



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Additional powers of enforcement authority

[^{F1}15 Reserve powers.

- (1) Where undertakers are required by a notice from the enforcement authority under section 8, 9, 10, 12 [^{F2}, 13] or 14 above to appoint an engineer for any purpose of this Act, and the undertakers fail to make the appointment, the authority may appoint an engineer for that purpose, being a person eligible for appointment by the undertakers; and, except as otherwise provided, the provisions of this Act shall apply in relation to any person appointed under this section and to anything done by him as if he had been duly appointed by the undertakers.
- (2) Where undertakers are required by a notice from the enforcement authority under section [^{F3} 8,] 9, 10 or 14 above to carry into effect any recommendation as to measures to be taken in the interests of safety, and the undertakers fail to comply with that requirement, the authority may cause the recommendation to be carried into effect under the supervision of a qualified civil engineer appointed by them, who shall give a certificate, as soon as he is satisfied that it is so, that the recommendation has been carried into effect.
- (3) An appointment made under subsection (1) above for any purpose of this Act shall be of no effect, if before it is made the undertakers have appointed for that purpose an engineer eligible to be so appointed; and an appointment under that subsection of a supervising engineer shall terminate when an appointment of a supervising engineer duly made by the undertakers takes effect.
- (4) Without prejudice to [^{F4}section 123 of the Environment Act 1995 as it is applied by section 22A of this Act] or section 192 of the ^{M1}Local Government (Scotland) Act 1973, where the enforcement authority are unable after reasonable enquiry to ascertain the name or address of the undertakers for any large raised reservoir, then for purposes of this section a notice relating to the reservoir shall be deemed to have been duly served on the undertakers if it has been left in the hands of a person who is or appears to be resident or employed at the reservoir or if it has been left conspicuously affixed to some building or object at the reservoir.

Changes to legislation: Reservoirs Act 1975, Section 15 is up to date with all changes known to be in force on or before 05 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Where an enforcement authority make any appointment under subsection (1) above or exercise powers conferred by subsection (2), the undertakers shall pay them the amount of the expenses reasonably incurred by them by reason of the appointment or, as the case may be, in the exercise of those powers.]

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**)
- F2** Word in s. 15(1) 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. 26(1)** (with s. 49(1)(6)); [S.I. 2013/1590](#), **art. 3(b)**; [S.I. 2016/79](#), **art. 2(d)**
- F3** Word in s. 15(2) inserted (E.W.) (1.4.2004 for E., 1.4.2004 for W.) by [Water Act 2003 \(c. 37\)](#), **ss. 75(3)**, 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)**
- F4** Words in s. 15(4) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 76(1)**, 105(3); [S.I. 2004/2528](#), **art. 2(l)** (with **Sch. para. 8**)

Modifications etc. (not altering text)

- C1** S. 15 modified by [S.I. 1985/176](#), **art. 2(3)(ii)**, **Sch.** and 1986/466, **art. 2(2)**, **Schs. 1, 2**

Marginal Citations

- M1** 1973 c. 63.

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Changes and effects yet to be applied to :

- s. 15 amendments by 2003 c. 37 s. 75 extended to Scotland by [2009 asp 6 s. 87](#)
- s. 15(4) words inserted by [2009 asp 6 s. 86\(1\)\(a\)](#)
- s. 15(4) words repealed by [2009 asp 6 s. 86\(1\)\(b\)](#)

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](#)