

These notes refer to the Reservoirs Act (Northern Ireland) 2015 (c.8)

EXPLANATORY NOTES

RESERVOIRS ACT (NORTHERN IRELAND) 2015

INTRODUCTION

BACKGROUND AND POLICY OBJECTIVES

OVERVIEW

COMMENTARY ON SECTIONS

PART 1 – CONTROLLED RESERVOIRS, REGISTRATION AND RESERVOIR DESIGNATION

Section 1 – Controlled reservoirs

Section 2 – Structure or area which is to be treated as a controlled reservoir

Section 3 – Matters to be taken into account under section 2(3)

Section 4 – Controlled reservoirs: further provisions

Section 5 – Controlled reservoirs: supplementary

Section 6 – Reservoir managers

Section 7 - Multiple reservoir managers: supplementary

Section 8 – Duty of multiple managers to co-operate

Section 9 – Controlled reservoirs register

Section 10 – Reservoir managers' duty to register with the Department

Section 11 – Structures or areas which are controlled reservoirs on the relevant date

Section 12 – Structures or areas which become controlled reservoirs after the relevant date.

Section 13 – Structures or areas which are the subject of regulations under section 2(3)

Section 14 – Fees: registration and administration

Section 15 – Registration: supplementary

Section 16 – Offences: registration

Section 17 – Giving a reservoir designation

Section 18 – Periodic re-assessment of reservoir designations

Section 19 – Date on which reservoir designation given under section 17 or given as a different designation under section 18 takes effect

Section 20 - Review by Department of its decision under section 17 or 18

Section 21 - Appeal against Department's decision in review under section 20

Section 22 – Matters to be taken into account under section 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)

Section 23 – Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(i) and 21(5)(a): further provision

Section 24 – High consequence reservoirs, medium consequence reservoirs low consequence reservoirs: further provision

PART 2 – REQUIREMENTS FOR HIGH CONSEQUENCE AND MEDIUM CONSEQUENCE RESERVOIRS

Supervision by supervising engineer

Section 25 - Supervision requirements and commissioning of supervising engineer etc

Section 26 – Duties etc. in relation to supervision

Section 27 - Regulations as to visits by supervising engineers

Section 28 - Visual inspection directed under section 26(4)(a)

Section 29 – Nominated representative under section 26(7)(a): further provision

Section 30 – Inspection timing: general requirements

Section 31 – Inspection timing: reservoir subject to pre-commencement inspection report

Section 32 – Inspection timing: other qualifications

Section 33 – Pre-commencement inspection report

Section 34 – commissioning of inspecting engineer etc.

Section 35 – Duties etc. in relation to inspection

Section 36 - Inspection reports: compliance

Section 37 – Recording of water levels etc. and record keeping

Section 38 – Offences: supervision, inspection, record keeping.

Section 39 – Offence in connection with inspection: failure to secure compliance with safety direction or recommendation

Section 40 – Defences: offence under section 39(1)

PART 3 – CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

Section 41 – Application of part 3 etc.

Section 43 – Notice to Department and commission of construction engineer

Section 44 – Supervision of relevant works and reservoir safety by construction engineer

Section 45 – Safety report

Section 46 – Safety report: compliance

Section 47 – Preliminary certificate

Section 48 – Construction certificates

Section 49 – Final certificate

Section 50 – Preliminary and final certificates: compliance

Section 51 – Termination of supervision by construction engineer

Section 52 – Offences: construction and alteration

Section 53 – Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate

Section 54 – Defences: offences under section 53(1)

Section 55 – Controlled reservoirs subject to relevant works on the commencement date

PART 4 – CONTROLLED RESERVOIRS: OTHER REQUIREMENTS

Section 56 – Incident reporting

Section 57 – Flood plans

Section 58 – Maintenance of records

Section 59 – Display of emergency response information

Section 60 – Offences under Part 4

PART 5 – DISPUTE REFERRAL

Section 61 – Referral to referee: directions in safety report or inspection report

Section 62 – Referral to referee: requirements in preliminary certificate or final certificate

Section 63 – Commissioning of referee

Section 64 – Powers of referee: referral under section 61(2)

Section 65 – Powers of referee: referral under section 62(1)

Section 66 – Procedure etc.

