



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 5

CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

35 Safety reports

- (1) A safety report must—
 - (a) specify any measures the construction engineer considers are necessary in the interests of the safety of the controlled reservoir,
 - (b) direct the reservoir manager to ensure that any measures specified in the report are taken under the supervision of the construction engineer and within the period of time specified in the report,
 - (c) where the reservoir manager is required to appoint a supervising engineer (see section 49), specify any matters that the construction engineer considers should be monitored by the supervising engineer until a final certificate is issued in respect of the relevant works,
 - (d) include such other matters as the Scottish Ministers by regulations specify.
- (2) Where a controlled reservoir—
 - (a) is being restored to use, the measures must include in particular any measures the construction engineer considers should be taken before the reservoir may safely be used for the collection and storage of water,
 - (b) is being discontinued, the measures must include in particular any measures the construction engineer considers are necessary to secure that the resulting structure or area is incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land,
 - (c) is being abandoned, the measures must include in particular any measures the construction engineer considers are necessary to secure that the reservoir is incapable of filling with water above the natural level of any part of the surrounding land.

Changes to legislation: *There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 35. (See end of Document for details)*

Commencement Information

- I1** S. 35(1)(a)-(c)(2) in force at 1.4.2016 by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)
- I2** S. 35(1)(d) in force at 1.1.2015 for specified purposes by S.S.I. 2014/348, art. 2, **Sch.**
- I3** S. 35(1)(d) in force at 1.4.2016 in so far as not already in force by S.S.I. 2016/42, art. 2, **Sch.** (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 35.