



# Reservoirs Act 1975

## 1975 CHAPTER 23

*New, enlarged and restored reservoirs*

### **8 Powers of enforcement authority in event of non-compliance with requirements as to construction or enlargement of reservoirs**

- (1) Where it appears to the enforcement authority either—
- (a) that a large raised reservoir is being constructed (whether as a new reservoir or by the alteration of an existing reservoir that is not a large raised reservoir) or is being altered so as to increase its capacity; or
  - (b) that, a large raised reservoir having been so constructed or altered, no final certificate has yet been given for the reservoir on the construction or alteration, as the case may be;

but that no qualified civil engineer is responsible for the reservoir or addition as construction engineer, the authority may by written notice served on the undertakers require them within twenty eight days after the date when the notice is served to appoint a qualified civil engineer for the purposes of this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment.

- (2) An engineer appointed for the purposes of this section shall be appointed to inspect the reservoir and make a report on the construction or alteration, and to supervise the reservoir until he gives a final certificate for the reservoir under this section.
- (3) An engineer acting under this section shall include in his report any recommendations he sees fit to make as to measures to be taken in the interests of safety; and, subject to any reference of the matter to a referee in accordance with this Act, the undertakers shall carry any such recommendation into effect.
- (4) Except as provided by subsections (5) and (6) below, an engineer acting under this section shall have the same powers and duties in relation to the giving of preliminary certificates, interim certificates and final certificates as if he were the construction engineer responsible for the reservoir or, as the case may be, the addition to it; and certificates under this subsection shall have effect for purposes of this Act as if they were certificates of a construction engineer.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A final certificate under this section may be given less than three years after the first issue of a preliminary certificate, or without the previous issue of a preliminary certificate, if the engineer is satisfied that the reservoir or addition has for a period of three years or more been filled with water up to the level that is specified in the preliminary certificate or, if no preliminary certificate has been issued, up to the level that is specified in the final certificate, and that the reservoir or, as the case may be, the reservoir with the addition is sound and satisfactory and may safely be used for the storage of water.
- (6) A final certificate under this section, other than one given by virtue of subsection (5) above, shall not be required to state that the engineer is satisfied the reservoir or, as the case may be, the reservoir with the addition is sound and satisfactory ; but, if it does not do so and the engineer's report includes any recommendations as to measures to be taken in the interests of safety, the certificate shall instead state that those recommendations have been carried into effect.
- (7) In addition to certificates under subsection (4) above, an engineer acting under this section shall, as soon as practicable after the completion of the works and in any event not later than the giving of the final certificate, give a certificate that, so far as he has been able to ascertain, the works have been efficiently executed in accordance with the drawings and descriptions annexed to the certificate, and shall annex to the certificate detailed drawings and descriptions giving such information as he can of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.
- (8) References in this Act to a final certificate under this section or to a certificate under subsection (7) above include the annex to the certificate, where there is one.