



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 4

##### PANELS OF RESERVOIR ENGINEERS

#### 27 Panels of reservoir engineers

The Scottish Ministers must—

- (a) establish one or more panels of reservoir engineers for the purposes of this Part and specify by order the sections of this Part under which the members of any such panel may be appointed,
- (b) appoint civil engineers who they consider to be fit and qualified for appointment to such panels to be members of such of the panels as they consider appropriate.

#### Commencement Information

- I1** S. 27(a) in force at 1.1.2015 for specified purposes by [S.S.I. 2014/348, art. 2, Sch.](#)
- I2** S. 27(a) in force at 20.2.2015 in so far as not already in force by [S.S.I. 2015/43, art. 2](#)
- I3** S. 27(b) in force at 1.4.2015 by [S.S.I. 2015/63, art. 2, Sch.](#)

#### 28 Appointment and removal of panel members

- (1) A civil engineer who wishes to be appointed to a panel under section 27 must make an appropriate application.
- (2) An appointment is for such period as the Scottish Ministers determine.
- (3) A civil engineer appointed to a panel is eligible for re-appointment.
- (4) The Scottish Ministers may remove an engineer from a panel where they are satisfied that the engineer is not fit or qualified to remain on it.

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*Changes to legislation: There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Chapter 4. (See end of Document for details)*

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- (5) The Scottish Ministers must give an engineer removed from a panel under subsection (4) notice of the removal.
- (6) Notice under subsection (5) must specify the grounds on which the engineer has been removed from the panel.
- (7) In this section, “an appropriate application” is an application made in accordance with regulations made by the Scottish Ministers.
- (8) The Scottish Ministers may by regulations make provision for the determining and charging of fees in connection with applications for membership of panels established by them under section 27.

**Commencement Information**

- I4** S. 28(1)-(6) in force at 1.4.2015 by S.S.I. 2015/63, art. 2, Sch.  
**I5** S. 28(7)(8) in force at 1.1.2015 by S.S.I. 2014/348, art. 2, Sch.

**29 Dissolution of panels etc.**

- (1) The Scottish Ministers may dissolve a panel established under section 27.
- (2) Before doing so, the Ministers must give reasonable notice to the members of the panel.
- (3) Where the Scottish Ministers dissolve a panel whose members might, by virtue of an order under section 27, (if not for the dissolution) still be appointed as construction engineers or inspecting engineers, the Scottish Ministers may allow an engineer who immediately before the dissolution was such an engineer or was the other qualified engineer in relation to a reservoir (see section 47(5)), to continue to act as such in relation to the controlled reservoir concerned for a period of 4 years.
- (4) The Scottish Ministers may, by notice, direct that an engineer is no longer entitled to act under subsection (3) where they are satisfied that the engineer is not fit or qualified to do so.
- (5) Notice under subsection (4) must specify the grounds on which the engineer has been removed under that subsection.

**Commencement Information**

- I6** S. 29 in force at 1.4.2015 by S.S.I. 2015/63, art. 2, Sch.

**30 Review of decisions to appoint or remove civil engineers from panels etc.**

- (1) A civil engineer—
  - (a) whose application for appointment to a panel established under section 27 is rejected,
  - (b) who is removed from a panel under section 28(4),
  - (c) who is given a direction under section 29(4),
 may apply to the Scottish Ministers for a review of their decision.

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- (2) The Scottish Ministers may by regulations make further provision in relation to applications and reviews under this section, including provision as to determining and charging fees in connection with applications for review under this section.

**Commencement Information**

- I7** S. 30(1) in force at 1.4.2015 by S.S.I. 2015/63, art. 2, Sch.  
**I8** S. 30(2) in force at 1.1.2015 by S.S.I. 2014/348, art. 2, Sch.

### **31 Consultation with Institution of Civil Engineers**

- (1) The Scottish Ministers must consult the President of the Institution of Civil Engineers (or, if that Institution appoints a committee for the purpose, that committee), before—
- (a) establishing a panel under section 27,
  - (b) making an order under that section,
  - (c) making an appointment to a panel under that section,
  - (d) removing an engineer from a panel under section 28(4),
  - (e) dissolving a panel under section 29(1),
  - (f) directing that an engineer is no longer entitled to act under section 29(4),
  - (g) making a decision in a review under section 30.
- (2) The Scottish Ministers may reimburse the Institution of Civil Engineers for any expenses incurred by it by virtue of this section.

**Commencement Information**

- I9** S. 31(1)(a) in force at 20.2.2015 by S.S.I. 2015/43, art. 2  
**I10** S. 31(1)(b)(2) in force at 1.1.2015 by S.S.I. 2014/348, art. 2, Sch.  
**I11** S. 31(1)(c)-(g) in force at 1.4.2015 by S.S.I. 2015/63, art. 2, Sch.

**Changes to legislation:**

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