



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Additional powers of enforcement authority

[^{F1}16 Emergency powers.

- (1) Where it appears to the enforcement authority, in the case of any large raised reservoir, that the reservoir is unsafe and that immediate action is needed to protect persons or property against an escape of water from the reservoir, they may take at the reservoir such measures as they consider proper to remove or reduce the risk or to mitigate the effects of an escape.
- (2) Where it appears to the enforcement authority, in the case of any large raised reservoir, that the use of the reservoir as a reservoir has been abandoned, but that there may from time to time be an undue accumulation of water there and immediate action is needed to protect persons or property against an escape of water, they may take there such measures as they consider proper to remove or reduce the risk or to mitigate the effects of an escape.
- (3) An enforcement authority proposing to exercise the powers conferred by this section shall appoint a qualified civil engineer to make recommendations as to the measures to be taken in the exercise of those powers; and any measures so taken shall be carried into effect under the supervision of a qualified civil engineer appointed by the authority.
- (4) Subject to subsection (5) below, an enforcement authority exercising or proposing to exercise at a reservoir the powers conferred by this section shall, as early as practicable, serve on the undertakers a notice giving full information of the measures that are being or are to be taken in the exercise of those powers; and if that notice cannot be given before the work is begun, the authority shall notify the undertakers as early as practicable of the beginning of the work.
- (5) Subsection (4) above shall not require an enforcement authority to serve any notice on the undertakers after work is begun at the reservoir, if the authority are unable after reasonable enquiry to ascertain the name or address of the undertakers; and in relation to notices served before work is begun section 15(4) above shall apply for purposes of this section as it applies for the purposes of that.

Changes to legislation: Reservoirs Act 1975, Section 16 is up to date with all changes known to be in force on or before 19 January 2024. 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

- (6) Where an enforcement authority exercise the powers conferred by this section, the undertakers shall pay them the amount of the expenses reasonably incurred by them in the exercise of those powers.
- (7) For purposes of subsection (2) above references in this section, 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.]

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)

Modifications etc. (not altering text)

- C1** S. 16 modified by [S.I. 1985/176, art. 2\(3\)\(ii\)](#), [Sch.](#) and 1986/466, art. 2(2), Sch. 2

Changes to legislation:

Reservoirs Act 1975, Section 16 is up to date with all changes known to be in force on or before 19 January 2024. 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.

[View outstanding changes](#)

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](#)