4 para. 33 (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\(2\)\(d\)](#) (with [Sch. 7](#)))

21B Reports

- (1) The Minister may by regulations require a specified person to make a report to the [^{F23}appropriate agency] about any incident of a specified kind which affected, or could have affected, the safety of a large raised reservoir.
- (2) The regulations may, in particular, provide that the duty to report applies to—
 - (a) an undertaker, and
 - (b) an engineer appointed for any purpose of this Act.
- (3) The regulations may make provision about—
 - (a) the form and manner of a report,
 - (b) the timing of a report.]

Textual Amendments

- F21** Ss. 21A, 21B 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. 33](#) (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\(d\)](#)

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F23 Words in s. 21B(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 122](#) (with [Sch. 7](#))

22 Criminal liability of undertakers and their employees.

- [^{F24}(A1) It is an offence for an undertaker to fail to comply with either of the following—
- (a) the requirement to register a large raised reservoir imposed by section 2(2B);
 - (b) a requirement of regulations made under section 2(2C).
- (A2) A person guilty of an offence under subsection (A1) is liable—
- (a) on conviction on indictment, to a fine;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.]
- (1) If—
- (a) ^{F25}... any of the provisions of section 6, 8(3), 9(1), (2) or (3), 10(1) or (6), 11, 12(1), 13 or 14(1) or (2) above is not observed or complied with in relation to a large raised reservoir; ^{F26}...
 - (b) the undertakers fail to comply with a notice from the enforcement authority under section 8, 9, 10, 12 [^{F27}, 13] or 14 above;
- then ^{F28}..., the undertakers shall be guilty of an offence and liable on conviction on indictment or on summary conviction to a fine, which on summary conviction shall not exceed £400.
- [^{F29}(c) the undertakers fail to comply with a direction under section 12A above;]
- [^{F30}(1AA) An undertaker who fails to comply with section 10(5A) is guilty of an offence.
- (1AB) A person guilty of an offence under subsection (1A) is liable—
- (a) on conviction on indictment, to a fine;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.]
- [^{F31}(1AC) An undertaker who, without reasonable excuse, fails to comply with a direction to carry out a visual inspection under section 12(6) or with the notification requirement under section 12(7) is guilty of an offence.
- (1AD) A person guilty of an offence under subsection (1AC) is liable—
- (a) on conviction on indictment, to a fine;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.]
- [^{F32}(1AE) An undertaker who fails to comply with section 12AA(4), (6)(a) or (7) is guilty of an offence and liable—
- (a) on conviction on indictment, to a fine, or
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (1AF) An undertaker who fails to comply with section 12AA(5) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- [^{F33}(1A) If the undertakers fail without reasonable excuse to comply with a notice under section 12B above, they shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.]

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- (2) If, in the case of any large raised reservoir, the undertakers fail without reasonable excuse to give the enforcement authority in due time any notice required by this Act to be given by them to that authority, the undertakers shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F34}level 4 on the standard scale].
- (3) If, in the case of any large raised reservoir, the undertakers or persons employed by them without reasonable excuse refuse or knowingly fail to afford to any person the facilities required by section 21(5) above or to furnish to any person the information and particulars so required, the undertakers shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F34}level 4 on the standard scale].
- (4) If for purposes of section 21(5) above a person makes use of any document or furnishes any information or particulars which he knows to be false in a material respect, or recklessly makes use of any document or furnishes any information or particulars which is or are false in a material respect, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F34}level 5 on the standard scale].
- [^{F35}(4A) An undertaker who fails to comply with a requirement of a notice given under section 21A is guilty of an offence.
- (4B) An undertaker who fails to comply with a requirement to make a report under regulations made under section 21B is guilty of an offence.
- (4C) A person guilty of an offence under subsection (4A) or (4B) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- (5) Where an offence committed by a body corporate under this section is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (6) In England and Wales proceedings for an offence under this section may be instituted [^{F36}only by the [^{F37}appropriate agency] or] the Secretary of State or by or with the consent of the Director of Public Prosecutions.

