



Jersey

# **RESERVOIRS (CERTIFICATES, REPORTS AND PRESCRIBED INFORMATION) (JERSEY) ORDER 1997**

## **Official Consolidated Version**

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# **RESERVOIRS (CERTIFICATES, REPORTS AND PRESCRIBED INFORMATION) (JERSEY) ORDER 1997**

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Jersey

## **RESERVOIRS (CERTIFICATES, REPORTS AND PRESCRIBED INFORMATION) (JERSEY) ORDER 1997<sup>1</sup>**

**THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE**, in pursuance of Articles 20, 21 and 29 of the [Reservoirs \(Jersey\) Law 1996](#), orders as follows –

Commencement [[see endnotes](#)]

### **1 Interpretation**

In this Order –

“lowest natural ground level” means, where relevant, the lowest bed level of any watercourse;

“register” means a register of civil engineers established under Article 5 of the Law;

“Schedule” means Schedule to this Order;

“Law” means the [Reservoirs \(Jersey\) Law 1996](#);

“top water level” means, in relation to a reservoir with a fixed overflow sill, the lowest crest level of that sill, and for a reservoir the overflow from which is controlled wholly or partly by movable gates, syphons or otherwise, the maximum level to which water may be stored exclusive of any provision for flood storage.

### **2 Form of certificates**

- (1) The certificates mentioned in paragraph (2) shall be given in the appropriate form set out in Schedule 1.
- (2) The certificates referred to in paragraph (1) are –
  - (a) a preliminary certificate;
  - (b) an interim certificate;

- (c) a final certificate;
- (d) a certificate of efficient execution of works given under Article 7(6) or 8(7) of the Law;
- (e) a certificate given under Article 10(5) of the Law, as to the report of an inspecting engineer;
- (f) a certificate given under Article 10(6) of the Law, as to the carrying out of safety recommendations;
- (g) a certificate given under Article 13(2) of the Law, following discontinuance;
- (h) a certificate given under Article 14(3) of the Law as to safety recommendations on abandonment;
- (i) a certificate given under Article 15(2) of the Law, as to carrying out of safety recommendations;
- (j) an arbitrator's certificate given under Article 19(4) of the Law.

### **3 Form of reports**

- (1) The reports mentioned in paragraph (2) shall be made in the appropriate form set out in Schedule 2.
- (2) The reports referred to in paragraph (1) are –
  - (a) a report under Article 8(2) of the Law, made on construction or alteration;
  - (b) a report under Article 9(1) of the Law, made before re-use;
  - (c) a report under Article 10(1) of the Law, of an inspection;
  - (d) a report under Article 14(1) of the Law, made on abandonment.

### **4 Prescribed information**

The information to be given by undertakers to the Minister under Article 21(1) of the Law shall be the information set out in Schedule 3.

### **5 Citation**

This Order may be cited as the Reservoirs (Certificates, Reports and Prescribed Information) (Jersey) Order 1997.

## SCHEDULE 1

(Article 2)

### CERTIFICATES

The italicised letters in the forms of certificates in this Schedule indicate the information to be included as follows –

- (a) name of engineer;
- (b) address of engineer;
- (c) name of register to which engineer is appointed;
- (d) name of undertakers or the Minister, as appropriate;
- (e) name of reservoir;
- (f) situation of reservoir, with sufficient detail to identify it (including the National Grid Reference of the approximate centre of the reservoir);
- (g) level above Ordnance Datum to which the reservoir may be filled, excluding the allowance made for flood conditions;
- (h) level above Ordnance Datum to which water may be stored, excluding the allowance made for flood storage;
- (i) date of preliminary or interim certificate as appropriate;
- (j) conditions subject to which the reservoir may be filled or water may be stored up to the level specified;
- (k) date of report or certificate, as appropriate;
- (l) date of completion of works;
- (m) period recommended in the report within which the next inspection should be made;
- (n) date of inspecting engineer's report;
- (o) name of inspecting engineer;
- (p) name of arbitrator;
- (q) address of arbitrator;
- (r) date of arbitrator's decision;
- (s) name of person appointing arbitrator.

In these certificates, square brackets and the words within them are not to be included where they are inappropriate.

