



# Reservoirs Act 1975

## 1975 CHAPTER 23

*<sup>F1</sup> New, enlarged and restored reservoirs*

### Textual Amendments

- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), ss. **8(2)**, 116(1) (with s. 110); S.S.I. 2016/42, art. 2, sch. (with art. 3)

## 6 Construction or enlargement of reservoirs.

- (1) No large raised reservoir shall be constructed (whether as a new reservoir or by the alteration of an [<sup>F2</sup>existing structure or area] that is not a large raised reservoir) or shall be altered so as to increase [<sup>F3</sup>or decrease] its capacity, unless a qualified civil engineer (“the construction engineer”) is employed to design and supervise the construction or alteration; and where the use of a reservoir as a reservoir has been abandoned, and the reservoir is to be brought back into use after being altered so as to increase [<sup>F3</sup>or decrease] its capacity, that shall be treated for purposes of this Act as the construction of a new reservoir.
- (2) Where a large raised reservoir is constructed as a new reservoir, it shall not be used for the storage of water, or be filled wholly or partially with water, otherwise than in accordance with the certificate of the construction engineer responsible for its construction (or, in the event of any alteration to it, in accordance with subsection (4) below).
- (3) Where a large raised reservoir is constructed by the alteration of an [<sup>F4</sup>existing structure or area] that is not a large raised reservoir, the [<sup>F5</sup>... reservoir shall not be used for the storage of water, or be filled wholly or partially with water, otherwise than in accordance with the certificate of the construction engineer responsible for the construction of the reservoir (or, in the event of any alteration to it, in accordance with subsection (4) below).
- (4) Where a large raised reservoir is altered so as to increase [<sup>F6</sup>or decrease] its capacity, then from the time when the construction engineer responsible for the alteration gives any certificate for the reservoir, the reservoir shall not be used for the storage of water,

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or be filled wholly or partially with water, otherwise than in accordance with the certificate of that construction engineer (or, in the event of any further alteration to it, in accordance with this subsection as it applies on that alteration).

(5) Where the construction or alteration of a reservoir is by this section required to be supervised by a construction engineer, the reservoir shall be under the supervision of the construction engineer until he gives his final certificate for the reservoir.

(6) <sup>F7</sup> ...

[<sup>F8</sup>(6A) This section and sections 7 and 8 do not apply in relation to alterations, or proposed alterations, to decrease the capacity of a large raised reservoir so that it is incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land (in which case section 13 applies instead).

(6B) The Minister may by order substitute a different volume of water for the volume specified in subsection (6A).]

#### Textual Amendments

- F2** Words in s. 6(1) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 3\(2\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F3** Words in s. 6(1) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 10\(2\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F4** Words in s. 6(3) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 3\(3\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F5** Words in s. 6(3) omitted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 10\(3\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F6** Words in s. 6(4) inserted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 10\(4\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F7** S. 6(6) omitted (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 10\(5\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F8** S. 6(6A)(6B) added (1.10.2011 for specified purposes, 30.7.2013 for E. so far as not already in force, 1.4.2016 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 10\(6\)](#) (with s. 49(1)(6)); S.I. 2011/2204, art. 3(1)(e); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

#### Modifications etc. (not altering text)

- C1** Ss. 6–10 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)
- C2** S. 6(6A) modified (temp.) (3.7.2013) by [The Flood and Water Management Act 2010 \(Commencement No. 2, Transitional and Savings Provisions\) \(England\) Order 2013 \(S.I. 2013/1590\), art. 4\(1\)](#)

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## 7 Certificates of construction engineers.

