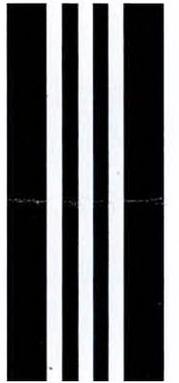


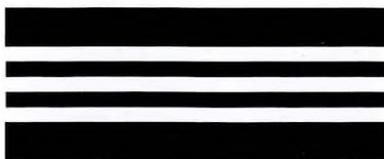
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Safety Provisions)
Act, 1930.

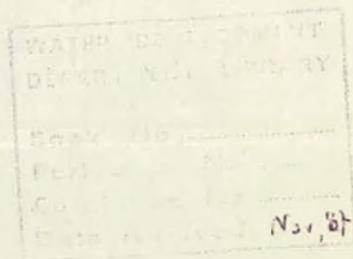
[20 & 21 GEO. 5. CH. 51.]

ARRANGEMENT OF SECTIONS.

A.D. 1930.

Section.

1. Precautions to be observed in the construction of large reservoirs.
2. Periodical inspection of large reservoirs.
3. The keeping of records.
4. Publication and inspection of certificates and reports.
5. Jurisdiction of quarter sessions.
6. Alterations of reservoirs.
7. Liability for damage and injury.
8. Qualification of engineers.
9. Expenses of councils.
10. Interpretation.
11. Application to Scotland.
12. Short title, commencement and extent.



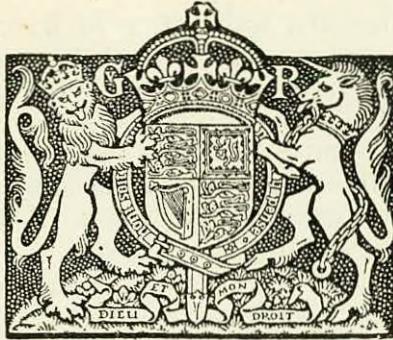
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CHAPTER 51.

An Act to impose, in the interests of safety, precautions to be observed in the construction, alteration, and use of reservoirs, and to amend the law with respect to liability for damage and injury caused by the escape of water from reservoirs.

A.D. 1930.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) After the commencement of this Act a large reservoir shall not be constructed unless a qualified civil engineer within the meaning of this Act is employed to design and supervise the construction thereof.

Precautions to be observed in the construction of large reservoirs.

(2) As soon as the engineer so employed as aforesaid considers that the construction has reached a stage at which the reservoir can properly be filled wholly or partially with water, he shall give a certificate (hereinafter referred to as the "preliminary certificate") specifying the level up to which the reservoir may be filled and the conditions (if any) subject to which it may be so filled.

Any such preliminary certificate may from time to time be varied by the said engineer either by specifying a higher or lower level or by imposing conditions

A.D. 1930. — subject to which the reservoir may be filled or altering any conditions already imposed.

(3) If, after the issue of a preliminary certificate, the said engineer is satisfied that the reservoir is sound and satisfactory and may safely be used for the storage of water, he shall give a certificate (hereinafter referred to as the "final certificate") to that effect, and the final certificate shall specify the level up to which water may be stored and the conditions (if any) subject to which it may be so stored :

Provided that the said engineer shall not issue a final certificate specifying as the level up to which water may be stored a level lower than the top water level unless either the undertakers consent or more than three years have elapsed since the issue of the preliminary certificate.

(4) No such reservoir shall be filled with water either wholly or partially or used for the storage of water—

- (a) before the issue of a preliminary certificate ;
- (b) in the interval between the issue of a preliminary certificate and the final certificate, otherwise than in accordance with the preliminary certificate or such variations thereof as may from time to time be in force ;
- (c) after the issue of the final certificate, otherwise than in accordance with that certificate.

(5) The said engineer shall also, at the time when he gives the final certificate or at such earlier date after the completion of the works as may be practicable, furnish detailed drawings and descriptions of the works actually constructed and shall certify that the works have been efficiently executed in accordance with those drawings and descriptions.

