



# **Reservoirs Act (Northern Ireland) 2015**

## CHAPTER 8

### RESERVOIRS ACT (NORTHERN IRELAND) 2015

#### PART 1

#### CONTROLLED RESERVOIRS, REGISTRATION AND RESERVOIR DESIGNATION

##### *Controlled reservoirs*

1. Controlled reservoirs
2. Structure or area which is to be treated as a controlled reservoir
3. Matters to be taken into account under section 2(3)
4. Controlled reservoirs: further provision
5. Controlled reservoirs: supplementary

##### *Reservoir managers*

6. Reservoir managers
7. Multiple reservoir managers: supplementary
8. Duty of multiple reservoir managers to co-operate

##### *Registration*

9. Controlled reservoirs register
10. Reservoir managers' duty to register with the Department

*Status: This is the original version (as it was originally enacted).*

11. Structures or areas which are controlled reservoirs on the relevant date
12. Structures or areas which become controlled reservoirs after the relevant date
13. Structures or areas which are the subject of regulations under section 2(3)
14. Fees: registration and administration
15. Registration: supplementary
16. Offences: registration

*Reservoir designation*

17. Giving a reservoir designation
18. Periodic re-assessment of reservoir designations
19. Date on which reservoir designation given under section 17 or given as different designation under section 18 takes effect
20. Review by Department of its decision under section 17 or 18
21. Appeal against Department's decision in a review under section 20
22. Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)
23. Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision
24. High-consequence reservoirs, medium-consequence reservoirs and low-consequence reservoirs: further provision

PART 2

REQUIREMENTS FOR HIGH-CONSEQUENCE  
AND MEDIUM-CONSEQUENCE RESERVOIRS

*Supervision by supervising engineer*

25. Supervision requirement and commissioning of supervising engineer etc.
26. Duties etc. in relation to supervision
27. Regulations as to visits by supervising engineer
28. Visual inspection directed under section 26(4)(a): further provision
29. Nominated representative under section 26(7)(a): further provision

*Inspections etc. by inspecting engineer*

30. Inspection timing: general requirements
31. Inspection timing: reservoir subject to pre-commencement inspection report

32. Inspection timing: other qualifications
33. Pre-commencement inspection report
34. Commissioning of inspecting engineer etc.
35. Duties etc. in relation to inspection
36. Inspection reports: compliance

*Record keeping etc.*

37. Recording of water levels etc. and record keeping

*Offences: supervision, inspection, record keeping*

38. Offences: supervision, inspection, record keeping
39. Offence in connection with inspection: failure to secure compliance with safety direction or recommendation
40. Defences: offence under section 39(1)

PART 3

CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

*Construction or alteration*

41. Application of Part 3 etc.
42. Meaning of “relevant works” for purposes of Act

*Supervision by construction engineer*

43. Notice to Department and commissioning of construction engineer
44. Supervision of relevant works and reservoir safety by construction engineer
45. Safety report
46. Safety report: compliance
47. Preliminary certificate
48. Construction certificate
49. Final certificate
50. Preliminary and final certificates: compliance
51. Termination of supervision by construction engineer

*Offences: construction or alteration*

52. Offences: construction or alteration
53. Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate
54. Defences: offences under section 53(1)

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*Relevant works underway at commencement*

- 55. Controlled reservoirs subject to relevant works on the commencement date

PART 4

CONTROLLED RESERVOIRS: OTHER REQUIREMENTS

- 56. Incident reporting
- 57. Flood plans
- 58. Maintenance of records
- 59. Display of emergency response information
- 60. Offences under Part 4

PART 5

DISPUTE REFERRAL

- 61. Referral to referee: directions in safety report or inspection report
- 62. Referral to referee: requirements in preliminary certificate or final certificate
- 63. Commissioning of referee
- 64. Powers of referee: referral under section 61(2)
- 65. Powers of referee: referral under section 62(1)
- 66. Procedure etc.

PART 6

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

*Enforcement of commissioning of engineers*

- 67. Enforcement notice: commissioning of engineers
- 68. Offence: failure to comply with notice under section 67(2)
- 69. Commissioning of engineer by Department
- 70. Commissioning by the Department: engineers' reports, certificates, recommendations etc.

