



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY  
POWERS AND FURTHER OFFENCES

*Enforcement of taking of safety measures*

**Enforcement notice: safety measures**

71.—(1) This section applies in relation to a controlled reservoir where it appears to the Department that the reservoir manager has failed to comply with—

- (a) the manager's duty under section 36(1) (to ensure compliance with a direction in an inspection report or a pre-commencement safety recommendation),
- (b) the manager's duty under section 46(1) (to ensure compliance with a direction in a safety report).

(2) The Department may by notice served on the reservoir manager require the manager to comply with the duty before the end of the period specified in the notice.

(3) The Department must consult an engineer commissioned by it under this section about the period to be specified in the notice.

(4) An engineer may be commissioned under this section, or section 73, if the engineer is a member of a panel of reservoir engineers established under section 102 who may (by virtue of an order under that section) be commissioned under this section or section 73 in relation to the reservoir.

- (5) Notice under subsection (2) must—
- (a) specify the measure that the Department requires to be taken,
  - (b) state the Department’s reasons for considering that this section applies,
  - (c) specify any particular steps the Department considers must be taken as respects the measures.
- (6) If the Department considers it appropriate to do so, it may by notice served on the reservoir manager require the manager to pay the Department such amount of the costs reasonably incurred by it in connection with consultation under this section as is specified in the notice.
- (7) Subject to section 76, the reservoir manager must pay the amount of any costs so incurred and specified in such notice.

**Offence: failure to comply with notice under section 71(2)**

- 72.—**(1) Failure to comply with a notice by the Department under section 71(2) is an offence.
- (2) A reservoir manager guilty of an offence under subsection (1) is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
  - (b) on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.