



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

### RESERVOIRS

### CHAPTER 5

#### CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

#### **44      Controlled reservoirs subject to relevant works on commencement**

- (1) Subsection (2) applies in relation to controlled reservoirs—
  - (a) which were, immediately before the commencement date, large raised reservoirs,
  - (b) which are, on that date, subject to relevant works.
- (2) This Chapter, and sections 65 to 67, apply in relation to such controlled reservoirs on and after the commencement date as they apply in relation to controlled reservoirs which are subject to relevant works wholly on or after that date.
- (3) Subsection (4) applies in relation to controlled reservoirs—
  - (a) which were not, immediately before the commencement date, large raised reservoirs,
  - (b) which are, on that date, subject to relevant works.
- (4) This Chapter, and sections 65 to 67, apply on and after the commencement date in relation to such controlled reservoirs subject to the modifications mentioned in subsection (5).
- (5) The modifications are—
  - (a) notice under section 33(1) of the relevant works must be given not later than 28 days after the commencement date,
  - (b) a construction engineer must be appointed under section 33(2)(a) not later than 28 days after the commencement date,
  - (c) notice under section 33(2)(b) of the appointment must be given not later than 28 days after the appointment,

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*Status: This is the original version (as it was originally enacted).*

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(d) for section 34(3) to (6) substitute—

“(3) The construction engineer must give the reservoir manager a safety report as soon as is reasonably practicable after being appointed and in any event not later than 9 months after being appointed.”.

(6) In this section—

“the commencement date” means the date on which section 32 is commenced,

“large raised reservoir” has the same meaning as in section 1(1) of the 1975 Act.