Reservoirs Act 1975

1975 CHAPTER 23

Operation of Act, and administration

3   Reports by local authorities to, and supervisory powers of, Secretary of State

(1) Each local authority shall, at such intervals as may be prescribed, make to the Secretary of State a report giving such information as may be prescribed as to the steps taken by them as enforcement authority to secure that undertakers observe and comply with the requirements of this Act or as to the steps taken by them to observe and comply with those requirements as undertakers for any reservoir situated wholly in their area.

(2) If it appears to the Secretary of State that he should do so, the Secretary of State may cause an inquiry to be held into the question whether a local authority have failed to perform any of their functions as such under this Act in a case where they ought to have performed them.

(3) If, after an inquiry under subsection (2) above or without such an inquiry, the Secretary of State is satisfied that a local authority have failed to perform any of their functions as such under this Act in a case where they ought to have performed them, the Secretary of State may make an order declaring the authority to be in default; and the order may, for the purpose of remedying the default, direct the authority to perform such of their functions as may be specified in the order, and may specify the manner in which, and the time or times within which, those functions are to be performed.

(4) An order under this section may be varied or revoked by a further order of the Secretary of State.

(5) In Scotland, if the authority declared to be in default by an order under this section fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Court of Session may, on the application of the Lord Advocate on behalf of the Secretary of State, order specific performance of the functions in respect of which there has been default, and do otherwise as to the court appears to be just.