



2015 CHAPTER 8

PART 2

REQUIREMENTS FOR HIGH-CONSEQUENCE
AND MEDIUM-CONSEQUENCE RESERVOIRS

Offences: supervision, inspection, record keeping

Defences: offence under section 39(1)

40. It is a defence to a charge in proceedings under section 39(1) for the person to show both—

- (a) that the failure to comply with the requirement concerned was as a result of an event which could not reasonably have been foreseen or any natural cause or force majeure which was exceptional and could not reasonably have been foreseen, and
- (b) that the person—
 - (i) took all practicable steps to prevent an uncontrolled release of water from the reservoir,
 - (ii) took all practicable steps as soon as was reasonably practicable to rectify the failure,
 - (iii) provided particulars of the failure to the Department as soon as practicable after the failure arose.