PART 6 – CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Section 67 – Enforcement notice: commissioning of engineers

Section 68 – Offence: failure to comply with notice under section 67(2)

Section 69 – Commissioning of engineer by Department

Section 70 – Commissioning by the Department: engineers' reports, certificates, recommendations etc.

Section 71 – Enforcement notice: safety measures

Section 72 – Failure to comply with notice under section 71(2)

Section 73 – Department’s power to arrange taking of safety measures

Section 74 – Offence under section 39(1) or 53(1): further remedies

Section 75 – Emergency powers

Section 76 – Recovery of costs under section 69, 71, 73 or 75: appeal

Section 77 – Stop Notices

Section 78 – Stop Notices: content and procedure

Section 79 – Stop notices: compensation

Section 80– Stop notices: enforcement

Section 81– Enforcement undertakings

Section 82 – Regulations as to enforcement undertakings: further provision

Section 83 – Fixed Monetary Penalties

Section 84 – Fixed monetary penalties: procedure etc.

Section 85 – Fixed monetary penalties: criminal proceedings and conviction etc.

Section 86 – Variable monetary penalties

Section 87 – Variable monetary penalties: procedures etc.

Section 88 – Variable monetary penalties: criminal proceedings and conviction

Section 89 – Undertakings referred to in section 87(5): enforcement

Section 90 – Consultation in relation to regulations under section 77(1), 81(1), 83(1) and 86(1)

Section 91 – Recovery by the Department of certain costs

Section 92 – Publication of enforcement action

Section 93 – Powers of entry

Section 94 – Warrants authorising entry

Section 95 – Powers of entry: supplementary

Section 96 – Offence: preventing or obstructing entry

Section 97 - Compensation

Section 98 – Affording of reasonable facilities to engineers

Section 99 – Power of the Department to require information and assistance from reservoir managers

Section 100 – Offences: sections 98 and 99

Section 101 – Power to require information and assistance from others

PART 7 – PANELS OF RESERVOIR ENGINEERS

Section 102 – Panels of reservoir engineers

Section 103 – Appointment of members to panels: further provision

Section 104 - Removal of panel members

Section 105- Dissolution or alteration of panels etc.

Section 106 – Review of decisions not to appoint, or to remove, civil engineers from panels etc.

Section 107 – Consultation with Institution of Civil Engineers

Section 108 – Reimbursement of costs incurred by Institution of Civil Engineers

PART 8 – MISCELLANEOUS

Section 109 – Power of Water Appeals Commission to award costs in an appeal

Section 110 – Orders as to costs: supplementary

Section 111 – Fees in relation to appeals

Section 112 – Time limit for certain summary offences under Act

Section 113 – National security: further provision

Section 114 - Grants

Section 115 – Assessment of engineers’ report

Section 116 – Publication of information as regards ranges of costs of engineers’ services

Section 117 – Notice to the Department of revocation of commissioning, or resignation, of engineer

Section 118 – Form and content of notices, reports, certificates etc

Section 119 – Electronic serving or giving of notices or other documents

Section 120 – Change to the Institution of Civil Engineers

Section 121 – Civil liability

PART 9 - GENERAL

Section 122 – Crown application

Section 123 – Enforcement in relation to the Crown

Section 124 – Service or giving of notices or other documents: the Crown

Section 125 – Offences by bodies corporate and partnerships

Section 126 – Supplementary, incidental, consequential etc. provision

Section 127 – Orders and regulations

Section 128 - Definitions

Section 129 – Minor and consequential amendments and repeals

Section 130 – Commencement

Section 131 – Duty to report on operation of this Act

Schedule 1 – Pre-commencement inspection reports – review of decision under section 33(2)

HANSARD REPORTS