

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2015 No. 63**

**The Reservoirs (Scotland) Act 2011 (Commencement  
No. 3 and Transitional Provisions) Order 2015**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Reservoirs (Scotland) Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2015 and comes into force on 1st April 2015.

(2) In this Order—

“the Act” means the Reservoirs (Scotland) Act 2011;

“the 1975 Act” means the Reservoirs Act 1975(1);

“1975 Act reservoir” means—

- (a) a controlled reservoir(2) which was, immediately before 1st April 2015, required to be registered in a register maintained under section 2(2) of the 1975 Act; or
- (b) a controlled reservoir which—
  - (i) was not, immediately before 1st April 2015, required to be registered in a register maintained under section 2(2) of the 1975 Act; and
  - (ii) is, on or after that date, required to be registered in a register maintained under section 2(2) of the 1975 Act; and

“held”, in relation to SEPA, is to be construed in the same way as “held”, in relation to an authority, in section 3(2) of the Freedom of Information (Scotland) Act 2002(3).

**Appointed day**

2.—(1) Subject to paragraph (2), 1st April 2015 is the day appointed for the coming into force of the provisions of the Act specified in column (1) of the Schedule (the subject matter of which is specified in column (2)).

(2) Where a purpose is specified in column (3) of the Schedule in relation to any provision, that provision comes into force in accordance with paragraph (1) for that purpose only.

**Transitional provision: information etc. comprising the controlled reservoirs register**

3. Until section 12 of the Act (controlled reservoirs not required to be registered under the 1975 Act) has effect for all purposes, section 9(2) of the Act (controlled reservoirs register) does not have effect in so far as information or a document referred to in section 9(2) relates to a controlled reservoir to which section 12(2) applies.

4. Until section 13 of the Act (structures or areas which become controlled reservoirs after the relevant date) has effect for all purposes, section 9(2) of the Act does not have effect in so far

---

(1) 1975 c.23; section 2(2) of the 1975 Act was relevantly amended by the Water Act 2003 (c.37), section 74(1)(b).

(2) Sections 1 and 2 of the Reservoirs (Scotland) Act 2011 define what is a “controlled reservoir” for the purposes of the Act.

(3) 2002 asp 13.

as information or a document referred to in section 9(2) relates to a controlled reservoir to which section 13 applies but which is not a 1975 Act reservoir.

5.—(1) Subject to paragraph (2), until a controlled reservoir is required to be registered under the Act section 9(2) of the Act has effect in relation to the controlled reservoir only in so far as information or a document referred to in section 9(2) is held by SEPA.

(2) Section 9(2)(h) of the Act (flood maps) has effect in relation to the controlled reservoir only in so far as a map referred to in section 9(2)(h) is held by SEPA on or after 1st October 2015.

6. Until a controlled reservoir is required to be registered under the Act, section 9(4) of the Act (duty of SEPA to arrange for controlled reservoirs register to be available for inspection at all reasonable times) has effect in relation to the reservoir only in so far as information or a document referred to section 9(2) of the Act is held by SEPA on or after 1st October 2015.

**Transitional provision: modification of section 13 where no preliminary certificate given**

7. Where section 13 of the Act has effect in relation to a 1975 Act reservoir, until a preliminary certificate is given under section 37 of the Act in relation to the reservoir, the reference to “preliminary certificate” in section 13 of the Act is to be construed as a reference to a preliminary certificate under section 7(1) of the 1975 Act (certificates of construction engineers).

St Andrew’s House,  
Edinburgh  
17th February 2015

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers