

SCHEDULES

SCHEDULE 1

Section 33(6).

PRE-COMMENCEMENT INSPECTION REPORTS: REVIEW OF DECISION UNDER SECTION 33(2)

1. A reservoir manager of a high-consequence or medium-consequence reservoir on whom notice is served under subsection (5) of section 33 may apply to the Department for a review by it of its decision under subsection (2) of that section (that it is satisfied that a document provided in pursuance of subsection (1) is not a pre-commencement inspection report).
2. Any such application must be made in writing before the end of the period of 90 days beginning with the date on which the notice was served.
3. In considering an application under paragraph 1, the Department—
 - (a) may commission to make recommendations to it about the document which was the subject of the decision (“the document”) an engineer who—
 - (i) 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 paragraph in relation to the reservoir,
 - (ii) is not disqualified by virtue of paragraph 4 from being so commissioned in relation to the reservoir,
 - (b) must take into account—
 - (i) a recommendation by an engineer commissioned by it under paragraph (a),
 - (ii) any representations made to it by or on behalf of the reservoir manager in relation to the application.
4. An engineer is disqualified from being commissioned under paragraph 3 in relation to a high-consequence or medium-consequence reservoir if the engineer—
 - (a) was commissioned under section 33(2) in relation to the making of the decision which is the subject of the review,
 - (b) prepared the document,
 - (c) is, or has previously been an employee of any person who is, or has previously been, a reservoir manager of the reservoir.
5. The Department must notify the reservoir manager of its decision in the review by serving on the reservoir manager notice—

- (a) specifying whether it confirms the decision or has decided that the document is a pre-commencement inspection report,
 - (b) where it has confirmed its decision, specifying the reasons for doing so.
6. The Department may by regulations make further provision in relation to applications for review, and reviews, under this Schedule.