The drawings and descriptions shall be annexed to and shall be deemed to form part of the certificate so given, and shall contain full information regarding the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.

(6) Every certificate given under this section shall be in the prescribed form and shall be delivered to and kept by the undertakers.

(7) For the purposes of this section the expression "top water level" in relation to any reservoir means the highest level up to which the reservoir was designed to be used for the storage of water.

(8) Where at the commencement of this Act a large reservoir is in the course of construction—

(a) in a case where the reservoir has not at the commencement of this Act been filled wholly or partially with water, the provisions of this section, other than subsection (1) thereof, shall apply in relation to the reservoir;

(b) in a case where the reservoir has at the commencement of this Act been filled wholly or partially with water, the engineer employed to design and supervise the construction thereof shall, as soon as practicable after the commencement of this Act, give a certificate specifying the level up to which the reservoir may be filled and the conditions (if any) subject to which it may be so filled, and that certificate shall have effect for the purposes of this section as a preliminary certificate, and the provisions of this section, other than subsection (1) and paragraph (a) of subsection (4) thereof, shall apply in relation to the reservoir accordingly;

(c) in either case, the certificates required under this section may be given by the engineer responsible for supervising the construction of the reservoir notwithstanding that he is not a qualified civil engineer within the meaning of this Act.

2.—(1) It shall be the duty of the undertakers to cause a periodical inspection, and a report of the result thereof, to be made in accordance with the provisions of this section in respect of any large reservoir, whether constructed before or after the commencement of this Act, in which water is stored.

Periodical
inspection
of large
reservoirs.

(2) The first inspection shall be made—

(a) in the case of a reservoir constructed before the commencement of this Act, or of a reservoir in course of construction at the commencement of this Act, within three years from the commencement of this Act;

A.D. 1930.

- (b) in the case of a reservoir constructed after the commencement of this Act, at the expiration of a period not exceeding ten years from the date of the preliminary certificate given in relation to the reservoir under the last foregoing section :

Provided that, if in the case of a reservoir in course of construction at the commencement of this Act the engineer responsible for supervising the construction of the reservoir becomes a qualified civil engineer within the meaning of this Act, this subsection shall apply as if the reservoir had been constructed after the commencement of this Act.

- (3) Subsequent inspections shall be made at intervals of not more than ten years :

Provided that, if the report of the result of any inspection made under this section contains a recommendation that the next inspection should be made within a period of less than ten years, the interval in such case shall not exceed the period stated in the report.

(4) Where any alterations to a large reservoir are carried out, being alterations which do not increase the capacity of the reservoir but are such as might affect the safety of the reservoir, then, unless a qualified civil engineer within the meaning of this Act is employed to design and supervise the carrying out of the alterations, it shall be the duty of the undertakers to cause an inspection of the reservoir, and a report of the result thereof, to be made as soon as practicable after the alterations have been completed.

(5) Every inspection and report required under this section shall be made by an independent qualified civil engineer within the meaning of this Act appointed for the purpose by the undertakers :

Provided that, where there is in the employment of the undertakers a qualified civil engineer within the meaning of this Act, who is responsible to the undertakers for the maintenance of the reservoir, the undertakers may appoint that engineer to make any such inspection and report.

(6) On the appointment of an engineer to make an inspection under this section, the undertakers shall publish in such manner as may be prescribed notice of

the fact and of the name of the engineer appointed and shall afford the engineer so appointed all reasonable facilities for an effective inspection and shall furnish him with the record required to be kept by them under this Act and copies of the certificates (if any) delivered to them under this Act, and such further information and particulars relating to the reservoir as he may require, including, in the case of an inspection subsequent to the first inspection, copies of all reports made on every previous inspection under this Act.

If the undertakers fail to publish the name of an engineer as required by this subsection, they shall be liable on summary conviction to a fine not exceeding twenty pounds.

(7) Every report of the result of an inspection made under this section shall be made as soon as practicable after the inspection and shall be in the prescribed form and shall be sent to the undertakers and kept by them, and where the report contains a recommendation that any measures should be taken in the interests of safety, the undertakers shall as soon as practicable carry such measures into effect under the supervision of a qualified civil engineer within the meaning of this Act.

