



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

### RESERVOIRS

### CHAPTER 6

#### OTHER REQUIREMENTS: HIGH-RISK RESERVOIRS AND MEDIUM-RISK RESERVOIRS

#### **50 Supervising engineer and monitoring of reservoir**

- (1) The supervising engineer must supervise the reservoir in accordance with this section.
- (2) The supervising engineer must—
  - (a) give notice to the reservoir manager of anything that the engineer considers might affect the safety of the reservoir,
  - (b) monitor any matters specified in a safety report as matters to be monitored by the supervising engineer until a final certificate is issued in respect of the relevant works,
  - (c) monitor compliance by the reservoir manager with the requirements of any preliminary certificate for the time being applicable to the reservoir,
  - (d) monitor compliance by the reservoir manager with the requirements of any final certificate for the time being applicable to the reservoir,
  - (e) monitor any matters specified in any such final certificate as matters that should be monitored by the supervising engineer until the first inspection of the reservoir required under section 46,
  - (f) monitor compliance by the reservoir manager with the requirements of any direction given in the latest inspection report by virtue of section 47(3)(d)(i),
  - (g) give notice to the reservoir manager and SEPA of any failure to comply with any requirement of—
    - (i) a safety report referred to in paragraph (b),
    - (ii) a preliminary certificate referred to in paragraph (c),
    - (iii) a final certificate referred to in paragraph (d), or
    - (iv) a direction referred to in paragraph (f),

- (h) monitor any matters specified in the latest inspection report as matters that should be monitored by the supervising engineer until the next inspection of the reservoir required under section 46,
  - (i) supervise (or ensure that a nominated representative of the engineer supervises) any proposed draw-down in respect of the reservoir,
  - (j) monitor compliance by the reservoir manager with the requirements of section 51.
- (3) If the supervising engineer considers at any time that the reservoir should be inspected in accordance with section 47, the engineer must—
- (a) give the reservoir manager a written recommendation to that effect specifying when the inspection should take place, and
  - (b) not later than 28 days after giving the written recommendation, give SEPA a copy of it.
- (4) The supervising engineer may by written direction require the reservoir manager to carry out a visual inspection of the reservoir at intervals specified by the engineer for the purpose of identifying anything that might affect the safety of the reservoir.
- (5) The reservoir manager must comply with any direction under subsection (4).
- (6) The reservoir manager must—
- (a) maintain a written record of each visual inspection carried out in pursuance of a direction under subsection (4),
  - (b) make that record available on request to the supervising engineer, and
  - (c) give notice to the supervising engineer of anything identified during such an inspection which might affect the safety of the reservoir.
- (7) Notice under subsection (6)(c) must be given as soon as reasonably practicable after the inspection during which the thing was identified.
- (8) The supervising engineer must give the reservoir manager, at least every 12 months, a written statement of—
- (a) the steps taken by the engineer in relation to the matters referred to in subsection (2)(a) to (h),
  - (b) any measures taken by the reservoir manager in the interests of the safety of the reservoir or otherwise to maintain the reservoir,
  - (c) any failure to comply with—
    - (i) a requirement in a safety report referred to in subsection (2)(b),
    - (ii) a requirement in a preliminary certificate referred to in subsection (2)(c),
    - (iii) a requirement in a final certificate referred to in subsection (2)(d),
    - (iv) a direction referred to in subsection (2)(f),
    - (v) a recommendation by the supervising engineer under subsection (3),
    - (vi) a direction by the supervising engineer under subsection (4).
- (9) The supervising engineer must give the reservoir manager information for the purpose of enabling the manager to contact the engineer (or in the event of an emergency and the supervising engineer being unavailable, a nominated representative of the engineer).
- (10) The supervising engineer must, not later than 28 days after giving a written statement under subsection (8), give SEPA a copy of the statement.

- (11) The Scottish Ministers may publish guidance about supervision of high-risk reservoirs and medium-risk reservoirs in accordance with this section.
- (12) In this section—
- (a) “draw-down” means any intentional reduction in the water level except where done in accordance with the routine operation of the reservoir,
  - (b) references to “the supervising engineer” are references to the engineer appointed for the time being as such under section 49 in relation to the reservoir,
  - (c) references to “the reservoir manager” are references to the reservoir manager of the reservoir which is being supervised in accordance with this section.