2015 CHAPTER 8

PROSPECTIVE

PART 7

PANELS OF RESERVOIR ENGINEERS

Panels of reservoir engineers

102.—(1) The Department must—

(a) establish one or more panels of reservoir engineers for the purposes of this Act,

(b) appoint civil engineers who it considers to be suitable for appointment as members of such of the panels as it considers appropriate,

(c) specify by order, as regards each panel, the sections of this Act under which, and the type of controlled reservoir in relation to which, a member of the panel may be commissioned.

(2) For the purposes of subsection (1)(b), and sections 104(1) and 105(4), "suitable" includes fit and appropriately qualified and experienced.

Appointment of members to panels: further provision

103.—(1) Subject to subsections (3) and (4), a civil engineer who wishes to be appointed to a panel under section 102(1)(b) must make an appropriate application.

(2) The Department may by regulations make provision as to the information to be provided by a civil engineer making an appropriate application.

(3) The first appointment under paragraph (b) of section 102(1) of members of the panels established under paragraph (a) of that section are to be made (without a requirement of an appropriate application) in accordance with subsection (4).

(4) The Department may appoint such civil engineers who are (as at the date of commencement of section 102) members of the panels constituted under section 4 of the 1975 Act, as it considers appropriate.

(5) An appointment under this section is for such period as the Department determines.

(6) A civil engineer appointed to a panel is eligible for re-appointment.

(7) In this section—

(a) "an appropriate application" is an application made in accordance with arrangements made by the Department and accompanied by payment of the appropriate fee,

(b) "the appropriate fee" is a fee of such amount as may be determined in accordance with arrangements made by the Department.

Removal of panel members

104.—(1) The Department may remove a civil engineer from a panel where it is satisfied that the engineer is not suitable to continue to be a member of it.

(2) The Department must serve on a civil engineer removed from a panel under subsection (1) notice of the engineer's removal from the panel.

(3) Notice under subsection (2) must specify the grounds on which the engineer has been removed from the panel.

Dissolution or alteration of panels etc.

105.—(1) The Department may dissolve or alter a panel established under section 102(1)(a).

(2) Before doing so, the Department must serve reasonable notice on the members of the panel.

(3) The Department may allow a civil engineer who, immediately before the dissolution or alteration was commissioned under this Act in relation to a controlled reservoir, to continue to act for a period of up to 4 years for the purpose for which the engineer was commissioned; and the engineer is to be regarded as continuing to be commissioned under this Act for the purpose.

(4) But the Department may, by notice, direct that a civil engineer is no longer entitled to act under subsection (3) where it is satisfied that the engineer is no longer suitable to do so.

(5) Notice under subsection (4) must specify the grounds for the direction under that subsection.

(6) The Department may by order amend the period specified for the time being in subsection (3).

Review of decisions not to appoint, or to remove civil engineers from panels etc.

106.—(1) A civil engineer—

(a) whose application for appointment to a panel established under section 102(1)(a) is unsuccessful,

(b) who is removed from a panel under section 104(1),

(c) who is given a direction under section 105(4),

may apply to the Department for a review of its decision.

(2) The Department may by regulations make further provision in relation to applications and reviews under this section, including provision as to determining and charging fees in connection with such applications.

Consultation with Institution of Civil Engineers

107 The Department must consult the President of the Institution of CivilEngineers (or, if that Institution appoints a committee for the purpose, that committee), before—

(a) establishing a panel under section 102(1)(a),

(b) making an appointment to a panel under section 102(1)(b) (but not a first appointment in accordance with section 103(3) and (4)),

(c) making an order under section 102(1)(c),

(d) removing an engineer from a panel under section 104(1),

(e) dissolving a panel under section 105(1),

(f) directing under section 105(4) that an engineer is no longer entitled to act under section 105(3),

(g) making a decision in a review under section 106.

Reimbursement of costs incurred by Institution of Civil Engineers

108 The Department may reimburse the Institution of Civil Engineers theamount of any costs reasonably incurred by the Institution by virtue of—

(a) arrangements entered into (whether directly or indirectly) between the Department and the Institution for the purposes of section 102(1)(b),

(b) section 107.

Status:
This version of this part contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, PART 7.