



2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION AND RESERVOIR DESIGNATION

Reservoir designation

PROSPECTIVE

Appeal against Department's decision in a review under section 20

21.—(1) A reservoir manager of a controlled reservoir on whom notice of the Department's decision in a review under section 20 is served may appeal to the Water Appeals Commission against the decision on one or more of the grounds mentioned in subsection (3).

(2) Any such appeal must be made in writing before the end of the period of 60 days beginning with the date on which the notice under section 20(6) was served.

(3) The grounds referred to in subsection (1) are that—

- (a) the decision was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the decision was unreasonable.

(4) The Commission may confirm the reservoir designation or give the reservoir a different designation.

(5) A decision in an appeal under this section must take into account—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, Section 21. (See end of Document for details)

(a) in so far as it is reasonably practicable to do so, the matters mentioned in section 22,

(b) any representations made in relation to the appeal by or on behalf of—

(i) the reservoir manager,

(ii) the Department.

(6) A reservoir designation in respect of which an appeal is made under this section continues to have effect pending a decision being made in the appeal.

(7) Where the decision in the appeal is that the controlled reservoir is given a different designation, the designation which is the subject of the appeal ceases to have effect from the date on which the appeal is determined; and the different designation takes effect on the day after the date on which notice is given under subsection (8).

(8) Notice by the Commission to the reservoir manager and the Department of the Commission's decision in the appeal must specify—

(a) whether the Commission confirms the reservoir designation or gives the reservoir a different designation,

(b) where the Commission gives the reservoir a different designation, the different designation and the date on which it takes effect,

(c) the reasons for the decision.

Status:

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Changes to legislation:

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