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STATUTORY INSTRUMENTS

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**1986 No. 467**

**WATER, ENGLAND AND WALES  
WATER SUPPLY, SCOTLAND**

**The Reservoirs Act 1975 (Referees)  
(Appointment and Procedure) Rules 1986**

*Made* - - - - *10th March 1986*  
*Coming into Operation* *1st April 1986*

The Secretary of State, in exercise of his powers under sections 19(5) and 23(2) of the Reservoirs Act 1975 and of all other powers enabling him in that behalf, makes the following rules:—

**Citation and commencement**

1. These rules may be cited as the Reservoirs Act 1975 (Referees) (Appointment and Procedure) Rules 1986 and shall come into operation on 1st April 1986.

**Appointment of referee**

2.—(1) A referee may be appointed under section 19 of the Reservoirs Act 1975 by agreement between the undertakers and the engineer making the recommendation complained of within 40 days after the day on which the undertakers receive the report containing the recommendation or a copy of it.

(2) In default of agreement, a request may be made to the Secretary of State to appoint a referee within 50 days after the day on which the undertakers receive the report or a copy of it.

(3) A request for the Secretary of State to appoint a referee shall be made in writing and shall be sent, together with a copy of the report and a statement indicating the recommendation in respect of which the appointment is requested, to—

- (a) the Secretary of State for the Environment, if the reservoir, or the greater part of it, is in England;
- (b) the Secretary of State for Wales if it, or the greater part of it, is in Wales; or
- (c) the Secretary of State for Scotland if it, or the greater part of it, is in Scotland.

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### Investigation of complaints

3.—(1) Upon his appointment a referee shall invite the undertakers to send him, within 28 days after the date of his appointment, a written statement of the grounds of their complaint, a copy of which he shall send to the engineer who made the recommendation with a request for his written observations within 28 days after the date of that request.

(2) The referee shall refer the written observations of the engineer to the undertakers for comment and may if he wishes arrange to meet them, or their representatives to hear any observations either party may wish to make orally.

(3) The referee may, at any time during his investigation of the complaint, make an inspection of the reservoir with or without the undertakers and the engineer or their representatives.

(4) Subject to the provisions of this article, the manner in which the referee conducts his investigation shall be such as he, in his discretion, shall determine.

(5) The referee after concluding his investigation of the complaint shall communicate his decision on the report, and reasons for it to the undertakers and the engineer as soon as practicable.

### Costs

4. The undertakers shall pay the costs of the proceedings before, and the investigation of their complaint by, the referee (including his remuneration).

### Rules made under the Reservoirs (Safety Provisions) Act 1930

5. The rules(1). dated 29th December 1930, made under section 2(9) of the Reservoirs (Safety Provisions) Act 1930 shall, so far as they are continued by virtue of section 23(2) of the Reservoirs Act 1975, cease to have effect.

7th March 1986

*Kenneth Baker*  
Secretary of State for the Environment

Signed by authority of the Secretary of State

10th March 1986

*Mark Robinson*  
Parliamentary Under Secretary of State  
Welsh Office

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Signed by authority of the Secretary of State

10th March 1986

*J. Allan Stewart*  
Parliamentary Under Secretary of State  
Scottish Office

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## EXPLANATORY NOTE

Section 19 of the Reservoirs Act 1975 provides that, where a civil engineer makes a report relating to a large raised reservoir and includes in that report recommendations as to measures to be taken in the interests of safety at the reservoir or as to the time when the reservoir should next be inspected, the undertakers may, if they wish to dispute any such recommendation, refer it to another engineer, called a “referee”, who will investigate their complaint.

These rules make provision for the time within which a referee may be appointed by agreement between the engineer who made the recommendation and the undertakers and, in default of agreement, as to the time within which and the manner in which the Secretary of State is to be requested to make the appointment. They also provide how the referee is to investigate the complaint and for the payment of the costs of that investigation by the undertakers.

The rules made under the Reservoirs (Safety Provisions) Act 1930, which make similar provision in relation to referees appointed under that Act, as continued in force by section 23(2) of the Reservoirs Act 1975, are to cease to have effect in Wales, Scotland and the non-metropolitan counties in England when sections 19 and 23 are brought into force by order on 1st April 1986 (S.I. 1986/466). The 1930 Act and the rules made under it will continue to apply in the metropolitan counties and in Greater London until those sections are brought into force in those areas.