



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1}]^{F2}Flooding

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- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011](#) (asp 9), **ss. 8(2), 116(1)** (with s. 110); [S.S.I. 2016/42](#), **art. 2**, *sch.* (with **art. 3**)
- F2** S. 12A inserted (E.W.) (1.10.2004 for E., 11.11.2004 for W.) by [Water Act 2003](#) (c. 37), **ss. 77, 105(3)**; [S.I. 2004/2528](#), **art. 2(m)** (with *Sch. para. 8*); [S.I. 2004/2916](#), **art. 2(a)**

12A Flood plans: large raised reservoirs

- (1) The Secretary of State may, by written notice served on the undertakers in relation to a large raised reservoir, direct them to prepare a plan (a “flood plan”)^{F3}...

[A flood plan is a document—

- ^{F4}(1A) (a) giving information about the areas that may be flooded in the event of an uncontrolled escape of water from the large raised reservoir,
- (b) specifying the action that the undertaker would take in order to prevent an uncontrolled escape of water, and
- (c) specifying the action that the undertaker would take in order to control or mitigate the effects of a flood.]

(2) A direction may in particular—

- (a) specify the matters to be included in the flood plan;
- (b) require the flood plan to be prepared in accordance with such methods of technical or other analysis as may be specified by the Environment Agency [^{F5}or the NRBW];
- (c) require the flood plan, or any information about the matters contained in it, to be given to the Environment Agency [^{F6}or the NRBW] at such time or times as may be directed by that Agency [^{F7}, by the NRBW] or by the Secretary of State;

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- (d) require a copy of the flood plan to be sent to such persons as may be specified in the direction;
 - (e) require publication of the flood plan, in such manner as may be specified in the direction, for the purpose of bringing the matters contained in the flood plan to the attention of persons likely to be interested.
- (3) Before giving a direction under this section the Secretary of State shall consult—
- (a) the undertakers concerned;
 - (b) the Environment Agency [^{F8}if the reservoir concerned is in England or any of the flooding to which the plan relates would be in England];
 - [^{F9}(ba) the NRBW if the reservoir concerned is in Wales or any of the flooding to which the plan relates would be in Wales;]
 - (c) if the reservoir concerned is in England, the county council, metropolitan district council or London borough council in whose area the reservoir is situated;
 - (d) if the reservoir concerned is in Wales, the county council or county borough council in whose area the reservoir is situated;
 - (e) such persons appearing to the Secretary of State to represent the emergency services in the area where the reservoir is situated; and
 - (f) such other persons (if any) as the Secretary of State considers appropriate.
- (4) If—
- (a) the functions of the Secretary of State under the preceding provisions of this section are transferred to the National Assembly for Wales so far as exercisable in relation to Wales;
 - (b) no direction has been given by the Assembly under subsection (1) above in relation to a reservoir in Wales; and
 - (c) it appears to the Secretary of State that it is necessary or expedient in the interests of public safety in England that such a direction be given,
- he may give a direction under that subsection in relation to that reservoir.
- (5) This section is subject to section 12B below.]

Textual Amendments

- F3** Words in s. 12A(1) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 20\(2\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F4** S. 12A(1A) inserted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 4 para. 20\(3\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)
- F5** Words in s. 12A(2)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 121\(2\)\(a\)](#) (with Sch. 7)
- F6** Words in s. 12A(2)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 121\(2\)\(b\)\(i\)](#) (with Sch. 7)
- F7** Words in s. 12A(2)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 121\(2\)\(b\)\(ii\)](#) (with Sch. 7)
- F8** Words in s. 12A(3)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 121\(3\)\(a\)](#) (with Sch. 7)
- F9** S. 12A(3)(ba) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 121\(3\)\(b\)](#) (with Sch. 7)

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[^{F10}12A] Flood plans: preparation

- (1) This section applies where an undertaker is directed to prepare a flood plan under section 12A.
- (2) The undertaker must prepare a flood plan in consultation with the appointed engineer.
- (3) The undertaker may not provide a copy of, or publish, a flood plan in accordance with a direction under section 12A(2)(d) or (e) unless the appointed engineer has certified that the requirements of a direction under section 12A(2)(a) and (b) are satisfied.
- (4) The undertaker must test a flood plan at such times and in such manner as may be directed by the appointed engineer.
- (5) In the event of flooding, or if flooding is reasonably expected to occur, the undertaker must implement the flood plan without delay.
- (6) The undertaker—
 - (a) must keep a flood plan under review, and
 - (b) may revise a flood plan.
- (7) The undertaker must revise the flood plan in accordance with the directions of the appointed engineer.
- (8) The following apply to a revision of a flood plan as they apply to a flood plan—
 - (a) subsections (2) to (7), and
 - (b) any requirements of a direction under section 12A.
- (9) In this section “appointed engineer” means—
 - (a) in the case of a high-risk reservoir, the supervising engineer, and
 - (b) in any other case, the engineer appointed for the purposes of this section.]

Textual Amendments

F10 S. 12AA inserted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010](#) (c. 29), s. 49(3), [Sch. 4 para. 21](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(d)

[^{F11}12B] Flood plans and national security

- (1) If it appears to the Secretary of State that in the interests of national security any person or class of persons referred to in any one or more of paragraphs (a) to (e) of section 12A(3) above should not be consulted about a proposed direction, he may treat that subsection as not referring to that person or to that class of person.
- (2) In relation to any reservoir (whether [^{F12}large or raised] or not, as the case may be) the Secretary of State may, by written notice served on the undertakers, require them not to publish, or not to publish except as specified in the notice—
 - (a) a flood plan prepared by them pursuant to a notice given under section 12A above;
 - (b) any corresponding plan prepared by them other than pursuant to such a notice, and a notice under this subsection may also require the undertakers to withhold access to any such plan from any person except as specified in the notice.]]

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- F11** S. 12B inserted (E.W.) (1.10.2004 for E., 11.11.2004 for W.) by [Water Act 2003 \(c. 37\)](#), [ss. 78\(2\), 105\(3\)](#); [S.I. 2004/2528](#), [art. 2\(n\)](#) (with [Sch. para. 8](#)); [S.I. 2004/2916](#), [art. 2\(b\)](#)
- F12** Words in s. 12B(2) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), [s. 49\(3\)](#), [Sch. 4 para. 3\(5\)](#) (with [s. 49\(1\)\(6\)](#)); [S.I. 2013/1590](#), [art. 3\(b\)](#); [S.I. 2016/79](#), [art. 2\(b\)](#)

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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](#)