

*Status: Point in time view as at 01/04/2016.*

**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: High-risk reservoirs: monitoring and supervision. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4 **E+W+S**

#### RESERVOIRS

##### *High-risk reservoirs: monitoring and supervision*

- 16 In section 11 (records) in subsection (1) for “large raised reservoir” substitute “high-risk reservoir”.

#### **Commencement Information**

- I1** Sch. 4 para. 16 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b) (with art. 4(2)-(5))  
**I2** Sch. 4 para. 16 in force at 1.4.2016 for W. for specified purposes, otherwise on “the applicable day” in so far as not already in force by S.I. 2016/79, arts. 2(c), 3

- 17 (1) Section 12 (supervision) is amended as follows.
- (2) In subsection (1) for “large raised reservoir” substitute “high-risk reservoir”.
- (3) After subsection (2) insert—
- “(2A) The supervising engineer must provide the undertaker with a written statement of any steps taken to maintain the reservoir in accordance with the recommendations of the inspecting engineer under section 10(3)(b).
- (2B) The engineer must provide a statement under subsection (2A) at least once every 12 months.”
- (4) In subsection (4) for “large raised reservoir” substitute “high-risk reservoir”.
- (5) At the end add—
- “(6) The supervising engineer may direct the undertaker to carry out a visual inspection of the reservoir at specified intervals for the purpose of identifying anything that might affect the safety of the reservoir.
- (7) The undertaker must notify the supervising engineer of—
- (a) each visual inspection that is carried out, and
- (b) anything noticed in the course of it.
- (8) The Minister may issue guidance about supervision in accordance with this section (and may take compliance into account when making decisions under section 4).”
- (6) In section 20(4) (reports, certificates etc.) after paragraph (e) add—
- “(f) any written statement given under section 12(2) or (2A);
- (g) any direction given under section 12(6);”

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#### Commencement Information

- I3** Sch. 4 para. 17 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b) (with art. 4(2)-(5))
- I4** Sch. 4 para. 17 in force at 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" in so far as not already in force by S.I. 2016/79, arts. 2(c), 3

- 18 In section 21(5) (information) for "large raised reservoir" substitute " high-risk reservoir ".

#### Commencement Information

- I5** Sch. 4 para. 18 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b) (with art. 4(2)-(5))
- I6** Sch. 4 para. 18 in force at 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" in so far as not already in force by S.I. 2016/79, arts. 2(c), 3

- 19 In section 22 (criminal liability) after subsection (1AB) (inserted by paragraph 15) insert—

“(1AC) An undertaker who, without reasonable excuse, fails to comply with a direction to carry out a visual inspection under section 12(6) or with the notification requirement under section 12(7) is guilty of an offence.

(1AD) A person guilty of an offence under subsection (1AC) is liable—

- (a) on conviction on indictment, to a fine;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.”

#### Commencement Information

- I7** Sch. 4 para. 19 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b)
- I8** Sch. 4 para. 19 in force at 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" in so far as not already in force by S.I. 2016/79, arts. 2(c), 3

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