



2015 CHAPTER 8

PART 3

CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

Supervision by construction engineer

Final certificate

49.—(1) Where the relevant works have involved the controlled reservoir being constructed or subject to alteration but not discontinued or abandoned, the construction engineer must give the reservoir manager a final certificate not later than 28 days after being satisfied that the reservoir is sound and satisfactory and may safely be used for the collection and storage of water.

(2) A final certificate given under subsection (1)—

- (a) must state that the engineer considers the reservoir is sound and satisfactory and may safely be used for the collection and storage of water,
- (b) where the reservoir is a high-consequence or medium-consequence reservoir and the construction engineer considers that there should be an early inspection of the reservoir, must state when the engineer recommends the inspection should take place,
- (c) where the reservoir is a high-consequence or medium-consequence reservoir, must specify any matter the construction engineer considers should be monitored, until the first or next inspection of the reservoir under this Act, by the supervising engineer for the time being commissioned in relation to the reservoir under section 25,
- (d) must impose the requirements mentioned in subsection (7).

(3) Where the relevant works have involved the controlled reservoir being discontinued, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied—

- (a) that the discontinuance has been safely completed,
- (b) that the resulting structure or area is incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land,
- (c) that the resulting structure or area is sound and satisfactory and may safely be used for the collection and storage of water.

(4) A final certificate given under subsection (3) must—

- (a) state that the construction engineer is satisfied as to the matters referred to in paragraphs (a) to (c) of that subsection,
- (b) impose the requirements mentioned in subsection (7).

(5) Where the relevant works have involved the controlled reservoir being abandoned, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied—

- (a) that the abandonment has been safely completed,
- (b) that the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land.

(6) A final certificate issued under subsection (5) must state that the engineer is satisfied as to the matters referred to in paragraphs (a) and (b) of that subsection.

(7) The requirements referred to in subsection (2)(d) and (4)(b) are—

- (a) that water in the reservoir must not exceed a level specified in the certificate (the “specified level”),
- (b) that the reservoir manager must ensure that the level of water does not exceed the specified level,
- (c) any requirements the construction engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased.

(8) The construction engineer must, not later than 28 days after issuing a final certificate, give the Department a copy of the certificate.

(9) If a final certificate is not issued by the end of the period of 5 years beginning with the date of the first preliminary certificate, the construction engineer must—

- (a) not later than 28 days after the expiry of the 5 year period, give the reservoir manager a written statement of the reasons,
- (b) at intervals of not more than 12 months thereafter until the final certificate is issued, give the reservoir manager subsequent written statements of the reasons,

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- (c) not later than 28 days after any such statement is given, give the Department a copy of the statement.