



2015 CHAPTER 8

PART 6

**CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES**

Powers of entry

Powers of entry

93.—(1) Any person duly authorised in writing by the Department may, at any reasonable time for any of the purposes in subsection (2), enter—

- (a) land on which a controlled reservoir is situated,
 - (b) land on which a structure or area, which is to be treated by virtue of section 2(2) for the purposes of this Act as a controlled reservoir, is situated,
 - (c) land on which the Department considers there is a structure or area in relation to which the Department is considering making regulations under section 2(3),
 - (d) land on which a structure or area which previously at any time has been a controlled reservoir is situated,
 - (e) neighbouring or other land through which access is required in order to enter any land referred to in paragraphs (a) to (d).
- (2) The purposes are to carry out an inspection, survey or other operation—
- (a) to determine whether any provision of this Act applies,

Changes to legislation: There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, Section 93. (See end of Document for details)

- (b) for the purpose of assisting the Department in giving a reservoir designation or a review, periodic re-assessment or appeal as regards a reservoir designation,
- (c) to determine whether a direction under section 26(4)(a) (supervision: direction to carry out visual inspection) has been complied with,
- (d) to determine—
 - (i) whether a measure directed in an inspection report or a pre-commencement safety recommendation has been taken (whether before or after the giving of an enforcement notice under section 71),
 - (ii) the period to be specified in a notice under that section,
- (e) to determine whether a measure directed in a safety report has been taken,
- (f) to determine whether the reservoir manager of a controlled reservoir is complying with the requirements of a preliminary certificate or final certificate,
- (g) to determine whether the records required by sections 37 or 58 are being maintained,
- (h) to determine whether any incident is being reported in accordance with regulations under section 56,
- (i) to determine whether a flood plan is being prepared in accordance with regulations under section 57,
- (j) for the purposes of section 73 (Department's power to arrange taking of safety measures),
- (k) to determine what (if any) emergency measures should be taken under section 75, or for any purpose connected with taking such measures,
- (l) to determine whether a stop notice should be served,
- (m) to assess whether any offence under this Act may be being, or has been, committed,
- (n) for the purposes of section 97 (assessment of compensation or reinstatement works).

Changes to legislation:

There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, Section 93.