



2015 CHAPTER 8

PART 5

DISPUTE REFERRAL

**Powers of referee: referral under section 61(2)**

**64.**—(1) This section applies where a referral is made under section 61(2).

(2) The referee may make such modifications (if any) as the referee considers appropriate to the direction or recommendation.

(3) Where the referee makes any such modification, the referee—

- (a) must modify the report which contains the direction or recommendation,
- (b) where the report is a safety report, must make any necessary modification to any safety measure certificate given in relation to the report,
- (c) where the report is an inspection report and the referral was made in respect of a direction in it as to ensuring the taking of a measure in the interests of the safety of the reservoir, must make any necessary modification to any interim inspection compliance certificate given in relation to the report.

(4) The referee must take the steps mentioned in subsection (5) not later than 28 days after making a decision under subsection (2).

(5) The steps are—

- (a) to give the reservoir manager and the relevant engineer a certificate (a “referral certificate”) stating—
  - (i) whether the referee has modified the report,
  - (ii) any modification made,

- (b) where the referee has modified the report or any safety measure certificate or interim inspection compliance certificate, to give the reservoir manager and the relevant engineer a copy of the modified report and any such modified certificate,
  - (c) to give the Department a copy of the referral certificate and any modified report and any such modified safety measure certificate or interim inspection compliance certificate.
- (6) A direction, recommendation, report, safety measure certificate or interim inspection compliance certificate modified under this section has effect as so modified.
- (7) In subsection (3)(b) and (c), “any necessary modification” means any modification the referee considers is necessary in relation to any measure specified in the certificate as a measure yet to be taken.