

RESERVOIRS ACT 1975

Joint Determination by the Secretary of State and the Welsh Ministers 2021

(WG21-94)

The Secretary of State and the Welsh Ministers make this joint determination in exercise of the powers conferred by section 4(1), (10) and (11) of the Reservoirs Act 1975 (“the Act”).

1. The Secretary of State and the Welsh Ministers jointly establish the joint panels of engineers for England and Wales listed in paragraph 4 in accordance with this determination.

2. The joint panels will be commenced on 1st January 2022.

3. The application process to the joint panels and the application fee will be prescribed by the Secretary of State and the Welsh Ministers in a joint Statutory Instrument for England and Wales.

4. The joint panels for England and Wales are the:

- (1) All Reservoirs (England and Wales) Panel;
- (2) Non-Impounding Reservoirs (England and Wales) Panel;
- (3) Service Reservoirs (England and Wales) Panel;
- (4) Supervising Engineers (England and Wales) Panel.

5.A “non-impounding reservoir” means a reservoir that is not designed to obstruct or impede the flow of a watercourse (meaning the inflow of water into the reservoir is pumped).

6.A “service reservoir” means a reservoir that is non-impounding and which is constructed of brickwork, masonry, concrete or reinforced concrete.

7.The purpose of each joint panel and the functions of the panel engineers are described in the Schedule.

8.The Secretary of State and the Welsh Ministers will review this determination at least every 5 years to ensure the joint panels remain appropriate and fit for purpose.



Rebecca Pow MP
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs

30.11.21

Julie James

Julie James MS,
Minister for Climate Change,
one of the Welsh Ministers

29.11.2021

SCHEDULE

JOINT PANELS OF ENGINEERS FOR ENGLAND AND WALES

<i>Title</i>	<i>Purpose of the joint panel and functions of engineers</i>
All Reservoirs (England and Wales) Panel	<p>Members of this panel are civil engineers who are qualified in relation to all reservoirs to which the Act applies. These engineers' functions include:</p> <ol style="list-style-type: none">1. acting as a construction engineer for the purposes of sections 6 and 7 of the Act, including to design and supervise the construction, alteration and re-use of reservoirs and issue the relevant reports and certificates;2. acting as a qualified civil engineer for the purposes of section 8 of the Act;3. acting as a qualified civil engineer for the purposes of section 9 of the Act;4. acting as a qualified civil engineer, including as an inspecting engineer, for the purposes of section 10 of the Act, including recommending measures in the interest of safety ("MloS") and maintenance, setting deadlines for work to be completed, certifying the completion of measures in the interest of safety and supervising and certifying recommendations being carried into effect;5. acting as a construction engineer or as an inspecting engineer for the purposes of section 11 of the Act;6. acting as a supervising engineer for the purposes of section 12 of the Act, including undertaking an assessment and providing a written statement on the condition of the reservoir to the undertaker;7. acting as the appointed engineer for the purposes of section 12AA of the Act, including advising an undertaker about flood plans for a reservoir and directing the undertaker about testing and revising a flood plan;8. acting as a qualified civil engineer for the purposes of sections 13 and 14 of the Act for the discontinuance or abandonment (decommissioning) of reservoirs;9. acting as a qualified civil engineer for the purposes of section 15 of the Act;10. acting as a qualified civil engineer for the purposes of section 16 of the Act; and11. acting as a referee for the purposes of section 19 of the Act.
Non-Impounding Reservoirs (England and Wales) Panel	<p>Members of this panel are civil engineers who are qualified in relation to all non-impounding reservoirs to which the Act applies. These engineers' functions include:</p> <ol style="list-style-type: none">1. acting as a construction engineer for the purposes of sections 6 and 7 of the Act, including to design and supervise the

