



2015 CHAPTER 8

PART 2

REQUIREMENTS FOR HIGH-CONSEQUENCE  
AND MEDIUM-CONSEQUENCE RESERVOIRS

*Supervision by supervising engineer*

**Duties etc. in relation to supervision**

**26.—**(1) The supervising engineer must supervise the reservoir, at all times, in accordance with this Act.

(2) The supervising engineer must—

(a) give notice to the reservoir manager of anything that the engineer considers might affect the safety of the reservoir,

(b) monitor compliance by the reservoir manager—

(i) subject to section 61, with any direction in the latest inspection report by virtue of section 35(4)(a) as regards any measure that should be taken in the interests of the safety of the reservoir which is a measure for its maintenance (see section 35(4)(f)),

(ii) with any recommendation in a pre-commencement inspection report for the time being applicable to the reservoir (see section 33(1)) as to a measure that should be taken for its maintenance,

(c) monitor—

(i) any matter specified by virtue of section 35(4)(g) in the latest inspection report as a matter that the inspecting engineer recommends

- should be monitored by the supervising engineer until the next inspection of the reservoir,
- (ii) any matter specified in a pre-commencement inspection report for the time being applicable to the reservoir as a matter that should be watched by a civil engineer until the next inspection of the reservoir (and which does not fall within paragraph (b)(ii)),
- (d) monitor any matter specified in a safety report as a matter the construction engineer giving the report recommends should be monitored by the supervising engineer until a final certificate is issued in respect of relevant works (see section 45(1)(c)),
  - (e) monitor compliance by the reservoir manager with the requirements of—
    - (i) any preliminary certificate for the time being applicable to the reservoir (see section 47),
    - (ii) any final certificate for the time being applicable to the reservoir (see section 49),
  - (f) monitor any matter specified in any such final certificate as a matter that should be monitored by the supervising engineer until the first or next inspection of the reservoir,
  - (g) give notice to the reservoir manager and the Department of any failure to comply with—
    - (i) a direction or recommendation referred to in paragraph (b),
    - (ii) a safety report for the time being applicable to the reservoir,
    - (iii) a preliminary certificate for the time being applicable to the reservoir,
  - (h) give notice to the reservoir manager and the Department of any failure to comply with any requirement of a final certificate for the time being applicable to the reservoir,
  - (i) supervise (or ensure that a nominated representative of the engineer supervises) any proposed draw-down in respect of the reservoir,
  - (j) monitor compliance by the reservoir manager with the requirements of section 37 (recording of water levels etc. and record keeping),
  - (k) undertake, in accordance with the latest inspection report, any additional visit that may be recommended in the report by virtue of section 35(4)(i).
- (3) If the supervising engineer considers at any time that the reservoir should be inspected in accordance with section 35, the engineer must—
- (a) give the reservoir manager a written recommendation to that effect specifying when the inspection should take place,
  - (b) not later than 28 days after giving the written recommendation, give the Department a copy of it.
- (4) The supervising engineer—

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*Status: This is the original version (as it was originally enacted).*

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- (a) may by written direction require the reservoir manager to carry out a visual inspection of the reservoir at intervals specified by the engineer for the purpose of identifying anything that might affect the safety of the reservoir,
  - (b) must give a copy of any direction given under paragraph (a) to the Department.
- (5) The supervising engineer must give the reservoir manager, at least every 12 months, a written statement of—
- (a) the steps taken by the engineer in relation to the matters referred to in subsection (2)(a) to (h) and (j) and (k),
  - (b) any measure taken by the reservoir manager in the interests of the safety of the reservoir or otherwise to maintain the reservoir,
  - (c) any recommendation by the supervising engineer under subsection (3),
  - (d) any direction by the supervising engineer under subsection (4)(a).
- (6) The supervising engineer must, not later than 28 days after giving a written statement under subsection (5), give the Department a copy of the statement.
- (7) The supervising engineer must—
- (a) give the reservoir manager information for the purpose of enabling the manager to contact the engineer (or in the event of the supervising engineer being unavailable, a nominated representative of the engineer),
  - (b) not later than 28 days after giving the reservoir manager such information, give the information to the Department.
- (8) Where the reservoir is the subject of a pre-commencement inspection report and inspection of it is not yet due under section 31, the reservoir manager must give the supervising engineer a copy of—
- (a) the report,
  - (b) any pre-commencement inspection report certificate (see section 35(3)),
  - (c) where the reservoir manager is unable to give a copy of a pre-commencement inspection report certificate, any other document dated before the relevant date which the reservoir manager considers relevant to the taking of a pre-commencement safety recommendation (see section 34(3)).
- (9) In this section—
- (a) “draw-down” means any intentional reduction in the water level except where done in accordance with the routine operation of the reservoir,
  - (b) references to “the reservoir manager” are references to the reservoir manager of the reservoir which is being supervised in accordance with this section,
  - (c) “the relevant date” has the same meaning as in section 31(6).

(10) In this section and sections 27 to 31, 35 and 37, references to “the supervising engineer” are references to the engineer duly commissioned for the time being as such under section 25 in relation to the reservoir and are to be construed as including a nominated representative of the supervising engineer under subsection (7)(a) who is acting as such in the event of the supervising engineer being unavailable.