

# **RESERVOIRS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Reservoirs**

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

#### ***Section 50 – Supervising engineer and monitoring of reservoir***

79. This section requires the appointed supervising engineer to supervise the reservoir. Subsection (2) lists the things he or she must do including: notify the reservoir manager of any matters which could affect the safety of the reservoir; monitor compliance with any relevant safety report, preliminary certificate, final certificate or direction given in an inspection report; notify the reservoir manager and SEPA of any failure to comply with any relevant safety report, preliminary certificate, final certificate or direction given in an inspection report; monitor any matter specified in certificates or inspection reports; supervise any proposed non-routine draw-down of the reservoir; and monitor the reservoir manager's recording of water levels and record keeping.
80. Subsection (8) requires the supervising engineer to give the reservoir manager an annual written statement of the steps taken by the supervising engineer in relation to his or her responsibilities under subsection (2)(a) to (h), any measures taken by the reservoir manager in the interest of safety or to maintain the reservoir and any failures to comply with the listed requirements, directions and recommendations. Subsection (10) requires the supervising engineer to send a copy of this written statement to SEPA within 28 days.
81. If the supervising engineer considers that a reservoir should be inspected, subsection (3) requires the supervising engineer to give a written recommendation to this effect to the reservoir manager which specifies when the inspection should take place and to give SEPA a copy of the recommendation within 28 days of issuing it. Subsections (4) and (5) require the reservoir manager to carry out physical inspections of the reservoir at specified intervals if directed by the supervising engineer. Subsection (6) requires the reservoir manager to keep a record of these physical inspections to be made available to the supervising engineer on request. Subsections (6) and (7) also require the reservoir manager to notify the supervising engineer of anything that may affect the safety of the reservoir which was identified during the inspections as soon as reasonably practical after the inspection. Under section 52(1)(g) it is an offence not to do so. Subsection (9) requires the supervising engineer to provide the reservoir manager with emergency contact details. Subsection (11) enables the Scottish Ministers to publish guidance on the supervision of high and medium risk reservoirs. Subsection (12) defines the terms "draw-down", "the supervising engineer" and "the reservoir manager" for the purposes of this section.