

## SCHEDULES

### SCHEDULE 4

#### RESERVOIRS

##### *Cross-border England-Scotland reservoirs*

- 43 (1) In this paragraph—
- (a) a “cross-border reservoir” means a large-raised reservoir which is partly in England and partly in Scotland,
  - (b) for that purpose “large-raised reservoir” has the meaning given by section A1 of the Reservoirs Act 1975 as inserted by paragraph 2,
  - (c) “the English regime” means the Reservoirs Act 1975 as amended by this Schedule, and
  - (d) “the Scottish regime” means the 1975 Act as amended by the Flood Risk Management (Scotland) Act 2009 and regulations made by virtue of the 2009 Act.
- (2) The Secretary of State, with the consent of the Scottish Ministers, may by order provide that in relation to cross-border reservoirs—
- (a) the Scottish regime shall apply and the English regime shall not apply, or
  - (b) the English regime shall apply and the Scottish regime shall not apply.
- (3) An order may relate to—
- (a) a specified reservoir, or
  - (b) a class of reservoir.
- (4) An order may provide—
- (a) for any modifications of the English regime that appear necessary or desirable to the Secretary of State in its application to a cross-border reservoir, or
  - (b) for any modifications of the Scottish regime that appear necessary or desirable to the Secretary of State in its application to a cross-border reservoir.
- (5) An order under this paragraph may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.