

*These notes refer to the Reservoirs Act (Northern Ireland)
2015 (c.8) which received Royal Assent on 24 July 2015*

Reservoirs Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Controlled Reservoirs: Other requirements

Section 56 – Incident reporting

This section enables the Department to make provision in regulations for reporting incidents which may affect the safety of controlled reservoirs. Subsection (2) provides an indicative list of the contents of the regulations.

Subsection (3) provides that, where it appears to the Secretary of State that information in relation to an incident would adversely affect national security, the Secretary of State may by notice direct the reservoir manager or other person who has prepared the incident report as regards the withholding or disclosing information, publication or storage of the incident report or copies of it. The notice may also require the person on whom it is served not to give anyone any indication of the existence of the information as it specifies..

Before making regulations for incident reporting the Department must comply with the consultation requirements specified in subsection (6).

Section 57 – Flood plans

This section enables the Department to make provision in regulations for the preparation of flood plans for controlled reservoirs. These plans would set out the action which the reservoir manager would take to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir. Subsection (3) provides an indicative list of the contents of the regulations. Subsections (3) and (4) provide that regulations under subsection (1) which contain provision entitling the Department to recover costs must provide a right of appeal to the Water Appeals Commission against the Department's decision to recover costs, the decision as to the amount of costs, and a power for the Commission to confirm, quash or vary the decision.

Subsection (6) provides that, where it appears to the Secretary of State that information in a flood plan would adversely affect national security, the Secretary of State may by notice direct the reservoir manager or other relevant person as regards the withholding or disclosing of information in or relating to a flood plan, publication, access or storage of the flood plan, or copies of it. The

notice may also require the person on whom the notice is served not give to anyone any indication of the existence of the information as it specifies. Other relevant persons include anyone other than the reservoir manager who may be required to prepare or update a flood plan or do certain things in relation to it (e.g. publish or distribute copies).

The Department must comply with the consultation requirements specified in subsection (11).

Section 58 – Maintenance of records

This section requires reservoir managers of controlled reservoirs to maintain a record of relevant documents. Subsection (4) lists the documents which must be kept. For low consequence reservoirs in particular, information regarding repairs is to be included in the record and regulations will provide for the form in which such information is to be recorded (subsection (3)).

Section 59 – Display of emergency response information

This section requires reservoir managers of controlled reservoirs to ensure that emergency response information is displayed at or near the reservoir. Subsection (2) enables the Department to make provision in regulations about the information which must be displayed. Subsection (3) lists the information, which in particular, may be specified in the regulations under subsection (2). Subsection (4) enables the Department to give directions to reservoir managers of controlled reservoirs as to the manner and location of the information to be displayed. Subsection (6) requires the reservoir manager to comply with any such directions from the Department.

Section 60 – Offences under Part 4

Subsection (1) makes it an offence, without reasonable excuse, to fail to comply with the requirements of a notice that is issued under sections 56(3) and 57(6) regarding the publication of incident reports or flood plans, and sections 58 (maintenance of records) and 59(1) or (6) regarding the location and display of emergency response information. A person does not commit an offence under subsection (1) in relation to the publication of incident reports or flood plans where he or she had did so to comply with a legal obligation listed in subsection (2). Subsection (3) sets out the maximum criminal sanctions of anyone committing an offence under this section.