



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Discontinuance or abandonment

Textual Amendments

- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), ss. **8(2)**, 116(1) (with s. 110); S.S.I. 2016/42, art. 2, sch. (with art. 3)

13 Discontinuance of large raised reservoirs.

(1) No large raised reservoir shall be altered in order to render it incapable of holding [^{F2} 10,000 cubic metres of water above the natural level of any part of the surrounding land], unless a qualified civil engineer is employed to design or approve and to supervise the alteration.

[^{F3}(1A) An engineer employed for the purposes of subsection (1) may issue a certificate (the “interim certificate”) if the engineer thinks that the level of water in the reservoir should be reduced before the alteration is completed.

(1B) The interim certificate must specify—

- (a) the reduced water level,
- (b) the time by which it must be reduced, and
- (c) the conditions (if any) on which the reservoir may be filled to the reduced level.

(1C) The undertaker must ensure that the reservoir does not contain water except in accordance with the interim certificate.

(1D) The engineer employed for the purposes of subsection (1) may vary an interim certificate by giving written notice to the undertaker.

(1E) An interim certificate ceases to have effect on the issue of a certificate under subsection (2).]

Changes to legislation: Reservoirs Act 1975, Cross Heading: Discontinuance or abandonment is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) An engineer employed for the purposes of subsection (1) above shall give a certificate, as soon as he is satisfied it is so, that the alteration has been completed and has been efficiently executed.
- (3) Where a certificate is given under subsection (2) above, a [^{F4}relevant authority] on receipt of the certificate or a copy of it shall remove the reservoir from their register of large raised reservoirs; but a reservoir that has been a large raised reservoir but is altered so as no longer to be capable of holding [^{F5}10,000 cubic metres of water above the natural level of any part of the surrounding land] shall nevertheless continue for purposes of this Act to be a large raised reservoir, unless the alteration is made and a certificate given in accordance with this section.
- [^{F6}(4) The Minister may by order substitute a different volume of water for the volume specified in subsection (1) or (3).
- (5) Where it appears to [^{F7}the appropriate agency] that a qualified civil engineer has not been employed as required by subsection (1) [^{F7}the appropriate agency] may by notice require the undertaker—
- (a) to appoint a qualified civil engineer for the purposes of this section before the end of the period of 28 days beginning with the day on which the notice is given, unless the appointment has already been made, and
 - (b) to notify [^{F7}the appropriate agency] of the appointment (whether it was made before or after the notice was given).]

Textual Amendments

- F2** Words in s. 13(1) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 25\(2\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F3** S. 13(1A)-(1E) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 25\(3\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F4** Words in s. 13 substituted (1.10.2004) by [Water Act 2003 \(c. 37\), ss. 74\(1\)\(b\), 105\(3\)](#); S.I. 2004/2528, art. 2(k) (with [Sch. para. 8](#))
- F5** Words in s. 13(3) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 25\(4\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F6** S. 13(4)(5) added (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 25\(5\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F7** Words in s. 13(5) substituted by 2010 c. 29 Sch. 4 para. 25(5) (as amended (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 468\(2\)\(c\)](#) (with [Sch. 7](#)))

Modifications etc. (not altering text)

- C1** Ss. 12–14 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)

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C2 S. 13(1)(3) modified (temp.) (3.7.2013) by [The Flood and Water Management Act 2010](#) (Commencement No. 2, Transitional and Savings Provisions) (England) Order 2013 (S.I. 2013/1590), [art. 4\(1\)](#)

14 Abandonment of large raised reservoirs.

- (1) Where the use of a large raised reservoir as a reservoir is to be abandoned, the undertakers shall obtain from a qualified civil engineer a report as to the measures (if any) that ought to be taken in the interests of safety to secure that the reservoir is incapable of filling accidentally or naturally with water above the natural level of any part of the land adjoining the reservoir or is only capable of doing so to an extent that does not constitute a risk.
- (2) Where the report of an engineer under this section makes any recommendation as to measures to be taken in the interests of safety, then subject to any reference of the matter to a referee in accordance with this Act the undertakers obtaining the report shall, [^{F8}within the period specified in the report], carry the recommendation into effect; and if the recommendation involves any alteration of the reservoir, section 13 above shall apply accordingly.
- (3) The engineer from whom a report is obtained under this section shall give with it a certificate stating that the report does or does not make recommendations for measures to be taken in the interests of safety.
- (4) Where it appears to the enforcement authority, in the case of any large raised reservoir,
 - (a) that the use of the reservoir as a reservoir has been abandoned but that a report has not been obtained as required by this section; or
 - (b) that a report obtained under this section includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section;

the authority may by written notice served on the undertakers require them within twenty-eight days after the date when the notice is served to appoint a qualified civil engineer to make the report under this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

References in this subsection, and in any other provision of this Act as it operates in relation thereto, to the enforcement authority or to the undertakers shall have effect as at the time when the use of the reservoir as such is abandoned.

- (5) Where an enforcement authority propose to serve a notice under subsection (4) above requiring undertakers to carry a recommendation into effect, the authority shall consult as to the time to be specified in the notice a civil engineer, who, if the recommendation involves any alteration of the reservoir, shall be a qualified civil engineer for the purpose of supervising the alteration under section 13 above.
- [^{F9}(6) The Minister may by regulations make provision about what is and is not to be treated for the purposes of this Act as—
 - (a) abandonment of use of a large raised reservoir as a reservoir, and
 - (b) bringing a large raised reservoir back into use as a reservoir.]]

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Textual Amendments

- F8** Words in s. 14(2) substituted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 27\(2\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F9** S. 14(6) added (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 27\(3\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)

Modifications etc. (not altering text)

- C3** Ss. 12–14 modified by [S.I. 1986/466](#), art. 2(2), [Sch. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(4B) inserted by [2009 asp 6 s. 84\(2\)](#)
- s. 12C inserted by [2009 asp 6 s. 89](#)
- s. 12ZA inserted by [2009 asp 6 s. 88](#)
- s. 22B inserted by [2009 asp 6 s. 86\(2\)](#)
- s. 27B inserted by [2009 asp 6 s. 90](#)