



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 7

OTHER REQUIREMENTS: CONTROLLED RESERVOIRS

54 Incident reporting

- (1) The Scottish Ministers may by regulations make provision for the reporting to SEPA of incidents occurring at controlled reservoirs which meet criteria specified in, or otherwise determined in accordance with, the regulations.
- (2) The regulations may, in particular—
 - (a) provide that SEPA or another person—
 - (i) may specify the criteria,
 - (ii) is to determine whether a controlled reservoir meets the criteria,
 - (b) define what constitutes an incident by reference to circumstances which adversely affect the safety of a controlled reservoir,
 - (c) require the reservoir manager of a controlled reservoir or other specified person to report incidents occurring at the reservoir,
 - (d) provide for an inspecting engineer, a supervising engineer or other person to determine whether an incident has occurred,
 - (e) require reservoir managers of controlled reservoirs, supervising engineers, inspecting engineers and any other person of a specified description to have regard to guidance issued by SEPA or the Scottish Ministers,
 - (f) make provision for the publishing of incident reports,
 - (g) confer powers of entry on SEPA in connection with its functions under the regulations,
 - (h) create offences,
 - (i) provide that any offence created is triable only summarily,
 - (j) provide for any offence created—

Status: This is the original version (as it was originally enacted).

- (i) which is committed in relation to a controlled reservoir which is, at the time the offence is committed, a high-risk reservoir to be punishable on conviction by a fine not exceeding level 5 on the standard scale,
 - (ii) which is committed in relation to any other controlled reservoir to be punishable on conviction by a fine not exceeding level 4 on the standard scale,
 - (k) make provision in connection with ensuring remedial action is taken following an incident report including provision amending this Act (other than this section) or applying this Act with modifications.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) SEPA,
 - (b) the reservoir managers of controlled reservoirs to which they consider the regulations will apply,
 - (c) the Institution of Civil Engineers,
 - (d) such other persons as they consider appropriate.