



# Reservoirs Act 1975

## 1975 CHAPTER 23

### *Transitional and temporary provisions*

#### **23 Continuity with previous Act**

- (1) Where a large raised reservoir has been wholly or partly constructed before the commencement of this Act any certificate given, report made, or other thing done in relation to the reservoir under or for purposes of the Reservoirs (Safety Provisions) Act 1930 shall for the purposes of this Act have the same effect as if given, made or done under or for purposes of this Act.
- (2) The repeal by this Act of the Reservoirs (Safety Provisions) Act 1930 shall not affect the continuance in force of regulations or rules made under that Act or of any panel of qualified civil engineers constituted under that Act, but they shall continue as if made or constituted for corresponding purposes under this Act; but any appointment made to any such panel before the commencement of this Act shall lapse at the end of five years after the date of that commencement or, in the case of any engineer or engineers, at such earlier date as may be notified to him or them by the Secretary of State by written notice given not less than six months before that date.

#### **24 Notification to local authorities of existing reservoirs**

- (1) Where a large raised reservoir has been constructed before, or is in course of construction at, the commencement of this Act, the undertakers, if they are not a local authority, shall, not later than nine months after the date of that commencement, give to the local authority in whose area the reservoir is situated (or, if it extends or will extend into the areas of more than one local authority, to one of those authorities) notice of the situation of the reservoir and of the name and address of the undertakers; and if the undertakers are a local authority, and the reservoir or any part of it is or will be in the area of another local authority or authorities, they shall, not later than nine months after that date, give notice of the situation of the reservoir and of their being the undertakers to the other authority or to one of the other authorities.
- (2) With the notice under subsection (1) above the undertakers shall send for inspection and return by the local authority—

- (a) any final certificate given under the Reservoirs (Safety Provisions) Act 1930 on the construction of the reservoir or any alteration of it or, if the preliminary certificate has been so given but no final certificate, the preliminary certificate;
  - (b) any certificate so given as to the execution of the works on the construction of the reservoir or any alteration of it (including the annex to the certificate);
  - (c) the report made on the latest inspection of the reservoir under that Act (if any).
- (3) The notice under subsection (1) above shall state, if it is so—
- (a) that no final certificate was given under the Reservoirs (Safety Provisions) Act 1930 on the construction of the reservoir or on its alteration to become a large reservoir because the construction or alteration was completed before the commencement of that Act;
  - (b) that no certificate has been given for the reservoir or inspection made of it under that Act because it was not a reservoir to which the Act applied.
- (4) Every local authority shall during the three months after the date of the commencement of this Act take such steps as they think are reasonably required to inform undertakers of the requirements of subsections (1) to (3) above.

## **25 Reservoirs in course of construction or alteration, or newly constructed or altered**

- (1) Subject to subsections (2) to (4) below, where at the commencement of this Act—
- (a) a large raised reservoir is in course of construction or is in course of being altered so as to increase its capacity; or
  - (b) a large raised reservoir having been constructed or having been so altered, no final certificate has yet been given under the Reservoirs (Safety Provisions) Act 1930 on the construction or alteration ;
- sections 6 to 8 above shall from that commencement apply as they apply in the case of a construction or alteration carried out wholly after that commencement.
- (2) Subsection (1)(b) above shall not apply where a final certificate was not given as there mentioned because the construction or alteration of the reservoir was completed before the commencement of the Reservoirs (Safety Provisions) Act 1930; and nothing in that subsection shall apply where before the commencement of this Act a qualified civil engineer (within the meaning of that Act) was not employed to design and supervise the construction or alteration of the reservoir because the reservoir was not one to which that Act applied.
- (3) If in a case within subsection (1) above five years have elapsed since the issue of a preliminary certificate for the reservoir or the addition to it, as the case may be, section 7(4) above shall apply with the substitution of a reference to the commencement of this Act for the reference to the end of five years after a preliminary certificate is first issued.
- (4) If in a case within subsection (1) above there is at the commencement of this Act no qualified civil engineer responsible for the reservoir or addition as construction engineer, the undertakers shall appoint a qualified civil engineer for purposes of section 8 above without being required by a notice from the enforcement authority; and if they fail to do so within six months after the date of the commencement of this Act, sections 15 and 22(1) above shall apply as if the undertakers had been served with a notice under section 8 so as to require them to make the appointment by the end of those six months.

