

*These notes refer to the Reservoirs Act (Northern Ireland)
2015 (c.8) which received Royal Assent on 24 July 2015*

Reservoirs Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 – Panels of Reservoir Engineers

Section 102 – Panels of reservoir engineers

Civil engineers will play an important role in the supervision, inspection, and construction of controlled reservoirs under the Act. Section 102 enables the Department to establish one or more panels of reservoir engineers and to appoint suitable engineers to be members of such panels. The Department must by order specify the various sections within the Act and the types of reservoir in relation to which members of such reservoir panels may be commissioned by reservoir managers to undertake various roles. For example an ‘all reservoir panel’ may be established and engineers who are members of this panel may be commissioned to carry out the role of supervising engineer, inspecting engineer or construction engineer for any type of reservoir (e.g. impounding or service reservoir). Members of the ‘supervising panel’ would only be able to be commissioned to undertake the supervising role under the Act. Subsection (2) defines the term ‘suitable’ as including fit, and appropriately qualified and experienced.

Section 103 – Appointment of members to panels: further provision

Subsection (1) requires civil engineers who wish to be appointed to a panel to make an appropriate application and subsection (2) enables the Department to make regulations specifying the information to be provided in the application. Subsections (3) and (4) provides for transitional arrangements for the appointment of engineers, utilising appointments made under the Reservoirs Act 1975. Subsection (5) allows the Department to determine the period for any appointment of a civil engineer to a panel and Subsection (6) provides that a civil engineer appointed is eligible for re-appointment.

Section 104 - Removal of panel members

This section enables the Department to 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. The Department must serve notice on the civil engineer removed from the panel and state the grounds for its decision.

Section 105- Dissolution or alteration of panels etc.

Subsection (1) permits the Department to dissolve or alter a reservoir panel and subsection (2) specifies that the Department must give reasonable notice to members of the panel before doing so. The Department may permit a civil engineer commissioned from the panel in relation to a controlled reservoir to continue in his role for a period of up to 4 years, but may; by notice direct that an engineer is no longer entitled to do so during the 4 year period due to unsuitability. Subsection (6) provides the Department with the power by order to amend the time period (4 years) specified in subsection (3) for an engineer commissioned to be permitted by the Department to continue in the role.

Section 106 – Review of decisions not to appoint, or to remove, civil engineers from panels etc.

This section allows a civil engineer who has applied to be appointed to a reservoir panel and been unsuccessful, has been removed from a reservoir panel or has been given a direction under section 105(4) (as no longer suitable to continue in his commission) to apply to the Department for a review of its decision. Subsection (2) enables the Department by regulations to make further provision regarding applications and reviews under this section including provision as to charging fees.

Section 107 – Consultation with Institution of Civil Engineers

This section places a duty on the Department to consult with the President of the Institution of Civil Engineers before establishing a panel, making an appointment to a panel, making an order under section 102, (specifying the various sections within the Act and the types of reservoir in relation to which members of such reservoir panels may be commissioned by reservoir managers to undertake various roles), removing an engineer from a panel, dissolving a panel, directing that an engineer is no longer entitled to act under section 105(4) or making a decision in a review under section 106.

Section 108 – Reimbursement of costs incurred by Institution of Civil Engineers

This section enables the Department to reimburse the Institution of Civil Engineers any costs reasonably incurred by virtue of the appointment process of civil engineers to reservoir panels and consultation under section 107.