- construction, alteration and re-use of reservoirs and issue the relevant reports and certificates;
2. acting as a qualified civil engineer for the purposes of section 8 of the Act;
 3. acting as a qualified civil engineer for the purposes of section 9 of the Act;
 4. acting as a qualified civil engineer, including as an inspecting engineer, for the purposes of section 10 of the Act, including recommending measures in the interest of safety (“MloS”) and maintenance, setting deadlines for work to be completed, certifying the completion of measures in the interest of safety and supervising and certifying recommendations being carried into effect;
 5. acting as a construction engineer or as an inspecting engineer for the purposes of section 11 of the Act;
 6. acting as a supervising engineer for the purposes of section 12 of the Act, including undertaking an assessment and providing a written statement on the condition of the reservoir to the undertaker;
 7. acting as the appointed engineer for the purposes of section 12AA of the Act, including advising an undertaker about flood plans for a reservoir and directing the undertaker about testing and revising a flood plan;
 8. acting as a qualified civil engineer for the purposes of sections 13 and 14 of the Act for the discontinuance or abandonment (decommissioning) of reservoirs;
 9. acting as a qualified civil engineer for the purposes of section 15 of the Act;
 10. acting as a qualified civil engineer for the purposes of section 16 of the Act; and
 11. acting as a referee for the purposes of section 19 of the Act.

Service Reservoirs (England and Wales) Panel

Members of this panel are civil engineers who are qualified in relation to all service reservoirs to which the Act applies which are non-impounding and which are constructed of brickwork, masonry, concrete or reinforced concrete. These engineers’ functions include:

1. acting as a construction engineer for the purposes of sections 6 and 7 of the Act, including to design and supervise the construction, alteration and re-use of reservoirs and issue the relevant reports and certificates;
2. acting as a qualified civil engineer for the purposes of section 8 of the Act;
3. acting as a qualified civil engineer for the purposes of section 9 of the Act;
4. acting as a qualified civil engineer, including as an inspecting engineer, for the purposes of section 10 of the Act, including recommending measures in the interest of safety (“MloS”) and maintenance, setting deadlines for work to be

completed, certifying the completion of measures in the interest of safety and supervising and certifying recommendations being carried into effect;

5. acting as a construction engineer or as an inspecting engineer for the purposes of section 11 of the Act;
6. acting as a supervising engineer for the purposes of section 12 of the Act, including undertaking an assessment and providing a written statement on the condition of the reservoir to the undertaker;
7. acting as the appointed engineer for the purposes of section 12AA of the Act, including advising an undertaker about flood plans for a reservoir and directing the undertaker about testing and revising a flood plan;
8. acting as a qualified civil engineer for the purposes of sections 13 and 14 of the Act for the discontinuance or abandonment (decommissioning) of reservoirs;
9. acting as a qualified civil engineer for the purposes of section 15 of the Act;
10. acting as a qualified civil engineer for the purposes of section 16 of the Act; and
11. acting as a referee for the purposes of section 19 of the Act.

Supervising Engineers
(England and Wales) Panel

Members of this panel are civil engineers qualified to supervise large raised reservoirs under the Act. These engineers' functions include:

1. acting as a supervising engineer for the purposes of section 12 of the Act, including undertaking an assessment and providing a written statement on the condition of the reservoir to the undertaker; and
 2. acting as the appointed engineer for the purposes of section 12AA of the Act, including advising an undertaker about flood plans for a reservoir and directing the undertaker about testing and revising a flood plan.
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EXPLANATORY NOTE

(This note is not part of the Determination)

The Reservoirs Act 1975 (“the Act”) confers a power on the Secretary of State and Welsh Ministers jointly to determine panels of civil engineers to provide to reservoir undertakers and regulators professional services, including inspections, supervision and construction or alteration of reservoirs.

This determination establishes four joint panels of reservoir engineers serving England and Wales. The application process for the joint panels and any fees associated with the application process will be set out in a joint Statutory Instrument for England and Wales. This determination will be reviewed at least every 5 years and may also be reviewed if necessary following any changes to the reservoir safety regime.

The joint panels will be administered by Defra and the Environment Agency in consultation with the Welsh Government and Natural Resources Wales.