

## Reservoirs (Scotland) Act 2011

### Overview

In this briefing you will find information about:

- The Reservoirs (Scotland) Act 2011
- Roles and responsibilities
- Key changes from the previous (1975) Act
- Further information

### 1. The Reservoirs (Scotland) Act 2011

Scotland's reservoirs are used for a variety of purposes, with a wide range of owners from large national companies to individuals. The continued safe operation and effective governance of reservoirs is important to manage the risk of an uncontrolled release of water (flooding) from these valuable assets.

In 2011 the Scottish Parliament passed The Reservoirs (Scotland) Act 2011 (the 2011 Act), and on 1<sup>st</sup> April 2016 the responsibility for regulating reservoir safety in Scotland was transferred from local authorities to the Scottish Environment Protection Agency (SEPA).

The 2011 Act takes a risk-based approach to the regulation of reservoirs by considering the consequences of an uncontrolled release of water. This approach aims to provide a more proportionate form of regulation for the industry and is consistent with how other sources of potential flooding are assessed.

SEPA have become the regulatory authority for reservoir safety in Scotland, providing regulation, advice and guidance to the industry.

### 2. New roles and responsibilities

There has been a phased transition from regulation under the 1975 Act to the 2011 Act. SEPA started registering reservoirs in April 2015 and took on full regulatory function in 2016. SEPA are currently regulating reservoirs with a capacity of 25 000m<sup>3</sup> or more however, at a later stage, regulation will also cover reservoirs with a capacity of 10 000m<sup>3</sup> or more; the equivalent of four Olympic sized swimming pools.

**2.1** As the regulator, SEPA is required to:

- Develop and maintain a public register of all controlled reservoirs (those reservoirs that fall under regulation).
- Assign a risk designation to all controlled reservoirs.

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- Provide a regulatory regime which is proportionate and transparent for the reservoir industry. This includes ensuring compliance with the law and taking enforcement action where necessary.

### 2.2 Reservoir managers

Reservoir managers are the operators, users or owners of a reservoir and have ultimate responsibility for its safety. This role was previously known in the 1975 Act as the undertaker.

### 3. Key changes

The 2011 Act has brought new features and responsibilities to the regulation of reservoir safety. The key changes include:

- A single enforcement authority for Scotland, providing more consistent regulation.
- When fully implemented, the minimum reservoir volume considered by legislation will reduce from 25,000m<sup>3</sup> to 10,000m<sup>3</sup>.
- The introduction of a risk based approach to reservoir risk designation, based on the potential consequences of an uncontrolled release of water. This gives a designation of high, medium or low risk assigned to each registered reservoir.
- A proportionate regulatory system where low and medium risk reservoirs are subject to less regulation than those designated as high risk based on the consequences of an uncontrolled release of water.

### 4. Further information

For enquiries relating to the current regulation of your reservoir, please contact the Reservoirs Regulatory Unit at [reservoirs@sepa.org.uk](mailto:reservoirs@sepa.org.uk) or call us on 03000 996699.

For further information about the 2011 Act and its implementation visit [SEPA's website](#).