



Reservoirs Act 1975

1975 CHAPTER 23

Supplementary

19 Reference of disputed recommendations to referee

- (1) Where—
 - (a) an inspecting engineer includes in his report recommendations as to measures to be taken in the interests of safety or as to the time of the next inspection ; or
 - (b) an engineer acting under section 8, 9 or 14 above includes in his report recommendations as to measures to be taken in the interests of safety ;the undertakers if aggrieved by any recommendation may, in accordance with rules under this section, refer their complaint to a referee.
- (2) A referee under this section shall be an independent qualified civil engineer appointed by agreement between the undertakers and the engineer making the recommendation complained of, or in default of their agreement shall be a person appointed by the Secretary of State.
- (3) A referee under this section, after investigating the complaint, shall have power to make such modifications as he thinks fit in the report containing the recommendation complained of, and the report shall for the purposes of this Act have effect accordingly.
- (4) A referee under this section, when he gives his decision on a report, shall also give a certificate stating that the decision does or does not modify the report, and (if necessary in consequence of any modification) revising accordingly any certificate given with reference to the report by the engineer making the report.
- (5) The Secretary of State may by statutory instrument make rules as to the time within which a referee may be appointed by agreement under this section, as to the time within which, and the manner in which, a request for the appointment of a referee under this section may be made to him, as to the procedure before the referee and as to the costs of the proceedings before and investigation by the referee (including the remuneration of the referee), so, however, that those costs (including the remuneration of the referee) shall be paid by the undertakers.