



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Department's powers in emergency

Emergency powers

75.—(1) This section applies where it appears to the Department that immediate action is needed to protect persons or property against an escape of water from a controlled reservoir (whether or not the reservoir is in use).

(2) The Department may take any measures that it considers necessary—

- (a) to remove or reduce the risk to persons or property,
- (b) to mitigate the effect of an escape of water.

(3) The Department must—

- (a) commission an engineer to make recommendations about any measures to be taken under this section,
- (b) arrange for the measures to be taken under the supervision of the commissioned engineer.

(4) An engineer may be commissioned under this section if the engineer 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.

(5) The Department must serve notice on the reservoir manager of the measures to be taken under this section.

(6) Notice under subsection (5)—

- (a) must be served as soon as is reasonably practicable (which may be after any works have begun), but
- (b) is not required if the Department is unable after reasonable enquiry to ascertain the name and address of the reservoir manager and the works have commenced.

(7) If the Department considers it appropriate to do so, it may by notice served on the reservoir manager require the manager to pay the Department such amount of the costs reasonably incurred by it in relation to the exercise of its powers under this section as is specified in the notice.

(8) Subject to section 76, the reservoir manager must pay the Department the amount of any costs so incurred and specified in such notice.