

2014 No. 348 (C. 30)

FLOOD RISK MANAGEMENT

WATER SUPPLY

**The Reservoirs (Scotland) Act 2011 (Commencement No. 1)
Order 2014**

<i>Made</i>	- - - -	<i>2nd December 2014</i>
<i>Laid before the Scottish Parliament</i>		<i>4th December 2014</i>
<i>Coming into force</i>	- -	<i>1st January 2015</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 116(1) of the Reservoirs (Scotland) Act 2011(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Reservoirs (Scotland) Act 2011 (Commencement No. 1) Order 2014 and comes into force on 1st January 2015.

(2) In this Order “the Act” means the Reservoirs (Scotland) Act 2011(b).

Appointed day

2.—(1) Subject to paragraph (2), 1st January 2015 is the day appointed for the coming into force of the provisions of the Act specified in column (1) of the Schedule (the subject matter of which is specified in column (2)).

(2) Where a purpose is specified in column (3) of the Schedule in relation to any provision, that provision comes into force in accordance with paragraph (1) for that purpose only.

AILEEN McLEOD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
2nd December 2014

(a) 2011 asp 9.

(b) Sections 82 to 84, 86, 87, 89 and 90 of, and schedule 1 to, the Act were relevantly amended by the Regulatory Reform (Scotland) Act 2014 (asp 3), schedule 3, paragraph 13; sections 78 to 81 of the Act were repealed by the same paragraph.

SCHEDULE

Article 2

Provisions coming into force on 1st January 2015

<i>Column (1)</i> <i>Provisions of the Act</i>	<i>Column (2)</i> <i>Subject matter</i>	<i>Column (3)</i> <i>Purpose</i>
Section 6	Guidance by SEPA: management of reservoirs	
Section 10(2)	Power to make provision about information to be registered in relation to a reservoir, and the time by which information must be registered	
Section 11(3)	Definitions of “large raised reservoirs register” and “the relevant date”	
Section 12	Power to specify the time by which certain reservoirs must be registered	The purpose of making orders
Section 14	Power to make provision in relation to fees for registration and administration	
Section 15(4)	Power to make provision in relation to guidance by SEPA on registration	
Section 22(4)	Power to make provision on matters to take into account in relation to risk designation	
Section 23(8)	Power to make provision on applications and reviews in relation to risk designation	
Section 24(7)	Power to make provision in relation to appeals to the Scottish Ministers	
Section 25	Power to direct SEPA to publish guidance on matters in relation to risk designation	
Section 27(a)	Power to specify the sections of Part 1 of the Act under which members of any panel of reservoir engineers may be appointed	The purpose of making orders
Section 28(7) and (8)	Powers to make provision in connection with applications under section 28 of the Act, etc.	
Section 30(2)	Power to make further provision in relation to applications and reviews under section 30 of the Act.	
Section 31(1)(b) and (2)	Duty to consult before making an order under section 27(a) of the Act and related power to reimburse expenses	
Section 32(4)(b)	Power to specify work that is an alteration to which Chapter 5 applies	The purpose of making regulations
Section 35(1)(d)	Power to specify matters that must be included in a safety report	The purpose of making regulations
Section 38(3)(c)	Power to specify information that must be included in a construction certificate	The purpose of making regulations
Section 51(1)(e)	Power to specify matters for which a record must be maintained by a reservoir manager	The purpose of making regulations
Section 51(2)	Power to make provision about the records to be maintained under section 51 of the Act	
Section 54	Power to make provision for the reporting to SEPA of incidents at controlled reservoirs	
Section 55	Power to make provision as to the preparation of flood plans for controlled reservoirs etc.	

<i>Column (1) Provisions of the Act</i>	<i>Column (2) Subject matter</i>	<i>Column (3) Purpose</i>
Section 56(3)	Power to require information about repairs to reservoirs to be recorded in a particular form	The purpose of making regulations
Section 57(2) and (3)	Power to specify information that must be displayed at or near a controlled reservoir	The purpose of making orders
Section 64(1)	Power to make provision as to procedure in relation to section 61 of the Act	
Section 69(7) and (8)	Power to make provision for review and appeal in relation to enforcement notices	
Sections 73 to 76	Power to make provision as to stop notices	
Sections 82 to 85	Power to make provision about the imposition by SEPA of further enforcement measures, and connected provision	
Section 86	Duty to consult in relation to orders under sections 73(1) and 82(1) of the Act	
Section 87	Duty to ensure that orders under section 73(1) and 82(1) include provision to require SEPA to publish guidance about the use of the powers	
Section 88	Power to include provision under section 73(1) or 82(1) for recovery by SEPA of expenses	
Section 89 except in so far as it applies in pursuance of section 69	Duty to publish guidance on the making of appeals in pursuance of sections 74, 75, 83, 85 and 88	
Section 90	Power to require SEPA to publish specified information in relation to enforcement action	
Section 102	Power to make provision for the assessment of engineers' reports etc.	
Section 104	SEPA: Ministerial directions	
Section 105	Form and content of notices, reports, certificates etc.	
Section 107	Change to the Institution of Civil Engineers	
Section 109	Remedial and restoration measures regulations	
Section 110(2)	Crown application	
Section 112(5)	Consequential repeal	
Section 113	Ancillary provision	
Schedule	Index of defined expressions	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st January 2015 the provisions of the Reservoirs (Scotland) Act 2011 (“the Act”) listed in the Schedule, for all purposes except where otherwise specified.

In particular, these provisions bring into force various powers to make orders and regulations.

Sections 1, 2, 3, 7 and 114 to 116 of the Act came into force on 13th April 2011 in accordance with section 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

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