

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

RESERVOIRS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Reservoirs

Chapter 6 – Other Requirements: High-Risk Reservoirs and Medium Risk Reservoirs

Section 49 – Appointment of supervising engineers etc.

78. If the reservoir is not being constructed or restored to use, this section requires the reservoir manager of high and medium risk controlled reservoirs to appoint a supervising engineer to supervise the reservoir in accordance with section 50 and notify SEPA of the appointment within 28 days. A supervising engineer must be in place at all times unless the reservoir is being constructed or restored to use. Subsection (2) makes it clear that a reservoir manager does not need to appoint a supervising engineer before a final certificate is issued for the reservoir where it is being constructed or restored to use. Subsection (3) requires the supervising engineer to be a member of a panel of reservoir engineers established under section 27 who is eligible to be appointed under this section. Unlike inspecting engineers, there is nothing to prevent a supervising engineer being an employee of the reservoir manager or having previously been a construction engineer in relation to the reservoir.