



## 2015 CHAPTER 8

### PART 2

#### REQUIREMENTS FOR HIGH-CONSEQUENCE AND MEDIUM-CONSEQUENCE RESERVOIRS

##### *Inspections etc. by inspecting engineer*

##### **Pre-commencement inspection report**

**33.—(1)** A “pre-commencement inspection report” is a document, provided to the Department by the reservoir manager of a high-consequence or medium-consequence reservoir and in respect of which the Department is satisfied as to the following matters—

- (a) that it was prepared by a civil engineer who, at the time of the inspection to which it relates and throughout the preparation and completion of the document, was a member of such panel of civil engineers constituted under section 4(1) of the 1975 Act as the Department considers appropriate,
- (b) that it was prepared sufficiently in accordance with criteria that would have fallen to be applied in relation to an inspection under section 10 of that Act of a reservoir that was subject to that section,
- (c) that it is about an inspection of the reservoir which was carried out before the relevant date, but not more than 8 years before that date.

(2) The Department must, as soon as is reasonably practicable after receiving a document under subsection (1) and, where it considers it appropriate to do so after consulting an engineer commissioned by it under this subsection, decide whether or not it is satisfied that the document is a pre-commencement inspection report.

- (3) An engineer may be commissioned under subsection (2) if the engineer—
  - (a) is a member of a panel of reservoir engineers established under section 102 who may (by virtue of an order under that section) be commissioned under this section in relation to the reservoir,
  - (b) is not disqualified by virtue of subsection (4) from being so commissioned in relation to the reservoir.
- (4) An engineer is disqualified from being commissioned under subsection (2) in relation to a high-consequence or medium-consequence reservoir if the engineer—
  - (a) is an employee of any person who is a reservoir manager of the reservoir,
  - (b) prepared the document provided in pursuance of subsection (1).
- (5) The Department must serve on the reservoir manager notice—
  - (a) specifying its decision under subsection (2),
  - (b) where its decision is that the document is not a pre-commencement inspection report, specifying the reasons for the decision,
  - (c) giving information about the right under Schedule 1 to apply for a review by the Department of its decision under subsection (2), the procedure for making such an application and the period within which an application may be made.
- (6) Schedule 1 makes provision in relation to review of a decision under subsection (2).