

# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 7

##### OTHER REQUIREMENTS: CONTROLLED RESERVOIRS

### 55 Flood plans

- (1) The Scottish Ministers may by regulations make provision as to—
  - (a) the preparation of flood plans for controlled reservoirs,
  - (b) such other matters in relation to such flood plans as they consider appropriate.
- (2) A “flood plan” for a controlled reservoir is a plan setting out the action to be taken by the reservoir manager of the reservoir to which the plan relates in order to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir.
- (3) Regulations under subsection (1) may include provision—
  - (a) as regards who is to prepare a flood plan,
  - (b) requiring the preparation of flood plans for all controlled reservoirs, or controlled reservoirs of such categories as may be determined by the Scottish Ministers or SEPA,
  - (c) allowing a single flood plan to be prepared in respect of two or more controlled reservoirs between which water does (or could) flow,
  - (d) specifying—
    - (i) the form in which a flood plan is to be prepared,
    - (ii) what is to be included in a flood plan,
  - (e) requiring the person preparing a flood plan to have regard to any guidance that may be issued by SEPA or the Scottish Ministers as regards flood plans,
  - (f) requiring flood plans to be produced or submitted to SEPA (whether or not for approval) by such time as either—
    - (i) the regulations specify, or

*Status: Point in time view as at 01/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 55. (See end of Document for details)*

- (ii) the Scottish Ministers or SEPA may direct,
  - (g) as regards the approval of flood plans (whether by the Scottish Ministers, SEPA, inspecting engineers or supervising engineers),
  - (h) as regards the review and updating of flood plans,
  - (i) as regards the publication or distribution of copies of—
    - (i) a list of reservoirs in relation to which a flood plan must be prepared by virtue of the regulations,
    - (ii) flood plans,
  - (j) in connection with the testing of flood plans,
  - (k) in connection with the referral of matters to a referee,
  - (l) requiring the reservoir manager of the reservoir to which a flood plan relates, so far as it is practicable to do so, to take action set out in the plan relating to the reservoir in the event of an emergency,
  - (m) providing that SEPA may, in circumstances specified in the regulations, do anything that another person is required to do under the regulations and may recover the expenses of doing so from the person,
  - (n) conferring powers of entry on SEPA in connection with its functions under the regulations,
  - (o) making provision in connection with paragraphs (k), (m) and (n) amending this Act (other than this section) or applying this Act with modifications,
  - (p) creating offences,
  - (q) providing that any offence created is triable only summarily,
  - (r) providing for any offence created—
    - (i) which is committed in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir to be punishable on conviction by a fine not exceeding level 5 on the standard scale,
    - (ii) which is committed in relation to any other controlled reservoir to be punishable on conviction by a fine not exceeding level 4 on the standard scale.
- (4) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) SEPA,
  - (b) the reservoir managers of reservoirs for which they consider a flood plan will require to be prepared under the regulations,
  - (c) the Institution of Civil Engineers,
  - (d) such other persons as they consider appropriate.

**Commencement Information**

**II** [S. 55](#) in force at 1.1.2015 by [S.S.I. 2014/348](#), [art. 2](#), [Sch.](#)

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