



Reservoirs Act 1975

1975 CHAPTER 23

Additional powers of enforcement authority

15 Reserve powers

- (1) Where undertakers are required by a notice from the enforcement authority under section 8, 9, 10, 12 or 14 above to appoint an engineer for any purpose of this Act, and the undertakers fail to make the appointment, the authority may appoint an engineer for that purpose, being a person eligible for appointment by the undertakers; and, except as otherwise provided, the provisions of this Act shall apply in relation to any person appointed under this section and to anything done by him as if he had been duly appointed by the undertakers.
- (2) Where undertakers are required by a notice from the enforcement authority under section 9, 10 or 14 above to carry into effect any recommendation as to measures to be taken in the interests of safety, and the undertakers fail to comply with that requirement, the authority may cause the recommendation to be carried into effect under the supervision of a qualified civil engineer appointed by them, who shall give a certificate, as soon as he is satisfied that it is so, that the recommendation has been carried into effect.
- (3) An appointment made under subsection (1) above for any purpose of this Act shall be of no effect, if before it is made the undertakers have appointed for that purpose an engineer eligible to be so appointed; and an appointment under that subsection of a supervising engineer shall terminate when an appointment of a supervising engineer duly made by the undertakers takes effect.
- (4) Without prejudice to section 233 of the Local Government Act 1972 or section 192 of the Local Government (Scotland) Act 1973, where the enforcement authority are unable after reasonable enquiry to ascertain the name or address of the undertakers for any large raised reservoir, then for purposes of this section a notice relating to the reservoir shall be deemed to have been duly served on the undertakers if it has been left in the hands of a person who is or appears to be resident or employed at the reservoir or if it has been left conspicuously affixed to some building or object at the reservoir.

Status: This is the original version (as it was originally enacted).

- (5) Where an enforcement authority make any appointment under subsection (1) above or exercise powers conferred by subsection (2), the undertakers shall pay them the amount of the expenses reasonably incurred by them by reason of the appointment or, as the case may be, in the exercise of those powers.