



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Discontinuance or abandonment

[^{F1}13 Discontinuance of large raised reservoirs.

(1) No large raised reservoir shall be altered in order to render it incapable of holding [^{F2} 10,000 cubic metres of water above the natural level of any part of the surrounding land], unless a qualified civil engineer is employed to design or approve and to supervise the alteration.

[^{F3}(1A) An engineer employed for the purposes of subsection (1) may issue a certificate (the “interim certificate”) if the engineer thinks that the level of water in the reservoir should be reduced before the alteration is completed.

(1B) The interim certificate must specify—

- (a) the reduced water level,
- (b) the time by which it must be reduced, and
- (c) the conditions (if any) on which the reservoir may be filled to the reduced level.

(1C) The undertaker must ensure that the reservoir does not contain water except in accordance with the interim certificate.

(1D) The engineer employed for the purposes of subsection (1) may vary an interim certificate by giving written notice to the undertaker.

(1E) An interim certificate ceases to have effect on the issue of a certificate under subsection (2).]

(2) An engineer employed for the purposes of subsection (1) above shall give a certificate, as soon as he is satisfied it is so, that the alteration has been completed and has been efficiently executed.

(3) Where a certificate is given under subsection (2) above, a [^{F4}relevant authority] on receipt of the certificate or a copy of it shall remove the reservoir from their register of large raised reservoirs; but a reservoir that has been a large raised reservoir but is

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altered so as no longer to be capable of holding [^{F5}10,000 cubic metres of water above the natural level of any part of the surrounding land] shall nevertheless continue for purposes of this Act to be a large raised reservoir, unless the alteration is made and a certificate given in accordance with this section.

[^{F6}(4) The Minister may by order substitute a different volume of water for the volume specified in subsection (1) or (3).

(5) Where it appears to [^{F7}the appropriate agency] that a qualified civil engineer has not been employed as required by subsection (1) [^{F7}the appropriate agency] may by notice require the undertaker—

- (a) to appoint a qualified civil engineer for the purposes of this section before the end of the period of 28 days beginning with the day on which the notice is given, unless the appointment has already been made, and
- (b) to notify [^{F7}the appropriate agency] of the appointment (whether it was made before or after the notice was given).]

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** Words in s. 13(1) 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. 25(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(d)
- F3** S. 13(1A)-(1E) 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. 25(3)** (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)
- F4** Words in s. 13 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)
- F5** Words in s. 13(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. 25(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(d)
- F6** S. 13(4)(5) added (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. 25(5)** (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)
- F7** Words in s. 13(5) substituted by 2010 c. 29 Sch. 4 para. 25(5) (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)(c)** (with Sch. 7))

Modifications etc. (not altering text)

- C1** Ss. 12–14 modified by S.I. 1986/466, art. 2(2), **Sch. 1**
- C2** S. 13(1)(3) 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)**

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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](#)