

On 1 April 2016 the Reservoirs Act 1975 will be amended in Wales with new regulations coming into force.

Ministerial approval has been received for the introduction of new regulations for the Reservoirs Act 1975. A summary of the main changes are given below. The new regulations come into force from 1 April 2016. The main amendments to the Reservoirs Act are:

1. The requirement for reservoir undertakers to register their reservoirs with a capacity of 10,000 cubic metres held above natural ground level;
2. A duty on NRW to designate reservoirs as high-risk reservoirs where an uncontrolled release of water could endanger human life;
3. Reservoir undertakers must notify NRW of any incident which may affect the safety of large raised reservoirs.

These are the principal changes, however for full details the new regulations can be read and downloaded at www.legislation.gov.uk:

[The Reservoirs Act 1975 \(Capacity, Registration, Prescribed Forms, etc.\) \(Wales\) Regulations 2016](#)

[The Reservoirs Act 1975 \(Exemptions, Appeals and Inspections\) \(Wales\) Regulations 2016](#)

[The Flood and Water Management Act 2010 \(Commencement No. 1 and Transitional Provisions\) \(Wales\) Order 2016](#)

What is the new definition of a large raised reservoir?

A reservoir is large and raised if:

- *a dam, embankment, wall or other structure is designed or used for collecting and storing water, and*
- *the raised structure is capable of holding 10,000 cubic metres, or more, above the natural level of any part of the surrounding land.*

Unless a certificate has been issued by a qualified civil engineer following construction or discontinuance works, any silt in the reservoir must be included when calculating capacity.

Registration

After 1 April 2016 undertakers of all large raised reservoirs, with a capacity of 10,000 cubic metres or more, must register their reservoirs with NRW. Reservoirs can be registered on our website, or by requesting a registration form to register by email or post. Reservoirs under construction must also be registered with NRW with the notification of the Construction Engineer 28 days before construction starts.

We will be contacting all undertakers of currently registered reservoirs with a capacity of 25,000m³ to provide advice on the new regulations. There will be no need for these undertakers to make a fresh registration, but we will ask them to confirm that the details we have are correct and up to date. These undertakers must continue to appoint Supervising Engineers and arrange for periodic inspections unless and until we have completed the risk designation process and written to them confirming that we do not consider their reservoir to be high-risk.

Our website will be updated to show our new guidance from 1 April 2016. The main responsibilities of undertakers for large raised reservoirs are shown in Table 2 below.

High-risk reservoirs and risk designation

From 1 April 2016 NRW has a duty to consider the consequences of the failure of large raised reservoirs. This will inform the level of regulation appropriate to each reservoir. We will designate a reservoir as high-risk when we consider an uncontrolled release of water could endanger human life. There are three stages to our designation process:

1. Provisional Designation based upon information we already have;
2. Period for representations – an opportunity for undertakers to engage with the designation process and provide evidence to better inform our decision;
3. Final Designation – the reservoir will receive one of the following designations:
 - i. High-risk Reservoir. Undertakers for these reservoirs must observe and comply with all requirements of the law including the supervision and inspections regimes by qualified civil engineers;
 - ii. Large Raised Reservoir. Construction, alteration and decommissioning activities will be controlled, but continual supervision and periodic inspection by qualified civil engineers is not required.

In some cases, where there is sufficient evidence that human life would not be endangered, an undertaker may receive a letter at stage 1 informing them that NRW does not consider their reservoir to be high-risk; this would end the designation process unless a review is required. There are provisions to appeal our risk designation.

Table 1: Timing of the risk designation process

	Reservoir Capacity	Timescale
Phase 1	Reservoirs with a capacity of 25,000m ³ and already registered	We will start our risk designation process in April 2016. We aim to provide our Provisional Designations by July 2016. The undertakers for these reservoirs must continue to appoint supervising and inspecting engineers unless and until we advise them that we do not consider their reservoir to be high-risk.
Phase 2	Reservoirs with a capacity of 10,000m ³ , newly registered	We intend to start the designation process for these reservoirs after completion of Phase 1. We may need to gather more information before we can provide a designation.