*Enforcement of taking of safety measures*

- 71. Enforcement notice: safety measures
- 72. Offence: failure to comply with notice under section 71(2)

*Department arranging taking of safety measures*

- 73. Department's power to arrange taking of safety measures

*Conviction of certain offences involving safety matters: further remedies*

74. Offence under section 39(1) or 53(1)(a): further remedies

*Department's powers in emergency*

75. Emergency powers

*Recovery of costs under section 69, 71, 73 or 75: appeal*

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

*Stop notices*

77. Stop notices  
78. Stop notices: content and procedure  
79. Stop notices: compensation  
80. Stop notices: enforcement

*Other civil enforcement measures*

81. Enforcement undertakings  
82. Regulations as to enforcement undertakings: further provision  
83. Fixed monetary penalties  
84. Fixed monetary penalties: procedure etc.  
85. Fixed monetary penalties: criminal proceedings and conviction etc.  
86. Variable monetary penalties  
87. Variable monetary penalties: procedure etc.  
88. Variable monetary penalties: criminal proceedings and conviction  
89. Undertaking referred to in section 87(5): enforcement

*Miscellaneous*

90. Consultation in relation to regulations under sections 77(1), 81(1), 83(1) and 86(1)  
91. Recovery by the Department of certain costs  
92. Publication of enforcement action

*Powers of entry*

93. Powers of entry  
94. Warrants authorising entry  
95. Powers of entry: supplementary  
96. Offence: preventing or obstructing entry  
97. Compensation

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*Reasonable facilities, information and assistance*

- 98. Affording of reasonable facilities to engineers
- 99. Power of the Department to require information and assistance from reservoir managers
- 100. Offences: sections 98 and 99
- 101. Power to require information and assistance from others

PART 7

PANELS OF RESERVOIR ENGINEERS

- 102. Panels of reservoir engineers
- 103. Appointment of members to panels: further provision
- 104. Removal of panel members
- 105. Dissolution or alteration of panels etc.
- 106. Review of decisions not to appoint, or to remove civil engineers from panels etc.
- 107. Consultation with Institution of Civil Engineers
- 108. Reimbursement of costs incurred by Institution of Civil Engineers

PART 8

MISCELLANEOUS

- 109. Power of Water Appeals Commission to award costs in an appeal
- 110. Orders as to costs: supplementary
- 111. Fees in relation to appeals
- 112. Time limit for certain summary offences under Act
- 113. National security: further provision
- 114. Grants
- 115. Assessment of engineers' reports etc.
- 116. Publication of information as regards ranges of costs of engineers' services
- 117. Notice to the Department of revocation of commissioning, or resignation, of engineer
- 118. Form and content of notices, reports, certificates etc.
- 119. Electronic serving or giving of notices or other documents
- 120. Change to the Institution of Civil Engineers
- 121. Civil liability

PART 9

GENERAL

- 122. Application to the Crown

123. Enforcement in relation to the Crown
124. Service or giving of notices or other documents: the Crown
125. Offences by bodies corporate and partnerships
126. Supplementary, incidental, consequential etc. provision
127. Orders and regulations
128. Definitions
129. Minor and consequential amendments and repeals
130. Commencement
131. Duty to report on operation of this Act
132. Short title

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## SCHEDULES

### SCHEDULE 1 — PRE-COMMENCEMENT INSPECTION REPORTS: REVIEW OF DECISION UNDER SECTION 33(2)

1. A reservoir manager of a high-consequence or medium-consequence reservoir on...
2. Any such application must be made in writing before the...
3. In considering an application under paragraph 1, the Department—
4. An engineer is disqualified from being commissioned under paragraph 3...
5. The Department must notify the reservoir manager of its decision...
6. The Department may by regulations make further provision in relation...

### SCHEDULE 2 — INDEX OF DEFINED EXPRESSIONS

### SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)*

1. The Water and Sewerage Services (Northern Ireland) Order 2006 is...
2. In Article 293 (procedure of the Water Appeals Commission)  
—
3. Article 297 (regulations by the Department for Regional Development as...
4. In Article 300 (regulations), in paragraph (1)(b), the words “or...

### SCHEDULE 4 — REPEALS