



2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION  
AND RESERVOIR DESIGNATION

*Controlled reservoirs*

**Matters to be taken into account under section 2(3)**

**3.—(1)** The matters the Department is required by section 2(3) to take into account are—

(a) in so far as it is reasonably practicable to do so, as respects the section 1(a) or (b) structure or area alone or, where water does or could flow between it and any other section 1(a) or (b) structure or area, also any such other structure or area—

(i) the potential adverse consequences of an uncontrolled release of water from the structure or area,

(ii) the probability of an uncontrolled release of water from the structure or area,

(b) such other matters as the Department may, by regulations, provide.

(2) For the purposes of subsection (1)(a)(i), potential adverse consequences include the matters specified in paragraphs (a) and (b) of section 22(2) (for the purposes of reservoir designation).

(3) The issues the Department may take into account in assessing under subsection (1)(a) the potential adverse consequences or probability of an uncontrolled release of water from a section 1(a) or (b) structure or area

include, as regards the structure or area, the issues specified in paragraphs (a) to (e) of section 22(3) and in regulations under section 23 (for the purposes of reservoir designation); and for that purpose the references in those paragraphs of section 22(3) to “the reservoir” are to be construed as references to the section 1(a) or (b) structure or area.

(4) Before making regulations under subsection (1)(b), the Department must consult the Institution of Civil Engineers and such other organisations or persons as it considers appropriate.