**Reservoirs (Jersey) Law 1996****Preliminary Certificate**

- I (a) of (b), being a member of the (c), appointed by (d) to be responsible for the

[construction of a new large raised]

[construction of a new large raised reservoir by the alteration of an existing]

[alteration to increase the capacity of a large raised]

[re-use of an abandoned]

reservoir known as (e) situated at (f), consider that the [addition to the] reservoir can properly be filled [wholly] [partially] with water up to a level of (g) [subject to the following conditions (j).]

[This preliminary certificate is given further to a previous preliminary certificate given by (a) of (b) on (i) and supersedes that certificate in so far as it varies the [water level] [conditions] specified in that certificate.]

Signature of Engineer

Date of Certificate



### Reservoirs (Jersey) Law 1996

#### **Interim Certificate**

- I (*a*) of (*b*), being a member of the (*c*), appointed by (*d*) to be responsible for an addition to a large raised reservoir, known as (*e*) situated at (*f*), consider that the addition to the reservoir ought not to be filled with water up to a level or subject to the conditions that, if this certificate were not given, would otherwise be lawful, but that, until the issue of a preliminary certificate, it may be filled with water up to a level of (*g*) (subject to the following conditions (*j*).]

[This interim certificate is given further to an interim certificate given by (*a*) of (*b*) on (*i*) and supersedes that certificate in so far as it varies the [water level] [conditions] specified in that certificate.]

Signature of Engineer

Date of Certificate

**Reservoirs (Jersey) Law 1996****Final Certificate**

- I (a) of (b), being a member of the (c), appointed by (d) to be responsible for the

[construction of a new large raised]

[construction of a new large raised reservoir by the alteration of an existing]

[alteration to increase the capacity of a large raised]

[re-use of an abandoned]

reservoir known as (e) situated at (f), [for which a preliminary certificate was given on (i) (*see Note 1*)] am satisfied that the [addition to the] reservoir [is sound and satisfactory and (*see Note 2*)] may safely be used for the storage of water up to a level of (h) [subject to the following conditions (j)].

[I am also satisfied that the recommendations as to measures to be taken in the interests of safety included in the report dated (k) made by (Name of Engineer making report) have been carried into effect. (*see Note 3*).]

Signature of Engineer

Date of Certificate

**Annex to Certificate (see Note 4)****Notes**

1. *Where a final certificate is given under Article 8 of the Law it may be that no preliminary certificate has been issued.*
2. *A final certificate given under Article 8 or 9 of the Law (except one given in the circumstances described in Article 8(5) of the Law) need not state that the engineer is satisfied that the reservoir, or the addition to it, is sound and satisfactory.*
3. *If a final certificate does not, for the reasons given in Note 2 above, state that the engineer is satisfied that the reservoir is sound and satisfactory and a report made either under Article 8(2) or 9(1) of the Law includes any recommendations as to measures to be taken in the interests of safety, the engineer must state that those recommendations have been carried into effect – Articles 8(6) and 9(5) of the Law.*
4. *The engineer shall include in an annex to the certificate a note of the matters, if any, the engineer considers need to be watched by a supervising engineer during the period before an inspection of the reservoir is made under the Law – Article 7(5) of the Law.*

**Reservoirs (Jersey) Law 1996**

**Certificate of Efficient Execution of Works, under Article [7(6)]  
[8(7)]**

- I (a) of (b), being a member of the (c), appointed by (d) to be responsible for the

[construction of a new large raised]

[construction of a large raised reservoir by the alteration of an existing]

[alteration to increase the capacity of a large raised]

reservoir known as (e) situated at (f), which was completed on (l) certify that [so far as I am able to ascertain (*see Note 1*)] those works have been efficiently executed in accordance with the drawings and descriptions annexed to this certificate (*see Note 2*).

Signature of Engineer

Date of Certificate

**Annex to Certificate (see Note 2)**

**Notes**

1. *A certificate of execution of works given under Article 8(7) of the Law should, unlike a certificate given under Article 7(6) contain these words.*
2. *Detailed drawings and descriptions giving full information of 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 are required to be annexed by the Articles mentioned in Note 1.*

**Reservoirs (Jersey) Law 1996****Inspecting Engineers Certificate under Article 10(5)**

- I (*a*) of (*b*), being a member of the (*c*), appointed by (*d*) to carry out an inspection of the reservoir known as (*e*) situated at (*f*), made a report of that inspection on (*k*) which [does not include] [includes] recommendations as to measures to be taken in the interests of safety. [That report includes also a recommendation as to the time of the next inspection of the reservoir, which should be made within (*m*).]

