



2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION
AND RESERVOIR DESIGNATION

Reservoir designation

Review by Department of its decision under section 17 or 18

20.—(1) A reservoir manager of a controlled reservoir on whom notice is served under section 17(4) or 18(4) may apply to the Department for a review by it of its decision under section 17 or 18.

(2) An application must be made in writing before the end of the period of 90 days beginning with the date on which the notice was served.

(3) In considering an application under this section, the Department—

(a) may commission to make recommendations to it about the reservoir designation either (or both)—

(i) an engineer who 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 in relation to the reservoir,

(ii) such other person as the Department considers appropriate,

(b) must take into account—

(i) a recommendation by an engineer or other person commissioned by it under paragraph (a),

- (ii) in so far as it is reasonably practicable to do so, the matters mentioned in section 22,
 - (iii) any representations made to it by or on behalf of the reservoir manager in relation to the application.
- (4) A reservoir designation in respect of which an application is made under this section continues to have effect pending a decision being made in the review.
- (5) Where as a result of the review the Department gives the controlled reservoir a different designation, the designation which is the subject of the review ceases to have effect from the date on which the Department gives its decision; and the different designation takes effect on the day after the date on which notice is served under subsection (6).
- (6) The Department must notify the reservoir manager of its decision in the review by serving on the reservoir manager notice—
- (a) specifying whether it confirms the designation or gives the reservoir a different designation,
 - (b) where it gives the reservoir a different designation, specifying the different designation and the date on which it takes effect,
 - (c) specifying the reasons for its decision,
 - (d) giving information about the right of appeal under section 21 against its decision, the procedure for making an appeal and the period within which an appeal may be made,
 - (e) specifying that the designation which is the subject of an appeal continues to have effect pending a decision being made in the appeal.
- (7) The Department may by regulations make further provision in relation to applications and reviews under this section.