



2015 CHAPTER 8

PART 2

REQUIREMENTS FOR HIGH-CONSEQUENCE
AND MEDIUM-CONSEQUENCE RESERVOIRS

Offences: supervision, inspection, record keeping

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38.—(1) Failure by a reservoir manager of a high-consequence or medium-consequence reservoir to comply with any of the following requirements under this Part is an offence—

- (a) the requirements of section 25(2) (commissioning of supervising engineer),
- (b) the requirements of section 28(1) (compliance with direction of supervising engineer under section 26(4)(a) as to carrying out of visual inspection of reservoir),
- (c) the requirements of section section 28(2)(a) (maintenance of written record of each such visual inspection),
- (d) the requirements of section 28(2)(c) (notice to supervising engineer and Department of anything that might affect the safety of the reservoir identified during visual inspection directed under section 26(4)(a)),
- (e) the requirements of section 30, 31, 32 or 34(1)(a) or (b) (securing required inspections and supervision by inspecting engineer and commissioning of inspecting engineer),

- (f) the requirements of section 37 (including those of regulations under subsection (2) of that section) (recording of water levels and other matters).
- (2) A reservoir manager of a high-consequence or medium-consequence reservoir who fails, without reasonable excuse, to comply with any of the following requirements under this Part commits an offence—
- (a) the requirements of section 25(4) (notice to Department of commissioning of supervising engineer),
 - (b) the requirements of section 26(8)(a) or (b) (giving supervising engineer copy of pre-commencement inspection report and any pre-commencement inspection report certificate),
 - (c) the requirements of section 34(2) (notice to Department of commissioning of inspecting engineer),
 - (d) the requirements of section 35(2) (giving inspecting engineer copy of latest report, any pre-commencement inspection report certificate, interim inspection compliance certificate, inspection compliance certificate and final certificate),
 - (e) the requirements of section 36(2)(b) (notice to Department of commissioning of any other qualified engineer).
- (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 a controlled reservoir which is, at the time the offence is committed, a medium-consequence reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.