Signature of Engineer

Date of Certificate

**Reservoirs (Jersey) Law 1996**

**Certificate under Article 10(6), as to the carrying out of safety recommendations**

- I (*a*) of (*b*), being a member of the (*c*), appointed by (*d*) to supervise the carrying into effect at the reservoir known as (*e*) situated at (*f*), of measures taken in the interests of safety recommended in a report made on (*n*) by (*o*), [which was modified by the decision of (*p*) of (*q*), acting as arbitrator, given on (*r*),] am satisfied that those measures have been carried into effect.

Signature of Engineer

Date of Certificate

**Reservoirs (Jersey) Law 1996****Certificate under Article 13(2), on Discontinuance**

- I (*a*) of (*b*), being a member of the (*c*), appointed by (*d*) to [design] [approve] and to supervise the alteration of the reservoir known as (*e*) situated at (*f*), so as to render it incapable of holding more than 10,000 cubic metres of water above the natural level of any part of the land adjoining it, am satisfied that the alteration has been completed and has been efficiently executed.

Signature of Engineer

Date of Certificate

**Reservoirs (Jersey) Law 1996**

**Certificate under Article 14(3), on Abandonment**

- I (*a*) of (*b*), being a member of the (*c*), appointed by (*d*) to give a report as to the measures (if any) that ought to be taken in the interests of safety to secure that the reservoir known as (*e*) situated at (*f*), is incapable of filling accidentally or naturally with water above the natural level of any part of the land adjoining it or is only capable of doing so to an extent that does not constitute a risk, have today given a report under Article 14(1) of the Law which [does not include] [includes] recommendations for measures to be taken in the interests of safety.

Signature of Engineer

Date of Certificate

**Reservoirs (Jersey) Law 1996****Certificate under Article 15(2), as to the carrying out of Safety Recommendations**

- I (a) of (b), being a member of the (c), appointed by the Minister, following the failure of (Name of undertakers) to comply with a Notice from the Minister requiring them to carry into effect recommendations contained in a report made under this Law by (a) on (k) [and modified by the decision of an arbitrator] as to measures to be taken in the interests of safety at (e) situated at (f), to supervise the carrying out of those measures, am satisfied that those recommendations have been carried into effect.

Signature of Engineer

Date of Certificate



**Reservoirs (Jersey) Law 1996**

**Arbitrator's Certificate under Article 19(4)**

- I (a) of (b), being a member of the (c), appointed by (s) to investigate the complaint of (Name of undertakers), undertakers for the reservoir known as (e) situated at (f), regarding a recommendation contained in a report dated (k) made by (Name of Engineer making Report) [as to measures to be taken in the interests of safety at] [and/or] [as to the time of the next inspection of] the reservoir; have decided [not] to modify that report.

[Accordingly, I revise the certificate dated (k) which was given with reference to that report, in the following manner –]

Signature of Arbitrator

Date of Certificate

## SCHEDULE 2

(Article 3)

### REPORTS

In this Schedule references to an engineer's findings and recommendations include –

- (a) when appropriate, findings as to whether undertakers are complying with their obligations under Article 11 of the Law (recording of water levels etc.);
- (b) particulars of any directions given by the engineer as to the intervals at which, or the manner in which information is to be recorded under Article 11;
- (c) details of any recommendations involving alterations or additions to works or the installation of instruments or gauges for measuring leakage, deflections, settlement, uplift, pore pressures or similar matters;
- (d) details of any movement of the surrounding land the engineer has observed which might affect the stability of the reservoir;
- (e) findings as to the adequacy and condition of the waste weir or overflow and any channels connected with it;
- (f) a statement of any alterations the engineer has observed which affect the level to which water may be stored or to the level of the overflow sills since construction or since the last inspection;
- (g) a statement as to the adequacy of the margin between dam level and overflow level;
- (h) findings as to the efficiency of the scour pipe or discharge culvert or other means of lowering the level of the water in, and any means of controlling the inflow of water to, the reservoir.

In these reports, square brackets and the words within them are not to be included where they are inappropriate.

**Reservoirs (Jersey) Law 1996**

**Report of the Result of an Inspection made under Article 8**

**[Construction] [Alteration] of a Reservoir**

- Name and Situation of Reservoir, including National Grid Reference of its approximate centre.
- Name and Address of Engineer
- Register in which Engineer is registered
- Name and Address of Undertakers who appointed Engineer, or the Minister, as appropriate
- Date or Dates of Engineer's inspection
- Engineer's findings regarding the [construction] [alteration] of the reservoir, including any recommendations the engineer sees fit to make as to measures to be taken in the interests of safety.

