



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Reservoirs

77 Flood plans: large raised reservoirs

After section 12 of the Reservoirs Act 1975 there is inserted—

“Flooding

12A Flood plans: large raised reservoirs

- (1) The Secretary of State may, by written notice served on the undertakers in relation to a large raised reservoir, direct them to prepare a plan (a “flood plan”) setting out the action they would take in order to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir.
- (2) A direction may in particular—
 - (a) specify the matters to be included in the flood plan;
 - (b) require the flood plan to be prepared in accordance with such methods of technical or other analysis as may be specified by the Environment Agency;
 - (c) require the flood plan, or any information about the matters contained in it, to be given to the Environment Agency at such time or times as may be directed by that Agency or by the Secretary of State;
 - (d) require a copy of the flood plan to be sent to such persons as may be specified in the direction;
 - (e) require publication of the flood plan, in such manner as may be specified in the direction, for the purpose of bringing the matters

Changes to legislation: Water Act 2003, Section 77 is up to date with all changes known to be in force on or before 20 July 2018. 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)

contained in the flood plan to the attention of persons likely to be interested.

(3) Before giving a direction under this section the Secretary of State shall consult

- (a) the undertakers concerned;
- (b) the Environment Agency;
- (c) if the reservoir concerned is in England, the county council, metropolitan district council or London borough council in whose area the reservoir is situated;
- (d) if the reservoir concerned is in Wales, the county council or county borough council in whose area the reservoir is situated;
- (e) such persons appearing to the Secretary of State to represent the emergency services in the area where the reservoir is situated; and
- (f) such other persons (if any) as the Secretary of State considers appropriate.

(4) If—

- (a) the functions of the Secretary of State under the preceding provisions of this section are transferred to the National Assembly for Wales so far as exercisable in relation to Wales;
- (b) no direction has been given by the Assembly under subsection (1) above in relation to a reservoir in Wales; and
- (c) it appears to the Secretary of State that it is necessary or expedient in the interests of public safety in England that such a direction be given,

he may give a direction under that subsection in relation to that reservoir.

(5) This section is subject to section 12B below.”

Annotations:

Commencement Information

- I1** S. 77 in force at 1.10.2004 for E. by S.I. 2004/2528, art. 2(m) (with Sch. para. 8)
- I2** S. 77 in force at 11.11.2004 for W. by S.I. 2004/2916, art. 2(a)

Changes to legislation:

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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. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)