



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Monitoring and supervision

[^{F1}12 Supervision of large raised reservoirs.

(1) At all times when a [^{F2}high-risk reservoir] is not under the supervision of a construction engineer, a qualified civil engineer (“the supervising engineer”) shall be employed to supervise the reservoir and keep the undertakers advised of its behaviour in any respect that might affect safety, and to watch that the provisions of section 6(2) to (4) or section 9(2) above and of section 11 are observed and complied with and draw the attention of the undertakers to any breach of those provisions.

(2) It shall be the duty of the supervising engineer, so long as any matters are noted as matters that need to be watched by him in any annex to the final certificate for the reservoir or in the latest report of an inspecting engineer, to pay attention in particular to those matters and to give the undertakers not less often than once a year written statement of the action he has taken to do so.

[^{F3}(2A) The supervising engineer must provide the undertaker with a written statement of any steps taken to maintain the reservoir in accordance with the recommendations of the inspecting engineer under section 10(3)(b).

(2B) The engineer must provide a statement under subsection (2A) at least once every 12 months.]

(3) The supervising engineer shall recommend to the undertakers that the reservoir be inspected under section 10 above, if at any time he thinks that such an inspection is called for.

(4) Where it appears to the enforcement authority that a [^{F4}high-risk reservoir] is not for the time being under the supervision either of a construction engineer or of a supervising engineer, the authority may by written notice served on the undertakers require them within twenty-eight days after the date the notice is served to appoint a supervising engineer and to notify the authority of the appointment or, if the reservoir is at that date under the supervision of a construction engineer or of a supervising engineer, to notify the authority of that fact.

Changes to legislation: Reservoirs Act 1975, Section 12 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

- (5) References in this section to a construction engineer include an engineer acting under section 8 or 9 above.
- [^{F5}(6) The supervising engineer may direct the undertaker to carry out a visual inspection of the reservoir at specified intervals for the purpose of identifying anything that might affect the safety of the reservoir.
- (7) The undertaker must notify the supervising engineer of—
- (a) each visual inspection that is carried out, and
 - (b) anything noticed in the course of it.
- (8) The Minister may issue guidance about supervision in accordance with this section (and may take compliance into account when making decisions under section 4).]]

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.I. 2016/42, art. 2, sch.](#) (with art. 3)
- F2** Words in s. 12(1) 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. 17(2)** (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
- F3** S. 12(2A)(2B) 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. 17(3)** (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
- F4** Words in s. 12(4) 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. 17(4)** (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
- F5** S. 12(6)-(8) 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(5)** (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

Modifications etc. (not altering text)

- C1** Ss. 12–14 modified by [S.I. 1986/466, art. 2\(2\)](#), **Sch. 1**

Changes to legislation:

Reservoirs Act 1975, Section 12 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](#)