(8) If the undertakers feel aggrieved by any recommendation contained in a report made under this section, being a recommendation as to the time within which the next inspection is to be made or as to the measures to be taken in the interests of safety, they may, in accordance with rules made under this section, refer their complaint to such independent qualified civil engineer within the meaning of this Act as may be appointed by agreement between them and the engineer who made the report or, in default of their agreement, to such person as the Secretary of State may appoint, and the referee, after investigating the complaint, shall have power to make such modifications in the report as he thinks fit, and the report shall, for the purposes of this Act, have effect accordingly.

(9) The Secretary of State may make rules as to the time within which a referee may be appointed by agreement under the last foregoing subsection, as to the time within which, and the manner in which, a request for the appointment of a referee under the last foregoing subsection may be made to him, as to the procedure

A D. 1930. before the referee and as to the costs of the proceedings before and investigation by the referee (including the remuneration of the referee), so, however, that the said costs (including the said remuneration) shall be paid by the undertakers.

(10) For the purposes of this section "independent" in relation to an engineer means an engineer who is not in the employment of the undertakers otherwise than in a consultant capacity and who is not the engineer responsible for the design or construction of the reservoir.

The keeping
of records.

3. The undertakers shall keep in relation to any large reservoir a record in the prescribed form, giving such information at such intervals as may be prescribed, as to—

- (a) water levels and depth of water, including the flow of water over the waste weir or overflow;
- (b) leakages, settlements of walls and other works, and repairs;
- (c) such other matters as may be prescribed.

Publication
and
inspection
of certifi-
cates and
reports.

4.—(1) Within one month after the receipt of a certificate or report under this Act, the undertakers shall publish in the prescribed manner notice of the fact and of the place where the certificate or report may be inspected.

(2) The undertakers, on being so requested by the council of any county, municipal or metropolitan borough, or district likely to be affected by the escape of water from the reservoir, or by any person resident in or interested in property in any area likely to be so affected, shall—

- (a) give information as to whether any such certificate or report has been received, and such information as may reasonably be required as to the measures (if any) taken or proposed to be taken to give effect to any recommendations in any such report;
- (b) produce for inspection any certificate or report which the undertakers are under this Act required to keep;
- (c) supply a copy, certified to be a true copy, of any such certificate or report on payment of the reasonable cost of copying.

(3) If the undertakers contravene or fail to comply with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding ten pounds. A.D. 1930.
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5.—(1) Where any such council or person as is mentioned in the last foregoing section alleges— Jurisdiction
of quarter
sessions.

(a) that the provisions of this Act relating to the construction of reservoirs are not being complied with in respect of any reservoir; or

(b) that a reservoir has been filled or used in contravention of the provisions of this Act; or

(c) that an inspection and report thereon has not been made in accordance with the requirements of this Act; or

(d) that the measures stated in any report of the result of an inspection to be necessary in the interests of safety have not been taken or have not been carried into effect under the supervision of a qualified civil engineer within the meaning of the Act;

the council or person may apply to the court of quarter sessions for the county or borough in which any part of the reservoir is situate, and on such application that court may make such order in relation to the reservoir as seems to them to be required in the interests of safety.

(2) If, on any such application as aforesaid, it appears to the court that the undertakers have failed to comply with any of the requirements of this Act, the court may, whether or not they make such order as aforesaid, order that the undertakers shall forfeit to His Majesty such sum, not exceeding five hundred pounds, as the court think fit.

(3) On any such application the court may make such order as to payment of the costs of the application as the court think fit.

6. Where a reservoir is at the commencement of this Act in the course of being altered, or a reservoir, whether constructed before or after the commencement of this Act, is after the commencement of this Act altered, so as to increase the capacity thereof, and the reservoir is a large reservoir, or will when altered become Alteration
of reservoirs.

