



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 1

##### CONTROLLED RESERVOIRS, RESERVOIR MANAGERS, ETC.

#### **5 Duty of multiple reservoir managers to co-operate**

- (1) Where, by virtue of section 3, there is more than one reservoir manager of a controlled reservoir, each of the reservoir managers must co-operate with the other reservoir manager (or managers) of the reservoir so far as is necessary to enable all of the reservoir managers to comply with the requirements to which they are subject under—
- (a) section 33(2)(a) or 65(2)(a) (appointment etc. of construction engineer),
  - (b) section 36(1) or 69(2) (directions of construction engineer as to taking of measures in safety report),
  - (c) section 40 (compliance with preliminary certificate or final certificate),
  - (d) section 45(1)(a) or 65(2)(a) (appointment etc. of inspecting engineer to carry out inspections in accordance with section 46),
  - (e) section 47(2) (giving inspecting engineer copy of final certificate and latest inspection report),
  - (f) section 48(1) or 69(2) (directions of inspecting engineer as to taking of measures in inspection report),
  - (g) section 49(1)(a) or 65(2)(a) (appointment etc. of supervising engineer),
  - (h) section 50(4) (direction by supervising engineer as to carrying out visual inspection of reservoir),
  - (i) section 51 (recording of certain matters),
  - (j) regulations under section 54(1) (reporting of incidents),
  - (k) regulations under section 55(1) (preparation of flood plans),
  - (l) section 56 (maintenance of records for controlled reservoirs),
  - (m) section 57 (display of safety information),

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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 5. (See end of Document for details)

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- (n) section 97 (affording reasonable facilities to engineers),
  - (o) section 98 (providing information or assistance to SEPA).
- (2) A reservoir manager who fails to comply with subsection (1) commits an offence.
- (3) A reservoir manager guilty of an offence under subsection (2) in relation to a controlled reservoir which is, at the time the offence is committed, designated as a high-risk reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A reservoir manager guilty of an offence under that subsection in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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**Commencement Information**

- I1** S. 5(1) in force at 1.4.2015 for specified purposes by S.S.I. 2015/63, art. 2, Sch.
- I2** S. 5(1) 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)
- I3** S. 5(2)-(4) in force at 1.4.2015 by S.S.I. 2015/63, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 5.