

*These notes relate to the Reservoirs (Scotland) Act 2011  
(asp 9) which received Royal Assent on 12 April 2011*

# **RESERVOIRS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Reservoirs**

#### ***Chapter 5 – Construction Or Alteration of Controlled Reservoirs***

#### ***Section 44 – Controlled reservoirs subject to relevant works at commencement***

70. **Section 44** sets out transitional arrangements for the Act to apply to controlled reservoirs already under construction or alteration when the Act is commenced. Subsection (2) applies the whole of Chapter 5 and sections 65 to 67 to reservoirs which were previously “large raised reservoirs” within the meaning of the Reservoirs Act 1975 and which are subject to relevant works on commencement. Where a reservoir is not a large raised reservoir in terms of the 1975 Act and is subject to relevant works at commencement of the Act, Chapter 5 and sections 65 to 67 apply except that the reservoir manager must notify SEPA of the works, appoint a construction engineer, and notify SEPA of that appointment, all within 28 days of commencement of section 32. The construction engineer must also give the reservoir manager a safety report as soon as reasonably practicable after being appointed and in any event within 9 months of appointment.