



2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION  
AND RESERVOIR DESIGNATION

*Controlled reservoirs*

**Structure or area which is to be treated as a controlled reservoir**

2.—(1) This section determines when a section 1(a) or (b) structure or area which is not a controlled reservoir is to be treated as a controlled reservoir for the purposes of this Act.

(2) Where both of the following apply—

- (a) water does (or could) flow from a section 1(a) or (b) structure or area to any other section 1(a) or (b) structure or area, and
- (b) any 2 or more such structures or areas (taken together) are capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land,

each of the section 1(a) or (b) structures or areas is to be treated for the purposes of this Act as a controlled reservoir.

(3) The Department, having taken into account the matters mentioned in section 3, may by regulations provide that a section 1(a) or (b) structure or area which neither is a controlled reservoir, nor falls to be treated as a controlled reservoir under subsection (2), is to be treated for the purposes of this Act as a controlled reservoir.

(4) The Department must serve notice of the making of regulations under subsection (3) on the person who will, as at the date of the making of them, be the reservoir manager of any section 1(a) or (b) structure or area which will, by virtue of the regulations, be treated as a controlled reservoir for the purposes of this Act; and such notice must advise the person of—

- (a) the requirement for the reservoir manager to register the controlled reservoir with the Department in accordance with sections 10 and 13,
- (b) the period within which the reservoir manager must do so.

(5) In this section and section 3, a “section 1(a) or (b) structure or area” means a structure, lake or other area referred to in paragraph (a) or (b) of section 1.