We cannot provide a timescale for the completion of the risk designation process for any reservoir as our Final Designation will depend on the extent of any representations made against our Provisional Designation. Figure 1 below illustrates our designation process.

Table 2: Principle duties placed on undertakers of large raised reservoirs

Principal requirements of the Reservoirs Act 1975	Reservoirs with a capacity of 10,000m ³ , but less than 25,000m ³	Reservoirs with a capacity of 25,000m ³ or more
Registration	From 1 st April 2016 undertakers must register large raised reservoirs with NRW.	We will accept the information we have for registration purposes. We will ask the undertakers to check, correct or confirm this.
Notify changes to registered information	All undertakers must notify us of any changes to the registered information for their reservoirs.	
Report incidents	Incidents which relate to the safety of a reservoir must be notified to us on 0800 80 70 60. A full report of the incident must be sent to us within one year.	
Appoint a qualified civil engineer to build, alter or re-use a reservoir (Construction Engineer)	Construction and alteration of all large raised reservoirs, with a capacity of 10,000 cubic metres or more, to increase or decrease their capacity must be designed and supervised by a Construction Engineer and a notification of their appointment sent to us.	
Appoint a qualified civil engineer to abandon or discontinue a reservoir	Works to prevent a reservoir from filling, or to remove a reservoir from regulation must be designed and supervised by a qualified civil engineer and a notification of their appointment sent to us.	
Appoint a qualified civil engineer to supervise a reservoir (Supervising Engineer)	There is no need to appoint a Supervising Engineer unless we designate the reservoir as a high-risk reservoir.	Undertakers must continue to appoint a Supervising Engineer unless and until we confirm we do not consider the reservoir to be high-risk.
Appoint a qualified civil engineer to undertake periodic inspection. (Inspecting Engineer)	There is no need to appoint an Inspecting Engineer unless we designate the reservoir as a high-risk reservoir.	Undertakers must continue to arrange periodic inspections unless and until we confirm we do not consider the reservoir to be high-risk.

Incident Reporting

The amendments introduce an obligation on undertakers and engineers to report incidents that affect the safety of large raised reservoirs. Incidents that occur at reservoirs in Wales should be reported to NRW in the first instance to 0800 80 70 60. There is also a requirement for the undertaker to provide a full report on the incident within one year providing the details of the incident and lessons to be drawn from it. NRW share incident reports with the other regulatory authorities, for collation into one review document, published on an annual basis.

Impacts of the amendments on qualified civil engineers

There are changes in the Act and in the supporting Regulations which affect the duties of qualified civil engineers.

High-risk reservoirs must be inspected within one year of designation as a high-risk reservoir, however this does not apply to reservoirs previously registered as large raised reservoirs with a capacity of 25,000m³ and already within an inspection regime.

