

**2015 No. 92**

**FLOOD RISK MANAGEMENT**

**WATER SUPPLY**

**The Reservoirs (Panels of Reservoir Engineers: Sections under which Members may be Appointed) (Scotland) Order 2015**

*Made* - - - - - *26th February 2015*

*Laid before the Scottish Parliament* *2nd March 2015*

*Coming into force* - - - *1st April 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 27(a) and 114(2)(b) of the Reservoirs (Scotland) Act 2011<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 31(1)(b) of that Act, the Scottish Ministers have consulted the President of the Institution of Civil Engineers.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Reservoirs (Panels of Reservoir Engineers: Sections under which Members may be Appointed) (Scotland) Order 2015 and comes into force on 1st April 2015.

(2) In this Order—

“non-impounding reservoir” means a controlled reservoir which is not designed to obstruct or impede the flow of a watercourse;

“section” refers to a section of the Reservoirs (Scotland) Act 2011; and

“service reservoir” means a non-impounding reservoir which is constructed of brickwork, masonry, concrete or reinforced concrete.

(3) References to a named panel are references to the panel of that name established under section 27(a).

**All Reservoirs (Scotland) Panel**

**2.** A member of the All Reservoirs (Scotland) Panel may be appointed under—

- (a) section 24(4);
- (b) section 33;
- (c) section 45;

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<sup>(a)</sup> 2011 asp 9.

- (d) section 49;
- (e) section 61;
- (f) section 69;
- (g) section 71;
- (h) section 73(5); or
- (i) section 77.

**Non-impounding Reservoirs (Scotland) Panel**

3. A member of the Non-impounding Reservoirs (Scotland) Panel may be appointed under—
- (a) section 24(4) for the purposes only of making recommendations about risk designation in respect of a non-impounding reservoir;
  - (b) section 33 for the purposes only of supervising relevant works in respect of a non-impounding reservoir;
  - (c) section 45 for the purposes only of carrying out an inspection of a non-impounding reservoir;
  - (d) section 49;
  - (e) section 61 for the purposes only of refereeing referrals made under section 59(2) or 60(1) in respect of a direction or matter in relation to a non-impounding reservoir;
  - (f) section 69 for the purposes only of consultation about the period to be specified in a notice under subsection (2) of that section in respect of a non-impounding reservoir;
  - (g) section 71 for the purposes only of supervising the taking of measures arranged under subsection (2) of that section in respect of a non-impounding reservoir;
  - (h) section 73(5) for the purposes only of making recommendations about a stop notice to be given in respect of a non-impounding reservoir in exercise of powers conferred by order under that section; or
  - (i) section 77 for the purposes only of making recommendations about, and supervising, any measures to be taken under that section in respect of a non-impounding reservoir.

**Service Reservoirs (Scotland) Panel**

4. A member of the Service Reservoirs (Scotland) Panel may be appointed under—
- (a) section 24(4) for the purposes only of making recommendations about risk designation in respect of a service reservoir;
  - (b) section 33 for the purposes only of supervising relevant works in respect of a service reservoir;
  - (c) section 45 for the purposes only of carrying out an inspection of a service reservoir;
  - (d) section 49;
  - (e) section 61 for the purposes only of refereeing referrals made under section 59(2) or 60(1) in respect a direction or matter in relation to a service reservoir;
  - (f) section 69 for the purposes only of consultation about the period to be specified in a notice under subsection (2) of that section in respect of a service reservoir;
  - (g) section 71 for the purposes only of supervising the taking of measures arranged under subsection (2) of that section in respect of a service reservoir;
  - (h) section 73(5) for the purposes only of making recommendations about a stop notice to be given in respect of a service reservoir in exercise of powers conferred by order under that section; or
  - (i) section 77 for the purposes only of making recommendations about, and supervising, any measures to be taken under that section in respect of a service reservoir.

**Supervising Engineers (Scotland) Panel**

5. A member of the Supervising Engineers (Scotland) Panel may be appointed under section 49.

St Andrew's House,  
Edinburgh  
26th February 2015

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies the sections of the Reservoirs (Scotland) Act 2011 under which a member of a panel established under section 27(a) of that Act may, for particular purposes, be appointed.

The panels referred to in the Order were established administratively under that section.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

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