



2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION AND RESERVOIR DESIGNATION

PROSPECTIVE

Registration

Controlled reservoirs register

9.—(1) The Department must establish and maintain a controlled reservoirs register.

(2) The controlled reservoirs register is a register containing (subject to subsection (4)), such information and documents in relation to each controlled reservoir as the Department may by regulations specify.

(3) The Department must make arrangements for the controlled reservoirs register (or a copy of it) to be available for inspection by any person at all reasonable times.

(4) If it appears to the Secretary of State that the inclusion of any information or document in the register would adversely affect national security, the Secretary of State may direct the Department not to include the information or document in the register.

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Changes to legislation: There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, Cross Heading: Registration. (See end of Document for details)*

Reservoir managers' duty to register with the Department

10.—(1) The reservoir manager of each controlled reservoir must register the reservoir with the Department in accordance with sections 11 to 13.

(2) A reservoir manager of a controlled reservoir registers the reservoir under subsection (1) by providing to the Department such information and documents as the Department may by regulations specify.

(3) Regulations under subsection (2) may, in particular, include provision as to—

- (a) the further information or documents that a reservoir manager of a controlled reservoir must provide to the Department for the purpose of maintenance by it of the controlled reservoirs register,
- (b) the time by which any such information or document must be provided.

Structures or areas which are controlled reservoirs on the relevant date

11.—(1) Registration under section 10 of a structure or area which is a controlled reservoir on the relevant date must, subject to subsection (2), take place not later than 6 months after that date.

(2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 6 months specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different periods may be specified in relation to different information or documents.

(3) In this section, and section 12, “the relevant date” means the date of commencement of section 10.

Structures or areas which become controlled reservoirs after the relevant date

12.—(1) Registration under section 10 of a structure or area which becomes a controlled reservoir after the relevant date must, subject to subsection (2), take place not later than 28 days after the date on which a preliminary certificate is given in relation to it for the first time (see section 47).

(2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 28 days specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different periods may be specified in relation to different information or documents.

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

13.—(1) Registration under section 10 of a structure or area which is to be treated as a controlled reservoir by virtue of regulations made under

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subsection (3) of section 2 must, subject to subsection (2), take place not later than 28 days after the day on which notice of the making of the regulations is served by the Department under subsection (4) of that section.

(2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 28 days specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different periods may be specified in relation to different information or documents.

Fees: registration and administration

14.—(1) The Department may by regulations make provision as to—

- (a) payment to it by reservoir managers of controlled reservoirs of fees to cover costs reasonably incurred by it in relation to registration,
- (b) payment to it of other reasonable annual or recurring fees in relation to the performance by it of its functions as respects the controlled reservoirs register and registration of controlled reservoirs in the register,
- (c) the amount of such fees.

(2) In making regulations under subsection (1) the Department must have regard to the reasonable cost of the exercise of the functions in respect of which the fees are to be charged.

(3) Regulations under subsection (1) may include such other matters as the Department considers appropriate, including in particular provision specifying—

- (a) the maximum amount of any fee,
- (b) the circumstances in which any fee is payable,
- (c) different fees to be imposed in respect of different reservoirs or in other different cases or categories of case,
- (d) how fees may be collected and recovered.

Registration: supplementary

15.—(1) Where a person ceases to be a reservoir manager of a controlled reservoir, the person must, not later than 28 days after ceasing to be such, give notice to the Department stating—

- (a) that fact,
- (b) the date on which the person ceased to be reservoir manager,
- (c) the name of any person who has (or will) become a reservoir manager of the controlled reservoir in place of the person,
- (d) such other information as the Department may specify.

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(2) A person who becomes a reservoir manager of a controlled reservoir must, not later than 28 days after becoming reservoir manager, give notice to the Department stating—

- (a) that fact,
- (b) the date on which the person became reservoir manager,
- (c) such other information as the Department may specify.

(3) Where the Department receives notice under subsection (1) or (2), it must take such steps as it considers are reasonably required to inform the new reservoir manager, as soon as is reasonably practicable, of the duties of reservoir managers of controlled reservoirs under this Act.

Offences: registration

16.—(1) Failure by a reservoir manager of a controlled reservoir to comply with any of the following requirements relating to registration is an offence—

- (a) the requirements of section 10 (including those of regulations made under subsection (2) of that section) (registering controlled reservoir with Department in accordance with sections 11 to 13),
- (b) the requirements of section 15(1) or (2) (notice of change of reservoir manager).

(2) A reservoir manager who, in relation to any requirement referred to in subsection (1), knowingly or recklessly gives any information or document which is false or misleading in a material respect commits an offence.

(3) A reservoir manager guilty of an offence under subsection (1) or (2) in relation to a controlled reservoir which is, at the time the offence is committed, a high-consequence reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A reservoir manager guilty of an offence under either of those subsections in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) It is a defence to a charge in proceedings for an offence under subsection (1) that the person did not know and could not reasonably be expected to have known that the person was the reservoir manager of a controlled reservoir to whom the requirement concerned applied.

(6) References in this section to a reservoir manager or the reservoir manager are to be construed, in relation to an offence of failing to comply with the requirements of section 15(1), as including a person who has ceased to be a reservoir manager.

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