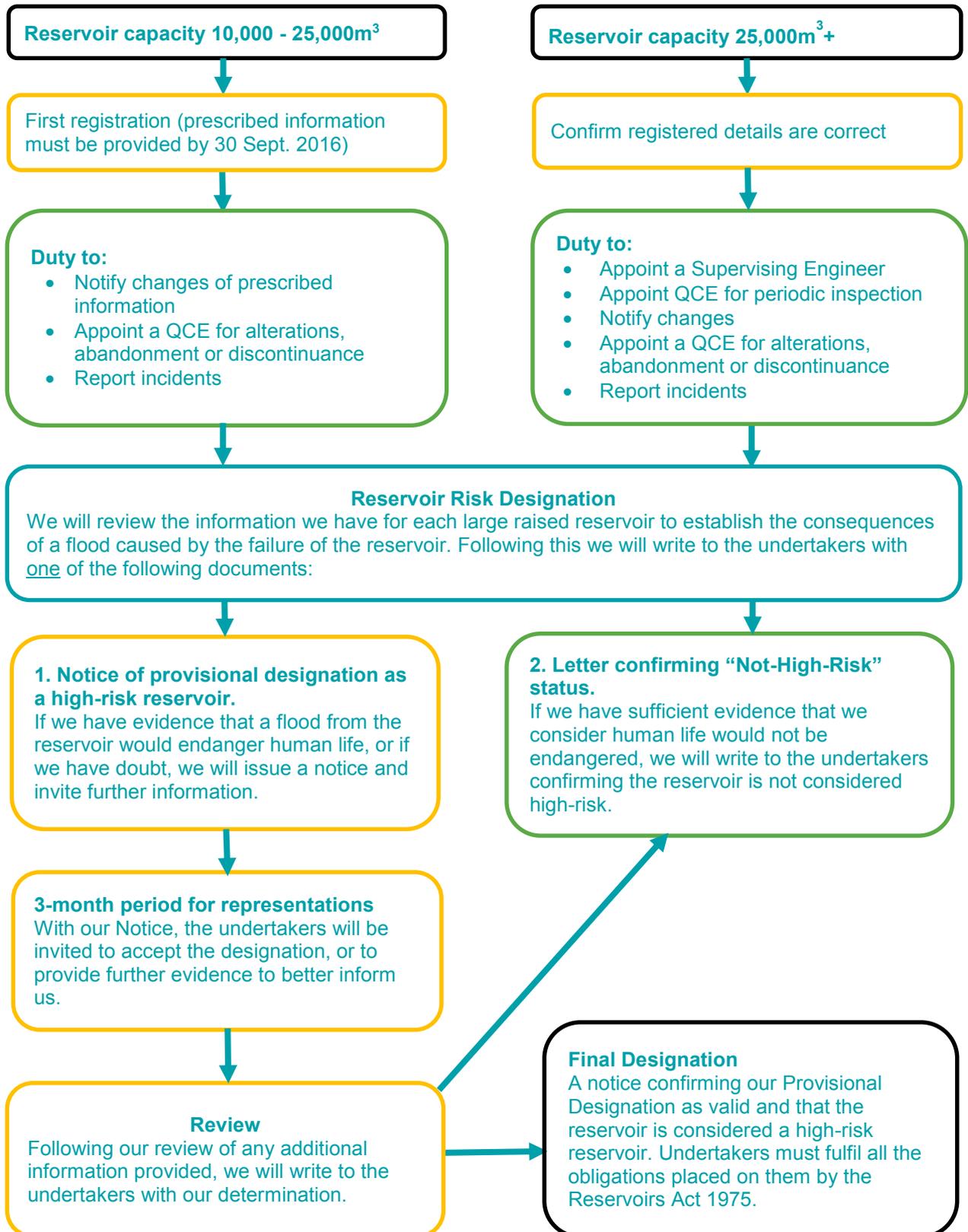
There is a new requirement on Inspecting Engineers to make any recommendations as to measures to be taken in the interests of maintenance, and for Supervising Engineers to include reference to these in their annual statement to the undertaker.

Where an Inspecting Engineer makes any recommendation as to measures to be taken in the interests of safety, they must also specify the period within which the measures should be taken.

Section 20 of the 1975 Act has been updated to specify the certificates and reports that need to be copied to NRW, these are:

- any certificate of an engineer acting for any purpose of the 1975 Act;
- all reports by Inspecting Engineers, or engineers acting under section 8, 9 or 14; this includes reports where no measures in the interests of safety have been made;
- the decisions of any referee appointed under the 1975 Act;
- the explanation of a Construction Engineer for deferring a final certificate;
- a Supervising Engineer's recommendation for an inspection under Section 10;
- a Supervising Engineer's advice which draws the undertakers attention to a breach of sections 6(2) to 6(4), Section 9(2) or Section 11;
- a Supervising Engineer's written statement made under Sections 12(2) and 12(2A) (NRW will accept these statements as a single combined document);
- a Supervising Engineer's direction made under section 12(6) to the undertaker to undertake a visual inspection.

Figure 1. Implementation of the amendments to the Reservoirs Act 1975



To raise awareness of the new regulations we will be writing to the owners of the reservoirs we have identified as having the potential for registration, and to advisory bodies such as Local Authorities, National Parks and land management advisors.

Questions regarding the Reservoirs Act and these forthcoming changes should be directed to the Reservoir Safety Team:

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