Reservoirs (Scotland) Bill

Bill Number: SP Bill 55
Introduced on: 6 October 2010
Introduced by: Richard Lochhead (Executive Bill)
Passed: 9 March 2011
Royal Assent: 12 April 2011

Passage of the Bill

The Reservoirs (Scotland) Bill [SP Bill 55] was introduced in the Scottish Parliament on 6 October 2010. Stage 1 began on 1 December 2010 with the Rural Affairs and Environment Committee designated as the lead committee. The Stage 1 (general principles) debate took place on 27 January 2011, and the Bill was passed following the Stage 3 parliamentary debate on 9 March 2011. The Bill received Royal Assent on 12 April 2011.

Purpose and objectives of the Bill

The Bill makes provision for a new legal and administrative framework for the construction and management of reservoirs with the objective of reducing the risk of an uncontrolled release of water and the consequences of any subsequent flooding.

The Bill also provides for the creation of offences to support the Water Environment and Water Services (Scotland) Act 2003 (asp 3). These provisions are not connected to those relating to reservoir safety.

Provisions of the Bill

Part One of the Bill creates a framework for the construction and management of reservoirs to reduce the risk of an uncontrolled release of water and the consequences of subsequent flooding. This part sets out a new regulatory regime for the safe construction and operation of controlled reservoirs in Scotland, and makes provision in the following main areas:
• definition of controlled reservoirs as being capable of holding 10,000m\(^3\) or more of water, including associated infrastructure e.g. spillways, valves and pipes; and their compulsory registration by managers
• classification of each reservoir according to risk
• regulation, supervision and inspection of controlled reservoirs by panels of engineers
• requirement for incident reporting, flood planning, and for SEPA to enforce the provisions of the Bill

Part Two of the Bill provides for the creation of offences to support the Water Environment and Water Services (Scotland) Act 2003. These are not connected to Part One.

**Parliamentary consideration**

The Rural Affairs and Environment Committee took evidence between December 2010 and February 2011. Based on this, the committee raised concerns over:

• the definition of a controlled reservoir to include pipes, spillways, etc.; it was thought that this might impose an unrealistic and costly duty of inspection on reservoir managers
• the duty of multiple reservoir managers to co-operate with each other
• technical points relating to the appropriate role of engineers during construction, and ongoing inspection and supervision of reservoirs
• a lack of provisions enabling SEPA to charge registration and subsistence fees
• technical aspects of the Bill requiring further consultation with the Institution of Civil Engineers (ICE)
• the costs to, and financial assistance for, reservoir managers new to regulation

The main changes made to the Bill following Stage 2 were:

• an amendment to the definition of a controlled reservoir, removing the requirement to inspect all intakes and tunnels potentially spread over a substantial area
• clarification of who is intended to be captured as the manager of a reservoir, and the duty of multiple reservoir managers to co-operate with each other
• clarification of the appropriate role for engineers, as well as a number of changes to the supervision, inspection, certification and reporting regime throughout the lifetime of a reservoir
• SEPA enabled to charge for registration and subsistence fees in relation to costs incurred in the exercise of its functions under the Bill, which were omitted from the Bill as introduced
• Scottish Ministers given the power to issue grants to reservoir managers of high or medium risk reservoirs which were not previously
regulated to assist them with compliance with obligations arising as a result of the Bill

At Stage 3, 20 minor drafting amendments were agreed to without division.