If a local authority are the undertakers and the reservoir will be wholly in the area of that authority, then notwithstanding anything in section 2(6) above this subsection shall have effect in relation to the reservoir as it would have effect in relation to it if the undertakers were not a local authority, except that the reference to section 15 shall not apply.

- (5) Where at the commencement of this Act a final certificate has been given under the Reservoirs (Safety Provisions) Act 1930 on the construction of a large raised reservoir or on the alteration of a reservoir so as to increase its capacity, but the reservoir has not been inspected under that Act since the date of the certificate, section 10(2) above shall apply as if that certificate had been given on the date of the commencement of this Act.

## **26 Reservoirs constructed before commencement of previous Act**

- (1) Where the construction of a large raised reservoir (whether as a new reservoir or by the alteration of an existing reservoir that was not a large raised reservoir) was completed before the commencement of the Reservoirs (Safety Provisions) Act 1930 and the reservoir was not inspected under that Act, then unless section 25(1) or (5) above applies by reason of any alteration of the reservoir increasing its capacity, the first inspection of the reservoir under this Act shall be made as soon as practicable after the commencement of this Act.
- (2) Where the construction of a large raised reservoir (whether as a new reservoir or by the alteration of an existing reservoir that was not a large raised reservoir) was completed before the commencement of the Reservoirs (Safety Provisions) Act 1930, then on the first inspection of the reservoir under this Act the inspecting engineer shall annex to his report drawings and descriptions giving, so far as he can, the like information of the works actually constructed at any time before the commencement of that Act (and not removed on any subsequent alteration increasing the capacity of the reservoir) as would have been annexed to a certificate under section 7(6) above.
- (3) Where subsection (2) above applies on the inspection of a reservoir, any reference in section 20 or section 21(5) above to an inspecting engineer's report shall include the annex, and section 20(4)(b) shall apply whether or not the report is stated in the inspecting engineer's certificate to include a recommendation as to measures to be taken in the interests of safety.

## **27 Large raised reservoirs not within previous Act**

- (1) Where before the commencement of this Act a qualified civil engineer within the meaning of the Reservoirs (Safety Provisions) Act 1930 has not been employed to design and supervise the construction of a large raised reservoir or an alteration of a reservoir to increase its capacity because the reservoir was not one to which that Act applied, then—
  - (a) notwithstanding that the construction or alteration is not completed at the commencement of this Act, section 6(1) and (5) and section 7 above shall not apply except in so far as section 7 is applied by section 8;
  - (b) whether or not the construction or alteration is so completed, the undertakers shall appoint a qualified civil engineer for purposes of section 8 without being required by a notice from the enforcement authority ;

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

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- (c) if the construction or alteration is so completed, section 6(2) to (4) shall apply in accordance with section 8 as they apply in the case of a construction or alteration carried out wholly after the commencement of this Act.
- (2) If the undertakers fail within six months after the date of the commencement of this Act to appoint a qualified civil engineer as required by subsection (1)(b) above, sections 15 and 22(1) above shall apply as if the undertakers had been served with a notice under section 8 so as to require them to make the appointment by the end of those six months.
- (3) If a local authority are the undertakers and the reservoir is situated wholly in the area of that authority, then notwithstanding anything in section 2(6) above this section shall have effect in relation to the reservoir as it would have effect in relation to it if the undertakers were not a local authority, except that the reference to section 15 in subsection (2) above shall not apply.