

Reservoirs (Scotland) Act 2011

The regulatory landscape for reservoir safety in Scotland is changing. The Reservoirs (Scotland) Act 2011 replaces the Reservoirs Act 1975, transferring responsibility for regulating reservoir safety from local authorities to the Scottish Environment Protection Agency (SEPA).

As of 1 April 2016, SEPA has full regulatory control of the safety of reservoirs over 25,000m³ in Scotland. This leaflet highlights the main changes affecting panel engineers, however, we encourage all panel engineers to become familiar with all sections of the 2011 Act which could affect their role. Please see the reverse of this leaflet for information on how to access the 2011 Act and contact SEPA's Reservoir Regulatory Unit.

Risk Designation

Risk designations of high, medium or low have been assigned to each registered reservoir by SEPA based on the consequences of an uncontrolled release of water. Different levels of statutory monitoring and inspection will be undertaken based on the risk designation. A briefing note and guidance document have been produced on risk designations and can be found on the SEPA website: www.sepa.org.uk/reservoirs

High Risk	Required to appoint a supervising engineer at all times. Required to appoint an inspecting engineer at least once every 10 years or when stated in the latest inspection report (or when recommended by the supervising engineer).
Medium Risk	Required to appoint a supervising engineer at all times. Only required to appoint an inspecting engineer when recommended by the supervising engineer.
Low Risk	No statutory requirement to appoint either a supervising or inspecting engineer.

Useful links





Reservoirs Scotland Act 2011
www.legislation.gov.uk/ssi/2016/42/made

Reservoirs (Scotland) Regulations 2016
www.legislation.gov.uk/ssi/2016/43/contents/made

Scottish Government panel engineer list
www.gov.scot/Topics/Environment/Water/16922/panengineerlist

Scottish Environment Protection Agency (SEPA)
www.sepa.org.uk/reservoirs

For more information

-  www.sepa.org.uk/reservoirs
-  reservoirs@sepa.org.uk
-  03000 996699 and ask for the Reservoir Regulatory Unit
-  Reservoir Regulatory Unit, SEPA, Strathallan House, Castle Business Park, Stirling FK9 4TZ

Cover photo: Clatteringshaws Loch reservoir in Galloway Forest Park damming the Black Water of Dee to feed Glenlee Hydro Power Station

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Changes for panel engineers who operate in Scotland

Panel engineer responsibilities

For panel engineers to operate in Scotland they must apply to Scottish Ministers to be appointed to the Scottish panels. An 'eligible persons' application form can be found on the [Scottish Government reservoirs webpage](#).

Copies of all reports, statements and certificates required by the Act now need to be copied to SEPA within 28 days of issue. The form and content of the certificates, statements and reports that are required to be produced under the 2011 Act are contained within 'The Reservoirs (Scotland) Regulations 2016' which is available from the SEPA website.

Construction and alteration

Construction engineers are now required to be appointed for any work in increasing or decreasing capacity, including discontinuance and abandonment of reservoirs. (Section 32).

- Where a reservoir is being constructed or altered (but not discontinued or abandoned) the construction engineer **may** give the reservoir manager a safety report. (Section 34 (3)).
- Where a reservoir is being restored to use, discontinued or abandoned the construction engineer **must** give the reservoir manager a safety report. (Section 34 (4)).
- Where a safety report is issued for restoration, discontinuance or abandonment then it must be issued within 9 months of the construction engineer appointment. Thereafter the construction engineer must provide a copy of the safety report to SEPA within 28 days of issue. (Section 34 (5) & (7)).
- Section 35 of the 2011 Act details what must be contained within the safety report.
- Where a safety report contains measures, the construction engineer must issue a safety measure certificate to the reservoir manager not later than 28 days after being satisfied that it's been completed. (Section 36).
- A copy of any safety measure certificates must be issued to SEPA by the construction engineer within 28 days of original issue. (Section 36).

- Under the 1975 Act there was previously a minimum period of 3 years between issue of the first preliminary certificate and the final certificate. This has been removed in the 2011 Act and no minimum time period is specified. It is up to the construction engineer to decide when they are satisfied. (Section 39).

Inspecting engineers

Under the 1975 Act there was a requirement for an inspection as soon as practicable after the carrying out of any works which might affect the safety of the reservoir but which had not been designed and supervised by a qualified civil engineer. This is not in the 2011 Act. It will be up to the supervising engineer to decide if such works have been carried out and to recommend to the reservoir manager that an inspection be carried out. (Section 46 (1) (b)).

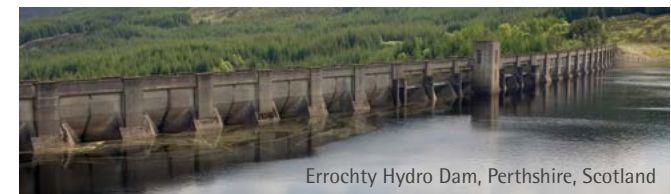
- There is now a 9 month maximum period for submission of the inspecting engineer's report. This is mandatory and the inspecting engineer must ensure the report is sent to the reservoir manager within this period. (Section 47 (1) (b)).
- Copies of the inspecting engineer's report must be sent to SEPA and the supervising engineer within 28 days of issue. (Section 47 (4)).
- Safety measures contained in the inspection reports can now include maintenance measures. (Section 47 (3) (a)).
- Inspecting engineers must state if any measures that are contained in the report were included in the previous report. (Section 47 (3) (b)).
- If previous measures contained in the last report have not been undertaken and are now not required, the inspecting engineer must give the reasons why they are no longer required. (Section 47 (3) (c)).
- Where an inspection report contains maintenance measures that are to be monitored by the supervising engineer, there is not a requirement to issue interim inspection compliance certificates or inspection compliance certificates. (Section 48 (9)).

- Where an inspection report contains a measure in the interests of safety it must state the period of time within which it must be completed. (Section 47 (3) (d) (ii))
- The 2011 Act introduces interim inspection compliance certificates. These must be issued to the reservoir manager within 28 days of the appointed engineer being satisfied that the measure has been undertaken and then copied to SEPA within 28 days of issue. Different qualified engineers can be appointed for different measures. (Section 48 (2), (3) and (4)).
- Inspection compliance certificates replace the Section 10 (6) certificates issued under the 1975 Act. These are to be issued within 28 days by the inspecting or other qualified engineer once they are satisfied that all measures contained within the report are complete. Any engineer signing the inspection compliance certificate can regard interim inspection compliance certificates as conclusive that the measure has been taken. (Section 48 (6) and (7)).

Supervising engineers

Requirements on the supervising engineer have changed under the 2011 Act and these are noted in Section 50.

- The supervising engineer must produce a written statement at least every 12 months which must be provided to the reservoir manager and copied to SEPA within 28 days of issue.
- Within the 2011 Act there is now a requirement for a supervising engineer to supervise any drawdown or to nominate a representative to do this. (Section 50 (2) (I)).
- Supervising engineers now have the power to require the reservoir manager to carry out visual inspections of the reservoir at periods specified by the supervising engineer. (Section 50 (6) requires the reservoir manager to maintain a written record of such inspections. Section 50 (4)).



Errochty Hydro Dam, Perthshire, Scotland