



Reservoirs Act 1975

1975 CHAPTER 23

New, enlarged and restored reservoirs

9 Re-use of abandoned reservoirs

- (1) Where the use of a large raised reservoir as a reservoir has been abandoned (whether before or after the commencement of this Act), the reservoir shall not again be used as a reservoir unless a qualified civil engineer has been employed to inspect the reservoir and make a report on it, and to supervise the reservoir until he gives a final certificate for the reservoir under this section.
- (2) Where a large raised reservoir is brought back into use as a reservoir after that use had been abandoned, it shall not be used for the storage of water, or be filled wholly or partially with water, otherwise than in accordance with the certificate of the engineer acting under this section (unless, on a subsequent alteration to it, section 6(4) above applies).
- (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 reservoir shall not be used as such if any such recommendation has not been carried into effect.
- (4) Except as provided by subsection (5) below, an engineer acting under this section shall have the same powers and duties in relation to the giving of preliminary certificates and final certificates as if he were the construction engineer responsible on the construction of the reservoir ; and certificates under this subsection shall have effect for purposes of this Act as if they were certificates of a construction engineer.
- (5) A final certificate under this section shall not be required to state that the engineer is satisfied that the reservoir 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.
- (6) Nothing in this section shall apply in relation to a reservoir, if before it is brought back into use, either—

Status: This is the original version (as it was originally enacted).

- (a) it is altered in such manner as is to be treated for purposes of this Act as the construction of a new reservoir; or
 - (b) it is altered under the supervision of a qualified civil engineer so as not to be a large raised reservoir when brought back into use.
- (7) Where it appears to the enforcement authority—
- (a) that a large raised reservoir has been brought back into use as a reservoir after that use had been abandoned but that a report has not been obtained as required by this section; or
 - (b) that a report obtained under this section on a reservoir includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section ;
- 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 or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.
- (8) Where an enforcement authority propose to serve a notice under subsection (7) above requiring undertakers to carry a recommendation into effect, the authority shall consult as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of inspecting and supervising the reservoir under this section.