

RESERVOIRS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Reservoirs

Chapter 7 – Other Requirements: Controlled Reservoirs

Section 54 – Incident reporting

85. This section enables the Scottish Ministers to make provision in regulations for reporting incidents which may affect the safety of controlled reservoirs.
86. Subsection (2) provides an indicative list of what regulations may cover.
87. Subsection (3) sets consultation requirements which the Scottish Ministers must comply with before making regulations.

Section 55 – Flood plans

88. This section enables the Scottish Ministers to make provision in regulations for the preparation of flood plans for controlled reservoirs. These plans would set out the action which the reservoir undertaker would take to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir.
89. Subsection (3) provides an indicative list of what the regulations may cover. Subsection (4) sets consultation requirements which the Scottish Ministers must comply with before making regulations.

Section 56 – Maintenance of records

90. This section requires reservoir managers of controlled reservoirs to maintain a record of relevant documents. Subsection (4) lists the documents which must be kept.

Section 57 – Display of emergency response information

91. This section requires reservoir managers of controlled reservoirs to ensure that emergency response information is displayed at or near the reservoir. Subsection (2) enables the Scottish Ministers to make further provision about the information which must be displayed in regulations. Subsection (3) lists the matters which, in particular, may be specified in the regulations under subsection (2). Subsection (4) enables SEPA to give directions to reservoir managers of controlled reservoirs as to the manner and location of the information to be displayed. Subsection (6) requires the reservoir manager to comply with any such directions from SEPA.

Section 58 – Offences: record keeping, display of emergency response information

92. This section makes it an offence to fail to comply with the requirements of section 56 and 57. Subsection (2) sets out the liabilities of anyone committing an offence under this section.