



## 2015 CHAPTER 8

### PART 6

#### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

##### *Department arranging taking of safety measures*

##### **Department's power to arrange taking of safety measures**

**73.—**(1) This section applies where the Department has by notice under section 71(2) required a reservoir manager to take a measure and the reservoir manager has failed to do so.

(2) The Department may arrange for the taking of the measure under the supervision of an engineer commissioned by it under this section.

(3) Where the engineer is satisfied that the measure has been taken, the engineer must give a certificate to that effect to the Department.

(4) A certificate given under subsection (3) in respect of a measure which is the subject of a direction referred to in section 35(4)(a)(ii) (direction in inspection report to ensure taking of measure in interests of safety of reservoir), or in respect of a pre-commencement safety recommendation, has effect as if it were an interim inspection compliance certificate or (as appropriate) an inspection compliance certificate.

(5) A certificate given under subsection (3) in respect of a direction in a safety report as to a measure referred to in section 45(1)(a) (measure in interests of safety of reservoir) has effect as if it were a safety measure certificate.

(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 making arrangements 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.