- (1) As soon as the construction engineer responsible for any reservoir or [<sup>F9</sup>alteration] to a reservoir considers that the construction of the reservoir or [<sup>F9</sup>alteration] has reached a stage at which the reservoir <sup>F10</sup>... can properly be filled wholly or partially with water, he shall give a certificate (“the preliminary certificate”) specifying the level up to which it may be filled and the conditions (if any) subject to which it may be so filled; and the construction engineer may from time to time supersede a preliminary certificate by the issue of a further preliminary certificate varying the previous certificate, whether as to water level or as to conditions.
- (2) Where the construction engineer responsible for an [<sup>F11</sup>alteration] to a large raised reservoir considers at any time during the carrying out of the alteration to the reservoir that the reservoir ought not to be filled with water up to the level or subject to the conditions that would be lawful apart from this subsection, he may give a certificate (“an interim certificate”) specifying the level up to which it may be filled until the issue of a preliminary certificate, and the conditions (if any) subject to which it may be so filled; and the construction engineer may from time to time supersede an interim certificate by the issue of a further interim certificate varying the previous certificate, whether as to water level or as to conditions.
- (3) If, at the end of three years after a preliminary certificate is first issued for a reservoir or [<sup>F12</sup>alteration] to a reservoir or at any time thereafter, the construction engineer is satisfied that the reservoir <sup>F13</sup>... is sound and satisfactory and may safely be used for the storage of water, he shall give a certificate (“the final certificate”) to that effect, and the final certificate shall specify the level up to which water may be stored and the conditions (if any) subject to which it may be so stored.
- (4) If at the end of five years after a preliminary certificate is first issued for a reservoir or [<sup>F14</sup>alteration] to a reservoir the construction engineer has not issued his final certificate, he shall give the undertakers a written explanation of his reasons for deferring the issue of the final certificate.
- (5) The construction engineer giving a final certificate for a reservoir [<sup>F15</sup>which is designated, or in the opinion of the engineer is likely to be designated, as a high-risk reservoir] shall consider the matters (if any) that need to be watched by a supervising engineer during the period before there is an inspection of the reservoir under this Act, and shall include in an annex to the certificate a note of any such matters.
- (6) The construction engineer for any reservoir or [<sup>F16</sup>alteration] to a reservoir shall also, as soon as practicable after the completion of the works and in any event not later than the giving of the final certificate, give a certificate that the works have been efficiently executed in accordance with the drawings and descriptions annexed to the certificate, and shall annex to the certificate detailed drawings and descriptions giving full information of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.
- (7) References in this Act to a final certificate or to a certificate under subsection (6) above include the annex to the certificate, where there is one.

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### Textual Amendments

- F9** Word in s. 7(1) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(1\)\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F10** Words in s. 7(1) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(1\)\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F11** Word in s. 7(2) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(2\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F12** Word in s. 7(3) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(3\)\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F13** Words in s. 7(3) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(3\)\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F14** Word in s. 7(4) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(4\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F15** Words in s. 7(5) inserted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 8](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F16** Word in s. 7(6) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(4\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

### Modifications etc. (not altering text)

- C3** Ss. 6–10 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)

## 8 Powers of enforcement authority in event of non-compliance with requirements as to construction or enlargement of reservoirs.

- (1) Where it appears to the enforcement authority either—
- that a large raised reservoir is being constructed (whether as a new reservoir or by the alteration of an <sup>F17</sup>existing structure or area] that is not a large raised reservoir) or is being altered so as to increase <sup>F18</sup>or decrease] its capacity; or
  - that, a large raised reservoir having been so constructed or altered, no final certificate has yet been given for the reservoir on the construction or alteration, as the case may be;

but that no qualified civil engineer is responsible for the reservoir or <sup>F19</sup>alteration] as construction engineer, the authority may by written notice served on the undertakers require them within twenty eight days after the date when the notice is served to appoint a qualified civil engineer for the purposes of this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment.

- (2) An engineer appointed for the purposes of this section shall be appointed to inspect the reservoir and make a report on the construction or alteration, and to supervise the reservoir until he gives a final certificate for the reservoir under this section.

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(3) An engineer acting under this section shall include in his report any recommendations he sees fit to make as to measures to be taken in the interests of safety; and, subject to any reference of the matter to a referee in accordance with this Act, the undertakers shall carry any such recommendation into effect [<sup>F20</sup>within the period which the report must specify in respect of each recommendation.]

[<sup>F21</sup>(3A) Where it appears to the enforcement authority that the report of an engineer acting under this section includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section, the authority may by written notice served on the undertakers require them to carry the recommendation into effect within a time specified in the notice.

(3B) Where an enforcement authority propose to serve such a notice, the authority shall consult as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of inspecting and supervising the reservoir under this section.]

(4) Except as provided by subsections (5) and (6) below, an engineer acting under this section shall have the same powers and duties in relation to the giving of preliminary certificates, interim certificates and final certificates as if he were the construction engineer responsible for the reservoir or, as the case may be, the [<sup>F22</sup>alteration] to it; and certificates under this subsection shall have effect for purposes of this Act as if they were certificates of a construction engineer.

(5) A final certificate under this section may be given less than three years after the first issue of a preliminary certificate, or without the previous issue of a preliminary certificate, if the engineer is satisfied that the reservoir <sup>F23</sup>... has for a period of three years or more been filled with water up to the level that is specified in the preliminary certificate or, if no preliminary certificate has been issued, up to the level that is specified in the final certificate, and that the reservoir <sup>F24</sup>... is sound and satisfactory and may safely be used for the storage of water.

(6) A final certificate under this section, other than one given by virtue of subsection (5) above, shall not be required to state that the engineer is satisfied the reservoir <sup>F25</sup>... is sound and satisfactory; but, if it does not do so and the engineer's report includes any recommendations as to measures to be taken in the interests of safety, the certificate shall instead state that those recommendations have been carried into effect.

