



## 2015 CHAPTER 8

### PART 6

#### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

##### *Reasonable facilities, information and assistance*

##### **Affording of reasonable facilities to engineers**

**98.—**(1) The reservoir manager of a controlled reservoir must, on being requested by a relevant engineer, provide the engineer with all reasonable facilities the engineer may seek in connection with the exercise of the engineer's powers and duties under this Act.

(2) The reservoir manager—

- (a) must, on being requested by a relevant engineer, make available to the engineer—
  - (i) where the reservoir is a high-consequence reservoir or a medium-consequence reservoir, the record maintained by the manager under section 37,
  - (ii) the record maintained by the manager under section 58,
- (b) must on being so requested provide a relevant engineer with such further information or particulars as the engineer may require, in such form and manner and by such time as the engineer may by notice require.

(3) For the purposes of this section, a “relevant engineer” is a supervising engineer (including a nominated representative of a supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer

being unavailable), an inspecting engineer, any other qualified engineer or a construction engineer commissioned for the time being in relation to the reservoir.

**Power of the Department to require information and assistance from reservoir managers**

**99.**—(1) The reservoir manager of a controlled reservoir must, on being requested by the Department, provide the Department with such information and assistance as it may reasonably seek in connection with the exercise of its powers and duties under this Act.

(2) The reservoir manager in particular—

- (a) must, on being requested by the Department, make available to it the records referred to in section 98(2)(a),
- (b) must, on being so requested, provide the Department with such further information or particulars as the Department may require, in such form and manner and within such period of time, as the Department may by notice served on the reservoir manager require.

**Offences: sections 98 and 99**

**100.**—(1) A reservoir manager of a controlled reservoir who fails, without reasonable excuse, to comply with any of the following requirements commits an offence—

- (a) the requirements of section 98 (affording of reasonable facilities to engineers),
- (b) the requirements of section 99 (provision of information and assistance to the Department).

(2) A reservoir manager of a controlled reservoir who does any of the following commits an offence—

- (a) intentionally alters, suppresses or destroys any document, information or particulars which the person has been required by virtue of either of those sections to produce,
  - (b) for the purposes of either of those sections knowingly or recklessly provides any document which is, or any information or particulars which are, false or misleading in a material respect.
- (3) A reservoir manager guilty of an offence under subsection (1) or (2)—
- (a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-consequence reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
  - (b) in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**Power to require information and assistance from others**

**101.** The Department may by notice require a district council, any other body established or constituted under a statutory provision or any other person to provide it, within such period of time as may be so specified, with such information and assistance as it reasonably considers it needs in connection with any of the following purposes—

- (a) enabling the Department to serve or give any notice which it is authorised or required by this Act to serve or give,
- (b) enabling the Department to exercise its powers and duties under this Act,
- (c) enabling the Department to assess who is, or has been, the reservoir manager of a controlled reservoir.