A.D. 1930. — a large reservoir, the foregoing provisions of this Act shall apply subject to the following modifications —

- (a) references to the construction of reservoirs shall include references to such alterations as aforesaid;
- (b) in section one references to a reservoir shall be construed as references to that part of the reservoir which will provide the additional capacity.

Liability for damage and injury.

7. Where damage or injury is caused by the escape of water from a reservoir constructed after the commencement of this Act under statutory powers granted after the passing of this Act, the fact that the reservoir was so constructed shall not exonerate the undertakers from any indictment, action or other proceedings to which they would otherwise have been liable.

Qualification of engineers.

8.—(1) There shall be constituted a panel of civil engineers for the purposes of this Act, or if the Secretary of State so determines after consultation with the President of the Institution of Civil Engineers, or, if that institution appoint a committee for the purpose, with that committee, different panels for different purposes of this Act or for different classes of reservoirs.

(2) Any civil engineer may apply in the prescribed manner to be placed on any panel, and the Secretary of State, if satisfied after such consultation as aforesaid, that the applicant is qualified to be placed on that panel, shall appoint him to be a member thereof.

(3) The Secretary of State may remove any engineer from any panel constituted under this section if satisfied after such consultation as aforesaid that the engineer is not fit to remain on that panel.

(4) In exercising his functions under this section, the Secretary of State shall act in conjunction with the Minister of Health and the Department of Health for Scotland.

Expenses of council.

9. Any expenses incurred under this Act by the council of any county, borough or district, other than expenses incurred by the council as undertakers, shall—

- (a) in the case of a county council, be defrayed as expenses for general county purposes or, if the Minister of Health by order so directs, as

expenses for special county purposes charged on such part of the county as may be provided by the order: A.D. 1930.

- (b) in the case of the council of a metropolitan borough, be defrayed as part of the general expenses of the council:
- (c) in the case of the council of a municipal borough or urban district, be defrayed as part of the expenses of the council in the execution of the Public Health Acts, 1875 to 1926:
- (d) in the case of the council of a rural district, be defrayed as part of the general expenses of the council in the execution of the Public Health Acts, 1875 to 1926, or, if the Minister of Health by order so directs, shall be levied as special expenses.

10.—(1) For the purposes of this Act, unless the context otherwise requires— Interpretation.

The expression "large reservoir" means a reservoir (whether constructed under statutory powers or not, and whether intended for the purpose of impounding water or for service purposes) designed to hold, or capable of holding, more than five million gallons of water above the natural level of any part of the land adjoining the reservoir:

The expression "qualified civil engineer within the meaning of this Act" means a civil engineer who is a member of the panel of civil engineers constituted for the purposes of this Act or, if different panels are constituted for different purposes of this Act, or for different classes of reservoirs, a member of the appropriate panel:

The expression "undertakers" means the persons for the time being carrying on any undertaking comprising or intended to comprise a reservoir or, when a reservoir is not used or intended to be used for the purpose of any undertaking, the owners or lessees thereof:

The expression "prescribed" means prescribed by regulations made by the Secretary of State in conjunction with the Minister of Health and the Department of Health for Scotland.

A.D. 1930.

(2) Where a contract for the construction or alteration of a reservoir has been entered into, but the construction or alteration has not been commenced before the commencement of this Act, the reservoir shall be deemed to be a reservoir in the course of construction or alteration at the commencement of this Act.

Application to Scotland.

11. This Act shall apply to Scotland subject to the following modifications :—

- (1) References to the council of a borough and of a district shall be respectively construed as references to a town council and a county council;
- (2) For any reference to a court of quarter sessions for the county or borough in which any part of the reservoir is situate, there shall be substituted a reference to the sheriff within whose jurisdiction any part of the reservoir is situate;
- (3) The following section shall be substituted for section nine :—

“ Any expenses incurred under this Act by any county or town council, other than expenses incurred as undertakers, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.”

Short title, commencement and extent.

12.—(1) This Act may be cited as the Reservoirs (Safety Provisions) Act, 1930.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-one.

(3) This Act shall not extend to Northern Ireland.