



# Reservoirs Act 1975

## 1975 CHAPTER 23

### *Inspections*

#### **10 Periodical inspection of large raised reservoirs**

- (1) The undertakers shall have any large raised reservoir inspected from time to time by an independent qualified civil engineer ("the inspecting engineer") and obtain from him a report of the result of his inspection.
- (2) Unless it is at the time under the supervision of a construction engineer (or of an engineer acting under section 8 or 9 above) a large raised reservoir shall be inspected under this section—
  - (a) within two years at most from the date of any final certificate for the reservoir given by the construction engineer responsible for the construction of the reservoir or for any alteration to it;
  - (b) as soon as practicable after the carrying out of any alterations to the reservoir which do not increase its capacity but are such as might affect its safety and which have not been designed and supervised by a qualified civil engineer;
  - (c) at any time when the supervising engineer so recommends ;
  - (d) within ten years at most from the last inspection or within any less interval that may have been recommended in the report of the inspecting engineer on the last inspection.
- (3) As soon as practicable after an inspection under this section, the inspecting engineer shall make a report of the result of the inspection, including in it any recommendations he sees fit to make as to the time of the next inspection, or as to measures that should be taken in the interests of safety.
- (4) An inspecting engineer shall consider the matters (if any) that need to be watched by the supervising engineer during the period before the next inspection of the reservoir under this section, and shall include in his report a note of any such matters.
- (5) An inspecting engineer, when he makes his report, shall also give a certificate stating that the report does or does not include recommendations as to measures to be taken in the interests of safety and, if it includes a recommendation as to the time of the

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*Status: This is the original version (as it was originally enacted).*

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next inspection, stating also the period within which he recommends the inspection should be made.

- (6) Where an inspecting engineer includes in his report any recommendation as to measures to be taken in the interests of safety, then subject to any reference of the matter to a referee in accordance with this Act the undertakers shall as soon as practicable carry the recommendation into effect under the supervision of a qualified civil engineer; and that engineer shall give a certificate, as soon as he is satisfied it is so, that the recommendation has been carried into effect.
- (7) Where it appears to the enforcement authority, in the case of any large raised reservoir.
- (a) that an inspection and report thereon have not been made as required by this section ; or
  - (b) that the latest report of the inspecting engineer includes a recommendation as to measures to be taken in the interests of safety that has not been carried into effect as so required;

the authority may by written notice served on the undertakers require them within twenty-eight days after the date when the notice is served to appoint an independent qualified civil engineer to carry out an inspection under this section, unless an appointment has already been made, and (in either case) to notify the authority of the appointment or, as the case may be, require them to carry the recommendation into effect within a time specified in the notice.

- (8) Where an enforcement authority propose to serve a notice under subsection (7) above requiring the undertakers to carry a recommendation into effect, the authority shall consult as to the time to be specified in the notice a civil engineer, being a qualified civil engineer for the purpose of supervising under subsection (6) above the carrying into effect of the recommendation.
- (9) For purposes of this Act " independent" when used of a civil engineer in relation to a reservoir means—
- (a) that he is not in the employment of the undertakers otherwise than in a consultant capacity ; and
  - (b) that he was not the engineer responsible for the reservoir or any addition to it as construction engineer, nor is connected with any such engineer as his partner, employer, employee or fellow employee in a civil engineering business.

The reference in this subsection to a construction engineer includes an engineer acting under section 8 or 9 above.