



2015 CHAPTER 8

PART 2

REQUIREMENTS FOR HIGH-CONSEQUENCE
AND MEDIUM-CONSEQUENCE RESERVOIRS

Inspections etc. by inspecting engineer

Duties etc. in relation to inspection

- 35.—(1) An inspecting engineer must—
- (a) inspect the reservoir,
 - (b) give the reservoir manager, not later than 6 months after the completion of the inspection, an inspection report prepared in accordance with this section.
- (2) The reservoir manager must give the inspecting engineer a copy of—
- (a) the latest report (if any),
 - (b) any pre-commencement inspection report certificate, interim inspection compliance certificate or inspection compliance certificate for the time being applicable to the reservoir,
 - (c) any final certificate for the time being applicable to the reservoir.
- (3) A “pre-commencement inspection report certificate” is a certificate—
- (a) stating that a measure recommended in the pre-commencement report as a measure that should be taken in the interests of the safety of the reservoir has been taken,
 - (b) signed and issued before the relevant date by a civil engineer who, at the time of signing, was a member of such panel of civil engineers

constituted under section 4(1) of the 1975 Act as the Department considers appropriate.

- (4) The inspection report—
- (a) must—
 - (i) specify any measure the inspecting engineer considers should be taken in the interests of the safety of the reservoir (including any such measure for the maintenance of the reservoir),
 - (ii) direct the reservoir manager to ensure that the measure is taken,
 - (b) may—
 - (i) specify any matter that the inspecting engineer considers relevant to the maintenance of the reservoir (but in relation to which the engineer does not specify a measure (as to safety) under paragraph (a)),
 - (ii) include any recommendation as regards the matter,
 - (c) must specify whether any measure specified in the inspection report was specified in the latest report,
 - (d) if any measure specified in the latest report has not been taken and the measure is not specified in the inspection report, must specify why the engineer considers the measure should no longer be taken,
 - (e) must direct the reservoir manager to ensure that any measure which both—
 - (i) is specified in the inspection report as a measure that should be taken in the interests of the safety of the reservoir, and
 - (ii) is not a measure for its maintenance,is taken under the supervision of the inspecting engineer or, where permitted (by section 36(2)(a)) the other qualified engineer, and within the period of time specified in the inspection report,
 - (f) must direct the reservoir manager to ensure that any measure which both—
 - (i) is specified in the inspection report as a measure that should be taken in the interests of the safety of the reservoir, and
 - (ii) is a measure for its maintenance,is monitored by the supervising engineer,
 - (g) must specify any other matter that the inspecting engineer recommends should be monitored by the supervising engineer until the next inspection,
 - (h) must specify when the inspecting engineer recommends the next inspection of the reservoir should take place,
 - (i) if the inspecting engineer considers that the supervising engineer should visit the reservoir more frequently than is required of the supervising engineer by virtue of regulations made under section 27(1), must specify at

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what intervals, when, or in what circumstances, any additional visit should take place.

(5) An inspecting engineer must, not later than 28 days after giving an inspection report under this section, give a copy of it to—

- (a) the Department,
- (b) the supervising engineer (if a different person).

(6) In this section and section 36—

- (a) references to “the inspecting engineer” are references to the engineer duly commissioned for the time being as such under section 34 in relation to the reservoir,
- (b) references to “the latest report” are references to the inspection report of the latest inspection (if any) of the reservoir carried out under this section or the pre-commencement inspection report (if any) in relation to the reservoir (whichever is the later),
- (c) references to “the reservoir manager” are references to the reservoir manager of the reservoir which is being inspected.

(7) In this Act, references to “the other qualified engineer”, “any other qualified engineer” or “other qualified engineer” are references to any engineer duly commissioned for the time being as such under section 36(2)(a) in relation to the reservoir; and references to “other qualified engineers” are to be construed accordingly.