



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

### RESERVOIRS

### CHAPTER 5

#### CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

#### **39 Final certificates**

- (1) Where the controlled reservoir is being constructed or is subject to alteration but is not being discontinued or abandoned, the construction engineer must give the reservoir manager a final certificate not later than 28 days after being satisfied that the reservoir is sound and satisfactory and may safely be used for the collection and storage of water.
- (2) A final certificate given under subsection (1)—
  - (a) must state that the engineer considers the reservoir is sound and satisfactory and may safely be used for the collection and storage of water,
  - (b) where the reservoir is a high-risk reservoir and the construction engineer considers that there should be an early inspection of the reservoir, must state when the engineer recommends the inspection should take place,
  - (c) where the reservoir is a high-risk reservoir or medium-risk reservoir, must specify any matter the construction engineer considers should be monitored, until the first inspection of the reservoir under section 46, by the supervising engineer appointed in relation to the reservoir under section 49,
  - (d) impose the requirements mentioned in subsection (7).
- (3) Where the reservoir is being discontinued, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied—
  - (a) that the discontinuance has been safely completed,
  - (b) 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) that the resulting structure or area is sound and satisfactory and may safely be used for the collection and storage of water.

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*Changes to legislation:* There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 39. (See end of Document for details)

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- (4) A final certificate given under subsection (3) must—
- (a) state that the construction engineer is satisfied as to the matters referred to in paragraphs (a) to (c) of that subsection,
  - (b) impose the requirements mentioned in subsection (7).
- (5) Where the reservoir is being abandoned, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied—
- (a) that the abandonment has been safely completed,
  - (b) that the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land.
- (6) A final certificate issued under subsection (5) must state that the engineer is satisfied as to the matters referred to in paragraphs (a) and (b) of that subsection.
- (7) The requirements referred to in subsection (2)(d) and (4)(b) are—
- (a) that water in the reservoir must not exceed a level specified in the certificate (the “specified level”),
  - (b) that the reservoir manager must ensure that the level of water does not exceed the specified level,
  - (c) any requirements the construction engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased.
- (8) A copy of the construction certificate issued in respect of the construction or (as the case may be) alteration must be attached to the final certificate.
- (9) The construction engineer must, not later than 28 days after issuing a final certificate, give SEPA a copy of the certificate.
- (10) If a final certificate is not issued by the end of the period of 5 years beginning with the date of the first preliminary certificate, the construction engineer must—
- (a) not later than 28 days after the expiry of the 5 year period, give the reservoir manager a written statement of the reasons,
  - (b) at intervals of not more than 12 months thereafter until the final certificate is issued, give the reservoir manager subsequent written statements of the reasons,
  - (c) not later than 28 days after any such statement is given, give SEPA a copy of the statement.

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**Commencement Information**

**II** S. 39 in force at 1.4.2016 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 39.