
STATUTORY INSTRUMENTS

1986 No. 466 (c.15)

**WATER, ENGLAND AND WALES
WATER SUPPLY, SCOTLAND**

The Reservoirs Act 1975 (Commencement No. 3) Order 1986

Made - - - - *10th March 1986*

The Secretary of State, in exercise of his powers under section 29 of the Reservoirs Act 1975, and section 6(3) of the Local Government (Interim Provisions) Act 1984 and of all other powers enabling him in that behalf, orders as follows:—

1. This order may be cited as the Reservoirs Act 1975 (Commencement No. 3) Order 1986.

2.—(1) Subject to paragraph (2), the provisions of the Reservoirs Act 1975 specified in Schedule 1 to this order shall come into force on 1st April 1986, except in Greater London and the metropolitan counties, and the provisions of that Act specified in Schedule 2 shall come into force on that date in Greater London and the metropolitan counties.

(2) The provisions specified in the Schedules shall apply to any reservoir situated partly in Greater London, or partly in one or more metropolitan countries, as if it were wholly situated in the adjacent non-metropolitan county or counties in which it is also partly situated.

3. Article 2(3) (i) of the Reservoirs Act 1975 (Commencement No. 2) Order 1985 is hereby revoked.

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SCHEDULE 1

<i>Provisions of the Act</i>	<i>Subject matter of Provisions</i>
Section 6	Construction or enlargement of reservoirs
Section 7	Certificates of construction engineers
Section 8	Powers of enforcement authority in event of non-compliance with requirements as to construction or enlargement of reservoirs
Section 9	Re-use of abandoned reservoirs
Section 10	Periodical inspection of large raised reservoirs
Section 12	Supervision of large raised reservoirs
Section 13	Discontinuance of large raised reservoirs
Section 14	Abandonment of large raised reservoirs
Section 15(1), (2), (3), (4) so far as it is not already in force (1) and (5)	Reserve powers of enforcement authority
Section 17(1) (b) to (d) and (3)	Powers of entry
Section 19	Reference of disputed recommendations to referee
Section 20	General provisions as to reports, certificates etc. of engineers
Section 21(1) to (4), and (5) and (6) so far as they are not already in force (a) (2),	Duty of undertakers to furnish information
Section 22, so far as it is not already in force (3)	Criminal liability of undertakers and their employees
Section 23	Continuity with Reservoirs (Safety Provisions) Act 1930
Section 25	Reservoirs in course of construction or alteration, or newly constructed or altered at commencement of the Act
Section 26	Reservoirs constructed before commencement of Reservoirs (Safety Provisions) Act 1930
Section 27	Large raised reservoirs not within Reservoirs (Safety Provisions) Act 1930
Section 28	Repeal of Reservoirs (Safety Provisions) Act 1930
Schedule 2	Liability for damage and injury

- (1) Sections 15(4), 21(5) and (6) and 22 were brought into force on 1st April 1985, except in the areas of Greater London and the metropolitan countries, by S.I. 1985/176, subject to certain limitations.
- (2) Sections 15(4), 21(5) and (6) and 22 were brought into force on 1st April 1985, except in the areas of Greater London and the metropolitan countries, by S.I. 1985/176, subject to certain limitations.
- (3) Sections 15(4), 21(5) and (6) and 22 were brought into force on 1st April 1985, except in the areas of Greater London and the metropolitan countries, by S.I. 1985/176, subject to certain limitations.

SCHEDULE 2

<i>Provisions of the Act</i>	<i>Subject matter of Provisions</i>
Section 2	Registration of large raised reservoirs, and enforcement of Act, by local authorities
Section 3	Reports by local authorities to, and supervisory powers of, Secretary of State
Section 11	Recording of water levels etc.
Section 15(4) so far as it is applied by section 16(5)	Service of notices by enforcement authorities
Section 16	Emergency powers
Section 17 except (1)(b) to (d) and (3)	Powers of entry
Section 18	Compensation to third parties for damage or disturbance
Section 21(5) and (6) so far as they relate to the provision of information to a person appointed under section 16(3)	Duty of undertakers to furnish information
Section 22 so far as it relates to provisions of the Act already in force or brought into force in Greater London and the metropolitan counties by this order.	Criminal liability of undertakers and their employees
Section 24	Notification to local authorities of existing reservoirs

7th March 1986

Kenneth Baker
Secretary of State for the Environment

Signed by authority of the Secretary of State

10th March 1986

Mark Robinson
Parliamentary Under Secretary of State
Welsh Office

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Signed by authority of the Secretary of State

J. Allan Stewart
Parliamentary Under Secretary of State
Scottish Office

10th March 1986

EXPLANATORY NOTE

This order brings into force on 1st April 1986 in Scotland, Wales and in the non-metropolitan counties in England, all the provisions of the Reservoirs Act 1975 not already in force in those areas. The majority of these provide for the safety of reservoirs by requiring the employment of suitably qualified engineers in connection with their construction, inspection and supervision.

It also brings into force on that date, in the metropolitan countries and in Greater London, the provisions that were brought into force elsewhere in England and in Wales and Scotland by S.I. 1985/176. These are concerned with the setting up of registers of reservoirs and with the enforcement of the Act by local authorities. The enforcement provisions include the power of enforcement authorities to take emergency action where it appears to them that a reservoir is unsafe. Other provisions brought into force impose obligations on reservoir undertakers which include the duty to keep records and supply information and provide that failure to comply with the Act will constitute an offence unless there is reasonable excuse.

All the provisions brought into force by this order are modified so as to apply to any reservoir which is partly situated in Greater London or one or more metropolitan counties and partly outside those areas, as if it were wholly situated in the non-metropolitan county or counties in which it is partly situated.

Article 3 revokes a qualification on the operation of section 2(1) of the Act which becomes spent on 1st April 1986 by reason of the amendments made to that section by section 11(3) of the Local Government Act 1985.

The provisions of the 1975 Act which are not specified in either of the Schedules to this order were brought into force throughout England, Wales and Scotland by S.I. 1983/1666, without modification.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by commencement orders made before the date of this order:—

Provisions

<i>Provisions</i>	<i>Date of commencement and areas in which provisions are brought into force</i>	<i>S.I. No.</i>
S.1	30th November 1983; throughout England, Wales and Scotland.	1983/1666
S.4		

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<i>Provisions</i>	<i>Date of commencement and areas in which provisions are brought into force</i>	<i>S.I. No.</i>
s.5		
S.29		
S.30		
Schedule 1		
S.2	1st April 1985; in Wales, Scotland and in the non-metropolitan counties in England, and in the case	1985/176
S.3	of sections 15(4), 21(5) and (6) and 22, with certain limitations.	
S.11		
S.15(4)		
S.16		
S.17		
(except (1) (b) to (d) and (3))		
S.18		
S.21 (5) and (6)		
S.22		
S.24		