Signature of Engineer

Date of Report

**Reservoirs (Jersey) Law 1996****Report of the Result of an Inspection made under Article 9****Re-use of Abandoned Reservoir**

- Name and Situation of Reservoir, including National Grid Reference of its approximate centre.
- Name and Address of Engineer
- Register in which Engineer is registered
- Name and Address of Undertakers who appointed Engineer, or the Minister, as appropriate
- Date or Dates of Inspection
- Engineer's findings regarding the re-use of the Reservoir including any recommendations the engineer sees fit to make as to measures to be taken in the interests of safety.

Signature of Engineer

Date of Report

**Reservoirs (Jersey) Law 1996**

**Report of the Result of an Inspection made under Article 10**

**Periodical Inspection of Large Raised Reservoir**

- Name and Situation of Reservoir, including National Grid Reference of its approximate centre.
- Name and Address of Engineer
- Register in which Engineer is registered
- Name and Address of Undertakers who appointed Engineer, or the Minister, as appropriate
- Date or Dates of Inspection
- Engineer's findings, including any recommendation the engineer sees fit to make as to the time of the next inspection or as to measures that should be taken in the interests of safety; and a note of any matters the engineer considers the supervising engineer needs to watch during the period before the next inspection of the reservoir under Article 10.

Signature of Engineer

Date of Report

**Reservoirs (Jersey) Law 1996****Report made under Article 14****Abandonment of Large Raised Reservoir**

- Name and Situation of Reservoir, including National Grid Reference of its approximate centre.
- Name and Address of Engineer
- Register in which Engineer is registered
- Name and Address of Undertakers who appointed Engineer, or the Minister, as appropriate
- Date or Dates of Inspection of the Reservoir (if any)
- Engineer's recommendations as to the measures (if any) that ought to be taken in the interests of safety to secure that the reservoir is incapable of filling accidentally or naturally with water above the natural level of any part of the land adjoining the reservoir or is only capable of doing so to an extent that does not constitute a risk.

Signature of Engineer

Date of Report

## SCHEDULE 3

(Article 4)

### INFORMATION TO BE GIVEN IN A NOTICE UNDER ARTICLE 21(1) OF LAW

1. Name and address of undertakers serving notice.
2. Name and situation of reservoir.
3. National grid reference of approximate centre of the reservoir.
4. Whether the undertakers intend –
  - (a) to construct a new large raised reservoir;
  - (b) to alter an existing reservoir that is not a large raised reservoir so that it becomes one;
  - (c) to alter a large raised reservoir so as to increase its capacity; or
  - (d) to bring a large raised reservoir back into use after that use has been abandoned.
5. The date when it is intended that construction or alteration will commence or the date when it is intended the reservoir will be brought back into use, as the case may be.
6. Name and address of the construction engineer or, in the case of re-use, of the engineer appointed for the purposes of Article 9 of the Law.
7. The following information about the reservoir as it will be when constructed, altered or brought back into use as proposed –
  - (a) category (ie. whether impounding or non-impounding);
  - (b) date(s) or approximate date(s) of completion of the dam(s);
  - (c) construction of the dam(s) (i.e. whether constructed of earth, rockfill, gravity, buttress or by other means);
  - (d) maximum height of the dam(s) (in metres), measured from the lowest natural ground level adjacent to it, to the top of the dam, excluding the height of the wave wall;
  - (e) the height of the dam(s) (in metres) measured from the lowest natural ground level adjacent to it, to top water level;
  - (f) capacity (in cubic metres), measured from the lowest natural ground level adjacent to it to top water level;
  - (g) the water surface area at top water level (in square metres or square kilometres).

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Reservoirs (Certificates, Reports and Prescribed Information) (Jersey) Order 1997	R&O.9059	1 March 1997
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005

### Table of Renumbered Provisions

Original	Current
SCHEDULE 2 (i)	SCHEDULE 2 (a)
(ii)	(b)
(iii)	(c)
(iv)	(d)
(v)	(e)
(vi)	(f)
(vii)	(g)
(viii)	(h)

### Table of Endnote References

<sup>1</sup>

*This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*