Textual Amendments

- F24** S. 22(A1)(A2) inserted (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. 6](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F25** Words in s. 22(1) 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. 35\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F26** Word in s. 22(1)(a) repealed (E.W.) (1.10.2004) by [Water Act 2003](#) (c. 37), ss. 79(2), 105(3), [Sch. 9 Pts. 3](#); S.I. 2004/2528, art. 2(o)(u)
- F27** Word in s. 22(1)(b) inserted (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. 26\(3\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F28** Words in s. 22(1) 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. 35\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)

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- F29** S. 22(1)(c) inserted (E.W.) (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 79(2)**, 105(3); S.I. 2004/2528, art. 2(o) (with [Sch. para. 8](#))
- F30** S. 22(1AA)(1AB) inserted (30.7.2013 for E., 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. 15** (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F31** S. 22(1AC)(1AD) inserted (30.7.2013 for E., 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. 19** (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, arts. 2(c), 3
- F32** S. 22(1AE)(1AF) inserted (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. 24** (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F33** S. 22(1A) inserted (E.W.) (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 79(3)**, 105(3); S.I. 2004/2528, art. 2(o) (with [Sch. para. 8](#))
- F34** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), **ss. 289F**, 289G
- F35** S. 22(4A)-(4C) inserted (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. 34** (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F36** Words in s. 22(6) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 74(1)(d)**, 105(3); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))
- F37** Words in s. 22(6) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 122** (with [Sch. 7](#))

Modifications etc. (not altering text)

- C4** S. 22 modified by [S.I. 1985/176](#), art. 2(3)(ii), **Sch.** and [1986/466](#), art. 2(2), Schs. 1, 2

[^{F38}22A [^{F39}Service of notices by the Environment Agency and the NRBW]

Section 123 of the Environment Act 1995 (service of documents) applies to any document authorised or required by virtue of any provision of this Act to be served or given by the Environment Agency [^{F40}or the NRBW] as if it were authorised or required to be served or given by or under that Act.]

Textual Amendments

- F38** S. 22A inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 76(2)**, 105(3); S.I. 2004/2528, art. 2(l) (with [Sch. para. 8](#))
- F39** S. 22A heading substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 123(3)** (with [Sch. 7](#))
- F40** Words in s. 22A inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 123(2)** (with [Sch. 7](#))

[^{F41}22C Expenses

The undertaker must pay to [^{F42}the appropriate agency] the amount of expenses reasonably incurred by [^{F43}the appropriate agency] in connection with the consultation of an engineer under—

- (a) section 8(3B),
- (b) section 9(8),
- (c) section 10(8), and
- (d) section 14(5).]

Changes to legislation: Reservoirs Act 1975, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 18 October 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

Textual Amendments

- F41** S. 22C inserted (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. 36](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F42** Words in s. 22C substituted by 2010 c. 29, [Sch. 4 para. 36](#) (as amended (1.4.2013) by S.I. 2013/755, [Sch. 2 para. 468\(2\)\(e\)](#) (with [Sch. 7](#)))
- F43** Words in s. 22C substituted by 2010 c. 29, [Sch. 4 para. 36](#) (as amended (1.4.2013) by S.I. 2013/755, [Sch. 2 para. 468\(2\)\(e\)](#) (with [Sch. 7](#)))

[^{F44}22D Arrangements for civil protection: charges

- (1) A person who is listed in Part 1 of Schedule 1 to the Civil Contingencies Act 2004 (a “Category 1 responder”) may charge an undertaker a fee in accordance with a scheme prescribed by regulations made by the Minister.
- (2) The purpose of the scheme must be to enable Category 1 responders to charge fees to undertakers in respect of costs incurred in carrying out functions under section 2 of the 2004 Act in connection with their reservoirs.]]

Textual Amendments

- F44** S. 22D inserted (E.W.) (1.10.2011 for specified purposes) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 37](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e)

Changes to legislation:

Reservoirs Act 1975, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 18 October 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](#)