



# Reservoirs Act 1975

## 1975 CHAPTER 23

### *[<sup>F1</sup> Supplementary*

#### **[<sup>F122</sup> Criminal liability of undertakers and their employees.**

- [<sup>F2</sup>(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) <sup>F3</sup>... 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; <sup>F4</sup>...
- (b) the undertakers fail to comply with a notice from the enforcement authority under section 8, 9, 10, 12 [<sup>F5</sup>, 13] or 14 above;

then <sup>F6</sup>..., 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.

- [<sup>F7</sup>(c) the undertakers fail to comply with a direction under section 12A above;]

- [<sup>F8</sup>(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.]

- [<sup>F9</sup>(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—

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- (a) on conviction on indictment, to a fine;
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.]
- [<sup>F10</sup>(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.]
- [<sup>F11</sup>(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.]
- (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 [<sup>F12</sup>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 [<sup>F12</sup>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 [<sup>F12</sup>level 5 on the standard scale].
- [<sup>F13</sup>(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 [<sup>F14</sup>only by the [<sup>F15</sup>appropriate agency] or] the Secretary of State or by or with the consent of the Director of Public Prosecutions.]

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### 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** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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
- F9** 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
- F10** 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)
- F11** 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)
- F12** 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
- F13** 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)
- F14** 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)
- F15** 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)

- C1** S. 22 modified by S.I. 1985/176, art. 2(3)(ii), **Sch.** and 1986/466, art. 2(2), Schs. 1, 2

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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](#)