



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 8

##### DISPUTE REFERRAL

#### 61 Appointment of referee

- (1) The referee must be an engineer appointed under this section either—
  - (a) by agreement between the reservoir manager and the relevant engineer, or
  - (b) where no agreement is reached, by the Scottish Ministers.
- (2) An engineer may be appointed as a referee if the engineer—
  - (a) is a member of a panel of reservoir engineers established under section 27 who may (by virtue of an order under that section) be appointed under this section,
  - (b) is not disqualified by virtue of subsection (3) from being appointed under this section in relation to the reservoir concerned.
- (3) An engineer is disqualified from being appointed under this section in relation to the reservoir if the engineer—
  - (a) is employed by any person who is a reservoir manager of the reservoir,
  - (b) has previously been a construction engineer or an inspecting engineer in relation to the reservoir,
  - (c) is connected (as a partner, employer, employee or fellow employee in a civil engineering business) with a person who has previously been a construction engineer or an inspecting engineer in relation to the reservoir.
- (4) In this section and sections 62 and 63, “the relevant engineer” means the construction engineer or (as the case may be) inspecting engineer who gave the direction or (as the case may be) specified, recommended or imposed the matter which is the subject of the referral.