



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Transitional and temporary provisions

[^{F125} 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 large raised reservoir is in course of construction or is in course of being altered so as to increase its capacity; or
 - a large raised reservoir having been constructed or having been altered, no final certificate has yet been given under the ^{M1}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 ^{M2}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 the case within the 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

Changes to legislation: Reservoirs Act 1975, Section 25 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

with a notice under section 8 so as to require them to make the appointment by the end of those six months.

If a [^{F2} relevant 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 [^{F2} relevant 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 ^{M3}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.]

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. 25 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](#))
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Modifications etc. (not altering text)

- C1** Ss. 25–28 modified by [S.I. 1986/466, art. 2\(2\)](#), **Sch. 1**
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Marginal Citations

- M1** 1930 c. 51.
M2 1930 c. 51.
M3 1930 c. 51.

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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](#)