



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 1

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

## 2 **Controlled reservoirs: supplementary**

- (1) A controlled reservoir includes its basin, spillways, valves, pipes and any other thing which—
  - (a) controls the flow of the water,
  - (b) facilitates the storage of water in it,
  - (c) supports such control or storage.
- (2) The following structures or areas are not controlled reservoirs (and are not to be taken into account in relation to what is to be treated as a controlled reservoir for the purposes of section 1(3) or (4))—
  - (a) ponds within extractive waste sites or waste facilities,
  - (b) canals or other inland waterways,
  - (c) weirs,
  - (d) structures or areas of water designed to protect land from the sea,
  - (e) sewage sludge lagoons,
  - (f) road and railway embankments,
  - (g) embanked watercourses.
- (3) Regulations by the Scottish Ministers may make provision as to—
  - (a) what constitutes any of the structures or areas referred to in subsection (2),
  - (b) what other thing (if any) described in the regulations is not a controlled reservoir (and is not to be taken into account in relation to what is to be treated as a controlled reservoir for the purposes of section 1(3) or (4)).