

Comparison of Reservoir Legislation in England, Wales, Scotland and Northern Ireland.

April 2016

	Reservoirs Act 1975	Reservoirs Act 1975 as amended for England	Reservoirs Act 1975 as amended for Wales	Reservoirs (Scotland) Act 2011	Reservoirs Act (Northern Ireland) 2015
Regulatory Authority	Originally Local Authorities	Environment Agency (EA)	Natural Resources Wales (NRW)	Scottish Environment Protection Agency (SEPA)	Department of Agriculture and Rural Development (DARD). Department for Infrastructure from May 2016.
Registration Threshold	25,000 m ³	25,000 m ³ (Further evidence gathering, in 2016/17, to take place before Ministers decide on any changes to this threshold and inclusion of cascades)	10,000 m ³ Expected to come in to force 1 April 2016	10,000 m ³ Includes connected storages (cascades etc) but to be phased in. <u>Initially 25000m³ from 1 April 2016</u> . Reservoirs over 10,000m ³ will be brought under regime at a later date.	10,000m ³ Includes connected storages (cascades etc)
Fees	No	Still to be determined	Still to be determined	Yes	Yes. While the Act makes provision for the charging of fees there is no intention to do so at present.
Risk Designation	No accounting for risk within legislation	High Risk only, assessed on probability of failure = 1 & consequence.	High risk only, assessed on probability of failure = 1 & consequence.	High, Medium & Low – assessed on probability of failure = 1 & consequence.	High, Medium & Low Consequence – assessed primarily on the impact of an uncontrolled release of water due to dam failure.
Responsible party	Undertaker	Undertaker(s)	Undertaker(s)	Reservoir Manager(s)	Reservoir Manager(s)
Inspection Reports	Section 10 Report	Section 10 Report	Section 10 Report	Section 47 Report	*Section 35 Report
Inspecting Engineer	All sites No time limit on production of report Report only copied to Enforcement	High risk sites Inspection report to be sent within 6 months of inspection date to Undertaker All reports copied to EA	High risk reservoirs Inspection report to be sent within 6 months of inspection date to Undertaker All reports copied to NRW	High risk sites Medium risk sites, only when requested by supervising engineer Inspection report to be sent	High and Medium Consequence reservoirs. Inspection report to be sent within 6 months of inspection date to Reservoir Manager.

	Authority when MIoS contained in report No time limits on MIoS	Time limits on MIoS	Time limits on MIoS	within 9 months of inspection date to Reservoir Manager All reports copied to SEPA within 28 days of sending to Reservoir Manager Time limits on MIoS	All reports copied to the Department within 28 days. Time limits on MIoS
Supervising Statements	Section 12 Statement	Section 12 Statement	Section 12 Statement	Section 50 Statement	*Section 26 Statement
Supervising Engineer	All sites Not required to send statement to Enforcement Authority	High risk sites 12-monthly written statements produced for undertaker and all copied and sent to EA	High risk reservoirs 12-monthly written statements produced for undertaker and all copied and sent to NRW	High & Medium risk sites 12-monthly written statements produced for reservoir manager and all copied and sent to SEPA within 28 day of sending to reservoir manager.	High & Medium Consequence reservoirs 12-monthly written statements produced for Reservoir Manager and copied to Department
On-site Plans	No	Termed 'flood plan' in Act - Minister has powers to make this a statutory requirement by issuing further regulations	Termed 'flood plan' in Act - Minister has powers to make this a statutory requirement by issuing further regulations - No intention to make further regulations at this time	-Termed 'flood plan' in Act , Scottish Ministers have powers to make this a statutory requirement by issuing further regulations	Yes – termed 'flood plan' in the Act.
Maintenance items	Not statutory	Statutory – included in Inspecting engineer reports	Statutory – Matters in the Interests of Maintenance will be included in Inspecting engineer reports	Statutory – will be included in Inspecting engineer reports	Yes statutory. Works will be included in Inspecting engineer reports.
Incident Reporting	Voluntary	Statutory	Statutory	Scottish Ministers have powers to make this a statutory requirement by issuing further regulations.	Statutory, details will be set out in regulations.
Enforcement Powers	Only criminal	Criminal	Criminal	Civil Sanctions & Criminal	Civil and Criminal Sanctions
Public Register	Yes - limited	Yes – expanded requirements. All engineer reports, certificates & written statements to be included, as well as outline inundation map for each reservoir	Yes – expanded requirements. All engineer reports, certificates & written statements to be included.	Yes – expanded requirements. All engineer reports, certificates & written statements to be included, as well as outline inundation map for each reservoir	Yes – extent to be specified by regulations.

Reservoir Flood (Inundation) Maps	No	Yes. EA currently updating maps (produced in 2009) to reflect new legislation requirements	Yes. EA produced them for all sites covered by 1975 Act as registered in 2009. ‘New’ reservoirs between 10,000 and 25,000m ³ may be mapped by NRW to inform risk designation and emergency planning	Yes. SEPA has produced them for all sites covered by 1975 Act and will do so in due course for existing sites over 10,000 m ³ when the Act applies to such reservoirs . Reservoir Managers of new sites will be required to produce them & supply them as part of registration requirement.	Yes. The publication of reservoir flood maps will be consistent with the terms of the National Protocol.
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***Northern Ireland: It should be noted that Sections 26 and 35 of the Reservoirs Act (Northern Ireland) 2015 have not yet been commenced**