



## 2015 CHAPTER 8

### PART 3

#### CONSTRUCTION OR ALTERATION OF CONTROLLED RESERVOIRS

*Offences: construction or alteration*

PROSPECTIVE

#### **Defences: offences under section 53(1)**

**54** It is a defence to a charge in proceedings under section 53(1) for the person to show both—

- (a) that the failure to comply with the requirements concerned was as a result of an accident which could not reasonably have been foreseen or 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.

**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 54.