



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 1

##### CONTROLLED RESERVOIRS, RESERVOIR MANAGERS, ETC.

#### **1**      **Controlled reservoirs**

- (1) This section (and section 2) determine what is a “controlled reservoir” for the purposes of this Part.
- (2) A controlled reservoir is any of the following structures or areas which is capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land—
  - (a) a structure designed or used for collecting and storing water,
  - (b) an artificial (or partly artificial) loch or other artificial (or partly artificial) area.
- (3) A combination of more than one of the structures or areas referred to in paragraph (a) or (b) of subsection (2) is to be treated as a controlled reservoir where none of the individual structures or areas is a controlled reservoir under that subsection but—
  - (a) water does (or could) flow between them, and
  - (b) there could be an uncontrolled release of 10,000 cubic metres or more of water from the combination.
- (4) The Scottish Ministers, having taken into account the matters mentioned in subsection (5), may by order provide that any of the following is to be treated as a controlled reservoir—
  - (a) a structure or area referred to in paragraph (a) or (b) of subsection (2) which is not a controlled reservoir,
  - (b) a combination of more than one such structure or area—
    - (i) between which water does (or could) flow, but

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*Status: This is the original version (as it was originally enacted).*

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- (ii) which does not fall within subsection (3) because there could not be an uncontrolled release of 10,000 cubic metres or more of water from the combination.
- (5) The matters are—
  - (a) the potential adverse consequences of an uncontrolled release of water from the structure or area or (as the case may be) the combination,
  - (b) the probability of such a release.
- (6) The Scottish Ministers may—
  - (a) by order substitute a different volume of water for the volume for the time being specified in subsections (2), (3)(b) and (4)(b)(ii) and sections 32(3) and (5), 35(2)(b) and 39(3)(b),
  - (b) by regulations make provision for the purposes of this Part as to—
    - (i) when a loch or other area is considered to be artificial or partly artificial,
    - (ii) how the volume of water capable of being held or released is to be calculated,
    - (iii) the meaning of “natural level” and “surrounding land”.
- (7) Before making an order under subsection (6)(a) the Scottish Ministers must consult the Institution of Civil Engineers about the volume of water which should be specified in the order.