(7) In addition to certificates under subsection (4) above, an engineer acting under this section, shall, as soon as practicable after the completion of the works and in any event not later than the giving of the final certificate, give a certificate that, so far as he has been able to ascertain, the works have been efficiently executed in accordance with the drawings and descriptions annexed to the certificate, and shall annex to the certificate detailed drawings and descriptions giving such information as he can of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works

(8) References in this Act to a final certificate under this section or to a certificate under subsection (7) above include the annex to the certificate, where there is one.

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### Textual Amendments

- F17** Words in s. 8(1) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 3\(4\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F18** Words in s. 8(1)(a) inserted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(5\)\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F19** Word in s. 8(1) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(5\)\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F20** Words in s. 8(3) added (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(6\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F21** S. 8(3A)(3B) inserted (E.W.) (1.4.2004 for E., 1.4.2004 for W.) by [Water Act 2003 \(c. 37\), ss. 75\(2\), 105\(3\); S.I. 2004/641, art. 3\(t\)](#) (with [Sch. 3 para. 7](#)); S.I. 2004/910, art. 2(1)(e); S.I. 2004/641, art. 3(t) (with [Sch. 3 para. 7](#)); S.I. 2004/910, art. 2(1)(e)
- F22** Word in s. 8(4) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(7\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F23** Words in s. 8(5) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(8\)\(a\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F24** Words in s. 8(5) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(8\)\(b\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)
- F25** Words in s. 8(6) omitted (30.7.2013 for E., 1.4.2016 for W.) by virtue of [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 4 para. 11\(9\)](#) (with s. 49(1)(6)); S.I. 2013/1590, art. 3(b); S.I. 2016/79, art. 2(b)

### Modifications etc. (not altering text)

- C4** Ss. 6–10 modified by [S.I. 1986/466, art. 2\(2\), Sch. 1](#)

## 9 Re-use of abandoned reservoirs.

- (1) Where the use of a large raised reservoir as a reservoir has been abandoned (whether before or after the commencement of this Act), the reservoir shall not again be used as a reservoir unless a qualified civil engineer has been employed to inspect the reservoir and make a report on it, and to supervise the reservoir until he gives a final certificate for the reservoir under this section.
- (2) Where a large raised reservoir is brought back into use as a reservoir after that use had been abandoned, it shall not be used for the storage of water, or be filled wholly or partially with water, otherwise than in accordance with the certificate of the engineer acting under this section (unless, on a subsequent alteration to it, section 6(4) above applies).
- (3) An engineer acting under this section shall include in his report any recommendations he see fit to make as to measures to be taken in the interests of safety; and, subject to any reference of the matter to a referee in accordance with this Act, the reservoir shall not be used as such if any such recommendation has not been carried into effect.

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- (4) Except as provided by subsection (5) below, an engineer acting under this section shall have the same powers and duties in relation to the giving of preliminary certificates and final certificates as if he were the construction engineer responsible on the construction of the reservoir; and certificates under this subsection shall have effect for purposes of this Act as if they were certificates of a construction engineer.
- (5) A final certificate under this section shall not be required to state that the engineer is satisfied that the reservoir is sound and satisfactory; but, if it does not do so and the engineer's report includes any recommendations as to measures to be taken in the interests of safety, the certificate shall instead state that those recommendations have been carried into effect.
- (6) Nothing in this section shall apply in relation to a reservoir, if before it is brought back into use, either—
- (a) it is altered in such manner as is to be treated for purposes of this Act as the construction of a new reservoir; or
  - (b) it is altered under the supervision of a qualified civil engineer so as not to be a large raised reservoir when brought back into use.
- (7) Where it appears to the enforcement authority—
- (a) that a large raised reservoir has been brought back into use as a reservoir after that used had been abandoned but that a report has not been obtained as required by this section; or
  - (b) that a report obtained under this section on a reservoir includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as required by this section;
- the authority may by written notice served on the undertakers require them within twenty-eight days after the date when the notice is served to appoint a qualified civil engineer for the purposes of this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.
- (8) Where an enforcement authority propose to serve a notice under subsection (7) above requiring undertakers to carry a recommendation into effect, the authority shall consult as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of inspecting and supervising the reservoir under this section.]

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**Modifications etc. (not altering text)**

**C5** Ss. 6–10 modified by [S.I. 1986/466, art. 2\(2\)](#), [Sch. 1](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(4B) inserted by [2009 asp 6 s. 84\(2\)](#)
- s. 12C inserted by [2009 asp 6 s. 89](#)
- s. 12ZA inserted by [2009 asp 6 s. 88](#)
- s. 22B inserted by [2009 asp 6 s. 86\(2\)](#)
- s. 27B inserted by [2009 asp 6 s. 90](#)